

ELD & MCC CASE SIMULATIONS

1. ELSA LEGAL DEBATE CASE SIMULATIONS

1.1 SHOULD AI BE USED IN THE LEGAL INDUSTRY

An in-depth study found that many European countries seemingly already developed a functioning approach to using AI, especially in terms of legal support, while others still seem to focus IT management first and foremost.

France has reported to use AI analytics software for analysis (excluding criminal cases) and as a search engine. The United Kingdom reportedly uses AI software for analysis; especially for criminals with a risk of reoffending. Latvia also stated it was exploring the possibility of adapting AI for administrative purposes in justice. On the other hand, economically developing countries are still focusing solely on minimal IT management in the digitalization of court proceedings.

The public response to the topic was mixed, while some greeted the innovation with curious mind, others argued reshaping of the currently established practices may lead to negative outcomes. Kenneth A. Grady, Adjunct Professor and Research Fellow at Michigan State University College of Law found that “AI in the legal industry is in a much earlier development stage than in most other industries. There are many reasons for the lag, some technical, some financial, and some cultural(...)All of this increases the cost. Add to that the costs of building and training the AI systems.”

Megan Miller, a senior consultant with Edge Legal Marketing, on the other hand states that “(...) there’s no need to fear artificial intelligence. You have already experienced it on some level, and as with most emerging technologies, there will be time for us as consumers to adapt and thrive. For marketers in the legal industry, keeping on top of the changes in this amazing technology and selecting the right tools to support our marketing strategies will be the keys to success.”

1.2 SHOULD THERE BE GREATER REGULATION OF AI

The sheer power held by Artificial Intelligence is no secret. However, this need not necessarily be seen in a negative light. While there may possibly exist the risk of great damage if AI Technology is ever abused, some think that the chances of this occurring is quite low. On the contrary, the benefits AI brings to our society undoubtedly outweighs the possible negatives. From phones assisting individuals in finding their route on a journey, to security equipment finding runaway culprits in densely populated cities, the benefits of AI are not appreciated nearly enough. In the coming years, we could see a rise in popularity and availability of AI powered support robots, which would bring further benefits.

Indeed, as noted by Christopher Fonzone and Kate Heinzelman, both experts in cybersecurity and members of Barrack Obama's white house counsel, 'AI advocates argue that there is no consensus on what AI is, let alone what it can ultimately do. Regulating AI in such circumstances, these advocates claim, will simply stifle innovation and cede to other countries the technological initiative that has done so much to power the economy.'

On the other hand, controversial expert in the field Elon Musk warns that all AI Organisations, including his own, is in need of regulation.' We're headed toward a situation where A.I. is vastly smarter than humans and I think that time frame is less than five years from now,". He worries his colleagues in tech do not take A.I. dominance seriously, citing that "smart people do not think a computer can ever be as smart as they are. And this is hubris and obviously false." He recommends an immediate tightening of legislation governing Artificial Intelligence, suggesting that any reluctance to do so would in essence be the sacrifice of humanity as a whole for the sake of development.

2. MOOT COURT COMPETITION SIMULATION

2.1 JOEL V LESLA CO. / HORATIO V JOEL

Joel is a wealthy businessman who runs a successful business in the vehicle production industry. The share prices of his company, Texus Ltd., has consistently been dropping, as investors sell his shares to instead invest in companies such as Lesla Co., which innovate for the future and produce AI operated cars that do not require a driver. In order to study the technology employed by his competitor, Joel himself invests in an AI operated automobile produced by Lesla Co. A passionate mechanic himself, Joel studies the machine with great detail, even removing and inspecting some of the parts.

Joel also tests his new automobile, regularly using it for trips to fully experience the machine. He is smitten, and makes the Lesla his primary vehicle. One morning, as Joel is on his way to a shareholders meeting, the Lesla malfunctions, which results in a serious accident with another automobile, also AI driven. This vehicle was owned by Horatio, who was inside the car and seriously inebriated at the time.

Joel and Horatio are both seriously injured due to the accident. Horatio files a claim against Joel for the damage caused to him and his vehicle. Joel himself also files charges, this time against Lesla Co., for the damages caused to him and his vehicle due to the failure of their technology. Joel also hopes that the scandal erupting will help improve the state of his company, as investors shift back to Texus Ltd.

In the former instance, represent Joel in his claim against Horatio, or defend Horatio against Joel's claim.

In the latter instance, represent Joel in his claim against Lesla Co., or defend Lesla. Co. against Joel's claim.

2.2 TED V ACTISOFT LTD.

Ted is a 30 year old single father who works at a video game business, ActiSoft Ltd. Lily, Ted's daughter, is a middle school student, and a video game enthusiast. Ted's job does not pay handsomely, and Ted hence decides that he needs an extra source of income. He hence decides to develop his own video game with the help of his daughter, which he hopes will be a massive success.

Lily joins Ted to work at ActiSoft Ltd. on take your daughter to work day. A friendly employee offers Lily a free copy of their much lauded game Unmapped, which relies on motion sensors and audio commands. Lily happily accepts the game, and proceeds to take it home and play it regularly. When looking over game data, ActiSoft Ltd.'s AI system stumbles upon captured audio and video recordings from Lily's activity on the game, and alerts the employees of this.

Knowing this is Ted's daughter, they opt to watch and listen to these recordings, in order to present them to Ted later as a memento. However, they soon discover that Ted can be seen and heard in the background of the video planning and creating his own video game, which would run in direct competition to an ActiSoft Ltd. game. These concerned employees report their findings to their boss, who calls Ted in the next morning and fires him from his job. Ted has filed a lawsuit against ActiSoft Ltd., claiming that using the video game recordings to monitor his activity during his free time amounts to a violation of his right to privacy and family life enshrined in Article 8.

In this situation, represent Ted in his claim against ActiSoft Ltd., or defend ActiSoft Ltd. against Ted's claim.