

# An Open Letter to Law School Deans about Privacy Law Education in Law Schools

November 11, 2019

Dear Dean,

We are a group of privacy law academics and practitioners who are writing to you and other law school deans to raise awareness about the importance of privacy law in modern legal practice and the need to educate students in this rapidly growing field.

***Privacy law is this century's IP law.*** In the 1980s and 1990s, many law schools that offered only general survey courses in intellectual property law began to recognize the field's growing economic importance—and its increasing importance in the job market for both new law graduates and more seasoned lawyers. They adjusted their curricula and their hiring practices accordingly. Today, most law schools offer not just one general survey course in IP but also core courses in copyright, patent, and trademark law and advanced courses in international IP, IP transactions and other topics. Most have at least one full-time faculty member specializing in IP, and many have more than one.

Today, the rapid expansion of privacy law demands a similar realignment. Privacy has become one of the principal frames that the law (and legal practice) have used to grapple with the digital revolution and the opportunities and threats it has presented for every consumer of legal services in the world. The field of privacy law has been growing at a staggering rate over the past two decades. For many years, privacy has been one of the most active areas of legislation and regulation in the U.S. and worldwide. Privacy is also a vast body of law. Domestically, it encompasses constitutional and tort law, more than 30 federal laws, and thousands of state laws. Internationally, 57% of countries have comprehensive privacy laws, and many countries have numerous narrower privacy laws. Yet many law schools offer only the most basic coverage of privacy law, and most offer only occasional courses taught by adjuncts. Dozens of law schools evidently have no curricular offerings in privacy. Fewer than a quarter of law schools have a full-time faculty member who focuses heavily on privacy law.

***Privacy law is a large and rapidly growing field with nearly boundless job opportunities.*** Even during the legal market slowdown, jobs in privacy expanded at an astounding pace. There are plentiful career opportunities for law graduates in law firms, consulting firms, government agencies, public interest organizations, and in-house legal departments. For example:

- 96 of the AmLaw top 100 firms have privacy and cybersecurity practices. Many have 30+ attorneys. There are entire boutique law firms that specialize in privacy.
- Most large organizations employ many full-time privacy professionals, including many lawyers. In many private sector companies, the Chief Privacy Officer has become a C-level position and part of upper management.

- Most executive branch agencies have a Chief Privacy Officer as well as a team of lawyers working on privacy. There are numerous lawyers in regulatory agencies who focus on privacy enforcement and rulemaking.
- The International Association of Privacy Professionals has 50,000 members, and it is growing by 25-30% or more each year.
- Privacy law is one of just 15 specialty areas accredited by the ABA.

***Law schools that offer real and deep education in privacy law are reaping important competitive advantages.*** Although many law schools are not offering enough education about privacy law and related subjects—and their students and recent graduates are missing out on opportunities in one of the most rapidly-growing legal fields—those that do offer such education have seen clear gains.

Many law schools that offer a regular 3- or 4- unit privacy law survey course—for example, Berkeley, Chicago, GW, Penn, and Washington University in St. Louis, among others—routinely have class enrollments of between 50-80 students. Those that offer experiential education in privacy law—for example, BU, Georgetown, Minnesota, and New York Law School, among others—find those courses oversubscribed. Those that offer concentrations or other special programs in information technology-related law—for example, Fordham, Georgetown, Northeastern, Ohio State, Penn, and Santa Clara, among others—have seen student interest in privacy-related concentrations and careers grow exponentially. Those that offer non-JD programs focusing on such topics as compliance—for example, Colorado, Fordham, Northwestern, and the University of Washington, among others—also have seen skyrocketing interest in privacy. Students at all levels benefit from interdisciplinary, cross-campus research initiatives, such as those at Berkeley, NYU, and the University of Washington, among others.

Prospective law students are seeking out schools that are prominent in privacy law teaching and privacy law research, and students graduating with backgrounds in privacy law are in high demand. Santa Clara Law School, which offers a certificate in privacy law, had 100% of its students from the program employed within 4 months of graduating. New York Law School, which also offers a privacy certificate, has placed its graduates in both top 20 law firms and corporations like Nielsen, Moody's, and various financial services firms.

***There is a clear path forward.*** At minimum, every law school should offer at least one 3+ credit privacy law survey course. Privacy is too vast a field to be covered in just one course, however. A deeper curriculum might include courses such as those listed below:

- Cybersecurity Law
- Consumer Privacy Law
- Health Privacy Law
- Financial Privacy Law
- International/Comparative Privacy Law
- Computer Crime
- Privacy Compliance Counseling
- Data Breach Response

At minimum, a law school should have at least one full-time faculty member who writes a majority of their scholarship on privacy topics. There is a talented pool from which to recruit

such faculty. The Privacy Law Scholars Conference (PLSC), now in its 13th year, has about 300 participants, many entry-level scholars, and workshops 80 papers each year.

It's worth noting also that, as privacy has moved to the forefront of the news, many foundations and large companies are eager to fund scholarship, conferences, and student education in privacy law, and there are a significant number of NSF and private foundation grants for research on privacy issues. Law schools that have developed strong privacy programs that include events, speakers, internship opportunities in the local community, academic centers, and formal certificates or concentrations in privacy law, have found many eager sources of support. Legal scholars who focus on privacy have begun cross-campus collaborations with their colleagues in departments and schools of computer science, engineering, communications, information, psychology, philosophy, economics, and business, creating rich opportunities for interdisciplinary research.

\* \* \*

We hope that you will consider these factors in determining your hiring priorities in the next several years.

