

Computer and Technology Law Committee (CTCL) Minutes

Meeting: January 22, 2014

Location: Mid-Year Meeting, Reunion Resort, Orlando

Larry Kunin (LK), Chair

Robert Kain (RK), vice-chair

The meeting was called to order, a roll taken via assign in sheet (enclosed), and Larry Kunin introduced the members. Approval of the minutes of the prior meeting was tabled for the time being. Task Force reports were given by the leaders.

A. Articles: Matthew Horowitz called for articles. Steve Stein indicates that an article on the new GTLDS domains may be forthcoming.

B. CADRA: Robert Kain explained that he was working with the business litigation committee ("Biz-Lit) to refine Computer Access and Data Recovery Act (CADRA). Biz-Lit has raised issues over the broad scope of CADRA as it makes unauthorized "access" to data a violation and the scope of authorization was not clear enough. Biz-Lit indicated that CADRA is too broad and the multi-factor scope of "without authority" or "exceeds authorization" was too cumbersome for the courts to apply and would lead to excessive litigation, with unclear and inconsistent results. The reconstituted CADRA Task Force now consists of a small group from the IP Comm. and the CTCL: Robert Kain, Ury Fischer, Sam Lewis and the Biz-Lit team of Russell Landy (chair of Biz-Lit), Jim Murphy, Andrew Ostrow, Jude Cooper (vice-chair). Steve Teppler suggested that CADRA focus on a "data breach" theme. Mark Stein suggested a risk analysis approach for social media hacking events.

C. Diversity: Mark Stein: The Inclusion Comm. is currently on hold. Pro Bono Guidelines listing the best practices are on the website for the Florida Bar.

D. Hot Topics: RK: The 7 hot topic cases will be placed online (enclosed herewith).

F. e-Discovery : Doug Cherry: E-Discovery ("ED") was reconfigured as a substantive committee under the Business Law Section (BLS). Steve Teppler is the vice-chair. A list serve is available for those to sign-on. An ESI protocol is found on the BLS website.

G. Legislative: Larry Kunin and Robert Kain: The only new legislation of note was the amendments to the Computer Crimes Act. Robert Kain stated that minor changes were made based upon CTCL member input, but legislators were reluctant to engage in major changes because they did not see why the BLS is interested in a criminal statute.

H. Recruitment: Larry Kunin asked CTCL members to engage non-members in a discussion of the benefits of the Committee and to bolster membership.

Next meeting: June 25 - 28, Orlando. Minutes by Vice Chair Robert Kain