

# Artificial Intelligence Capabilities

While machine learning technologies present many opportunities to improve business operations, the use of such technologies should be judiciously implemented with an eye toward regulatory compliance and risk management.

In the era of ChatGPT and other “generative AI” models, the lawyers of Epstein Becker Green (EBG) bring to bear a longstanding, successful history in regulatory counseling, compliance program development and defending businesses in areas such as cybersecurity and privacy, bias and explainability, and intellectual property. Our lawyers are well positioned to advise clients on the enterprise risk management issues related to doing business in the new landscape being created by the proliferation of AI and machine learning tools.

[EBG’s AI group](#) has represented clients in well over 200 projects relating to AI issues across virtually every industry. In addition, our attorneys regularly team with social scientists and data scientists at our affiliate, EBG Advisors, who have done thousands of such projects across hundreds of clients. This interdisciplinary approach allows EBG to best advise clients seeking to reap the benefits of AI and machine learning technologies while minimizing their legal and business risks.



EBG has been advising clients on a wide variety of AI issues for over **10** years.

## Epstein Becker Green provides compliance and litigation advice to our clients in areas such as:



Employment discrimination and workforce compliance

Intellectual property and confidential business information protection

Product liability

HIPAA privacy and security

International data protection under GDPR and AIA

Ownership of personal and vendor data

Governmental enforcement tools in such areas as federal and state false claims acts

## EBG Advisors: Your Partners in Algorithmic Bias Auditing and Risk Management Consulting

Through our collaboration with the scientific experts at [EBG Advisors](#), EBG is at the forefront of joining data science with law, and can help identify and mitigate sources of risk under attorney-client privilege.

EBG Advisors is equipped to assist clients through:

- Robust evaluation of algorithms and the process by which they are built
- Developer and user algorithmic bias testing services
- Consulting services to help mitigate bias while preserving utility



## Multidisciplinary Approach to Health Care and Life Sciences Challenges

Our affiliates, [EBG Advisors](#) and [National Health Advisors](#), are advising clients on numerous AI issues—addressing business strategy, policy analysis, data analytics, regulatory compliance, privacy and data protection, performance improvement, and payment/reimbursement for services and technology.



National Health Advisors

# Well-Positioned to Address AI Challenges Across Industries

## Health Care

Generative AI and machine learning applications are revolutionizing every aspect of the health care delivery process, from diagnostic solutions to enhanced therapeutic interventions, to remote patient monitoring, and automated billing and coding—a transformation that is expected to result in increasing qui tam and governmental fraud claims. Clients rely on EBG’s 50 years of health care industry experience to navigate the FDA approval process, develop claims-payment systems, and provide successful defense at arbitration or trial.

## Data Privacy and Cybersecurity

AI and machine learning applications depend on data, much of it sensitive. As the use of data increases, so does the risk of error, bias, and data insecurity. EBG’s long history of assisting clients with creating and administering effective compliance programs extends to this new digital frontier. We advise clients on protecting data from unauthorized access and assist in working with forensic experts and crisis management consultants post breach. We also counsel clients on compliance with privacy and security laws and standards and create effective cybersecurity policies and vulnerability tests.

## Opportunity and Disruption in the Workplace

The use of AI in human resources and labor management decision-making is exploding, producing great efficiencies and in many cases improved fairness. At the same time, these systems if not implemented appropriately carry with them the risk of inaccuracy and bias. With increased reliance on AI at every stage of the employment lifecycle—from recruitment and hiring to performance evaluations, compensation and benefit design and administration—taking place within a wide range of industries, if not handled with care the opportunities presented by these helpful new tools may be thwarted by their ethical and legal risks.

## Increased Regulatory Scrutiny in the Workplace

While businesses increasingly turn to AI for the efficiency, consistency and objectivity it promises in the realm of human resources, a looming specter of regulatory scrutiny emerges. In the wake of New York City’s law on algorithmic hiring practices and potential for EEOC investigations, ensuring compliance and safeguarding against discriminatory practices is critical. Our team helps proactively assess and refine your AI-driven HR processes, mitigating risks and upholding ethical standards that align with legal requirements, all under attorney-client privilege.

Organizations turn to us to address issues such as:

- Auditing of an algorithm as required by law
- Legal risk management involving the identification and compliance of legal requirements
- Developing AI governance and Compliance programs
- Managing cybersecurity and data privacy risk in the AI supply chain
- The evolving legal significance of bias in algorithms in both human resources and healthcare
- Requirements of transparency and explainability in connection with automated decision-making
- Regulatory enforcement and litigation avoidance and defense
- Due diligence questions that arise in an M&A context

We advise clients in all industries and of all sizes—from **Fortune 100** companies to **startups**—about the creation and use of AI. EBG counsels clients on how to develop, leverage, and monetize AI and machine learning technologies and how to maintain a defensible compliance posture that stays attuned to **evolving AI laws and regulations**.

*“We help organizations seeking to use artificial intelligence (AI)-powered tools thrive while avoiding potentially expensive legal liabilities and damage in the court of public opinion.”*

Bradley Merrill Thompson, Member of the Firm at Epstein Becker Green and Chief Data Scientist at EBG Advisors