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Symposium Agenda
Friday, January 31, 2014  |  Charleston Music Hall, 37 John Street

8:30 a.m.  Registration
CLE Course No. 140028

9 a.m.  Introduction & Welcome
Leigh Ellen Gray, Editor in Chief, Charleston Law Review
Don Gordon, Executive Director, Riley Institute at Furman
Mitchell A. Agee, Symposium Editor, Charleston Law Review

9:15 a.m.  Panel One: Employment Law and Social Media
Moderated by Chevon Fuller, Senior Counsel, The Boeing Company
Tracey E. Diamond, Attorney, Pepper Hamilton LLP
David Harvey, Director of Employment Law, Publix Super Markets
Christine O’Brien, Professor, Business Law Department, Boston College–Carroll School of Management
Symposium Agenda

10:45 a.m.  **Panel Two: The Legal Afterlife of Social Media**  
Moderated by Amanda Compton, Associate Professor of Law, Charleston School of Law  

Michael P. Hindelang, Partner, Honigman, Miller, Shwartz and Cohn, LLP  

Jason Mazzone, Professor of Law, Lynn H. Murray Faculty Scholar in Law, University of Illinois College of Law  

Suzanne Brown Walsh, Principal, Cummings & Lockwood, LLC & Chair of the Drafting Committee on Fiduciary Powers and Access to Digital Assets of the Uniform Law Commission  

Noon  Break  

12:15 p.m.  **Social Media and the Law Keynote Address**  
Ryan M. Garcia, Legal Director at Dell Inc. & Adjunct Professor of Law at The University of Texas at Austin  

1:15 p.m.  **Lunch on Your Own**  

2:30 p.m.  **Panel Three: Privacy and Social Media**  
Moderated by Allyson Haynes Stuart, Associate Professor of Law, Charleston School of Law  

Patricia Sánchez Abril, Associate Professor of Business Law, University of Miami School of Business Administration
Monu Bedi, Assistant Professor of Law, DePaul University
College of Law

Ryan Garcia

Jay Stanley, Senior Policy Analyst, Speech, Privacy and Technology Project, American Civil Liberties Union

3:45 p.m.  Panel Four: Legal Ethics and Social Media
Moderated by Nancy Zisk, Professor of Law, Charleston School of Law

Amanda K. Dudgeon, Partner, Carlock, Copeland & Stair

Lee Coggiola, Disciplinary Counsel, South Carolina Judicial Department

Thomas C. Ksobiech, Assistant Dean for Career Services, University of Alabama School of Law

Andrew M. Perlman, Professor of Law and Director, Institute on Law Practice Technology and Innovation, Suffolk University Law School

5 p.m.  Adjourn
Ryan M. Garcia, legal director at Dell Inc. and adjunct professor of law at the University of Texas at Austin, is a member of the Dell Legal team where he represents the Social Media and Communities, Consumer Indirect Sales (Retail, Distribution, Telco), and Gaming (Alienware) teams. Prior to joining Dell, Garcia was a technology litigator representing DirecTV in hundreds of satellite piracy lawsuits and also represented Sun Microsystems in their copyright and antitrust lawsuits against Microsoft. He was a multimedia programmer and video game developer in his pre-lawyer life. Garcia currently teaches Law and Social Media at the University of Texas School of Law. He has spoken at and chaired numerous social media legal conferences around the country. He has also been invited to speak on social media legal topics before the National Conference of State Legislatures, American Bar Association committees, and the Game Developers Conference. Garcia frequently blogs about social media legal issues at somelaw.wordpress.com. New York Times technology columnist David Pogue called Garcia “the funniest Dell lawyer” he knows.
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Patricia Sánchez Abril is an associate professor in the Business Law Department at the University of Miami School of Business Administration. Professor Abril has published primarily in the area of privacy law, with her most recent work focusing on privacy and its relation to social media, tort, and employment law. Her research has appeared in the *Harvard Journal of Law & Technology, Florida Law Review, Houston Law Review, Wake Forest Law Review, Northwestern Journal of Technology and Intellectual Property, and Vanderbilt Journal of Entertainment and Technology Law*, among other journals. A frequent commentator on the subject of privacy and its relation to emerging technology, Professor Abril’s remarks have appeared in numerous national and international broadcast and print outlets. Her teaching interests include intellectual property, contract law, negotiation, and business ethics.

