

Information Technology Law Section Council 2018-2019

New 2018–2019 Officers

Chair: Joellen Shortley
Chair-Elect: Adam Rubin
Secretary: Jeanne Whalen
Treasurer: Michael McCandlish

Council Members

Term Ending 2019

- ◆ Kimberly Crouch
- ◆ George Kimball
- ◆ Robert Rothman
- ◆ Daniel Ungar

Term Ending 2020

- ◆ Keith Cheresko
- ◆ Michael McCandlish
- ◆ Adam Rubin
- ◆ Joellen Shortley
- ◆ Jeanne Whalen

Term Ending 2021

- ◆ Onika Celestine
- ◆ Kellie Kern DeMeritt
- ◆ Kip Lanning
- ◆ Kathy Ossian
- ◆ Elizabeth Storm



IT Section Annual Seminar & Meeting — Register to attend!

Inn at St. John, Plymouth, Michigan
September 12, 2019

Our Section's 12th Annual Conference and Annual Section Meeting will be held this year on September 12, 2019 at the Inn at St. John in Plymouth. Every year, the Annual Conference offers timely, useful information, breaks between sessions, and an opportunity to meet with colleagues.

**CLE credits may be available.*

Registration opens at 8:30 and the meeting will begin promptly at 9:00 am. The agenda is scheduled to include: :

- How to Have a Strong CIO Attorney Relationship
- Liability Limits and Indemnities
- Big Data Analytics
- Negotiating Security Addenda
- Cybersecurity Governance and Best Practices
- You've Got Ransomware and Other Cyber Security Nightmares

Sponsored by Dykema and Privacy Associates International LLC.

The Section's Annual Meeting takes place during the Conference lunch break.

To register, visit <https://www.eiseverywhere.com/it091219>. Note you may register to attend the Annual Section Meeting without attending the full day Annual Conference.

Membership

Annual Dues: \$25. Membership benefits include:

- IT Law Newsletter
- Discount to Information Technology Law Annual Conference
- Quarterly Privacy Committee updates by Privacy Associates, LLC.
- Online group discussions on Facebook and LinkedIn
- CLE opportunities and Joint Events with other sections and section members

In This Issue

- Letter from the 2018–2019 Section Chair
- Members' Spotlight
- IT Section Annual Conference at the Inn at St. John's
- Privacy Committee
- Upcoming Section Events

Find Us!

On the State Bar of Michigan IT Law Section Website

<http://connect.michbar.org/itlaw/council>

On Twitter

<https://twitter.com/sbmitlaw>

On LinkedIn (private group)

<https://www.linkedin.com/groups/2993995>

On Facebook

<https://www.facebook.com/MichiganITLawyers>

Upcoming Events

June 2019

- 26 Privacy Law Committee meeting

September 2019

- 12 IT Section 12th Annual IT Law Seminar & Member Annual Meeting
Inn at St. John, Plymouth, MI

October 2019

- 1 Privacy Law Committee meeting

December 2019

- 5 Privacy Law Committee meeting

Join the Section!

If you are interested in joining, please contact:

Kellie DeMeritt,
New Member Committee
kdemeritt@alixpartners.com
(248) 924-1705

Article Submissions

If you are interested in submitting an article for an upcoming newsletter, please send submissions to:

Daniel Ungar
dungar@jaffelaw.com

About the IT Law Section

Information technology (IT) law is an exciting cross-disciplinary practice area that is growing in importance as electronic communications and interactions continue to become more prevalent in the U.S. and abroad. An IT lawyer is confronted with legal issues from a wide variety of traditional legal practice areas, including but not limited to contracts, intellectual property, torts, employment, first amendment, healthcare, tax, and consumer protection. The application of long-standing as well as new legal principles to the area of information technology makes the practice of IT law both very challenging and very rewarding. The IT Law Section strives to assist its members in staying up to date and informed in a legal environment that is sometimes volatile and always in flux.

