



Internet of Things (IoT) National Institute

ABA Section of Science & Technology Law

March 30-31, 2016

51 Louisiana Avenue, N.W. Washington, DC

By 2020, 25 billion “smart” devices will be wirelessly connected to, and communicating with, each other, raising serious legal and liability issues. This so-called “Internet of Things” (IoT) is one of the fastest emerging, most transformative, and potentially most disruptive technology developments in years. Join us as we explore:

- How the exponential growth of IoT will require businesses, regulators, legislators, and lawyers to identify and address potential risks and liability.
- Ways that smart devices implicate security, privacy, authentication, data ownership, and information governance on a massive scale.
- The extraordinary ethical issues associated with connecting billions of ordinary devices to the Internet and each other.
- Ways to avoid creating not-so-smart product liability problems when connecting smart devices.

Special features:

- 13.25 CLE credit hours, including 1.0 ethics/professional responsibility credit hour
- Two breakfasts, two lunches, and a cocktail reception

Keynote presentations by:

- **Dr. Ed Felten**, Deputy U.S. Chief Technology Officer, White House Office of Science and Technology Policy
- **Jim Hood**, Attorney General of Mississippi and Immediate Past President of the National Association of Attorneys General
- **Edith Ramirez**, Chairwoman, Federal Trade Commission (FTC)

Wednesday March 30, 2016

8:00 AM – 5:00 PM | Registration

8:00 – 8:45 AM | Breakfast/Networking

8:45 – 9:30 AM | Opening Remarks and Keynote Address

Cynthia H. Cwik, Chair, ABA Section of Science & Technology Law

Drawing on his broad background in government and academics and his expertise in public policy and computer science, Dr. Felten will provide a unique perspective regarding the benefits and challenges of IoT technology.

Dr. Ed Felten, Deputy U.S. Chief Technology Officer, White House Office of Science and Technology Policy

9:30 – 10:30 AM | IoT Behind the Curtain: A Look at the Technology

Lawyers must understand IoT technology to competently address the corresponding legal challenges that are continually emerging. This panel will provide a deep-dive into the world of IoT that is informative for those new to the issues and enlightening for seasoned professionals.

David Z. Bodenheimer, Partner, Crowell & Moring LLP (Moderator)

Thomas L. Jarvis, Chair, International Trade Commission Practice & Litigation Partner, Winston & Strawn

Dr. Vijay Madiseti, Professor, Electrical & Computer Engineering, Georgia Tech; Co-Author, *Internet of Things: A Hands-On Approach*

10:30 – 10:45 | Break

10:45 – 11:45 AM | Industry Initiatives: Game Changers in the Private Sector

IoT has the potential to transform how individuals and businesses communicate and interact. Learn about innovative industry initiatives that may have a profound impact on the world, including homes and offices, healthcare, driverless vehicles, factories, critical infrastructure, and smart cities.

Eric Hibbard, CTO Security & Privacy, Hitachi Data Systems (Moderator)

Jared Carlson, Director, Government Affairs & Public Policy-IoT, Ericsson

Vineet Shahani, Head of Commercial & Product Legal, Nest Labs, Inc.

Dr. Robert Thibadeau, CEO, Bright Plaza, Inc.; Adjunct Professor, School of Computer Science, Carnegie Mellon University

11:45 AM – 12:15 PM | How Will IoT Look by 2025?

Mr. Rainie will present findings from Pew Research Center's report titled *The Internet of Things Will Thrive by 2025*. The report presents the views of hundreds of "technology builders and analysts" on the question of whether IoT will have widespread and beneficial effects on the everyday lives of the public. Learn about the strong pro and con views that were revealed.

Lee Rainie, Director of the Internet Project, Pew Research Center

12:15 – 1:15 PM | Lunch and Keynote Speaker

Attorney General Hood will describe the cybersecurity initiatives that he spearheaded at the National Association of Attorneys General and provide his views on IoT issues from the perspective of the State Attorneys General.

Jim Hood, Attorney General of Mississippi and Immediate Past President of the National Association of Attorneys General

1:15 – 2:15 PM | IoT, Big Data, and the Cloud

IoT devices will generate unprecedented amounts of data — zettabytes (billions of terabytes). This panel will discuss the benefits and legal risks of the convergence of big data, cloud, and IoT, with an emphasis on privacy, security, and regulatory compliance issues from U.S. and Canadian perspectives. Panelists will offer practical guidance on best practices for IoT/cloud computing contracts as well as risk mitigation strategies, including vendor selection and due diligence, the use of cloud and other security standards, and cyber liability insurance.

