

Artificial Intelligence & the Law

SPRING 2026

PETER ORMEROD

Villanova University Charles Widger School of Law

COURSE SYLLABUS

MEETINGS: Tuesday, 1:30 – 3:30 PM

LOCATION: Room 301A

INSTRUCTOR: Professor Ormerod (OR · MUR · ODD)

OFFICE: Room 244

EMAIL: peter.ormerod@law.villanova.edu

**OFFICE
HOURS:** Thursday, 12 – 3 PM
[SIGN UP](#)

1. COURSE DESCRIPTION

Artificial intelligence, machine learning, predictive analytics, and related terms refer to a set of computationally intensive information technologies that augment and substitute for human intelligence in the performance of cognitive tasks. AI technologies today are adept at recognizing latent patterns and at making predictions—or inferences—based on that pattern recognition. While these technologies have a long lineage, they have recently come to the fore of the popular imagination thanks to consumer-facing applications like OpenAI's ChatGPT. As companies have increasingly sought to develop and implement AI and as organizations and consumers increasingly seek out and rely on these technologies, courts, policymakers, and commentators are increasingly questioning how they map onto existing

V.1 (6 JAN. 2026)

law.

This seminar will explore this collision between law and AI, and it will examine whether and how AI challenges assumptions that underlie existing regulatory regimes. Topics covered in class will include intentional and unintentional torts, intellectual property, criminal law and procedure, and free speech. Optional readings cover additional subjects, including privacy, discrimination, national security, and the practice of law. This seminar will prepare students to be critical and informed participants in the legal developments, disputes, and discourses surrounding AI technologies.

2. COURSE OBJECTIVES

At the end of the course:

1. Students will be able to explain and apply core legal doctrines (e.g., tort, intellectual property, criminal procedure, free speech) to emerging factual scenarios involving AI technologies, and evaluate how AI challenges the assumptions underlying those doctrines.
2. Students will have designed and executed a detailed research plan that identifies and synthesizes a wide range of sources—judicial opinions, statutes, regulations, technical literature, and scholarly commentary—relevant to the regulation of AI.
3. Students will have analyzed and critiqued existing regulatory regimes in light of AI's distinctive technical and social features, and propose reforms or interpretive approaches that address the normative and policy questions raised by AI systems.
4. Students will have produced a substantial, well-organized research paper that articulates a clear thesis, integrates doctrinal and policy analysis, and defends a reasoned position on an important question in AI and the law, suitable for possible publication or professional use.
5. Students will have presented and defended their research in seminar discussions, individual meetings, and in a public-speaking format, demonstrating the ability to communicate complex ideas clearly, respond to critique, and engage with competing perspectives in a professional and scholarly manner.

3. MATERIALS

The substantive readings for this semester are linked on Blackboard and arranged in folders using the numbering convention from §§ 8–9. Please also note that some of the readings contain pincites. There is admittedly a lot of reading for each of our five substantive class meetings, so I recommend planning ahead, practicing skimming—a skill essential to the practicing lawyer—and using generative AI services to summarize lengthy readings.

4. OFFICE HOURS

My office hours will be held in person on Thursdays from 12 to 3 PM. Use [this link](#) to sign up and reserve one of the 15-minute blocks. Feel free to sign up in groups or to invite other students to join you during your reserved block. Absent extraordinary circumstances outside of your control, you should keep any appointments you make. If you need to arrange an appointment at another time, please email me. You're also welcome to stop by without an appointment, but those who've booked time in advance take precedence.

5. GRADES

5.1 PARTICIPATION

This is a discussion-based course, and meaningful engagement with the material is required and expected. The purpose of our meetings is to have an intellectually stimulating discussion about the substantive reading assignments. I will take volunteers and may call on students to contribute to the discussion.

Participation grades are based solely on the quality of your contributions to our weekly discussions, and you'll receive a participation grade for each of our class meetings that has a substantive reading assignment. After each class, I will record my contemporaneous impression of each student's contributions. *Exceptional contributions to the discussion* (exceeds expectations) earns five points; *adequate contributions to the discussion* (meets expectations) earns four points; *inadequate contributions to the discussion* (does not meet expectations) earns three points; no contributions, manifestly poor contributions, and absences earn zero points.

