



November 2016

[Homepage](#) | [Committee Roster](#) | [Join the Cyberspace Law Committee](#)

In This Issue

[Message from the Chair](#)

[Cyberspace Law Institute Winter Working Meeting San Diego - January 27-28, 2017](#)

[BLS Spring Meeting Plans, New Orleans April 6-8, 2017](#)

[ABA Cybersecurity Legal Task Force Publishes Cybersecurity Checklist](#)

[Committee Doings](#)

[Other News](#)

[Programs of Interest](#)

[A Note from the Editor](#)

Important Dates

[Business Law Section Spring Meeting](#)

April 6-8, 2017
New Orleans, LA

Editorial Board

[Lois Mermelstein](#)

Message from the Chair

Cyberlawyers,

Thanks to a strong push from the Committee, we have a full slate of terrific programs for the 2017 BLS Spring Meeting in New Orleans. We also have a strong group of presentations for the Winter Working Meeting in San Diego, January 27-28. More on the winter meeting next month when the CLE and keynotes are finalized, but please note that you will enjoy the U.S. Grant Hotel in San Diego's Gaslamp District, our Mexican-inflected committee dinner on Friday night, the working subcommittee and taskforce meetings, and the helpful CLE programs. San Diego in January is an important element too. Please plan to join us.

Please find linked in this newsletter the Cybersecurity Task Force Vendor Contracting Checklist, which will also be published on our website and in Business Law Today. If your company or client must address data security with its vendors, then you should read and use this checklist. It is written by and for practitioners, and we thank Candace Jones, Cheryl Burtzel, and Lisa Lifshitz for shepherding it through to completion. The Committee's books on Social Media and the Law and on Data Security in Mergers and Acquisitions are in the editing process and should be released soon, making perfect gifts for the cyberlawyer on your list. Watch for them and buy one each for yourself.

Ted Claypoole
Chair, Cyberspace Law Committee

Cyberspace Law Institute Winter Working Meeting San Diego - January 27-28, 2017

Registration will open in a few days for the Cyberspace Law Institute and Winter Working Meeting in San Diego, January 27-28, 2017 (all day Friday, half-day Saturday). Please join us to take advantage of some cutting-edge CLE, networking with the best group of lawyers around, and a winter escape (typical highs of 70^o+). We will have 8 or 9 programs of 30-45 minutes each for a total of 5 hours of CLE, to include:

- Global social media and dark data
- Latest developments in vehicle cybersecurity
- Intersection of artificial intelligence with IP and IoT
- Smart contracts
- Recent decisions and pending litigation related to online consumer reviews
- Solutions to cyber threats on secure communication
- Emerging challenges in cyber liability insurance
- Cyberspace year in review

And our 12 subcommittees and task forces will hold working meetings and in-depth discussions during four blocks of time. This is an excellent opportunity to roll up your sleeves and get involved in the Cyberspace Law Committee. We welcome your ideas and contributions to the many projects in various stages of development.

Our meeting will be at the historic [US Grant Hotel](#) in historic downtown San Diego with a Friday dinner near the waterfront. Plan to arrive early on Thursday and join us for a casual dinner. Look for an email about registration soon, but book your air now. We look forward to your participation!

BLS Spring Meeting Plans New Orleans - April 6-8, 2017

The Cyberspace Law Committee is gearing up for the BLS Section Spring Meeting in New Orleans, April 6-8, 2017. In conjunction with a Section initiative and given that our subcommittee chairs often arrange for some excellent presentations as part of their meetings, we will offer three CLE programs within our scheduled subcommittee times. In addition, we will have a couple of stand-alone CLE programs. We will offer programs on the following topics:

- Celebrity use of social media and paid endorsements
- Enforcement and litigation trends in privacy and data security
- Report on the ULC's draft Uniform Regulation of Virtual Currency Business Act
- EU privacy shield impact on data transfer from mobile devices
- Changing standards of unfairness as seen in recent enforcement CFPB actions

[Registration is open](#) for the meeting, so take advantage of the early bird discount and register now.

ABA Cybersecurity Legal Task Force Publishes Cybersecurity Checklist

The ABA Cybersecurity Legal Task Force has just published the [Vendor Contracting Project: Cybersecurity Checklist](#).

