



## **Roland Trope**

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Roland Trope is a partner in the New York City offices of the U.S. and Dutch law firm of Trope and Schramm LLP and an Adjunct Professor in the Department of Law at the U.S. Military Academy at West Point, where he has been teaching since 1992. He is on the Steering Committee of the ABA Task Force on Cybersecurity, is Co-Chair of the Subcommittee on Cybersecurity for the ABA's Cyberspace Law Committee, serves on the Supervisory Board of *IEEE Security & Privacy*, has written more than 25 articles, and has co-authored two law books published by American Bar Association: *Checkpoints in Cyberspace: Best Practices for Averting Liability in Cross-Border Transactions* and *Sailing in Dangerous Waters: A Director's Guide to Data Governance*.

Mr. Trope has over 30 years of experience in cross-border legal transactions representing governments and multi-national corporate clients. Throughout this period, he has advised senior officials responsible for oversight of government procurements and high-ranking military officers administering, monitoring and auditing procurements necessary for protection of their country's national security as well as overseas designers and developers of high technology products for telecommunications, cyberspace, software-intensive machines and medical and dental diagnostic and treatment equipment.

Mr. Trope advises on government procurement, protection and licensing of intellectual property, cross-border tech transfers, export controls, Economic Sanctions Regulations, anti-corruption laws, cyberspace law, and cybersecurity. He represents high tech companies in the U.S., Canada, Europe and Asia, and advises them on cross-border mergers and acquisitions, trade regulations (e.g., export controls, defense trade controls, trade sanctions, anti-bribery and anti-money laundering), tech transfers and licensing, corporate governance, company policies for data governance, information security, and protection and exploitation of intellectual property in government contracts. He also advises electric utilities on cybersecurity. He has represented governments in international arbitrations of commercial contracts for design and development of advanced, computer-based systems. His international work includes significant experience in advising ministries of defense and aerospace and defense contract clients in Australia, New Zealand, Singapore, Thailand, Japan, the Mideast, Norway, The Netherlands, Brazil and Canada.

Mr. Trope earned a B.A. in Political Science from the University of Southern California. As Marshall Scholar and as a Danforth Fellow, he studied English Language and Literature at Oxford University, earning a B.A. and M.A. He earned a J.D. at Yale Law School. He clerked on the Minnesota Supreme Court, and began practicing law in New York City in 1982.

## **Professional Affiliations**

Adjunct Professor, Department of Law, U.S. Military Academy at West Point

Co-chair of Cybersecurity Subcommittee, Cyberspace Law Committee, American Bar Association

Board of Directors, International Society for Military Law and the Law of War (ISMLLW)

President of Defense Procurement and Ethics Committee, ISMLLW

Steering Committee, ABA Task Force on Cybersecurity

Supervisory Board, IEEE Security & Privacy magazine

Copyright and Literary Property Committee, Association of the Bar of the City of New York

Intellectual Property Committee, Public Contracts Section, American Bar Association

Federal Circuit Bar Association Contracts Committee's Study Group  
on Government Contracts Intellectual Property

India Committee, International Law Section, American Bar Association

## **Books and Chapters in Books**

- 2013 *Duty to Advise Clients Concerning Use of Cyber and Other Digital Technologies*, chapter in THE ABA CYBERSECURITY HANDBOOK - A RESOURCE FOR ATTORNEYS, LAW FIRMS & BUSINESS PROFESSIONALS, to be published by American Bar Association in August 2013.
- 2013 *Maddening to Militaries and Museums: Why Large-Scale RFID Systems May Lose Track of Objects*, chapter in RFIDS, NEAR-FIELD COMMUNICATIONS, AND MOBILE PAYMENTS: A GUIDE FOR LAWYERS, to be published by American Bar Association, in August 2013.
- 2006 SAILING IN DANGEROUS WATERS: A DIRECTOR'S GUIDE FOR DATA GOVERNANCE, a book published by American Bar Association, 2006 (Co-author)
- 2005 CHECKPOINTS IN CYBERSPACE: BEST PRACTICES FOR AVERTING LIABILITY IN CROSS-BORDER TRANSACTIONS, treatise published by American Bar Association, 2005 (First author)

