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**MICHIGAN LAW AND
MOBILITY TRANSFORMATION CENTER**
UNIVERSITY OF MICHIGAN

AUTONOMOUS VEHICLES CONFERENCE

LEGAL AND REGULATORY HURDLES TO DEPLOYMENT

Friday, April 15, 2016

**Honigman Auditorium, Hutchins Hall 100
University of Michigan Law School**

law.umich.edu/events/automatedvehicles

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6 Conference Schedule

8 Presenter Bios

15 Acknowledgements

WELCOME

It is our pleasure to welcome you to Autonomous Vehicles: Legal and Regulatory Hurdles to Deployment, hosted by the University of Michigan Law School with support from the University of Michigan Mobility Transformation Center.

Vehicular transportation is in a period of rapid change. As the Department of Transportation and the National Highway Transportation Safety Administration recently recognized, “[t]he rapid development of emerging automation technologies means that partially and fully automated vehicles are nearing the point at which widespread deployment is feasible.”

Important legal and regulatory questions remain, however. This conference will explore the following issues related to autonomous and connected vehicles: (i) the impact of state and federal regulations on the potential for deployment; (ii) issues arising from new industry coordination and technology integration; (iii) models for tort liability; and (iv) how, and whether, to incentivize innovative networks. The conference will draw on perspectives from numerous industry, academic, and government experts to examine approaches for achieving the tremendous societal benefits available through autonomous and connected vehicles.

To aid in the discussion, we have disseminated our draft report titled “A Survey of Legal Issues Arising from the Deployment of Autonomous and Connected Vehicles.” We would like to thank University of Michigan law students Erika Giroux, Insung Hwang, John Muhs, Jake Rambeau, Christopher Stackhouse, and Cynthia Weaver for their invaluable assistance with our research. We look forward to your valuable input to assist us in finalizing our report in the coming months. We would also like to thank the numerous industry, government, and academic leaders that have assisted with our research by sharing their perspectives.

Thank you for taking the time to join in this important discussion.

Sincerely,

Daniel A. Crane, Associate Dean for Faculty and Research and Frederick Paul Furth, Sr. Professor of Law, University of Michigan Law School

Kyle D. Logue, Wade H. and Dores M. McCree Collegiate Professor of Law, University of Michigan Law School

Bryce C. Pilz, '00, Clinical Assistant Professor, Entrepreneurship Clinic, University of Michigan Law School

FRIDAY, APRIL 15

All sessions will take place in the Honigman Auditorium, Hutchins Hall 100, unless otherwise noted.

8:30–9:00 A.M. **Welcome**
Mark D. West, *Dean and Nippon Life Professor of Law, University Michigan Law School*
Huei Peng, *Director, University of Michigan Mobility Transformation Center*

PANEL I: STATE AND FEDERAL REGULATION OF AUTONOMOUS VEHICLES OPERATION

9:00–10:15 A.M. **Panelists**
Tim Johnson, *Director of Vehicle Crash Avoidance and Electronic Controls Research, National Highway Traffic Safety Administration*
Thomas Lue, *Corporate Counsel, Google*
Kirk T. Steudle, *Director, Michigan Department of Transportation*
Eric Williams, *Senior Regulatory Counsel, Tesla Motors*

PANEL II: ISSUES ARISING FROM NEW INDUSTRY COORDINATION AND TECHNOLOGY INTEGRATION

10:30–11:45 A.M. **Panelists**
Jennifer A. Dukarski, *Associate, Leader of Butzel Long Connected Car Working Group*
Emily Frascaroli, *Counsel, Ford Motor Company*
Rebekah Lewis, '09, *Attorney, U.S. Department of Defense*
Adam Wiener, '07, *Associate General Counsel, Robert Bosch LLC*

12:00–1:00 P.M. **NETWORKING LUNCH**

PANEL III: NEW MODELS AND RISKS FOR TORT LIABILITY CONCERNING AUTONOMOUS VEHICLES

1:15–2:30 P.M. **Panelists**
Kate Browne, *Senior Vice President, Swiss Re*
Ryan Gammelgard, *Counsel, State Farm*
Matt Gipple, *Head of Legal and Regulatory, Cruise Automation, Inc.*
Bryant Walker Smith, *Assistant Professor of Law, University of South Carolina School of Law*

PANEL IV: INCENTIVIZING INNOVATIVE NETWORKS

2:45–4:00 P.M. **Panelists**
Chan D. Lieu, *Senior Legislative Adviser, Venable LLP*
Thomas P. Lyon, *Professor of Sustainable Science, Technology and Commerce; Professor of Business Economics and Public Policy; Professor of Natural Resources and Environment; University of Michigan*
Kevin Vincent, *Director of Regulatory and Safety Affairs, Faraday Future*
Richard A. Wakawebder, '86, *Principal and Corporate Group Co-Leader, Miller Canfield*

4:15–5:30 P.M. **RECEPTION**
 Remarks by U.S. Representative **Debbie Dingell** (MI-12)
Lawyers Club Lounge
 551 S. State Street

Kate Browne is an attorney with more than 25 years of experience in the insurance industry. She is senior vice president and claims counsel of Swiss Re, which she joined in 2004. Browne is a member of the Trucking Industry Defense Association, the Federation of Defense & Corporate Counsel, and DRI—The Voice of the Defense Bar, and is the author of several white papers on emerging risks such as 3D printers, automated vehicles, commercial drones, and the sharing economy.

