Debevoise & Plimpton

Our Artificial Intelligence Capabilities

"Debevoise provides insightful, strategic and highly value-added advice, and is a true partner to us, fully integrating into our team and working seamlessly on transactions."

"Debevoise exercises brilliant judgment and their experience and regulatory contacts are unmatched."
Chambers USA

Artificial intelligence, machine learning and data-driven technologies are rapidly transforming businesses across all industries, presenting a wide range of new legal challenges that accompany the advantages of an increasingly automated society. The Debevoise artificial intelligence team provides sophisticated, innovative advice to address these emerging challenges, routinely advising clients about the legal risks and regulatory implications of these complex, cutting-edge technologies.

A Premiere Interdisciplinary Practice

As part of our leading Data Strategy & Security (DSS) practice, the Debevoise AI team works seamlessly with other DSS members to combine our AI, cybersecurity, privacy, business continuity, M&A diligence and data governance practices into one fully integrated, interdisciplinary and coordinated group. Our lawyers have deep technical knowledge that allows them to translate complex technical findings into legal and business decision points on a global scale.

Experience in Navigating Complex Regulatory Inquiries

We regularly handle the most challenging and complex AI-related regulatory inquiries and supervisory examinations with the utmost levels of sophistication, expertise, creativity and commercial judgment. Our deep bench of former U.S. regulators from the U.S. Department of Justice, Securities and Exchange Commission, Federal Reserve Board and the N.Y. Department of Financial Services uniquely positions Debevoise to navigate regulatory inquiries concerning new technologies.

Unparalleled Leaders in Global AI Solutions

In addition to our deep understanding of the legal issues relating to AI technologies, our lawyers are at the forefront of developing global solutions to address the emerging ethical and reputational issues raised by AI. Our team is actively involved in efforts to develop best practices for AI ethics and governance, including through the IEEE Global Initiative on Autonomous and Intelligent Systems and other expert groups. Through these efforts, Debevoise delivers sophisticated, hands-on expertise and industry-shaping leadership on AI.

A Full Complement of AI-Related Legal Services

In today's dynamic regulatory environment, managing risks at the intersection of law and technology means measuring data optimization and data protection strategies against existing laws and regulations, as well as anticipated changes to these legal frameworks.

Our DSS practice layers deep AI experience across a variety of key industries and sectors, offering legal services for clients across the spectrum of AI matters, including:

Risk Assessments, Regulatory, and Compliance

- **AI Risk Assessments and Model Testing.** We conduct AI risk assessments for clients, including global financial institutions. Our work ranges from leading a full legal and technical risk assessment of various AI and data programs, typically performed in tandem with a technical vendor, to a targeted review of areas known to attract regulatory and enforcement focus. This includes testing AI systems for bias, explainability, model drift, and robustness against unexpected events, as well as implementing appropriate guardrails or technical measures to mitigate risks.

- **AI Regulation Tracking.** We track closely new and proposed AI regulations and guidance in the United States and around the world using our AI regulation tracking tool, which can show trends and predict where AI regulation is heading.

- **Communication with Regulators.** We communicate frequently with leading AI and data regulators in the United States and Europe, including in our Debevoise Data Strategy Webinars and our AI Roundtable Series, co-hosted with the IEEE.

- **Regulatory Enforcement and Examinations.** We provide seasoned representation to companies in high-stakes government examinations, enforcement, and litigation related to AI, including before federal regulatory and supervisory agencies.

Corporate Governance

- **AI Ethics and Governance.** We help companies establish AI ethics, governance, and compliance programs, including with respect to transparency, documentation, policies, and training. We also assist companies in establishing dedicated AI principles, cross-functional committees, and oversight processes.

- **Board/Executive Briefings and Training.** We offer sessions tailored to board members or company executives on the latest developments in AI regulations and risks, as well as guidance on their obligations in these areas.

AI Incident Planning and Crisis Management

- **Mock AI Events and Tabletop Exercises.** We help our clients prepare for business continuity events by conducting real-world drills of AI failures or other data events for various functions within the organization including legal, compliance, IT, risk, communications, executive management and the board.

- **Incident Response.** Our AI Incident Response Services include helping clients navigate AI incidents with crisis management, internal and external communications, fact investigation, regulator and law enforcement liaison, civil regulatory investigations, defense of civil litigation and attention to the needs of the Board and C-Suite.

- **Insurance.** We assist companies in determining whether their existing insurance is sufficient to cover their AI risk.

Corporate and Transactional

- **M&A Due Diligence.** We lead AI diligence investigations, including advising on policies and procedures for due diligence and for integration generally, as well as on issues raised by specific AI acquisitions and investments.

- **AI Licenses and IP Advising.** We negotiate AI-related technology agreements, licenses, and joint venture arrangements and advise clients on their IP rights in data sets, models, and model outputs.

- **Vendor Diligence and Oversight.** Many companies increasingly rely on third-party vendors to supply cutting-edge AI. We can look quickly at significant vendor agreements, and at the policies and procedures for administering vendor relationships, and advise on how they might be updated to mitigate AI risk.