Monu Bedi is an assistant professor at DePaul Law School where he teaches criminal law and criminal procedure. He received his bachelor’s from Dartmouth, an M.Phil from University of Cambridge, and a law degree from Harvard. His research focuses on criminal law theory and how technology impacts the Fourth Amendment. His articles have appeared or will be forthcoming in the *Minnesota Law Review, Boston College Law Review, and the Journal of Criminal Law and Criminology*. Prior to entering academia, he served as a lieutenant in the Navy Judge Advocate General Corp., and he worked for Ropes and Gray in Boston in the Government Enforcement Group.

Lee Coggiola is currently disciplinary counsel for the South Carolina Supreme Court, formerly chief staff attorney for the South Carolina Court of Appeals. Before coming to the Court of Appeals, she served as the chief public defender of Richland County. Her Bar memberships include the South Carolina Supreme Court, United States District Court, District of South Carolina, Fourth Circuit Court of Appeals and the United States Supreme Court. She is a graduate of the University of Miami and received her JD from the University of South Carolina School of Law. Prior to attending law school, she spent eleven years with IBM in systems and marketing. Since admission to the Bar, she served as law clerk to the Honorable Carol Connor, assistant public defender, assistant appellate defender, and of counsel at Nelson Mullins Riley and Scarborough. She also served on the board of the South Carolina Association of Criminal Defense Lawyers, was former president of the South Carolina Public Defender Association, and former member of the American Council of Chief Defenders, the Commission of the Office of Indigent Defense, and the National Association
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of Appellate Court Attorneys. Currently, Coggiola serves as a member the Center for Professional Responsibility of the ABA and the National Organization of Bar Counsel. She is a member of the John Belton O’Neall Inn of Court and the Chief Justice’s Commission on the Profession. Coggiola is co-editor of the fifth and sixth editions of *The Criminal Law of South Carolina* and is an adjunct instructor at USC School of Law.

**Amanda Compton** is an associate professor of law at the Charleston School of Law where she teaches in the area of Intellectual Property, Property and Wills, Trusts and Estates. Before beginning a career in academia, she worked for two of the largest firms based in the Midwest: Barnes & Thornburg LLP and Ice Miller LLP. She also served as senior counsel for Sears Intellectual Property Management Company in Hoffman Estates, Illinois. Professor Compton concentrated her practice in the areas of trademark and copyright prosecution and litigation and counseled clients in various aspects of trademark law, including adoption of new trademarks, registrations in the United States and abroad, licensing, and enforcement of rights. She also assisted clients with domain name registration and enforcement, drafting and negotiating contracts, franchising, and border enforcement of intellectual property through U.S. Customs. Professor Compton’s research focus includes trademark law, and her current research projects include the viability of using and registering disparaging terms and an analysis of the ability to effectively enforce the trademark fraud doctrine. Her other areas of interest include the use of social media by attorneys. Most recently she presented on the ethical pitfalls of social media and how attorneys can use social media to market their services.

