LABOR AND EMPLOYMENT LAW

CALIFORNIA LAWYERS ASSOCIATION

presents

40th Annual Meeting of the Labor and Employment Law Section

Adaptive Advocacy: AI's Role in Modern Legal Practice (Title Author: ChatGPT)

Friday, July 19, 2024
1:45 p.m. – 3:00 p.m.

Speakers:

Tiffany Cruz

Lindsey Wagner

Jeremy Evans

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Adaptive Advocacy: AI's Role in Modern Legal Practice

JULY 19, 2024

Our Panel

EMILY PATAJO

Partner
Akerman LLP

JEREMY EVANS

Chief Entrepreneur Officer
Founder & Managing Attorney
California
Sports Lawyer®

Chair, CLA Task Force on AI
Immediate Past President, CLA
President, California Lawyers
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TIFFANY CRUZ

Sr. Employment
Counsel Manager

G-P /
Globalization Partners

LINDSEY WAGNER

Founder
Wagner Legal, PC

Of Counsel
Ramo Law, PC
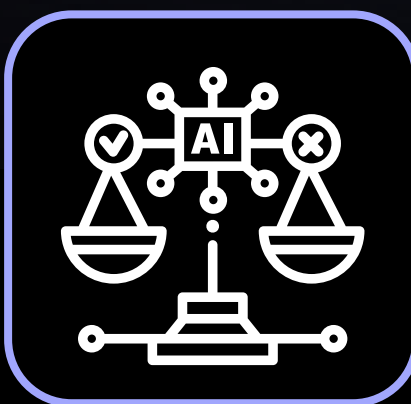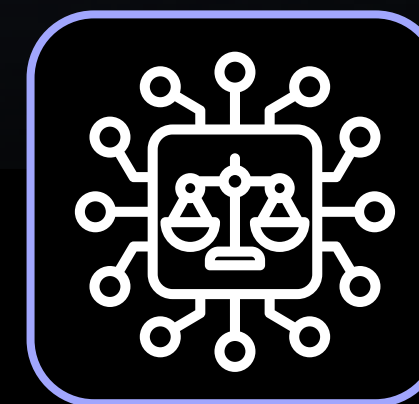
CRAFTING AI RULES & REGS FOR LAWYERS

› Does the use of AI in the practice of law help lawyers meet their duty to provide competent legal representation or encourage them to engage in plagiarism and violate their ethical and professional duties to their clients?

› Ethical Rules (Rules of Professional Conduct), Understanding AI, and Learning the Landscape

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CRAFTING AI RULES & REGS FOR LAWYERS

❯ Should attorneys be required to review and understand the privacy statements, disclosures, and terms and conditions of AI tools they use to ensure they are advising on the best tools and protections for data privacy?

❯ Three steps:

❯ Disclosures (IP and Privacy)

❯ Paid AI Services Better Protections

❯ Human Review

CRAFTING AI RULES & REGS FOR LAWYERS

> Does AI "learning" discourage lawyers from engaging in critical thinking and use of traditional research tools required to provide the required legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation?

> How can attorneys ensure that the AI tools they use do not collect and use client data in ways that violate client confidentiality and privacy?

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ACCEPTABLE USES OF AI IN PRACTICING LAW

> Will the future of practicing law require the use of generative AI technologies?

> If so, what steps should attorneys take to ensure that the AI tools they use are transparent about their data practices, including whether they use generative AI and learn from user data?

ACCEPTABLE USES OF AI IN PRACTICING LAW

- Will the use of AI in the practice of law threaten the integrity of the legal profession - lawyers' ability to provide competent representation?

- How can attorneys evaluate the privacy and security practices of AI tools to ensure they are not putting client data at risk?

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ACCEPTABLE USES OF AI IN PRACTICING LAW

- > Do current laws/regulations address data breaches if confidential client information, including corporate data is disclosed in the use of AI technology?

- > Should attorneys be required to disclose to clients what AI tools they are using and how those tools handle client data?

AI'S FUTURE IMPACT ON THE PRACTICE OF LAW

> Like the recent trend of state laws requiring employers to disclose to job applicants re use of AI in their recruitment / hiring process, should the CA state bar / ABA require lawyers to inform their clients of their use of AI technology in their work product, as well as the privacy and data practices of those AI tools?

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AI'S FUTURE IMPACT ON THE PRACTICE OF LAW

› Should the CA state bar implement guidelines to discipline / sanction attorneys who use AI without properly vetting the privacy and security practices of those tools and without the use of traditional legal research tools?

