WILMERHALE

Artificial Intelligence

Providing a strategic, multidisciplinary approach to help clients develop and use AI and to navigate the landscape of Big Data.

WilmerHale is the leading legal partner for clients that want a strategic and multidisciplinary approach to developing and using artificial intelligence (AI), machine learning and other advanced data-driven technologies. We take a forward-looking, comprehensive approach in our client representations. Doing so helps clients build AI and Big Data governance structures and empowers them to make informed decisions now so they are well positioned in a rapidly developing legal and regulatory environment. Our practice works with clients across industries to navigate pivotal deals, intellectual property issues, and implementation, architecture and compliance concerns, as well as to mitigate litigation and regulatory risk and shape public policy.

Strategic Counseling and Response

We help our clients navigate the complex issues that arise as they develop AI tools or seek to integrate them into their operations. We take a practical, risk-based approach when counseling clients on how to address concerns relating to intellectual property, competition, data privacy, ethics and consumer protection. We assess legal exposure under existing regulatory regimes as well as proposed legislation and regulation in the United States, the European Union and elsewhere. We help clients get ahead of AI-related issues by drafting AI governance structures, conducting risk assessments and audits, and counseling on incident preparedness. In addition, our team has helped countless clients across industries navigate legal and other challenges as they look to leverage Big Data to improve their products, services and business operations. We also help our clients plan for both today and the future in this rapidly changing environment.

Regulatory Investigations, Enforcement and Litigation

We have unparalleled experience representing clients in contested high-stakes matters where technology and the law are at a crossroads. Drawing on our extensive roster of former federal and state officials—including alumni from the US Department of Justice (DOJ), the US Securities and Exchange Commission (SEC), the Federal Trade Commission (FTC), the Consumer Financial Protection Bureau and the offices of state attorneys general—we help our clients navigate AI-related and data-centric investigations, enforcement proceedings and litigation examining algorithmic bias and discrimination, privacy, unfairness, advertising and data ethics in the United States, the European Union and elsewhere. Through our experience in these matters and with the substantive issues of concern to these regulators, we also assist our clients in avoiding investigations by analyzing the analogies to previous regulatory

approaches, identifying key areas of concerns for regulators and advising on issues likely to generate the most significant controversy in this environment.

Corporate and Transactional

AI and Big Data present a range of considerations for our corporate clients. We help our clients negotiate a variety of AI and data-related agreements, including agreements to license data and AI technologies, provide AI-based services to a customer or develop novel applications for AI technologies. In considering these contracts as well as potential AI applications across organizations, we advise our clients on appropriate governance mechanisms and checks to mitigate the risks of using AI. We also help our clients consider AI or data assets in the context of a merger or acquisition, where purchasers may acquire a combination of rights and potential liabilities concerning ownership, licenses, and the use of AI and related algorithms, models and data. WilmerHale vets the risks and advises on ways to mitigate them by combining our corporate experience with our leading intellectual property and privacy capabilities and the technical insight of more than 120 lawyers who hold degrees in a variety of technical and scientific fields. In addition, each year, we assist our clients in hundreds of complex joint ventures, strategic alliances, and outsourcing and licensing transactions.

Areas of Focus

- Intellectual Property and IP Litigation
- Data Privacy, Consumer Protection and Cybersecurity
- Anti-Discrimination
- Labor and Employment
- Securities and Financial Services
- Emerging Companies and Venture Capital
- European Union
- Antitrust and Competition
- Defense, National Security and Government Contracts
- Public Policy and Legislative Affairs
- Congressional Investigations
- Litigation
- Arbitration

Key Contacts



Benjamin A. Powell

PARTNER

benjamin.powell@wilmerhale.com
WASHINGTON DC
+ 1 202 663 6770



Kirk J. Nahra

PARTNER

kirk.nahra@wilmerhale.com
WASHINGTON DC
+ 1 202 663 6128

Related Solutions

- Anti-Discrimination
- Antitrust and Competition
- Congressional Investigations
- Corporate Governance and Disclosure
- Crisis Management and Strategic Response
- Cybersecurity and Privacy
- Emerging Company and Venture Capital
- Financial Services
- Government Contracts
- Intellectual Property Counseling and Prosecution
- Intellectual Property Litigation
- International Arbitration
- Labor and Employment
- Mergers and Acquisitions
- Public Policy and Legislative Affairs
- Securities Enforcement
- Securities Litigation
- Technology
- Technology Transactions and Licensing