


**MALAYSIAN BAR**

Cyberlaw Committee | **Artificial Intelligence Series**

**Tues, 15 Dec, 11:00 AM to 12:00 PM**

# Artificial Intelligence and Liability

 **Members of the Bar** | RM20  
**Pupils in Chambers & Law Students** | Free  
**Non-Members** | RM60

1 CPD Point

Upon successful registration, a link to the CPD Live webinar will be emailed to registered participants only. Registration will close at **3:00 pm, on 14 Dec 2020 (Monday)**.

**No** additional registration will be accepted once the closing date has passed, or if the CPD Live webinar is full.

The CPD Department may not permit future registration if you fail to attend a CPD Live webinar after registering unless you provide an acceptable and valid reason(s).

[\*\*Register online here\*\*](#)

*The Bar Council Cyberlaw Committee, in collaboration with the Bar Council Continuing Professional Development Department, is proud to present the **Artificial Intelligence Series**. This series is aimed at helping participants understand contemporary issues related to the intersection of law and artificial intelligence (“AI”).*

With the heightened use of technology in the new normal, AI has become almost prevalent in many areas ranging from healthcare to targeted advertising for online sales. There is a risk that as human decision-making decreases, it becomes inevitable that some AI systems will fail to perform. In light of the increased use of AI technology in our daily lives and potential damage caused by its failure, we will see an escalation in AI-related disputes and almost certainly disputes relating to liability and who should take responsibility when the AI fails.

In this webinar, the speakers will address the following areas of AI and liability:

### **Liability in Medical Malpractice**

by **Charlaine Adrienne Chin**, Partner, Raja, Darryl & Loh, Malaysia

In this day and age where technology advances at an alarming rate, we have seen a surge in the use of AI within the healthcare sector. AI technology is embedded in many forms of medical technology, particularly in medical diagnosis. However, when AI-enabled software systems take over aspects of healthcare involving a level of “intelligent” assessment, it is important that the risks and corresponding potential liabilities are fully understood and managed appropriately. A question arising early on for patients who experience medical malpractice is, “Who should I bring a claim against?” In this session, we explore the various causes of action and the potential defendants in the event that legal proceedings are commenced in respect of an act or omission done by a medical practitioner and/or healthcare provider.

### **Liability in Autonomous Transports that Adopt AI**

by **Bryan Tan**, Partner, Pinsent Masons LLP, Singapore

The use of AI in autonomous transport is an area which intersects with manufacturing and an everyday activity — transport. It also presents unique liability issues which challenge some of the concepts of liability as we know today. Are these perceived challenges or real legal issues? How would legal devices such as exclusion clauses and insurance interact with this issue of liability?

### **Monitoring, Controlling, and Accountability of AI and Its Hyper-Connectivity**

by **Doil Son**, Partner, Yulchon LLC, Korea

With the growing use and dependence on AI across multiple prominent industries (especially in the healthcare, finance, defence, and automobile industries), AI’s failure may have a catastrophic effect on our society. Separately, as AI algorithms are usually trade secrets, such algorithms must be securely held. In order to avoid AI failure and to protect valuable information in relation to AI from being compromised, we must make sure that capable measures to monitor and control AI algorithms are implemented. This is especially important due to the deep learning process in AI, which makes it difficult to monitor and control. In this session, we examine the proper way of monitoring and controlling AI and the growing necessity for a uniform international standard to account for AI hyperconnectivity.

## Speakers



Upon being admitted to the Bar of England and Wales in 2010 as a member of the Honourable Society of Middle Temple in the United Kingdom, **Charlaine Adrienne Chin** undertook a stint at Des Voeux Chambers in Hong Kong. Subsequently, she read in chambers with Raja, Darryl & Loh, was admitted as an advocate and solicitor of the High Court of Malaya in 2012, and is currently a partner in their dispute resolution team.

Charlaine's practice focuses on civil and commercial litigation. The bulk of her practice thus far has been in medico-legal cases where she has represented medical practitioners accused of clinical malpractice in civil suits and in disciplinary inquiries held by the Malaysian Medical Council. Charlaine was part of the team that was involved in a host of landmark medical negligence appeals to the Federal Court which were reported in late 2017 and 2018. Apart from that, Charlaine also conducts trials and appeals at various levels of the Malaysian courts in respect of tortious and contractual claims involving, among others, sale of goods, banking and professional negligence.



