Wednesday, March 27, 2019

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

8:45 – 9:00 am Opening Remarks

William B. Baker, Partner, Potomac Law Group, PLLC; Chair, ABA Section of Science & Technology Law
Judy Perry Martinez, President-Elect, American Bar Association

9:00 – 9:30 am Keynote Address

Michael Chertoff, Co-Founder and Executive Chairman, The Chertoff Group, former Secretary, Department of Homeland Security

9:30 – 10:45 am New and Emerging Legal Issues Raised by New and Emerging IoT Technologies
Spanning both the public and private sectors, IoT touches virtually every person, governmental entity, and company. This panel will discuss new and emerging IoT technologies (such as blockchain, artificial intelligence, and unmanned aerial vehicles), how they revolutionize the public and private marketplaces, and what legal, regulatory, and technical challenges we face today and tomorrow.

Katherine E. Lewis, Partner, Meister Seelig & Fein LLP
Matthew T. Henshon, Henshon Klein LLP
Richard J. Johnson, Partner, Jones Day
Hanna Kim, Attorney, Microsoft
Robert A. Martin, Senior Principal Engineer, The MITRE Corporation; Steering Committee Member, Industrial Internet Consortium

10:45 – 11:00 am Break

Agenda subject to change without notice based on speaker schedules.
11:00 am – 12:00 pm  **The Internet of Medical Things (IoMT): A Legal Perspective**
IoT devices increasingly are being adapted to medical uses. Doctors, nurses, and patients are using the Internet of Medical Things (IoMT) to monitor health and improve treatment. But what does this mean from a legal perspective? This panel will discuss what is currently happening, the potential benefits and risks of IoMT, and where the world of IoMT will take us in the future.

**Jean Marie Pechette**, Shareholder, Polsinelli  
**Stephanie Cason**, Product Counsel, Google  
**Michelle Richardson**, Director, Privacy & Data Project, Center for Democracy & Technology  
**Melanie Scott-Bennett**, Attorney, Microsoft

12:00 – 1:00 pm  **Lunch and Keynote Presentation**

**Laura DeNardis**, Professor and Associate Dean  
American University, School of Communication

1:00 – 2:00 pm  **Where Do IoT’s Building Blocks Stand? (5G, Standards, Software, and the Law)**
As IoT-focused network architecture, standards, and software evolve, new systems become feasible to extend the reach and efficacy of IoT. This panel will examine the current legal status and development strategies relating to three highly important foundational areas – 5G (which will enable the deployment of the next generation of IoT devices), standards (which promote the interoperability of devices), and software licensing – and how their evolution affects the evolution of IoT.

**Julie A. Fleming**, Founder, Fleming Strategic; Chair-Elect, ABA Section of Science & Technology Law  
**Eric A. Hibbard**, Chief Technology Officer, Security & Privacy, Hitachi Vantara  
**Christopher Suarez**, Associate, Williams & Connolly LLP  
**Jack Zinman**, Vice-President & Associate General Counsel, AT&T

2:00 – 3:00 pm  **Demystifying the Government Role in IoT Policy**
Leading figures in the Executive Branch’s development of policies and practices in the connected domains will address the factors shaping U.S. government agencies’ views on how to best incorporate and use software and software-enabled devices in pursuit of their agencies’ missions and the conduct of their private-sector partners.

**Michael A. Aisenberg**, Principal Cyber Security Counsel, The MITRE Corporation  
**Emile Monette**, Program Manager, Cyber Supply Chain Risk Management Program, DHS Cybersecurity and Infrastructure Security Agency

3:00 – 3:15 pm  **Break**

Agenda subject to change without notice based on speaker schedules.
3:15 – 4:15 pm  
**Demystifying the Government Role in IoT Regulation**  
Past and present representatives of Federal agencies having direct regulatory responsibility over companies’ deployment of connected devices will discuss the shaping of rules and compliance régimes in place over devices impacting telecommunications, connected medical devices, and other consumer product environments.

**William B. Baker**, Partner, Potomac Law Group, PLLC; Chair, ABA Section of Science & Technology Law  
**Jodi Daniel**, Partner, Crowell & Moring LLP  
**Ellen J. Flannery**, Deputy Center Director for Policy, Center for Devices and Radiological Health (CDRH), U.S. Food and Drug Administration  
**Christopher Olsen**, Partner, Wilson Sonsini Goodrich & Rosati

4:15 – 5:30 pm  
**Is IoT the End of Privacy as We Know It?**  
Everywhere we go, smart devices are collecting data about us, but many of us don’t even know it. As consumers and employees learn about such collection and use, they express concern that private things are no longer private. People want to know what is being collected, how it is being used, and what rights they might have as data subjects. With every technological advance, and adverse media attention, come more questions for businesses and the lawyers who advise them. Should privacy be embedded into every IoT device? What role can layered privacy policies play? What can we learn from the NIST Privacy Framework and the FTC in managing privacy IoT risks? Is self-regulation sufficient, or is government regulation needed? What effect will the new California Consumer Privacy Act have on IoT privacy? What are the implications of GDPR and purpose-based restrictions, and could GDPR become a *de facto* standard in the absence of any comprehensive U.S. privacy statute? Is privacy dead in a 24/7 connected world, or are reports of its death greatly exaggerated? Join us for a stimulating discussion, the latest insights, and practical takeaways on IoT privacy.