Daniel Crane is associate dean for faculty and research and the Frederick Paul Furth Sr. Professor of Law at the University of Michigan Law School. He teaches Contracts, Antitrust, Antitrust and Intellectual Property, and Legislation and Regulation. Crane's work has appeared in the *University of Chicago Law Review*, the *California Law Review*, the *Michigan Law Review*, the *Georgetown Law Journal*, and the *Cornell Law Review*, among other journals. He is the author of several books on antitrust law, including *Antitrust* (Aspen, 2014), *The Making of Competition Policy: Legal and Economic Sources* (Oxford University Press, 2013), and *The Institutional Structure of Antitrust Enforcement* (Oxford University Press, 2011).

Jennifer A. Dukarski is an associate based in Butzel Long's Ann Arbor office, practicing in the areas of intellectual property, media, and technology. She focuses her practice at the intersection of technology and communications with an emphasis on emerging and disruptive issues: design for privacy, vehicle safety, infotainment, connected and autonomous cars, patient portals, and app development. With experience in intellectual property, automotive, and media law, she leads clients in securing and protecting technology through transactions and litigation.

Emily Frascaroli serves as counsel for Ford Motor Company, where she advises globally on automotive safety, regulatory, and product liability issues, including a focus on autonomous vehicles, mobility, and cybersecurity. She has extensive experience handling regulatory matters with the National Highway Traffic Safety Administration and other governmental entities, product defect investigations, and complex product litigation cases. She is a frequent guest speaker on these topics at various legal conferences, and is also co-chair of the Legal and Insurance Working Group of the University of Michigan Mobility Transformation Center. She earned her JD, *cum laude*, from Wayne State University in 2001. She received her BS in aerospace engineering from the University of Southern California in 1995 and her MEng in aerospace engineering from the University of Michigan in 1996. Prior to practicing law, she worked as an engineer at both Ford and NASA (Dryden Flight Research Center).

Ryan Gammelgard is counsel in State Farm's Corporate Law Department, where he works in the Public Policy Resource Group. He helps coordinate, develop, and analyze the company's public policy positions and various legislative endeavors. He leads the Corporate Law Department legal teams on autonomous vehicles and unmanned aircraft systems. In addition, he provides counsel on a number of other innovation-related issues such as "big data" analytics and e-commerce. Prior to State Farm, Gammelgard was an attorney II at the Office of the General Counsel, Illinois Agricultural Association & Affiliated Companies (IAA) in Bloomington, Ill. His work at IAA included counseling on innovation-related issues such as wind farm development and data use and ownership in precision farming. He is a graduate of the University of Illinois College of Law.

Matt Gipple is the head of legal and regulatory for Cruise Automation, Inc., where his work focuses on legal strategy, government relations, and vehicle safety. Gipple is a graduate of Stanford Law School and the University of Arizona. Prior to joining Cruise, Gipple clerked for the Hon. Maxine M. Chesney on the Northern District of California and was an associate in the San Francisco office of Latham & Watkins.

Tim Johnson is a senior executive at the U.S. Department of Transportation and the director of the Vehicle Research and Test Center (VRTC) near Columbus, which is the main test center for the National Highway Traffic Safety Administration. As the VRTC director, Johnson is responsible for carrying out applied research to support agency programs in several key areas including intelligent technologies; human factors; heavy vehicle research; electronic control systems safety and cybersecurity; emerging technologies; crashworthiness; biomechanics; and engineering analysis to support agency defect investigations. He is a graduate of the University of Minnesota, where he earned an electrical engineering degree in 1992.

Rebekah Lewis, '09, is a practicing attorney with focused experience in the areas of data privacy and governance, cybersecurity, cloud services, and information assurance. She currently serves as an attorney for the U.S. Department of Defense, providing guidance regarding a range of cybersecurity and information assurance activities. Prior to joining the federal government, Lewis advised a diverse set of corporate entities as an associate in the Washington, D.C., office of Latham & Watkins. In addition to her experience in government and the private sector, Lewis also completed a post-graduate internship with the Corporate Strategy Division of the International Telecommunications Union, a UN agency in Geneva, Switzerland, with a Michigan Law Bates Overseas Fellowship. She is also a Certified Information Systems Security Professional (CISSP) and a Certified Information Privacy Professional (CIPP/US).

