



AI, Big Data, and Cloud Conference 2025

Thursday, November 13, 2025

Program Co-Chairs



Jill Ballo
ASSOCIATE GENERAL
COUNSEL, CLOUD + AI
Microsoft



Louisa Barash
PARTNER
Davis Wright Tremaine LLP



Claudia Lin
COUNSEL
Davis Wright Tremaine LLP



Lindsey Tonsager
PARTNER
Covington & Burling LLP



Dan Waggoner
PARTNER
Davis Wright Tremaine LLP

Agenda

8:15 AM

Registration + Networking

8:45 AM

Welcome

9:00 – 10:00 AM

Content Regulation in Congress, State Legislatures, and the Courts

The issues of regulation of internet speech based on its content have become even more important as the Supreme Court, Congress, and the States all jockey for authority. Key issues like speech protection for AI tools, age verification, and the direction of the Supreme Court are at the forefront of this high-stakes debate.

Moderator: Daniel Waggoner, Partner, Davis Wright Tremaine LLP

Speakers: Isaac Chaput, Partner, Covington & Burling LLP

Kathleen Farley, Vice President of Litigation, Chamber of Progress

Alex Hill, Director, Senior Counsel – Litigation, Match Group

Ambika Kumar, Partner, Davis Wright Tremaine LLP

10:00 – 10:30 AM

Reading the Tea Leaves: What the Initial AI Copyright Decisions Tell Us and What May Lie Ahead

Dozens of cases are currently making their way through the U.S. courts, but preliminary decisions to date suggest that we are still a long way from the legal certainty that both content creators and AI developers are seeking. This session will discuss these ongoing legal battles, the significance of the rulings issued to date, and what that may mean for the copyright landscape going forward.

Speakers: Jim Rosenfeld, Partner, Davis Wright Tremaine LLP

Brian McMahon, Senior Copyright Counsel, Microsoft

10:30 – 10:40 AM

BREAK

10:40 – 11:20 AM

Privacy Update

Information, including personal information, is the oxygen that fuels the fire of innovation. Recent developments in privacy legislation, regulation, and litigation present both opportunities and obstacles for those clients charting a path forward. This panel of leading data privacy experts will provide practical takeaways on how to navigate legal and reputational risk as the landscape of data privacy laws continues to rapidly evolve.

Speakers: David Rice, Partner, Davis Wright Tremaine LLP

Lindsey Tonsager, Partner and Co-Chair, Global Data Privacy and Cybersecurity, Covington & Burling LLP

Chris Hydak, Assistant General Counsel, Privacy and Regulatory Affairs, Microsoft

Greg Luloff, Associate General Counsel, Privacy, Amazon

Maggie Lassack, Director, Corporate Counsel, Global Data Privacy & Security, Starbucks

11:20 AM – 12:00 PM

Licensing Best Practices for AI Development and Deployment

Data is the foundation of effective AI development and deployment, and the most successful negotiations to access and license data for AI are led by attorneys who understand the technology and infrastructure underlying these tools. This panel will offer practical insights into contracts to access and license data or services for use in connection with ML model and GenAI application development, with a focus on technical fundamentals, intellectual property, and contracting best practices.

Moderator: **Brandon Palmen**, Partner, Covington & Burling LLP

Speakers: **Filipp Kofman**, Partner, Davis Wright Tremaine LLP

Vivian Wang, Senior Corporate Counsel, Amazon

Carson Klingenberg, Head of Legal, Poolside

Courtney Collins, Senior Corporate Counsel, Microsoft

12:00 – 1:30 PM

LUNCH

1:30 – 2:20 PM

Regulatory Changes in the Current Geopolitical Landscape

Recent regulatory actions are significantly restructuring the federal regulatory framework. How do technology lawyers stay current and anticipate regulatory changes affecting our clients, organizations, and our work in this rapidly evolving, uncertain environment?

Moderator: **K.C. Halm**, Partner, Co-Lead of AI Team, and Chair of Communications, Davis Wright Tremaine LLP

Speakers: **Mariama Swedish**, Vice President, Legal & Deputy General Counsel, Regulated Solutions, Cisco Systems Inc.

John Graham, Senior Director, F5 Inc.

Stephen Bartenstein, Partner, Covington & Burling LLP

2:20 – 3:15 PM

AI at Work – Managing Risk and Regulation

AI has proliferated in the workplace, both through employees using AI-powered tools and through employers harnessing AI's power to assist with everything from recruiting and hiring to performance management. Employers must navigate a patchwork of emerging AI regulations as well as traditional employment laws with sometimes surprising applications to this new technology. This session will explore the most significant opportunities and risks for employers in this space, along with strategies for navigating compliance, privacy, and competition challenges.

Moderator: **Matt Jedreski**, Counsel, Davis Wright Tremaine LLP

Speakers: **Carolyn Rashby**, Of Counsel, Covington & Burling LLP

Megan Fouty, General Counsel and CHRO, Glowforge

Sam Shaddox, General Counsel and Chief Privacy Officer, Seekout

3:15 – 3:30 PM

BREAK

3:30 – 4:30 PM

Ethical Use of AI in Legal Practice

This panel explores the use of AI in legal practice, including best practices, risks, and ethical issues.

Speakers: **Leeanne Mancari**, Partner, Covington & Burling LLP

Shannon McNeal, Partner, Davis Wright Tremaine LLP

4:30 – 6:00 PM

Reception

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Shannon McNeal, Partner, Davis Wright Tremaine LLP

SECTION 8

Speaker Bios

Content Regulation in Congress, State Legislatures, and the Courts

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 Davis Wright
Tremaine LLP

 Microsoft

Content Regulation in Congress, State Legislatures, and the Courts



Panelists



Isaac Chaput
Covington & Burling LLP



Kathleen Farley
Chamber of Progress



Alex Hill
Match Group



Ambika Kumar
Davis Wright Tremaine LLP

Agenda



SUPREME COURT
DEVELOPMENTS



GOVERNMENT
REGULATION OF SPEECH



REGULATION THROUGH
TORT LAWSUITS

Supreme Court Developments: Social Media

Gonzalez v. Google, 598
U.S. 617 (2022)

“We therefore decline to address the application of §230 to a complaint that appears to state little, if any, plausible claim for relief.”

Moody v. NetChoice LLC,
603 U.S. 707 (2024)

“The First Amendment offers protection when an entity engaged in compiling and curating others’ speech into an expressive product of its own is directed to accommodate messages it would prefer to exclude.”

TikTok Inc. v. Garland,
604 U.S. 56 (2025)

“An effective ban on a social media platform with 170 million U. S. users certainly burdens those users’ expressive activity in a non-trivial way.”

Supreme Court Developments: Age-Verification

FREE SPEECH COALITION, INC., ET AL. *v.* PAXTON, ATTORNEY GENERAL OF TEXAS

That is not to say, however, that H. B. 1181 escapes all First Amendment scrutiny. Adults have the right to access speech that is obscene only to minors. *Butler*, 352 U. S., at 383–384. And, submitting to age verification is a burden on the exercise of that right. But, adults have no First Amendment right to avoid age verification, and the statute can readily be understood as an effort to restrict minors’ access. Any burden experienced by adults is therefore only incidental to the statute’s regulation of activity that is not protected by the First Amendment. That fact makes intermediate scrutiny the appropriate standard under our precedents. *Dale*, 530 U. S., at 659.

Supreme Court Developments: Artificial Intelligence



Twitter v. Taamneh, 598 U.S. 471 (2023)

Moody v. NetChoice, LLC, 603 U.S. 707 (2024)



Government Regulation: Congress

119TH CONGRESS
1ST SESSION

S. 1748

To protect the safety of children on the internet.

IN THE SENATE OF THE UNITED STATES

MAY 14, 2025

Mrs. BLACKBURN (for herself, Mr. BLUMENTHAL, Mr. THUNE, and Mr. SCHUMER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To protect the safety of children on the internet.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Kids Online Safety Act”.

Government Regulation: “Privacy” Design Codes

- California Age-Appropriate Design Code Act (AB 2273)
- Maryland Age-Appropriate Design Code Act (HB 901)
- Nebraska Age-Appropriate Online Design Code Act (LB504) (narrower)
- Vermont Age-Appropriate Design Code Act (S69)

Government Regulation: “Addiction” Laws

- California: Protecting Our Kids from Social Media Addiction Act (SB 976)
- New York: Stop Addictive Feeds Exploitation (SAFE) For Kids Act (S7694A)
- Utah: Utah Minor Protection in Social Media Act (SB 194 and HB 464)

Regulation Through Tort: User Harm



Questions?

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**Reading the Tea Leaves:
What the Initial AI Copyright Decisions
Tell Us and What May Lie Ahead**

Reading the Tea Leaves: What the Initial AI Copyright Decisions Tell Us and What May Lie Ahead

KEY LEGAL CONSIDERATIONS

In re OpenAI, Inc. Copyright Infringement Litigation (Authors v. OpenAI/Microsoft)

CASE BACKGROUND

Court: U.S. District Court, Southern District of New York.

Decision Date: October 27, 2025.

Current Status: OpenAI's motion to dismiss denied, case will proceed; output-based infringement claims satisfy elements of a prima facie claim of infringement for at least some outputs of ChatGPT.

Parties: David Baldacci, George R.R. Martin, and other authors (plaintiffs) v. OpenAI Inc. and Microsoft Corporation (defendants).

Core Legal Question: Whether ChatGPT's outputs, including summaries and outlines for potential sequels, are substantially similar to the original works and constitute copyright infringement.

COURT'S RULING

Applying the "more discerning observer" test, the court determined that a reasonable jury could find substantial similarity between ChatGPT's outputs and the copyrighted works, particularly because the outputs are substantially similar to copyrightable elements such as plot, characters, setting, etc. Critically, the court distinguished this case from its earlier ruling in *New York Times v. Microsoft*, where article summaries were found not substantially similar because they included "'facts contained in [the news] articles' and differed 'in style, tone, length, and sentence structure' from the original articles."

LEGAL SIGNIFICANCE

- Question of whether allegedly infringing outputs are protected under fair use remains unresolved.
- Establishes that detailed summaries and derivative outlines may be substantially similar to original works.
- Court emphasized that outputs incorporating copyrightable elements like plot, characters, and setting differ fundamentally from summaries containing only factual information; rejected OpenAI's attempt to characterize book summaries as similar to news article summaries.
- Clarified that AI outputs can infringe even when they don't contain verbatim text from original works; confirmed courts can consider outputs submitted with oppositions (not just those attached to complaints) when they are incorporated by reference.

Bartz et al. v. Anthropic

CASE BACKGROUND

Current Status: Anthropic's motion for summary judgment granted on the issue of fair use regarding its model's training; library maintenance claim proceeding to trial.

Parties: Group of authors (plaintiffs) v. Anthropic PBC (defendant, developer of Claude AI)

Core Legal Question: Whether training large language models on copyrighted books without permission constitutes fair use under copyright law

COURT'S RULING/CURRENT POSTURE

The court granted Anthropic's motion for summary judgment on the training aspect of the case on the issue of fair use, finding their use of copyrighted books for training was "exceedingly transformative." However, the court denied summary judgment on claims related to Anthropic's maintenance of what it described as a "central library for pirated books" for undefined purposes, which will proceed to trial.

LEGAL SIGNIFICANCE

- First fair use decision specifically addressing GenAI training in the current wave of litigation; establishes that training LLMs can be transformative use under the fair use doctrine.
- The court focused heavily on transformativeness, finding Anthropic's use "exceedingly transformative" and "spectacularly so" because the books were used to map statistical relationships rather than to provide book content to users.
- Distinguished between training use (found fair) and maintaining copies for undefined purposes (not fair use); emphasized importance of technical guardrails in fair use analysis.

Kadrey et al. v. Meta

CASE BACKGROUND

Court: U.S. District Court, Northern District of California

Current Status: Fair use determination made in Meta's favor

Parties: Authors (plaintiffs) v. Meta Platforms, Inc. (defendant, developer of LLaMA)

Core Legal Question: Whether training Meta's LLaMA model on copyrighted books constitutes fair use, with particular focus on market harm analysis

COURT'S RULING/CURRENT POSTURE

The court found that training LLaMA on copyrighted books constituted fair use. While the court agreed that the training was transformative, it placed emphasis on the case's consideration of "the creation of a product with the ability to severely harm the market for the works being copied." The court stated that this aspect of the case is "the most important fair use factor." The court noted that while the case involved "the creation of a product with the ability to severely harm the market for the works being copied," the authors presented no evidence of actual market dilution. This led the court to find the factor cut in Meta's favor.

LEGAL SIGNIFICANCE

- Demonstrates that courts may reach fair use conclusions through different analytical paths; highlights critical importance of market harm evidence in fair use litigation. Confirmation that there won't be consistent judicial guidance on these issues for some time.
- Court acknowledged transformativeness but centered its analysis on the fourth factor (market harm), departing from the transformativeness-focused approach in *Bartz*; established that plaintiffs bear burden of proving market harm with actual evidence.
- Clarified that theoretical or speculative harm to markets is insufficient; plaintiffs must present concrete evidence of market dilution to succeed on the market harm factor.