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AI'S FUTURE IMPACT ON THE PRACTICE OF LAW

- Should the state bar implement mandatory training on the unique intersection of AI use and lawyers' ethical and professional conduct duties, including the importance of reviewing and understanding the privacy statements, disclosures, and terms and conditions of AI tools used in legal practice?

- Given the algorithmic design of AI, will it remove the human innovation factor of the practice of law?

Q & A
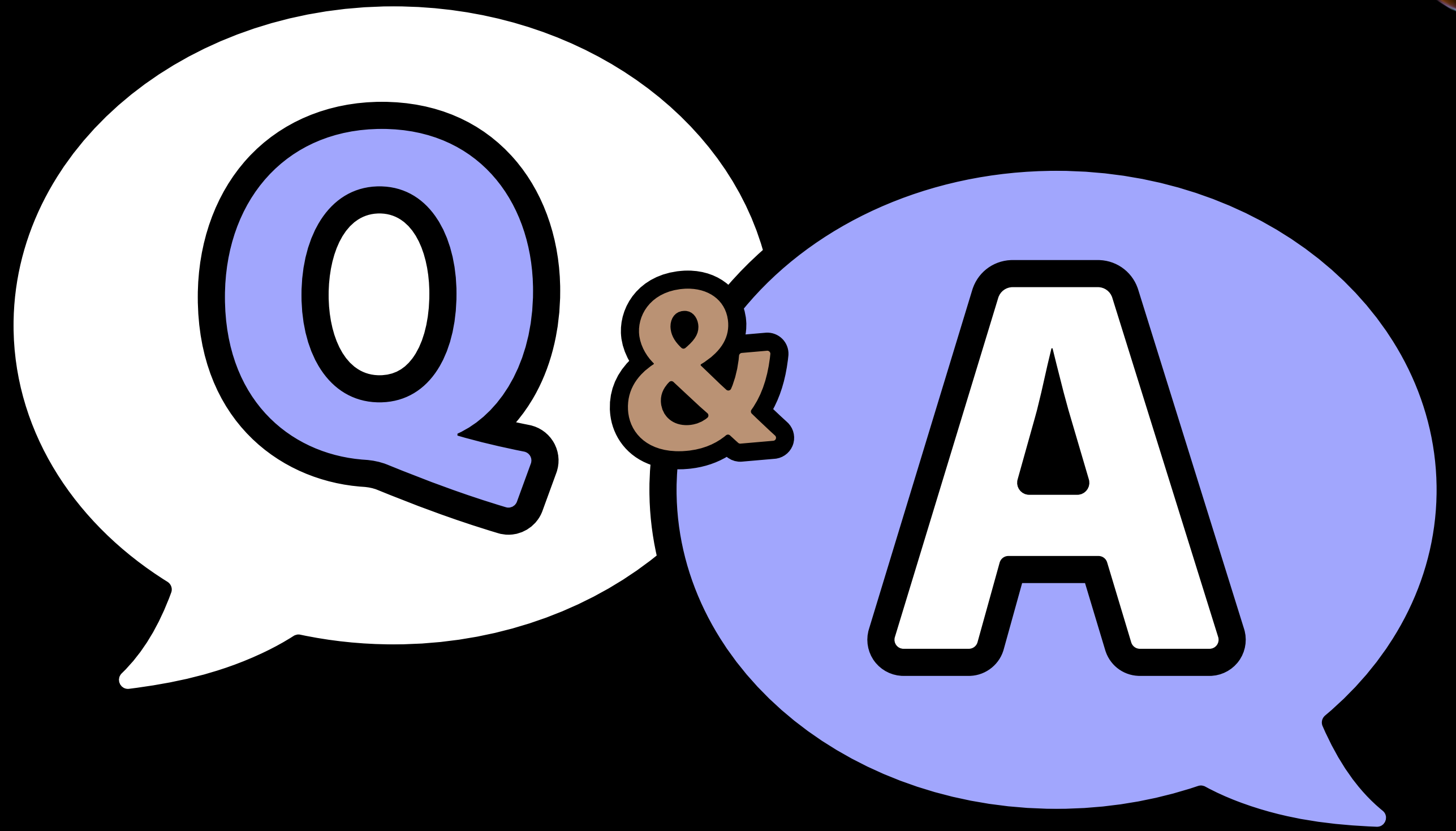
Jeremy M. Evans is an award-winning attorney and industry leader based in Los Angeles and Newport Beach, California. Mr. Evans is an expert in best practices and negotiations in entertainment, media and sports. He represents entertainment, media, and sports clients in contractual and intellectual property negotiations with a focus on dealmaking. His clients range from *Fortune 500* corporations to entrepreneurs, advertising and production companies, studios, agencies, talent, and more.