**Tracey Diamond** is an attorney with Pepper Hamilton LLP, residing in the Philadelphia office. She practices in the areas of employment law, human resources counseling, and employment litigation. She regularly counsels clients on workplace issues; provides harassment training; conducts internal investigations; drafts policies and procedures; negotiates employment and severance agreements; advises on independent contractor FMLA and ADA compliance issues; and partners with clients to structure their workforce in the most efficient and effective way possible. She is an adjunct professor at Drexel University Earle Mack School of Law, where she teaches Employment Law and Contract Drafting. Prior to joining Pepper, Professor Diamond was director of human resources and operations for Jewish Federation of Southern New Jersey, a not-for-profit charitable organization, where she was responsible for all human resources issues for more than 1,000 employees and contract administration for
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the agency’s union. She also was general counsel of a national retail optical company, where she oversaw the company’s employment law matters, negotiated commercial contracts and managed the litigation docket. Previously, Diamond served as a law clerk for a federal judge in the Southern District of New York and also worked at several large law firms in New York City, Philadelphia, and New Jersey. Diamond earned her law degree in 1992 from Columbia University School of Law, where she was a Harlan Fiske Stone scholar and articles editor of the *Columbia Journal of Law and Social Problems*. She received her B.S., *magna cum laude*, from Tufts University in 1988. Diamond is admitted to the Bars of New York, New Jersey, and Pennsylvania.

Amanda Dudgeon is an attorney at Carlock, Copeland, & Stair, LLP, in Charleston where she handles a wide variety of litigation matters throughout the state, focusing her practice on advising and representing attorneys, real estate agents and brokers, accountants, and other professionals and small businesses. She also handles director and officer claims, general liability matters, and construction defect litigation. Dudgeon has tried several cases to verdict and often speaks on professional liability and risk management. She is currently vice president of the Charleston Lawyers Club and is active in the ABA Standing Committee on Lawyers’ Professional Liability. She was included in the South Carolina Super Lawyers Rising Stars list in 2012 and 2013 as one of the best young lawyers in professional negligence defense matters, and she has an AV Preeminent Rating from Martindale-Hubbell.

Chevon Fuller is senior counsel for the Boeing Company, the world’s leading aerospace company. A member of the Labor, Employment, and Employee Benefits Law Group, Fuller was named to this executive position in October 2004. Fuller advances and successfully implements high-profile legal strategies that impact people and help shape Boeing Commercial Airplanes (BCA) and Boeing Defense, Space, and Security (BDS). Fuller received her B.A. from State University of New York at Buffalo and received her J.D. from Cornell University.

Ben Glass is the managing shareholder in the Charleston Office of national Labor & Employment law firm Ogletree, Deakins, Nash, Smoak & Stewart. After a judicial clerkship with United States District Judge Henry M. Herlong, Jr., Glass joined Ogletree, Deakins in 1995. For the last 18 years, he has represented employers in all manner of labor and employment law issues, and spoken regularly on various topics. He has an active litigation practice, appearing in federal and state courts throughout South Carolina, and appearing frequently before the United States Equal Employment Opportunity Commission (EEOC) and the National Labor Relations Board (NLRB). He also counsels clients about employment policies and compliance with
state and federal employment laws. He also maintains a traditional labor practice, assisting clients with labor campaigns, collective bargaining negotiations, grievance arbitrations, and unfair labor practice charges. Recently, Glass had the opportunity to combine his two practices when he briefed all arguments before the United States District Court for the District of South Carolina and the United States Court of Appeals for the Fourth Circuit during the successful challenge to the NLRB’s Notice Posting Rule brought by the South Carolina Chamber of Commerce and the Chamber of Commerce of the United States.

David Harvey is the director of employment law for Publix Super Markets, Inc. (“Publix”) and has been in this role since 2001. Publix is a majority employee owned, regional grocery chain operating in six southeastern states and headquartered in Lakeland, Florida. A Fortune 150 company with over $27 billion in sales and over 160,000 employees, Publix has been recognized as a “best place to work,” for its customer service and as one of the most admired companies in the United States for many years. Prior to joining Publix and assuming an in-house role, Harvey practiced labor and employment law with Ford & Harrison, LLP. He is a graduate of the University of Florida Law School and University of Akron. Harvey is board certified in Labor and Employment Law by the Florida Bar.

