



Legal Aspects of Autonomous Driving (Fall 2012)

Stanford Law School

Themes



Innovation.
Regulation.
Compensation.
Information.
Preparation.

Course Expectations

1) In General

- Respect everyone in class
- Communicate with me
- Contribute meaningfully
- Contribute consistently
- Contribute originally (for honors)

2) Reading

- Do it
- Think about what you're reading
- Think about what I'm asking
- Prepare five points, questions, analogies, or analytic approaches for each class
- Otherwise: Make arrangements in advance

3) Writing (50%)

- Do it
- Cite your sources
- Identify your audience (default: automotive general counsel or lawyer-turned-senator)
- Assume your papers will be shared
- Otherwise: Make arrangements in advance

4) Speaking (50%)

- Do it
- Have fun with it!
- Give the class something to talk about for fifteen minutes each week
- Otherwise: Make arrangements in advance

[Some argue what may be seen as an unusual subject is really a conventional subject in disguise. For instance: 'Aspects of Autonomous Driving,' the course offered at Stanford University Law School. 'We can teach torts through 18th-century English cases, or we can teach torts through modern automotive class actions,' said Bryant Walker Smith, who teaches the class.]
- Wall Street Journal (Dec. 16, 2012).

Syllabus

Class 1: Value of Life

- What problems are we trying to solve?
- What problems might we create?
- Who are we?

Class 2: Defining Autonomy

- What technologies are possible? Which are likely?
- How might legal and technical categories help?
- How might they hurt?

Class 3: Legality

- Are self-driving vehicles lawful today?
- What is "lawful"?
- How do autonomous driving laws compare?

Class 4: Liability

- Who gets sued? Why?
- How safe is safe enough?
- What analogies are useful (and to what extent)?

Class 5: Stanford Demos



Class 6: Data

- What data will be collected?
- How might they be (ab)used?
- How might data be used in litigation?

Classes 7-9: Legal Reform

- What are the ideals of first-best solutions?
- What are the realities of second-best solutions?
- How do we get there?

How an (Autonomous Driving) Bill Becomes Law: An Oral History of Nevada's Groundbreaking Regulation of Self-Driving Vehicles

- Video available at <http://cyberlaw.stanford.edu/multimedia/how-autonomous-driving-bill-becomes-law-video>
- AP article inspired by panel available at <http://bigstory.ap.org/article/how-google-got-states-legalize-driverless-cars>

Class 10: Summary

- Uncertainty
- Responsibility
- Authority

Class 11: Google Demo

Class 1:

I'm delighted that you'll be a part of the Legal Aspects of Autonomous Driving seminar this fall. For Tuesday's class, please read the following (which I've also posted to the CourseWork forum):

- Pinto Madness
- The Myth of the Ford Pinto Case
- As Agencies Put More Value on a Life, Businesses Fret
- A Self-Driving Crash Test

On Tuesday, we'll also discuss the plan for the quarter. In the mean time, feel free to get in touch with me. I look forward to meeting each of you!

Class 2:

Your assignment this week has two aims. The first is to introduce you to the vast array of potential vehicle automation technologies. The second is to get your help with a particularly vexing problem that engineers and lawyers are working on right now: (How) do we classify and define these technologies? Your writing task is to propose either (1) your own system of classifying and defining these technologies or (2) an argument against and an alternative to classifications and definitions.

Class 3:

This session will examine the "legality" of automated vehicles. (How, by the way, do you define "legal" and "lawful"?) Your reading assignment: Automated Vehicles Are Probably Legal in the United States. Your writing assignment: Apart from civil liability, what legal issue related to automated vehicles (SAE levels 2-5) is likely to be the first to reach a domestic courtroom? How should the judge approach that issue? What range of outcomes do you foresee? Do just enough legal research that you can bring something new to the class discussion.

INTRAFIRM MEMO
DATE: March 1, 2020
RE: Causeway Crash

I just read about an alarming crash involving the kind of car—the Genius NeverCrash—that I happen to own. It sounds like there could be a serious problem, and I want to know whether our law firm should be involved in some kind of class action.

I just received a call from a client, Paul, who has been injured in a car crash.

I just received a call from the general counsel of our client, Genius Car Co.

I just received a call from the general counsel of our client Omniscience, Inc.

