

SANTA CLARA LAW *magazine*

A PRIVACY LEADER

Santa Clara Law's new Privacy Certificate, which includes courses taught by Silicon Valley veteran Scott Shipman J.D. '99, prepares our students to excel in this rapidly evolving legal field. *Page 12*





“The kind of unusual thing about privacy as a legal subject is that it’s also a political subject. There are a lot of ethical and moral views about the importance of the individual, and why individuals need to have privacy in order to be creative and innovative. To the extent that privacy is not protected, society loses in terms of individual thought and creativity.”

—SANTA CLARA LAW PROFESSOR DOROTHY GLANCY, from “How a Law Seminar Inspired a Student to Bring a Case to Europe’s Top Court,” an interview in the *Chronicle of Higher Education*, October 7, 2015



A PRIVACY LEADER

Santa Clara Law Trains Privacy Law Professionals.

BY ELIZABETH KELLEY GILLOGLY B.A. '93

PRIVACY TRAINING GROUND

In 1975, the Internet as we know it was not yet born, but Santa Clara Law students began studying privacy law that year, when Professor Dorothy Glancy brought one of the first privacy law courses in the country to Santa Clara. She had come from working on privacy in the context of the Watergate investigations by the United States Senate, where she was privacy counsel who specialized in technological threats to privacy. Her privacy mentor was Senator Sam J. Ervin, Jr., who chaired the Watergate hearings in the Senate. (see sidebar, page 17.)

Fast forward to the early 2000s, and **Scott Shipman J.D. '99**, then corporate counsel at eBay, says he realized “there just weren’t enough privacy experts to go around.” Shipman had taken technology courses at Santa Clara Law such as Cyberspace Law and Digital Law.com, but Internet privacy wasn’t something being taught anywhere. Based on the needs of eBay, he self-taught by researching global privacy laws and subsequently implemented one of the earliest in-house privacy programs for a digital economy company. He created some of the first dot-com privacy policies and protocols while at eBay and trained a global team to enforce these rules to protect the privacy of eBay users.

Scott Shipman became a frequent guest in Professor Dorothy Glancy's Privacy Law class at Santa Clara Law, where he, along with other Silicon Valley privacy lawyers, would share with students his frontline experience as a chief privacy officer at a major, global company. "After each of my talks, students always approached me and asked: 'Do you have internships? How do I learn what you do?'" Shipman recalls. "I started recommending that students join the International Association of Privacy Professionals. It is not restricted to lawyers—you can join as a student, and there is a lot of good legal content there."

Zoom ahead to 2007-08. "I now have a dedicated privacy team at eBay," recalls Shipman, "and I am losing people to other technology companies because eBay has a great reputation for privacy. So I am serving as the training ground for the privacy field...but I needed a training ground for my training ground." Shipman-trained eBay privacy alumni have gone on to lead or manage privacy programs at top companies such as Skype, PayPal, Gap, WorkDay, Westfield, Rakuten, QVC, UpWork, Facebook, TD Bank, Target, and many others.

RIGHT PROGRAM IN THE RIGHT LOCATION

Shipman and Eric Goldman, Santa Clara Law professor and co-director of the High Tech Law Institute, had been talking about creating a privacy training program at Santa Clara Law. Goldman, an internationally recognized expert in Internet, IP, and advertising law, teaches and has authored casebooks on Internet law and advertising and marketing law, both of which cover privacy.

SANTA CLARA LAW PRIVACY LAW FACULTY

- **Professor David Friedman**, a law and economic scholar
- **Professor Dorothy Glancy**, nationally known for her extensive work in the area of privacy law and transportation law (see page 17)
- **Professor Eric Goldman**, internationally recognized expert in Internet, IP, and advertising law
- **Professor Allan Hammond**, director of the Law and Public Policy Program at SCU's Center for Science, Technology, and Society and director of the Broadband Institute of California
- **Professor Michelle Oberman**, who teaches Health Law and Criminal Law
- **Professor Tyler Ochoa**, co-author of the casebook, *Celebrity Rights: Rights of Publicity and Related Rights in the United States and Abroad*
- **Professor Catherine Sandoval**, who served as a Commissioner on the California Public Utilities Commission (CPUC) and teaches the school's Broadcasting course

He frequently addresses Internet privacy on his Technology and Marketing Law blog (blog.ericgoldman.org).

