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Internet of Things (IoT) National Institute

Everything will be connected.

May 9-10, 2018
Washington, DC



ABA SECTION OF
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Internet of Things (IoT) National Institute

Presented by the
ABA Section of Science & Technology Law

Internet of Things (IoT) National Institute
Everything will be connected.

May 9-10, 2018 | Washington, DC
1001 Pennsylvania Ave. NW (Crowell & Moring LLP)

We live in a connected world, where billions of vehicles, buildings, process control devices, wearables, medical devices, drones, consumer/business products, mobile phones, tablets, and other “smart” objects are wirelessly connecting to and communicating with each other. Forecasted by Gartner, Inc. to reach 20.4 billion connected things by 2020, with trillions of dollars in spending, this so-called “Internet of Things” or IoT is raising unprecedented legal and liability issues and becoming one of the hottest new law practice areas.

Join us for our third IoT National Institute, presented by the ABA Section of Science & Technology Law, for an unparalleled learning and networking opportunity for businesses, policymakers, and lawyers (M&A, IP, competition, litigation, health law, IT/outsourcing, and privacy/cybersecurity):

- Discover why corporate, law firm, government, university, and other attendees gave the last two IoT Institutes rave reviews: “magical,” “eye-opening,” “rock star” speakers, and “a grand slam.”
- Gain insights and practical guidance on the latest legal, legislative, regulatory, and liability issues of the IoT transformation — a game-changer for businesses, policymakers, and lawyers that’s now generating hundreds of billions of dollars in spending globally.
- Explore need-to-know IoT hot topics: big data/privacy, cybersecurity, litigation/mitigation, cloud/artificial intelligence, connected healthcare, ethics, global IoT product development and sales, insurance risk allocation, and homeland/national security.
- Get great value: 2 days of CLE credit (including ethics), 3 keynotes packed with compelling perspectives, 2 breakfasts and 2 lunches, and a cocktail/networking reception.

Learn more at ambar.org/iot2018.



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Agenda

Wednesday, May 9, 2018

8:00 – 8:45 am | Registration/Breakfast/Networking

8:45 – 9:00 am | Opening Remarks

David Z. Bodenheimer, Partner, Crowell & Moring LLP; Chair, ABA Section of Science & Technology Law

9:00 – 9:15 am | Keynote Address: IoT Bill and Views from the Hill

From caucuses and hearings to resolutions and bills like H.R. 1324 (Securing IoT Act), Congress has exercised oversight and leadership on IoT developments. This bicameral keynote panel will address IoT initiatives on the Hill, emerging opportunities and risks, and the importance of U.S. technology leadership.

U.S. Rep. Jerry McNerney, (9th District of CA)

U.S. Sen. Mark Warner (VA)

9:15 – 10:00 am | Demystifying IoT Technology: Beyond the Buzzwords

Spanning both the public and private sectors, IoT touches virtually every person, governmental entity, and company. In addition to exploring what IoT means, this panel will discuss new and emerging IoT technologies, how they revolutionize the public and private marketplaces, and what legal, regulatory, and technical challenges we face today and tomorrow.

Darrell G. Mottley, Principal Shareholder, Banner & Witcoff; Past President, DC Bar

Vernon Evans, Counsel, Ericsson

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

10:00 – 10:15 am | Break

10:15 am – 11:30 am | Going Global with IoT: Navigating Regulations, Standards, and Other Challenges in Developing and Selling IoT Products Internationally

As daunting as national regulations and technical standards may seem now, the international challenges are multiplying exponentially. This panel will discuss the realities of global IoT regulatory compliance, the current efforts to develop international standards, and key strategies for navigating cross-border IoT markets.

Jack Zinman, Vice President & Associate General Counsel, AT&T

Alonzo Barber, Attorney, U.S. Enterprise Commercial Group, Microsoft

Janet Hernández, President, Telecommunications Management Group, Inc.

Eric Hibbard, Chief Technology Officer, Security & Privacy, Hitachi Vantara

11:30 – 12:30 pm | Lunch and Keynote Presentation

From its early IoT reports and workshops to its investigations and enforcement actions, the Federal Trade Commission (FTC) has been a world leader in shaping the discussions on emerging security and privacy issues in a connected world.