Lisa R. Lifshitz, Partner and Chair of the Technology, Privacy and Data Management Group, Torikin Manes LLP (Moderator)

Sri Elaprolu, Manager, Solutions Architect on IoT/Cloud, Amazon Web Services

Jae Pak, Senior Attorney, Microsoft

Christopher Savoie, Senior Manager, Enterprise Architecture, Nissan Research Center

2:15 – 3:15 PM | Technology Heaven, Privacy Hell - IoT Privacy Issues in the U.S. and Globally

Data generated by wearables, smart phones, and IoT devices in homes, offices, vehicles, stores, factories, and cities will reveal intimate details of the health, habits, whereabouts, preferences, and relationships of individuals worldwide. Although such data will allow businesses to attract, better serve, and maximize sales of products and services to customers, the data itself can become a valuable product/service to be bought and sold. This panel will discuss the benefits and risks of the collection, use, sharing, and retention of such data, how Fair Information Practice Principles (security, data minimization, notice, and choice) should apply to IoT, and practical strategies to address IoT privacy issues.

Ruth Hill Bro, Privacy Attorney; Past Chair, ABA Section of Science & Technology Law (Moderator)

Naomi Lefkowitz, Senior Privacy Policy Advisor, National Institute of Standards and Technology (NIST)

Maneesha Mithal, Chief, Bureau of Consumer Protection, Division of Privacy & Identity Protection, Federal Trade Commission (FTC)

Denise Zheng, Deputy Director and Senior Fellow, Strategic Technologies Program, Center for Strategic and International Studies (CSIS)

3:15 – 3:30 PM | Break

3:30 – 4:30 PM | Addressing Extraordinary Ethical Issues in Connecting Billions of Ordinary Devices to the Internet and to Each Other

Data analytics is being used to justify a multitude of decisions, predictions, and risk assessments that present previously unexplored ethical issues. IoT devices, and even toys, are recording sensitive and confidential information that companies are collecting and storing, sometimes indefinitely. Ethics issues under the ABA Model Rules pertaining to competency and confidentiality abound. This panel will explore the changing application of ethical rules for lawyers, clients, and policymakers.

Bennett Borden, Chief Data Scientist and Chair, Information Governance and eDiscovery Group, Drinker Biddle & Reath, LLP (Moderator)
Solon Barocas, Postdoctoral Research Associate, Center for Information Technology Policy, Princeton University
Lori Fena, President, Public Safety Guardian; Founder, TRUSTe.org; former Chairwoman, Electronic Frontier Foundation
Jules Polonetsky, Executive Director, Future of Privacy Forum

4:30 – 5:30 PM | IoT Intellectual Property Rights: How to Avoid Getting It Wrong

IoT will generate vast amounts of data from individuals as well as from inanimate objects. Such data will be used for a wide range of purposes, from medical treatment to pricing insurance to targeted advertising. Does this information belong to the person, the device maker, the service provider, or someone else? What does it mean to say that this is “my data”? This panel will explore key IP issues, such as who owns what IP rights to the data and how copyright will apply.

William B. Baker, Partner, Potomac Law Group, PLLC (Moderator)
Richard C. Balough, Balough Law Offices, LLC
Christina Frangoisa, Semanoff Ormsby Greenberg & Torchia, LLC
Peter McLaughlin, Of Counsel, DLA Piper
Jean Pechette, Shareholder, Polsinelli

5:30 PM | Cocktail Reception and Networking

Thursday March 31, 2016

8:00 – 8:45 AM | Breakfast/Networking

8:45 – 9:00 AM | Chairs' Welcome

9:00 – 10:00 AM | The World of IoT Policy, Laws, and Regulations, U.S. and International

Because IoT spans a variety of industry sectors and settings, novel and difficult questions are arising about the application of current laws to IoT. Who are the regulators, and who has jurisdiction over IoT-related issues? What changes must be made to address critical problems pertaining to public safety, communications, security, privacy, and so on?

Mauricio F. Paez, Partner, Jones Day (Moderator)
Chris Boyer, Assistant Vice President, Global Public Policy, AT&T
Clete Johnson, Senior Advisor for Technology Policy, Office of the Secretary, U.S. Department of Commerce
Nick Rossi, Deputy Staff Director, U.S. Senate Committee on Commerce, Science & Transportation

10:00 – 11:00 AM | The Force Awakens: IoT Standards and Information Governance

This panel will explore evolving norms — laws, regulations, standards, and best practices — for IoT. Dozens of Standards Development Organizations (SDOs) and other bodies such as the National Institute of Standards and Technology (NIST), the UN's International Telecommunication Union (ITU), and industry organizations are in a period of hyperactivity. They have produced an array of documentation that must be understood by the legal community and other stakeholders, including technology developers and manufacturers, users, and regulators. The panel will discuss frameworks, reference architecture and standards for data exchange, interoperability, cybersecurity, and other critical elements of the IoT ecosystem.

