

2024 Selected Topics and Miscellany CLE

Schedule

Thursday • June 13, 2024 • 7 Hours (with 3 hours ethics)

7:30 a.m. — Registration

8:00 a.m.

Discriminatory AI in Housing (1 hour)

Michelle Ewert, *Director of the Washburn Law Clinic and Professor, Washburn University School of Law*

This session will explore how algorithmic decision-making is used in advertising, tenant screening, home appraisals, and home insurance, and how facial recognition technology is used for building access and surveillance. The session will discuss the fair housing implications of use of artificial intelligence (AI) in these contexts and the legal theory and case outcomes of challenges to these practices.

8:50 a.m. — Break

9:00 a.m. — **Social Media or Social Disaster** (1 ethics hour)

Kathleen Lippert, *Kansas Deputy Disciplinary Administrator*

This session will focus on rules implicated with use of social media. Social media has infiltrated our personal lives and work lives. You can choose to use it more or less – but it is part of your life. Are the professional rules implicated if it is only used in your personal life? What rules are implicated when a lawyer uses it – personally and/or professionally?

9:50 a.m. — Break

10:00 a.m. — **Law in the AI Era** (1 hour)

David Rubenstein, *Professor, Washburn University School of Law*

This CLE will provide an overview of the rapidly evolving legal and policy landscape of artificial intelligence (AI). Lawyers and legal professionals are increasingly engaging with AI chatbots, such as ChatGPT and progeny, with little understanding of how they work and how they go wrong. Lawyers and judges will need to gain AI literacy even if not using the technology. Because AI can go wrong, including in high-stakes contexts relating to civil rights, health, housing, employment, lending, criminal justice, and more, lawyers and judges have important roles to play as stewards of the legal system and our constitutional democracy. The discussion will cover why existing laws fail to address the unique opportunities and risks posed by AI, ranging from discrimination to privacy and due process concerns. Participants will come away with an understanding of how AI is disrupting every major segment of society, including legal practice, and the law itself.

10:50 a.m. — Break

11:00 a.m. — **AI's Impact on Legal Practice: Navigating Landscapes and Limitations** (1 ethics hour)

Clarissa Harvey, *Visiting Assistant Professor, Washburn University School of Law*

Many attorneys already use some form of artificial intelligence. This program will explore practical lessons from *Mata v. Avianca* and ethical issues stemming from the misuse of generative artificial intelligence. This session will also discuss the future of generative AI in our legal system and the proper ethical use of forms and templates.

11:50 a.m. — Lunch Break (on your own)

1:00 p.m. — **Feelings: How Not to Cry in Court and Other Tales of Emotional Intelligence for Ethical Attorneys** (1 ethics hour)

Shelby Grau, *Washburn University Assistant General Counsel*

Attendees will explore how emotional intelligence shapes ethical conduct in legal practice by examining the connection between EI and the Kansas Rules of Professional Responsibility through discussion, analysis of applicable recent case law, and review of relevant ethical rules.

1:50 p.m. — Break

2:00 p.m. — **Removal Jurisdiction: Statutes and Strategy** (1 hour)

Alex Glashausser, *Professor, Washburn University School of Law*

Removal to federal court has been an option for defendants in civil suits since the Judiciary Act of 1789. In recent years, however, statutory amendments and new strategies have created uncertainty about the procedure. This session will review the basics of removal jurisdiction and focus on some modern issues.

2:50 p.m. — Break

3:00 p.m.— **Intellectual Property Dilemmas in the Age of Artificial Intelligence** (1 hour)

Patricia Judd, *Director of the Intellectual Property Law Center and Professor, Washburn University School of Law*

Artificial intelligence (AI) technologies are all the buzz these days. Generative AI technologies are changing education, legal practice, and legal doctrine. Some of the major discussion points surrounding generative AI center on intellectual property law. Are AI-assisted inventions patentable? If so, who should be listed as the inventor? Are generative AI outputs copyrightable? How much human involvement is necessary in order for generative AI outputs to qualify for intellectual property protections? On the flip side, what are the potential liabilities for AI trainers and developers for infringing AI outputs? Are generative AI programs committing copyright infringement through their data scraping and training techniques? Is training generative AI fair use? Third, how do creators best protect against use of AI to undermine their brands—should someone be able to use generative AI to duplicate a musical artist's voice? What about IP issues related to deepfakes in the creative industries? And finally, how may AI assist creators in enforcing IP rights? This presentation will present definitive answers to only a few of these questions, as only a few definitive answers exist. However, the presentation will tap into some of the hottest issues in intellectual property law today and provide some context for current debates.

3:50 p.m. — Adjourn

Friday • June 14, 2024 • 5 Hours (with 0 hours ethics)

7:30 a.m. — Registration

8:00 a.m. — **Recent Developments in United States Supreme Court Cases (Part One)** (1 hour)
Jeff Jackson, *Dean and Professor, Washburn University School of Law*

This session will walk through all of the decisions of the United States Supreme Court over the past year. The presenter will bring his insight into trends and approaches the Court has been taking to the myriad issues that they are choosing (and choosing not) to hear. A focus will be on the rules that are coming out that are consistent and that are changing in these cases.

8:50 a.m. — Break

9:00 a.m. — **Recent Developments in United State Supreme Court Cases (Part Two)** (1 hour)
Jeff Jackson, *Dean and Professor, Washburn University School of Law*

A continuation of the previous session to finish covering all of the Supreme Court cases of the past year.

9:50 a.m. — Break

10:00 a.m. — **Implications of *Griffie v. Wichita* and *Gonzalez v. Trevino* on Policing Protests** (1 hour)
Matt Bender, *Professor, Washburn University School of Law*

This session will examine recent case developments on the intersection of first and fourth amendment rights, including disorderly conduct statutes and student code of conduct policies as well as the new shape of the supreme court's retaliatory arrest jurisprudence.

10:50 a.m. — Break

11:00 a.m. — **Recent Developments in Agricultural Law and Taxation, Part 1** (1 hour)
Roger McEowen, *Professor of Agricultural Law and Taxation, Washburn University School of Law*

This session covers a broad array of issues facing the rural practitioner. Developments in the courts and IRS that impact farm and ranch clients as well as clients operating agribusinesses and rural landowners will be addressed. From local courts to the Supreme Court and tax issues involving the IRS, agricultural law is a dynamic practice area encompassing many areas of the law of relevance to clients. Topics covered include: ag contracts and farm leases; real estate transactions; easements; farm income tax; estate and business planning issues; ag torts; water law; environmental law and regulatory law.

11:50 a.m. — Break

12:00 p.m. — **Recent Developments in Agricultural Law and Taxation, Part 2** (1 hour)
Roger McEowen, *Professor of Agricultural Law and Taxation, Washburn University School of Law*

This session covers a broad array of issues facing the rural practitioner. Developments in the courts and IRS that impact farm and ranch clients as well as clients operating agribusinesses and rural landowners will be addressed. From local courts to the Supreme Court and tax issues involving the

IRS, agricultural law is a dynamic practice area encompassing many areas of the law of relevance to clients. Topics covered include: ag contracts and farm leases; real estate transactions; easements; farm income tax; estate and business planning issues; ag torts; water law; environmental law and regulatory law.

12:50 p.m. — Adjourn