

2017 SPRING CONSUMER PROTECTION SEMINAR AGENDA
Public Agenda

Monday, May 15, 2017

[Note: Lunch, the Afternoon Sessions, and the Reception will be Open to the Public]

11:45 a.m. – 1:00 p.m. **Welcome Lunch** – Monticello Ballroom

1:15 p.m. – 2:15 p.m. **Disruptive Technologies** – National Ballroom

Internet-based “sharing economy” companies are rapidly changing the way that many consumers receive goods and services. However, these rapidly changing companies, many of which operate in traditionally highly-regulated fields, present unique challenges to the government regulator. This panel will explore the issue of balancing consumer protection and government oversight against the desire of the public for access to the convenience and services these new companies provide.

Moderators:

Jimmy Rock, *Deputy Director, Consumer Protection, District of Columbia Attorney General’s Office*

Jane Azia, *Bureau Chief, Consumer Frauds and Protection Bureau, New York Attorney General’s Office*

Panelists:

Malini Mithal, *Acting Associate Director Division of Financial Practices, Federal Trade Commission*

Roger A. Colaizzi, *Chair, Advertising Litigation, Venable LLP*

Nick Zabriskie, *Public Policy Senior Associate, Uber*

60 Minutes General CLE

2:15 p.m. – 3:00 p.m. **Class Action/ CAFA Update**

On this panel, the speakers will discuss what the Class Action Fairness Act (CAFA) requires in terms of notice to attorneys general, and what counsel can expect if they receive an inquiry from attorneys general regarding a CAFA notice. They will also discuss the pending legislation, the Fairness in Class Action Litigation Act of 2017, including its provisions as drafted, and how if implemented it could change the landscape of class actions for better or worse. The panel will then discuss what the most important judicial developments in the class action field have been in the past few years, and how those developments have impacted the practice of class action law. Finally, if time permits, panelists will discuss how consumers can protect their rights in the changing class action landscape, and how companies in turn can protect themselves from legal actions.

Moderators:

Elizabeth Chun, *Assistant Attorney General, Texas Attorney General’s Office*

Panelists:

Sheldon Jaffee, *Deputy Attorney General, California Attorney General’s Office*

Andrew Pincus, *Partner, Mayer Brown*

F. Paul Bland, Jr., *Executive Director & Senior Attorney, Public Justice*

45 Minutes General CLE

3:00 p.m. – 3:30 p.m.

Spokeo One Year Later

Spokeo v. Robins, a case under the Fair Credit Reporting Act, was expected to produce a major Supreme Court decision on the limits of Article III standing in federal courts--particularly in consumer protection cases. But, after Justice Scalia's death, the Court instead produced a consensus opinion that left open many more questions than it answered. In this session, we'll consider the state of standing after *Spokeo*: what's at stake, the different ways of conceptualizing injury, and the role of history and predictive judgments by the legislature.

Presenter:

Deepak Gupta, *Founding Principal, Gupta Wessler PLLC*

30 Minutes General CLE

3:30 p.m. – 3:45 p.m.

Break

3:45 p.m. – 4:15 p.m.

Effectiveness of Notices and Disclaimers

We all know that hardly anybody ever reads privacy notices or security warnings, and when people try to read them, they tend to be long and extremely difficult to understand. The presenter will discuss why privacy notices are important, explain why they are largely failing to inform people, and detail some of the approaches companies and researchers are taking in an attempt to make privacy notices more useful. A theory about the cognitive processes that take place when someone encounters a privacy notice or security warning will then be presented. Several examples of user studies to test the effectiveness of privacy notices or security warnings will be shared. Finally, examples of notices that don't seem to be very effective, as well as some examples of how notices can be improved through an iterative design and testing process will also be shared.

Presenter:

Lorrie Cranor, *Professor, Computer Science and Engineering & Public Policy, Co-director, Privacy Engineering Masters Program, Director, CyLab Usable Privacy and Security Laboratory, Carnegie Mellon University*

30 Minutes General CLE

4:15 p.m. – 5:15 p.m.

Social Media Marketing

This session will cover the legal and other "rules of the road" pertaining to marketing through social media with a particular emphasis on the use of celebrities and other endorsements posted to sell a product or service. We will hear from representatives of the Federal Trade Commission, as well as the National Advertising Division of the Better Business Bureau and the non-profit Truthinadvertising.org to discuss recent activity in this area.

Moderator:

John Abel, *Senior Deputy Attorney General, Pennsylvania Attorney General's Office*

Panelists:

Laura Brett, *Assistant Director, National Advertising Division, Council of Better Business Bureaus, Inc.*

Bonnie Patten, *Executive Director, Truth in Advertising*

Mary Engle, *Division of Advertising Practices, Federal Trade Commission*

60 Minutes General CLE

5:15 p.m. – 5:30 p.m.

Private Sector Issues – Open Discussion

5:30 p.m. – 7:00 p.m.

Public Reception – Monticello Ballroom

The public portion of the 2017 Spring Consumer Protection Seminar is eligible for 225 minutes of General CLE