Michael Hindelang is a partner in the Litigation Department of Honigman Miller Schwartz and Cohn, LLP and is the e-Discovery and Information Management practice group leader. He is an experienced litigator with substantial experience representing clients in securities, corporate governance, and commercial disputes, including “bet-the-company” litigation. Hindelang also advises clients on e-Discovery and information management issues in a variety of settings, such as responding to government inquiries, early case planning for electronically stored information (ESI) in litigation and developing records management systems and policies. He writes and presents frequently on e-discovery, litigation holds, and civil procedure. Hindelang has been recognized as a “Rising Star” by Michigan Super Lawyers for the past five years, and he was recognized as a Future Litigation Star in 2010, 2013, and 2014 by Benchmark Litigation. He earned a J.D., cum laude, from Wayne State University Law School; an M.B.A. from Wayne State University and a B.A. in economics from the University of Michigan.

Thomas Ksobiech is the assistant dean for Career Services at The University of Alabama School of Law, a position that he has held since May 2008. He also serves as an adjunct professor and teaches Law Office Management which gives students an understanding of the business of practicing law. Dean Ksobiech is an
active member of NALP, the Association of Legal Career Professionals, and he has previously served as the chair of both the Newer Professional Section and the Social Media Work Group. The NALP Bulletin has published five of his articles, including a piece on moving from social media contacts to in-person meetings. He also drafted NALP’s E-Guide on Law Student Professionalism on Twitter. A 1997 magna cum laude graduate of Loras College in Dubuque, Iowa, he earned his Juris Doctor with Distinction from the University of Iowa College of Law in 2000. Dean Ksobiech spent the following six years in Kansas City, Missouri, as a practicing attorney specializing in medical malpractice and product liability cases. He remains a member of the state bars of Kansas and Missouri.

Jason Mazzone is professor and the Lynn H. Murray Faculty Scholar in Law at the University of Illinois at Urbana-Champaign. Professor Mazzone’s research and teaching focus on issues of constitutional law and history and intellectual property law. Professor Mazzone received his undergraduate and law degrees from Harvard University, a master’s degree from Stanford University, and a master’s and doctorate from Yale University. He is the author of the acclaimed book, Copyfraud and Other Abuses of Intellectual Property Law (Stanford University Press, 2011). Professor Mazzone has written about legal issues for The New York Times and other national newspapers and he is a regular media commentator. He is a member of the American Law Institute. He blogs at Balkinization.

Christine O’Brien is professor of business law at the Carroll School of Management, Boston College, where she has served as chair and associate dean, and is a member of the Massachusetts and federal bars. She has a special interest in labor and employment law issues, as she interned at Region 1 of the National Labor Relations Board, and practiced law at a Boston firm specializing in labor and employment law before embarking on a full-time academic career. Her research is frequently cited in leading law journals and legal briefs and achieves top-ten download status on the Social Science Research Network. Her work on after-acquired evidence in employment discrimination cases was cited in the opinions of the United States Courts of Appeals for the Eighth (2004) and Tenth (1999) Circuits, and in the U.S. District Court for the Southern District of Ohio (2013), and her work on pregnancy discrimination was cited in a New Jersey Supreme Court opinion (2005). She received the Outstanding Employment Law Paper award sponsored by workplace law firm Jackson Lewis at the Academy of Legal Studies in Business conference, 2012. She served as editor in chief of the Journal of Legal Studies Education and as a staff editor on the American Business Law Journal. O’Brien is a graduate of Boston College and Boston College Law School.
Andrew Perlman is a professor at Suffolk University Law School, where he teaches professional responsibility and civil procedure and is the director of the Institute on Law Practice Technology and Innovation. Perlman was also the chief reporter for the ABA Commission on Ethics 20/20, which successfully proposed numerous changes to the Model Rules of Professional Conduct and related ABA polices to address ethics issues arising from globalization and technological change. He has authored a number of articles about legal ethics and, since 2008, has co-authored the widely used student text, Regulation of Lawyers: Statutes and Standards (with Stephen Gillers and Roy Simon). He is also a co-author of a popular civil procedure case book (with Joseph Glannon and Peter Raven-Hansen) and is a co-contributor to a legal ethics blog, www.legalethicsforum.com, which has been named three times by the American Bar Association Journal as one of the top 100 law related blogs in the country. Perlman is an honors graduate of Yale College and Harvard Law School and received his LL.M. from Columbia Law School, where he was an associate-in-law.