**Ruth Hill Bro**, Privacy/Cybersecurity Attorney; Past Chair, ABA Section of Science & Technology Law  
**Naomi B. Lefkovitz**, Senior Privacy Policy Advisor, National Institute of Standards and Technology (NIST)  
**Kristin J. Madigan**, Counsel, Crowell & Moring LLP; former Attorney, Division of Privacy & Identity Protection, Bureau of Consumer Protection, FTC

5:30 – 7:00 pm  
**Cocktail Reception and Networking**

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Thursday, March 28, 2019

8:00 – 8:30 am  Breakfast/Networking

8:30 – 9:00 am  Introduction and Keynote Address

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

9:00 – 10:30 am  Is There Cybersecurity in IoT?
IoT devices have been compromised to create botnet armies used for distributed denial of service (DDoS) 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). Security issues are not well understood, but fears are driving calls for legislation and standards. Meanwhile, the tech community continues to innovate, and many are trying to address the risks. These issues, however, are international in scope and require collaboration. This panel will discuss the inherent security risks associated with these devices and initiatives by governments, standards setting groups, and industry.

Jody Westby, CEO, Global Cyber Risk LLC
Megan Brown, Partner, Wiley Rein LLP
Terrell McSweeney, Partner, Covington & Burling LLP; former Commissioner, Federal Trade Commission (FTC)
Nicholas Pisciotta, President and Founder, Sicuro Innovations Inc.
Jeffrey Voas, Computer Scientist, Secure Systems and Applications Group, NIST

10:30 – 10:45 am  Break

10:45 am – 12:15 pm  Courting IoT: The Latest IoT Litigation and Liability Issues
As the world increasingly turns to IoT devices, litigation and liability issues will inevitably arise. Unclear rules about responsibility for problems and liability for harms arising from the use of IoT devices invite litigation. This panel will explore the litigation scene, discuss how companies are planning to cope with litigation issues, and identify trends for the coming years.

Cheryl A. Falvey, Partner, Crowell & Moring LLP; former General Counsel, U.S. Consumer Product Safety Commission
Ian C. Ballon, Litigation Shareholder, Greenberg Traurig, LLP
Kerry Childe, Attorney; former Senior Corporate Counsel, Privacy and Information Policy, Best Buy
Richard M. Martinez, Partner, Jones Day

12:15 – 1:30 pm  Lunch and Keynote Address
Rush D. Holt, Chief Executive Officer, American Association for the Advancement of Science (AAAS); former U.S. Representative, 12th District of NJ (1999-2015)

Agenda subject to change without notice based on speaker schedules.
1:30 – 2:45 pm
**Running for Cover: Insurance Meets IoT**
This panel of insurance insiders and legal practitioners will address how insurers are responding to the unique insurance coverage and risk management needs of companies that create, distribute, or work with IoT devices. We’ll discuss the coverage afforded by Cyber, Product Liability, Excess Casualty, D&O, Professional Liability, Crime, and General Liability policies, all in the context of IoT innovation.

*Laura Foggan*, Partner, Crowell & Moring LLP  
*John G. Buchanan III*, Senior Counsel, Covington & Burling LLP  
*Rachel Lavender*, Senior Vice President, Cyber Center of Excellence Practice, Marsh

2:45 – 3:45 pm
**Brave New World: Technology, Connectivity, and Ethics Issues**
Continually emerging technology and 24/7 connectivity are raising ethical issues for everyone — especially lawyers. 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. The new ABA Formal Opinion 483 (lawyer obligations regarding a cyber breach/attack) deserves special consideration in an IoT world where everything is connected … and vulnerable. Likewise, with mobile devices and smart technology generating an endless stream of information, attorneys must consider how to advise clients about discovery and use of such information (including data analytics). This highly interactive panel will explore this brave new world and arm attendees with the courage to face the corresponding ethical issues.

*Merri A. Baldwin*, Co-Chair & Shareholder, Attorney Liability and Conduct Practice Group, Rogers Joseph O’Donnell  
*Scott B. Garner*, Partner, Umberg Zipser LLP

3:45– 4:00 pm
**Break**

4:00 – 5:15 pm
**IoT Challenges for Corporate Counsel**
IoT innovations are transforming our world, creating an array of daunting new legal, policy and regulatory challenges. At the convergence of IT, cloud and mobile computing, big data and AI, and other technological advances, IoT requires corporate counsel to venture into often unfamiliar areas. This expert panel will provide valuable insights on how, in the high-risk IoT environment, in-house counsel can build business relationships, balance opportunities and risks, anticipate unanswered questions, and advise clients on a range of critical issues in corporate governance, supply chain, infrastructure protection, IP, insurance, and more, while the laws and regulations are just catching up.

*Lucy L. Thomson*, Founding Principal, Livingston PLLC; Past Chair, ABA Section of Science & Technology Law  
*April Falcon Doss*, Saul Ewing Arnstein & Lehr  
*Michelle M. Gallardo*, Director, Legal – Global Privacy, HARMAN International, a Samsung Company  
*Arash Heidarian*, Senior Corporate Counsel, Amazon

5:15 – 5:30 pm
**Second Day Wrap-Up and Farewell**
Agenda subject to change without notice based on speaker schedules.
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