

Generative AI – Kodak Moment

Do you want to be in the film business now?



1

Eric Weinstein



- What do you do when your wife's water breaks? You can pretend it is not happening... no, no, no or you grab your bag and head to the hospital.
- There is no guarantee on how it will turn out – whether good or bad.
- But ignoring the reality of the moment will be a disaster.
- The world's water just broke – what are we going to do?

2

Don't...

- Don't beat around the bush - Get straight to the point without avoiding the issue.
- Don't cry over spilt milk - Don't worry about mistakes that have already happened and can't be changed.
- Don't count your chickens before they hatch - Don't make plans based on something good happening before you know for sure that it will actually happen.
- Don't put all your eggs in one basket - Don't risk everything on just one thing, diversify.
- Don't look a gift horse in the mouth - Be grateful for gifts and don't be critical of them.
- Don't put the cart before the horse - Do things in the proper order and don't rush ahead.

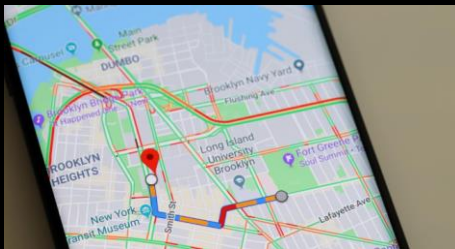
Don't mourn the broken vase



3

Ready to go back to paper? Remember stopping at the gas station for a map?

- AI is embedded all around us. We just don't see it.



4

An Expert Assistant at Your Fingertips for Every Subject



Do you have a question on...

- Law
- Healthcare
- Taxes
- Science
- Software engineering

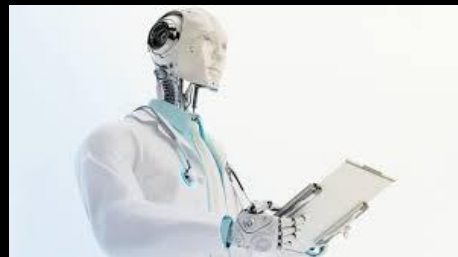


Now imagine you live in rural Idaho or rural Africa – how does that level the playing field?

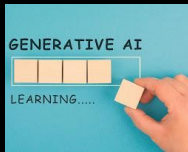
5

Do No Harm

- If you had the symptoms of a possible brain tumor, would you want your doctor to use AI in the diagnosis and procedure?
- Is the day coming where professionals who don't use an AI assistant will be liable for the results?



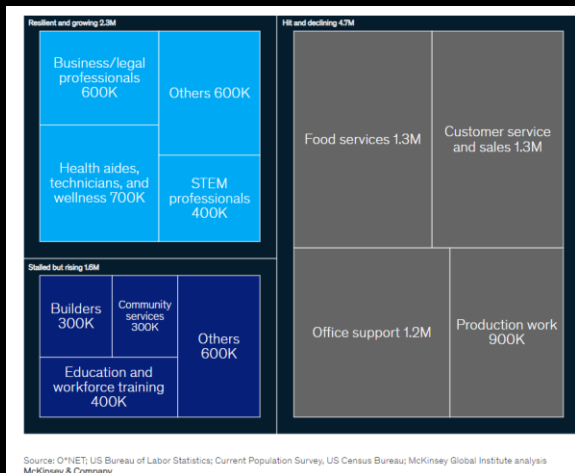
6



Positive Impact

- Any child anywhere in the world has the best tutor on demand
- Discovering new drugs, preventing medical errors, understanding genetic healing
- Art, literature, music revolution
- Repetitive manual labor replaced by automation
- Sustainability and energy efficiency in building design

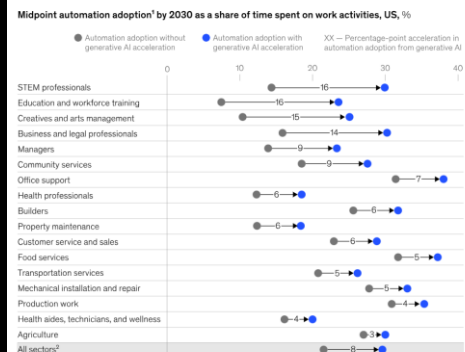
7



McKinsey Report – Generative AI and the Future of Work in America

Job Impact

With generative AI added to the picture, 30 percent of hours worked today could be automated by 2030.



