

FOREWORD: AI GOVERNANCE AT THE CROSSROADS

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Artificial intelligence (AI) is no longer a promise of the future. Rather, it is a technological force actively reshaping civil society and private institutions, “sinking deeper and deeper into the infrastructures of our everyday life.”¹ The rapid evolution of AI signals the dawn of another technological revolution—one that promises to be as impactful as the rise of the internet, if not more.

But this newfound technological power brings with it a sense of profound responsibility. As AI systems become increasingly sophisticated, there is an urgency to ensure safe and responsible public and private use. Policymakers, regulators, and legal scholars face a pivotal question at a critical juncture in technological advancement: how should we guide the deployment of AI in ways that simultaneously maximize innovation and protect individual fundamental human rights, democratic institutions, and the general public welfare? The Berkeley Center for Law and Technology and the *Berkeley Technology Law Journal*'s 28th Annual Spring Symposium, “AI Governance at the Crossroads,” aimed to answer this question.

On February 27 and 28, 2025, scholars, policymakers and leading AI-industry participants from the United States and abroad convened at the University of California, Berkeley, School of Law to discuss initiatives to

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1. Professor Mona Sloane advanced a sociological approach to AI governance, describing contemporary AI systems as “sinking deeper and deeper into the infrastructures of our everyday life” and, in many respects, “already . . . social infrastructure because it’s everywhere we look.” Mona Sloane, Panelist, Federal Approaches to AI Governance Panel at the Berkeley Technology Law Journal’s 28th Annual Spring Symposium: AI Governance at the Crossroads (Feb. 28, 2025). In her corresponding Article, Professor Sloane examines how digital technologies have become embedded in social infrastructure through a case study of AI use in classrooms. Mona Sloane, Ella Duus & Bertrall Ross, *Students, Power, and Technology*, 40 BERKELEY TECH. L.J. 1315 (2025).

regulate artificial intelligence at the local, state, national,² and international³ levels. The first day of the conference, the “Tutorial on AI Governance Basics” provided a technical tutorial on AI and introduced major state, federal, and international AI governance initiatives. The second day of the symposium explored perspectives on a range of AI policies and regulations. Scholars and practitioners offered assessments of how well a range of policy proposals would promote artificial intelligence innovation and development, benefit the public good through such technologies, and ensure safe and trustworthy systems.

The 40.4 Symposium Issue of the *Berkeley Technology Law Journal* herein synthesizes these proposals and provides a written forum authored by the leading voices from academia and government to further explore this moment in technological innovation. The articles comprising this Issue critically examine the legal, institutional, and ethical frameworks needed to appropriately govern frontier AI technologies. The authors propose ways in which governance tools can be properly wielded to guide innovation, mitigate AI harm,⁴ and provide for accountability when such harm occurs.

Implementing governance that ensures responsible and safe AI use, while also fostering entrepreneurship and efficiency, is an exceptionally complex undertaking—one that demands sustained, thoughtful leadership from the public sector,⁵ active engagement from civil society,⁶ and robust support from the private sphere.⁷⁸ The diverse perspectives shared by industry leaders, domestic policymakers, technologists, social scientists, and legal scholars

2. Sorelle A. Friedler & Andrew D. Selbst, *The OMB Artificial Intelligence Memoranda*, 40 BERKELEY TECH. L.J. 1237 (2025).

3. Margot E. Kaminski & Andrew D. Selbst, *An American’s Guide to the EU AI Act*, 40 BERKELEY TECH. L.J. 1081 (2025); Isabela Ferrari, Niyati Narang & Colleen Chien, *JudgeGPT: When Progress Meets Precedent*, 440 BERKELEY TECH. L.J. 1185 (2025).

4. Friedler & Selbst, *supra* note 2.

5. Deirdre K. Mulligan & Kenneth A. Bamberger, *Recentering Public Values in AI Governance: Examples from the Biden Administration*, 40 BERKELEY TECH. L.J. 1135 (2025).

6. Professor Sloane warns that a concurrent growth of digital technology on campus and a decline in student civil engagement in university governance is troubling. In turn, she urges the establishment of student technology councils that advise faculty and administration to position students as co-governors. Sloane et al., *supra* note 1.

7. Alexander R. Mueller & Christopher S. Yoo, *Taking Standards Seriously: The Case for a Private Standards-Based Approach to AI Governance*, 40 BERKELEY TECH. L.J. 1273 (2025).

8. As the panel’s final speaker, Alla Seiffert of Amazon Web Services offered an industry perspective on AI governance. Drawing on her expertise in government procurement and her senior role on Amazon Web Services’s Public Policy team, she addressed the effects of government AI directives on private vendors such as Amazon. Alla Seiffert, Panelist, Federal Approaches to AI Governance Panel at the Berkeley Technology Law Journal’s 28th Annual Spring Symposium: AI Governance at the Crossroads (Feb. 28, 2025).

during the “AI Governance at the Crossroads” Symposium converge on a clear takeaway: no single sector can, or should, shoulder this responsibility alone. With the shift to a deregulatory regime under the Trump Administration’s AI Action Plan, it will be ever-more important to consider the Symposium’s opening words that the private sector, nonprofit institutions, civil society, and the government will all need to play a part.⁹ The six articles collected in this Issue lay the groundwork to unite for that collaboration.

We are deeply grateful to Symposium Editors Niyati Narang and Nadia Ghaffari, whose vision and leadership made this symposium possible; to our distinguished symposium speakers, whose insights shape national and international dialogue on such transformative technology; and to the authors in this volume, whose care and compassion reflect a shared commitment to safeguarding the future safety and livelihood of the public.

We hope this issue serves not only as a reflection of where we stand today, but as a call to action. The policy choices we make now will shape the trajectory of AI for decades, if not the next century, to come. Thoughtful and forward-looking AI governance is not just a political challenge—it is a democratic imperative.

9. In her opening keynote address, Professor Deirdre Mulligan urged that “not just the private sector, but nonprofits, civil society, and government all need to have a hand” in AI governance. Deirdre Mulligan, Panelist, Opening Keynote at Berkeley Technology Law Journal’s 28th Annual Spring Symposium: AI Governance at the Crossroads (Feb. 28, 2025); Mulligan & Bamberger, *supra* note 5.