## **Articles**

- 2014 *Threading Needles in the Dark: Will Deals Survive When Cyberattacks Collapse the Grid?*, Northern Kentucky Law Review, to be published in 2014.
- Before Rolling Blackouts Begin: Briefing Boards on Cyberattacks that Target and Degrade the Grid*, Wm. Mitchell Law Review, to be published March 2014 (First author)
- 2013 *Bearings from the Southern Cross: Cybersecurity Decisions 2012 – 2013*, Annual Survey of Cyberspace Law, BUSINESS LAWYER, November 2013
- Voluntary Self-Disclosures to OFAC: Weighing the Upsides and Downsides When Off-Sides*, ESSAY FOR CONTINUING LEGAL EDUCATION PROGRAM, ABA Business Section, Spring Meeting, April 2013
- By Executive Order: Delivery of Cyber Intelligence Imparts Cyber Responsibilities*, IEEE SECURITY & PRIVACY, March/April 2013 (First author)
- 2012 *"There's No App for That": Calibrating Cybersecurity Safeguards and Disclosures*, Annual Survey of Cyberspace Law, BUSINESS LAWYER, November 2012
- Uncovering Enhanced Trademark Protections In The NDAA*, LAW360, March 2012 (Co-author)
- Red Skies at Dawn: Professional Ethics Issues at the Dawn of Cloud Computing*, WILLIAM MITCHELL LAW REVIEW, 2012 (First author)
- 2011 *The SEC Staff's "Cybersecurity Disclosure" Guidance: Will It Help Investors or Cyber-thieves More?*, ABA BUSINESS LAW TODAY, December 2011 (First author)

ROLAND TROPE

*Protecting Intellectual Property in Contracts with the U.S. Government: The Minotaur in the Regulatory Maze*, ESSAY FOR CONTINUING LEGAL EDUCATION PROGRAM, Association of the City of the Bar of New York, May 2011

*Defense Procurements and Ethics*, KEYNOTE ADDRESS, Procurement Conference, Norwegian National Group of the International Society for Military Law and the Law of War, Oslo, Norway, March 2011

*Cyber Security for U.S.-Based Nuclear Power Plant Reactors*, ESSAY FOR CONTINUING LEGAL EDUCATION PROGRAM, ABA Cyberspace Law Committee's Annual Cyberspace Law Institute, Austin, Texas, January 2011 (First author)

- 2010 *Red Skies in the Morning: Legal Ethics at the Dawn of Cloud Computing*, ESSAY FOR CONTINUING LEGAL EDUCATION PROGRAM, The Copyright Society of the U.S.A., New York Chapter, New York City, September 2010 (First author)

*The Real Realities of Cloud Computing: Ethical Issues for Lawyers, Law Firms, and Judges*, ESSAY FOR CONTINUING LEGAL EDUCATION PROGRAM, AMERICAN BAR ASSOCIATION, ANNUAL MEETING, August 2010 (First author)

- 2009 *Under the Magnifying Lens of Ethical Scrutiny: Challenges of Web 2.0 to Professional Responsibilities of Lawyers and Law Firms*, ESSAY FOR CONTINUING LEGAL EDUCATION PROGRAM, AMERICAN BAR ASSOCIATION, ANNUAL MEETING, August 2009 (First author)

*'Something There Is That Doesn't Like A Wall': Designing Policies for Employees' Ethical Use of Online Social Media*, ESSAY FOR CONTINUING LEGAL EDUCATION PROGRAM, AMERICAN BAR ASSOCIATION, BUSINESS SECTION MEETING, April 2009

- 2008 *Hardening the Target*, IEEE SECURITY & PRIVACY, September/October 2008 (First author)

- 2007 *Allies at Sixes and Sevens: Sticky Issues in Australian – US Defence Trade Controls*, SECURITY CHALLENGES, June 2007 (First author)

