

# PRACTICING IP LAW ETHICALLY IN THE CLOUD

David Hricik  
Professor, Mercer Law School  
Of Counsel, Taylor English Duma, LLP

## 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

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## 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

[2018 Advanced Patent Law \(Austin\) eConference](#)

First appeared as part of the conference materials for the  
23<sup>rd</sup> Annual Advanced Patent Law Institute session

"Practicing IP Law Ethically in the Cloud: From the Mundane to the Ethics of AI"