

Newsletter

Autumn
2019



Dear Colleagues and Friends,

You probably have heard that in Spring this year, Estonian Ministry of Justice announced introduction of a “robot judge” - technology empowered with Artificial Intelligence to analyse legal documents and relevant information in order to deliver a “judgment” in small claim cases. Yes, you have heard it correctly. The program will not assist judge in taking decisions but will take legally binding decisions by itself. Of course such decision still could be amended by a human judge but the first step into entrusting justice into robot arms has been announced. New technologies and AI are present in lawyers’ daily practice for years supporting them in routine work but also replacing them in more and more areas. Did you know that there are existing powerful programs that can issue legal opinions that are indistinguishable from those drafted by a lawyer? Not to mention a number of pages with automatic creation of documents, contacts wills or even divorce petition. All these issues were presented and discussed during **Legal**

Foreword of President

Business Forum in Łódź on October 17 - 19, 2019 organized by the AEA-EAL together with the Łódź Bar of Attorneys-at-law. You can read a relation from this event on page 2 and download conference presentations from our website. We put here also a speech by **Chris Rees** on AI and Ethics delivered on our previous conference in Edinburgh. Full version of the paper is available on our website. New technologies facilitates connectivity and strategic flows. One of the biggest project of building or rather - restoring internal connectivity in Eurasia in One Belt One Road Initiative being developed by China. It was the main topic of **Tbilisi Legal Forum** on September 6-7 that we co-organized together with the Georgian Bar Association and Hong Kong Law Society. I welcome you to read an information about this event on page 3 as well as to visit our webpage to get presentations. But conferences and seminars are not our single activity. The Human Rights Committee is undertaking an intervention in a case before European Human Rights and is also active in Defence of Defenders network under leadership of a new committee chair Magdalena Witkowska. We also initiated a co-operation with the Foundation of European Lawyers on possible projects for lawyers.

Maria Ślęzak
President

AI and Ethics

Please find below a beginning of a speech delivered by Chris Rees on our conference in Edinburgh. Full version of the paper is available on our website.

Prof Timo Minssen has discussed a number of ethical issues related to AI in a medical context:

- What happens when AI makes a mistake and things go wrong?
- How existing medical regulations will cope with AI
- The tension between patient data privacy and the need for AI to learn from large scale patient data
- The effect of proprietary systems

- Whether AI systems should have legal personalities
- The effect on employment and the potential for unequal wealth distribution
- Bias and discrimination

As he noted, some, indeed many of these issues have wider ramifications than just the medical field. I shall look at some of the same issues, and one or two others, in a broader, societal context. Most of the ethical issues that arise with the implementation of AI systems are not unique to AI. I recently spoke in a debate at the WCIT in London with Professor Richard Harvey, Gresham Professor of IT and Professor of AI at the University of East Anglia on the motion, “There is no such thing as AI ethics, just ethics”. It became apparent in the debate that there are ethical issues which are specific to AI or which AI renders materially more acute. Today I want to look at the main ethical issues that arise in relation to AI, and reflect on the extent to which they are legal issues too. I shall discuss six ethical topics:

1. Bias
2. Explainability
3. Harmlessness
4. Responsibility for harm
5. The effect on employment and on society
6. Als impersonating humans

Read more on www.aea-eal.eu.



Chris Rees, MA, FBCS, CITP
Immediate Past President, BCS
- The Chartered Institute for IT



Łódź Legal Business Forum

Technological change and legal practice, Łódź October 17-19, 2019

Organized in the “Polish Manchester”, industrial XIX century city of Łódź Legal Business Forum had the aim to show a practical implementation of new technologies in our daily work. We focused on such topics as digital transformation in law offices, impact and making use of concrete IT tools like blockchain, smart contracts, etc. in the light of changing professional practice, predictive justice or Artificial Intelligence and robotics in law and regulations. Our priority was to present very practical innovation and technologies and its influence on performing legal profession and business.



Valentine Hollier - Roux
Lyon Bar Association

Fantastic first panel on technological change on legal services market brought three perspectives: from a legal practitioner, from a bar association and from a legaltech start-up. Second panel on new technologies and IT tools in legal practice showed us a case of a phishing attack on a law firm and its consequences, a look into smart contracts as well as how AI may help lawyers not replacing them. Third panel on AI and human rights gave us overview on serious issues connected: shall AI be a subject of human rights? How to attribute rights to it? And many many more!



Jędrzej Klatka, AEA-EAL member, Chair of the Foreign Affairs Commission of the Polish National Bar of Attorneys-at-law

The fourth panel was a combination of presentations and discussions between lawyers and business on supporting each other in the reality of technology and economy. The fifth panel on blockchain technology took us into two divided worlds that should become one in future: world of lawyers and world of IT specialists. The audience was not only listening to the speakers but discussed lively during the breaks. We wish to thank to **Grzegorz Wyszogrodzki**, Dean of the Łódź Bar of Attorneys-at-law, **Maria Ślązak**, AEA-EAL President, **Aleksandra Grocholska - Jankowska**, Vice-Dean



Aleksandra Grocholska - Jankowska, Vice-Dean of the Łódź Bar of Attorneys-at-law

of the Łódź Bar, **Anna Kaczyńska**, member of the AEA-EAL Young Lawyers Committee and Łódź Bar Human Rights Committee as well as all our colleagues and friends for their contribution towards organization of the Forum. We are also thankful to all our speakers for their fantastic presentations and speeches, namely to **Anna Atanasow**, **Amirali Nasir**, **Damian Klimas**, **Dominik Lubasz**, **Jacek Harasimowicz**, **Jakub Barwaniec**, **Jędrzej Klatka**, **Maciej Krasowski**, **Chris Rees**, **Marcin Jan Wachowski**, **Maria Dymitru** and **Valentine Hollier Roux**.