Terrell P. McSweeney, Commissioner, Federal Trade Commission

Neil Chilson, Acting Chief Technologist, Federal Trade Commission

12:30 – 1:30 pm | Of Hal, Skynet, and iRobot: Evolving Business and Legal Issues in AI, Big Data, and IoT

As a major driver of growth in manufacturing, intelligent transportation, utilities, health, smart cities, financial services, retail, and agriculture (just to name a few), IoT offers a huge potential benefit to the economy and many wider benefits for the community in terms of improved transport, health, air pollution, and energy savings. Yet integrated services provided by multiple partners, collaborative ventures, and new business models may lead to legal challenges, requiring parties to address legal relationships as well as liability, IP, privacy/data security, insurance, and other regulatory issues. This session will assess some of the legal implications of a connected world and discuss new and evolving benefits and risks (including new risk types) for businesses operating in this brave new world.

William Baker, Partner, Potomac Law Group, PLLC: Chair-Elect, ABA Section of Science & Technology Law

Lisa R. Lifshitz, Chair and Partner, Technology, Privacy & Data Management Group, Torkin Manes LLP

Richard C. Balough, Balough Law Offices, LLC

Theodore F. Claypoole, Partner, Womble Bond Dickinson

Erin F. Fonté, Co-Head and Member, Privacy and Data Security Group, Dykema Gossett PLLC

Agenda

1:30 – 2:45 pm | Data, Data, Everywhere: Navigating IoT Privacy Issues

We live in a connected world, where objects and buildings can track information about everyone 24/7. It's data, data, everywhere, without a chance to think . . . especially about the privacy implications of such hidden powers. But smart businesses must think about, and address, the data protection issues raised by "smart" appliances, wearables, medical devices, warehouses, cars, and cities. What data is being collected, how will the data be used and protected, what kinds of notices/agreements come into play, what laws govern the data, and what are the rights of data subjects (that is, real people)? Such data is key to the bottom line, as it helps to improve products and services and also becomes a valuable commodity to be compiled, combined, analyzed, packaged, and sold. This has not gone unnoticed by the FTC, NIST, and others worldwide (e.g., EU). This panel will provide perspectives on ways to work smarter in navigating ever-changing IoT privacy issues.

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

Jacqueline K. Connor, Attorney, Division of Privacy & Identity Protection, Bureau of Consumer Protection, Federal Trade Commission

Naomi B. Lefkowitz, Senior Privacy Policy Advisor, National Institute of Standards and Technology

Robert S. Litt, Of Counsel, Morrison & Foerster LLP; former General Counsel, Office of the Director of National Intelligence

2:45 – 3:00 pm | Break

3:00 – 4:15 pm | Securing the Insecure: Cybersecurity in a Connected World

Where is security in the IoT ecosystem, and how do we know when we can trust it? IoT devices have been compromised to create botnet armies used for distributed denial of service or to attack underlying systems. IoT devices and their implementations may create numerous weaknesses that can compromise the security of individuals, homes, businesses, and industrial control systems (ICS). This panel will discuss inherent risks associated with these devices, potential vulnerabilities, and ways to mitigate and manage the risks flowing from them. The panel also will explore difficulties associated with responding to incidents involving IoT devices, as well as the critical need for verifying the trustworthiness of IoT devices and their security.

Jody Westby, CEO, Global Cyber Risk LLC

Megan Brown, Partner, Wiley Rein LLP

Jill D. Rhodes, Vice President and Chief Information Security Officer, Option Care Enterprises, Ltd.

Randy Sabett, Special Counsel, Privacy & Data Protection, Cooley LLP

William Wright, Director, Government Affairs & Senior Policy Counsel, Symantec

4:15 – 5:15 pm | Insuring the Technology Unknowns: Allocating Insurance Risks with IoT

Connected devices are changing the world, and that means risks are changing too. Insurers must face the challenge of understanding how exposures and liability are changing as a result of IoT. How will insurers respond to Internet-connected devices and the risks they pose? How will these risks be addressed under stand-alone cyber policies and traditional lines of insurance coverage? And how will carriers incorporate IoT data and usage into their products and business operations?