"[A] fantastic ability to anticipate issues and a fantastic ability to work with in-house counsel in an extremely collaborative way."
Chambers USA

"They have an unusual concentration of legal talent, from senior partners to associates. It is difficult to find a firm with such a number of respected individuals in this field."
Chambers Global and Europe

Your Team

Avi Gesser

Partner, New York • agesser@debevoise.com • +1 212 909 6577

Avi Gesser is a litigation partner. He is a member of the firm's Data Strategy & Security Group and the White Collar & Regulatory Defense Group. He has extensive experience advising on a wide range of cybersecurity matters, incident response issues, data strategy concerns and complex commercial litigation.

Mr. Gesser has represented international financial services firms, private equity firms, hedge funds and media organizations, among others, throughout full cybersecurity incident cycles, from breaches to regulation compliance to civil litigation, and advised boards and executives on critical data liability issues. Mr. Gesser also represents companies and financial institutions in investigations relating to anti-money laundering, sanctions and FCPA compliance. He has advised several U.S. and international financial institutions on cross-border tax investigations conducted by the U.S. Department of Justice, the Securities and Exchange Commission and the New York Department of Financial Services, and on the subsequent enhancement of their compliance policies.

From 2010 to 2012, Mr. Gesser served as Counsel to the Chief of the Fraud Section, Criminal Division at the Department of Justice. He received his B.S. from the University of Manitoba in 1991, his LL.B. from the University of Manitoba in 1994, his LL.M. from the University of Cambridge in 1995 and his LL.M. from New York University in 1998, where he served as the graduate editor of the *Journal of International Law and Politics*.

Jim Pastore

Partner, New York • jjpastore@debevoise.com • +1 212 909 6793

Jim Pastore is a litigation partner and a member of the firm's Data Strategy & Security practice. His practice focuses on privacy, cybersecurity and artificial intelligence issues. Mr. Pastore is recognized by *Chambers USA* and *The Legal 500 US* for his cybersecurity work, and has been included in *Benchmark Litigation*'s 40 and Under Hot List which recognizes attorneys 40 and under with outstanding career accomplishments. Named as a Cybersecurity Trailblazer by *The National Law Journal*, Mr. Pastore has also been named three times to *Cybersecurity Docket*'s "Incident Response 30," a list of the best and brightest data breach response attorneys. Prior to rejoining Debevoise in 2014, Mr. Pastore served for five years as an Assistant United States Attorney in the Southern District of New York where he spent most of his time as a prosecutor with the Complex Frauds Unit and Computer Hacking and Intellectual Property Section.

Anna R. Gressel

Associate, New York • argressel@debevoise.com • +1 212 909 6485

Anna R. Gressel is a senior associate at Debevoise & Plimpton LLP and a member of the firm's Commercial Litigation, Data Strategy & Security, and Technology, Media & Telecommunications groups. She represents clients in a wide range of complex commercial litigation, including M&A litigation and securities class actions.

Ms. Gressel also actively advises clients on the legal and regulatory implications of artificial intelligence and other emerging technologies. Her practice includes representing companies in regulatory inquiries and supervisory examinations, as well as assisting companies in developing AI compliance and governance mechanisms. Ms. Gressel also regularly speaks on issues concerning AI regulatory and litigation trends. She is a member of the Law Committee of the IEEE Global Initiative on Ethics of Autonomous and Intelligent Systems, and she also participates in industry efforts to establish best practices in the areas of AI explainability, risk assessments, and governance.

Ms. Gressel received her J.D. from Harvard Law School and her B.A. from Pomona College, where she was awarded the senior prize in neuroscience. Prior to law school, Ms. Gressel was the recipient of a Fulbright Research Fellowship to Morocco. She currently sits on the board of directors of Ms. JD, a national nonprofit organization dedicated to the success of women in law school and the legal profession.

Debevoise & Plimpton

New York
919 Third Avenue
New York, NY 10022
Tel: +1 212 909 6000
Fax: +1 212 909 6836

Washington, D.C.
801 Pennsylvania Avenue N.W.
Washington, D.C. 20004
Tel: +1 202 383 8000
Fax: +1 202 383 8118

London
65 Gresham Street
London
EC2V 7NQ
Tel: +44 20 7786 9000
Fax: +44 20 7588 4180

Paris
4 place de l'Opéra
75002 Paris
Tel: +33 1 40 73 12 12
Fax: +33 1 47 20 50 82

Frankfurt
Taunustor 1 (TaunusTurm)
60310 Frankfurt am Main
Tel: +49 69 2097 5000
Fax: +49 69 2097 5555

Luxembourg
37a Avenue John F. Kennedy
1855 Luxembourg
Tel: +352 27 33 54 00
Fax: +352 26 89 25 25

Moscow
OKO Tower
21/1 First Krasnogvardeisky Proezd
Floor 41
Moscow 123112
Tel: +7 495 139 4000
Fax: +7 495 139 4046

Hong Kong
21/F AIA Central
1 Connaught Road Central
Hong Kong
Tel: +852 2160 9800
Fax: +852 2810 9828

Shanghai
13/F, Tower 1
Jing'an Kerry Centre
1515 Nanjing Road West
Shanghai 200040
Tel: +86 21 5047 1800
Fax: +86 21 5047 1600

Tokyo
Shin Marunouchi Bldg. 11F
1-5-1 Marunouchi, Chiyoda-ku
Tokyo 100-6511
Tel: +81 3 4570 6680
Fax: +81 3 4570 6681

www.debevoise.com