Message from the Chair

Dear Cyberspace Colleagues:

We received many excellent program proposals for Annual Meeting, ensuring that we will have a strong set of CLE programs in Austin but making it very difficult to select which ones to sponsor. If you did not make it to Orlando, both the materials and audio files are now available on the BLS website here. This access is a nice benefit of being an ABA and BLS member!

If you are planning to attend Annual Meeting, I strongly encourage you to register now. The Fairmont Austin (our base hotel) is expected to sell out early summer! You must register for the meeting first to book at the group rate at the Fairmont. Hotel reservations made without a corresponding PAID MEETING REGISTRATION may be cancelled. To take advantage of the early bird registration discount and great hotel rate, you should book now.

Many thanks to Cyberspace Law Committee members Bill Denny, Erin Illman, and Cheryl Burtzel for coordinating and presenting a Business Law Basics webinar on Data Privacy Basics at the end of May. See below for Bill's summary of the program, which was viewed by more than 450 people, and for a link to the program materials and audio.

A couple of the proposals for Annual Meeting may also become webinars soon. Please don't hesitate to let Cheryl Burtzel, our content director Juliet Moringiello, our program director Ed Morse, or me know if you have other ideas for content-webinars, articles, programs, books, etc.

Read more below about some of the committee's good work, and let us know how we can get you involved!

Regards,

Cheryl Dancey Balough
Chair, Cyberspace Law Committee

Subcommittee News

From the Current Law Task Force

Current Law Task Force Meeting - 6/13

Are you interested in writing about emerging topics in cyberspace law? Would you like to publish a piece on a recent development, but don't have the time to draft a long article? Are you looking for a way to get more involved with the Cyberspace Law Committee without traveling to a meeting?

If so, call in to the next meeting of the Cyberspace Law Committee's Current Law Task Force on June 13 at 10:30 am CT/11:30 am ET. New members are always welcome.

The Current Law Task Force tracks and reports on recent developments in cyberspace law and serves as an incubator for publications and presentations. There are a variety of available publication opportunities, including contributions to the Cyberspace Law
Committee Newsletter and Business Law Today. The Task Force can help you publish works of varying length and detail, ranging from long-form articles to pieces as brief as one paragraph.

The Current Law Task Force meets through monthly conference calls to discuss new developments and ideas for publications. The dial-in information for the call is below:

Call In: 312-667-9356
Conference ID: 079455
Security Pin: 160049

From the Cross-Border E-Commerce Subcommittee

The Cross-border e-Commerce subcommittee held two conference calls in May, both joined by expert members of the Section on Science and Technology. The first reviewed the meeting of the UNCITRAL Working Group on Electronic Commerce held in New York in April, notably their discussions and documents on cloud computing and identity management. The cloud computing overview document had been slightly revised in New York and would go to the full Commission for approval, but not before 2019. As a result, the subcommittee would hold a conference call in July to go through it one more time to see if any further changes in tone or substance were to be recommended.

The Working Group had approved a ‘roadmap’ of issues on identity management. It was a pretty high-level document and needed some fleshing out to help it progress beyond the standard discussions that have been repeated on this topic since the last century. Members of the subcommittee were invited to weigh in on those issues.

The remainder of the first call spilled over into the second, a more detailed look at a proposed convention on cross-border authentication being developed at the Council for Trade Facilitation (CEFACT), a UN body with headquarters in Europe. Russia has been promoting such a convention, with similar principles to what it persuaded UN/ESCAP (Economic Commission for Asia and the Pacific) last year. The subcommittee would reach out to interests that would be affected by a convention in its present form, to see if it should recommend modifications.

Any member of the Subcommittee may get in touch with one or both of the co-chairs to follow up on these topics or, better yet, to volunteer to help. And if you are not a member of the Subcommittee, it is really easy to become one. We will not cross-examine you on your membership.

Hal Burman and John Gregory, co-chairs

Business Law Basics Webinar

Erin Illman, Cheryl Burtzel and Bill Denny presented a Webinar on May 31, 2018, entitled Data Privacy Basics for the Business Lawyer: Spotting the Critical Issues. The materials and audio of the presentation is available here. This program offered practical tips and information to aid the general business lawyer in spotting and handling data privacy issues in the context of a hypothetical client developing and selling a fitness device that linked to downloadable apps and websites. The speakers provided an overview of key U.S. federal, state and international data privacy laws and regulations.

Link:
https://www.americanbar.org/groups/business_law/events_cle/basics/archive/201805.html

Facebook Again

David Flint, MacRoberts, LLP
The Irish Data Protection Commissioner has referred a number of questions to the European Court for an Opinion (Data Protection Commissioner Case C-311/18). The questions are available here.

If the case goes the way suggested by privacy activist Max Schrems, Privacy Shield and standard contractual clauses would no longer be a sufficient ground for data transfers between Europe and the US.

Cyberspace Law Committee - Looking Back and Forward

Cyberspace Law Committee members are very focused on the future. What new digital technologies are opening up opportunities? Our committee has a rich history of identifying and addressing legal, business, and consumer issues affected by the implementation of these emerging technologies. Jeffrey Ritter, one of the committee’s founding members, has written an article that reflects on this 20-year history and what makes the committee valuable. You can read it here.

Information Law Journal

Every quarter, the Information Security & Internet of Things Committee of the Science & Technology Law Section publishes the Information Law Journal. In this issue, authors address leading-edge issues related to voter data, machine intelligence, cybersecurity, and the impact of international technology laws.

Call for Future Contributions

Do you have something that might make a good contribution to next month's Cyberspace Law newsletter? Email Tom Kierner with your blurb! Have a less Cyberspace-y contribution? It might be a good fit for Business Law Today. Email Juliet Moringiello, and she will help you with the submission process.