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## The 20th Belle R. and Joseph H. Braun Memorial Symposium: The Development of Privacy Law From Brandeis to Today: Opening Remarks, 29 J. Marshall J. Computer & Info. L. 279 (2012)

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**THE 20TH BELLE R. AND JOSEPH H.  
BRAUN MEMORIAL SYMPOSIUM**

**THE DEVELOPMENT OF PRIVACY LAW**

**FROM BRANDEIS TO TODAY**

**REPORT OF PROCEEDINGS AT THE 20TH  
BELLE R. AND JOSEPH H. BRAUN MEMORIAL SYMPOSIUM  
ON THE 27TH DAY OF SEPTEMBER, 2012, AT 12:30 P.M.**

**OPENING REMARKS**

DEAN RUEBNER: Good afternoon, all. I'm Ralph Ruebner, the Associate Dean for Academic Affairs at The John Marshall Law School. It's my great privilege and honor to welcome all of you to this very, very special occasion in the life of the Law School as we celebrate a number of very significant points in time in the history of the school: The 30th anniversary for the Center for Information Technology and Privacy Law; the 25th anniversary of the John Marshall Journal of Computer and Information Law; the 30th anniversary of the International Moot Court Competition in Information Law and Privacy Law; and the 50th anniversary, that will be the hallmark, the appointment of Justice Goldberg to the Supreme Court fifty years ago, and he would have taken his seat the first Monday in October fifty years ago.

And of course, today and tomorrow we will inaugurate this beautiful courtroom in his memory. If you get a chance today and tomorrow to take a look outside of the courtroom, we have a beautiful history through photographs of historical value that really depicts the life of Arthur J. Goldberg from his early days as an attorney in Chicago to the very proud fact that he was a member of our faculty back in 1938 to 1942. And after the Second World War, when he came back, he was an adjunct professor in the late '40s and the '50s and, of course, we know the rest of the history.

So we welcome all of you to join us on this very, very auspicious occasion. It is my privilege also to introduce Barbara Cramer, the daughter of Arthur Goldberg, who is with us today. Her two sons, Daniel and Matthew, will join us tomorrow.

(Applause.)

We are honored today to have so many prominent legal scholars and experts in the field of privacy law joining us, together with our own law school faculty, and a special welcome to the keynote address, Dr. Amitai Etzioni.

(Applause.)

I want to take this opportunity to thank a number of individuals who have worked hard to make this a, what we believe, a very successful symposium. First, Professor Leslie Reis, Director of the Center for Information Technology and Privacy Law.

(Applause.)

Professor David Sorkin, the chair of this conference.

(Applause.)

Mr. Aaron May, who is in the back, Editor-in-Chief, Journal of Computer and Information Law.

(Applause.)

And I would also like to thank his entire editorial board, staff and candidates for helping us out on this occasion. Thank you to all our visiting scholars, to my colleagues on the faculty, who will all be introduced to you later on. I would like to take this opportunity as well to thank the entire John Marshall Law School community, especially the staff, for their help in each of these details, and again, too many to name today, but I want them to know that we appreciate all that they have done. And I would like to recognize Ms. Teresa Do.

(Applause.)

She is the assistant to the Associate Deans, Smith and myself, who coordinated all of the activities that will take place today and tomorrow. Thank you very much.

I wish to personally thank two prominent Chicago attorneys, Mr. Joseph Ament and Mr. Lawrence Glick, for bringing the Braun endowment to us in 1989, this being the 20th year that we have had the Braun Memorial Lecture Series. Unfortunately, Mr. Glick took ill on his way here and could not be with us to bring greetings. We hope he will join us, and Mr. Ament will join us, tomorrow for the other events.

Let me just conclude with a few comments about the Braun Memorial Lecture. Joseph H. Braun graduated from The John Marshall Law School in 1918 and was married to Belle R. Braun for many years. He served in a number of positions of distinction within the legal community in Chicago. Much of his legal career was devoted to legislative issues involving the licensing of motorists and highway safety. He served the Chicago AAA Motor Club in a variety of positions, including general counsel, vice president, director, corporate secretary, and in 1984 elected director and general counsel emeritus.

Mr. Braun wrote the legislation for the first driver's license law in Illinois, served as chairperson of the National Committee on the Uniform Traffic Laws and Ordinances, which developed model ordinances and statutes. Additionally, he served as legal counsel to the Illinois Conference on Highway Safety legislation and as a mentor to the Illinois Insurance Commission. In this capacity he was instrumental in drafting the State of Illinois Insurance Code in 1935. Throughout his career he

exemplified the highest standards of our profession, a person of great integrity.

Mr. Braun died on January 27, 1989. He made a very generous bequest to The John Marshall Law School in support of a future lecture series. The inaugural Belle R. and Joseph H. Braun Memorial Lecture was held in 1989. Since then we have invited distinguished panels and speakers on topics including constitutional law, criminal law, environmental law, international human rights, individuals with the highest reputation both in the United States and abroad. So it is with great pleasure that we add this symposium in memory of Arthur J. Goldberg to this series.

