Entrepreneurship 2.0: Legal, Regulatory, and Economic Challenges to the Innovation Economy

Lawyers’ Professional Duties as Advisors on—and Consumers and Developers of—New and Evolving Technologies

Lawyers are at the forefront of nearly every dimension of emerging technology. They are advising clients on their use of new high tech products, sophisticated analytics tools, and online services, including helping clients manage cybersecurity risks and privacy concerns. Lawyers are also consumers of these technologies, and for the first time in history, are among those leading the way on the development of services using tools such as big data and artificial intelligence. In the coming years, lawyers will also be in charge of crafting policy to regulate emerging technology in areas such as healthcare, finance, and the legal profession itself.

This presentation will examine the role of the legal profession in the innovation economy, with a focus on lawyers’ professional duties as advisors on—and consumers and developers of—new and evolving technologies. It will focus on recent changes to, and evolving interpretations of, the rules of professional responsibility in light of new technology, including (1) a lawyer’s obligation to competently advise clients on the use of technology, and (2) obligations pertaining to a lawyer’s own use of technology, including competence, confidentiality, supervision, and client communication. Finally, the presentation will confront the ethical, practical, moral, and regulatory challenges and opportunities associated with the emergence of artificial intelligence in legal services.

About the Presenter

Drew Simshaw is a communications and technology attorney with the Institute for Public Representation and teaches in Georgetown Law’s Communications & Technology clinic. Prior to joining Georgetown, he served at Indiana University as a fellow with the Center for Applied Cybersecurity Research and analyst with the Center for Law, Ethics, and Applied Research in Health Information. He frequently publishes and presents on the regulation of emerging technologies and the ethical obligations of lawyers in light of new technology. In July 2017, he will join Elon University School of Law as a teaching fellow.
Select Relevant Publications and Presentations

Publications

Law Reviews & Book Chapters:


Other:


Presentations


“Artificial Intelligence in the Practice of Law,” webinar presentation to the artificial intelligence and robotics committees of the Santa Clara County and American Bar Associations, hosted by the Silicon Valley Law Group, San Jose, CA, October 26, 2015.


“Hackers Targeting Lawyers: Ethical Duties to Guard Client Information,” Indiana State Bar Association Utility Law Section 2016 Fall Seminar, Michigan City, IN, September 15, 2016 (presenter).

“Regulatory Aspects of Robots in Health Care,” Panel on Human Factors: Focus on Robots in Health Care, 2016 Design of Medical Devices Conference, University of Minnesota, Minneapolis, MN, April 12, 2016 (panelist).

“Data Security Concerns and Consequences for Clients and Lawyers,” Panel on Practice Specific Concerns Regarding Cyber Attacks, 2016 Symposium: Cyber Attacks & Civil Liability, hosted by the SOUTH CAROLINA LAW REVIEW, University of South Carolina School of Law, Columbia, SC, February 5, 2016 (panelist).


“Ethical Obligations & Technology in Law Practice,” CLE by the Indiana State Bar Association Legal Ethics Committee, Lafayette, IN, June 18, 2015 (presentation on “The Duty of Confidentiality” and panelist).


“Information Governance for Robot Usage in Healthcare,” webinar presentation to the artificial intelligence and robotics committees of the Santa Clara County and American Bar Associations, hosted by the Silicon Valley Law Group, San Jose, CA, February 25, 2015.


“Cloud Robotics: Data Security & Privacy,” webinar presentation to the high technology sections of the Santa Clara County and American Bar Associations, hosted by the Silicon Valley Law Group, San Jose, CA, August 27, 2014 (with Dr. Kris Hauser).