With privacy thought leaders on the faculty (see box below left), and a respected legal program with a top-notch high-tech specialization located in the heart of Silicon Valley, Santa Clara Law seemed to be the perfect place for a privacy law program. As Goldman says, "We are at the epicenter of the dot-com revolution, and this revolution is powered by data. There are a lot of questions about how that data can be disseminated and used, and every employer in our community is struggling with those questions. Our market was demanding more specialists in privacy. Our employers were pushing for it."

First offered in the 2014-15 academic year, the Privacy Law Certificate requires that students complete extensive coursework; participate in professional fieldwork on privacy issues (more on that below); publish a paper on privacy topics; and obtain a certification from the International Association of Privacy Professionals (IAPP).

THE EXPLODING MARKET FOR PRIVACY PROFESSIONALS

Privacy has always been an important part of life, but now privacy issues and data breaches are in the news every day. The more smart technology we have and the more personal data we share with technologies and online entities, the greater the likelihood this data will be compromised, misused, or stolen.

Due to the evolution of the new digital economy, where companies manage massive amounts of personal data, the job market for legal professionals who specialize in privacy is one of the fastest growing fields in law. But that job market is about to explode, thanks to the increasing amount of privacy legislation being enacted in the United States and abroad.

For example, the General Data Protection Regulation (GDPR) is a major and complex new regulation that is designed to strengthen and unify data protection in the EU, with a host of new and stricter rules, including a requirement that businesses that process personal information have a data protection officer on staff. Because so many U.S.-based companies are global, this regulation will apply to thousands of domestic companies, and it may even become a de facto global standard. The IAPP estimates that the GDPR will create the need for 28,000 new data protection officers in Europe and the U.S. by 2018.



JOANNE H. LEE

Scott Shipman J.D. '99 says he loves teaching and working with students. "It is an absolute joy and pleasure for me to help students find something they love to do in a field where they have a high likelihood of landing a job quickly out of school," he says.

"Santa Clara Law's Privacy Law Certificate helps students be at the front of the queue for any position that opens up," says Goldman. "Our students can tell a more persuasive and coherent story about their privacy experience than other students." (For more on what makes the certificate unique, see page 32.)

When Santa Clara announced the new certificate, Omer Tene, vice president of research and education for the IAPP, said, "We're excited about Santa Clara Law's efforts. At a time when data is becoming the most valuable currency in the information economy, the need for well-qualified professionals who understand global information management practices and the need to safeguard data is growing exponentially. Our members are eager to welcome these students to the privacy community."

Santa Clara Law has recently announced that LL.M. candidates can also earn the Privacy Law Certificate while supplementing their legal education with an LL.M. in Intellectual Property or International and Comparative Law (see back cover for details).

MENTORING IS CRITICAL

Scott Shipman spent 16 years at eBay and until recently was general counsel and chief privacy officer at Sensity Systems. Since Sensity was

Scott Shipman J.D. '99, now general counsel for the Smart Communities division of Verizon, started working at eBay right after earning his law degree. There he created some of the first dot-com privacy policies and protocols, and he trained a global team to enforce these rules. He has been a guest speaker in Santa Clara Law classes for many years and became an adjunct professor in 2013, teaching privacy law to the next generation. He also serves on the Santa Clara Law Advisory Board.

acquired by Verizon, Shipman is now general counsel for the Smart Communities division of Verizon. And he still makes time to teach privacy courses at Santa Clara Law, playing his part in the training ground for the next practice-ready privacy professionals. An adjunct faculty member since 2013, Shipman taught Comparative Privacy Law this spring. “I begin my first class with a question: How many people have jobs lined up when you graduate? Often the result is roughly two out of 20 students. Then I ask: How many want a job when you graduate? Good news. You are in the final class of earning your privacy law certificate, and this field can’t hire enough privacy people fast enough.”

