

NEW YORK STATE BAR ASSOCIATION

SPRING MEETING 2019

EMERGING TRENDS IN INTELLECTUAL PROPERTY AND ETHICAL CONSIDERATIONS FOR LAWYERS:

LAWYERING IN THE AGE OF BLOCKCHAIN AND ARTIFICIAL INTELLIGENCE

<http://www.nysba.org/IPSSpring19/>

Presented by the NYSBA Intellectual Property Section

April 5, 2019

Davis Polk & Wardwell LLP

450 Lexington Avenue | New York, NY 10017

SECTION CHAIR

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Program Description

The legal profession is buzzing with talk of transformative innovations that are reshaping business and legal practices. This program will provide an in-depth look at blockchain and advances in artificial intelligence to assist legal practitioners navigate and shape the changing landscape.

Appropriate for both new associates and seasoned practitioners, this program will provide an overview of fast-growing emerging technologies in the blockchain and artificial intelligence space, related key legal updates pertinent to core IP practices, and practical advice for advising clients on these new technologies. The ethics component offers 2 CLE Ethics Credits, with a panel focused on ethical considerations related to information gathering and evolving technologies.

7:50-8:25 a.m. Registration and Continental Breakfast

8:25-8:30 a.m. Welcoming Remarks

8:30-9:45 a.m. **Blockchain Basics. What it is, how it works, and why it matters.**

This panel will explore the basics of blockchain technology, and provide practical background on what it is, how it works, and the various types of blockchain already in use and still emerging. The panel will also discuss what industries are currently adopting blockchain, how it is transforming those industries, business processes, current and emerging regulation, and what is yet to come.

Understanding the basics will not only assist attorneys to competently evaluate the legal concerns facing clients, but will also help attorneys to keep abreast of the benefits and risks associated with blockchain technologies as they affect services provided by legal professionals. (1.0 CLE Credits - Areas of Professional Practice and 0.5 CLE credits - Law Practice Management)

Moderator: **Preston Byrne**, Partner, Byrne & Storm, P.C.
Speakers: **Jakki Kerubo**, Founder, Novum Communications Consulting
Greg Piccolo, Lead Engineer, Jigsaw XYZ

9:45-10:00 a.m. Morning Break

10:00-11:15 a.m. **What IP Practitioners Should Know about Blockchain.**

This panel will consider the key intellectual property issues developing around blockchain, how blockchain intersects with current forms of IP protection, and provide practical advice for counseling clients on protecting their IP and legal solutions for their business. The panel will also inform IP practitioners on the emerging regulatory considerations for digital assets, virtual currency, and risks and benefits of innovative capital-raising strategies. (1.5 CLE credits - Areas of Professional Practice)

Moderator: **Preston Byrne**, Partner, Byrne & Storm, P.C.
Speakers: **Joshua Krumholz**, Partner, Holland & Knight LLP
Jennifer Connors, Partner, Holland & Knight LLP

11:15-12:05 p.m. **Ethical Considerations in Information Gathering and Evolving Technologies.**

Investigations are an essential element of most litigation matters. Practitioners working in IP and brand protection matters often need due diligence information about their clients' litigation adversaries, the owner of a trademark, or the target of a counterfeiting investigation, for example. It's vital to understand the ethical limitations for conducting an investigation, including application of ethical obligations in situations related to determining what information is relevant and where an attorney may ethically obtain that information.

This presentation will address understanding what an attorney can and cannot have investigators do, the difference between ethical violations and criminal violations, the types of due diligence information that is available on individuals and corporations without violating an attorney's ethical obligations, and practical ethical considerations when conducting field investigations (including issues arising related to witness statements, surveillance and location investigations), distinctions between an investigation in the United State versus one conducted in other countries and how that could change the relevant ethical considerations, and learning about how technology is affecting investigations and raising new ethical issues.

(1 CLE credit - Ethics and Professionalism)

Speaker: **William Belmont**, The Belmont Group, LLC

12:05-1:00 p.m.	Lunch
1:00-1:50 p.m.	<p>Ethical Considerations in Information Gathering and Evolving Technologies.</p> <p><i>This presentation continues with additional discussion on the ethical considerations and professional conduct rules related to attorney gathering of information, international aspects of information gathering and use, the use of investigators, and information-gathering issues related to use of social media, mobile apps and mobile devices, cloud computing and cloud services, remote access, data monetization and privacy issues, as well as protecting against leaks of confidential and privileged information. (1 CLE credit - Ethics and Professionalism)</i></p> <p>Speaker: Pery D. Krinsky, Krinsky PLLC</p>
1:50-2:00 p.m.	Afternoon Break
2:00-4:30 p.m.	<p>Artificial Intelligence and the Law – A primer for lawyers. Will we all become obsolete?</p> <p><i>Machine Learning. Natural Language Processing. Artificial Intelligence. These buzzwords and concepts are already in – or are coming soon – to a business, and a law firm near you. This panel will explore the nuts and bolts of AI and how it is poised to change the legal landscape. The panel will take participants along for a deep-dive into the technical, legal, and social impacts of AI. In particular, the panelists will investigate how the legal profession will adapt to the new AI-based tools at its disposal.</i></p> <p><i>Understanding the benefits and risks of AI technology will be important for attorneys to consider in evaluating technologies used in providing legal services and in competently identifying legal considerations and risks facing clients. (1.5 CLE credits - Law Practice Management)</i></p> <p><i>AI can serve as a technological marvel, but its use brings with it a host of new legal questions, including those with respect to inventorship, liability and regulatory applicability—as just some examples. (1.5 CLE credits - Areas of Professional Practice)</i></p> <p>Moderators: Rory Radding, Partner, Locke Lord LLP Alexander Puutio, Administrative Officer, United Nations</p> <p>Speakers: Diane Holt, Team Lead – Transactions, Bloomberg Law – <i>Introduction to AI</i> Rory Radding, Partner, Locke Lord LLP – <i>AI and Intellectual Property</i> Jonathan Askin, Professor, Brooklyn Law School – <i>AI, IP and Legal Tech</i> Matthew D’Amore, Associate Dean, Cornell Tech – <i>AI in Law Practice and Legal Education</i> Ned Gannon, President, eBrevia – <i>Application of AI in the Legal Profession</i> Alexander Puutio, Administrative Officer, United Nations – <i>AI in the Global Context, a Summary</i></p>
4:30-6:00 p.m.	Networking Reception - Sponsored by CompuMark