LW6148E: LAW AND TECHNOLOGY: THEORY AND APPLICATION

Effective Term
Semester B 2025/26

Part I Course Overview

Course Title
Law and Technology: Theory and Application

Subject Code
LW - Law
Course Number
6148E

Academic Unit
School of Law (FL)

College/School
School of Law (FL)

Course Duration
Two Semesters

Credit Units
0-3

Level
P5, P6 - Postgraduate Degree

Medium of Instruction
English

Medium of Assessment
English

Prerequisites
Nil

Precursors
Nil

Equivalent Courses
Nil

Exclusive Courses
Nil

Part II Course Details

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.

Course Intended Learning Outcomes (CILOs)

	CILOs	Weighting (if app.)	DEC-A1	DEC-A2	DEC-A3
1	Appreciate the laws and legal principals intertwined with new technologies in a global context		x	x	x
2	Understand thoroughly how technological advancement impacts on discrete areas of law		x	x	x
3	Develop the capacity to conduct legal practice representing tech clients.		x	x	x

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 real-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.

Learning and Teaching Activities (LTAs)

	LTAs	Brief Description	CILO No.	Hours/week (if applicable)
1	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.	1, 2, 3	
2	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.	1, 2, 3	

Assessment Tasks / Activities (ATs)

	ATs	CILO No.	Weighting (%)	Remarks ("-" for nil entry)	Allow Use of GenAI?
1	Participation Students are expected to actively engage in class discussion and ad-hoc presentation.	1, 2, 3	10	-	No
2	Assignment 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.	1, 2, 3	40	Depending on the instructors design, the use of Generative AI tools may be allowed.	Yes

Continuous Assessment (%)

50

Examination (%)

50

Examination Duration (Hours)

2 or 3

Additional Information for ATs

Exam: 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.
Applicable to students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter
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.
Applicable to students admitted from Semester A 2022/23 to Summer Term 2024
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.

Assessment Rubrics (AR)

Assessment Task

Participation (for students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter)

Criterion

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.

Excellent

(A+, A, A-) Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.

Good

(B+, B, B-) Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.

Fair

(C+, C, C-) Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.

Marginal

(D)Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.

Failure

(F) Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

Assessment Task

Group Assignment (for students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter)

Criterion

Original thinking
Rational analysis
Structure and formation
Reasonable conclusion

Excellent

(A+, A, A-) Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.

Good

(B+, B, B-) Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.

Fair

(C+, C, C-) Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.

Marginal

(D) Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.

Failure

(F) Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

Assessment Task

Final Exam (for students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter)

Criterion

Application of Law in factual/theoretical scenarios critical thinking in essay questions..

Excellent

(A+, A, A-) Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.

Good

(B+, B, B-) Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.

Fair

(C+, C, C-) Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.

Marginal

(D) Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.

Failure

(F) Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

Assessment Task

Participation (for students admitted from Semester A 2022/23 to Summer Term 2024)

Criterion

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.

Excellent

(A+, A, A-) High

Good

(B+, B) Significant

Marginal

(B-, C+, C) Moderate

Failure

(F) Inadequate

Assessment Task

Group Assignment (for students admitted from Semester A 2022/23 to Summer Term 2024)

Criterion

Original thinking
Rational analysis
Structure and formation
Reasonable conclusion

Excellent

(A+, A, A-) High

Good

(B+, B) Significant

Marginal

(B-, C+, C) Moderate

Failure
(F) Inadequate

Assessment Task
Final Exam (for students admitted from Semester A 2022/23 to Summer Term 2024)

Criterion
Application of Law in factual/theoretical scenarios critical thinking in essay questions.

Excellent
(A+, A, A-) High

Good
(B+, B) Significant

Marginal
(B-, C+, C) Moderate

Failure
(F) Inadequate

Part III Other Information

Keyword Syllabus
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.
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.

Reading List

Compulsory Readings

	Title
1	Roger Brownsword, Law 3.0: Rules, Regulation and Technology (2020).
2	Lawrence Lessig, Code: And Other Laws of Cyberspace, Version 2.0 (2006).
3	Andrew D. Murray, Information Technology Law: The Law and Society (2023).
4	Lyria Bennett Moses, 'Recurring Dilemmas: The Law's Race to Keep Up With Technological Change' 2007(2) U. Ill. JL Tech. & Pol'y 239.
5	Arthur Cockfield & Jason Pridmore, 'A Synthetic Theory of Law and Technology' (2007) 8(2) Minn. J.L. Sci. & Tech. 475.
6	Joel R. Reidenberg, 'Lex Informatica: The Formulation of Information Policy Rules through Technology' (1997) 76 Texas Law Review 553.
7	Chris Reed, Taking Sides on Technology Neutrality (2007) 4(3) SCRIPT-ed 264.

8	Frank H. Easterbrook, 'Cyberspace and the Law of the Horse' (1996) University of Chicago Legal Forum 207.
9	Lawrence Lessig, 'The Law of the Horse: What Cyberlaw Might Teach' (1999) 113 Harvard Law Review 501-549.

Additional Readings

	Title
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.
9	Amnon Reichman and Giovanni Sartor, Algorithms and Regulation, in Hans-W. Micklitz et al, Constitutional Challenges in the Algorithmic Society, 2022, CUP, 131-181.
10	Antonio Aloisi and Valerio de Stefano, Your Boss Is an Algorithm: Artificial Intelligence, Platform Work and Labour, 2022, Hart Publishing.
11	Brent Mittelstadt, The ethics of algorithms: Mapping the debate, Big Data and Society 3(2), 2016.
12	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.
13	Catalina Goanta and Sofia Ranchordás, The Regulation of Social Media Influencers, Edward Elgar Publishing, 2020.
14	Jenna Burrell, How the machine 'thinks': Understanding opacity in machine learning algorithms, Big Data and Law, 2016, 1-12.
15	Margot Kaminski, Regulating the risks of AI, Forthcoming, Boston University Law Review, 103, 2023.
16	Michael Veale and Frederik Zuiderveen Borgesius, Demystifying the Draft EU Artificial Intelligence Act 22(4) Computer Law Review International, 2021, 97-112
17	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.
18	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.
19	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.
20	Riikka Koulu, Human control over automation: EU Policy and AI Ethics, European Journal of Legal Studies, 12(1), 9-46.
21	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.
22	Shu Li and Beatrice Schutte, Understanding the New Product Liability Directive (PLD) and the Artificial Intelligence Liability Directive (AILD), forthcoming.
23	Solon Barocas and Andrew Selbst, Big data's disparate impact, California Law Review, 2016, 671-732.