“Santa Clara Law’s Privacy Law Certificate helps students be at the front of the queue for any position that opens up. Our students can tell a more persuasive and coherent story about their privacy experience than other students.”

—ERIC GOLDMAN, Santa Clara Law professor, co-director of the High Tech Law Institute, and supervisor of the Privacy Law Certificate

Then Shipman makes his students a promise: “If you commit to come see me and work with me, I will get you a job. I have been very successful in placing my students in internships in many leading companies in the Bay Area.”

Shipman says he loves teaching and working with students. “It is an absolute joy and pleasure for me to help students find something they love to do in a field where they have a high likelihood of landing a job quickly out of school,” he says.

Shipman himself was fortunate to receive this kind of strong mentoring himself while a law student. “Santa Clara Law introduced me to intellectual property and privacy law, fueled my passion for high-tech, and connected me with companies in Silicon Valley like eBay, which laid the cornerstone for my legal career,” says Shipman. Santa Clara Law professor Eric Goldman

had Shipman as a student, and Goldman helped Shipman land that first and pivotal job at eBay.

“Scott is the dean of the privacy law practitioner community,” says Goldman. “He has been doing it longer than just about anyone in the Valley. He is a major node in the privacy network in our local community and across the globe. Everyone knows him! We rely on him to be our eyes and ears as to what is going on in the privacy community.”

As Shipman’s own experience shows, enabling students to have the deep and practical experience and networking that one can only gain in an internship is a critical piece of any career, and that is why it is built into the requirements for the Privacy Law Certificate. Certificate candidates are required to complete 150 hours of experiential learning in privacy, through an intern/externship, clinic, or paid work that focuses on privacy issues. Recent Santa Clara Law student internship placements include TRUSTe, Adobe, Mozilla, New Relic, Smaato, BoosterFuels, Sony Playstation, Oracle, Sensity Systems, and Facebook.

STUDENT OPPORTUNITIES

Santa Clara Law offers many other groups and programs that enhance the educational opportunities for law students earning their Privacy Law Certificate, including the Student Intellectual Property Law Association, the *High Technology Law Journal*, and student chapters of the American Constitution Society for Law and Policy and American Civil Liberties Union.

In addition, privacy law students can also join the Privacy Law Student Organization (PLSO), a vibrant student organization founded in 2014 and dedicated to the study and discussion of modern issues of privacy law. As it promotes interaction and debate about privacy topics, the PLSO enables Santa Clara Law students to pave their way to a career in privacy through deepening their knowledge and networking with attorneys and specialists.

Perhaps not surprisingly, in super-connected Silicon Valley style, the Privacy Law Certificate Program also has a Facebook page, a LinkedIn group, a Twitter feed, a web page, and an email list. Glancy, Goldman, the High Tech Law Institute staff, and others ensure that students have a wealth of resources and information available to them on privacy issues, networking events, and internship and job leads.

PRIVACY PIONEER

PROFESSOR DOROTHY GLANCY



“Teaching privacy law at Santa Clara Law has involved working with some of the brightest minds in technology, who also happen to be our graduates and law students.”

—DOROTHY GLANCY

PROFESSOR DOROTHY GLANCY, WHO HOLDS A J.D. FROM HARVARD LAW SCHOOL, and a B.A. from Wellesley College, has taught at Santa Clara Law since 1975, but she was focusing on privacy long before that. “I started working on privacy law issues while I was in law school,” says Glancy. “Professor Charles Nesson offered a seminar in reaction to government surveillance of opponents to the Vietnam War. I also studied privacy jurisprudence with Professor Charles Fried. At that time, what was known as ‘automated data processing’ was in its infancy, but some of us were certain that it would radically change our analog ways of doing things into a digital world.”

