

## Information Technology Law Section Council 2019-2020

### New 2019–2020 Officers

**Chair:** Michael Vincent Gallo  
**Chair-Elect:** Christopher J. Falkowski  
**Secretary:** Michael James McCandlish  
**Treasurer:** Karl A. Hochkammer

### Council Members

#### Term Ending 2020

- ◆ Keith Cheresko
- ◆ Michael James McCandlish
- ◆ Adam S. Rubin
- ◆ Joellen Shortley
- ◆ Jeanne M. Whalen

#### Term Ending 2021

- ◆ Onika C. Celestine
- ◆ Kellie Kern DeMeritt
- ◆ Clifford “Kip” James Lanning, III
- ◆ Kathryn L. Ossian
- ◆ Elizabeth A. Storm

#### Term Ending 2022

- ◆ Christopher J. Falkowski
- ◆ Michael Vincent Gallo
- ◆ Karl A. Hochkammer
- ◆ Katherine Dorr Kelley
- ◆ George Kimball
- ◆ Daniel M. Ungar

### Immediate Past Chair

Joellen Shortley

### Commissioner Liaison

Kara Rachel Hart-Negrich

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## Letter from the 2019-2020 Chair

Michael Gallo

State Bar of Michigan IT Law Section Members:

Since the Annual IT Law Section meeting in September 2019, the 2019/2020 Council year has included a number of activities. Following is an overview of many of the efforts that went on the past year.

- An in-person program titled “Foreign Privacy Protection Laws and Conflicting U.S. Immigration Practice: A Migraine for Attorneys” was held November 20, 2019, at Wayne State University Law School. The co-sponsored event, coordinated by Robert Rothman with the International Law Section, included Mr. Rothman and Keith Cheresko from IT Law Section as speakers.
- IT Law Section Council members met in October 2019, as well as January, April and July 2020. For reference approved meeting minutes are posted for review on the Section’s [web site at https://connect.michbar.org/itlaw/council](https://connect.michbar.org/itlaw/council)
- Thanks to Liz Storm, Dan Ungar and a number of contributors, IT Law Section Newsletters were sent in November 2019, February and August 2020, and are posted at <https://connect.michbar.org/itlaw/newsletter/newsletters>
- 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’ that was to be held at Thomas M. Cooley Law School and moderated by Ms. Ossian, of Ossian Law P.C. during April 2020, but due to the pandemic the event was put on hold, and hopefully this fantastic panel of speakers will be rescheduled for late 2020 or early 2021.
- On July 23, 2020, the Privacy Law Committee met on-line via Zoom video conferencing. The meeting topic *Schrems II - Delight or Despair?* provided an opportunity to explore the European Court of Justice recent decision in which it declared the EU-US Privacy Shield Program an invalid method to transfer information from EU data subjects to the US. Also discussed was the court’s affirmation of the validity of Standard Contractual Clause Agreements subject to conditions. The meeting was well attended and if you wish to attend future Privacy Law Committee meetings sponsored by the IT Law Section please contact one of the Committee Co-Chairs: Keith Cheresko ([kcheresko@privassoc.com](mailto:kcheresko@privassoc.com)) or Robert Rothman ([rrothman@privassoc.com](mailto:rrothman@privassoc.com)). Tentative meeting dates for the remainder of 2020 are Thursdays, September 17 and December 10, 2020.
- The IT Law Section agreed to sponsor an Information Technology Law themed issue of the Michigan Bar Journal targeted for publication in May 2022. There will be several ‘must read’ articles for anyone interested in IT law. This is great opportunity for Section members to share Lessons Learned with other members of the State Bar of Michigan. If you are interested in contributing an article to the issue, please contact Chris Falkowski ([chris@falkowskipllc.com](mailto:chris@falkowskipllc.com)), Keith Cheresko ([kcheresko@privassoc.com](mailto:kcheresko@privassoc.com)), Liz Storm ([liz@lizstorm.com](mailto:liz@lizstorm.com)) or Jeff May ([jmay@kerr-russell.com](mailto:jmay@kerr-russell.com)).
- The **13th Annual IT Law Seminar** will be held **September 10, 2020**. Due to the Covid-19 pandemic, this year’s event will be held virtually through a Zoom teleconference. The event will be free, but registration is required. The Seminar Committee have put together an exciting slate of topical issues and IT law fundamentals to be presented by a slate of subject matter experts. For more details, see the information listed below!

(continued on page 4)

# 13TH Annual IT Law Seminar

## September 10, 2020

As in previous years, this promises to be an educational and entertaining event. This free, one-day, virtual event will be held through Zoom!