Individual weekly scores are averaged across the semester, and at the end of the semester, each individual average is standardized. Participation grades are worth 15% of the final course grade.

5.2 RESEARCH PAPER

You are required to produce a research paper longer than 9000 words on a topic related to the seminar. Detailed instructions will be discussed in class.

A paper proposal (5%) is due on February 24; an outline and bibliography (5%) including no fewer than a dozen sources is due on March 10; an initial draft (5%) of at least 2500 words is due March 31; and you will give an oral presentation (5%) concerning your research on either April 7 or April 14. Final drafts of the paper (65%) are due on April 21.

All assignments should be submitted to me via email in .DOCX or .PDF format no later than 11:59:59 PM ET on their respective deadlines, along with a completed copy of the generative AI disclosure form.

Half credit is available for unexcused late assignments received within 24 hours of the deadline, and one-quarter credit is available for unexcused papers received more than 24 hours but less than one week after the deadline.

5.3 FINAL COURSE GRADES

Final course grades will be standardized and assigned according to the Law School's policies and procedures using the assignment weights articulated above. I reserve the right to change any student's final course grade by one-third of a letter grade based on participation, attendance, behavior, conduct, effort, and professionalism.

6. POLICIES

6.1 ATTENDANCE

Academic Rule 3 articulates the Law School's attendance policy, and it is hereby incorporated by reference. Attendance is mandatory and anyone who misses more than one class meeting will be referred to the Assistant Dean of Students and Academic Success, who may impose the sanction of exclusion from the course. If you know about an absence in advance or if absences result from extraordinarily circumstances beyond your control, I recommend that you arrange an office hours meeting with me to discuss the particulars of your situation.

6.2 ELECTRONICS

Using a laptop or tablet in class for purposes unrelated to class—anything other than accessing the reading assignments, your notes, or using genera-

tive AI services in response to class discussions—is prohibited. Using a phone during class is prohibited. Violations of these rules may subject you to discretionary grade penalties articulated in § 5.3.

6.3 GENERATIVE AI

You are permitted—indeed, encouraged—to use generative AI technologies in this class. We will spend some time reviewing the various offerings during our first class meeting, but I encourage you to experiment with them for both purposes related and unrelated to this course.

There is a detailed AI disclosure form on Blackboard that you must complete and include with each written assignment. Failing to accurately describe your AI use on the disclosure form or in response to my questions constitutes a violation of the Academic Code of Conduct.

6.4 PROFESSIONALISM

As a member of a professional graduate school community, your conduct is expected to conform to the norms of the legal profession.* Failures of professionalism may subject the offending student to discretionary grade penalties articulated in § 5.3 and referral to the Law School's student misconduct process.

6.5 ACADEMIC INTEGRITY

The Student Handbook's Academic Code of Conduct is hereby incorporated by reference. You are presumed to know and understand the contents of the Code of Conduct.

6.6 RECORDING

Our class meetings are automatically recorded, but in light of the seminar format, recordings will only be provided on an as-needed basis. You may

* Conduct that falls below this baseline expectation includes (without limitation) arriving to class late; packing up or leaving class early; failing to observe proper decorum in interactions with faculty, staff, or other students; and engaging in other forms of misconduct as defined by the Student Handbook.

not save, retain, or rerecord any portion of any recording. The Student Handbook provides: “Any authorized course recording is solely for the student’s educational use for personal study for the course; a course recording may not be 1) reproduced or uploaded to publicly or privately accessible web environments or networks; 2) shared with others; or 3) exchanged or distributed for commercial or non-commercial purposes, with or without compensation, for any purpose.” I understand this prohibition to include sharing or uploading any portion of any recording—including transcriptions—to generative AI services.

6.7 ACCOMMODATIONS

If you wish to request academic accommodations, please contact Rebecca Scalio, the Associate Director of Academic Success.

