

# State Bar of Michigan Information Technology Law Section – Annual Report

**Bar Year:** 2019-2020

**Section Name:** Information Technology Law Section

The Information Technology Law Section of the State Bar of Michigan provides education, information, and analysis about issues of concern through meetings, seminars, this site, public service programs, and publication of a newsletter. Membership in the Section is open to all members of the State Bar of Michigan. Statements made on behalf of the Section do not necessarily reflect the views of the State Bar of Michigan.

**Mission Statement:**

The purpose of the section is to review, comment upon, and apprise members of the State Bar of Michigan and others of developments in the law relating to information technology, including:

- the protection of intellectual and other proprietary rights;
- sale, leasing, distribution, provision, and use of, hardware, software, services, and technology, including computer and data processing equipment, computer software and services, games and gaming, information processing, programming, and computer networks;
- electronic commerce
- electronic implementation of governmental and other non-commercial functions;
- the Internet and other networks; and
- associated contract and tort liabilities, and related civil and criminal legal consequences.

**Bylaws:** The Information Technology Law Section bylaws were last amended November 16, 2012, and are available at <http://connect.michbar.org/itlaw/council>

**Officers and Council Members:**

**Chair** - Michael Gallo, Troy, Michigan, [michael@gallo.us.com](mailto:michael@gallo.us.com)

**Chair-Elect** - Christopher J. Falkowski, Novi

**Secretary** - Michael James McCandlish, Southfield

**Treasurer** - Karl Hochkammer, Detroit

**Council Members**

Term Ending: 2020

P32663	Keith A. Cheresko, Milford
P74858	Michael James McCandlish, Southfield
P71941	Adam Satovsky Rubin, Birmingham
P46136	Joellen Shortley, Pontiac
P72253	Jeanne M. Whalen, Bloomfield Hills

Term Ending: 2021

P66525	Onika C. Celestine, Detroit
P69608	Kellie Kern DeMeritt, Southfield
P73301	Clifford James Lanning, III, Fremont
P36176	Kathryn L. Ossian, Ferndale
P66300	Elizabeth A. Storm, Petoskey

Term Ending: 2022

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P57019 Christopher J. Falkowski, Novi  
P73271 Michael Vincent Gallo, Troy  
P53787 Karl A. Hochkammer, Detroit  
P49388 Katherine Dorr Kelley, Birmingham  
P79705 George Kimball, Ann Arbor  
P78704 Daniel Michael Ungar, Southfield

**Meeting Schedule:**

Information Technology Section meeting minutes are available at  
<http://connect.michbar.org/itlaw/council>

<b>Meeting Type</b>	<b>Date</b>
IT Law Council	September 12, 2019
IT Law Council	October 2019
IT Law Council	January 9, 2020
Privacy Law Committee	January 16, 2020
IT Law Council	April 2, 2020
Privacy Law Committee	June 18, 2020
IT Law Council	July 7, 2020
IT Law Section Annual Meeting	September 10, 2020
IT Law Council	September 10, 2020

**General Budget Information:** The Information Technology Law Section continues to be in excellent financial shape. Expenses are expected to be within the amounts proposed in the 2019/2020 budget, providing the 2020/2021 Information Technology Law Council with a fund balance of approximately \$73,000. The Section began the fiscal year with a fund of \$64,154.93, total revenue will be ~\$14,000, and total expenses will be ~\$3,000. A significant unplanned increase in the fund balance occurred because the Spring Seminar was postponed and today’s Annual Seminar was held virtually

**Events and Seminars:**

<b>Event or Seminar Title</b>	<b>Date</b>	<b>Location</b>
Foreign Privacy Protection Laws and Conflicting U.S. Immigration Practice: A Migraine for Attorneys	November 20, 2019	Detroit
13 <sup>th</sup> Annual Information Technology Law Seminar	September 10, 2020	Teleconference

**Legislative issues:** None

**Recommendations for next Council:**

Significant planning by Kathy Ossian, Joellen Shortley, Kathy Kelley, Liz Storm, Mike McCandlish and Keith Cheresko went into a seminar titled ‘Autonomous Vehicles/Use of Artificial Intelligence and Robotic Process Automation for Healthcare Professionals and Lawyers’, but was put on hold due to the pandemic. Hopefully the event can be rescheduled during 2020/2021.