Moderator



Jim Rosenfeld

Partner, Davis Wright Tremaine LLP

Speakers



Brian McMahon

Senior Copyright Counsel, Microsoft

Privacy Update

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 **Microsoft**

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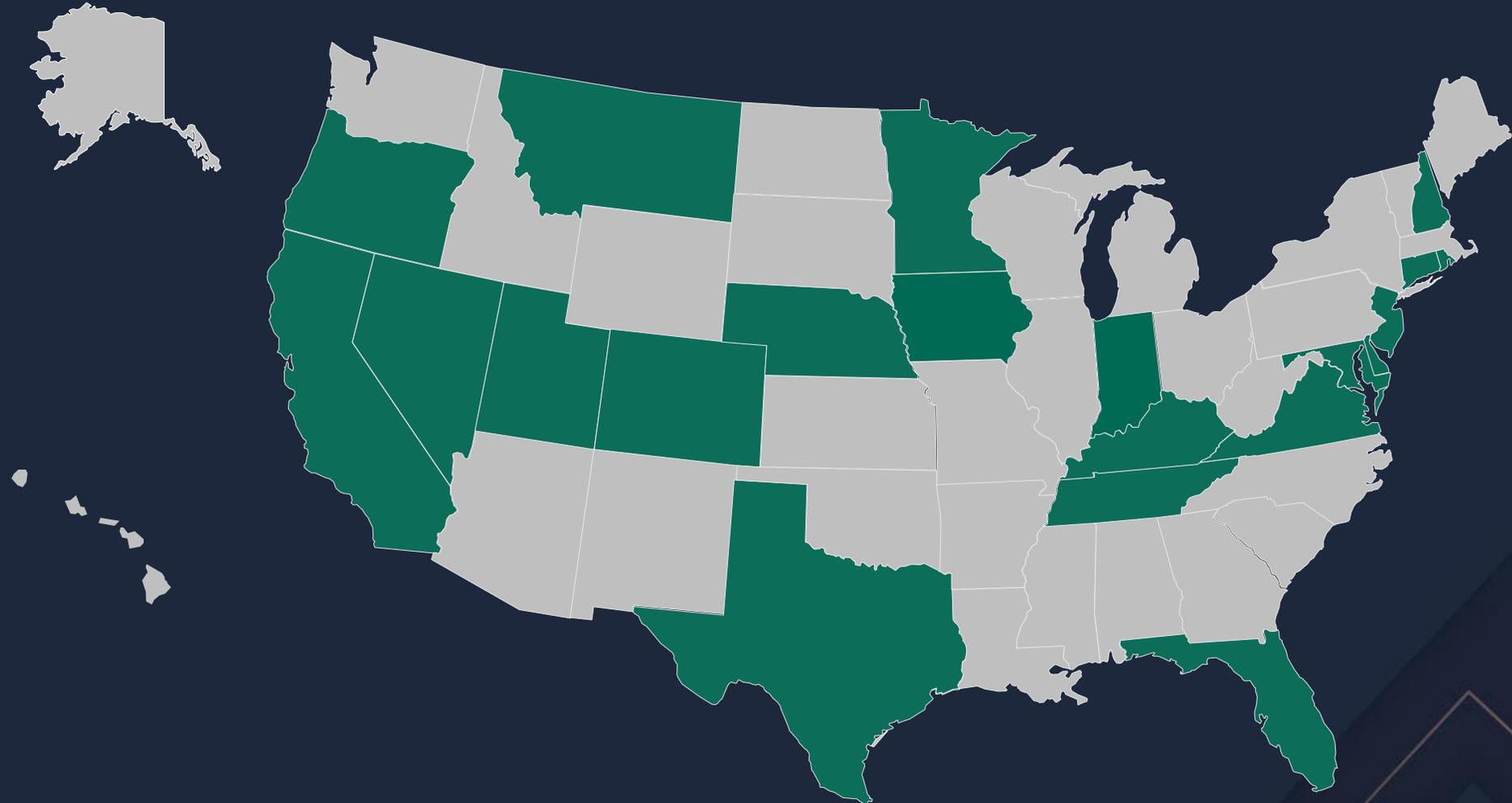
Partner, Davis Wright Tremaine LLP

Lindsey Tonsager

Partner, Covington & Burling LLP

Comprehensive Privacy Laws

State Comprehensive Privacy Laws



More Written Documentation

DPIAs

Regulators are requiring more documentation of privacy risks, safeguards, and compliance

Risk Assessments

Draft California regulations would require highly prescriptive assessments before processing data for specified purposes, such as using personal data to train certain AI

Cyber Audits

Draft California regulations also would require detailed cyber audits documenting cyber programs and identifying weaknesses

ADMT Privacy Trends



Individual Rights



Choice



Data Protection Impact Assessments



Pre-Use Notice & Transparency

Data Minimization

FLORIDA

Controllers must limit their collection of personal data to that which is "adequate, relevant, and reasonably necessary" for the disclosed processing purposes.

MARYLAND

Controllers must limit their collection of personal data to that which is "reasonably necessary and proportionate to provide or maintain a specific product or service requested by the consumer..."

But subject to exceptions

Regulatory and Enforcement Trends

Health and Location Data

- Broader definitions
- Unbundling of consents
- Aggressive application of Health Breach Notification Rule
- Influencing broader consumer injury paradigms

Biometrics

- Definitions
 - *Compare* IL and TX: retina or iris scan, fingerprint, voiceprint, scan of hand or face geometry
 - *With* CCPA: physiological patterns, and voice recordings, from which an identifier template... can be extracted, and keystroke patterns or rhythms, gait patterns or rhythms, and sleep, health, or exercise data that contain identifying information
- Focus on:
 - Notice and choice
 - Testing for and mitigating bias
 - Third-party disclosures and retention



Kids and Teens

Age Assurance

Parental Rights

Limiting Engagement

Advertising
Restrictions

High Privacy Defaults

Data Minimization

Understandable
Language

Content Moderation

Impact Assessments

Consumer Rights Mechanisms



Universal Opt Out Preference Signals
for Sales and Advertising



Business Specific Opt-Outs
for Sales and Advertising



Non-Symmetrical Choices

Licensing Best Practices for AI Development and Deployment

Licensing Best Practices for AI Development and Deployment

DATA LICENSING - KEY CONSIDERATIONS

PURPOSE:

Quick checklist of commercial and AI related issues to address when licensing data.

Term & Termination

Term: limited vs. perpetual; one time delivery vs. ongoing stream.

Termination: terminable or irrevocable; triggers (material breach, unauthorized disclosure, specific provision breaches).

Mechanics: notice period, cure period, post termination outcomes (return/secure deletion, surviving rights).

Scope of the Grant

Exclusivity: exclusive vs. non exclusive.

Sublicensing: allowed or prohibited; limits on downstream transfers.

Copyright: “verbs” or access rights?

Permitted uses: internal research, commercial exploitation, distribution, display to third parties.

AI uses: expressly permit or forbid training, fine tuning, testing, model deployment, or only allow access for search/recommendation functions.

Licensor Rights & Ownership

Clarify whether licensor has any rights in:

- Resulting models or derived models trained on the content.
- Modifications or derived datasets created from the licensed content.

Reservation of rights clause to prevent unintended grants.

Examples of Restrictions

General: no unauthorized extraction, no re identification, no misuse beyond permitted scope.

Specific (example from media owners):

- No training on characteristics of an individual; no outputs that mimic a particular person or specific programming.
- No extraction of biometric data or selective extraction of dataset portions.
- Implement anti regurgitation or output filtering measures if content reproduction risk exists.
- Limit how outputs are displayed to third parties consistent with permitted purposes.

Representations & Warranties

Licensor: has rights to deliver content; authorized uses will not infringe third party IP.

Licensee: will comply with industry standards; model will not misattribute content; resulting use will comply with applicable law; (optionally) commit not to bring licensor into disrepute.

Challenging Provisions to Negotiate

- Audit rights (scope, frequency, confidentiality of findings).
- Liquidated damages (measure and enforceability).
- Equitable remedies (injunctions, algorithmic disgorgement).

AI-specific Drafting Positions

Licensor view: preclude or specifically identify training/development of generative models; narrowly define permitted uses.

Licensee view: expressly permit development/training/improvement; seek broad grant or leave AI use unaddressed.

Middle ground: permit non generative AI usage (search, recommendations) but restrict generative training that could substitute for licensor content.

Practical Drafting Tips

- Be explicit about AI. Affirmatively state allowed and disallowed AI activities rather than relying on inference.
- Tie technical protections to obligations (e.g., output filters, training logs, model cards, security controls).
- Define post termination remediation for trained models (delete datasets, certify deletion of derivative models, or negotiate carveouts).
- Use precise definitions and concrete examples to reduce ambiguity.

Moderator



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Regulatory Changes in the Current Geopolitical Landscape

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Navigating Regulatory Changes in the Current Political Environment

AI, BIG DATA, AND CLOUD CONFERENCE 2025

NOVEMBER 13, 2025

Today's Speakers



K.C. Halm

Partner, Co-Lead of AI Team,
Davis Wright Tremaine LLP



Mariama Swedish

Vice President, Legal &
Deputy General Counsel,
Regulated Solutions, Cisco
Systems Inc.



John Graham

Senior Director, F5



Stephen Bartenstein

Partner, Covington and Burling
LLP

Unprecedented Policy Changes = New Compliance Challenges

Trump tariffs live updates: Trump says China, others can't have Nvidia's top AI chips



Trump threatens new tariffs on smartphones days after exempting them

Unprecedented Policy Changes = New Compliance Challenges

Two days before its scheduled effective date, the Department of Commerce's Bureau of Industry and Security (BIS) **announced** the rescission of the Biden administration's Artificial Intelligence (AI) Diffusion Rule on May 13.



Unprecedented Policy Changes = New Compliance Challenges

Number of state-level AI-related bills passed into law in the United States by state, 2016–24 (sum)

Source: AI Index, 2025 | Chart: 2025 AI Index report

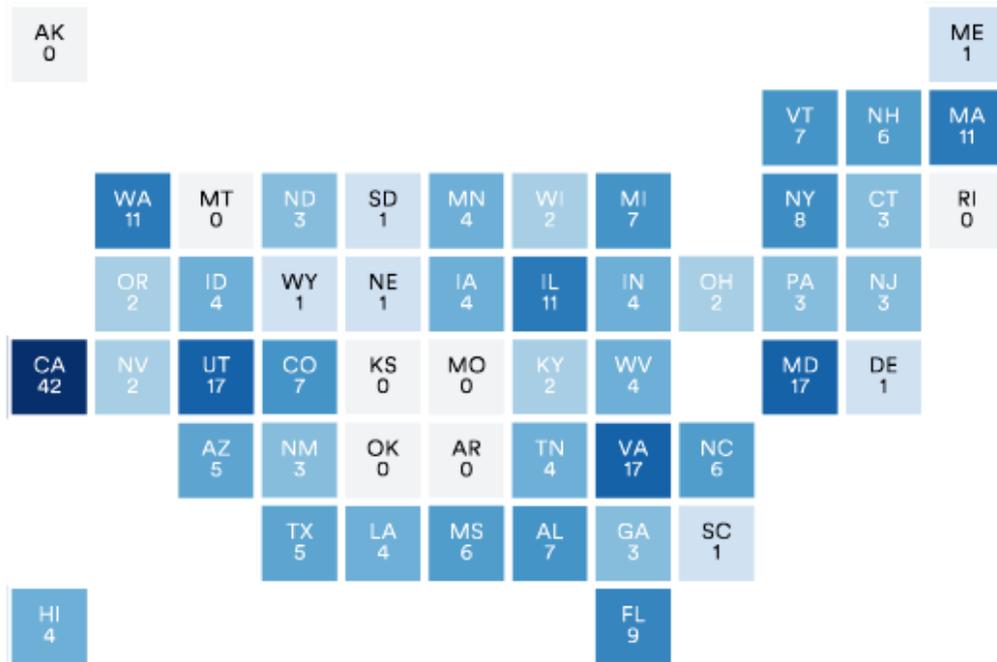
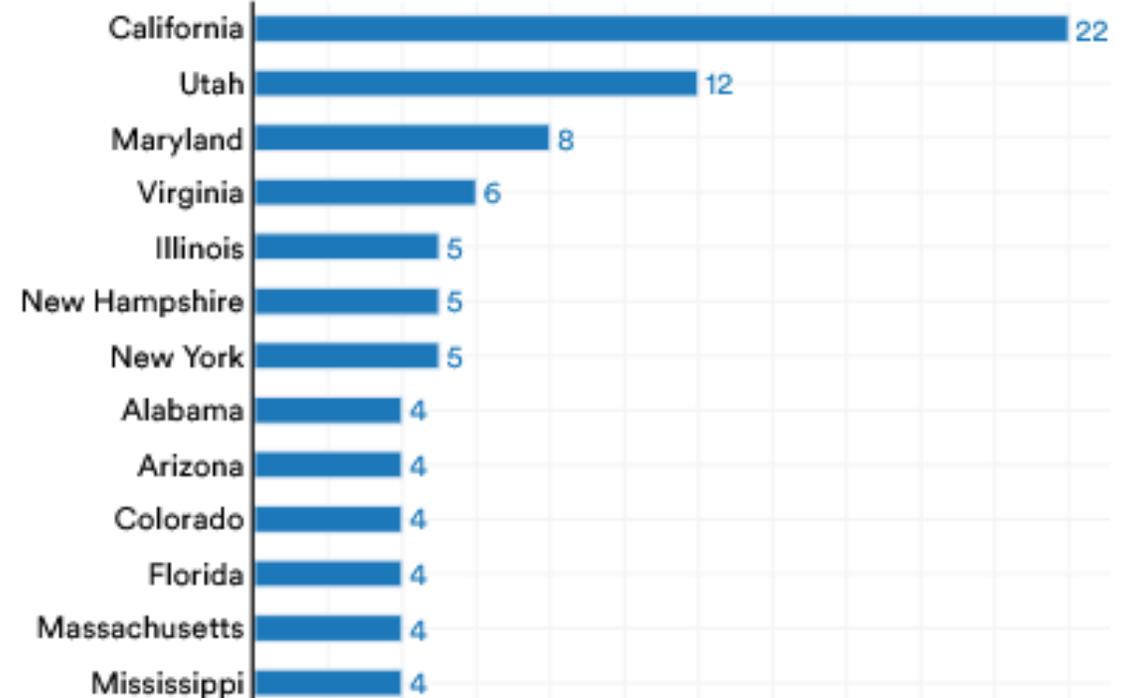


Figure 6.2.8

Number of AI-related bills passed into law in select US states, 2024

Source: AI Index, 2025 | Chart: 2025 AI Index report



Unprecedented Policy Changes = New Compliance Challenges



PREVENTING WOKE AI IN THE FEDERAL GOVERNMENT

Executive Orders

July 23, 2025

U.S. President Donald Trump holds an executive order related to AI after signing it during the “Winning the AI Race” Summit in Washington D.C., U.S., July 23, 2025.