*Sharing a special 'thank you!' to Katherine Kelley, Joellen Shortley, Kellie DeMeritt, Keith Cheresko, Elizabeth Storm, Michael Gallo, Mark Malven, Mike Serra, Matthew Clayson, Kyle McLaughlin and George Kimball for going above and beyond to support this year's IT Law Seminar and IT Law Section Annual Meeting.*

The moderator for this event, Mark G. Malven, leads the Technology and Outsourcing Transactions practice at Dykema Gossett and is lead author for the best-selling PLI treatise *Technology Transactions: A Practical Guide to Drafting and Negotiating Commercial Agreements*.

The annual IT Law Section and Council meetings will include the election of new 2020-2021 Council Members and Section Officers.

For more information, visit [https://www.michbar.org/eBlasts/IT\\_Section](https://www.michbar.org/eBlasts/IT_Section), launch the link to Register, and the Zoom meeting information will be provided a few days before the meeting.

### Topics and Presenters

#### Morning Session

- 'The Art of Counseling Innovative Products and Services', Vineet Shahani, Director, Legal at Google LLC
- 'Contracting Through Clickwrap: Factors Affecting Enforceability', Jeanne Whalen, Member at Dykema
- 'Privacy Law Update', Robert L. Rothman, Principal of Privacy Associates International LLC, and Keith Cheresko, Principal of Privacy Associates International LLC

#### Afternoon Session

- 'Emerging Issues in Biometrics' – Legal Issues and Best Practices', Cinthia Motley, Director, Dykema Global Data Privacy and Information Security practice group, and Chris Graveline, Associate Director of Administration, Professional Standards and Constitutional Policing, Detroit Police Department
- 'How To Speak Security: Understanding & Translating Cloud Security Risks for Internal & External Clients', Mandy Legal, Legal Director, Cisco Systems, Inc. and Kyle McLaughlin, Senior Product Counsel, Cisco Systems, Inc.
- 'Legal and Technology Lessons Learned from the COVID-19 Experience', Presenters may include Matt Clayson, VP and General Counsel, Detroit Trading, and others to be confirmed.

The *Program in Law and Technology (PILT)* at the *University of Dayton School of Law* was to celebrate its 30<sup>th</sup> Anniversary in 2020 on Friday, June 12, 2020 at the University of Dayton School of Law, Keller Hall. The event has been postponed until 2021. More information will be shared when available, or you can monitor the University of Dayton School of Law 'Events' website [https://udayton.edu/law/events/pilt\\_seminar.php](https://udayton.edu/law/events/pilt_seminar.php)

Upcoming Topics for  
2020-2021?

**Join Us!**

**Artificial Intelligence,  
Contract and Licensing  
Terms,  
Updates on Privacy  
and Technology Laws**

**Register Today!**

On Thursday,  
September 10, 2020,  
plan to attend  
the **13th Annual  
Information Technology  
Law Seminar**

Free Online!

The seminar will include  
an all-day educational  
event  
of informative topics.

[http://  
connect.michbar.org/  
itlaw/home](http://connect.michbar.org/itlaw/home)

**See you there!**

## Find Us!

**On the State Bar of Michigan  
IT Law Section Website**  
[http://connect.michbar.org/  
itlaw/council](http://connect.michbar.org/itlaw/council)

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

**On LinkedIn (private group)**  
[https://www.linkedin.com/  
groups/2993995](https://www.linkedin.com/groups/2993995)

**On Facebook**  
[https://www.facebook.com/  
MichiganITLawyers](https://www.facebook.com/MichiganITLawyers)

## Social Media Member Contacts:

**Facebook**  
(Adam Rubin, Liz Storm)  
**Linked In** (Michael Gallo)  
**Twitter**  
(TBD – Position open!)  
**IT Law Section Website**  
(Michael Gallo)  
**Newsletter**  
(Dani Ungar, Liz Storm)  
**Council Meeting Minutes,  
Section Bylaws, Strategic  
Plan, Annual Reports, etc.**  
(Michael Gallo)

## Membership

Annual Dues: \$25.

