PRACTICING IP LAW ETHICALLY IN THE CLOUD

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OVERVIEW

From the common but
-- sigh --
repeated problems
to...
what you've heard is coming...
but in fact was here long ago:
Artificial Intelligence.

EMAIL COMPETENCY

HOW MANY LAWYERS DOES IT TAKE TO READ AN EMAIL?

- Court sends notice to lawyer.
- It goes to lawyer's spam folder.
- Deadline to appeal passes.
- Lawyer blames computer.
- Court doesn't forgive lawyer.
- Client probably doesn't, either.

HOW MANY LAWYERS DOES IT TAKE TO READ AN EMAIL?

- Lawyers for defendant lose $27.5m judgment.
- Those lawyers file (a) post-judgment motion for JMOL and new trial and (b) motion to seal certain trial exhibits.
- Those lawyers receive email with link via CM/ECF which looks like it is an order relating to the sealing motion.
- But… in fact the linked order had denied defendant's post-judgment motion.
- 28 days later, defendant's deadline to appeal expired.
- Two months later, lawyers realize what happened, argue the 28 days should be extended due to judge's mistake.
  - In course of opposing motion, plaintiff shows 18 lawyers and paralegals had billed time to the defendant for reading the order.
  - Motion to extend time denied.
- Lawyers then paid $40 million to their former client to settle.

RECURRING E-MAIL PROBLEMS

Nasty email goes viral, reminding us that rudeness in business has a price

State senator's vicious and bonkers email exchange goes viral

NYU Student Accidentally Hits Reply All to 40,000 Students, "Replyallcalypse" Ensues

City pair's emails go viral after 'hot' former girlfriend is copied into exchange by mistake

An X-rated email exchange between two lovers has gone viral after a receptionist accidentally forwarded it onto her entire office.

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Title search: Practicing IP Law Ethically in the Cloud

Also available as part of the eCourse
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First appeared as part of the conference materials for the
23rd Annual Advanced Patent Law Institute session
"Practicing IP Law Ethically in the Cloud: From the Mundane to the Ethics of AI"