Unprecedented Policy Changes = New Compliance Challenges



What Jimmy Kimmel's suspension says about the FCC's influence on broadcasters

Questions?



Contact Us



K.C. Halm

Partner, Co-Lead of AI Team,
Davis Wright Tremaine LLP

[Contact Info](#)



Mariama Swedish

Vice President, Legal & Deputy
General Counsel, Regulated
Solutions, Cisco Systems Inc.

[Contact Info](#)



John Graham

Senior Director, F5

[Contact Info](#)



Stephen Bartenstein

Partner, Covington and Burling
LLP

[Contact Info](#)

Appendix – Trump Administration's AI Action Plan



PRESIDENTIAL ACTIONS

REMOVING BARRIERS TO AMERICAN LEADERSHIP IN ARTIFICIAL INTELLIGENCE

The White House | January 23, 2025

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. Purpose. The United States has long been at the forefront of artificial intelligence (AI) innovation, driven by the strength of our free markets, world-class research institutions, and entrepreneurial spirit. To maintain this leadership, we must develop AI systems that are free from ideological bias or engineered social agendas. With the right Government policies, we can solidify our position as the global leader in AI and secure a brighter future for all Americans.

This order revokes certain existing AI policies and directives that act as barriers to American AI innovation, clearing a path for the United States to act decisively to retain global leadership in artificial intelligence.

Background

- EO 14179 “Removing Barriers to American Leadership in [AI]”
 - calling for an “AI Action Plan” to enhance America’s global AI dominance
- Directs development of an “AI Action Plan” to enhance US global position in AI
- In order to ...
 - “promote human flourishing,
 - economic competitiveness, and
 - national security.”
- Plan reflects collaboration among 45 stakeholders across the White House and federal agencies
- Only approx. 20 pages, it leans heavily on messaging rather than detailed mandates

Overview



3 core pillars: 1) Innovation & Adoption; 2) AI Infrastructure; and 3) Diplomacy & Security



Accompanied by additional Executive Orders on infrastructure, exports and “woke AI”



Not a sweeping vision of AI’s long-term global impact



Instead, limited to Executive Branch actions that are realistically achievable within next 3.5 years



Does not propose directives for Congress, companies, or agency-driven reports or task forces



However, it does outline Administration priorities and encourages Congressional consideration—particularly on issues like federalism and state preemption

Core Pillars:

1) *Innovation & Adoption*

Supportive Regulatory Environment

Establishes a “supportive” regulatory environment to help foster innovation and responsible AI development and deployment.

Reducing Regulatory Burdens

Aims to reduce unnecessary regulatory burdens to enhance efficiency and encourage the growth of AI initiatives.

Third-Party Evaluation Ecosystems

Supports use of third-party evaluation ecosystems to ensure consistent and transparent AI governance practices.

Identifying AI R&D Priorities

Identifies AI research and development priorities.



Core Pillars:

2) AI Infrastructure

Permitting Reform

Permitting reform to accelerate deployment of AI technologies across various sectors.

NEPA Streamlining

Streamlining the National Environmental Policy Act (NEPA) processes is anticipated to facilitate AI-related projects.

Energy Policy Support

Energy policies must adapt to support increasing demand for AI infrastructure and deployment.

Grid-Related Issues Deferred

Grid-related issues are currently being considered, but no immediate recommendations expected.



Core Pillars:

3) Diplomacy & Security

Global AI Partnerships

Promotes global AI partnerships, and leadership on global standards (both software and hardware)

Leadership on Standards

Establishing international standards for AI hardware and software is crucial for ensuring security and interoperability across nations.

Security Measures

Implementing robust security measures is vital to prevent adversarial access to U.S. AI technologies and protect national interests.



Additional E.O.s ...

AI Infrastructure

Energy and Permitting Issues

The AI Infrastructure EO addresses crucial energy and permitting challenges impacting AI developments and deployments.

Interagency Reviews

All interagency and legal reviews for the EO have been completed, ensuring it will be released on schedule.

Datacenter RFPs

The DOE plans to issue RFPs for datacenters on three locations, providing a four-month window for proposals.



Additional E.O.s ...

Promoting AI Exports

Global Deployment of AI

The initiative aims to utilize Development Finance Corp. and Ex-Im Bank authority to facilitate worldwide deployment of U.S. AI technology.

Legal Challenges

The initiative may face unresolved legal hurdles that could delay its progress in promoting U.S. AI exports.

Enhancing Global Access

Efforts are focused on improving access to U.S. AI tools in countries that lack domestic capabilities, with a focus on inclusivity.

U.S. Competitiveness

Initiative emphasizes the importance of maintaining U.S. competitiveness across the entire AI technology stack.

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Additional E.O.s ...

“Woke AI”

Modeled after EO from First Trump Admin.

This EO is modeled after the Trump-era 'social media bias' EO --but excludes Section 230 targets.

Neutrality in AI Procurement

EO emphasizes that AI procured by the US government must be “neutral” and “unbiased.”

Industry Concerns

Designed to be more acceptable to the tech sector, but scope and reach will need to be considered.

Leadership of 'Woke AI' EO

Development of the 'Woke AI' EO is led by David Sacks and Sriram Krishnan, operating separately from OSTP.



Takeaways



Broad principles and messaging in lieu of detailed, comprehensive framework



Deregulatory focus in the name of enhancing American global AI competitiveness and growth



Support for standards development, third-party evaluations and best practices to enhance AI governance practices



Focused actions on infrastructure, energy development and roll back of permitting rules may enhance US-based training and development of large model



Despite articulation of dereg. approach, leveraging U.S. gov't's procurement power to force potential vendors to address "woke" issues (neutrality, bias) in model development and deployment

AI at Work – Managing Risk and Regulation

AI at Work – Managing Risk and Regulation

OVERVIEW OF LAWS AND REGULATIONS

Traditional Employment Laws

- Anti-discrimination laws (Title VII, ADEA, state and local laws) apply to ensure decision-making is not biased.
- Disability discrimination laws (ADA, state and local laws) apply to ensure those with medical or religious restrictions are not denied opportunities.
- Employment record-keeping requirements (FLSA, Title VII, OSHA, state and local laws) require employers to retain personnel and other records.

AI-Specific Employment Laws

CALIFORNIA CIVIL RIGHTS DEPARTMENT ANTI-DISCRIMINATION REGULATIONS (OCTOBER 1, 2025)

- Proactive anti-bias testing of tools relevant to defending discrimination claims.
- Employers must maintain AI-related selection and other records for four years.
- Tools eliciting medical/disability information are unlawful medical inquiries.
- AI vendors can be liable for discrimination as agents of employers.

CALIFORNIA CONSUMER PRIVACY ACT (NEW REGULATIONS - 2027)

- Applies where a tool “replaces” or “substantially replaces” human decision-making.
- Risk assessments required in some circumstances.
- Notice to consumers.
- Right to access personal information and opt out (subject to exceptions).

NEW YORK CITY LOCAL LAW 144 (JULY 2023)

- Applies to covered AI tools used in hiring and promotions.
- Pre-use and annual bias audit conducted by an independent auditor and public posting of results.
- Disclosures and accommodation process.

COLORADO AI ACT (JUNE 30, 2026)

- Pre-use and annual impact assessments.
- Disclosures.
- Adverse action notice.
- Report discrimination to Attorney General.

ILLINOIS & MARYLAND AI VIDEO INTERVIEW LAWS

- Require disclosure/consent.

ILLINOIS LIMIT PREDICTIVE ANALYTICS USE ACT (JANUARY 1, 2026)

- Prohibits AI discrimination and using zip code as proxy for discrimination.
- Requires notice to employees and applicants of AI use.

Privacy Laws

- Wiretapping laws require all-party consent to record private conversations in many states and Washington D.C.
- Electronic monitoring laws in Connecticut, Delaware, New York, Texas require written notice before certain types of workplace electronic monitoring.
- California Consumer Privacy Act
 - “Notice at Collection” required at or before collecting personal information.
 - Right to access personal information and inferences.
- Fair Credit Reporting Act may apply to AI-powered recruiting/hiring tools if they perform background checks.

Moderator



Matt Jedreski

Counsel, Davis Wright Tremaine LLP

Speakers



Carolyn Rashby

Of Counsel, Covington & Burling LLP



Megan Fouty

General Counsel and CHRO, Glowforge



Sam Shaddox

General Counsel and Chief Privacy Officer, Seekout

Ethical Use of AI in Legal Practice

COVINGTON

 Davis Wright
Tremain LLP

 Microsoft

Ethics Implications of Artificial-Intelligence Use By Attorneys

*State-bar Guidance, Disciplinary Actions,
And What Not To Do*

Louisa Barash

PARTNER | Seattle, WA

Sarah Duran

PARTNER | Seattle, WA

Shannon McNeal

PARTNER | Washington, D.C.

November 13, 2025

Introduction

Setting the Stage:

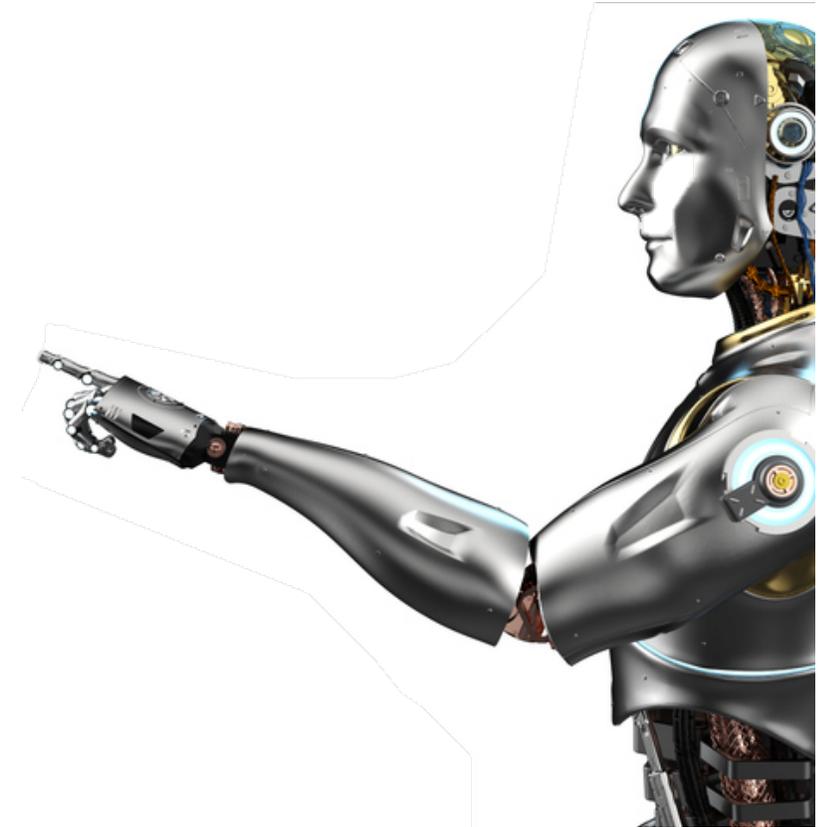
- Uses of AI in Legal Practice – Benefits and Risks

Our Ethical Obligations:

- ABA Model Rules
- State Bar Guidance

Where do we go from here?

