

2018 INTERNATIONAL WORKSHOP

LEGAL ISSUES LURKING BEHIND THE CONVERGENCE OF AI, IoT, AND BLOCKCHAIN

WORKSHOP PURPOSE

The Center for Legal and Court Technology (“CLCT”) is organizing a focused international workshop* to take place on **Friday, October 26**, and **Saturday, October 27, 2018**, to discuss the legal issues that arise from the use of Artificial Intelligence (“AI”), the Internet of Things (“IoT”), associated technologies, and their interconnectedness. The aim of this international workshop with experts from the US, Canada, and the EU is to share knowledge and articulate the new problems lurking behind the convergence of AI, IoT, blockchain, and related technologies.

The workshop will be held in the iconic **McGlothlin Courtroom, at William & Mary Law School**, 613 South Henry Street, Williamsburg, Virginia 23185.

TOPICS

The analysis focuses on the innovative and unexpected legal issues and is arranged in three specific work streams:

Artificial Intelligence/Deep-Learning & the Law | **Blockchain & the Law** | **The Internet of Things & the Law**

PROGRAM OVERVIEW

Friday, October 26, 2018

12:30 – 1:00pm	Registration
1:00 – 1:30pm	Welcome
1:30 – 2:30pm	Keynote Speech <i>Delivered by: Gregory Akers</i>
2:30 – 2:45pm	Coffee Break
2:45 – 4:45pm	Panel 1: AI/Deep Learning & the Law <i>Moderator: Fred Lederer</i>
4:45 – 5:00pm	Remarks
7:00 – 9:30pm	Dinner for Speakers [♦]

Saturday, October 27, 2018

9:15 – 10:00am	CLCT Presentation
10:00 – 10:15am	Coffee Break
10:15 – 12:15am	Panel 2: Blockchain & the Law <i>Moderator: Iria Giuffrida</i>
12:15 – 1:30pm	Lunch
1:30 – 3:45pm	Panel 3: IoT & the Law <i>Moderator: Fred Lederer</i>
3:45 – 4:00pm	Conclusive Remarks

PANELS

Panel 1

Bradford Brown
Mark Kindy
Nicolas Vermeys

Panel 2

Florian Martin-Bariteau
Martin Schmalzried
Aaron Wright

Panel 3

Hillary Brill
Elena Carpanelli
Stacy-Ann Elvy
Sofia Ranchordás

* Generously funded by CISCO Systems, Inc.

♦ CLCT is grateful to the Reves Center for International Studies, William & Mary for sponsoring this event

SPEAKERS' BIOGRAPHIES

Gregory Neal Akers, Senior Vice President & Chief Technology Officer of Advanced Security Research & Government and Chief Technology Officer within the Security & Trust Organization group at Cisco Systems, Inc.

Mr. Akers is the Senior Vice President & Chief Technology Officer (“CTO”) of Advanced Security Research & Government and CTO within the Security & Trust Organization (“STO”) group at Cisco. Mr. Akers joined Cisco in 1993. He has held a variety of technical, managerial, and executive roles at Cisco. These have included networking engineer, Vice President for the Worldwide Technical Assistance Center, Senior Vice President-CTO Services, and Senior Vice President-Global Governments Solutions Group. He also holds the CCIE certification. In addition, Mr. Akers is an Internet security and critical infrastructure protection advisor to Cisco customers and to the U.S. government. He regularly advises and directs activities relative to technology and security matters of domestic and international importance. Mr. Akers has also advised the U.S. Department of Defense and the federal intelligence community for more than fifteen years. Before joining Cisco, Mr. Akers' career included more than 15 years of designing, building, and running large networks for Fortune 100 companies. He has held senior technical and leadership roles at Fechheimer Brothers, a holding of Berkshire Hathaway, and Procter and Gamble. Mr. Akers holds a Bachelor of Science degree in chemical engineering from the University of Akron.