7. SCHEDULE

WEEK 1:	<i>No meeting</i>	JAN. 13
WEEK 2:	1. Introduction & Overview	JAN. 20
WEEK 3:	2. Torts	JAN. 27
WEEK 4:	3. Intellectual Property	FEB. 3
WEEK 5:	4. Criminal Law & Procedure	FEB. 10
WEEK 6:	5. Speech	FEB. 17
WEEK 7:	Paper Topic Proposal Due	FEB. 24
BREAK:	<i>No meeting</i>	MAR. 3
WEEK 8:	Outline & Bibliography Due	MAR. 10
WEEK 9:	One-on-One Meetings	MAR. 17
WEEK 10:	One-on-One Meetings	MAR. 24
WEEK 11:	Initial Draft Due	MAR. 31
WEEK 12:	6. Student Talks	APR. 7
WEEK 13:	7. Student Talks	APR. 14
WEEK 14:	Final Draft Due	APR. 21

8. ASSIGNMENTS

1. Introduction & Overview

JAN. 20

- 1.1 Frank H. Easterbrook, *Cyberspace and the Law of the Horse*, 1996 U. CHI. LEGAL F. 207, 207–08 (1996)
- 1.2 Harry Surden, *ChatGPT, AI Large Language Models, and Law*, 92 FORDHAM L. REV. 1941 (2024)
- 1.3 Timothy B. Lee & Sean Trott, *Large language models, explained with a minimum of math and jargon*, UNDERSTANDING AI (July 27, 2023)
- 1.4 Myra Cheng, Cino Lee, et al., *Sycophantic AI Decreases Prosocial Intentions and Promotes Dependence*, 1–3 (Oct. 1, 2025)
- 1.5 Casey Newton, *OpenAI Maps Out the Chatbot Mental Health Crisis*, PLATFORMER (Oct. 27, 2025)
- 1.6 Kevin Roose, *A.I. Poses ‘Risk of Extinction,’ Industry Leaders Warn*, N.Y. TIMES (May 30, 2023)

OPTIONAL:

- 1.7 Andrew Marantz, *O.K., Doomer*, NEW YORKER (Mar. 18, 2024)
- 1.8 Jonathan H. Choi, Kristin E. Hickman, et al., *ChatGPT Goes to Law School*, J. LEGAL EDU. (2023)
- 1.9 Kevin L. Cope, Jens Frankenreiter, et al., *Grading Machines: Can AI Exam-Grading Replace Law Professors?* (Dec. 3, 2025)

2. Torts

JAN. 27

- 2.1 Eugene Volokh, *Large Libel Models? Liability for AI Output*, 3 J. FREE SPEECH L. 489 (2023)
- 2.2 Jane Bambauer, *Negligent AI Speech: Some Thoughts About Duty*, 3 J. FREE SPEECH L. 343 (2023)
- 2.3 Mark A. Geistfeld, *A Roadmap for Autonomous Vehicles: State Tort Liability, Automobile Insurance, and Federal Safety Regulation*, 105 CAL. L. REV. 1611, 1614–74 (2017)
- 2.4 Jonathan Slotkin, *The Data on Self-Driving Cars Is Clear. We Have to Change Course.*, N.Y. TIMES (Dec. 2, 2025)
- 2.5 Mihailis E. Diamantis, *Reasonable AI: A Negligence Standard*, 78 VAND. L. REV. 573, 575–81 (2025)

- 2.6 Anat Lior, *Holding AI Accountable: Addressing AI-Related Harms Through Existing Tort Doctrines*, U. CHI. L. REV. ONLINE (Nov. 2023)

OPTIONAL:

- 2.7 Peter Henderson, Tatsunori Hashimoto, and Mark Lemley, *Where's the Liability in Harmful AI Speech?*, 3 J. FREE SPEECH L. 589 (2023)
- 2.8 Isaiah Poritz, *First ChatGPT Defamation Lawsuit to Test AI's Legal Liability*, BLOOMBERG (June 11, 2023)
- 2.9 Jon M. Garon, *An AI's Picture Paints a Thousand Lies: Designating Liability for Visual Libel*, 3 J. FREE SPEECH L. 425 (2023)
- 2.10 Bryan H. Choi, *Software as a Profession*, 33 HARV. J. L. & TECH. 557 (2020)