- Implementation Challenges



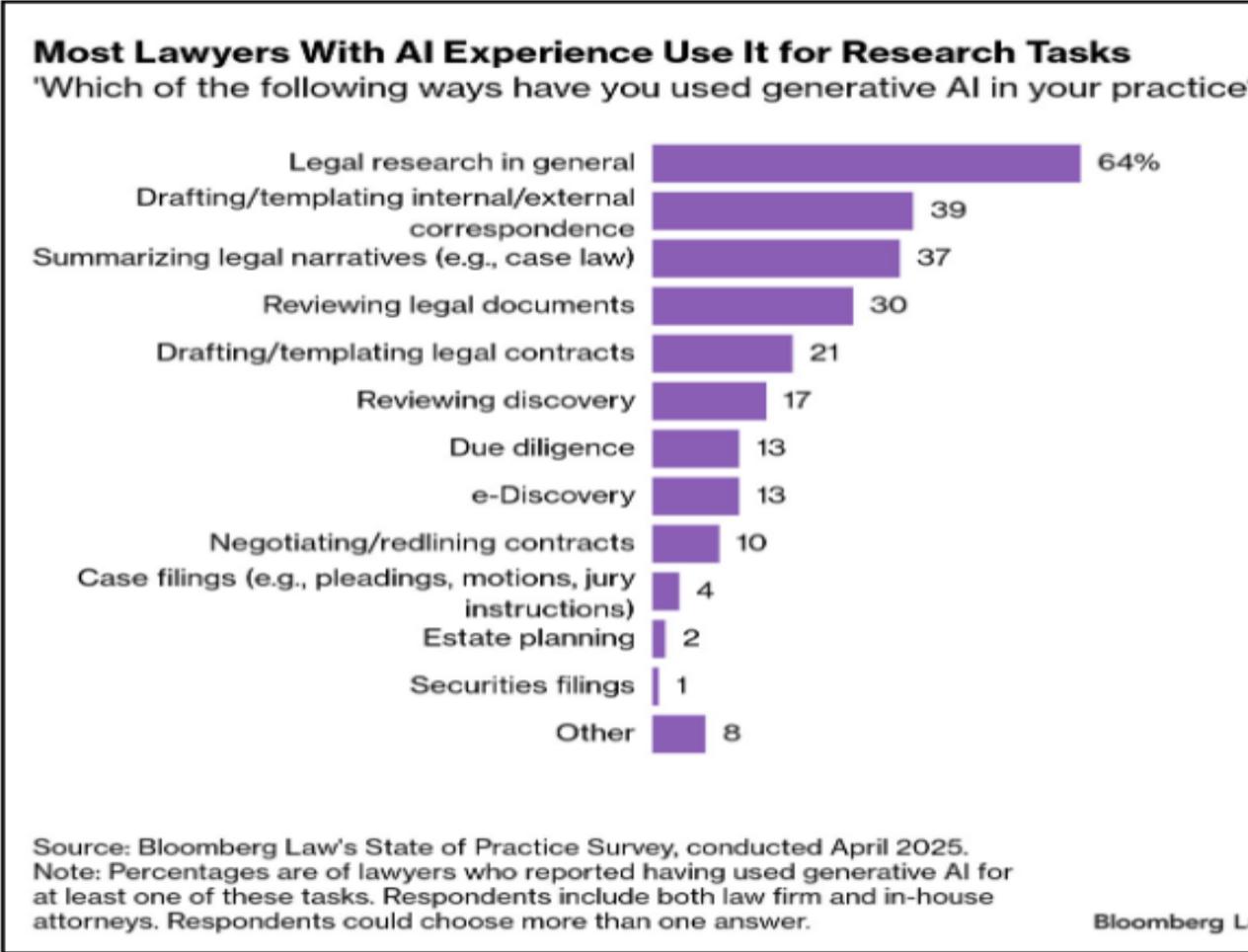
Setting the Stage

How are we using AI?

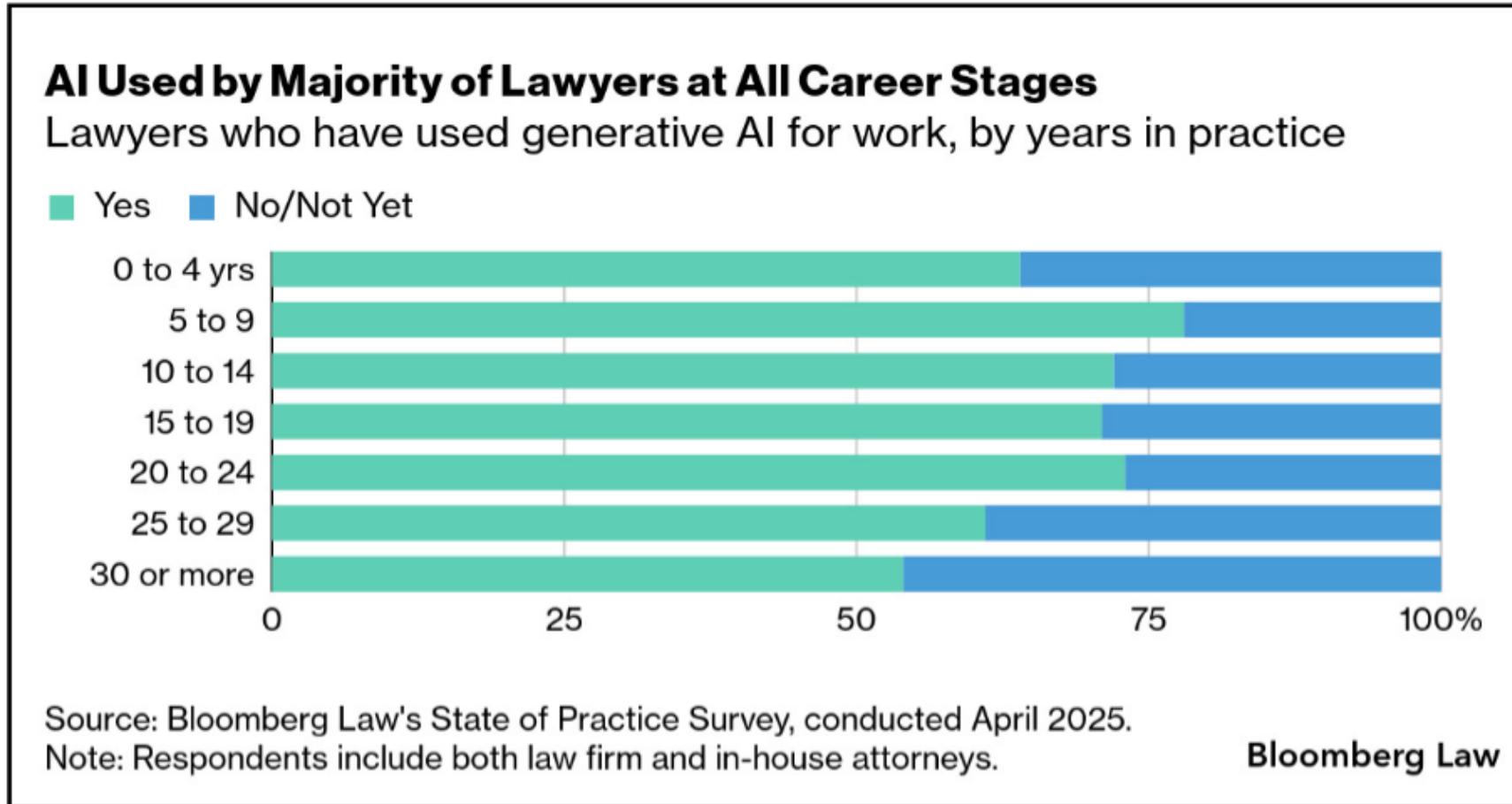
What are the benefits?

What are the risks?

Top Ways Law Firms Plan to Use AI Technology



Which Lawyers are Using AI?

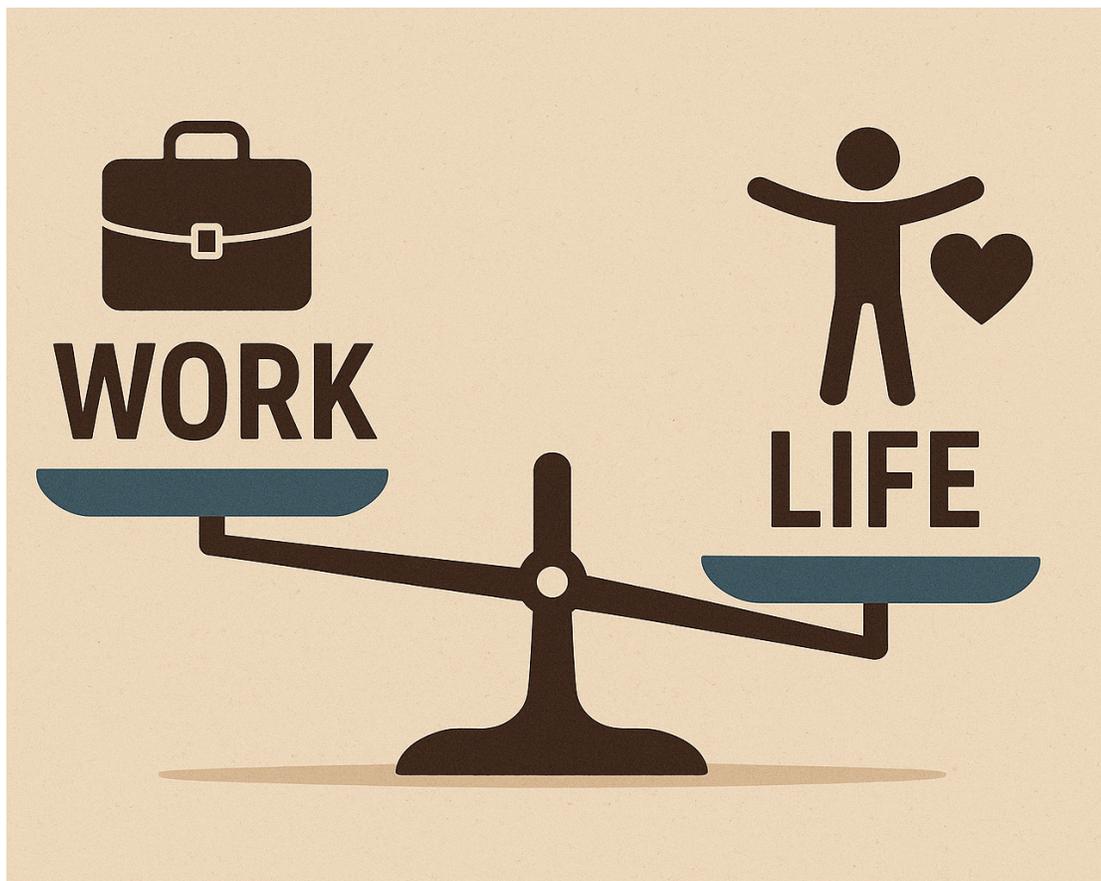


Benefits of AI Use by Legal Professionals

- Efficiency and Working Smarter
 - Estimated savings of 240 hours per year
 - Handling large volumes of data more effectively
 - Reducing human error
 - Improving response times
 - Identifying issues