I.T. Law Section Government Developments

The 2018-19 year has been one of reinvigoration for our IT Law Section (Section). With strong leadership of the governing council (Council) and a passion for delivering benefits to our Section's members several critical efforts have been initiated and are in process. To provide direction for the Section's future, Council decided it was necessary to address basic governance matters. As a result Council established two working groups to drive these efforts. One group was established to create a plan for the future of the Section. This group comprised of Joellen Shortley (Council chair), Michael Khoury (former Council chair), Lawrence Jordan (former Council chair) and Council member George Kimball and, is charged with gazing into the future and formulating a plan driving the direction of the Section for the next several years through the creation of a strategic plan.

The draft strategic plan articulates a new mission statement for the Section and new goals. It is anticipated the plan will also address tactical means by which to achieve the adopted goals. The plan will describe specific objectives (and project metrics) for action that will assist in achieving the goals in service to the Section's members. The plan will provide a framework to drive the Section forward for the next Council members and officers who will take over the process in September at the Section's annual meeting. The ultimate success of the strategic plan depends on Council's response to the needs of Section members and the involvement of Section members in Section activities.

The second effort is a review of the Section's existing bylaws. A committee comprised of Robert L. Rothman (Council member and

Section's Privacy Law Committee co-chair) and Michael McCandlish (Council member and Treasurer) was charged with assessing the Section's existing bylaws and recommending changes to the Council and Membership. It was determined that the bylaws could benefit from an updating to ensure the Section's practices and rules are in harmony. After review the group presented its findings to the full Council through a series of questions and suggested possible alternative edits. Council decided it would be wise to seek the input from the past Section Council chairs since none of the existing Council members had all the history of the existing bylaw text and making a textual change without understanding the reasons behind the existing text would be imprudent.

To obtain the necessary background knowledge in a concise and efficient manner past Section Council chairs were invited to a meeting. At that meeting with Robert Rothman, Privacy Associates International LLC, presented the findings of the bylaw review, posed open questions, and asked for insight from the past Chairs. There was a good discussion of the issues ultimately resulting in a Summary Report that is available online. A hotly debated item from the bylaw review was the possibility of a name change for the Section.

An important element of the Section's governance is upon us. At the Section's annual membership meeting (held during lunch at the IT Law Section 12th Annual Information Technology Seminar) September 12, there will be elections for new council members and new officers. It is expected that there will include a brief discussion about the developing strategic plan and possibly the name of Section.

Find Us!

On the State Bar of Michigan
IT Law Section Website
<http://connect.michbar.org/itlaw/council>

On Twitter
<https://twitter.com/sbmitlaw>

On LinkedIn (private group)
<https://www.linkedin.com/groups/2993995>

On Facebook
<https://www.facebook.com/MichiganITLawyers>

Upcoming Events

September 2019

12 IT Section 12th Annual IT Law Seminar & Member Annual Meeting
Inn at St. John, Plymouth, MI

October 2019

1 Privacy Law Committee meeting

December 2019

5 Privacy Law Committee meeting

Join the IT Law Section!
And remember to share current or upcoming events with your friends!

Changes Coming to Illinois' Biometric Protection Law? By Kathy Ossian, Ossian Law, P.C.

Illinois's Biometric Information Privacy Act (BIPA) was passed in 2008 but over the past few years has been the basis for hundreds of proposed class action lawsuits. As originally drafted, the law contains potentially overbroad definitions of "biometric information" and "biometric identifiers" and generally addresses the protection of such information collected from Illinois residents.

Two proposed amendments to BIPA are pending in the Illinois legislature. The first is a bill that would delete the private right of action that is currently available under BIPA; SB2134 was referred to the Assignments Committee of the Illinois Senate where it remains.

The other bill would expand BIPA's definition of "biometric identifier" to include an "electrocardiography result from a wearable device". HB3024 is pending before the Rules Committee of the Illinois House of Representatives. It remains to be seen if either bill will advance and ultimately be passed as modifications to BIPA.

Access BIPA at
<http://www.ilqa.gov/legislation/ilcs/ilcs3.asp?ActID=3004&ChapterID=57>

Access SB2134 at <http://www.ilqa.gov/legislation/fulltext.asp?>

Doc-Name=&SessionId=108&GA=101&DocTypeId=SB&DocNum=2134&GAID=15&LegID=120309&SpecSess=&Session=

Access HB3024 at <http://>

www.ilqa.gov/legislation/BillStatus.asp?

