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Professor Peter Margulies's Post

Cybersecurity: A 'Must-Know' for Lawyers and Citizens

Posted by Peter Margulies on 10/07/2015 at 10:20 AM



Cybersecurity is a major growth area in the law, as well as a central challenge for policymakers, corporate managers and ordinary citizens. Knowing about threats to private, business, and government data and how to reduce those threats is an essential part of the toolkit for today's law students and lawyers.

RWU Law has recognized cyber's importance with a new [Juris Doctor/Master of Science in Cyber Security \(JD/MSCS\)](#), and on **October 16** the school will host a dynamic conference: ***Cybersecurity and Law Enforcement: The Cutting Edge***. The program features **U.S. Senators Jack Reed and Sheldon Whitehouse** and **Representative Jim Langevin**. We will also be joined by **U.S. Assistant Attorneys General Leslie Caldwell and John Carlin**, the Federal Trade Commission's consumer sentinel **Jessica Rich**, Google privacy counsel **David Lieber**, and prominent privacy lawyer **Linn Foster Freedman**.

Hackers at home and abroad pose special challenges that Assistant Attorneys General Carlin and Caldwell will address. AAG Carlin will propose an innovative approach to cyber intrusions from China and Russia, such as the recent massive hack at the federal Office of Personnel Management that exposed sensitive information about millions of public employees. That innovative approach includes law enforcement, diplomacy, data security, and, when necessary, use of the United States' own formidable cyber capabilities. AAG Caldwell will discuss the domestic threat from cyber criminals who target Americans for identity theft, and propose innovative approaches to this rapidly accelerating risk.

Cybersecurity also requires U.S. firms to have the right policies in place, based on the best legal advice, to combat foreign and domestic threats. After the Wyndham hotel chain suffered a massive data breach that exposed customers' personal data, the Federal Trade Commission (FTC) cracked down, as it has in

many privacy cases. FTC Consumer Protection head Jessica Rich will discuss the FTC's efforts to promote effective cybersecurity and ensure that U.S. companies deliver what consumers expect. The U.S. Securities and Exchange Commission's David Glockner will highlight the SEC's view that breaches in cybersecurity, such as the breach that compromised Target customers' private data, are market-moving events that require disclosures to investors. Privacy lawyer Linn Freedman, who represents U.S. companies, and my colleague **Professor Zoe Argento** will join speakers from the Justice Department (DOJ) and the FBI in discussing public-private partnerships on cybersecurity and ways to stay ahead of hackers and ensure compliance with federal law.

National security and law enforcement issues will be front and center in two additional panels. I have written about National Security Agency (NSA) [surveillance](#) in the wake of Edward Snowden's revelations, and I will moderate a panel on legislative and judicial reform featuring former DOJ National Security Division lawyer **Jason Chipman**; **Faiza Patel** of the Brennan Center for Justice; **Margaret Hu** of Washington & Lee Law School; and Brown University's **Tim Edgar**, former White House director for privacy and civil liberties. **U.S. District Judge Will Smith** will moderate a panel on how strong encryption of mobile devices by Google and Apple promotes Internet security but may leave law enforcement "in the dark" about criminal activity. **Google's privacy counsel David Lieber** will join the conversation, along with **Jim Penrose**, formerly a technical director at NSA and now a senior executive at cybersecurity firm DarkTrace; and **Jason Weinstein**, a former DOJ lawyer now at the law firm of Steptoe & Johnson, which sponsors a lively and accessible [podcast](#) on cyber issues.

In sum, cybersecurity is a must-know for competent lawyers and concerned citizens; RWU Law is thrilled to sponsor this event and share the knowledge!