Hillary Brill, Practitioner in Residence, Glushko-Samuelson Intellectual Property Law Clinic, Washington College of Law, American University

Professor Brill brings over 20 years of technology and communication experience, including legislative, legal, media, and grassroots experience. Her varied background includes broadcast journalism stints at CNN, Meet the Press, ABC News Paris Bureau, and as a stringer for AP before going to law school to pursue a career in technology law and policy. As an attorney at Covington & Burling during the beginning of the dot.com era, Prof. Brill helped draft one of the first primers on Internet policy issues and worked on software licensing, SPAM, intellectual property, privacy, and cybersecurity issues for clients including Microsoft, broadcast stations, and the Smithsonian Museum. Pursuing her desire to “practice policy,” she went to Capitol Hill to work for Congressman Rick Boucher, a key Internet legislator, as his legislative counsel. While there, she assisted him on communication and technology issues before the Energy and Commerce Committee and the Judiciary Subcommittee on Intellectual Property, Internet and the Courts. Prof. Brill was recruited to help run eBay and Paypal's government relations and policy affairs. While there for almost ten years, Prof. Brill worked in several roles including Legislative Counsel, Senior Global Policy Counsel, and Head of Government Relations for eBay and Paypal. After eBay, Brill founded HTB Strategies, where she assists Fortune 500 Internet companies and technology businesses with their internal policy making priorities and their legislative and legal issues. Prof. Brill has a Bachelor of Arts in Government from Harvard University and a Juris Doctor from Georgetown University.

Bradford Brown, Portfolio Director and Senior Advisor, Center for Judicial Informatics, Science & Technology, MITRE Corporation

Mr. Brown's career has bridged technology and business, law, government, and education. He has appeared on the cover of InformationWeek, which called him one of the information technology sector's “leading influencers.” He presently serves as the Portfolio Director and Senior Advisor for the Center for Judicial Informatics, Science & Technology at the MITRE Corporation, a leading systems engineering firm in McLean, Virginia. The portfolio includes domestic and international business. He joined MITRE initially as Principal Strategist. Prior to MITRE, Mr. Brown served as a Managing Director in CIO Solutions practice at Protiviti – the global consulting firm. He also led the firm's Global Public Services Practice and served as the President and CEO of its wholly-owned subsidiary, PGS. He led the acquisition and integration of Enspier Technologies, a leading identity management firm. He was a founder of the National Center for Technology and Law at the George Mason University School of Law and served as its Chairman for five years. Mr. Brown was the Executive Vice President, Technology Affairs and Deputy Managing Director of Shandwick Public Affairs, then the Washington subsidiary of Shandwick International. At Western Strategies NCG, he opened the Washington office, served as President of Western

Strategies and chaired the firm's technology practice. He was a member of the NCG's Executive Committee as well. Under President George H.W. Bush, Mr. Brown served as Chief Counsel for Technology at the United States Department of Commerce. He was one of the leaders of the President's National Technology Initiative.

Elena Carpanelli, Postdoctoral Research Fellow, Center for Studies in European and International Affairs (CSEIA), University of Parma

Dr. Carpanelli is Postdoctoral Research Fellow in Public International Law at the Centre for Studies in European and International Affairs of the University of Parma (Italy), where she is working, inter alia, on a research project on 'New Technologies as Shields and Swords: Challenges for International, European Union and Domestic Law.' She holds a Ph.D. in Public International Law from the University of Milan-Bicocca (2016) and a Master's degree in Law (cum laude) from the University of Parma (Italy) (2009). In 2011, she completed cum laude the LL.M. (Adv.) in Air and Space Law at the University of Leiden (The Netherlands). Before starting her Ph.D., Dr. Carpanelli worked for two years in the Milan office of the law firm Pirola, Pennuto, Zei & Associati, where she practiced mainly corporate law. She had previously worked as an intern at the United Nations Office for Outer Space Affairs (Vienna) and at the Geneva Academy of International Humanitarian Law and Human Rights (Geneva). Dr. Carpanelli was admitted to the Milan bar. She is co-editor of the book 'Use and Misuse of New Technologies: Contemporary Challenges under International and European Law' (Springer, forthcoming 2019).