Jay Stanley is senior policy analyst with the American Civil Liberties Union’s Speech, Privacy and Technology Project, where he researches, writes and speaks about technology-related privacy and civil liberties issues and their future. Stanley has authored and co-authored a variety of influential ACLU reports, including “Protecting Privacy From Aerial Surveillance” (with co-author Catherine Crump, 2011), which helped bring the privacy issues surrounding domestic surveillance drones to public awareness. Other reports include “Bigger Monster, Weaker Chains” (2002), an examination of the confluence of new technology and weakening privacy protections; “The Surveillance Industrial Complex” (2004), which traced the growing intersection between government surveillance and the private sector; as well as numerous other reports, white papers and fact sheets on such topics as network neutrality, scientific freedom, data mining, video surveillance, face-recognition technology, and the need for new privacy oversight institutions. Stanley also wrote “The Crisis in Fourth Amendment Jurisprudence” (2010), an Issue Brief published by the American Constitution Society. Before joining the ACLU in 2001, Stanley was an analyst at the technology research firm Forrester, where he focused on internet-related policies, including online privacy, taxation, and antitrust issues, as well as researching political communication via the web. Stanley also served as the American politics editor of Facts on File’s World News Digest, where he covered Congress and presidential politics. Stanley was co-chair of the 2009 Computers, Freedom and Privacy (CFP) conference in Washington, D.C. He is a member of the International Advisory Board of London-based Privacy International. Stanley is a graduate of Williams College and holds an M.A. in American history from the University of Virginia.
Allyson Haynes Stuart is an associate professor of law at the Charleston School of Law. Professor Stuart joined the Charleston School of Law faculty in 2004 after serving as director of the legal department at Sony Corporation of America. She also served as law clerk to the Honorable David C. Norton, U.S. District Judge for the District of South Carolina, and was an associate in the New York firm of Cleary, Gottlieb, Steen and Hamilton. She was named associate professor in 2007 and received tenure in spring 2009. Professor Stuart teaches civil procedure, evidence, information privacy law and e-discovery. She has published articles on internet privacy and personal jurisdiction in journals such as the University of Miami Law Review and the Penn State Law Review. Her latest article, *Virtual Blinds: Finding Online Privacy in Offline Precedents*, was published in the spring 2012 edition of the *Vanderbilt Journal for Entertainment and Technology Law*. Stuart received her J.D., *magna cum laude*, from the University of South Carolina School of Law, and her B.A. from Duke University.