Membership benefits  
include:

- IT Law Newsletter
- Quarterly Privacy Committee updates by Privacy Associates, LLC.
- Online group discussions on Facebook and LinkedIn, Connect with us Online: [connect.michbar.org/itlaw/](http://connect.michbar.org/itlaw/)
- Regular Section and Council Meetings

## 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. Tentative meeting dates for the remainder of 2020 are Thursdays, September 17 and December 10, 2020.*

*Thursdays, 5:30-7:00PM EST*

*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](mailto: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
- ◆ Updates on California Consumer Privacy Protection Act (CCPA) as well as privacy legislation proposals being offered by Intel and others in Washington
- ◆ Insurance Security and Privacy legislation
- ◆ EU GDPR
- ◆ Blockchain—What it is and how it works

**Visit [michbar.org/itlaw](http://michbar.org/itlaw) for current updates and find us on Facebook!**

## About the IT Law Section

Information technology (IT) law is an exciting cross-disciplinary practice area that is growing in importance as forms of electronic communications and, advanced technologies continue expanding at an aggressive pace 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, privacy/data protection 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.

**Schrems II - Privacy Shield - Quick Update:** Max Schrems (Austria) sued Facebook for stricter data privacy rules on international data transfers of personal user data over eight years ago. Streamlining information of private users pits privacy of personal information against commercial companies’ data user sharing standard contracts and the EU-US Privacy Shield Laws under the recent decision by the European Court of Justice (*Irish Data Protection Commissioner v. Facebook & Schrems*, July 16, 2020) . The Court argued that the United States under Section 702 of the Foreign Intelligence Surveillance Act (FISA) “cannot ensure a level of protection essentially equivalent to that guaranteed by the Charter” and violates Articles 7, 8 and 47 of the EU Charter of Fundamental Rights and the EU-US Privacy Shield for data transfers from the European Union to the United States. The effects on the General Data Protection Regulation (GDPR) that multi-national companies have already been adjusting to since May 25, 2018 may rely on Article 49 of the GDPR for standard contract language on international transfers of information going forward.

## The 13th Annual Information Technology Law Seminar

Thursday,  
September 10, 2020

We look forward to being  
at the  
The Inn at St. John's  
in  
Plymouth, Michigan  
in  
2021-2022 !

The seminar will include  
an all-day educational  
event  
of informative topics,  
the IT Law Section's  
Annual Section Meeting,  
lunch and a  
complimentary cocktail  
reception.

Registration is Required.  
[http://  
connect.michbar.org/  
itlaw/home](http://connect.michbar.org/itlaw/home)

### Join the Section!

If you are a new member  
or interested in joining the  
IT Section, please contact:

Kellie DeMeritt,  
New Member Committee  
kdemeritt@alixpartners.com

## Letter from the Chair - Michael Gallo (cont.)

- The Nominating Committee, which included Joellen Shortley, Kathryn Ossian and Karl Hochkammer, interviewed a number of Section Members interested in joining the Section Council, and identifying two persons to take on officer roles for the 2020/2021 term, to replace five council members 'term out' in September 2020: K. Cheresko, M. McCandlish, A. Rubin, J. Shortley and J. Whalen. Council and officer positions will be voted on at the Annual Section Meeting and the Council Meeting, which will be held via Zoom teleconference on Thursday, September 10, 2020, starting at 12:30 PM. To attend the meetings, visit [https://www.michbar.org/eBlasts/IT\\_Section](https://www.michbar.org/eBlasts/IT_Section), launch the link to [Register](#), and the Zoom meeting information will be provided a few days before the meeting.
- The SBM Young Lawyers Section is targeted to receive a \$500 donation from the IT Law Section in support of the Annual Young Lawyers Summit, on the recommendation of IT Law Section members Michael Gallo, George Kimball and Mike Serra.

Once again, thank you for being a member of the IT Law Section! If you have questions, or would like to be more directly involved in the Section, please contact me directly at [michael@gallo.us.com](mailto:michael@gallo.us.com).

Michael Gallo  
Information Technology Law Section, Chair for 2019/2020  
[michael@gallo.us.com](mailto:michael@gallo.us.com)  
313-421-9544



Thank you to **Charumati Ganesh** ("How The California Consumer Privacy Act Could Affect Your Business"), **Jeffrey R. Hicks** ("Technological-Competence Requirement Comes To Michigan"), and **Eric Kociba** ("Michigan's New Court Rules Provide for Mediation and Planning of Electrical Discovery Issues") for providing recent articles to the Section Newsletters in 2020.

If you are interested in submitting an article or event update for the Section newsletter 2021-2022, please contact Michael Gallo, IT Law Section Chair

For information regarding the May 2022 journal issue,  
please contact Chris Falkowski ([chris@falkowskipllc.com](mailto:chris@falkowskipllc.com))



### Article Submissions

If you are interested in submitting an  
article for the May 2022 State Bar of  
Michigan Information Technology  
Feature, please send questions and  
emails to:

Chris Falkowski  
[chris@falkowskipllc.com](mailto:chris@falkowskipllc.com)