



Scopelitis

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Legal Considerations for AI Use

KSM - Scopelitis Roundtable

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State Legislation Review

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AI Implementation - Legal Considerations

- What platform considering?
- What is the goal for use?
- What data is collected and where does it go?
- Are there restrictions or limitations on use?
- Best practices

Platform Evaluation

- Understand the terms and conditions
- Primary concern is data use
 - What data will be input into the system?
 - Is your data siloed?
 - Is your data stored for later “product improvement”?
 - If yes - is it anonymized and deidentified?

Legal Limitations in General

- No comprehensive scheme
- Federal
 - Executive Orders
 - Agency Action
 - Proposed legislation
- State actions
 - Varies by state
 - Watch for data privacy, employment/hiring issues

Best Practices - AI Notetaker

- This will be deemed a contemporaneous note of discussions
- Guidelines for use:
 - Consider disabling automatic distribution of notes
 - Review and correct all notes on sensitive topics
 - Be aware of privilege concerns

Best Practices - Chatbots

- Disclosure and transparency are key
- Must disclose use of AI chatbots in certain states
- Avoid misleading statements or promises of resolution that are not achievable

Best Practices - Employment Screening

- Disclosure and transparency are key
- May need to conduct a risk assessment to determine whether the AI screener has controls for bias, other prohibited employment practices
- May be held liable for the impermissible result where platform displays bias, etc.

Best Practices - Driver Training

- Conduct audits to determine application of carrier best practices and operational preferences
- Track training provided by AI agent
- Impact on IC status - ????

Best Practices - Algorithmic Pricing

- States/agencies may take action to limit this/require disclosure
 - Eg - New York Algorithmic Pricing Disclosure Act
- Algorithmic Pricing and Antitrust
 - Evolving - key is collusion + uniform pricing
 - Don't use competitively sensitive, nonpublic information from competitors

Questions?

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