**Bryan Tan** is a partner at Pinsent Masons LLP. Qualified in both England and Wales and Singapore, he practises in areas such as data protection, finance, technology, media and telecommunications, and advises corporations as well as governments. He is a legal adviser to the ASEAN Single Window project and the United Nations Network of Experts for Paperless Trade and Transport in Asia and the Pacific. He is also a co-chairperson of the Technology, Media and Telecommunications ("TMT") sub-committee of the Inter-Pacific Bar Association ("IPBA").

He is the editor / author of *Halsbury's Laws of Singapore: E-Commerce*; *Halsbury's Laws of Malaysia: E-Commerce*; and *E-Discovery in Asia*. He also co-wrote *Electronic Evidence*, *Handbook of Comparative Higher Education Law*, and *Data Protection Law in Singapore — Privacy and Sovereignty in an Interconnected World*.



**Doil Son** is a co-chairperson of the Corporate & Finance Practice and also the head of the Information and Communications Technology ("ICT") Practice at Yulchon LLC. Since joining the profession in 1996, Doil has practised primarily in the areas of mergers and acquisitions, TMT and data privacy. Throughout his career, Doil represented both multinational and domestic clients across numerous industries in matters including artificial intelligence, big data, block chain, cybersecurity, data privacy and fintech. Doil also actively provides legal advice to the Korean Government with regard to AI, big data and fintech.

Doil currently serves as Vice-Chair of the IPBA TMT committee, while also serving as Vice-Chair of the International Bar Association's ("IBA") Technology Law Committee. Doil is a board member of TechLaw. He has presented on various issues relating to technology at international and domestic conferences, including those by the IBA and IPBA. Doil received his BA degree in

political science from the Seoul National University in 1994 and an LLM from UCLA School of Law in 2002.

## Moderator



**Tong Lai Ling** heads the TMT division in the Intellectual Property & Technology Practice Group of Raja, Darryl and Loh. She works with a range of clients in the TMT sector, advising on commercial issues and drafting and negotiating information technology (“IT”) and telecommunications contracts, including agreements relating to procurement, software development, maintenance and support services, outsourcing, service-level agreements, e-commerce, cloud services and privacy policies. She also advises clients from a variety of industries on compliance with cyber laws as well as the Personal Data Protection Act 2020. Of late, Lai Ling has been advising on emerging technologies such as AI and the Internet of Things.

She was involved in the mobile number portability (“MNP”) clearinghouse services project spearheaded by the Malaysian Communications and Multimedia Commission (“MCMC”), where she represented an MNP clearinghouse in respect of its agreements with the MCMC and mobile cellular providers.

In another project, Lai Ling advised a global cutting-edge communications solutions provider on its supply, installation, testing and commissioning of a communications system agreement in relation to the metering infrastructure of its customer, a Malaysian utility.

Lai Ling has been recognised as a “Leading Individual in TMT” by the *Asia Pacific Legal 500* in its 2014–2020 editions and by *Chambers Asia Pacific* in its 2019 and 2020 editions. *AsiaLaw Profiles* named her as a “Distinguished Practitioner” in its 2021 edition.

If you have any enquiries, please email us at: [cpd@malaysianbar.org.my](mailto:cpd@malaysianbar.org.my).



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Issued by:

Mohamad Ezri Abdul Wahab  
Chairperson, Cyberlaw Committee; and

Murshidah Mustafa and Richard Wee Thiam Seng,  
Co-Chairpersons, Professional Standards and Development Committee

# A Step-By-Step Guide to Join CPD Live via Zoom

CPD Live is an initiative by the Bar Council during the Movement Control Order.

Continue learning even while at home. We're here to inspire you, connect with you and learn with you. This guide will show you how to join the CPD Live smoothly.

**01**

**For seamless streaming, download the Zoom app.**



You will be given a webinar ID and a password to join CPD Live once your registration has been confirmed.

**02**

**Log in to Zoom, and provide your username.**

For Members of the Bar or pupils in chambers, use the format below for identification purposes when prompted: **Full name (as per NRIC) | Bar Council membership number or petition number.**

For non-Members, provide your full name only.

**03**

**Set up your space.**

Find a spot which is comfortable and free from background noises. You may use an earpiece with microphone for clarity. Having a strong internet connection is equally important.



**04**

**Please raise your questions only during the Question-and-Answer session.**

Please take note that no speaking is allowed when CPD Live is taking place.

If you wish to raise a question, please type in the Q&A box and the speaker will respond accordingly.

**05**

**Please do not do these**



Sharing screen recording and webinar ID and password links, and reproducing the content of the CPD Live session on any platform.

Any unregistered person may be removed without prior notice and no CPD point will be awarded. Failure to adhere to this may result in disciplinary action by the Bar Council.