Doc-Num=3024&GAID=15&DocTypeId=HB&LegID=119367&SessionID=108&SpecSess=&Session=&GA=101

Contact us at Ossian Law regarding any information technology law question.

"Cyber Insurance: A Legal, Practical Look"

Thursday, September 26, 2019

6:00 to 7:30 PM

Ossian Law P.C.,

701 Woodward Heights, Suite 117,
Ferndale, Michigan 48220

Considering purchasing cyber insurance? How and when could cyber insurance fill gaps or provide protection to your organization in the event of an incident? What steps should your organization need to take before securing cyber insurance? Information Technology attorney Kathy Ossian will discuss these questions and walk through examples of cyber insurance clauses in relation to your organization's overall information security plan. Networking from 6:00 – 6:30 and presentation from 6:30 – 7:00. Complimentary admission includes hors d'oeuvres. Register at <https://www.eventbrite.com/e/cyber-insurance-a-legal-practical-look-tickets-64303325979?aff=erelexpmlt> today!



Ossian Law P.C.
Keeping IT Legal®

Privacy Committee

Keith Cheresko and Bob Rothman (Privacy Associates International LLC principals) co-chair the Privacy Law Committee, which meets quarterly for discussions on hot topics in privacy and data protection. Participation in the Privacy Law Committee is open to Section members without additional charge. It is necessary to request to participate in this group to be added to the invite list. You may sign-up when you join the Section or at any time thereafter as long as remain a section member in good standing. The committee strongly encourages in-person meeting participation; however, on those occasion when you may not be able to attend in person a call-in option may be available upon your prior request during meeting registration. To join, contact Keith at kcheresko@privassoc.com.

Examples of Previous Topics

- ◆ Discussion of New York's financial services security regulation— What it means to those subject to New York's jurisdiction
- ◆ California Consumer Privacy Protection Act (CCPA) as well as privacy legislation proposals being offered by Intel and others in Washington
- ◆ Wild, (Whacky?) World of Privacy around the globe—A 90 minute tour addressing the some of the high (low?) points of recently proposed, enacted or effective privacy legislation
- ◆ Insurance Security and Privacy legislation
- ◆ EU GDPR
- ◆ Blockchain—What it is and how it works

Also see the *January 2018 IT News* for the article on The California Consumer Privacy Act of 2018 (CCPA). The law was passed in June and amended in late September, and more changes are expected before the provisions become operative on July 1, 2020.

NEXT PRIVACY MEETING:
October 2019 – Find us on Facebook for updates!

From Council Chair Joellen Shortley, Corporation Counsel, Oakland County

Dear I.T. Law Section,

It has been an honor to serve as your Chair this past year. Although you might not have seen the results, this past year we have been busy making plans to improve the services to our Section. You should see several improvements coming in the following year. This includes updating our bylaws and developing a Strategic Plan to ensure we stay focused on our mission. We understand that education and networking are priorities of our Section. In addition to our annual Conference held each September, we will hold a Conference in the Spring of 2020 to focus on emerging technologies.

On behalf of the Section, I attended the SBM Leadership Forum in June. The SBM holds this event each year to improve the leadership skills of Section Chairs and Chairs-Elect as well as to update Sections on what the Bar is doing and to provide opportunities for Sections to network. We were informed that the SBM Assembly is planning to ask the Michigan Supreme Court to consider allowing attorneys to request Courts to block off up to three weeks a year, during which time they will not be scheduled for Court hearing. There was a presentation titled "Constitutional Challenges to the Integrated Bar." That presentation

explained some of the concerns about challenges being made to mandatory dues paying bodies. There was also discussion on E-filing and the Michigan Supreme Courts considerations to allow non-attorneys to bring cell-phones into courthouses.

Although I will no longer be Chair of the Section after our Annual meeting in September, I will remain on Council for another year and will provide support to our new Council officers. We have proposed a very experienced and committed group of officers and new Council members. Special thanks to everyone on Council for your work this past year. I also appreciate the willingness of three of our former Section Chairs who agreed to serve on Council again. Council is committed to better communication with and service to the Section through our Newsletter, eblasts, website and Conferences. Please let us know how to make the Information Technology Section support you in your legal practice.

Thank you,

Joellen Shortley
2018-19 Council Chair, IT Law Section
248-858-2155 / shortleyj@oakgov.com