



LEGAL ETHICS, TECHNOLOGICAL COMPETENCE AND NEW TECHNOLOGIES

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Biographies

Professor Gaia Bernstein, *Seton Hall University School of Law*



Gaia Bernstein is the Michael J. Zimmer Professor of Law, Director of the [Institute for Privacy Protection](#) and Co-Director of the [Gibbons Institute of Law Science and Technology](#). Professor Bernstein specializes in law and technology, information privacy, health privacy, intellectual property, law and genetics and reproductive technologies. Her scholarship examines users' interactions with new technologies across diverse legal fields. She is currently working on a book titled "The Over-Users: Happiness, Technology Addiction and the Power of Awareness." Professor Bernstein has developed the Institute for Privacy Protection Student-Parent Outreach Program, which operates in schools in New Jersey and New York. As part of the Institute's Outreach Program, Professor Bernstein offers [lectures to parents](#) about kids' over-use of their smartphones and screens and the potential impact of their online actions on their future reputations.

Professor Bernstein's scholarship has been published in leading law reviews including the Vanderbilt Law Review, the Boston College Law Review, the Boston University Law Review, the Washington Law Review and the U.C. Davis Law Review. Her work has been selected to the Stanford-Yale Junior Faculty Forum and received extensive media coverage. Professor Bernstein was the Chair of the Section on Privacy and Defamation and a member of the Executive Board of the Section on Intellectual Property of the American Association of Law Schools.

Professor Bernstein has joined the Seton Hall faculty in 2004. Prior to joining the Seton Hall faculty, Professor Bernstein was a fellow at the Engelberg Center of Innovation Law & Policy and at the Information Law Institute at the New York University School of Law. Her degrees include: a J.S.D. from the New York University School of Law, an LL.M. from Harvard Law School, a J.D. (Intellectual Property concentration with Honors) from the Boston University School of Law, and a B.A. in Psychology and Political Science (magna cum laude) from Tel Aviv University. Professor Bernstein practiced law at Skadden, Arps, Slate, Meagher & Flom LLP in New York and at S. Horowitz & Co. in Israel.

Visit Professor Bernstein's [Over-Users blog and personal website](#).

Professor David Opderebeck, *Seton Hall University School of Law*



David Opderbeck is Professor of Law and Co-Director of the Gibbons Institute of Law, Science & Technology. His work focuses on intellectual property, cybersecurity and technology law and policy. David's publications concerning cybersecurity law and policy consider the law and economics of data breach litigation and executive power in cyber emergencies. He recently administered a multi-year project at the Law School funded by the Bergen County Prosecutor's Office that convened special programs and government working groups on cybersecurity issues. In the intellectual property field, David's work examines issues such as settlements in Hatch-Waxman litigation, cybersecurity policy, intellectual property restrictions on essential medicines in

developing countries, open source biotechnology, patent damages reform, and the interaction of law and social norms concerning music file sharing.

Professor Opderbeck is also interested in the relationship between law, theology and science. He recently completed a Ph.D. in Systematic and Philosophical Theology at the University of Nottingham, where his thesis offered a theological appraisal of the emerging discipline of “neurolaw.” Prior to his academic career, David was a Partner in the Intellectual Property / Information Technology practice at McCarter & English, LLP. Currently, David is Counsel in the Cybersecurity Task Force at Gibbons, PC.

Professor Opderbeck maintains a website relating to his work at <http://www.davidopderbeck.com>. He also, blogs at theycybersecuritylawyer.com and can be found on Twitter at @cyberseclawyer.

Kenneth Rashbaum, Esq., Partner, Barton LLP



Kenneth N. Rashbaum advises multinational corporations, financial services organizations and life sciences organizations in the areas of privacy, cybersecurity, e-discovery for litigation and regulatory proceedings and information management. He counsels these entities on information governance and its compliance with federal, state, and non-U.S. laws and the interface of e-commerce and legal and regulatory liabilities in areas such as cybersecurity and breach response. Ken has vast experience in preparation of provisions in contracts, service level agreements and license agreements relating to compliance with data protection and privacy laws in the U.S. and other countries. He also leads information security and data breach response assessments, investigations and remediation initiatives; prepares policies for social media legal and regulatory compliance; and represents technology and life sciences organizations in federal and state investigations and audits, and in litigation.

Ken is a Distinguished Neutral on the Cyber Panel of the International Institute for Conflict Prevention and Resolution (“CPR”). In this capacity, he serves as a mediator in breach of contract disputes that arise from data breaches, claims of trade secret theft and disputes over cyber risk insurance coverage. Ken also serves as special e-discovery counsel for complex litigation and in matters in which electronic evidence from beyond the U.S. is required. He has been recognized internationally as a thought leader in electronic discovery and disclosure, and has served as national e-discovery counsel for multinational pharmaceutical corporations and global e-discovery counsel in products liability and IP litigation. Ken was appointed to the faculty of the Federal Judicial Center for its September, 2010 session and the Georgetown Advanced E-Discovery Institute (November 2009 and December 2012 sessions) to lead sessions on international e-discovery issues and challenges.

In his capacity as a nationally known expert on data privacy, Ken counsels healthcare organizations on compliance with federal, state and judicial standards governing protected health information. He has served as HIPAA and privacy counsel to major hospital systems, health plans, physicians’ groups, cloud computing providers and health information application developers; advised academic hospital systems on protocols for implementation of electronic health records; and provided counsel on risk management issues in access, uses and disclosures of electronic patient information.

Ken is an Adjunct Professor of Law at Fordham University School of Law and had been a member of the Adjunct Faculty at the Maurice A. Deane School of Law at Hofstra University from 2013 – 2015.

Prior to joining Barton, Ken was a senior litigation partner in the New York office of Sedgwick LLP (formerly Sedgwick, Detert, Moran & Arnold) where he was the Co-Chair of the E-Discovery, Compliance and Data Management Practice Group.