*On the Board Agenda: A Coherent Strategy for Data Security through Data Governance*, IEEE SECURITY & PRIVACY, May/June 2007 (First author)

- 2006 *The 2006 Survey of Legal Developments in Data Management, Privacy, and Information Security: The Continuing Evolution of Data Governance*, THE BUSINESS LAWYER, November 2006 (First author)

*Immaterial Transfers With Material Consequences*, IEEE SECURITY & PRIVACY, September/October 2006, reprinted in THE DISAM JOURNAL, February 2007

*Lessons for Laptops from the 18<sup>th</sup> Century*, IEEE SECURITY & PRIVACY, July/August 2006 (First author)

- 2005 *Acting Responsibly with Geospatial Data*, IEEE SECURITY & PRIVACY, November/December 2005 (co-author)

*Lessons in Data Governance: A Survey of Legal Developments in Data Management, Privacy, and Security (June 2004 – May 2005)*, BUSINESS LAWYER, November/December 2005, (First author)

*Averting Security Missteps in Outsourcings*, IEEE SECURITY & PRIVACY, March/April 2005 (co-author)

*Directors' Digital Fiduciary Duties*, IEEE SECURITY & PRIVACY, January/February 2005

### **Selected Presentations and Briefings**

- 2014 *Navigating in Dense Coastal Fog – Managing the "New Normal" in Procurements of Major Defense Systems and Related Intellectual Property Rights*, Speaker at CONFERENCE ON DEFENSE PROCUREMENT IN THE AGE OF CYBER – RECALIBRATING GOVERNMENT AND CONTRACTOR RESPONSIBILITIES, sponsored by the Ministry of Defence of the Republic of Latvia and the International Society on Military Law and the Law of War, Riga, Latvia, May 2014

*A Year After the Executive Order on Cybersecurity: Advising Boards on New Cybersecurity*

*Responsibilities*, Speaker on CONTINUING LEGAL EDUCATION PANEL AT ABA BUSINESS SECTION SPRING MEETING, Los Angeles, California, April 2014

*Painfully Hard Lessons: Threading the Needle of Military Technology Transfers*, Speaker at Conference sponsored by American Bar Association, Society of Indian Law Firms, and Indian Services Promotion Export Council, New Delhi, India, February 2014

*Coping with Complexities of U.S. Economic Trade Sanctions*, Speaker at Conference sponsored by American Bar Association, Society of Indian Law Firms, and Indian Services Promotion Export Council, New Delhi, India, February 2014

*Threading Needles in the Dark: What Happens to Deals if Cyberattacks Disrupt the Grid for Months?*, Speaker at Conference sponsored by American Bar Association, Society of Indian Law Firms, and Indian Services Promotion Export Council, New Delhi, India, February 2014

2013 *Duct Tape Won't Fix It: Before Cyberattacks Target and Degrade the Grid, What Preparations Should Your Company Make?*, Speaker at NORTH ALABAMA INTERNATIONAL TRADE ASSOCIATION MEETING, Huntsville, Alabama, December 2013

*How to Fess Up When You Mess Up: Responding to Inadvertent Violations of U.S. Economic Sanctions Regulations*, Speaker at MEETING OF BRADLEY ARANT BOULT CUMMINGS, Huntsville, Alabama, December 2013

*When Strings Attach to Intellectual Property in Government*, Speaker in ROUNDTABLE PROGRAM, sponsored by MIT Enterprise Forum of New York City and the City Bar of New York, New York City, November 2013

*Below the Radar: Legal Responsibilities Arising from Cyber Threats and Severe Impacts to the Grid*, Speaker, EDISON ELECTRIC INSTITUTE'S SPRING LEGAL CONFERENCE, Williamsburg, VA, April 2013

*You Sent Funds Where? How to Help Remittance Transfer and Mobile Payments Clients Fess Up When They Mess Up BSA and OFAC Compliance*, Speaker at ABA BUSINESS SECTION SPRING MEETING, Washington, DC, April 2013