8



Deep Fake

Potential Dangers



Data released in the wild



IP and Copyright



Hallucinations



AI override of human operators

9



AI Race

Global regulations?
Trillions of dollars of revenue?
Breakthrough science?
Deep fakes?

Unilateral disarmament?



10

Your Water Broke...

- Now what?



11

Navigating the Regulatory Maze of AI in Healthcare

August 3, 2023

Jonathan Wheatley
208.388.4914
jwheatley@hawleytroxell.com



12



The Current Regulatory Environment

HAWLEY TROXELL

13

13

There is none.

Jonathan Wheatley
208.388.4914
jwheatley@hawleytroxell.com



HAWLEY TROXELL

14

14



How is the current legal framework applied to AI?

HAWLEY TROXELL

15

15

What can AI be used for?

- Content generation, including text, video, audio, and computer code.
- Expertise automation.
- Image recognition and classification.
- Speech-to-text and text-to-speech conversion.
- Text analytics and generation.
- AI-controlled assistance (like Amazon Echo and Google Home).
- Language translation.

HAWLEY TROXELL

16

16

Areas of ripe for legislation and regulation.

Where can go wrong with the things mentioned on the previous list?

HAWLEY TROXELL

17



17

Areas of ripe for legislation and regulation.

- Content generation, including text, video, audio, and computer code.
 - IP Issues. Defamatory Content. False Content.
- Expertise automation.
 - Inaccurate diagnoses or advice.
- Image recognition and classification.
 - Inaccurate diagnoses or advice. Data Privacy.
- Speech-to-text and text-to-speech conversion.
 - Errors in translation or conversion.
- Text analytics and generation.
 - Bias errors.
- AI-controlled assistance (like Amazon Echo and Google Home).
 - Critical infrastructure security.
- Language translation.
 - Errors in translation or conversion.

HAWLEY TROXELL

18



18

Areas of ripe for legislation and regulation.

The main issues:

- **IP Issues.**
- Defamatory Content.
- False Content.
- **Inaccurate diagnosis or advice.**
- **Errors in translation or conversion.**
- **Bias errors.**
- Critical infrastructure security.
- Data Privacy.

HAWLEY TROXELL

19

19

What is going to be done about these issues?

IP Issues:



3. Content

(a) **Your Content.** You may provide input to the Services ("Input"), and receive output generated and returned by the Services based on the Input ("Output"). Input and Output are collectively "Content." As between the parties and to the extent permitted by applicable law, you own all Input. Subject to your compliance with these Terms, OpenAI hereby assigns to you all its right, title and interest in and to Output. This means you can use Content for any purpose, including commercial purposes such as sale or publication, if you comply with these Terms. OpenAI may use Content to provide and maintain the Services, comply with applicable law, and enforce our policies. You are responsible for Content, including for ensuring that it does not violate any applicable law or these Terms.

HAWLEY TROXELL

20

20

What is going to be done about these issues?

IP Issues:

- Who owns the content generated?
 - Does/can the AI own the content? Monkey Selfie?
 - What does the future hold? Let's look at cameras.
- What can you do with that content?
- How are you restricted if you used that content?

HAWLEY TROXELL

21



21

What is going to be done about these issues?

Inaccurate diagnosis or advice & Errors in translation or conversion:

- Who is ultimately responsible?
- Should the AI company share in the liability?



HAWLEY TROXELL

22



22

What is going to be done about these issues?

Bias Errors:

- What are your HR Practices?
- What are the data sets that are being used?
- How are those data sets being applied and used?

HAWLEY TROXELL

23



23

Healthcare Applicability:

- Overlay and application of existing similar laws.
 - Product Liability? Negligence?
 - The Standard of Care?
 - ADA and similar laws?
 - HIPAA and BAAs?
- How can you protect yourselves now?
 - Contract away your worries!
 - Implement AI use policies.
 - Understand the limitations of these tools.
 - Always have human oversight.

HAWLEY TROXELL

24



24

Thank You!

Jonathan Wheatley
208.388.4914
jwheatley@hawleytroxell.com

HAWLEY TROXELL