Glancy is nationally known for her extensive work in the area of privacy law and transportation law. For example, under a grant from the Federal Highway Administration of the U.S. Department of Transportation, she directed a legal research project regarding privacy and intelligent transportation systems. She has also been a consultant to the Metropolitan Transportation Commission

(MTC) in the San Francisco Bay Area, worked with the United States Department of Transportation regarding privacy policy issues, and served as a consultant regarding legal and regulatory issues for the United States Department of Transportation’s Rural Interstate Corridor Communications Study Report to Congress (2007).

“Dorothy is an influential pioneer in the privacy community. She has taught privacy law to virtually every Santa Clara Law alum working in the field,” says Professor Eric Goldman, co-director of the High Tech Law Institute. “Her scholarly work addressed privacy matters before most people even recognized the privacy discipline, and she is making globally important and cutting-edge contributions to transportation privacy policy.”

Glancy says she enjoys her work with students. “Teaching privacy law at Santa Clara Law has involved working with some of the brightest minds in technology, who also happen to be our graduates and law students,” she says. 



JOANNE H. LEE

Among the first Santa Clara Law graduates to earn the Privacy Law Certificate are (from left) Emily Yu J.D. '15, Sona Makker J.D. '16, and Joseph Mazzella J.D./MBA '15. All three have landed jobs in the privacy sector.

MEET THE GRADUATES

"The real heroes in this story are the students," says Goldman. "As of 2016, there were eight individuals who have earned the Privacy Law Certificate, and they are really remarkable individuals who have gone out and already become leaders in the field."

Here are three recent Santa Clara Law alumni who earned the Privacy Law Certificate.

EMILY YU J.D. '15, Privacy Solutions Manager, TRUSTe

"The Privacy Law Certificate prepared me with a strong understanding of data privacy laws and regulations, which I apply on a regular basis at my job," says Emily Yu, a privacy solutions manager at TRUSTe, a company that advises on and certifies organizations' data privacy practices. "My work experience with TRUSTe includes assisting companies with certifying that they comply with all pertinent regulations," says Yu, adding "I have also managed internal privacy impact assessments on behalf of a healthcare client as part of our managed services offering." Yu says she valued the frequent information from the privacy law program on externships, internships, fellowships, and employment opportunities that she received while she was a student, and

that is how she found out about the externship opportunity with TRUSTe.

"With General Data Protection Regulation (GDPR) slated for 2018, right now is a great time to enter the privacy law field. The Privacy Law Certificate provides you with an advantage over other candidates in the legal job market. By completing the requirements for the certificate, you will have one publication, experience from a privacy-focused extern/internship, and the scholastic knowledge of privacy frameworks and current issues. The job market for lawyers can be rough; new graduates sometimes struggle to find jobs in the fields of their choice. For privacy, many of the alums that I have spoken to were able to obtain positions in privacy after graduation."

Yu says she is grateful for the many ways in which the Office of Career Management helped her. "They had a great program that would pair you with SCU alumni in various legal positions. I still keep in touch with those attorneys regarding my career interests," she says. "I also highly recommend the externship program. TRUSTe has had great success working with Santa Clara Law students, and I know that I would not be working at TRUSTe had I not participated in this program."

SONA MAKKER J.D. '16, Privacy and Public Policy Specialist, Facebook

After law school, Sona Makker says she was eager to work in-house and focus her practice in the privacy and data protection arena. She started off at a startup, Sensity Systems, working directly with the chief privacy officer to build a privacy compliance program, and then she landed a position as a privacy and public policy specialist at Facebook, where she leads reviews for consumer products and advises various teams on privacy and policy issues.