3. Intellectual Property

FEB. 3

- 3.1 Timothy B. Lee, *Copyright lawsuits pose a serious threat to generative AI*, UNDERSTANDING AI (Mar. 30, 2023)
- 3.2 Katherine Lee, A. Feder Cooper, and James Grimmelman, *Talkin' 'Bout AI Generation: Copyright and the Generative-AI Supply Chain*, J. COPYRIGHT SOCIETY 251, 307-74 (2024)
- 3.3 *Thompson Reuters v. Ross Intelligence*, 765 F. Supp. 3d 382 (D. Del. 2025)
- 3.4 *Bartz v. Anthropic*, 787 F. Supp. 3d 1007 (N.D. Cal. 2025)
- 3.5 Cade Metz, *Anthropic Agrees to Pay \$1.5 Billion to Settle Lawsuit With Book Authors*, N.Y. TIMES (Sept. 5, 2025)
- 3.6 *Kadrey v. Meta Platforms*, 788 F. Supp. 3d 1026 (N.D. Cal. 2025)

OPTIONAL:

- 3.7 Matthew Sag, *Fairness and Fair Use in Generative AI*, 92 FORDHAM L. REV. 1887 (2024)
- 3.8 Matthew Sag, *Copyright Safety for Generative AI*, 61 HOUSTON L. REV. 295 (2023)

4. Criminal Law & Procedure

FEB. 10

- 4.1 Rashida Richardson, Jason Schultz, and Kate Crawford, *Dirty Data, Bad Predictions: How Civil Rights Violations*

- Impact Police Data, Predictive Policing Systems, and Justice*, 94 N.Y.U. L. REV. ONLINE 192 (2019)
- 4.2 Sandra G. Mayson, *Bias In, Bias Out*, 128 YALE L.J. 2218, 2221–27 (2019)
- 4.3 Mara Hvistendahl, *How the LAPD and Palantir Use Data to Justify Racist Policing*, THE INTERCEPT (Jan. 30, 2021)
- 4.4 Michael Brenner, Jeannie Suk Gersen, et al., *Constitutional Dimensions of Predictive Algorithms in Criminal Justice*, 55 HARV. C.R.-C.L. L. REV. 267, 267–301 (2020)
- 4.5 Itay Ravid, *(Re)Individualizing Criminal Law*, 67 B.C. L. REV. ____ (forthcoming 2026)
- 4.6 Matthew Tokson, *Artificial Intelligence and the Anti-Authoritarian Fourth Amendment*, 27 U. PENN. J. CONST. L. 1067, 1067–90 (2025)

OPTIONAL:

- 4.7 Andrew Guthrie Ferguson, *Facial Recognition and the Fourth Amendment*, 105 MINN. L. REV. 101 (2021)
- 4.8 Ryan Abbott & Alex Sarch, *Punishing Artificial Intelligence: Legal Fiction or Science Fiction*, 53 U.C. DAVIS L. REV. 323 (2019)

5. Speech & Content Moderation**FEB. 17**

- 5.1 Thor Benson, *This Disinformation Is Just for You*, WIRED (Aug. 1, 2023)
- 5.2 Casey Newton, *YouTube Opens Its Doors to Deepfakes*, PLATFORMER (Nov. 14, 2023)
- 5.3 Steven Lee Myers & Stuart A. Thompson, *A.I. Videos Have Flooded Social Media. No One Was Ready.*, N.Y. TIMES (Dec. 8, 2025)
- 5.4 Brett M. Frischmann & Peter Ormerod, *Regulating Manipulative Design Features Is Not Preempted by Section 230 or the First Amendment*, 75 EMORY L.J. ____ (forthcoming 2026)
- 5.5 Note, *Beyond Section 230: Principles for AI Governance*, 138 HARV. L. REV. 2409 (2025)
- 5.6 Sam Schechner, Rob Barry, et al., *How TikTok Brings War Home to Your Child*, WALL ST. J. (Dec. 22, 2023)
- 5.7 *In re Social Media Adolescent Addiction/Personal Injuries*

Products Liability Litigation, 702 F. Supp. 3d 809, 824–37 (N.D. Cal. 2023)