*Do We Have the Authority? Legal Issues in Protecting Government Networks from Cyberattacks*, Speaker at 2013 RSA CONFERENCE, San Francisco, California, February 2013

*Toward an Evolving Definition of Reasonable Security: Regulatory Guidance and Court Decisions*, Speaker at ABA SCIENCE AND TECHNOLOGY SECTION ANNUAL PRE-RSA ISC MEETING, San Francisco, California, February 2013

*Managing the Cybersecurity Risks to the North American Electrical Grid and New "Smart" Grids*, Speaker, CONTINUING LEGAL EDUCATION PROGRAM AT THE ABA CYBERSPACE LAW COMMITTEE'S WINTER WORKING MEETING, Los Angeles, California, January 2013

2012 *Intellectual Property Law Panel*, Speaker at 2012 U.S. ARMY MATERIEL COMMAND CONTINUING LEGAL EDUCATION PROGRAM, Atlanta, Georgia, August 2012

*Security on Steep Ground: Averting Unnecessary Exposures in Contracts to Acquire Major Defense Systems and Intellectual Property Rights*, Moderator and Speaker at the 19TH CONGRESS OF THE INTERNATIONAL SOCIETY FOR MILITARY LAW AND THE LAW OF WAR, Québec City, Canada, May 2012

*Deploying Tools to Build or Self-Sabotage the Enterprise: How Do We Square Legal Obligations for Cyber Security with the Increasing Use of Technologies that Undermine It?*, Moderator and Speaker in CONTINUING LEGAL EDUCATION PROGRAM, ABA BUSINESS SECTION SPRING MEETING, Las Vegas, Nevada, March 2012

*Targeted and Vulnerable: Insuring the North American Grid against Increasingly Probable Cyber Disruptions*, Presentation at ENERGY INSURANCE MUTUAL'S 2012 RISK MANAGERS INFORMATION MEETING, Orlando, Florida, February 2012

*SEC Staff Release on Cyberscurity Disclosures by Public Companies*, Moderator, Round Table Session, ABA CYBERSPACE LAW COMMITTEE WINTER WORKING MEETING, San Francisco, January 2012

- 2011 *A Porous Enterprise: Cyber Security Risks to Electrical Utilities from Web 2.0 and Cloud Computing*, Speaker at EDISON ELECTRICAL INSTITUTE'S FALL 2011 LAW CONFERENCE, San Francisco, October 2011

*Protecting Intellectual Property in Contracts with the U.S. Government: The Minotaur in the Regulatory Maze*, Speaker in Association of the Bar of the City of New York Continuing Legal Education program, New York City, May 2011.

*Intellectual Property Issues in Federal Procurement*, Speaker in 2011 ARMY MATERIAL COMMAND CONTINUING LEGAL EDUCATION PROGRAM, Huntsville, Alabama, April 2011.

*Defense Procurements and Intellectual Property*, Speaker at PROCUREMENT CONFERENCE, Norwegian National Group of the International Society for Military Law and the Law of War, Oslo, Norway, March 2011.

- 2010 *Wake Up Call or Snooze Alarm: Are Recent Cyber-Security Regulations Giving Birth to Cyber-Fiduciary Duties?*, Speaker in CONTINUING LEGAL EDUCATION PROGRAM FOR ABA BUSINESS SECTION, ABA ANNUAL MEETING, San Francisco, California, August 2010.

*The Real Realities of Cloud Computing - Will the Cloud Produce Smooth Sailing or Stormy Weather?*, Speaker in CONTINUING LEGAL EDUCATION PROGRAM FOR ABA BUSINESS SECTION, ABA ANNUAL MEETING, San Francisco, California, August 2010.

*Brave New Web: Social Network's Challenges to Copyright, Privacy and Legal Ethics*, Speaker in CONTINUING LEGAL EDUCATION PROGRAM presented by the Entertainment Law and Intellectual Property Section of the Los Angeles County Bar Association, Santa Monica, California, February 2010.