Suzanne Brown Walsh is a principal in Cummings & Lockwood’s West Hartford office. She focuses her practice in estate planning, particularly for families of children with special needs, and elder law and estate and trust administration. A member of the Connecticut and Massachusetts Bars, she holds a B.S. degree from Boston University and a J.D. from Suffolk University Law School. Since 2005 she has served as a member of the Uniform Law Commission, a national organization that promotes statutory uniformity. She chairs the ULC’s drafting Committee on Fiduciary Powers and Access to Digital Assets and as a member of the Trust Decanting Drafting Committee. She has served on the Scope and Program Committee and drafting committees for the Uniform Adult Guardianship and Protective Proceedings Jurisdiction, Uniform Insurable Interests in Trusts, Uniform Premarital and Marital Agreements and the Powers of Appointment Acts. In addition, she chaired the drafting committee on Amendments to the Uniform Principal and Income Act (2008), as well as a study committee on Mental Health Advance Directives. Walsh recently taught Estate Planning and Taxation at the University of Connecticut Law School. She has been recognized as a Connecticut and New England “Superlawyer” since the inception of that designation in 2006, and was recognized in *Connecticut Magazine* as one of Connecticut’s Top 25 Women SuperLawyers, and in 2007 and 2008 was named by *Law & Politics* as one of New England’s Top 50 Women SuperLawyers. Walsh is a past chair of both the Connecticut Bar Association’s Estates and Probate and Elder Law Sections. She is a Fellow of the American College of Trusts and Estates Counsel (ACTEC) and serves as a James W. Cooper Fellow of the Connecticut Bar Foundation. She has also served on the boards of community organizations including PLAN of Connecticut, Inc., a nonprofit corporation providing low cost trust services to the families of the disabled.
Nancy Zisk is a professor of law at the Charleston School of Law and teaches Torts, Employment Discrimination, and Equity and Equitable Remedies. She speaks and publishes in the areas of discrimination and bioethics and health care and is the author of a number of articles including “Following the ‘Pathmarkers’ From Bakke to Fisher to Understand How Race-Conscious Admissions Programs May Withstand Constitutional Scrutiny,” 30 Harvard Journal on Racial & Ethnic Justice (forthcoming April 2014); “What Is Old Is New Again: Understanding Gross v. FBL Financial Services, Inc., And The Case Law That Has Saved Age Discrimination Law,” Loyola New Orleans Law Review (forthcoming winter 2013); “Investing in Health Care: What Happens When Physicians Invest and Why the Recent Changes in the Patient Protection and Affordable Care Act Fail to Protect Patients from Their Physicians’ Self Interest,” 36 Seattle University Law Review 189 (fall 2012). In 2006, Professor Zisk was named “professor of the year” by students and associate dean for academic affairs by the school and served as associate dean for two years. Prior to coming to Charleston, Professor Zisk was an adjunct professor of law at the Washington College of Law at American University in Washington, D.C., where she taught Remedies. She also has been in private practice, with Akin, Gump, Strauss, Hauer & Feld, and Ross, Dixon & Masback, both in Washington, D.C., where she specialized in employment and complex insurance coverage litigation. She was also a sole practitioner in Fairfax County, Virginia.
Charleston Law Review is a general interest publication committed to the finest scholarship and research across a broad range of topics in the law. Its primary objective is to foster the knowledge and insight of students, practitioners, scholars and the judiciary through a traditional forum dedicated to augmenting the pursuit of innovative legal expression, composition and scholarship. Members of the Law Review contribute to this objective by editing articles, writing notes and actively participating in all aspects of the publication process.

The Charleston Law Review is an independent organization composed entirely of second and third year students at the Charleston School of Law. In order to gain membership on the Charleston Law Review, students must compete in a writing competition that begins after spring semester finals have concluded. After completion of the writing competition, offers for membership are made to students based on a combination of grades and the scored writing piece. By participating in the publication process, members of the Charleston Law Review receive invaluable analytical skills and extensive legal writing and editing experience.

Since its founding in 1999, The Riley Institute at Furman has made substantial progress in broadening student and community perspectives on critical issues and in helping break down barriers to economic and social well-being for all South Carolinians to make the state a better place to live.

Aimed toward outcomes that empower students, community members, the University, the state and the region, the non-partisan institute has three primary focus areas: education policy, diversity, and critical issues. Initiatives in these areas include the groundbreaking Hewlett study on public education in South Carolina and partnering to bring New Tech High Schools to the I-95 corridor; its statewide Diversity Leaders Initiative (DLI); high quality symposia featuring an outstanding roster of distinguished speakers; and student-centered programming that engages students in politics, public policy and leadership through collaborative research, study abroad opportunities, and internships.

The Institute is now focusing on strategies that leverage its well-developed work in education policy, diversity, and critical issues to drive creative and pragmatic initiatives in the state, region, and nation. This strategic work will include collecting, creating, and sharing knowledge about the best diversity and education practices and models, fostering collaborations among public and private partners to help put them on the ground, and building leadership and capacity for positive change.