Laura Foggan, Partner, Crowell & Moring LLP

Angela Gleason, Senior Counsel, American Insurance Association

Lorie Masters, Partner, Hunton & Williams LLP

Catherine Mulligan, Managing Director & U.S. Cyber Practice Leader, Aon Benfield

5:15 – 5:30 pm | Keynote Address: Senate Initiatives on IoT Expansion and Security

From caucuses and hearings to resolutions and bills, the Senate has exercised oversight and leadership on IoT developments. As a sponsor of S.1691 - Internet of Things (IoT) Cybersecurity Improvement Act of 2017, Senator Warner will discuss views of cybersecurity risks and opportunities and the importance of establishing security standards to protect this vital economic highway of the future.

U.S. Sen. Mark Warner (VA)

5:30 – 6:45 pm | Cocktail Reception and Networking

Thursday, May 10, 2018

8:00 – 8:30 am | Breakfast/Networking

8:30 – 8:45 am | Keynote Address: IoT Oversight on the Hill

As the Ranking Member of the Subcommittee on Information Technology, Congresswoman Kelly brings leadership on the latest technology issues emerging before the House Committee on Oversight and Government Reform. She will address efforts to oversee the vast array of IoT economic, technology, and security issues confronting federal agencies in a connected world.

Robin Kelly, Congresswoman, 2nd Congressional District of Illinois, Chicago, IL

8:45 – 9:00 am | Introduction

William Baker, Partner, Potomac Law Group, PLLC; Chair-Elect, ABA Section of Science & Technology Law

9:00 – 10:00 am | HealthTech on the Digital Frontier: Smart Pills, IoT Devices, and Connected Medical Technologies

The amount of digital health data — and the tools and sources of such data — (e.g., wearables, ingestibles, electronic health devices, and genomic profiles) are growing rapidly. With this digital transformation in health technology, laws governing interoperability, data sharing, privacy, security, and regulatory oversight continue to morph and evolve at an accelerating pace, leaving counsel scrambling to remain current and wondering how to support business and health care decisions in this uncertain legal environment. This panel will address the risks and opportunities in collecting and using electronic health data, the expanding regulatory regime for health devices (including artificial intelligence, clinical decision support, and medical device software), and the best practices for navigating health IoT risks and technologies.

Jodi Daniel, Partner, Crowell & Moring LLP; founding Director, Office of Policy, Office of the National Coordinator for Health Information Technology, U.S. Department of Health and Human Services

Afia Asamoah, Senior Counsel & Trust and Compliance Officer, Verily Life Sciences, LLC (an Alphabet Inc. company)

Jean Marie Pechette, Shareholder, Polsinelli

Ericka S. Watson, Lead Counsel, Global Data Privacy, Danaher Corporation

10:00 – 11:00 am | Homeland and National Security in an Internet-Everything World

While cutting-edge innovations have long served as a linchpin for effective homeland and national security defense in the United States, never have the opportunities and challenges been greater in a surging world of trillions of sensors, billions of devices, and zettabytes of data. This panel will address the looming risks to critical infrastructure and national security, the critical nature of public-private partnerships and information sharing, and the latest initiatives to safeguard domestic and national security.

Richard M. Martinez, Partner, Jones Day

Leonard Bailey, Special Counsel, National Security, Computer Crime & Intellectual Property Section, U.S. Department of Justice

Rajesh De, Partner, Mayer Brown LLP; former General Counsel, U.S. National Security Agency

Jonathan W. Gannon, Assistant Vice President—Senior Legal Counsel, AT&T Services; former Deputy Unit Chief, Office of Intelligence, National Security Division, U.S. Department of Justice

Suzanne Spaulding, Senior Adviser, Homeland Security Program and International Security Program, Center for Strategic & International Studies; former Under Secretary, National Protection and Programs Directorate, U.S. Department of Homeland Security

11:00 – 11:15 am | Break

Agenda

11:15 am – 12:30 pm | Inside IoT: Corporate Counsel Insights

In a white-hot marketplace adding billions of interconnected devices at warp speed, the leading corporate lawyers on IoT technologies tackle new legal, regulatory, and policy issues every day — and sometimes every hour. This panel will address the in-house challenges of advising clients on the IoT legal frontier, building business relationships across the rapidly expanding IoT supply chain, and balancing risks and opportunities where laws and regulations are still catching up.