It is now my pleasure to introduce Professor Leslie Reis.

(Applause.)

PROFESSOR REIS: Thank you, Dean Ruebner. On behalf of the Center for Information Technology and Privacy Law, our students, our faculty, our staff and, of course, our fabulous alumni, I'd like to welcome you to this wonderful celebration of a multitude of anniversaries, not the least of which is the 30th anniversary of the Center. For more than thirty years John Marshall Law School has been a leader in technology and privacy legal education, due in large part to a gentleman I would like to recognize today, the founder of the Center, Professor Emeritus George Trubow. George could not be with us today, but it was his foresight more than thirty years ago that privacy was going to be a major driver in law, in business, in policy. And more than thirty years ago he began preaching the need for lawyers to be educated about the impact of technology and privacy on all areas of law and business and policy.

And so John Marshall became one of the first law schools in the country to offer courses in privacy law, in computer law, cyberspace, data privacy. We were the first to offer a specialized law course in e-discovery, ethics in social media, and the list goes on and on. And today we are continuing to preach the George Trubow message by offering an array of courses, LLM and MS degree programs, scholarly and CLE activities. And if you'd like more information about what we do, I would be delighted to chat.

I'd also like to take a moment to thank Dean Ruebner; Professor David Sorkin; of course, Teresa Do; Panagiota Kelali, our Center Associate Director; Aaron May; and again, the entire staff, candidates, board of the journal.

This has been a tremendous effort, and I know you don't want to hear from me, you want to hear from more of our illustrious speakers. So with that, let me introduce my friend, my colleague, Professor David Sorkin, the chair of the symposium.

(Applause.)

PROFESSOR SORKIN: Thank you, Ralph, and thank you, Leslie.

Today and tomorrow we will be examining a variety of issues relating to privacy law and policy as we track the development of privacy law from the late nineteenth century through the present day. We'll begin with the keynote address by communitarian scholar Amitai Etzioni who urges us to consider privacy in the context of the common good.

Thereafter, in Session I, we'll consider the legacy of Supreme Court Justice and John Marshall Law School Professor, Arthur Goldberg, in whose memory this courtroom is named.

Justice Goldberg wrote a concurring opinion in *Griswold v. Connecticut* arguing that privacy is a fundamental right under the Ninth Amendment. Later this afternoon, in Session II, we'll consider some historical perspectives on American privacy law. Tomorrow morning we'll begin with a session on regulation and policy perspectives, followed by a discussion of technology and the future of privacy. This symposium will close with a convocation tomorrow afternoon at the Standard Club across the street. Justice Antonin Scalia will present the convocation address.

I do have some brief housekeeping announcements to make before we begin the formal program. Please silence or turn off your cellphones. There will be a break with refreshments at 3:15 today and a reception at 5:30. Please note that food is not permitted here in the courtroom. There are restrooms located on this floor and on the third and twelfth floors of this building that can be accessed without key cards that will invade your privacy.

If you plan to seek continuing legal education credit for your attendance, please make sure that you've signed in at the registration desk each day and pick up the CLE instruction packet. It's just outside the courtroom today and will be on 3 East tomorrow morning. You'll also need to sign the certificate of attendance and return it at the end of each day's program. And please fill out the evaluation form each day as we would appreciate your comments.

Materials from this symposium will be posted on our website at [jmls.edu/braun](http://jmls.edu/braun) and the proceedings will be published in an upcoming issue of the *Journal of Computer and Information Law*. We will be recording the sessions this afternoon and tomorrow morning. We have overflow rooms available in the event that this room fills, which it looks like it has, with both audio and video feeds up on the twelfth floor of this building.

We begin today with a keynote address by Amitai Etzioni, University Professor and Director of the Institute for Communitarian Policy Studies at The George Washington University. He is the founder of the Communitarian Network, a not-for-profit, nonpartisan organization dedicated to shoring up the moral, social and political foundations of society.

Dr. Etzioni coined the word “McJob” in 1986 in a Washington Post column. In 2001 he was named among the top 100 American intellectuals as measured by citations in Richard Posner’s book, “Public Intellectuals.” He’s written many influential and often controversial books and articles. His book, “The Limits of Privacy,” published in 2000 suggests that privacy must be balanced against other interests and argues that sometimes privacy of the individual must be sacrificed for the common good.

Earlier this year the Penn Journal of Constitutional Law published his article on privacy merchants and data mining, focusing on the growing threat to privacy from large corporations whose main function is trading in private information. Most recently he’s denounced consumerism, arguing that Americans’ obsession with acquiring unnecessary goods and services has contributed to the current economic crisis.

Please join me in welcoming Amitai Etzioni.

(Applause.)