Message from the Chair

Dear Cyberspace Colleagues:

As I write this letter, the midterm elections are two days away, and I do not know how the new Congress will impact cyberspace law. I do know, however, that this committee, through its active members, will continue its 20-year history of leading the way in addressing legal, business, and consumer issues affected by the implementation of emerging technologies.

I hope you will join us at the January 25-26, 2019 Cyberspace Law Institute and Winter Working Meeting in St. Petersburg, Florida. As soon as some functionality of the new ABA website is tweaked, registration will open. Stay tuned for an email announcement!

The Institute has a strong agenda of timely programs (with 6 hours of CLE), roundtables, and subcommittee meetings. Program topics include cybersecurity considerations related to navigation, novel use cases of blockchain, and much more. Please see the article below for details about the Institute.

Another Cyberspace Law book project has been approved by the BLS publications board. Thank you Candace Jones and Isvara Wilson for leading the writing and editing of Director's Handbook - Enterprise Technology. See the article below about the book, and let Candace and Isvara know if you would like to contribute.

As always, please let vice-chair Cheryl Burtzel or me know if you have recommendations or would like to get more involved in the vibrant work of this committee.

Cheryl Dancey Balough
Chair, Cyberspace Law Committee

2019 Cyberspace Law Institute and Winter Working Meeting

January 25-26 - St. Petersburg, Florida

Our Cyberspace Law Institute and Winter Working Meeting program will kick off at the crack of dawn on Friday, January 25 at the Stetson University College of Law. But plan to arrive the previous afternoon for a wonderful, complimentary cocktail reception on St. Pete Beach. Our official hotel is the Don Cesar, a premier member of the National Trust of Historic Hotels of America. The $250 price for the Institute includes 6 hours of CLE programs on the latest cyberspace issues, roundtable options, subcommittee meetings, and multiple opportunities to network.

Program topics include:

- Data Privacy and the Double Trouble of the California Consumer Privacy Act of 2018 and the Push for a Federal Privacy Standard
• Current Developments in Fintech
• Novel Use Cases of Blockchain
• Crowded Skies for E-Commerce Beyond 2018
• Positioning, Navigation, and Timing Applications: Cybersecurity Considerations
• The Year of Cyberspace in Review
• Ethics and Cybersecurity Breaches Affecting Law Practices
• Putting a Finger on the Problem: an Update on U.S. Biometric Privacy Law

The full agenda will be published along with a link to registration within a few days. If you are booking your travel now, plan to stay through early afternoon on Saturday. (Or take advantage of the Florida sunshine and extend your stay!)

Subcommittee News

From the Cloud and Enterprise Technology Subcommittee
Candace Jones and Isvara Wilson

The Cloud & Enterprise Technology Subcommittee still has some unclaimed chapters for its new book, Director's Handbook - Enterprise Technology. 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.

Our goal is to have draft chapters in advance of the Winter Working Meeting and to use our time in St. Pete to review the material and provide feedback to authors.

If you would like to volunteer to contribute a chapter, please contact Candace Jones.

From the Cross-border e-Commerce Subcommittee
Hal Burman and John Gregory

The Subcommittee is part way through its planned 6 straight weekly conference calls to prepare comments on the latest UN Secretariat drafts on Identity Management and trust services in time to make it available for the next UNCITRAL meeting.

The new proposals cover (A) basic standards or rules on IDM (open issues include whether to cover objects (IOT) or formats like websites, as well as humans), relationship between basic IDs and transactional IDs, and a gamut of computer-age issues; (B) cross-border mechanisms to make IDs from one country effective in another; (C) and the third section "trust services", including levels of assurances, certifications, PKI and other approaches, role of third party service providers, etc.

The last section brings in the EU's latest ID system (eIDaS), and multilateral formats being developed by UN regional economic bodies in Asia and Europe, all of which may Impact interests in North America.

Added participation from Cyberspacers is welcome. Contact co-chairs John Gregory or Hal Burman.

From the Current Law Task Force
Michael Silvestro

Current Law Task Force Meeting - November 14
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 November 14 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

White House Releases National US Cyber Strategy

Heidi Kuffel, Skarzynski Black LLC

In September, the White House issued the "National Cyber Strategy of the United States of America." The document includes several points of strategic focus, including upgrading federal network infrastructure; reducing risks in the national security, energy/power, banking/finance, health/safety, communications, IT, and transportation sectors. The document also emphasizes the need to encourage the free flow of cross-border data, whilst protecting U.S. interests, and working with other states to maximize commercial growth and minimize cyber risks. While the report outlines broad policy goals that may provide a roadmap for future US cyber policy, the report does not include detailed legislative or regulatory proposals.

Committee Member News

Sarah Jane Hughes has been invited to be a presenter at the first Public Policy Conference being sponsored by the Financial Regulation & Technology Institute that has been created by the Law & Economics Center at George Mason University. The two GMU faculty members in charge of the Conference are long-time members of the CLC, Tom Vartanian and Bob Ledig. Plan to attend the Conference on May 16, 2019 in northern Virginia. More information will be posted in a later CLC newsletter.

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.