The objective of this Checklist is to assist procuring organizations, vendors, and their respective counsel to address information security requirements in their transactions. The Checklist frames the issues parties should consider consistent with common principles for managing cybersecurity risk. The Checklist contemplates transactions from due diligence and vendor selection through contracting and vendor management. It suggests that cybersecurity provisions are not "one-size-fits-all," but should instead be informed by parties' assessment of risk and strategies to mitigate risk.

The ABA Cybersecurity Legal Task Force recognizes that cybersecurity is a dynamic subject, and we expect practitioners will modify and supplement the Checklist to reflect the particular regulatory requirements and business needs of their clients. We welcome your feedback and suggestions regarding the Checklist. Please send your feedback to the Task Force staff: Kelly Russo at Kelly.Russo@americanbar.org.

The Checklist was prepared by ABA members Cheryl M. Burtzel (Austin, Texas), Candace M. Jones (New York, New York), Lisa R. Lifshitz (Toronto, Ontario, Canada), and Lucy L. Thomson (Washington, D.C.) with valuable feedback from members of the ABA Cybersecurity Legal Task Force and the sections of Business Law and Science & Technology Law.

Committee Doings

From the Enterprise Technology Subcommittee

Co-chairs Cheryl M. Burtzel and Candace M. Jones

The Enterprise Technology Subcommittee contributed to the ABA Cybersecurity Legal Task Force's just-published Cybersecurity Checklist, a checklist of information security issues to be considered in vendor contracting. We appreciate the comments we received from members of the Cyberspace Law Committee and the Technology Committee on drafts of the Checklist. Your participation improved the work product. As noted in the Checklist, the Task Force welcomes feedback. We are considering how to keep the material current as practice in this area evolves.

The Subcommittee continues to work on its project to compile information security contract clauses and related commentary. We are looking for volunteers to write short comments (1-3 pages) about a list of topics identified by the Subcommittee. Comments should be practical and practice-oriented, highlighting the various perspectives that influence contract provisions - vendor and purchaser, business, technical and information security, and legal - as well as the relative bargaining position of the parties. Please contact [Cheryl Brussel](#) or [Candace Jones](#) for a list of topics and more information about the project.

Other News

On October 6, Committee members Richard Balough, Erin Fonte, and John A. Rothchild spoke on the "Internet of Things - Key Legal Considerations" panel in connection with the "In the Know" series presented by the Business Law Section. Stephen Wu from the Science and Technology Section also spoke and Lisa R. Lifshitz moderated. 648 people attended.

Sarah Jane Hughes represented the Cyberspace Law Committee as a panelist on the October 25, 2016 ABA webinar entitled Emerging Issues in Global Regulation of Virtual Currencies, chaired by Roberta Torian of Reed Smith in her capacity as Chair of the CFSC's International Payments Subcommittee. Other participants were David Miller of the Federal Reserve Board, Valerie Gottlieb, Vice President and Assistant General Counsel for Global Financial Crimes, JPMorgan Chase, and Kari Larsen, Of Counsel, Reed Smith. This CLE was a reprise of our Fall 2014 presentation.

Sarah Jane Hughes, Stephen Middlebrook, and Keith Rowley, will attend the Uniform Law Commission's next Drafting Committee meeting for the Uniform Regulation of Virtual Currency Business Act in Minneapolis, on October 28-29, 2016. The most recent draft and public comments are available on the ULC's website, <http://www.uniformlaws.org>.

Programs of Interest

[The Good, The Bad, and The Ugly: Navigating the New World of Online Reviews](#)

Date: November 15, 2016

Location: Webinar

[U.S. Drone Law: Current Status, Future Direction](#)

December 7, 2016

Location: Webinar

A Note from the Editor

In addition to reporting on the committee's work and what its members are up to, we'd like the newsletter to include articles on topics of interest to members. Articles should be 250-500 words, timely, and original content not already published elsewhere (including on your firm's website). To submit an article or ask questions, please contact the editor, [Lois Mermelstein](#).

{{AA_HTML LSSpecial - Chicago Footer}}