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Webcast: Government Investigations Into AI Systems

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Since the recent explosion of artificial intelligence (AI) in the public consciousness, numerous U.S. regulators at both the federal and state level, regulating a wide range of industries, have put a stake in the ground and declared it a priority to investigate potentially unlawful conduct involving AI systems and technologies. These regulators include, among others, the Department of Justice, Department of Homeland Security, Department of Health and Human Services, Securities and Exchange Commission, Federal Trade Commission, Consumer Financial Protection Bureau, Equal Employment Opportunity Commission, and as well as state Attorneys General. Their areas of concern and potential theories of liability include discrimination and bias in AI systems, particularly with respect to financial, employment, and health-related decisioning; antitrust/competition concerns, including regarding AI-driven price recommendations, variable pricing algorithms, and potential market dominance within certain AI-related industries; and protection of intellectual property rights. Companies involved in the development and deployment of AI systems should be aware of these regulatory concerns and thoughtful in their planning to reduce these risks, including in how they use, test, monitor, and market AI technologies.

PANELISTS: Eric Vandevelde is a litigation partner in Gibson Dunn's Los Angeles office. He is co-chair of the Artificial Intelligence practice group and a member of the firm's White Collar, Privacy & Cybersecurity, and Intellectual Property practice groups. As a former federal prosecutor who previously supervised the Cyber & IP Crimes section of the U.S. Attorney's Office in the Central District of California, Eric has significant first-chair trial experience, both while at the DOJ and in the private sector. He has a deep technical background, with a degree in computer science from Stanford and having worked as a software engineer in Silicon Valley and Latin America. He has repeatedly been ranked by Chambers and recognized by Super Lawyers and the Daily Journal, including as one of the Top 20 Cyber/Artificial Intelligence lawyers in California. Eric has a broad practice—handling criminal and civil trials, internal investigations, enforcement matters, advisory work for boards and management, and product counseling—but nearly all of his matters lie at the intersection of technology and the law, and involve cutting edge issues in AI, cryptocurrency, data privacy, cybersecurity, biotech, fintech, gaming, and software. He has also represented clients in some of the highest profile, highest stakes cases in the country concerning government demands for personal data and technical assistance in connection with criminal and national security-related investigations. Eric is admitted to practice in the State of California. **Chris Whittaker** is a partner in Gibson Dunn's Orange County office. He is a member of the firm's Litigation Department and its Antitrust & Competition, Intellectual Property, and Labor & Employment groups. Chris represents clients in a wide range of high-stakes, complex commercial cases, and he has significant experience in a broad range of subject areas, including pharmaceuticals, software development and maintenance, oil and gas, app store and handheld phone technology, semiconductors, logistics operations, health and beauty products, and direct-sales business models. Chris is experienced in all phases of litigation, including pleadings, discovery, dispositive motions, trials, and appeals. He currently serves on the national leadership team of the Federal Bar Association's Antitrust and Trade Regulation Section. Chris has been recognized by Best Lawyers: Ones to Watch® in America for Appellate Practice, and Litigation – Intellectual Property (2024). He is admitted to practice in the State of California. **Poonam Kumar** is of counsel in Gibson Dunn's Los Angeles office

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and a member of its White Collar Defense & Investigations and Litigation practice groups. She is a former federal prosecutor with significant first-chair trial experience and an extensive background in handling high-stakes criminal and civil matters across a broad range of practice areas. From 2014 to 2022, Poonam served as an Assistant United States Attorney in the United States Attorney's Office for the Central District of California where she investigated and prosecuted complex financial crimes, including corporate and securities fraud, embezzlement, healthcare fraud, bank fraud, import/export crimes, tax crimes, and money laundering. Poonam was a Deputy Chief of the Major Frauds section where she supervised a large team of federal fraud prosecutors. Representative matters from her time at the U.S. Attorney's Office include the investigation and prosecution of a multinational scheme to inflate revenue of a company publicly traded on a foreign exchange and to evade nearly $2 billion in import duties as well as the conviction at trial of a South Korean official for laundering bribes he received in connection with his government position. For her work with the Department of Justice, Poonam received the United States Attorney General's John Marshall Award for Outstanding Achievement in 2020. She is admitted to practice in the States of California and New York.

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