- 2009 *Head in the Cloud – Feet in the Code of Professional Responsibility: Managing the Ethical Risks to Lawyers from Web 2.0 Technologies, Portable Devices and Wireless Access*, Speaker in CONTINUING LEGAL EDUCATION PROGRAM AT ABA ANNUAL MEETING, Chicago, Illinois, August 2009

*Cross-Border Issues in Defense Procurement Laws and Ethics*, Speaker at the 18TH CONGRESS OF THE INTERNATIONAL SOCIETY FOR MILITARY LAW AND THE LAW OF WAR, Tunis, Tunisia, May 2009

*Blah, Blah Blogs: Issues and Policies for the Ways Employees Communicate Online*, Speaker in CONTINUING LEGAL EDUCATION PROGRAM AT ABA BUSINESS SECTION, SPRING MEETING, Vancouver, British Columbia, Canada, April 2009

- 2008 *Managing Risks from US Laws: Avoiding Unacceptable Outcomes in Defence Procurements*, MILCIS: NCW – JOINT AND COALITION, Canberra, Australia, November 2008

*Explorers and Exploits in Online Social Networks: Balancing the Risks to Copyrights, Security and Privacy*, GREAT HALL PROGRAM at Association of the Bar of the City of New York, November 2008

- 2007 *Practical Strategies for Managing the Tech Transfer Risks in Cross-Border Corporate Transactions*, Co-Chair and Speaker in CONTINUING LEGAL EDUCATION PROGRAM AT ABA ANNUAL MEETING, San Francisco, August 2007

*US Defence Trade Controls: Sticky Issues for Allies*, Speaker at SEMINAR FOR AUSTRALIAN DEFENCE COMMUNITY, Australian National University's National Europe Centre, Canberra, Australia, July 2007

*Compliance Challenges Under the International Traffic in Arms Regulations*, LECTURE AT THE INDUSTRIAL COLLEGE OF THE ARMED FORCES, February 2007

*Issues in Defense Trade Controls*, TELECONFERENCE PRESENTATION TO CANADIAN IT LAW ASSOCIATION QUARTERLY ROUNDTABLE SERIES, January 2007

- 2006 *Seven Paths to Perdition: Ethical Quandaries for Project Managers of Major Defense Procurements*, LECTURE AT THE INDUSTRIAL COLLEGE OF THE ARMED FORCES, November 2006

*Doing Business with the U.S. Government*, Speaker at conference and telecast, sponsored by the Canadian Government and the Ottawa Center for Research and Innovation, Ottawa, Canada, February 2006

- 2005 *Data Governance for Directors*, co-chair and speaker, CONTINUING LEGAL EDUCATION PROGRAM, ABA ANNUAL CONVENTION, Chicago, Illinois, August 2005

*Data Outsourcing: Emerging Information Technology Issues*, Assn. of the Bar of the City of New York, CONTINUING LEGAL EDUCATION PROGRAM, May 2005, co-chair and speaker

- 2003 *Protecting Against Unacceptable Outcomes in High Tech Defence Procurements*, BRIEFING FOR NAVAL OFFICERS AND CONTRACTING PERSONNEL, Haakonsværn Naval Base, Bergen, and, Ministry of Defence, Oslo, Norway, 2003

- 2001 *Acquiring Leverage in Defense Purchases from the United States*, Australian Embassy, Washington, DC, 2001

- 2000 *Chronic Risks in Foreign Military Sales Purchases from the U.S.*, Royal Ministry of Defence, Oslo, Norway, 2000

- 1998 *Rebuilding The International Customers' Trust in the US Air Force*, for Commander of Edwards Air Force Base, California, October 1998

*Foreign Government Perspectives of Defense Acquisitions*, for U.S. Deputy Under Secretary of the Air Force, International Affairs, February 1998

## **Bar Admissions**

New York (1982)

Minnesota (1984)

U.S. District Courts for the Southern and Eastern Districts of New York

U.S. Court of Federal Claims