City University of Hong Kong

Course Syllabus

offered by School of Law
with effect from Semester B 2023/24

Part I   Course Overview

Course Title:	Law and Technology: Theory and Application
Course Code:	LW6148E
Course Duration:	Two semesters (in Semester B and in the following Summer Term)
Credit Units:	3
Level:	P6
Medium of Instruction:	English
Medium of Assessment:	English
Prerequisites: *(Course Code and Title)*	Nil
Precursors: *(Course Code and Title)*	Nil
Equivalent Courses: *(Course Code and Title)*	Nil
Exclusive Courses: *(Course Code and Title)*	Nil

Part II   Course Details

1. **Abstract**

Technology is changing the practice of law in all fields of law. This course will provide you with the theoretical and practical background to understand these changes and to positively influence your responses as a lawyer to such challenges. To be able to critically identify, evaluate, and analyze the latest challenges to the law brought by new technologies, and eventually apply legal principles to solve them, is a crucial skill for a qualified lawyer today.

The aim of this course is to introduce the challenges that new technology developments have raised to our current legal system, and to develop the capacity of students to understand and get ready to these theoretical and practical challenges. Typical law and technology issues as cases are selected to provide students an international and comparative perspective. Successful completion of the course will enhance students' capabilities in critical thinking and analysis in relation to tech-related field of law in general and build up students' practical skills in addressing cutting-edge cases that concern law and technology.

2. **Course Intended Learning Outcomes (CILOs)**
   (CILOs state what the student is expected to be able to do at the end of the course according to a given standard of performance.)

No.	CILOs	Weighting (if applicable)	Discovery-enriched curriculum related learning outcomes (please tick where appropriate)		
			A1	*A2*	*A3*
1.	Appreciate the laws and legal principals intertwined with new technologies in a global context		√	√	√
2.	Understand thoroughly how technological advancement impacts on discrete areas of law		√	√	√
3.	Develop the capacity to conduct legal practice representing tech clients.		√	√	√
		100%			

   A1:   *Attitude*
       Develop an attitude of discovery/innovation/creativity, as demonstrated by students possessing a strong sense of curiosity, asking questions actively, challenging assumptions or engaging in inquiry together with teachers.
   A2:   *Ability*
       Develop the ability/skill needed to discover/innovate/create, as demonstrated by students possessing critical thinking skills to assess ideas, acquiring research skills, synthesizing knowledge across disciplines or applying academic knowledge to self-life problems.
   A3:   *Accomplishments*
       Demonstrate accomplishment of discovery/innovation/creativity through producing /constructing creative works/new artefacts, effective solutions to real-life problems or new processes.

3. **Teaching and Learning Activities (TLAs)**
   (TLAs designed to facilitate students' achievement of the CILOs.)

TLA	Brief Description	CILO No.			Hours/week (if applicable)
		1	2	3	
Seminars	Students will be introduced to substantive issues related to law and technology in different fields of laws, the principles within, and to the challenges and possible solutions.	√	√	√	
Case Studies & Group Discussions	During the seminar, students will be organized as groups to study specific cases and to clarify the theories and principals behind via Socratic way of teaching.	√	√	√	

4. Assessment Tasks/Activities (ATs)
(ATs are designed to assess how well the students achieve the CILOs.)

Assessment Tasks/Activities	CILO No.			Weighting	Remarks
	1	2	3		
Continuous Assessment:				50%	
Participation	√	√	√	10%	
Students are expected to actively engage in class discussion and ad-hoc presentation.					The use of Generative AI tools is not allowed.
Assignment	√	√	√	40%	
A 4000-word essay, focusing on a specific topic provided by course instructors. Students will complete the essay in randomly allocated groups to be submitted by end of Summer Term.					The use of Generative AI tools is not allowed.
Examination: (duration: 2 or 3 hours)			50%		
Exam	√	√	√	50%	
Students should demonstrate good understanding of the general theories and principals, and the ability to apply them to the exam questions with sound arguments and justifications.					The use of Generative AI tools is not allowed.
				100%	

Applicable to students admitted in Semester A 2022/23 and thereafter

Students must obtain a minimum mark of 50% in both coursework and examination and an overall mark of 50% in order to pass the course.

Applicable to students admitted before Semester A 2022/23

Students must obtain a minimum mark of 40% in both coursework and examination and an overall mark of 40% in order to pass the course.

5. Assessment Rubrics

(Grading of student achievements is based on student performance in assessment tasks/activities with the following rubrics.)

Applicable to students admitted in Semester A 2022/23 and thereafter

Assessment Task	Criterion	Excellent (A+, A, A-)	Good (B+, B)	Marginal (B-, C+, C)	Failure (F)
1. Participation	Students will be assessed based on their contributions to online and in-class discussions, their preparation for ad-hoc questions, and their interaction with the instructor and other points of discussion raised by students.	High	Significant	Moderate	Inadequate
2. Group Assignment	· Original thinking · Rational analysis · Structure and formation · Reasonable conclusion	High	Significant	Moderate	Inadequate
3. Final Exam	Application of Law in factual/theoretical scenarios critical thinking in essay questions.	High	Significant	Moderate	Inadequate

Applicable to students admitted before Semester A 2022/23

Assessment Task	Criterion	Excellent (A+, A, A-)	Good (B+, B, B-)	Fair (C+, C, C-)	Marginal (D)	Failure (F)
1. Participation	Students will be assessed based on their contributions to online and in-class discussions, their preparation for ad-hoc questions, and their interaction with the instructor and other points of discussion raised by students.	Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.	Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.	Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.	Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.	Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.
2. Group Assignment	· Original thinking · Rational analysis · Structure and formation · Reasonable conclusion	Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.	Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.	Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.	Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.	Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.
3. Final Exam	Application of Law in factual/theoretical scenarios critical thinking in essay questions.	Strong evidence of original thinking; good organization, capacity to analyse and	Evidence of grasp of subject, some evidence of critical capacity and analytic ability;	Student who is profiting from the university experience; understanding of the subject; ability	Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.	Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant

		synthesize; superior grasp of subject matter; evidence of extensive knowledge base.	reasonable understanding of issues; evidence of familiarity with literature.	to develop solutions to simple problems in the material.		use of literature.

