

Information Technology and Legal Regulation:
Promise and Pitfalls

A Summit Meeting on Law, Information Technology and Society

Institute for the Study of Information Technology and Society
InSITEs
H.J. Heinz School of Public Policy and Management
Carnegie Mellon University

February 7-8, 2002
McConomy Auditorium
University Center
Carnegie Mellon University

INFORMATION TECHNOLOGY AND LEGAL REGULATION: PROMISE AND PITFALLS

The telecommunications revolution continues to reshape business, politics, national security, and public health. Understanding law's impact on this transformation requires the insights of both lawyers and technologists – the computer scientists, engineers, and information scientists who are building and analyzing new information technologies and architectures. This conference will unite an outstanding group of leading legal thinkers from the United States and Canada with some of the foremost faculty at America's leading computer science university to generate new insights. We will explore:

1. What are the most obviously worrisome policy and legal questions posed by new information technologies and architectures?
2. Do new technologies promise to solve any current policy or legal problems?
3. Who ought to resolve questions of law and policy posed by new technologies?
4. What will change institutionally for our legal and policy making institutions as a result of new technologies?
5. Can scientists and engineers invent yet other technologies to solve the problems posed thus far by the telecommunications revolution?
6. In the current environment, how should lawyers advise companies trying to develop new technologies or governments seeking to cope with such technologies?

The following tentative program shows the distinguished legal experts who will be part of our program:

THURSDAY, FEBRUARY 7

8:30 - 9:00 a.m.

Welcome

Jeffrey Hunker, Dean and H.J. Heinz III Professor of Technology and Public Policy
Peter M. Shane, Distinguished Service Professor of Law and Public Policy and Director, Institute for the Study of Information Technology and Society (InSITEs)

9:00 a.m. - 12:00 p.m.

Technological Change and Legal Response in E-Commerce

Michael Geist, Assistant Professor of Law, University of Ottawa, and Director of E-Commerce Law, Goodmans LLP

David Johnson, Partner, Wilmer, Cutler & Pickering, Washington, D.C.

April Major, Assistant Dean for Academic Computing, Villanova Law School, Philadelphia

David Post, Associate Professor of Law and Co-Director of the Cyberspace Law Institute, Temple University, Philadelphia

Jeffrey Ritter, Partner and National Practice Leader, Electronic Commerce Team, Kirkpatrick and Lockhart, Washington, D.C.

Marvin Sirbu, Professor of Engineering and Public Policy, Industrial Administration, and Electrical and Computer Engineering, Carnegie Mellon University

Barbara Wellbery, Partner, Morrison & Foerster, Washington, D.C.

12 p.m. - 12:30

Lunch [Box lunches will be available.]

12:30-1:45

Keynote Colloquy: The Future of the Internet as a Universal Medium, or, Can Public Policy Revive the Telecom Boom?

Reed E. Hundt, Senior Advisor, McKinsey & Company and Former Chairman, Federal Communications Commission

and

David J. Farber, Alfred Fitler Moore Professor of Telecommunications and Professor of Business and Public Policy, University of Pennsylvania, and Former Chief Technologist, Federal Communications Commission

In his memoir of FCC chairmanship, Reed E. Hundt, now senior advisor to McKinsey & Company, describes a “communications revolution” that “energized the entire American economy” and bore significant responsibility in the 1990s for “[t]he miracle of low inflation, high growth, and continued consumer confidence.” According to the former Chairman, a host of FCC policies helped fuel the revolution by spurring entrepreneurship, competition, and public interest benefits. With the U.S. economy now in recession and the telecom sector in the doldrums, Mr. Hundt and former FCC Chief Technologist David J. Farber, Alfred Fitler Moore Professor of Telecommunications at the University of Pennsylvania School of Engineering and Applied Science and Professor of Business and Public Policy at the Wharton School, address how the telecom boom can be resuscitated by public policy to make the Internet a universal medium.

2:00 p.m. -3:00 p.m.

Law and Standard Setting Processes

Moderator: Martin B. H. Weiss, Associate Professor of Telecommunications and Chair, Department of Information Science and Telecommunications, University of Pittsburgh School of Information Sciences

Joel Reidenberg, Professor of Law, Fordham University

Philip J. Weiser, Associate Professor and Executive Director, Silicon Flatirons Telecommunications Program, University of Colorado

3:15 p.m.-5:00 p.m.