"Santa Clara Law's Privacy Law Certificate provided me with the substantive knowledge I needed to hit the ground running at a company," she says. "For example, having taken classes in tech licensing and international privacy law, I knew how to spot privacy issues across different markets, and this made me a valuable asset to my team. The certificate also helped me build a name for myself in this new and evolving space. By publishing an article and working with scholars and practitioners in privacy, I was able to make the right connections that helped me land successful internship and job opportunities."

Some people told Makker that she was pigeon-holing herself by selecting a privacy focus very early on in law school, but she believes it was the right approach for her. "There is a tremendous opportunity to become a subject matter expert in this new area," she says. "If you are passionate and curious about the complicated and nuanced issues surrounding data collection and ethical uses of data, I recommend you explore the privacy classes SCU offers and build connections with alumni."

"The High Tech Law Institute (HTLI) supported my interest in privacy law from the very beginning," adds Makker. "The HTLI faculty and staff encouraged me to attend conferences and even speak at events to contribute my opinion and make new connections in the field. I am incredibly grateful for the vast alumni network and I am excited to give back to the Santa Clara Law community now that I am an attorney."

JOSEPH MAZZELLA J.D./MBA '15, Associate Corporate Counsel, GitHub, Inc.

"I had the great fortune of completing the Privacy Law Certificate in its first year of existence and my last year in law school," says Joseph Mazzella, adding that it made for a very busy year, squeezing in all the requirements into that timeframe. "During that year, I was taking privacy courses, working at Playstation as a privacy intern, preparing for the

IAPP certification test, and doing in-depth privacy research. That combination of work, study, and research closely resembles a privacy professional's day-to-day practice," he says.

In the fall of 2015, after graduating from law school, Mazzella was a legal analyst for Sony Playstation, working directly for their director of privacy. He later moved to GitHub as a legal analyst and then, after passing the bar, was promoted to associate corporate counsel, where he works in intellectual property, privacy, and contracts.

Mazzella has high praise for the certificate program. "On paper, the Privacy Law Certificate looks very good to employers. But, the certificate isn't something that just looks good on paper. Once you've done all that work, you will have the experience and knowledge necessary to hit the ground running as a privacy professional, which is something I found out first hand.

"If privacy law is your intended field of study, the Privacy Law Certificate program will prepare you for a successful career," he says. "Not only is the program excellent, but you will be in an area—Silicon Valley—where you can get incomparable experience in privacy law. To be able to intern at any of the tech companies in the area will give you a head start in the field. Many students intern at companies during the school year and are able to get in-depth projects and exposure, as opposed to students who may only have two to three months of experience during a summer internship, if they don't go to school in the area. Furthermore, you will be joining Santa Clara Law's network of privacy professionals who are well established in the industry."

Mazzella also greatly valued his experience participating in the Entrepreneurs Law Clinic (ELC), where he partnered with another student to provide legal assistance to two small businesses, under the guidance of Professor **Laura Norris J.D. '97**, ELC director. "Between the training we received through the clinic and the hands-on experience of working with clients, I obtained valuable skills and experience that helped prepare me for life as an attorney," he says. "Since graduation, I have had to do similar work, and the fact that I had already done it provided me with the confidence and knowledge to properly advise my clients." 

For more information on the Privacy Law Certificate, see law.scu.edu/privacy-law.

ELIZABETH KELLEY GILLOGLY B.A. '93 has been editor of *Santa Clara Law* magazine since 2004.



WHAT MAKES THE PRIVACY LAW CERTIFICATE SPECIAL?

BY ERIC GOLDMAN, PROFESSOR, SANTA CLARA LAW,
AND SUPERVISOR, PRIVACY LAW CERTIFICATE

You might think that law school certificates are all the same, and for the most part, you'd be right. Usually, law school certificates require students to take specified courses and maybe write a paper. These certificates help students organize their electives and send a signal to future employers about the student's area of interest. However, they don't necessarily "certify" the student's actual capabilities to employers.