Mr. Evans is the CEO, Founder, and Managing Attorney of California Sports Lawyer®. He writes a [weekly column](#) and hosts the *California Sports Lawyer*[® Podcast with Jeremy Evans](#) on the Bleav Network, which focuses on the latest topics and most interesting legal angles in entertainment, media, and sports law.

Within the community, Mr. Evans previously served as President of the [California Lawyers Association](#) (CLA), one of the largest voluntary bar associations in the world. He currently serves as President of the [California Lawyers Foundation](#), the non-profit arm of the CLA, and as Chair of CLA's Task Force on Artificial Intelligence. He is also a member of the Board of Advisors for the [Rose Bowl Legacy Foundation](#), a centennial campaign for the Rose Bowl Stadium. He serves as an advisor to entrepreneurs in entertainment, media, and sports for the U.S. Small Business Administration (SBA), and is a member of the faculty of law at the California State University, Long Beach (CSULB) Graduate Program in Sport Management.

Mr. Evans received his Bachelor of Arts (B.A.) in Political Science from the University of California, Los Angeles (UCLA) and his Juris Doctor (J.D.) from Thomas Jefferson School of Law in San Diego, California. Additionally, Mr. Evans holds a Master of Laws (LL.M) in Entertainment, Media, and Sports Law from Pepperdine University's Rick J. Caruso School of Law, and a Master of Business Administration (M.B.A.) in Entertainment, Media and Sports Management from Pepperdine University's George L. Graziadio School of Business and Management.

Lindsey Wagner, a licensed attorney in California, Florida, New York, and Ohio, is the Founder and Managing Partner of Moxie Mediation and Wagner Legal, focusing on employment mediation, workplace investigations, entertainment industry employment law, and AI integration in the workplace. She advises employers on identifying and implementing AI tools, develops AI use policies, and trains HR professionals and senior executives to ensure compliance with employment laws. Lindsey offers a tailored coaching program to assist organizations in responsibly integrating AI into their workplaces. With extensive experience in employment law, workplace investigations, and AI integration, Lindsey serves as Employment Law Of Counsel with Ramo Law, P.C. and For Purpose Law Group, holds leadership positions in various bar associations, and frequently speaks and writes on AI and employment law topics.

Tiffany Cruz is Sr. Employment Counsel Manager at G-P / Globalization Partners, which is a global remote-first company and the No. 1 Global Employer of Record (EOR). Tiffany is an engineer-turned-lawyer with unique expertise in the Global EOR and PEO industries. After clerking for two federal district court judges and litigating cases for nearly a decade, in 2019, Tiffany pivoted and moved in-house to work as an Assistant General Counsel / HR Consultant for a large U.S.-based PEO. Three years ago, she joined G-P and launched her global employment law career. At G-P, Tiffany provides strategic-yet-pragmatic employment law guidance to various business leaders and stakeholders. In her spare time, Tiffany enjoys teaching a contract drafting and analysis course to second- and third-year law students at Chapman University's Fowler School of Law and traveling abroad, spending time at the beach, and cooking with her family.

EMILY T. PATAJO BIO

Emily T. Patajo is a Partner at Akerman LLP. Emily focuses her practice on employment litigation matters in state and federal courts and in binding arbitration. Emily represents employers in various industries, including grocery, retail, technology, and healthcare, among others. She is routinely involved in the risk assessment and defense of matters concerning claims of wrongful termination and unlawful discrimination, harassment, and retaliation in violation of California law.

Clients also turn to Emily to advise them on wage and hour class action cases. In addition to her litigation practice, Emily regularly handles administrative matters, counseling employers on charges and complaints pending before state agencies, including the California Civil Rights Department and the California Division of Labor Standards Enforcement. She also provides strategic advice to human resources and employee relations regarding personnel management, including issues related to conducting investigations, and evaluating requests for reasonable accommodations. Clients also frequently seek Emily's counsel and analysis regarding their arbitration agreements.

Throughout her career, Emily has been involved in a number of initiatives specifically focused on diversity, equity and inclusion. She has held leadership positions in affinity groups that advance and advocate for the representation of women and underrepresented groups in the legal profession. Currently, Emily is a member of the Executive Committee for the Labor and Employment Law Section of the California Lawyers Association.