

LAW & ECONOMICS CENTER, GEORGE MASON UNIVERSITY SCHOOL OF LAW
Public Policy Conference on The Law & Economics of Privacy & Data Security
Wednesday, June 19, 2013

Agenda

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Sessions held at George Mason University Founders Hall Auditorium

8:00 – 8:40 am **Breakfast**, *Founders Hall Multipurpose Room*

8:40 – 8:45 am **Welcome**

Henry N. Butler, George Mason University Foundation Professor of Law, George Mason University School of Law, and Executive Director, Law & Economics Center

James C. Cooper, Director, Research and Policy, Law & Economics Center and Lecturer in Law, George Mason University School of Law

8:45 – 10:15 am **Panel 1: Privacy & Data Security: Substitutes and Complements**

Christopher S. Yoo, John H. Chestnut Professor of Law, Communication, and Computer & Information Science and Director, Center for Technology, Innovation & Competition, University of Pennsylvania Law School

Jim Halpert, Partner, DLA Piper

Woodrow N. Hartzog, Assistant Professor of Law, Cumberland School of Law, Samford University

Anna H. Davis, Attorney Advisor to Commissioner Maureen Ohlhausen, Federal Trade Commission

Stephen M. Ruckman, Director, Internet Privacy Unit, Office of the Attorney General of Maryland

Moderator: Daniel W. Caprio, Jr., Senior Strategic Advisor and Independent Consultant, McKenna, Long & Aldridge LLP

Reading Assignment: Christopher Yoo: "[Contractibility and Internet Privacy](#)"

10:30 am – 12:00 pm **Panel 2: Privacy Tradeoffs: What Do We Know?**

Sasha Romanosky, Microsoft Research Fellow, Information Law Institute, New York University School of Law

Adam Thierer, Senior Research Fellow, Mercatus Center at George Mason University

Lorrie F. Cranor, Associate Professor, Institute for Software Research, Carnegie Mellon University and Director, CyLab Usable Privacy and Security Laboratory

Jonathan Klick, Professor of Law, University of Pennsylvania Law School

Moderator: Catherine E. Tucker, Mark Hyman, Jr. Career Development Professor and Associate Professor of Marketing, MIT Sloan School of Management

Romanosky, Hoffman, & Aquisti: "[Empirical Analysis of Data Breach Litigation](#)"

12:00 – 1:30 pm **Luncheon**, *Founders Hall Multipurpose Room*

Luncheon Discussion: Privacy and the First Amendment

Marc J. Blitz, Professor of Law, Oklahoma City University School of Law

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Kevin Bankston, Senior Counsel and Director of CDT Free Expression Project, Center for Democracy & Technology

Moderator: James C. Cooper, Director, Research and Policy, Law & Economics Center and Lecturer in Law, George Mason University School of Law

Reading Assignment: Mark Blitz - [The Right to Map \(And Avoid Being Mapped\)](#)

Mark Blitz - [Constitutional Safeguards for Silent Experiments in Living](#)

1:30 – 3:00 pm

Panel 3: Privacy & Data Security Law, Harm, and Unfairness

James C. Cooper, Director, Research and Policy, Law & Economics Center and Lecturer in Law, George Mason University School of Law

J. Howard Beales III, Professor of Strategic Management and Public Policy, The George Washington University School of Business

Paul Ohm, Associate Professor of Law, University of Colorado School of Law

Ryan Kriger, Assistant Attorney General, State of Vermont Office of the Attorney General

Moderator: Thomas M. Lenard, President and Senior Fellow, Technology Policy Institute

Reading Assignment: J. Howard Beales: "[Protecting Consumers from Privacy Problems: Privacy Issues as 'Unfair or Deceptive Acts or Practices'](#)"

James C. Cooper: "[A Products Liability Approach to Privacy Regulation](#)"

3:15 – 4:45 pm

Panel 4: Privacy and Competition: The Role of Privacy in Antitrust Analysis and How Privacy Regulation Affects Competition

Randal C. Picker, Leffmann Professor of Commercial Law, The University of Chicago Law School and Senior Fellow, The Computation Institute of The University of Chicago and Argonne National Laboratory

Paul H. Rubin, Samuel Candler Dobbs Professor of Economics, Emory University

Frank A. Pasquale, Schering-Plough Professor in Health Care Regulation and Enforcement, Seton Hall University School of Law

Tara Isa Koslov, Deputy Director, Office of Policy Planning, Federal Trade Commission

Moderator: James C. Cooper, Director, Research and Policy, Law & Economics Center and Lecturer in Law, George Mason University School of Law

Reading Assignment: Randal Picker: "[Unjustified by Design: Unfairness and the FTC's Regulation of Privacy and Data Security](#)"

Frank Pasquale: "[Privacy, Antitrust, and Power](#)"

4:45 pm

Adjourn

Additional Readings: Breaux & Baumer: "[Legally 'Reasonable' Security Requirements: A 10-Year FTC Retrospective](#)"

[Securities and Exchange Commission Cyber Security Disclosure Guidance](#)

[State Data Breach Chart](#) – Baker Hostetler

[State Data Breach Notification Laws from Baker Hostetler](#)