Joe D. Whitley, Chair and Shareholder, Government Enforcement and Investigations Group, Baker Donelson; former General Counsel, U.S. Department of Homeland Security

Arash Heidarian, Senior Corporate Counsel, Amazon

Richard LeVee, Senior Attorney, Watson Internet of Things, IBM

Jarett A. Nixon, Legal Director, IoT, Cisco Systems, Inc.

Neil Sitron, General Counsel, Rivian Automotive

12:30 – 1:30 pm | Lunch and Keynote Presentation

Peter Davidson, General Counsel, U.S. Department of Commerce

1:30 – 2:45 pm | The Fate of the Furious: Litigation, Allocation of IoT Legal Risks, and Mitigation Strategies

As manufacturers of all levels of sophistication race to connect their products, what strategies should they consider to mitigate potential risks? These new products require security, safety, and privacy by design. Lawyers can help companies launch successful products by probing whether reasonable efforts have been used to meet these design requirements and identifying the liabilities and obligations between the numerous parties involved in the technology behind these products. Common legal gaps in ownership rights and contractual arrangements could also compound the risk profile with IoT products. Join us as we look at these issues and explore risk mitigation tactics.

Cheryl Falvey, Co-Chair and Partner, Advertising and Product Risk Management Group, Crowell & Moring LLP; former General Counsel, U.S. Consumer Product Safety Commission

Jeff Greene, Senior Director, Global Government Affairs & Policy, Symantec Corporation; former Senior Counsel, Senate Homeland Security & Governmental Affairs Committee

Kim Hughes, Senior Attorney, Global Compliance, Microsoft

Michael A. Oakes, Partner, Hunton & Williams LLP

2:45 – 3:00 pm | Break

3:00 – 4:00 pm | Complicit? Ethical Challenges in a Connected World

Everything is connected, and that's a good thing, right? But not so fast. Connectivity brings with it new ethical issues around lawyer's duties, including those of competence and confidentiality. Data collection via wearables, mobile devices, and smart technology is creating a treasure trove of information for discovery, with implications for corporate lawyers, litigators, family law practitioners, personal injury attorneys, and others. Business advisors must consider how to advise clients about data analytics, including collection, use, and storage of sensitive and confidential information. The ABA Model Rules of Professional Conduct make clear that lawyers' duties not only apply in all technological contexts but also specifically include a duty to keep up on technological advancements and their implications for clients. This stimulating and highly interactive panel will explore how you can be connected but not complicit.

Merri A. Baldwin, Co-Chair & Shareholder, Attorney Liability and Conduct Practice Group, Rogers Joseph O'Donnell, PC

Kathryn J. Fritz, Partner, Fenwick & West LLP

4:00 – 5:30 pm | Back to the Future: Where is IoT Going Next?

As IoT innovations roll out across industries at a breakneck pace, policymakers and thought-leaders in industry, universities, and government have begun to assess the major legal, commercial, and political challenges and issues presented by IoT. Are innovations and policy, as a ground-breaking MIT study concludes, "radically misaligned," or will market forces create an appropriate path forward? Drawing on the insights presented during the ABA IoT National Institute and leading research findings, this expert panel will discuss the challenges that lie ahead and debate their impact.

Lucy Thomson, Founding Principal, Livingston PLLC; Past Chair, ABA Section of Science & Technology Law

Michael A. Aisenberg, Principal Cyber Policy Counsel, MITRE Corporation

Lisa Hayes, Vice President, Strategy & General Counsel, Center for Democracy & Technology

Paul Ohm, Professor, Georgetown University Law Center; Faculty Director, Georgetown Institute for Technology Law & Policy

Denise Zheng, Vice President, Technology, Internet, and Innovation Policy, Business Roundtable

5:30 pm | Second Day Wrap-Up and Farewell

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