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# Emerging Technology & Privacy Conference

FRIDAY, OCTOBER 30, 2015  
Beckman Center of the  
Natural Academies of  
Science & Engineering  
100 Academy Dr.  
Irvine, CA 92617

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# PROGRAM

**7:30 – 8:00 a.m.**

**Registration & Continental Breakfast**

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**8:00 – 8:15 a.m.**

**Welcome and Opening Remarks: Dean Erwin Chemerinsky  
U.C. Irvine School of Law**

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**8:15 – 9:30 a.m.**

**Drone Technology, Existing Law, and Privacy Concerns**

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This panel will examine developments in and use of drone technology. The panel will discuss the safety and privacy concerns raised by private-party drone use and the existing and proposed laws regulating its use. The session will also address existing and proposed laws governing drones use by law enforcement, as well as the constitutional concerns uniquely raised by its use in law enforcement. The discussion will include the issues which remain unaddressed by the Legislature and the courts as this technology evolves.

**Moderator:**

Amy Albano, *City of Burbank, City Attorney*

**Speakers:**

Dean Erwin Chemerinsky, *U.C. Irvine School of Law*

Prof. Robert Molko, *Western State College of Law*

Kristopher Kokotaylo, *Meyers/Nave*

Prof. Gregory S. McNeal, *Pepperdine University School of Law*

**9:45 – 11:00 a.m.**

**Policing Technologies: GPS, Mobile Phones and License Plate Readers**

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This session will discuss current improvements in global positioning systems (GPS), stingray phone trackers, and other mobile phone technical capabilities and the current law governing their use for active surveillance and searches. Panelists will provide an overview of the current surveillance technologies used by law enforcement followed by a discussion of federal, state, and local government laws, including the legal limitations, governing mobile phone surveillance including the ability to track and locate cellular device users, extract stored data such as International Mobile Subscriber Identity ("IMSI") numbers and Electronic Serial Number ("ESN"), encryption key extraction and interception of communications, and interfering with service. The session will also discuss laws governing the use of GPS technology and automatic license plate readers (ALPR) to track and monitor cell phone use, and location. Attendees will also learn about constitutional limitations governing searches incidental to police stops and arrests where individuals are carrying computer devices such as smart phones, lap tops, and other devices. Finally, panelists will discuss new technological developments which remain unaddressed by the Legislature or the courts.

**Speakers:**

Keith Lyon, *Deputy Attorney General, Electronic Crimes Section, California Department of Justice*

Joanne McNabb, *Director of Privacy Education & Policy, California Department of Justice*

Hanni Fakhoury, *Senior Staff Attorney, Electronic Frontier Foundation*

**11:00 – 11:15 a.m.**

*Break*

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**11:15 – 12:30 p.m.**

**Surveillance and Data Collection and the Public Records Act**

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Large amounts of data are collected using various technologies including global positioning systems (GPS), stingray phone trackers, police body cameras and license plate trackers. This session will discuss the impacts of this data collection on the Public Records Act, including the importance of maintaining privacy under the Act and the competing public interest in government transparency.

**Speakers:**

Heather Aubry, *Deputy City Attorney, City of Los Angeles*

Ruthann G. Ziegler, *Partner, Meyers/Nave*

Peter Bibring, *Senior Staff Attorney, ACLU*

# SCHEDULE

12:30 – 1:15 p.m.

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## Networking Lunch

1:15 – 2:15 p.m.

### Keynote Luncheon: The Need to Bring Privacy Law into the 21st Century: The Supreme Court and Privacy

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Dean Erwin Chemerinsky, founding Dean of the University of California, Irvine School of Law and renown constitutional law scholar will discuss the constitutional privacy concerns posed by high-tech surveillance, as well as concerns all individuals should have concerning the proliferation of private information about ourselves.

**Speaker:**

Dean Erwin Chemerinsky, *U.C. Irvine School of Law*

2:30 – 3:45 p.m.