In 2014, the law school adopted the Privacy Law Certificate, the first of its kind in the nation. The Privacy Law Certificate differs from traditional certificates in important ways. Like other certificates, it requires students to complete specified coursework, including courses on domestic and international privacy law plus several electives. However, the Privacy Law Certificate also requires students to:

- complete an externship or internship in the privacy field.
- pass a certification exam administered by the International Association of Privacy Professionals (IAPP).
- publish (not just write) a paper on privacy topics in a periodical read by other privacy professionals.

Thus, student progress towards the certificate isn't measured merely by courses completed, and students can't check off

certificate requirements simply by enrolling in more courses. Instead, compared to their peers, students invest hundreds of additional hours beyond their coursework (and some money for IAPP membership fees) to complete the Privacy Law Certificate.

The early data suggests that Privacy Law Certificate students get good returns on these investments. We've seen strong employer response to Privacy Law Certificate students. Some possible reasons why:

Student Sorting. The Privacy Law Certificate's requirements attract students who are motivated and organized enough to take on a rigorous challenge. As a result, these students demonstrate that they possess some of the "soft skills" that prospective employers desire the most.

Demonstrated Commitment to Privacy. By declaring for the certificate, students expressly prioritize privacy over other career tracks. Typically, law students think they maximize job opportunities by hedging their bets. However, students with demonstrated specializations often are more attractive to employers and end up having more job options than students who cast wide nets. By embracing the certificate and its requirements, Privacy Law Certificate students clearly signal their commitment to prospective employers.

We might measure the Privacy Law Certificate's efficacy by seeing if it helped students achieve outcomes they wouldn't have otherwise achieved. With increasing frequency, certificate students are dropping by my office to tell me about a new internship they got because they perfectly matched the employer's specifications.

Building Student Resumes. As they complete its requirements, Privacy Law Certificate students are constantly adding new privacy-related accomplishments to their resumes. Each new item makes their resumes stand out even more compared to their peers. This can create a great “laddering” effect. Each newly added resume item (such as IAPP certification) helps open the door for the next resume item (a great internship). When repeated over the course of their law school career, the laddering effect can help students reach a fairly advanced professional level.

Community Integration. As students complete certificate requirements, they become integrated into the community of privacy professionals. For example, when students join the “club” of IAPP certified professionals, they start looking to prospective employers more like peers than newcomers. This creates networking and referral opportunities for students. Furthermore, when employer-interviewers view student candidates as their peers, those interviews tend to go well.

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LESA GOLDMAN

Eric Goldman is a Santa Clara Law professor, co-director of the High Tech Law Institute, and supervisor of the Privacy Law Certificate.

Usually, as they tell me what the employer was looking for, it's clear that the Privacy Law Certificate's structure guided the student to make the choices that positioned them for success. As a law school, we seek to enhance our students' professional value, and the success stories of our certificate students make me think we're making progress towards that ambitious goal. 

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Study Privacy Law in Silicon Valley

Privacy law is one of the fastest growing segments in the legal market. Santa Clara Law is pleased to announce that a Privacy Law Certificate is now available to candidates for the LL.M. in Intellectual Property or International and Comparative Law.

We are currently accepting applications for Fall 2017 admission. Scholarship assistance is available to Santa Clara Law graduates. For more information please contact the Law Admissions and Financial Aid Office at lawadmissions@scu.edu or call (408) 554-5048.

Note: Candidates for the LL.M. in U.S. Law at Santa Clara Law are not eligible to earn a Privacy Law Certificate.

“Santa Clara Law’s Privacy Certificate provided me the substantive knowledge I needed to hit the ground running at a company. The High Tech Law Institute faculty and staff encouraged me to attend conferences and even speak at events to contribute my opinion and make new connections in the field.”

—SONA MAKKER J.D. '16
Privacy and Public Policy Specialist, Facebook

