



ICSC+LAW SYMPOSIUM OH/KY/IN/MI/PA
Hilton Columbus/Polaris, Columbus, OH
February 29 - March 1, 2024

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Hilton Columbus/Polaris
Columbus, OH
Friday, March 1, 2024
4:00 - 5:00 pm

**Closing Session: Ethics With AI: Balancing Human Intelligence with the Rise of
Artificial Intelligence**

Moderator

David V. Allen, Esq.
Commercial Development Counsel

Panelists

Merisa K. Bowers, Esq.
Loss Prevention Counsel
Ohio Bar Liability Insurance Company

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Attorney
Thompson Hine LLP

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OUTLINE & SUBSTANTIVE MATERIALS

Ethics With AI: Balancing Human Intelligence with the Rise of Artificial Intelligence

The rise of Artificial Intelligence (AI) over the last 18 months has been remarkable, and AI will continue to permeate more and more of our lives in the years ahead. This panel examines the reality of how AI is employed in commercial real estate transactions and general legal practice to assist with seemingly everything from due diligence to drafting. In doing so, we will take a balanced approach to discussing both the opportunities and the risks in using AI, as the use of AI confronts landlords, tenants, lenders, borrowers, and legal service providers in myriad ways. This panel will place special attention on ethical considerations in AI use and development. AI presents perhaps the greatest opportunity, and perhaps the greatest challenge, yet to the evolving practice of law.

- I. Welcome and Introductions
- II. AI in Plain Language
 - a. What is AI?
 - b. How did we get here?
 - c. How is AI being used today and what are some uses on the near horizon?
- III. Leveraging Opportunities and Balancing Risks: Pros and Cons of Use of Generative AI in the Legal Sector
 - a. Competence (ORPC 1.1)
 - i. Obligations to stay on top of relevant technology ORPC 1.1 Cmt. [8]
 - ii. Limitations and advantages of the technology
 - iii. [*Mata v. Avianca, Inc.*](#), No. 1:2022cv01461 - Document 54 (S.D.N.Y. 2023); [*People v. Zachariah C. Crabill*](#). 23PDJ067. November 22, 2023.
 - b. Confidentiality and Privacy
 - i. Ensuring adequate protection for intellectual property and sensitive information (ORPC 1.6)
 - ii. Communicating with clients
 1. Obtaining Informed Consent (ORPC 1.6(a))
 2. "Means by which objectives are accomplished" ABA Model RPC 1.4 (a)(2)
 - c. Efficiency, costs, and economic impacts
 - i. Impact of R&D costs for in-house AI Tools
 - ii. Billable Hours
 - iii. Workforce Impact
 - d. Human Oversight
 - i. Supervisory Responsibilities (ORPC 5.1, 5.2, and 5.3)
 - ii. "Garbage In, Garbage Out"



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1. AI is not discerning but it can be discriminatory: overcoming historical biases (ORPC 8.4)
 2. Protecting against knowledge being overshadowed by obsolete data
- IV. Conclusions and Take-Aways from Panelists
- V. Q&A/Audience Feedback