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The IT Law Section donated \$500 to the SBM Young Lawyers Section. Given the IT Law Section's excellent financial shape, another donation during 2020-2021 is recommended, as is searching for other ways to use Section budget to support efforts and events that align to the Section's mission and goals.

As always, new members can invigorate the Section and bring new ideas and programs alive. The 2020-2021 IT Law Section Council may wish to sponsor one or more events at Michigan Law schools to increase visibility.

Although the annual IT Law Seminar is doing well, improvements are always possible. As the first time the event was held virtually, there will be numerous lessons learned, and a decision must be made whether to plan the 2021 Seminar to be held live (which promotes in person interaction) or virtually (which is significantly less expensive, yet increases the number of potential attendees across Michigan, and can easily be recorded for playback by those unable to attend on the date of the event). By identifying a 'Topics and Speakers' committee early in the Council year, the Section gets a jump start on identification of that year's speakers and topics, which would allow for earlier development of flyers and communications, which may lead to an increased number of attendees and sponsors.

Adding a speaker or presenter at Section and Council meetings held during the year, combined with advertising of the presentation topic, may increase attendance by Section members, and encourage more volunteers for Council members and Section leadership positions.

The Council may wish to provide, sponsor, or co-sponsor other educational opportunities, such as a mid-year function with the International Law Section and the ACES Section.

All State Bar of Michigan Sections are offered the opportunity to contribute to the *Michigan Bar Journal* 'Section Briefs', by submitting a notice of up to 75 words by the fifth of each month. The notice should contain significant developments in the law, noteworthy events, section publications or achievements, or any other information of interest. The IT Law Section took advantage of this opportunity several times during 2019-2020, and suggests the effort continue.

Each year, the *State Bar of Michigan* sponsors an 'invitation only' *Bar Leadership Forum*, and extends an invitation to the IT Law Section Chair and Chair-Elect. This event provides an opportunity to meet with peer Section and Bar leaders, attend various presentations, and provide recommendations for Section and Council considerations. Past attendees have enthusiastically recommended that IT Law Section leaders attend this two day event during June, which is typically held at Mackinac Island's *Grand Hotel*.

### **Other Information:**

- *Privacy Law Committee*
  - o The Information Technology Law Section supports a standing Privacy Law Committee, which is co-chaired by Bob Rothman, [rrothman@privassoc.com](mailto:rrothman@privassoc.com) and Keith Cheresko [kcheresko@privassoc.com](mailto:kcheresko@privassoc.com).
  - o The Privacy Committee is a forum for discussing this new and developing area of the law affecting a broad range of practices at the state, national and international levels. The committee also works to help educate members of the State Bar of Michigan about the privacy and security obligations of their own organizations and of their clients. The committee targets meeting quarterly, to discuss various privacy related matters.
  - o For more information, visit <http://connect.michbar.org/itlaw/newsletter/news>
- *Information Technology Law Section eNewsletters*

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- Thanks to Liz Storm, Dan Ungar and a number of contributors, the Information Technology Section produces three newsletters during 2019-2020, which are available at <https://connect.michbar.org/itlaw/newsletter/newsletters>. One challenge is generating article of interest to Section Members.
- *Michigan Bar Journal*
  - The IT Law Section agreed to sponsor an Information Technology Law themed issue of the Michigan Bar Journal targeted for publication in 2022. If interested in assisting with the effort, contact Chris Falkowski ([chris@falkowskipllc.com](mailto:chris@falkowskipllc.com)).
- *Section Membership*
  - Section Members: 621 members
  - *LinkedIn* Group Members: 236 members. The Information Technology Law Section has a *LinkedIn* Group, titled '*IT Law Section of State Bar of Michigan*', which is open to all State Bar of Michigan attorneys. The group provides a way for non-members to learn more about the Section, and allow everyone to participate in discussions, share information, present career opportunities, identify others with common interests, and receive prompt and timely notification of Section efforts. Visit <http://linkedin.com> and search for '*IT Law Section of State Bar of Michigan*' to join!