Law and Technology in Cybercrime and Homeland Security

Moderator: Jeffrey Hunker, Dean and H.J. Heinz III Professor of Technology and Public Policy

Stewart A. Baker, Partner, Steptoe and Johnson, Washington, D.C.

David W. Beier, former Chief Domestic Policy Adviser to the Vice President of the United States and Partner, Hogan and Hartson, D.C.

Neal K. Katyal, Professor of Law, Georgetown University

Harry Litman, former United States Attorney, Western District of Pennsylvania and of counsel, Phillips & Cohen, Washington, D.C.

Elizabeth Rindskopf Parker, General Counsel, University of Wisconsin System

Peter P. Swire, Visiting Professor of Law, George Washington University

Marc Zwillinger, Partner and Leader, Cyberlaw and Information Security Practice, Kirkland & Ellis, Washington, D.C.

FRIDAY, FEBRUARY 8, 2001

8:30 a.m.-10:00 a.m.

The Past, Present and Future of Internet Governance

Susan P. Crawford, Partner, Wilmer, Cutler & Pickering, Washington, D.C.

Ethan Katsh, Professor of Legal Studies and Co-Director of the Center for Information Technology and Dispute Resolution, University of Massachusetts at Amherst

Jonathan Weinberg, Professor of Law, Wayne State University

10:15 a.m. -11:45 a.m.

Intellectual Property and New Technologies

Jonathan Band, Partner, Morrison and Foerster, LLP, Washington, D.C.

Julie E. Cohen, Professor of Law, Georgetown University

Jessica Litman, Professor of Law, Wayne State University
Maureen O'Rourke, Professor of Law and Associate Dean for Administration & Graduate Programs, Boston University (Moderator)
Alfred C. Yen, Associate Dean for Academic Affairs and Professor of Law, Boston College

11:45 p.m. - 1:00 p.m.
Lunch On Your Own

1:10-2:10
Legal Challenges of Large Data Sets

Gary L. Kaplan, Partner, Reed Smith, Pittsburgh
Latanya Sweeney, Assistant Professor of Computer Science and of Public Policy and Director, Laboratory for International Data Privacy, Carnegie Mellon University
Jane Kaufman Winn, Professor of Law, Southern Methodist University, Dallas

2:20-3:20
Challenges and Opportunities in Wireless Telecommunications

Jon M. Peha, Associate Professor, Electrical and Computer Engineering, and Engineering and Public Policy, Carnegie Mellon University
Howard Shelanski, Acting Professor of Law, University of California at Berkeley

3:30-5:00
Risk Management and E-Business Insurance Issues

Leib Dodell, Vice President, Media and Intellectual Property, Chubb Specialty Insurance
Emily Q. Freeman, Practice Leader for e-Business Risk Solutions, Marsh. Inc.
Lee M. Zeichner, President, LegalNet Works, Inc., Falls Church, Virginia

InSITEs is dedicated to bringing together technologists and non-technologists to build our understanding of how information technology is shaping and shaped by society. We rely on the work of nearly 60 Carnegie Mellon faculty from a variety of disciplines and approximately 50 members of our affiliated legal expert network. The international legal expert network includes both outstanding academics and thought leaders from legal practice, the latter almost all having significant teaching experience or professional experience in public policy settings at the national level, as well as a background in representing significant individual and corporate clients.

Everyone attending *Information Technology and Legal Regulation: Promise and Pitfalls* is asked to register in advance. Approval is pending to confer a total of 12.5 Pennsylvania CLE credits for full program attendance. University students and faculty may attend without charge, unless they seek continuing legal education credit -- in which case they must register under the "Attorney" category. Attorneys and other attendees are welcome to attend at the prices listed.

Name _____
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Please check one:

- Carnegie Mellon University faculty
- University faculty - non-Carnegie Mellon
- Carnegie Mellon University Student
- University student - non-Carnegie Mellon
- Attorney (Registering Before 1/19/2002: \$300)
- Attorney (Registering 1/20/2002 or after: \$350)
- Other Attendee (Registering Before 1/19/2002: \$300)
- Other Attendee (Registering 1/20/2002 or after: \$350)

Please forward payment, if required, by check made payable to **Carnegie Mellon University**.

Mail registration and remittance to:

InSITEs
H.J. Heinz School of Public Policy and Management
Carnegie Mellon University
5000 Forbes Avenue
Pittsburgh, PA 15213

Registrants not required to submit payment may fax their registration forms to 412-268-5337. For additional information, contact Dr. Dorothy Bassett at 412-268-4839.