I need a memo from you in my inbox no later than 8am this Tuesday. I'm counting on you to sketch the legal issues and to dive deep on the most important ones. Here's what we know so far:

Several automakers now sell vehicles equipped with highly advanced driver assistance systems. Under optimal conditions, these systems generally guide the vehicle both longitudinally (forward) and laterally (sideways) over long distances. Although every owner's manual states that the driver must remain alert at all times, the media quickly dub these vehicles "the first publicly available self-driving cars." One automaker, Genius Car Co., shows ads in which a grateful customer recounts how, when she had a heart attack behind the wheel, her Genius NeverCrash automatically pulled to the side of the road, safely stopped, and called an ambulance.

Paul is one of 100,000 eager buyers of the NeverCrash. He feels so confident in his car's driver assistance features that he doesn't think twice about driving while drowsy. Late one night, while crossing a long and foggy causeway, he engages his NeverCrash's automated system, relaxes as that system expertly takes over, and quickly though unintentionally falls asleep. The system tries to alert Paul with various vibrations and sounds, but Paul merely begins dreaming of Los Angeles. Because Paul does not react, the NeverCrash automatically activates its hazard lights, pulls to the side of the causeway, and stops next to a "No Stopping" sign. Omniscience Inc., the data provider for Paul's subscription navigation service, has coded this five-foot shoulder as an "emergency safe stop area." However, at least one competitor's vehicle—which uses a different dataset—would have attempted to drive to the end of the causeway before stopping. While stopped, Paul's NeverCrash is struck by a car driven by Julie. The NeverCrash anticipates the crash but does nothing to prepare. The latest version of the NeverCrash software would have adjusted Paul's seat and seatbelt. Genius could have remotely added this functionality to Paul's vehicle, but it has not done so. The crash injures both Paul and Julie (who each have car insurance). It also generates a heated argument between them, the audio and video of which is automatically recorded by Paul's NeverCrash and transmitted to Omniscience. News of the crash (and several somewhat similar crashes) has now reached the public.

Class 6:

For your writing assignment, pick a public or private actor in the field of vehicle automation and advise it on what it should be doing NOW with respect to its data policies, practices, or plans. Your advice should include legal analysis based on at least some original research.

Class 7:

Individual and group assignment: Draft your own legislation or regulation for "any" legal aspect of automated driving. Indicate the proper time of enactment (e.g., now, in five years, when vehicles are fully automated, never, etc.).



Class 10:

Writing assignment: Think about the themes that have cut through our various class topics. Choose one as your thesis and write a concise, structured, and supported essay that develops this theme and draws from our discussions and our readings.



How an (Autonomous Driving) Bill Becomes Law: An Oral History of Nevada's Groundbreaking Regulation of Self-Driving Vehicles

When: Thursday, November 8, 2012
6:00pm Reception - First Floor - Law School Lobby (Stanford Law School)
7:00pm Panel Begins - Room 190 (Stanford Law School)
559 Nathan Abbott Way, Stanford, CA 94305
Free and open to the public.
RSVP for this Free Event Today! More Info

Come hear the story of an extraordinary new law from the people who made it happen. Two years ago, no state legislature had even contemplated self-driving cars. Now, three states have passed legislation, several more are considering it, and Nevada's DMV has issued the world's first autonomous vehicle test plates to Google. What happened? The answer reveals how the legislative and regulatory process actually works — and provides important lessons to others that may follow Nevada's path. Join Nevada's Assembly transportation chair and DMV director, Google's Nevada lobbyist, and others for a candid discussion of the recent past and the not-so-distant future.

Panelists include:
Marilyn Dondoro-Loop - Chair, Assembly Transportation Committee
Bruce Breslow - Director, Nevada Department of Motor Vehicles
Troy Dillard - Deputy Director, Nevada Department of Motor Vehicles
David Estrada - Legal Director, Google
Bryant Walker Smith (Moderator) - Resident Fellow, Center for Internet and Society

The Law of the Newly Possible (Spring 2015)



UNIVERSITY OF
SOUTH CAROLINA

Technology Law: Law of the Newly Possible will examine how law responds to, incorporates, and affects the development of new technologies. The course will consider a range of currently emerging technologies as well as historic innovations (including automobiles and automotive safety systems) that provide insights into resolving today's tensions. It will include both a public perspective (legality, regulation, competition) and a private perspective (liability, insurance, and intellectual property).

Law of the Newly Possible will be offered in Spring 2015 at the University of South Carolina, with potential online opportunities for others who are interested. For more information, visit newlypossible.org or contact Bryant Walker Smith at bryantwalkersmith.com.