Part III **Other Information** (more details can be provided separately in the teaching plan)

1. Syllabus
1.1 Keyword Syllabus
(An indication of the key topics of the course.)

Information technology, artificial intelligence, information technology ethics, liability, privacy, data protection, data sharing, digital governance, smart court, digital content, social media, online platform, consumer protection, Insurance Technology, FinTech, blockchain, autonomous vehicles, consumer protection in the digital age.

1.2 Detailed Syllabus

Introduction to Law and technology; Technology perspective on artificial intelligence; Ethical challenges by information technology; Regulation on artificial intelligence; Liability for new technologies; Digital content and digital service; Privacy and personal data protection; Data ownership and data governance; New technology, industry and competition; Online platform regulation; Insurance technologies and regulation; FinTech and digital currency; Computational Law.

2. Reading List
2.1 Compulsory Readings
(Compulsory readings can include books, book chapters, or journal/magazine articles. There are also collections of e-books, e-journals available from the CityU Library.)

1.	Amnon Reichman and Giovanni Sartor, Algorithms and Regulation, in Hans-W. Micklitz et al, Constitutional Challenges in the Algorithmic Society, 2022, CUP, 131-181.
2.	Antonio Aloisi and Valerio de Stefano, Your Boss Is an Algorithm: Artificial Intelligence, Platform Work and Labour, 2022, Hart Publishing.
3.	Brent Mittelstadt, The ethics of algorithms: Mapping the debate, Big Data and Society 3(2), 2016.
4.	Caroline Cauffman and Catalina Goanta, A new order: The Digital Services Act and consumer protection, European Journal of Risk Regulation 12(4), 2021, 758-774.
5.	Catalina Goanta and Sofia Ranchordás, The Regulation of Social Media Influencers, Edward Elgar Publishing, 2020.
6.	Jenna Burrell, How the machine 'thinks': Understanding opacity in machine learning algorithms, Big Data and Law, 2016, 1-12.
7.	Margot Kaminski, Regulating the risks of AI, Forthcoming, Boston University Law Review, 103, 2023.
8.	Michael Veale and Frederik Zuiderveen Borgesius, Demystifying the Draft EU Artificial Intelligence Act 22(4) Computer Law Review International, 2021, 97-112
9.	Nathalie Smuha et al, How the EU Can Achieve Legally Trustworthy AI: A Response to the European Commission's Proposal for an Artificial Intelligence Act, 2021.
10.	Pierpaolo Marano, Navigating InsurTech: The digital intermediaries of insurance products and customer protection in the EU, Maastricht Journal of European and Comparative Law 26 (2), 2019, 294-315.
11.	Leenes, R., Palmerini, E., Koops, B. J., Bertolini, A., Salvini, P., & Lucivero, F., Regulatory challenges of robotics: some guidelines for addressing legal and ethical issues. Law, Innovation and Technology, 2021, 9(1), 1-44.
12.	Riikka Koulu, Human control over automation: EU Policy and AI Ethics, European Journal of Legal Studies, 12(1), 9-46.
13.	Shu Li, Michael Faure and Katri Havu, Liability Rules for AI-Related Harm: Law and

	Economics Lessons for a European Approach, European Journal of Risk Regulation, 2022 forthcoming.
14.	Shu Li and Beatrice Schutte, Understanding the New Product Liability Directive (PLD) and the Artificial Intelligence Liability Directive (AILD), forthcoming.
15.	Solon Barocas and Andrew Selbst, Big data's disparate impact, California Law Review, 2016, 671-732.
16.	Thomas Streinz, The Evolution of European Data Law, in Paul Craig and Gráinne de Búrca (eds), The Evolution of EU Law (3rd edn), OUP, 2021, 902-936.
17.	Virginia Dignum, Responsible Artificial Intelligence: How to Develop and Use AI in a Responsible Way, 2019, Springer, 71-92.

2.2 Additional Readings
(Additional references for students to learn to expand their knowledge about the subject.)

1.	Bart Custers and Eduard Fosch-Villaronga, Humanizing Machines: Introduction and Overview, in Bart Custers and Eduard Fosch-Villaronga, Law and Artificial Intelligence: Regulating AI and Applying AI in Legal Practice, 2022, Asser Press, 3-28.
2.	Frank Pasquale, A Rule of Persons, Not Machines: The Limits of Legal Automation, GEO. Wash. L. REV. 87(1), 2019.
3.	Lillian Edwards, Regulating AI in Europe: four problems and four solutions, 2022.
4.	Nathalie Smuha, Beyond the individual: governing AI's societal harm, Internet Policy Review 10(3), 2021.
5.	Philipp Hacker, Teaching fairness to artificial intelligence: Existing and novel strategies against algorithmic discrimination under EU law, Common Market Law Review 55(4), 2018, 1143-1185.
6.	Salomé Viljoen, A Relational Theory of Data Governance, Yale Law Journal 131(2), 2021, .
7.	Scheikh Solaiman, Legal personality of robots, corporations, idols and chimpanzees: a quest for legitimacy, Artificial Intelligence and Law volume 25, 2017, 155–179.
8.	Sandra Wachter, Brent Mittelstadt and Chris Russell, Why fairness cannot be automated: Bridging the gap between EU non-discrimination law and AI, Computer law & security review 41, 2021, 1-31.