

Don M. Blumenthal

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SUMMARY

Professional with over 20 years proven experience in technology, law, and policy. Thrive in independent and collaborative settings; provide efficient analyses and innovative approaches to professional issues and tasks; coach, mentor, and retain talent.

PROFESSIONAL EXPERIENCE

PRIVATE PRACTICE, *consulting and law*
Ann Arbor, MI

2007-Present

Subject matter concentrations in information security and privacy, Internet law enforcement, anti-spam and malware, Internet governance, and electronic discovery. Provide legal and policy analyses and representation, as well as enterprise guidance.

Adjunct Professor, University of Michigan School of Information

Adjunct Professor, Michigan State University Criminal Justice School

Member of the Board of Advisors and Legal Affairs SME, Centre for Assurance Studies, University of Detroit Mercy

Senior Principal, Global Cyber Risk, LLC, Washington, DC.

FEDERAL TRADE COMMISSION
Washington, DC

Internet Lab Coordinator, Bureau of Consumer Protection

1999-2006

- Developed and managed the Internet Lab, a pioneering effort in gathering evidence related to fraud and deception on the Internet. Prepared needs assessment, supervised its implementation, and ensured that its evidence-gathering systems remained current. Maintained security according to Federal Information Security Management Act requirements; involved in assessments and in establishing security plan, policies, and procedures. Provided capabilities for eight regional offices to handle investigations through their own anonymous Internet connections.
- Involved in development of policy related activities, including the Global E-Commerce Workshops and the London Action Plan on Spam. Prepared analyses of Internet-related issues such as proposed malware and spam legislation. Represented the FTC on interagency task forces on Internet governance and cybersecurity, providing the FTC's perspective in the development of broader U.S. government policies.
- Participated in FTC studies of Internet-related issues, including reports to Congress on online privacy practices, the feasibility of a spam do-not-email system, and the effects of the CAN-SPAM law; analyses of the state of email-related practices such as the use of false headers and compliance with regulations concerning remove-me links; and an international analysis of consumer information provided on ecommerce websites. Had management roles in online privacy and ecommerce projects.
- Participated as attorney and as technical advisor in enforcement matters related to the Internet and other technology-related matters, as well as cases in which electronic discovery issues were involved. Concentrated in security practices and breaches that might compromise consumer information, in fraudulent practices concerning Internet services, and in a variety of questions related to privacy, spam, and malware. Primary areas of legal concentration Section 5 of the FTC Act, GLBA, FCRA/FACTA, COPPA, and CAN-SPAM. Provided legal guidance and expert testimony in cases brought by the FTC, the U.S. Department of Justice, and the Australian Competition and Consumer Commission.
- Reviewed emerging technologies and methods, and advised staff on developments that might create

new areas for inquiry. Provided instruction in technical issues related to the Internet and other technology matters, and in the use of evidence gathering systems and techniques in areas such as Internet fraud, spam, spyware, and ID theft. Prepared consumer and business information materials concerning systems-related topics, including wireless network setup and spam zombie protections.

- Managed development of the current FTC spam database, a full text system; the database is the only US government resource for raw spam messages submitted directly by the public, and has been used by other federal and state law enforcement agencies. Consulted concerning possible creation of similar systems with organizations involved in the Canadian Task Force on Spam and with the German ISP association.
- Managed BCP's Technology Support Group, a staff that provided assistance in the Internet Lab and in litigation support, Internet/Intranet development, and development and implementation of the Consumer Sentinel and ID Theft database systems. Interviewed and hired employees, and managed them using collaborative leadership. Mentored and coached, and prepared and provided job performance appraisals and periodic awards for exceptional service on particular projects.
- Established the Bureau of Consumer Protection's first dedicated litigation support group, which provided electronic discovery, document management, data seizure, data analysis, and courtroom technology support. Served on FTC-wide committee to review the broad range of agency requirements and find appropriate systems, software, and services to meet requisite needs.

Attorney-Advisor, Information and Technology Management

1992-1998

- Managed and developed the first FTC electronic document management and trial presentation programs. Managed needs analysis, established criteria and budgets, evaluated proposals, and selected contractors. Supervised work of contractors and of FTC staff on individual matters. Collaborated on development of an agency-wide document and case management systems.
- Managed Bureau of Consumer Protection automated litigation support activities. Collected and analyzed electronic evidence gathered from a variety of platforms at companies that were the subject of FTC action. Managed the initial agency-wide efforts at adopting electronic document management and trial presentation technologies. Analyzed the broad range of FTC requirements, reviewed available software, systems, and services in light of FTC requirements and infrastructure, and made appropriate recommendations for purchase. Developed the FTC's first integrated litigation support document management system, procured trial equipment, and managed their implementation in FTC investigations and administrative and federal court proceedings.
- Consulted on investigations that concerned respondents in computer-related industries and prepared computer-related language for official documents.
- Collaborated in the development of Internet and X.400 systems at the FTC. Directed online posting of documents related to the 1996 Telemarketing Sales Rule rulemaking effort, the first federal administrative procedure with a significant online component. Served on agency-wide committees concerning local area network implementation, document management system development, Government Performance Results Act measures, and Information Technology Architecture efforts.
- Served as co-administrator of FTC pilot local area network project while working as an attorney in the Cleveland Regional Office.

PREVIOUS EXPERIENCE

Washington, DC, and Cleveland, OH

Trial Attorney, Federal Trade Commission and Federal Maritime Commission

General law and government policy private practice

Legislative Director, Member of U.S. House of Representatives

SPECIAL ACTIVITIES AND HONORS

Recipient of:

FTC Distinguished Service Award, 2006.

FTC Mead-Johnson award for outstanding support activities related to litigation support and development of law-related technologies, 1998.

Bureau of Consumer Protection Director's Award, 2005 and 2003.

FTC Outstanding Team Effort Award for efforts in Rulemaking (2004), Internet Training (2001), Online Privacy Initiative (1998); Home Owners Equity Protection Act Study (1998), Staples/Office Depot merger litigation (1997), and local area network design and installation team (1992.).

Active in American Bar Association Science and Technology Section.

- Contributed to ABA publications *International Guide to Cyber Security*, *International Guide to Privacy*, and *Roadmap to Enterprise Security*.
- Co-chaired "Roadmap to Government and Private Sector Cyber Security" program, January, 2005; moderated "Roadmap to Enterprise Security" panel.
- Assisted with organizing *Doing Business Around the Globe: New Guides to Protecting and Securing Your Data and Network* program and participated as panelist, ABA annual meeting, August, 2003.

Keynote Speaker, Third European IT-Forensics Meetings, Rome, Italy, 2004.

CLE instructor on electric data discovery issues.

Frequent speaker at conferences related to information security and privacy, electronic data discovery, Internet fraud issues and evidence preservation, and Internet governance.

Contributor to *Fraudbusters*, a law enforcement publication issued by the FTC Computer Sentinel program.

Subject of articles:

- "Techno-Lawyer Keeps Heat on Spammers," *Dallas Morning News*, March 11, 2004.
- "Trade Commission Runs Web Dragnet," *Government Computer News*, April 29, 2002.

Member of InfraGard; Advisory Board, Michigan chapter.

Member, International Association of Privacy Professionals.

Part-time scout, Oakland Raiders.

EDUCATION AND CERTIFICATION

Certificate in Systems and Project Management, The American University.

J.D., University of Pennsylvania.

B.A., Government, Oberlin College.

Member of the Bar of the Supreme Court of Pennsylvania.