Stacy-Ann Elvy, Professor of Law and Associate Director of the Center for Business and Financial Law at New York Law School

Professor Elvy's research focuses on the commercial law of privacy and its relationship to emerging technology, and human rights law. She is an adviser to the American Law Institute's Principles for a Data Economy project. She is currently writing a book, *The Internet of Things: The Future of Commercial Law and Privacy* (under contract with Cambridge University Press), that explores the consumer and legal implications of the Internet of Things. Her scholarship has been published by or is forthcoming in leading legal journals and books, including the *Columbia Law Review*, *Boston College Law Review*, *Washington & Lee Law Review*, *Research Handbook on the Law of Artificial Intelligence* (Edward Elgar Press), *Emory International Law Review*, and the *University of Michigan Journal of Gender and Law*, to name a few. Prof. Elvy has written several articles and presented at various conferences and roundtables evaluating the Internet of Things, including serving as an invited speaker at the Centre for European Policy Studies Ideas Lab Conference in Belgium and an exclusive Internet of Things roundtable held by the U.S. Departments of Justice and Homeland Security. In 2016, she received the Rising Legal Star Award from the *New York Law Journal* after being selected from a field of nearly 300 nominees of New York lawyers age 40 or younger. In 2017, she was selected to serve as the Vice Chair of the Article 2 Uniform Commercial Code Committee of the American Bar Association. Prof. Elvy joined the legal academy after practicing law at Akerman Senterffit and Skadden, Arps, Slate, Meagher & Flom. She received her Juris Doctor from Harvard Law School and her Bachelor of Science from Cornell University.

Iria Giuffrida, Visiting Assistant Professor of Law and Associate Director for Research of CLCT, William & Mary Law School

Professor Giuffrida is a Visiting Assistant Professor at William & Mary Law School and has been appointed Associate Director for Research at the Center for Legal & Court Technology. Over the last two academic years, she has been working on a grant-funded research project focusing on legal issues arising from the increasing use of artificial intelligence, the rapid growth of the Internet of Things, and related emerging technologies. She also co-teaches an innovative law course on the same subject. In her previous professional life, she was a commercial litigator with Dechert LLP (in the London and Brussels offices) and for Enyo Law LLP, a big-ticket specialist litigation firm in London. Prof. Giuffrida gained substantial experience in alternative dispute resolution, having been involved in a number of ICC and LCIA arbitrations as well as mediations, and she acted on complex, multijurisdictional financial services disputes. Prior to practicing law, she taught law in the U.S. and in the U.K., and worked for the European Ombudsman in Brussels. Prof. Giuffrida is admitted to practice in the State of New

York, is a Solicitor in England and Wales, and has also qualified as a Solicitor in the Republic of Ireland. She holds a law degree (LL.B.) from Queen Mary, University of London, an LL.M. from William & Mary Law School, and a Ph.D. from Queen Mary, University of London.

Mark R. Kindy, Managing Director, Alvarez & Marsal Disputes and Investigations, LLC

Mr. Kindy is a Managing Director with Alvarez & Marsal Disputes and Investigations in New York, where he co-leads their Forensic Technology Services practice and is a member of the Global Executive Committee. His experience includes discovery management, digital media, information, records and document management, and technology and operations management. Mr. Kindy's primary area of concentration is evidence and discovery management. With more than 25 years of litigation, discovery, and technology experience, he has assisted corporations and law firms on all aspects of litigation readiness, technology, and discovery process activities. Currently, Mr. Kindy is the CIO, CDO, and leads the Data Mining & Analytics and eDiscovery teams for the Lehman Brothers Holdings bankruptcy, assisting with the wind-down, claims adjudication processes, and litigation. He has worked with clients across various industries, including construction, financial services, pharmaceutical, healthcare, energy, telecom, media and entertainment, automotive, aerospace, consumer product, and technology. Before joining A&M, he worked with global professional services firms as a partner and managing director and led legal services firms in CEO and executive vice president positions in service and operations. Mr. Kindy earned a bachelor's degree in accounting, with high distinction, from Indiana University. He is a CPA in Ohio and Arizona.