Michael Aisenberg, Principal Cyber Policy Counsel, MITRE Corporation (Moderator)
Robert S. Metzger, Shareholder, Rogers Joseph O'Donnell
Emile Monette, Senior Advisor for Resilience & Cybersecurity, Office of Mission Assurance, General Services Administration (GSA)
David Wollman, Deputy Director, Smart Grid & Cyber-Physical Systems Program Office, National Institute of Standards and Technology (NIST)

11:00 – 11:15 AM | Break

11:15 AM – 12:30 PM | Security Challenges in the IoT Age

Where is security in the IoT ecosystem? IoT devices and their implementations create numerous weaknesses that can compromise the security of individuals, homes, businesses, and industrial control systems (ICS). The panel will discuss potential vulnerabilities and ways to mitigate the risks when low-cost or high-longevity devices, some with no security or with software that is not designed to be updated or is not supported, are installed in a network, potentially creating the weakest link in the organization's IT environment.

Jody Westby, CEO, Global Cyber Risk (Moderator)
Jeff Greene, Director of Government Affairs for North America & Senior Policy Counsel, Symantec Corporation; former Senior Counsel, Senate Homeland Security & Governmental Affairs Committee
Matthew Grote, Senior Professional Staff Member, Senate Homeland & Governmental Affairs Committee
Erik Laykin, Managing Director, Duff & Phelps LLC
Jack Zinman, Vice President - Associate General Counsel, AT&T

12:30 - 1:30 PM | Lunch and Keynote Speaker

FTC Chairwoman Edith Ramirez will discuss the FTC's important work on IoT issues. This includes the 2015 report titled *IoT: Privacy and Security in a Connected World*, in which the FTC urges companies to adopt best practices to address consumer privacy and security risks.

Edith Ramirez, Chairwoman, Federal Trade Commission

1:30 - 2:45 PM | Smart Devices, Not-So-Smart Legal Problems: Addressing and Mitigating Legal Risks

The design and implementation of IoT devices may create heightened risks to individual users, to companies, and throughout the stream of commerce. The panel will consider questions such as who is affected or at risk, whether insurance covers physical damage from cyber attacks or exploitation of defects in IoT devices, and more.

Steven Teppler, Partner, Electronic Discovery & Technology-Based Litigation, Abbott Law Group, P.A. (Moderator)

Hon. Matthew Kennelly, U.S. District Judge, Northern District of Illinois

Hon. Andrew J. Peck, U.S. Magistrate Judge, Southern District of New York

Thomas J. Smedinghoff, Of Counsel, Locke Lord LLP; Past Chair, ABA Section of Science & Technology Law

2:45 - 3:00 PM | Break

3:00 - 4:15 PM | IoT on Trial: Mass Torts, Class Actions, and Theories of Liability

Because of the high likelihood of personal injury and property damage, IoT has the potential to greatly expand liability for developers, manufacturers, software vendors, users, and others. The panel will consider a wide range of questions, including how traditional theories of liability apply to IoT-related litigation, who can sue, how liability may be established, and what role insurance will play.

Cheryl Falvey, Partner, Crowell & Moring LLP; former General Counsel, Consumer Product Safety Commission (Moderator)

Tim Goodman, Assistant Chief Counsel for Litigation & Enforcement, National Highway Transportation Safety Administration (NHTSA)

Dr. Srinivasan Jagannathan, Principal, Exponent Engineering and Scientific Consulting

4:15 - 5:15 PM | Roundtable on the Future of IoT and the Law

Panelists will reflect on the legal and policy issues raised throughout the program and weigh in on what this means for IoT innovation and implementation in the future.

Lucy L. Thomson, Founding Principal, Livingston PLLC; Past Chair, ABA Section of Science & Technology Law (Co-Moderator)

Ruth Hill Bro, Privacy Attorney; Past Chair, ABA Section of Science & Technology Law (Co-Moderator)

Katherine E. Armstrong, Counsel, Drinker Biddle & Reath, LLP

Paul Rosenzweig, Professorial Lecturer in Law, George Washington University Law School

Joe Whitley, Shareholder, Baker Donelson; former General Counsel, U.S. Department of Homeland Security and U.S. Attorney for the Northern and Middle Districts of Georgia

5:15 - 5:30 PM | Wrap-Up and Takeaways

Who should attend: Lawyers (litigation, corporate, IT, etc.), regulators, legislators, policymakers, developers, manufacturers, service providers, marketers, business executives, privacy and security professionals, academics, and students

For complete details and to register, go to ShopABA.org/2016IOT

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