If you have any questions, many of us would be delighted to answer them and discuss the field with you.

Sincerely,

### **ACADEMICS**

Anita Allen  
Vice Provost for Faculty and Professor of Law  
University of Pennsylvania Law School

Jack Balkin  
Knight Professor of Constitutional Law and the First Amendment  
Yale Law School

Ryan Calo  
Lane Powell & D. Wayne Gittinger Associate Professor of Law  
University of Washington School of Law

Danielle Keats Citron  
Professor of Law  
Boston University School of Law

Julie E. Cohen  
Mark Cluster Mamolen Professor of Law and Technology  
Georgetown Law

Eric Goldman  
Professor of Law  
Santa Clara University School of Law

Woodrow Hartzog  
Professor of Law and Computer Science  
Northeastern University

Dennis D. Hirsch  
Professor of Law  
Ohio State Moritz College of Law

Chris Jay Hoofnagle  
Adjunct Professor of Information & Law  
UC Berkeley

Margot E. Kaminski  
Associate Professor  
University of Colorado School of Law

Matthew Kugler  
Associate Professor  
Northwestern Pritzker School of Law

William McGeeveran  
Associate Dean for Academic Affairs  
Julius E. Davis Professor of Law  
University of Minnesota Law School

Paul Ohm  
Professor and Associate Dean for Academic Affairs  
Georgetown Law

Joel Reidenberg  
Stanley D. and Nikki Waxberg Chair in Law  
Fordham Law School

Neil Richards  
Koch Distinguished Professor of Law  
Washington University in St. Louis

Paul M. Schwartz  
Jefferson E. Peyser Professor of Law  
UC Berkeley Law School

Daniel J. Solove  
John Marshall Harlan Research Professor of Law  
George Washington University Law School

Lior Strahilevitz  
Sidley Austin Professor of Law  
University of Chicago Law School

Katherine J. Strandburg  
Alfred Engelberg Professor of Law  
New York University School of Law

Peter Swire  
Elizabeth & Tommy Holder Chair of Law and Ethics  
Scheller College of Business  
Georgia Institute of Technology

Ari Ezra Waldman  
Professor of Law  
New York Law School

## **PRACTITIONERS**

Jocelyn Aqua  
Principal  
PwC (Privacy and Cybersecurity)

Jennifer Archie  
Partner  
Latham & Watkins

Ian C. Ballon  
Co-Chair, Global Intellectual Property & Technology Practice Group  
Greenberg Traurig, LLP

Kaylee Cox Bankston  
Counsel, Privacy and Data Security Practice  
Manatt, Phelps & Phillips, LLP

Bret Cohen  
Partner  
Hogan Lovells US LLP

Christopher G. Cwalina  
Global Co-Head of Data Protection, Privacy, and Cybersecurity  
Norton Rose Fulbright US LLP

Tanya Forsheit  
Chair of the Privacy & Data Security Group  
Frankfurt Kurnit Klein & Selz PC

D. Reed Freeman, Jr.  
Partner; Co-Chair, Cybersecurity and Privacy Practice Group  
Co-Chair, Big Data Practice Group  
WilmerHale

Sue Glueck  
Senior Director, Academic Relations  
Microsoft

Adam Greene  
Partner  
Davis Wright Tremaine LLP

Meredith Halama  
Partner, Co-Chair Ad Tech & Data Management Group  
Perkins Coie LLP

Jim Halpert  
Partner  
DLA Piper

Laura E. Jehl  
Partner, Global Head of Privacy and Cybersecurity Practice  
McDermott Will & Emery LLP

Natasha Kohne  
Partner and Co-Chair of Cybersecurity, Privacy and Data Protection Practice  
Akin Gump Strauss Hauer & Feld LLP

Travis LeBlanc  
Board Member, Privacy and Civil Liberties Oversight Board  
Partner, Cooley LLP

Ronald Lee  
Partner  
Arnold & Porter

Nancy Libin  
Chair, Privacy & Security Practice  
Davis Wright Tremaine LLP

Edward R. McNicholas  
Data, Privacy & Cybersecurity Practice Group Leader  
Ropes & Gray LLP

Jon Neiditz  
Partner and Privacy Co-Leader  
Kilpatrick Townsend & Stockton LLP

Lydia Parnes  
Co-chair of the Privacy and Cybersecurity Practice  
Wilson Sonsini, LLP  
Former Director of the Bureau of Consumer Protection, Federal Trade Commission

Harriet Pearson  
Partner, Hogan Lovells US LLP  
Former Chief Privacy Officer, IBM Corporation

Andy Serwin  
Partner and Co-chair, Global Data Protection, Privacy and Security Practice  
DLA Piper

Lisa J. Sotto  
Partner  
Hunton Andrews Kurth LLP

Gerard M. Stegmaier  
Partner – IP, Tech & Data  
ReedSmith LLP  
Senior Research Fellow & Practitioner-in-Residence, Program on the Economics of Privacy  
Scalia Law School, George Mason University

Heather Egan Sussman  
Global Co-head of Cyber, Privacy & Data Innovation  
Orrick, Herrington & Sutcliffe LLP

Donna L. Wilson  
CEO and Managing Partner  
Co-Leader, Privacy and Data Security Practice  
Manatt, Phelps & Phillips, LLP

Kurt Wimmer  
Co-Chair, Data Privacy and Cybersecurity Practice  
Covington & Burling LLP

Christopher Wolf  
Senior Counsel, Privacy and Information Management Practice  
Hogen Lovells US LLP

Marc J. Zwillinger  
Founder  
ZwillGen PLLC