Amirali Nasir, Vice-President of the Law Society of Hong Kong

Tbilisi Legal Forum

East - West Economic Cooperation, Tbilisi, September 6 - 7, 2019



With 100 participants (Georgia, Belarus, Azerbaijan, Ukraine, China etc.) – among others 20 lawyers from Poland coming from our collective members – Białystok Bar of Attorneys-at-law and Gdańsk Bar of Attorneys-at-law, this conference was devoted to important issues connecting lawyers and entrepreneurs: business climate and investment regulations in Hong-Kong, China and Georgia, One Belt One Road Initiative and its legal aspects, setting up the procedure between participating parties

to assist business community in their countries, to find a proper lawyer when investing/trading, information on principles of performing legal services by foreign lawyers, etc. The event took place in the framework of the Memorandum of Understanding signed between the Georgian Bar Association and the Hong Kong Law Society. Similar memorandum has been signed between the HK Law Society and the Regional Bar of Attorneys-at-Law in Gdańsk, who was also participated in the Forum.



Market Access and Market Fragmentation

November 7, 2019, Bern



Participants of the seminar

Thanks to Professor **Philipp Zurkinden**, AEA-EAL Past President and Professor **Michael Hahn**, Director of the World Trade Institute, University of Bern, we organised for the second time a highly successful conference on the legal parameters of market access and market fragmentation including international and unilateral standards. The conference brought together high level speakers representing perspectives of various state and non-state actors. Conference speakers focused on specific sectors and problems like: Financial Services: International Standards and Market Access in the Post-Crisis Era, Strategies for Swiss Financial Market, Cross-

border coordination and cooperation: A Supervisor's Perspective, question on EU Market Access - an Uphill Battle for the Swiss Finance Industry? Defying Gravity: The Switzerland – UK Agreements of 2019 and the challenges of extricating from regional market access regimes, Internalizing Environmental, Social and Governance Standards in Investment Banking: Tackling the long-term in a short-term world, Market Access for Pharmaceuticals, and Market Access for Med-tech Products. After discussion panels, a roundtable took place with participation of Marion Jansen, ITC Geneva, Monica Mächler, Zurich Insurance Group, Professor Michael Hahn and Professor Philipp Zurkinden.



Prof. Philipp Zurkinden and Prof. Michael Hahn

Guide to get ready for BREXIT



On 5 September this year, the European Commission published a checklist to provide assistance for European businesses trading with the United Kingdom in the case of a “no-deal” Brexit scenario. It encourages companies to take measures to keep cross-border trade disruption to a minimum and calls on them to prepare for all possible scenarios. The checklist can be downloaded from the following link: <https://ec.europa.eu/info/files/brexit-preparedness-checklist>. You can also call Europe’s ECAS helpline with specific inquiries on 00 800 67891011. Amongst other measures, the Commission has proposed a European Solidarity Fund and a European Globalization Adjustment Fund

to provide assistance to those employers and workers most affected by an increasingly likely no-deal Brexit. In addition, the Commission has proposed various technical measures and adjustments to facilitate a smoother transition in the field of the movement of passengers and goods, guaranteeing basic connections, as well as in fisheries and agriculture, with special financial aid. Solutions avoiding a “hard border” between the Republic of Ireland and Northern Ireland are also being studied. If the United Kingdom leaves the Union without agreement, there will be no transitional period, and individuals and companies will automatically lose their equal treatment status. Therefore, the United Kingdom is expected to address at least three issues to mitigate the impact of this: the preservation of the right to free movement of people who have enjoyed it so far, the maintenance of financial commitments, and respect for provisions of the Good Friday peace agreement for Northern Ireland.

Juan Núñez – Lawyer

Summer AEA-EAL Conference

Białystok, June 25 - 26, 2020

We are delighted to inform you that AEA-EAL and Białystok Bar of Attorneys-at-Law are organizing in June 25 - 26, 2020 a conference devoted to language in law as a communication tool in legal acts. More information will be available soon!



Welcome new members!

We are delighted to welcome new collective members of the AEA-EAL:



OKRĘGOWA IZBA
RADCÓW PRAWNYCH
W ŁÓDZI

Łódź Bar of Attorneys-at-law

Łódź Bar of Attorneys-at-Law (OIRP in Łódź) is a professional bar of attorneys-at-law. OIRP in Łódź unites approximately two thousand two hundred of attorneys-at-law from Łódź region, which membership is mandatory according to the law. You may contact the OIRP in Łódź on www.oirplodz.pl



Adam Sobota Law Firm

is a law office established in Wrocław, Poland and specializes in a wide range of areas of law, including CHF/PLN bank loan contracts, claims for damages, legal assistance for business, debt collection and debtor's defense, court proceedings, inheritance and wills, labour law and family matters. The law firm provides dual language legal service in English and Polish. You may contact our member on www.kancelariasobota.pl.

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