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LAW & BIG DATA

How Information Analytics Will Change the Law

International Conference
Paris, France, March 17-18, 2017

Palais Du Luxembourg (Salle Clemenceau)
Maison du Barreau (Auditorium)



The Big Data revolution is pushing the boundaries of law and jurisprudence. Various regulated activities are shifting from human to data-driven machine control governed by contractual platforms instead of licensing regimes. How should the law address this profound transition? Does Big data transform the law itself – lawyering, judging, lawmaking?

This symposium explores how data technologies are changing the fundamental nature of law, of the legal process, contracts, and of the activities law regulates. It examines the role that law can serve in regulating data driven activities and the relevance of existing justifications for regulation.

FRIDAY, MARCH 17, 2017

8:40 Welcome Coffee (salle René Coty)

9:00 - 9:10 Welcome speech by **Florence G'sell**, Institut François Génys and **Omri Ben-Shahar**, University of Chicago Law School

9:10 - 9:30 Introduction by **Guy Canivet**, former Premier Président of Cour de Cassation and former member of the Constitutional Council

I. THE DATA ANALYTICS REVOLUTION

9:30 - 11:00

UNDERSTANDING BEHAVIORS WITH DATA ANALYTICS

CHAIR: **Christian Licoppe** Professor, Sociology of Information and Communication Technologies, Télécom ParisTech

Serge Abiteboul, Senior Researcher INRIA, Member of the French Academy of Sciences, *Big Data and Human Sciences*

Elizabeth Beasley, Head of CEPREMAP Well Being Observatory, *Using Google Trends to Assess Well Being*

Jonathan S. Masur, Professor of Law, University of Chicago Law School, *Subjective Well Being Data and Public Policy*

Coffee Break

11:20 - 13:00

PREDICTIVE ANALYTICS AND THE LAW

CHAIR: **Laurel Lavorel**, VP Assistant General Counsel EMEA, CA Technologies, Administrator, Cercle Montesquieu

Jacques Levy-Vehel, Senior Researcher, INRIA and **Jerôme Dupré**, Magistrat (on leave of absence), *Using Data Analytics in Legal Risk Assessment*

Anup Malani, Professor of Law, University of Chicago Law School, *Big Data and Prison Overcrowding*

Harold Epineuse, Researcher, IHEJ, *Predictive Justice?*

Lunch Break

II. HOW DATA ANALYTICS WILL RESHAPE THE LAW

14:30 - 16:15

"PERSONALIZED" LAW

CHAIR: **Jérôme DeRoulez**, Attorney at Law, Member of the Paris Bar Incubator

Anthony J. Casey, Professor of Law, University of Chicago Law School, *The End of Rules and Standards*

David Restrepo Amariles, Professor of Law, HEC Paris, *Law's Learning Algorithm: Making Rules Fit through Big Data*

Ariel Porat, Professor of Law, Tel Aviv University, and Visiting Professor of Law, University of Chicago, *Personalized Negligence Law*

16:30 - 18:00

TOWARDS A MACHINE LEARNING DRIVEN LAW?

CHAIR: **Jean Lassègue**, Researcher in Philosophy, EHESS/CNRS

Florence G'Sell, Professor of Law, University of Lorraine, Institut François Génys, *Automated Decision Making*

Grégory Lewkowicz, Professor of Law, Université Libre de Bruxelles, Perelman Center, *Back to Leibniz: Smart Law & Algorithmic Regulations*

Final Remarks by **Jeroen Luchtenberg**, Attorney at Law (Paris and New York)

SATURDAY, MARCH 18, 2017

III. HOW DATA ANALYTICS WILL AFFECT INDIVIDUALS

9:00 - 9:20 Welcome Coffee

9:20 - 9:30 Welcome speech by **Hannelore Schmidt**, Attorney at Law, Member of the Paris Bar Incubator

9:30 - 11:00

BIG DATA AND CONSUMERS

CHAIR: **Ricardo Cortes-Monroy**, Senior VP and Group General Counsel, Nestlé

Omri Ben-Shahar, Professor of Law and Director of the Coase-Sandor Institute for Law and Economics, University of Chicago Law School,

Interpreting Contracts Via Surveys and Experiments

Anne-Lise Sibony, Professor of European Law, University of Louvain, *Protecting Consumers against Unfair Use of Data: The Perspective of EU Consumer Law*

Célia Zolynski, Professor of Law, UVSQ/Paris-Saclay, Member of the Conseil National du Numérique, *Big Data and Consumer Law: Regulating Online Platforms*

Coffee Break

11:15 - 13:00

BIG DATA AND CITIZENS: PRIVACY AND ETHICS (ROUNDTABLE)

CHAIR: **Béatrice Delmas-Linel**, Managing Partner, Osborne-Clarke

Yves-Alexandre de Montjoye, Researcher, MIT MediaLab/Imperial College, *Big Data and Artificial Intelligence: How to Protect Privacy?*

Edouard Geffray, Secretary General of CNIL, *Dealing with Ethics and Privacy in the European Union*

Hélène Pons-Charlet, Head of Legal, Digital Crimes Unit, Microsoft, *The Fourth Industrial Revolution - Artificial Intelligence as an Opportunity for Future Welfare*

Laure Lavorel, VP Assistant General Counsel EMEA, CA Technologies, Administrator, Cercle Montesquieu, *The Key Role of Cybersecurity*