Fred Lederer, Chancellor Professor of Law and Director of CLCT, William & Mary Law School

Professor Lederer's areas of specialization include evidence, trial practice, criminal procedure, military law, legal technology, and the legal implications of Artificial Intelligence and related technologies. He was one of the founders of the ABA prize winning William & Mary's Legal Skills Program in which all students spent two years in practice (simulated) law firms in which they learned professional ethics, legal research and writing, interviewing, negotiation, alternative dispute resolution, and basic trial and appellate practice – much in the form of simulated client representation. He is the founder of the Center for Legal and Court Technology (CLCT), a joint initiative of William & Mary Law School and the National Center for State Courts. CLCT is considered throughout the world as the leading expert in the area of courtroom and related technologies. The McGlothlin Courtroom, CLCT's hub and the world's most technologically advanced courtroom, hosts judges, lawyers, architects, and technologists from nations around the world on a regular basis, and Prof. Lederer uses it to teach technology augmented trial practice with sophisticated equipment housed in the Courtroom. Prof. Lederer served as an active duty member of the United States Army's Judge Advocate General's Corps until 1980 when he joined the William & Mary faculty. He has served as prosecutor, defense counsel, trial judge, and law reform expert. Prof. Lederer received his B.S. from Polytechnic University in New York and his Juris Doctor from Columbia University Law School, where he was a member of the Board of Editors of the Columbia Law Review and recipient of the Archie O'Dawson prize. He holds an LL.M. from the University of Virginia. His post-graduate work includes a year as a Fulbright-Hayes Scholar in Freiburg, Germany. He clerked for Judge Frederick P. Bryan, U.S. District Court for the Southern District of New York.

Florian Martin-Bariteau, Assistant Professor of Law and Technology and Director, Centre for Law, Technology and Society, University of Ottawa

As a legal scholar, Professor Martin-Bariteau's research focuses on Technology and Intellectual Property Law, with a special interest in Property, Trademarks, Blockchain, Secrets, and Whistleblowers. Before joining the University of Ottawa, Prof. Martin-Bariteau was a Lecturer at the Faculty of Law and at the Department of Computer Sciences (DIRO), Université de Montréal, as well as the Coordinator of OpenUM and the L.R. Wilson Chair in Information Technology and Electronic Commerce Law. In 2015, he was an Internet Policy Global Fellow at the Instituto de Tecnologia e Sociedade at Rio de Janeiro (Brazil) and Young Scholar of the Jean-Louis-Baudouin Chair in Civil Law at the Université de Montréal. Prof. Martin-Bariteau has held several positions as

Chair or board member of various non-profit organizations, in Canada and in France. He also served as Vice-President for Student Affairs at Université Paul-Cézanne Aix-Marseille III from 2008 to 2011. From 2011 to 2012, he was a junior lecturer at the Faculty of Law and Politics of the Université d'Aix-Marseille. Before joining the University of Ottawa, he used to be a developer, creator, and publicist. Prof. Martin-Bariteau holds a Licence and a Maîtrise in Business Law, and a Master in Intellectual Property and Information Technology Law from Université d'Aix-Marseille (France). He also holds a Certificate in Criminal Law, Criminology, and Forensic Sciences, and a Certificate in Legal and Moral Sciences. In Winter 2013, he was a Graduate Visiting Student in Intellectual Property at McGill University. In December 2016, he successfully defended his LL.D. (Doctor of Laws) thesis at Université de Montréal and was awarded the highest distinction (mention "Exceptionnel", *summa cum laude*) with congratulations of the committee, proposition to the University Dean of Graduate and Postdoctoral Studies' Honour List, and recommendation to represent the University at best theses competitions.

Sofia Ranchordás, Chair of European and Comparative Public Law and Rosalind Franklin Fellow, Faculty of Law, University of Groningen

Professor Ranchordás' work focuses on European and comparative public law from an interdisciplinary perspective. She is particularly interested in how technology is disrupting traditional legal concepts in administrative law, in particular in the context of local regulation and governance. She has published extensively on the regulation of the sharing economy, online platforms, online citizen participation, and online rating and reputational mechanisms. Her current scholarship can be divided into four strands: administrative law and digitalization; regulation of online platforms and social media; digital democracy; and temporary legislation and constitutional change. She is a member of the editorial board of three peer-reviewed journals: *Review of European Administrative Law* (General Editor); *Theory and Practice of Legislation*; and *Law and Method*. She is also the co-founder of the European Law & Tech Network. Prof. Ranchordás holds an LL.B. and LL.M. (*summa cum laude*) from the Universidade Catolica Portuguesa (Portugal), an LL.M. in Law Economics (*cum laude*) from Utrecht University, and a Ph.D. (*cum laude*) from Tilburg University and University of Antwerp. She was a Visiting Scholar at George Washington University Law School (2014) and a Resident Fellow at the Information Society Project at Yale Law School (2015-2016). She has been the recipient of both national and international grants and awards (e.g., Niels Stensen Fellowship, Knight Foundation, NWO Smart Governance).

