I don’t know about you, but I am convinced that the robot apocalypse (aka the artificial intelligence takeover) is a sure thing! I assume I need to do some explaining.

Who worries about such a thing? Crackpots? No, rather some scientists, philosophers, visionaries, a possibly unstable billionaire and a world-renowned physicist (Hint: electric cars and “The Theory of Everything”). All of these folks have been discussing a concept known as the “singularity.” The singularity is the notion that at some time (2045, some claim) machine intelligence will surpass human intelligence. They view the singularity as inevitable. The open question among these thinkers is: Will they like us? Will the singularity usher in the beginning of a glorious era for humanity or the ultimate and final tyranny? The billionaire and the physicist have warned us that we need to begin taking precautions now. I think we are probably doomed.

They (computers) already have the means to begin their domination, thanks to the internet. My goodness, they run everything: the stock market, the power grid, the communications system, even our cars! All of these things are connected to the internet. Remember when the U.S. and Israel shut down some of Iran’s nuclear capacity via the internet? See Stuxnet.

My new car actually brakes for me, which I find unsettling and comforting at the same time. Can you imagine self-driving cars? And how about smart speakers? They can listen to every word we say. True! And they keep it on file. Also, true! Did you know your smart TV has a camera in it pointing at you?

They — and I will continue to use the term “they” — could play nice or play rough, create the most spectacular traffic jam in history for kicks and giggles or turn off the grid until we prostrate ourselves before them!


Which brings us to the point of this column: The PBA is fighting back! We are hoping that computers will respond to court orders.

Several years ago, the Real Property, Probate and Trust Law Section did a thorough analysis of the Uniform Fiduciary Access to Digital Assets bill. The conclusion: It needed some work because it tilted the field a bit unfairly toward technology companies. The PBA House of Delegates agreed, and the PBA Legislative Department started to lobby.

Admittedly, it was a bit intimidating to be negotiating with major technology companies such as Facebook and Amazon, etc. See above. But, we made our points forcefully and a reasonable compromise was found. The compromise now has a name: Senate Bill 320, sponsored by Sen. Tom Killion of Delaware County. This legislation is one of the PBA’s top priorities for the current legislative session.

So much of our lives is in a digital format: photos, music, financial records, emails, etc. As long as you are alive, competent and willing, you can easily access these assets. At least for now. See above. But, if you are a fiduciary, accessing digital assets on behalf of others, the law is not always so clear and the process can be daunting. Federal privacy laws also contribute to the complexity.
SB 320 deals with four common types of fiduciaries: 1) executors or administrators of deceased persons’ estates, 2) court-appointed guardians or conservators of protected persons’ estates, 3) agents appointed under powers of attorney and 4) trustees.

The bill is designed to work in conjunction with Pennsylvania’s existing laws on probate, guardianship, trusts and powers of attorney. It will simply extend a fiduciary’s existing authority over a person’s tangible assets to include the person’s digital assets, with the same fiduciary duties to act for the benefit of the represented person or estate.

SB 320 is the type of initiative that is at the heart of the PBA’s legislative agenda. It improves the science of the law, provides efficiency for clients and makes practicing law easier for our members.

If your practice includes any of these areas of law, I think you will find this legislation to be helpful. Go to the General Assembly’s website, www.legis.state.us, and take a look. It would also be helpful if you gave your state senator a call and urged him or her to support the bill. Despite the fact that the robot overlords who run the technology companies might not like this bill, I will keep pushing fearlessly for its enactment. If you doubt that they are already in control, watch Mark Zuckerberg closely the next time he testifies before a congressional committee. I think he always wears a pained expression because of the chip embedded in his brain. Or, maybe he is a robot and hasn’t quite figured out how to smile! 😒

Fredrick Cabell Jr. is PBA director of legislative affairs. For additional information on the PBA’s legislative program, contact the PBA Legislative Relations Department at 800-912-9511, ext. 2332, or email frederick.cabell@pabar.org.

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