- 5.8 Jeff Horwitz & Katherine Blunt, *Meta Is Struggling to Boot Pedophiles Off Its Platforms*, WALL ST. J. (Dec. 1, 2023)

OPTIONAL:

- 5.9 Lilian Weng, Vik Goel, and Andrea Vallone, *Using GPT-4 for content moderation*, OPENAI (Aug. 15, 2023)
- 5.10 Evelyn Douek, *Content Moderation as Systems Thinking*, 136 HARV. L. REV. 526 (2023)
- 5.11 Peter Ormerod, *Data Governance's First Amendment Opportunity* (forthcoming 2026)

9. SUPPLEMENTAL READING LISTS

6. Privacy

- 6.1 Alicia Solow-Niederman, *Information Privacy and the Inference Economy*, 117 NW. U. L. REV. 357 (2022)
- 6.2 Peter Ormerod, *Regulating Data Monetization*, 13 TEXAS A&M L. REV. ____ (forthcoming 2026)
- 6.3 Jeremy White, *How Strangers Got My Email Address From ChatGPT's Model*, N.Y. TIMES (Dec. 22, 2023)
- 6.4 Daniel Solove, *Artificial Intelligence and Privacy*, 77 FLORIDA L. REV. 1 (2025)

7. Discrimination & Bias

- 7.1 Danielle Keats Citron & Frank A. Pasquale, *The Scored Society: Due Process for Automated Predictions*, 89 WASH. L. REV. 1 (2014)
- 7.2 Elana Zeide, *The Silicon Ceiling: How Artificial Intelligence Constructs an Invisible Barrier to Opportunity*, 91 U. MISS.-KAN. CITY L. REV. 403 (2022)
- 7.3 Solon Barocas & Andrew D. Selbst, *Big Data's Disparate Impact*, 104 CAL. L. REV. 671 (2016)
- 7.4 Ariana Tobin & Ava Kofman, *Facebook Finally Agrees to Eliminate Tool That Enabled Discriminatory Advertising*, PROPUBLICA (June 22, 2022)
- 7.5 Leonardo Nicoletti & Dina Bass, *Humans Are Biased*.

Generative AI Is Even Worse, BLOOMBERG (June 9, 2023)

- 7.6 Note, *Resetting Antidiscrimination Law in the Age of AI*, 183 HARV. L. REV. 1562 (2025)

8. National Security

- 8.1 Eric Lipton, *A.I. Brings the Robot Wingman to Aerial Combat*, N.Y. TIMES (Aug. 27, 2023)
- 8.2 Eric Lipton, *As A.I.-Controlled Killer Drones Become Reality, Nations Debate Limits*, N.Y. TIMES (Nov. 21, 2023)
- 8.3 Rebecca Crotoof, *Autonomous Weapon Systems and the Limits of Analogy*, 9 HARV. NAT'L SEC. J. 51 (2018)
- 8.4 Gregory C. Allen, *Choking off China's Access to the Future of AI*, CENTER FOR STRATEGIC & INTERNATIONAL STUDIES (Oct. 11, 2022)
- 8.5 Ana Swanson, *U.S. Tightens China's Access to Advanced Chips for Artificial Intelligence*, N.Y. TIMES (Oct. 17, 2023)

9. Practice of Law

- 9.1 Benjamin Weiser & Nate Schweber, *The ChatGPT Lawyer Explains Himself*, N.Y. TIMES (June 8, 2023)
- 9.2 Devin Coldewey, *No ChatGPT in my court: Judge orders all AI-generated content must be declared and checked*, TECHCRUNCH (May 30, 2023)
- 9.3 Andrew M. Perlman, *The Implications of ChatGPT for Legal Services and Society* (forthcoming)
- 9.4 Michael C. Dorf, *Law-Specific Large Language Model Generative AI Interim Report: Lexis+AI Versus GPT-4*, DORF ON LAW (Nov. 6, 2023)
- 9.5 Michael J. de la Merced, *Harvey, a Maker of A.I. Legal Software, Raises New Funds*, N.Y. TIMES (Dec. 4, 2025)