Martin Schmalzried, Policy and Advocacy Manager at Families Europe; Member of the Financial Services Users Group and the European Banking Authority Banking Stakeholder Group

Mr. Schmalzried has been working at COFACE-Families Europe as a Policy and Advocacy Manager for 9 years. He has been responsible for the portfolio of financial services since January 2009. He is a Member of the Financial Services Users Group (FSUG) since 2013 and a Member of the EBA Banking Stakeholder Group since 2016. Mr. Schmalzried's areas of expertise are financial inclusion, creditworthiness, big data in financial services, FinTechs, blockchain and crypto-assets. He holds a Master's Degree from the ULB (Brussels) in Political Science.

Taylor Treece, Buswell Fellow and Assistant Director for Research of CLCT, William & Mary Law School

Ms. Treece is the 2018-2019 Buswell Fellow and Assistant Director for Research at the Center for Legal & Court Technology. She performs grant-funded research on the legal issues arising from emerging technologies, with special focus on the liability risks of artificial intelligence assisted decision-making and predictions. Her primary areas of interest include law and technology, data privacy, cybersecurity, trial practice, evidence, and civil procedure. She has thirteen years of trial advocacy experience, and has served on the board of directors for the Virginia Law Related Education Institute for the last two years. She assists in teaching evidence, trial advocacy, and artificial intelligence and the law at William & Mary Law School, and leads seminars throughout the year on the same topics. Ms. Treece holds a Bachelor of Arts (*magna cum laude*) in Experimental Psychology and Political Science from the University of South Carolina, Honors College, along with a Juris Doctor (*magna cum laude*) from William & Mary Law School. While at William & Mary, she was a member of the William &

Mary Law Review, an award-winning member of the National Trial Team, and an inductee into the Order of Barristers.

Nicolas Vermeys, Professor and Assistant Director of the Cyberjustice Laboratory, Faculty of Law, University of Montreal

Professor Vermeys' specific areas of interest relate to information security, artificial intelligence, the evolution of cyberjustice and, more generally, how information technology impacts law - all subjects that he is regularly asked to comment upon in the media. He is frequently asked to address judges, lawyers, professional association members and government organizations both in Canada and abroad on these matters. He has most notably served as an advisor for international organizations including UNCITRAL and APEC on topics relating to his expertise. Professor Vermeys is a member of the scientific committee of various law journals, including *Lex Electronica*, where he served as Editor-in-Chief from 2001-2003. During the academic year 2017-2018, Professor Vermeys served as a Visiting Associate Professor at William & Mary Law School, where he pioneered, with Professor Lederer and Professor Giuffrida, a law course specifically dedicated to Artificial Intelligence, emerging technologies, and their effects on the legal landscape. He holds an LL. B. (Université de Montréal), LL. M. (Université de Montréal), LL. D. (Université de Montréal), and is also a member of the Quebec Bar. Professor Vermeys has completed the Certified Information System Security Professional (CISSP) training offered by (ISC)² and is the author of numerous articles and books addressing the impact of information technology on the law.

Aaron Wright, Associate Clinical Professor of Law and Founder/Director, Tech Startup Clinic, Benjamin N. Cardozo School of Law, Yeshiva University

Professor Wright is an expert in corporate and intellectual property law, with extensive experience in Internet and new technology issues. Before joining Cardozo's faculty, he sold a company to Wikia, the for-profit sister project of Wikipedia. He then ran Wikia's New York office, served as General Counsel and Vice President of Product and Business Development, and helped build an open source search engine. He has recently published a book entitled "Blockchain and the Law – the Rule of Code" (co-authored with Primavera De Filippi and published by Harvard University Press), which has received great reviews. Prof. Wright received his Juris Doctor from the Benjamin N. Cardozo School of Law, where he served as the editor-in-chief of the *Cardozo Law Review*. He has clerked for the Honorable William J. Martini of the U.S. District Court for the District of New Jersey and has worked as an associate at several prominent New York law firms, including Patterson Belknap and Jenner & Block.