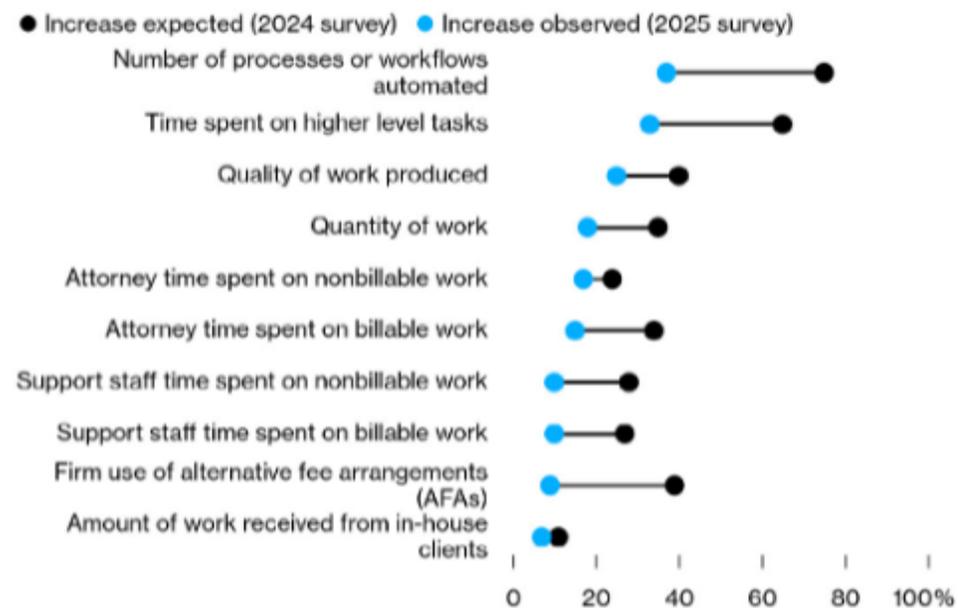


Work Life Balance Expectations



AI Impact on Legal Work Lags Behind Expectations

Law firm lawyers saying AI will increase/has increased certain functions



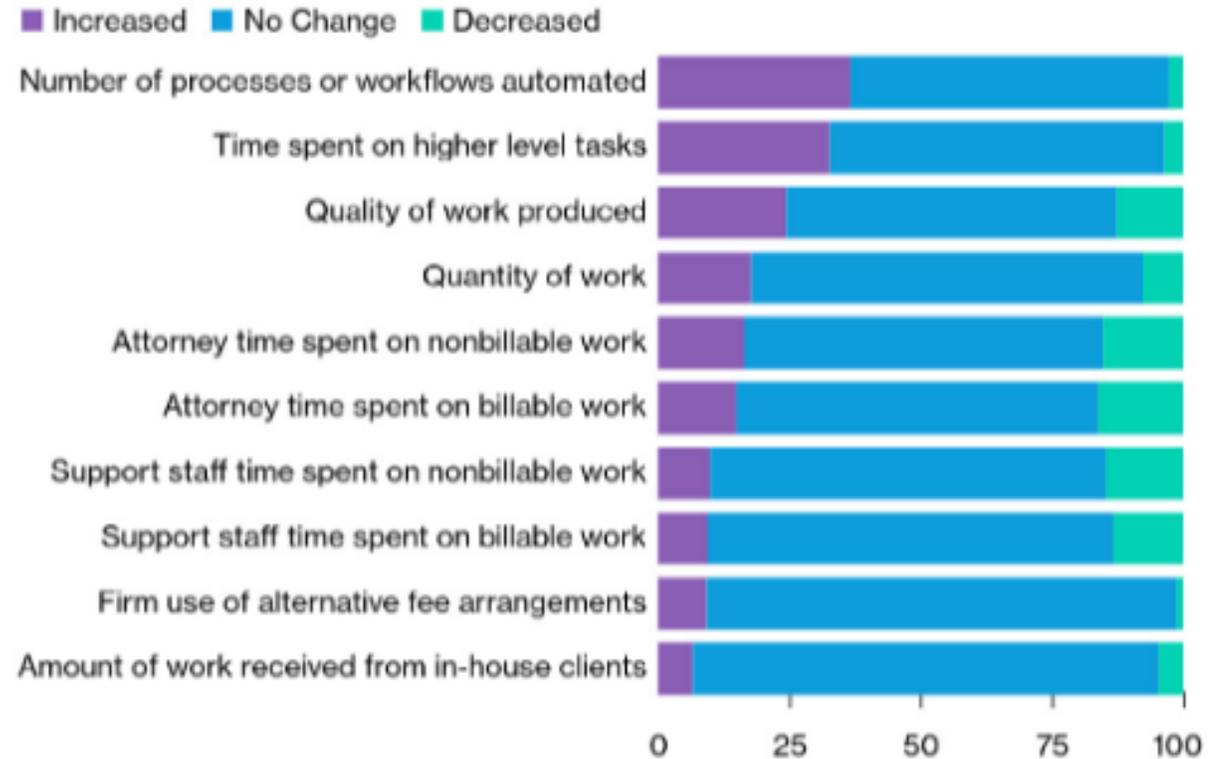
Source: Bloomberg Law Legal Operations and Technology survey (2024) and State of Practice 1 2025 survey (2025). Questions: "In your opinion, how will/how have the following workload and billing aspects of the legal profession be/been impacted by generative AI?"

AI x Legal Work



Few Law Firm Lawyers See AI's Impact on Legal Work

'In your opinion, how have the following workload and billing aspects of the legal profession been impacted by generative AI?'



Source: Bloomberg Law State of Practice 1 2025 survey.

Note: Responses shown exclude "don't know"/"prefer not to answer"/"other".

Bloomberg Law

Top Areas of Concern Among Legal Professionals

Hallucinations
and inaccuracy
of outputs

Confidentiality
and data
security/privacy

Deep fakes
(e.g., human
impersonations)

Model bias

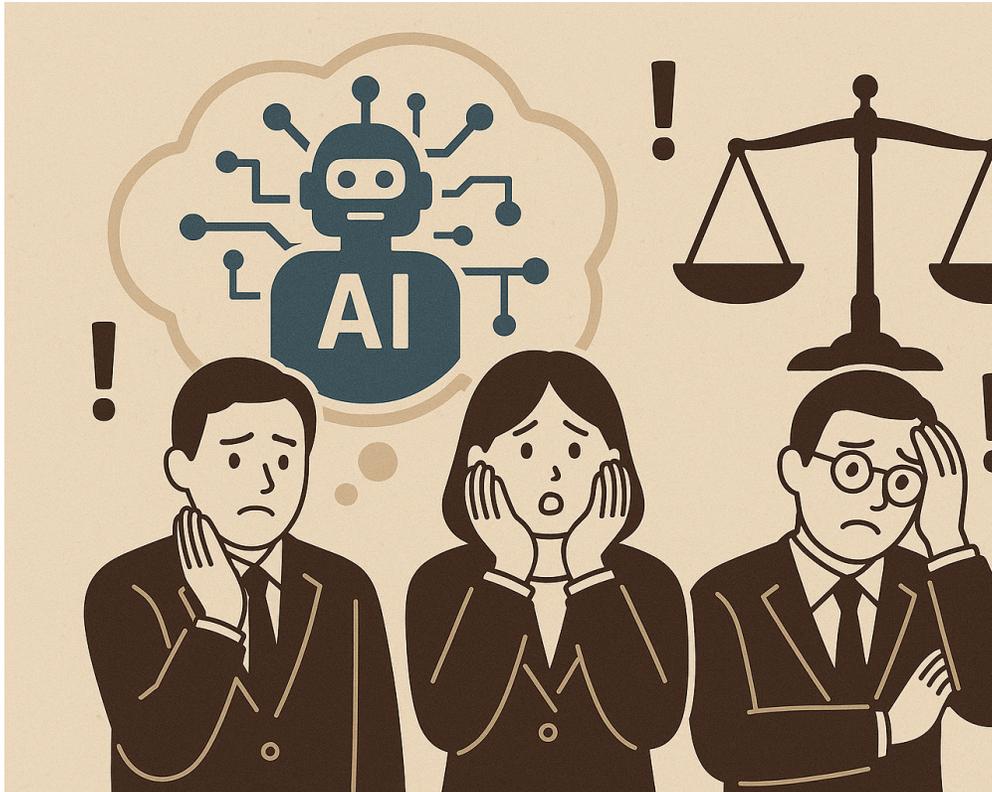
Intellectual
property

Job security

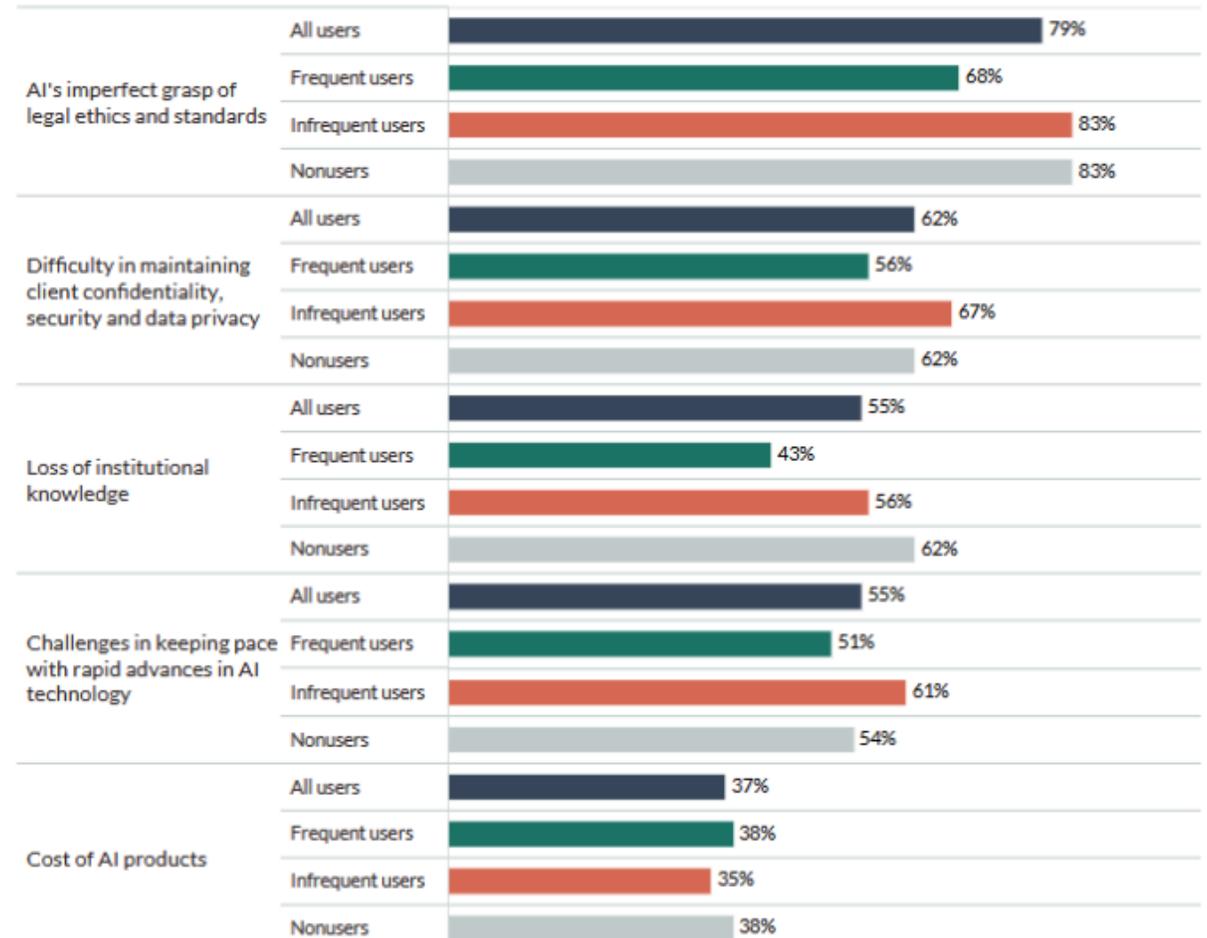
How to use it
appropriately

What happens
when something
goes wrong?

Top Areas of Concern Among Legal Professionals, cont.

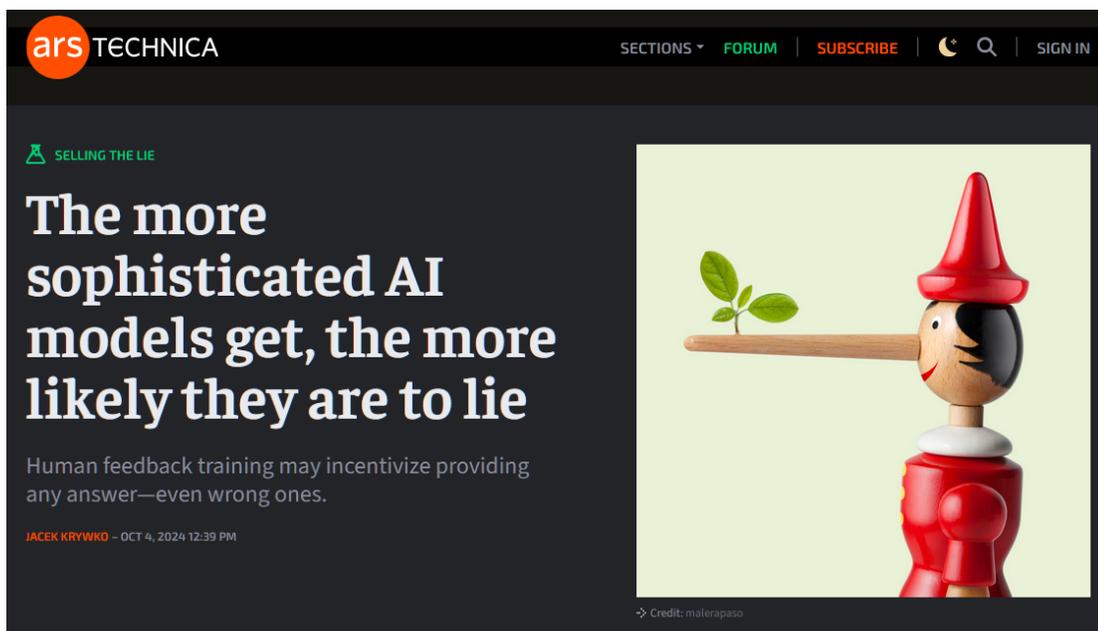


Which of the following concern you regarding the adoption of generative AI?



Even the Best Models Hallucinate

- *Large Legal Fictions: Profiling Legal Hallucinations in Large Language Models*, Stanford Institute for Human-Centered AI, April 25, 2024
- "When asked a direct, verifiable question about a randomly selected federal court case, LLMs hallucinate between 58% (ChatGPT 4) and 88% (Llama 2) of the time."



In the News

These lawyers used ChatGPT to save time. They got fired and fined.

Artificial intelligence is changing how law is practiced, but not always for the better

By Pranshu Verma and Will Oremus

Updated November 16, 2023 at 10:39 a.m. EST | Published November 16, 2023 at 6:00 a.m. EST

Michael Cohen says he unwittingly sent AI-generated fake legal cases to his attorney

DECEMBER 30, 2023 · 8:20 AM ET

FORBES > INNOVATION > AI

Lawyers Getting Tripped Up By Generative AI Such As ChatGPT But Who Really Is To Blame, Asks AI Ethics And AI Law

Lance Elliot Contributor

Dr. Lance B. Elliot is a world-renowned expert on Artificial Intelligence (AI) and Machine Learning...