### The Use of Police Cameras and Facial Recognition Software

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This session will explore the expanding use of police body cameras, including recommendations for policies governing its use and oversight. Panelists will also discuss public's interest and related privacy concerns over whether this footage should be made public. Panelists will also discuss new technology related to facial recognition software which may be integrated into the use of any kind of surveillance, including police body cameras. This discussion will include concerns about the accuracy of this software and legal concerns about potential racial profiling where this technology may be used to track known criminals before police have a reason to suspect any criminal conduct.

**Moderator:**

Blake Loeb, *Partner, Meyers/Nave*

**Speakers:**

Michael Gennaco, *Principal, OIR Group*

Peter Bibring, *Senior Staff Attorney, ACLU*

Prof. Gregory S. McNeal, *Pepperdine University School of Law*

3:45 – 4:00 p.m.

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Break

4:00 – 5:15 p.m.

### The Dangers and Ethics Clouding High-Technology Surveillance and Data Collection (1.25 hours of Legal Ethics)

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Panelists will explore the legal ethics in advising private and public clients about privacy concerns, especially in areas where the law is not yet established. This will include an ethical discussion of the legal issues raised in Professor Neil Richards' groundbreaking article, *The Dangers of Surveillance*, published in the *Harvard Law Review*, 126 *Harv. L. Rev.* 1934 (2013).

**Speakers:**

Andrew Serwin, *Partner, Morrison & Forrester.*

Prof. G.P. Li, *Professor Electrical Engineering and Computer Science, U.C. Irvine, Samueli School of Engineering*

Stephen Cobb, *ESET*

# REGISTRATION INFORMATION

**Online registration:**

<http://publiclaw.calbar.ca.gov>

**Mail To:**

Program Registrations, The State Bar of California  
180 Howard Street  
San Francisco, CA 94105

**Fax to:**

Program Registrations at (415) 538-2368. In order to fax your registration credit card information is MANDATORY.

**Cancellations and Deadlines:**

Cancellations and request for refunds must be received in writing by October 23, 2015 and are subject to a \$25 service charge. Substitute registrants are allowed but must register in their own name at the meeting to receive MCLE credit.

**Onsite Registration:**

Limited and subject to availability. Call to confirm space availability. Please register in advance.

**Special Assistance:**

For special assistance please call (415) 538-2248.

**Questions:**

For registration questions please call (415) 538-2508. Telephone registrations will not be accepted. For program content and/or section information please call (415) 538-2248.

**CYLA MEMBERS:** (All CA members that have been in practice 5 years or less OR are 36 years old or younger)

Now offering 25% off registration. Call (415) 538-2248 for more information.

## PROGRAM PLANNING COMMITTEE:

**Public Law Executive  
Committee Members**

John Appelbaum, Chair  
Ryan Baron, Co-chair  
Scott Smith

**Stephanie Carman**

The State Bar of California  
Public Law Section Coordinator  
[Stephanie.Carman@calbar.ca.gov](mailto:Stephanie.Carman@calbar.ca.gov)

# Emerging Technology & Privacy Conference

Friday, October 30, 2015 • Irvine, CA

## REGISTRATION FORM

Note: One registrant per form. Photocopies may be used.

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(Required for email confirmation)

Program package includes 7.25 hours of MCLE of which 1.25 hours apply to Legal Ethics, program materials, continental breakfast and lunch.

Check here if you do not want your information released.

### REGISTRATION FEES (CHECK THE APPROPRIATE BOX):

- \$175 for Public Law Section members
- \$225 for Non-Section members (includes membership in the Public Law Section for 2015/2016)
- \$150 for Paralegals/Non attorneys
- \$100 for Full-time Law Students
- \$225 All Registrations After October 23, 2015

**AMOUNT ENCLOSED OR TO BE CHARGED** \$ \_\_\_\_\_

### REGISTRATION INFORMATION

**Deadline:** In order to pre-register, your form and check, payable to The State Bar of California, or credit card information, must be received no later than October 23, 2015.

**Register Online:** <http://publiclaw.calbar.ca.gov>

**Mail To:** Program Registrations, The State Bar of California, 180 Howard Street, San Francisco, CA 94105.

**Fax To:** Program Registration at 415-538-2368. In order to fax your registration, credit card information is MANDATORY. ***(Photocopies of checks will NOT be accepted.)***

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