Message from the Chair

Dear Cyberspace Colleagues:

Many thanks to our members who presented at the BLS Annual Meeting in Austin. Our committee sponsored five excellent programs addressing evolving topics. A special thanks to program chairs Bill Denny/Brian Castro, Steve Middlebrook, Peter Snell/Judge Lucy Koh, Roland Trope, and David Flint! The program Bill and Brian coordinated, "What Business Lawyers Need to Know about Blockchain, Smart Contracts, and ICOs from Fundamentals to Transformative Applications," attracted the second highest number of attendees of all 90+ CLE panels!

We are in full planning mode for the 2019 Cyberspace Law Institute and Winter Working Meeting, to be held January 25-26 in St. Petersburg, Florida. The CLI/WWM will follow a format similar to past meetings, including CLE programs, working sessions for subcommittees to address new projects, and roundtable discussions of current topics. Please let us know if you have:

1. A topic for a CLE presentation,
2. A roundtable discussion topic you would like to lead, or
3. A project worthy of attention in a subcommittee session.

Keep in mind that niche programs are welcome for the CLI, which has a target audience likely to be more interested in detailed cyberlaw topics, including technical discussions of relevant technology. Note that we are looking for shorter 30-45 minute programs, and we welcome proposals from new members! Please send your proposals for the CLI/WWM by Friday, October 12, 2018 to Ed Morse or Cheryl Burtzel.

By the time you receive this newsletter, the ABA will have launched its new website. Please be patient as we transition material over the next few months. We will keep you apprised of developments and look forward to the website's new features that will enable us to share information with each other more effectively.

Finally, thank you for the excellent proposals for Spring Meeting. Our committee will sponsor five excellent CLE programs in Vancouver, and you'll hear more about those soon.

I look forward to seeing you down south in St. Pete in January and up north in Vancouver in the coming months.

Regards,

Cheryl Dancey Balough
Chair, Cyberspace Law Committee

Subcommittee News

From the Cloud and Enterprise Technology Subcommittee
The Cloud & Enterprise Technology Committee is launching a series of recurring drop-in conference calls as part of its plan to compile its new book, Director’s Handbook - Enterprise Technology. We are going to hold a series of one-hour calls every other week. If you would like to be invited to the calls, please contact Candace Jones.

The strategy for the Handbook is to "crowdsource" the content. Each short chapter will have a lead author/contributor. We will use the conference calls to review and provide feedback on the chapters. In the course of conversation, we may refine the table of contents - add, delete, reorder - and settle on standard terminology. The meetings will also be an opportunity to share resources for the "additional reading" list to be included in each chapter.

The first conference call will be Wednesday, October 17 at noon E.T. A copy of the working outline for the book is posted on the Subcommittee's webpage (under "Related Resources"). There are still a number of chapters for which we need authors. If you would like to write or suggest someone as an author, please reach out to Candace.

Our goal is for authors to write short (no more than 5 pages) instructive descriptions for a board of directors audience. A lot of good source material has already been written on the wide range of technology topics the book will cover. We expect this book is to contribute to the existing scholarship by offering succinct treatment of a relatively comprehensive range of issues avoiding legal and technical jargon.

From the Current Law Task Force

Current Law Task Force Meeting - October 10

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 October 10 at 10:00 am CT/11:00 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

Committee Member News

Sarah Jane Hughes is finalizing an article entitled "More Steps toward Fully Electronic Interbank Check Collection and Return: Amendments to Federal Reserve Board Regulation CC and a Regulatory Resolution of a Circuit Split." The article focuses on amendments to Regulation CC promulgated in 2017.
Sarah Jane Hughes also is completing work on the Uniform Law Commission's Uniform Supplemental Commercial Law for the Uniform Regulation of Virtual-Currency Businesses Act. The ULC approved the text of the Supplemental Act at its July 2018 Annual Meeting. The final Prefatory Note, text of this new uniform act, and comments should be available on the ULC's website in October. The Supplemental Act creates a statutory opt-in to the user protections of UCC Article 8's Part 5, which otherwise apply to "securities intermediaries" and their customers. In addition to creating "negotiability" for virtual currencies, when enacted by individual states, the Supplemental Act will allow those seeking to take and perfect security interests in virtual currency holdings to do so by obtaining "control" (as defined in UCC Article 8 and incorporated into Article 9) of the virtual currency.

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.