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Lawyers fined for filing bogus case law created by ChatGPT

MONEY WATCH

June 23, 2023 / 11:44 AM EDT / AP

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Reuters

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Another US judge says lawyers must disclose AI use

By Sara Merken

June 8, 2023 3:35 PM PDT · Updated a year ago

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Lawyer ordered to pay \$2,000 for submitting AI-generated filing that invented cases in suit against Stoughton officers

By Sean Cotter Globe Staff. Updated March 7, 2024, 5:51 a.m.

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Reuters

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Disrupted

New York lawyers sanctioned for using fake ChatGPT cases in legal brief

By Sara Merken

June 26, 2023 1:28 AM PDT · Updated a year ago

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Law, Regulation, and Policy

AI on Trial: Legal Models Hallucinate in 1 out of 6 (or More) Benchmarking Queries

A new study reveals the need for benchmarking and public evaluations of AI tools in law.

May 23, 2024 | Varun Magesh, Faiz Surani, Matthew Dahl, Mirac Suzgun, Christopher D. Manning, Daniel E. Ho

t f y in

Cautionary Tales



Reliance on AI tools used by others



Over 500 court decisions addressing hallucinations or AI-created arguments from lawyers



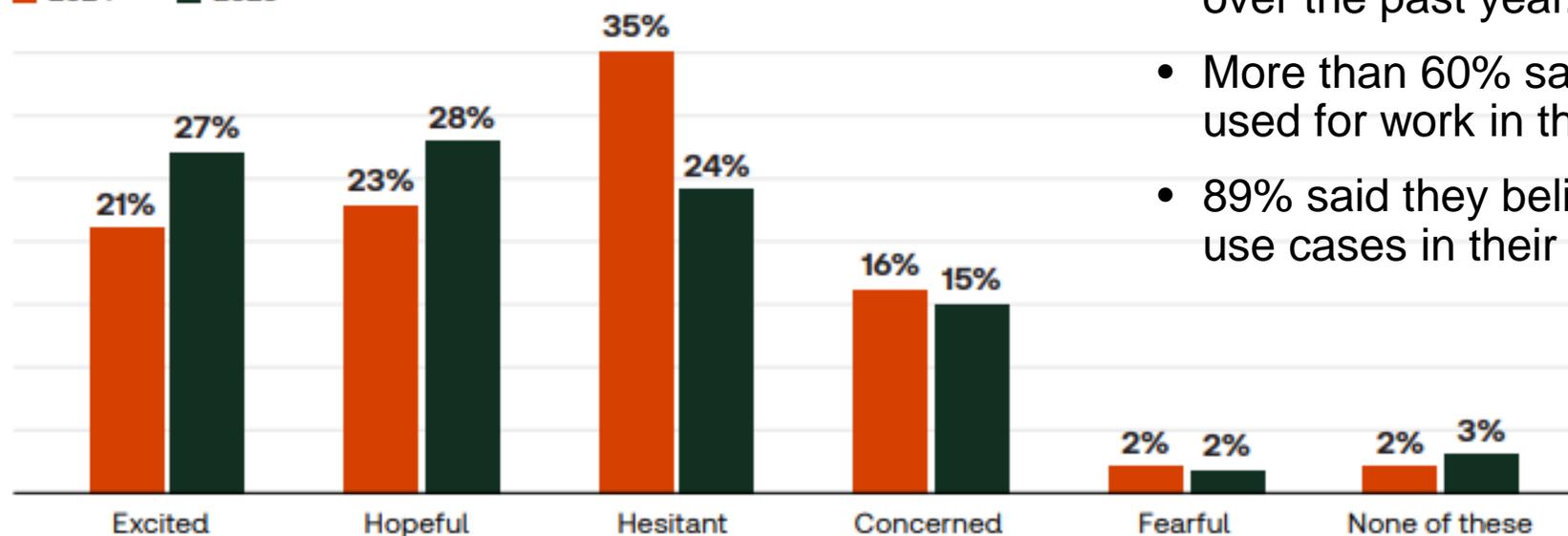
Two federal courts cited for inaccurate court orders based on AI use

Sentiment and readiness among legal professionals

FIGURE 1:

Sentiment on the future of GenAI

■ 2024 ■ 2025



Source: Thomson Reuters 2025

- More than half (55%) of all respondents categorize their sentiment towards GenAI in their profession as excited or hopeful.
- The proportion who said they were hesitant, concerned or fearful fell 12 percentage points over the past year.
- More than 60% said GenAI actively should be used for work in their industry
- 89% said they believe they can see GenAI use cases in their own work.

Results May Vary Depending on the Operator



AI outputs change significantly depending on may seem like small differences in prompts

Usually best to start with a short prompt, then iterate (longer prompts make troubleshooting harder)

Provide clear, precise guidance and be aware of implied or unstated assumptions

Review both your prompts and the results carefully in light of the ethical rules

Our Ethical Obligations

Guidance from Ethics Authorities



ABA Formal Opinion 512 issued on July 29, 2024 by the ABA Standing Committee on Ethics and Professional Responsibility

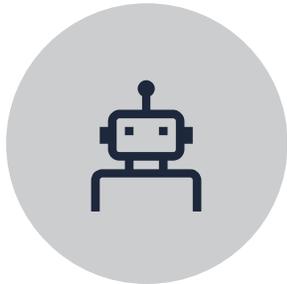


Formal Opinion 2024-5 issued by the New York City Bar Association Committee on Professional Ethics



Practical Guidance for the Use of Generative Artificial Intelligence in the Practice of Law dated November 16, 2023 by the Standing Committee on Professional Responsibility and Conduct of the State Bar of California

Duty of Competence (Model Rule 1.1)



Know how to use it!



Even where generative AI is employed, our professional duties require attorney review



Validation



Nothing requiring the use of Gen AI

How do we learn?

CLEs/webinars (60%)

Publications (36%)

Legal news (34%)

Other law firms (31%)

Google (25%)



ABA 2024 Artificial
Intelligence Tech Report

Client-Lawyer Relationship:

Model Rule 1.4: Communications

(a) A lawyer shall:

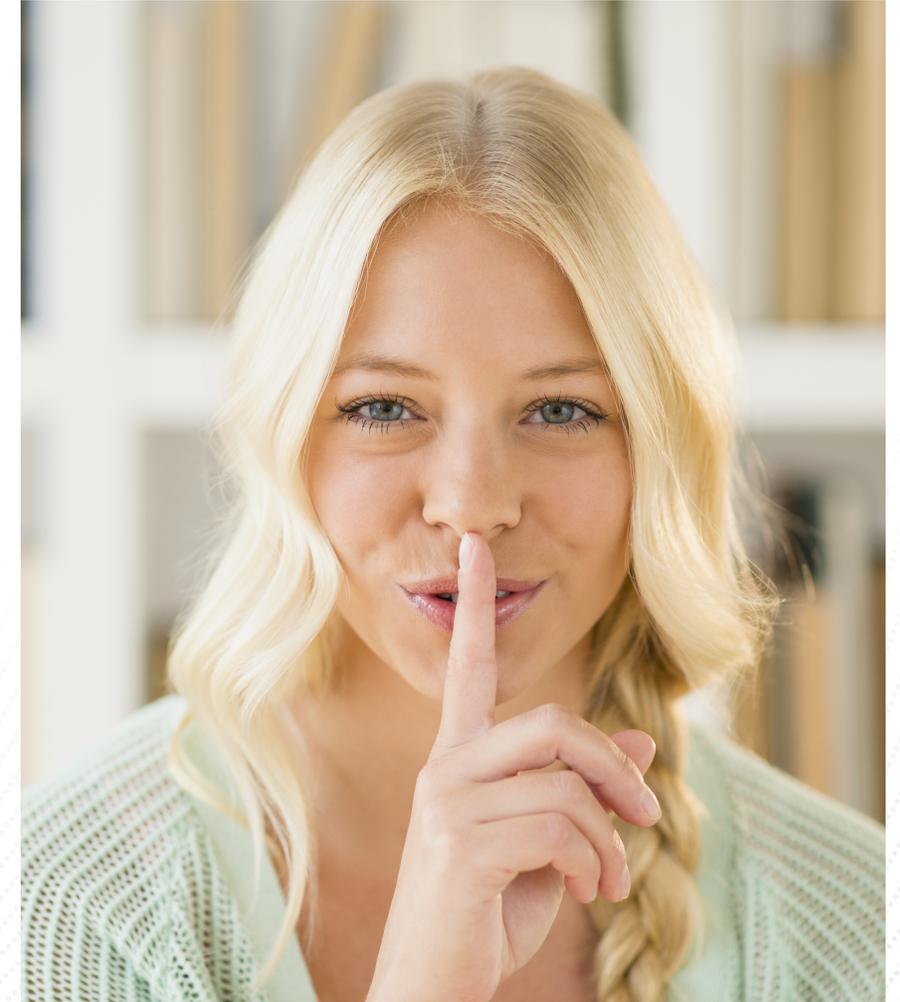
- (1) promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined in Rule 1.0(e), is required by these Rules;
- (2) reasonably consult with the client about the means by which the client's objectives are to be accomplished;
- (3) keep the client reasonably informed about the status of the matter;
- (4) promptly comply with reasonable requests for information; and
- (5) consult with the client about any relevant limitation on the lawyer's conduct when the lawyer knows that the client expects assistance not permitted by the Rules of Professional Conduct or other law.

(b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

Client-Lawyer Relationship: Model Rule 1.6 Confidentiality of Information

Rule 1.6(a) states: “A lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation or the disclosure is permitted by paragraph (b).”

Comment 18 states: “A lawyer must act competently to safeguard information relating to the representation of a client against unauthorized access by third parties and against inadvertent or unauthorized disclosure by the lawyer or other persons who are participating in the representation of the client or who are subject to the lawyer’s supervision.”



Model Rule 1.10: Conflicts of Interest



Even AI available exclusively within firms and legal departments may need to be restricted to comply with ethical walls



In many jurisdictions, conflicts that would otherwise be imputed to entire firms or law departments may be addressed through a screen



Such a screen would usually restrict the disclosure of material confidential information, which may not be possible if all have access to the same AI

Duties to Others



The results of the use of AI must be reviewed carefully to ensure compliance with rules governing the assertion of meritorious claims or defenses (Rule 3.1), candor to the tribunal (Rule 3.3), and honesty in dealings with others (Rule 8.4)

Supervision



Lawyers must supervise employees and contractors (Model Rules 5.1 and 5.3)



Training on the practical and ethical use of generative AI



Review work created using generative AI



Policies on the use of generative AI

Integrity of the Profession

Model Rule 8.4: Misconduct

A lawyer must not discriminate on the basis of race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity, marital status or socioeconomic status in conduct related to the practice of law

Where do we go from here?

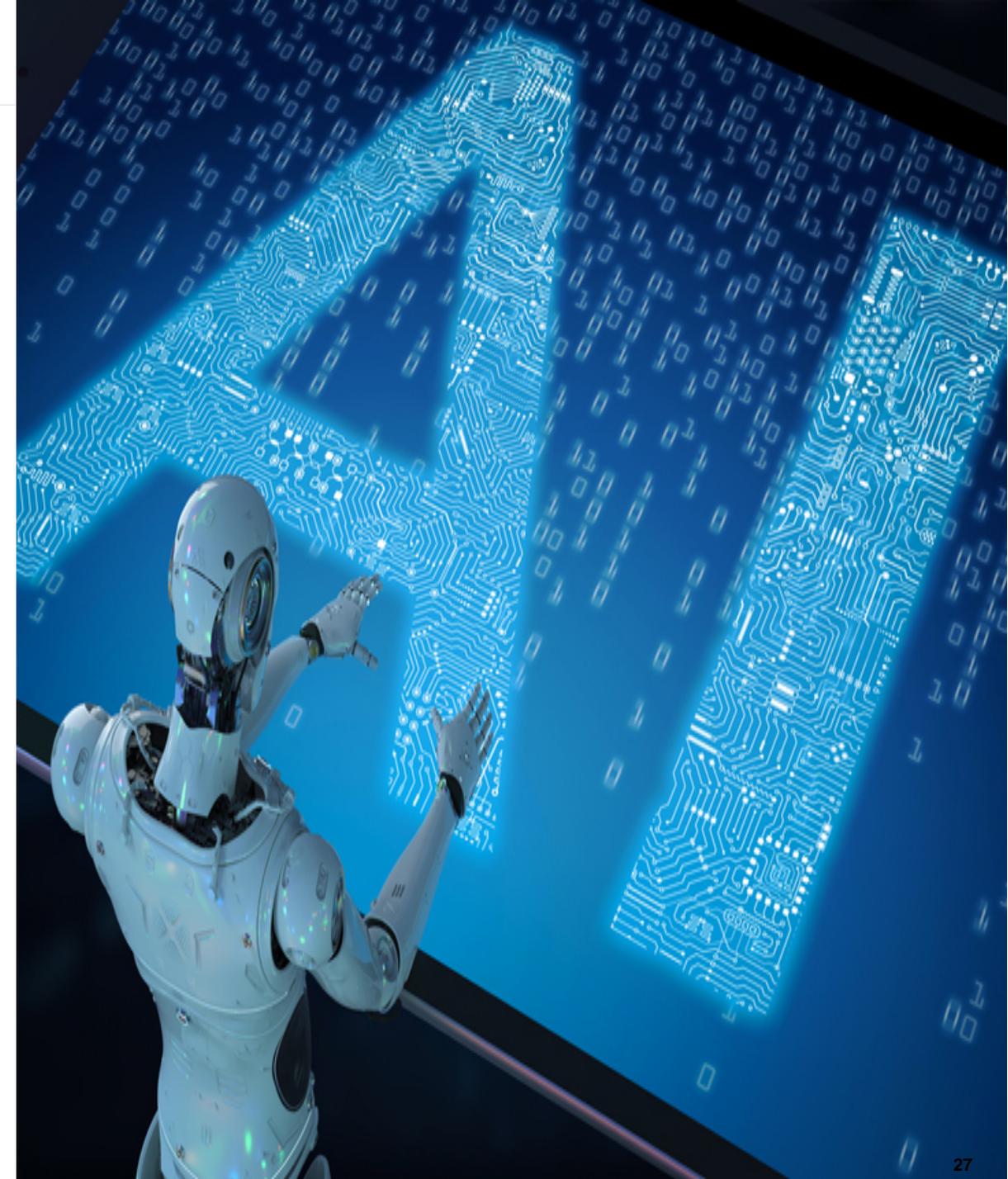
Implementation

Challenges

Responsible AI

The advancement of AI driven by ethical principles:

- **Accountability:** Supplier can explain the reasons for which decisions and actions were taken.
- **Transparency:** The outcomes can be understood, explained and audited.
- **Fairness:** The systems are designed to provide a similar quality of service for identified demographic groups, including marginalized groups.
- **Reliability & Safety:** The AI systems are expected to perform reliably and safely; issues are remediated.
- **Privacy & Security:** The system is designed to protect privacy in accordance with security and privacy requirements



General principles

Ryan Groff, Massachusetts Bar and lecturer at New England Law, Asserts these 5 principles:

- **AI as assistant, not substitute:** AI should function as a legal assistant, enhancing lawyer capabilities rather than replacing professional judgment.
- **Attorney responsibility:** Lawyers bear ultimate responsibility to verify all AI outputs before relying on them professionally.
- **Avoiding unauthorized practice:** Unsupervised AI use may constitute unauthorized practice of law by proxy.
- **Maintaining competence:** Lawyers must understand AI capabilities and limitations for appropriate deployment.
- **Preserving confidentiality:** Client confidentiality must be protected when using third-party AI platforms.

Challenges with Implementation

As a **firm**, what we keep in mind:

- Outside counsel guidelines
- Restricting the use of client information for training data
- Accuracy, privacy & security, benefit to our clients

As a **client**, what to keep in mind:

- Label AI generated work?
- Time entries to flag AI work?
- Cost savings v. risk?
- Clients used to prohibit legal research using online searches like Google. Commonplace now. Will AI go the same direction?

Best Practices

1. Bias and Fairness

Issue: AI systems can inherit biases present in the data they are trained on, potentially leading to unfair or discriminatory outcomes.

Guidance:

- Ensure diverse and representative training data.
- Regularly audit AI systems for bias.

2. Transparency and Explainability

Issue: AI decision-making processes can be opaque, making it difficult to understand how conclusions are reached.

Guidance:

- Use AI systems that provide clear, understandable explanations for their decisions.
- Maintain documentation on how AI systems are developed, trained, and validated and/or request the same from providers.
- Promote transparency by allowing stakeholders to review AI processes and outcomes.

3. Accountability and Responsibility

Issue: Determining who is responsible for AI-driven decisions can be challenging.

Guidance:

- Clearly define accountability structures within the legal department.
- Ensure human oversight of AI systems, with legal professionals validating AI-generated outputs.
- Establish protocols for addressing and correcting errors or adverse outcomes resulting from AI decisions.

4. Data Privacy and Security

Issue: AI systems often require large amounts of data, raising concerns about data privacy and security.

Guidance:

- Comply with data protection regulations (e.g., GDPR, CCPA).
- Implement robust data security measures, including encryption and access controls.
- Use anonymization and data minimization techniques to protect sensitive information.

Best Practices

5. Professional Competence and Due Diligence

Issue: Legal professionals must understand the capabilities and limitations of AI tools to use them effectively and ethically.

Guidance:

- Seek ongoing training and education on AI technologies for legal staff.
- Conduct thorough due diligence when selecting and deploying AI systems.
- Stay informed about developments in AI and legal technology.

6. Client Confidentiality

Issue: Ensuring that AI tools do not compromise client confidentiality is critical.

Guidance:

- Ensure your outside counsel provides information about their commitment to confidentiality and data security.
- Insist upon the use of AI systems that have strong confidentiality safeguards.
- Regularly review and update confidentiality policies in light of AI advancements.

7. Informed Consent

Issue: Clients should be aware of and consent to the use of AI in their legal matters.

Guidance:

- Expect outside counsel to explain/follow your expectations on how AI will be used in their matters.
- Obtain explicit consent from clients before employing AI tools, and/or review established lists of tools regularly.
- Firms should provide clients with information on the benefits and risks associated with AI use.

8. Ethical AI Development and Use

Issue: The ethical implications of AI extend beyond immediate legal applications to broader societal impacts.

Guidance:

- Support and adhere to ethical guidelines and frameworks for AI development and use (e.g., IEEE, AI Ethics Guidelines).
- Collaborate with AI developers to ensure ethical standards are met.
- Advocate for and contribute to the development of ethical AI practices within the legal industry.

Final Key Takeaways When Using AI

- Understand the Technology
- Verify the Results



Discussion and Q&A

Speaker Bios



Stephen Bartenstein

Partner, Covington & Burling LLP

Steve Bartenstein advises companies on the application of international trade controls, including export controls, sanctions, and antiboycott laws and regulations.

In his international trade controls practice, Steve counsels clients on U.S. exports controls regulations administered by the Commerce Department and State Department; economic sanctions programs administered by the Treasury Department; and compliance with U.S. antiboycott laws and regulations. He has particular experience helping companies navigate complex compliance and licensing matters relating to software, technology, and advanced computing export controls, as well as the defense trade controls in the International Traffic in Arms Regulations (ITAR). Steve also regularly advises on trade controls enforcement matters, and has helped international companies of all sizes develop or enhance their internal trade controls compliance programs and perform related risk assessments.

Steve has counseled leading U.S. and non-U.S. companies in the technology, pharmaceutical, medical device, defense and aerospace, and energy sectors, among others.



Isaac Chaput

Partner, Covington & Burling LLP

Isaac represents clients across a range of industries with a particular focus on technology and life sciences. Their practice encompasses privacy, product liability, trademark, trade secret, antitrust, breach of contract, and other commercial matters. Isaac has significant first-chair experience, having examined witnesses at trial, taken dozens of depositions, and argued numerous trial court motions and appeals. Clients value Isaac's creative, practical, and business-focused advice throughout the litigation lifecycle. They also frequently provide pre-litigation advice to clients facing potential commercial disputes, helping their clients obtain favorable resolutions while avoiding litigation. Isaac maintains an active pro bono practice, including representing transgender and non-binary individuals in civil rights cases.

Isaac is a co-chair of Covington's LGBTQ+ affinity group and deeply involved in the firm's efforts to recruit and mentor diverse attorneys, including LGBTQ+ attorneys.



Courtney Collins

Senior Corporate Counsel, Microsoft

Courtney Collins is Senior Corporate Counsel at Microsoft, where she leads legal strategy for data acquisition partnerships and responsible content sourcing to power AI innovation. Courtney partners with engineering and business teams on complex agreements that enable access to third-party content for machine learning and generative AI, within Microsoft's policies to uphold global data privacy and regulatory requirements. With deep expertise in technology law, intellectual property, and privacy, she helps shape frameworks that balance innovation, commercial terms, and risk management. Passionate about creating scalable solutions that support innovation, Courtney advises teams at the forefront of building legal models for cutting-edge technologies in a rapidly evolving legal landscape. Prior to this role, Courtney led enterprise commercial support for Microsoft's U.S. and Software & Digital Platforms division, as well as the Digital Natives team, a foundational sub-division focused on solidifying Microsoft's relationships with high-growth, cloud-first startups and unicorns for AI infrastructure and cloud services through strategic partnerships and innovative deal structures.



Kathleen Farley

Vice President of Litigation and Head of Progress Defense Fund, Chamber of Progress

Kathleen Farley has over a decade of experience as a litigator, and honed her First Amendment expertise representing media and technology companies at Davis Wright Tremaine LLP and at Cahill Gordon & Reindel LLP. She has managed complex civil disputes at all phases of the litigation process, in a wide range of copyright, defamation, information access, and antitrust matters. Kathleen also has experience counseling digital publishers, platforms, and services on mitigation of legal risk under the Copyright Act, Section 230, and unfair competition laws.

She has co-authored amicus briefs for the Supreme Court and Federal Appeals Courts concerning the First Amendment implications of federal laws and legal doctrines, including a brief on behalf of the Institute for Free Speech that was cited by Justice Kennedy in *Lozman v. City of Riviera Beach, Fla.*, 138 S. Ct. 1945, 1953 (2018).

Kathleen received the National Press Photographers Association First Amendment Award in 2023 for her work securing an agreement with the New York City Police Department (NYPD) to significantly revise and expand its training and policies in order to resolve claims brought by photojournalists who were assaulted and arrested by NYPD during the racial justice protests of 2020.



Megan Fouty

General Counsel and CHRO, Glowforge

Megan Fouty is the General Counsel and CHRO at Glowforge, Inc., a Seattle-based technology start-up that designs and produces 3D laser printers. Megan oversees the Legal, HR, customer support organization, recruiting, and the facilities team at Glowforge. Megan joined Glowforge's executive team during a period of rapid growth. Megan came from heading up the legal team at Convoy, Inc., another Seattle-based technology start up. In addition to her day job, Megan founded and runs Diversity University, a company that provides diversity, equity, and inclusion tools such as trainings, project management, or assists in investigations for companies, law firms, and organizations. Megan's background includes both law firm and in-house experience with previous senior legal positions at Moss Adams, one of the country's largest public accounting firms and Expeditors International, a Fortune 500 international logistics company. Megan serves on the board of directors for Providence Pediatric Hospice of Seattle. Recently, she was awarded the Top 10 30-Somethings by ACC National, received the "Legal MVP Award" by SimpleLegal, she was listed in Marquis 2022 Who's Who in America, was featured on the International "The Counsel" Podcast, and was recognized by Women, Influence and Power in Law for Championing Diversity in-house and for Innovative Leadership. She has spoken around the country on a wide range of topics and is seen as a prominent leader in the legal community. She recently published her book, *The Art of Networking*, providing anyone looking for career progression or to grow a more robust network with tangible tools and advice to do so.



John Graham

Senior Director, Business & Commercial Legal, F5 Inc.

John Graham, Senior Director, Legal at F5, Inc., has extensive experience addressing the legal and regulatory complexities of software and SaaS licensing, cloud computing, generative AI, and government contracting. His work spans both public and private sectors, with a focus on compliance, regulatory strategy, and guiding products through the entire lifecycle—from development to deployment to retirement.

At F5, John has led efforts to integrate cutting-edge technologies like AI into product offerings and internal processes, ensuring regulatory compliance while fostering innovation. He has also developed scalable licensing frameworks and streamlined contracting processes, driving efficiency and delivering results in highly regulated environments, including government procurement.

John's practical and business-focused approach to navigating emerging legal challenges makes him a trusted voice on balancing risk, compliance, and technological innovation in fast-evolving industries.



K.C. Halm

Partner, Co-Lead of AI Team, and Chair of Communications Practice, Davis Wright Tremaine LLP

K.C. Halm is co-chair of the firm's Technology, Communications, Privacy & Security practice, and co-lead of the firm's AI Team. He provides strategic advice and regulatory counseling to companies developing and deploying AI systems.

K.C. guides AI developers and users through the emerging regulatory and legal risks arising in this area. He has advised clients on a variety of issues, including risks surrounding the use of scraped data for training AI; the development of policies to ensure the implementation and use of responsible, trustworthy, transparent, and ethical AI; the development of AI policy frameworks for federal and state legislation; and risks surrounding the deployment of facial recognition and computer vision technologies.



Alex Hill

Senior Counsel, Litigation, Match Group

Alexandra (Alex) Hill serves as Director, Senior Counsel, Litigation at Match Group, where she works on the team responsible for managing litigation and investigations across the company's global portfolio of brands—including Tinder, Hinge, OkCupid, and more. In this role, Alex provides strategic legal advice and counsel on a wide range of issues, helping guide the company's approach to risk management, compliance, and dispute resolution. Before joining Match Group, Alex was an attorney at Manatt, Phelps & Phillips, LLP, where her practice focused on consumer protection and complex litigation.



Chris Hydak

Assistant General Counsel, Microsoft

Chris leads the central privacy strategy and guidance legal team at Microsoft. His work includes advising on global privacy laws and regulations across Microsoft's broad swath of products.



Matt Jedreski

Counsel, Davis Wright Tremaine LLP

Matt uses strategic thinking, creativity, and common sense to guide employers through compliance issues, litigation, and tough decisions. He has significant experience trying cases to a jury and in arbitration, primarily involving employment disputes but also including commercial and criminal matters.

He regularly counsels employers on local, state, and federal law, helps with creating and delivering workplace trainings, and advises employers on the use of artificial intelligence in personnel management processes.



Carson Klingenberg

General Counsel, Poolside

Carson is the General Counsel at Poolside, Inc. Prior to joining Poolside, Carson spent four years in AWS's machine-learning products group, focusing on language-based ML products and services. Carson's area of expertise for this panel is copyright as applied to ML systems.



Filipp Kofman

Partner, Davis Wright Tremaine LLP

Filipp Kofman is a partner in the firm's technology group and co-leader of the firm's AI Team. Filipp's practice focuses on negotiating agreements and counseling clients on matters involving intellectual property, technology, and data, including deployment and implementation of artificial intelligence technologies and systems.

A key part of his practice involves advising companies on matters involving the development, procurement, use, and commercialization of innovative AI systems, models, and datasets, including generative AI models. He routinely advises companies in high-growth technology sectors, such as AI, cloud services, and cybersecurity, and structures and negotiates critical transactions of their behalf.



Ambika Kumar

Partner and Co-Chair of Media Law Practice, Davis Wright Tremaine LLP

Ambika Kumar's practice focuses on the legal risks posed by content. With a deep understanding of how free speech principles apply to evolving technology, Ambika represents some of the world's leading technology and media companies in cutting-edge litigation. She has particular experience defending internet intermediaries under Section 230 of the Communications Decency Act and other federal protections. She has helped defeat efforts to censor or otherwise challenge content in courts around the country, working on more than a dozen lawsuits seeking to invalidate regulations on First Amendment grounds. She also regularly advises on and litigates other First Amendment issues, defamation, and copyright.

Ambika is consistently recognized as one of the top lawyers in her field, earning from Law360 "MVP of the Year" in Media & Entertainment in 2021 and in Technology in 2024, recognized as a "Trailblazer" in First Amendment in 2020 by the National Law Journal, and listed as one of "America's Top 200 Lawyers" by Forbes magazine in 2024 and 2025.



Greg Luloff

Associate General Counsel, Privacy, Amazon

Greg graduated from Northwestern University Law School in 2005 and then joined K&L Gates, where he worked in the corporate group, mainly focused on M&A and other corporate transactions. In 2010, Greg started at Amazon, where he has worked in several practice areas, including supporting Amazon's consumer and video business, operations and fulfillment, and most recently heading up Amazon's privacy group. Before law school, Greg was a US Peace Corps volunteer in Novosibirsk, Russia.



Leeanne Mancari

Partner, Covington & Burling LLP

Leeanne Mancari is co-chair of the firm's E-Discovery, AI, and Information Governance Practice, and is a Chambers-ranked e-discovery litigator and advisor. She guides clients on all aspects of national and international discovery, and frequently serves as lead e-discovery counsel on large-scale and highly-publicized litigations, including multidistrict and other complex litigations.

Leeanne strategically counsels clients on complex discovery issues to form defensible, efficient, and creative solutions for litigations and investigations. She routinely litigates discovery-related issues and appears in state and federal courts. Leveraging her deep knowledge on cutting-edge technology – including AI and machine learning – Leeanne formulates efficient and effective workflows for all phases of data preservation, collection, review, and production, and has expertise dealing with extraordinary volumes of documents and complex data sources.

Further, Leeanne counsels clients in pre-litigation and non-litigation settings related to information management, including preservation, records management, defensible deletion, risk assessments, and related policies and procedures. Leeanne also advises on international data transfer issues.

Leeanne is a highly regarded global thought leader in the e-discovery arena and has spoken and published extensively. She has held several leadership positions in The Sedona Conference Working Group 6, which focuses on international e-discovery and information governance issues. In her role as Chair of the Steering Committee, Leeanne frequently speaks as a panelist on topics in e-discovery, AI, international electronic information, and disclosure, among others.



Brian McMahon

Senior Copyright Counsel, Intellectual Property, Microsoft

Brian McMahon serves as Senior Copyright Counsel in the Intellectual Property Group (IPG) of Microsoft's Corporate, External & Legal Affairs (CELA), supporting IPG's AI & Open Innovation initiatives. He advises product and policy teams on copyright, licensing, and generative AI issues across consumer and enterprise experiences, with a focus on practical risk mitigation and developer guidance. His recent counseling spans matters such as third-party copyright concerns, product UX disclosures, and emerging global litigation trends around AI training and Retrieval Augmented Generation. His current speaking engagements focus on issues found at the intersection of copyright law and AI, but he has also spoken previously on topics ranging from Intellectual Property Fundamentals to Assistive Technologies for Disabled Legal Professionals.

(Pronunciation: brEYE-en mick-MAN; pronouns: he/him.)



Shannon McNeal

Partner, Davis Wright Tremaine LLP

Shannon McNeal focuses her practice on technology, privacy, and security, specializing in contracts relating to marketing, advertising, entertainment, and consumer matters. She regularly assists clients by drafting and negotiating agreements of various kinds for the technology industry. Shannon also provides product counseling relating to technology and technology commercialization, including related regulatory matters.

In addition, Shannon provides advertising, marketing, and promotions counseling on a wide-range of consumer protection issues for various content streams including social media, digital media campaigns, websites, TV commercials, print media, contests, sweepstakes, employee incentive programs, and more.



Brandon Palmen

Partner, Covington & Burling LLP

Brandon Palmen assists clients in a wide range of industries with their commercial and intellectual property transactions. He drafts and negotiates agreements with key customers, suppliers, and technology development partners, complex data and intellectual property license agreements, and agreements associated with mergers, acquisitions, investments, and joint ventures where technology and intellectual property rights are key assets or concerns. He regularly represents clients whose relevant products and services include artificial intelligence solutions, sensors, software, and services for connected and automated vehicles, virtual and augmented reality devices and services, cloud infrastructure and services, advertising platforms and services, social media platforms, semiconductors, digital health products, financial tools and software, online education services, mobile applications, and other electronics, software, cloud services, and digital content. Brandon also regularly advises clients on open source strategy and compliance and performs IP and commercial due diligence.



Carolyn Rashby

Of Counsel, Covington & Burling LLP

Carolyn Rashby is Of Counsel in Covington & Burling's Employment Practice Group in the firm's San Francisco office. Carolyn provides business-focused advice and counsel to companies navigating the constantly evolving and overlapping maze of federal, state, and local employment requirements. Carolyn's approach is preventive, while recognizing the need to set clients up for the best possible defense should disputes arise. As an employment lawyer with over two decades of experience, Carolyn focuses on a wide range of compliance and regulatory matters for employers, including providing guidance on use of AI in the workplace and development of related policies; providing strategic counseling on workplace privacy, discrimination and harassment issues, wage and hour matters, worker classification, accommodations and leave management, performance management and termination decisions, workplace violence, and employee handbooks; and leading anti-harassment and other workplace-related trainings for employees, executives, and boards. Also, as a senior member of Covington's Institutional Culture and Social Responsibility Practice Group, Carolyn has co-led significant investigations into workplace culture, DEI issues, and reports of sexual misconduct and workplace harassment. Carolyn received her JD from Berkeley Law.



David Rice

Partner, Davis Wright Tremaine LLP

David leverages more than 20 years of experience in privacy and security to guide clients through the challenge of complying with rapidly multiplying and complex laws in a multi-jurisdictional environment. Drawing on his extensive knowledge of the full spectrum of federal, state, and international privacy and data protection laws, David advises clients regarding a wide range of difficult privacy questions and helps them understand and manage risk. He works closely with clients to understand their unique needs and concerns and to develop tailored and pragmatic solutions that meet their legal and business requirements.



James Rosenfeld

Partner, Davis Wright Tremaine LLP

Jim Rosenfeld litigates for and counsels clients on risks and claims relating to their content. He represents a wide range of internet content and service providers, and publishers and broadcasters in every medium. His cases span media, intellectual property, and internet law - including copyright, trademark, defamation, right-of-publicity, invasion of privacy, freedom of information law, reporter's privilege, and commercial matters. He has particular expertise on issues unique to content providers on the internet and other new platforms, including the DMCA and CDA legal immunities for user-generated content; liability arising from linking, sharing, distributing, embedding, moderating, and aggregating content; and issues relating to online advertising, social media, bots, artificial intelligence, and piracy. Ranked by Chambers USA as one of "America's Leading Lawyers for Business" in Media & Entertainment: Litigation and First Amendment Litigation, Jim focuses his practice on the specific needs of his media, entertainment, and tech clients, keeping current on changes in their industries so he can best tailor advice to help them achieve their business goals.



Sam Shaddox

General Counsel and Chief Privacy Officer, Seekout

Sam Shaddox is the General Counsel and Chief Privacy Officer at SeekOut. SeekOut's new AI-driven platform is revolutionizing hiring by dramatically shortening timelines, significantly enhancing candidate quality, and reducing costs—giving organizations an unprecedented edge in talent acquisition.

With over a decade of experience advising technology companies—ranging from startups to Fortune 10 enterprises—Sam brings a wealth of expertise to the HR and talent acquisition space. Sam began his legal career as a corporate associate at Perkins Coie, where he advised high-growth companies on complex corporate matters. He later transitioned in-house to provide hands-on legal guidance to rapidly scaling organizations, helping them navigate growth and innovation. At SeekOut, Sam plays a key role on the executive team, guiding the company's approach to critical areas like privacy, compliance, and the responsible use of AI in talent management systems.



Mariama Swedish

Vice President and Deputy General Counsel, Regulated Industries and Compliance Solutions, Cisco Systems, Inc.

Mariama Swedish currently serves as Vice President and Deputy General Counsel, Regulated Industries and Compliance Solutions at Cisco Systems, Inc. At Cisco, her work involves design, scale, and execution of regulatory risk management and strategic compliance initiatives. She leads Cisco's Regulatory & Compliance Solutions team which engages across the company to assess and address regulatory risks; and introduces innovative solutions to enable business priorities across regulated industries and solution areas. Her work spans various compliance and regulatory areas including legal advising, tooling solutions, and processes across telecommunications, public sector, market access and product compliance, digital accessibility, and environmental affairs, among other key areas of Cisco's operations.

Before her tenure at Cisco, she held several corporate legal roles at notable technology companies including Microsoft, where she led compliance strategy for public sector and launched the company's tech-based framework for managing regulatory governance globally. Prior to Microsoft, she held the title of Ethics and Compliance Officer at Cognizant Technology Solutions. In this role, she was responsible for managing compliance programs, advising on mergers and acquisitions, regulated industries, and product launches. Her earlier work focused on helping companies successfully navigate and participate in highly regulated government procurement and grant programs.



Lindsey Tonsager

Partner, Covington & Burling LLP

Lindsey Tonsager co-chairs the firm's global Data Privacy and Cybersecurity practice. She advises clients in their strategic and proactive engagement with the Federal Trade Commission, the U.S. Congress, the California Privacy Protection Agency, and state attorneys general on proposed changes to data protection laws, and regularly represents clients in responding to investigations and enforcement actions involving their privacy and information security practices.

Lindsey's practice focuses on helping clients launch new products and services that implicate the laws governing the use of artificial intelligence, data processing for connected devices, biometrics, online advertising, endorsements and testimonials in advertising and social media, the collection of personal information from children and students online, e-mail marketing, disclosures of video viewing information, and new technologies.

Lindsey also assesses privacy and data security risks in complex corporate transactions where personal data is a critical asset or data processing risks are otherwise material. In light of a dynamic regulatory environment where new state, federal, and international data protection laws are always on the horizon and enforcement priorities are shifting, she focuses on designing risk-based, global privacy programs for clients that can keep pace with evolving legal requirements and efficiently leverage the clients' existing privacy policies and practices. She conducts data protection assessments to benchmark against legal requirements and industry trends and proposes practical risk mitigation measures.



Daniel M. Waggoner

Partner, Davis Wright Tremaine LLP

Dan Waggoner focuses on communications, media, and intellectual property issues under the Communications Act, intellectual property laws, and the First Amendment. Dan was one of the architects of DWT's practice serving the converging communications, media, entertainment, and technology industries and has served those industries throughout his many years of practice.

During this career Dan has represented Microsoft, Time Warner, T-Mobile, and Amazon, as well as producers and content providers for streaming and other distribution channels.

Dan's areas of focus include:

- Advising technology, media and communications companies on product and service rollouts and the regulatory issues for them.
- Working with companies throughout the wireless ecosystem on a range of strategic transactional and regulatory matters, including resale and MVNO relationships.
- Assisting clients with the contracts and other aspects of the infrastructure for cloud and AI services.
- Negotiating content, communications, logistics, and technology contracts, as well as joint ventures and strategic transactions.
- Advising media, entertainment, and production companies and distributors on clearance and IP issues.
- Litigating and advising on specialized issues under the First Amendment, intellectual property laws, and the Communications Act.



Vivian Wang

Senior Corporate Counsel, Amazon Web Services (AWS)

Vivian Wang is Senior Corporate Counsel at Amazon Web Services. She's spent over five years in AWS Products Legal supporting a range of products, with a focus on AI/ML work in the past couple of years. She's currently product counsel for Amazon Bedrock, and leads commercial relationships with third-party model providers and has extensive experience in data licensing deals, model provider agreements, and customer-facing AI terms. Vivian brings real-world experience to the complex contractual challenges that come with AI development.



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