Chan D. Lieu is a member of Venable LLP's Legislative and Government Affairs Group, which represents emerging and established technology firms. Lieu has significant experience in a broad range of policies involving the automotive industry, data and cybersecurity, privacy, Internet technologies, federal scientific research and development, innovation and economic competitiveness, civilian space policy, nanotechnology, and other emerging technologies. Most recently Lieu served as director of government affairs, policy, and strategic planning at the National Highway Traffic Safety Administration (NHTSA), where he led NHTSA's liaison activity with members of Congress, their staffs, and various committees while advising senior leadership on pending legislation. He also managed a NHTSA team responsible for developing the agency's strategic plan and operational goals for the future of auto transportation safety. Prior to joining NHTSA, Lieu spent eight years at the U.S. Senate Committee on Commerce, Science, and Transportation as a senior professional staff member. He began his career with the federal government at the General Services Administration as a security specialist in the Presidential Management Fellows Program. He served as the lead cybersecurity specialist on FirstGov.gov projects and major e-government initiatives such as e-Authentication, GovBenefits, DisasterHelp, and DisabilityDirect.

Kyle D. Logue, the Wade H. and Dores M. McCree Collegiate Professor of Law at the University of Michigan Law School, is a leading scholar and teacher in the fields of insurance, tax, and torts. In his scholarship and teaching, Logue uses insights from economics, psychology, and other disciplines to shed light on issues relating to the allocation, regulation, and fair distribution of risk in society. His recent research includes work on how private insurance contracts regulate individual and commercial behavior and on how public law regulates the behavior of insurance companies. Logue is the coauthor of a leading casebook on insurance law and policy and is one of the reporters for the American Law Institute Restatement of the Law of Liability Insurance. Logue earned his BA, *summa cum laude*, from Auburn University and his JD from Yale Law School. Before beginning his career at Michigan, he served as a law clerk to the Hon. Patrick E. Higginbotham of the U.S. Court of Appeals for the Fifth Circuit and worked as an attorney for the law firm of Sutherland, Asbill & Brennan in Atlanta.

Thomas Lue is legal counsel for Google's Advanced Technology and Projects (ATAP) group and Google [x]. He advises on legal and policy matters for emerging technologies, including Google's self-driving car project, Project Ara (modular smartphone), Project Jacquard (digital textiles), Project Soli (radar-based gesture controls), and Spotlight Stories (360-degree immersive video content). He is a lecturer in law at Stanford Law School and a member of the advisory board for Stanford's Program in Law, Science, and Technology. Before joining Google, Lue served as acting general counsel of the White House Office of Management and Budget (OMB), where he advised the White House and federal agencies on a wide range of regulatory, fiscal, litigation, and legislative matters. He was previously OMB's deputy general counsel. Prior to the White House, Lue was an attorney-adviser in the Office of Legal Counsel at the U.S. Department of Justice, with a focus on constitutional and national security law issues. Prior to his government service, Lue worked at the law firm of Wachtell, Lipton, Rosen & Katz. He is a *magna cum laude* graduate of Harvard College and Harvard Law School.

Thomas P. Lyon holds the Dow Chair of Sustainable Science, Technology, and Commerce, with appointments in both the Ross School of Business and the School of Natural Resources and Environment at the University of Michigan. Lyon is a leader in using economic analysis to understand corporate environmental strategy and how it is shaped by emerging government regulations, non-governmental organizations, and consumer demands. His book, *Corporate Environmentalism and Public Policy*, is the first rigorous economic analysis of this increasingly important topic. Lyon earned his bachelor's degree from Princeton University and his doctorate from Stanford University. His current research focuses on corporate environmental information disclosure, greenwash, the causes and consequences of renewable energy policy, and voluntary programs for environmental improvement. He has been a visiting professor at the University of Chicago and the University of Bonn, and a Fulbright Scholar at the Scuola Sant'Anna in Pisa, Italy. He spent the 2002-2003 academic year as a Gilbert White Fellow at Resources for the Future in Washington, D.C., and 2003-2004 as a visiting economist in the Antitrust Division of the U.S. Department of Justice. His research has been published in the *RAND Journal of Economics*, the *Journal of Law and Economics*, the *Journal of Public Economics*, the *Journal of Economics and Management Strategy*, and the *Journal of Law, Economics, and Organizations*.

Huei Peng is the Roger L. McCarthy Professor of Mechanical Engineering at the University of Michigan. His research interests include adaptive control and optimal control, with emphasis on their applications to vehicular and transportation systems. His current research interests include design and control of electrified vehicles and connected/automated vehicles. Peng is the director of the U-M Mobility Transformation Center, which oversees the Mcity test facility, and studies connected and autonomous vehicle technologies and promotes their deployment. During the past 10 years, he was involved in the design of several military and civilian concept vehicles, including FTTS, FMTV, Eaton/Fedex, and Super-HUMMWV—for both electric and hydraulic hybrid concepts. He is currently the U.S. director of the Department of Energy-sponsored Clean Energy Research Center—Clean Vehicle Consortium, which supports more than 30 research projects related to the development of clean vehicles in the United States and China. Peng received his PhD in mechanical engineering from the University of California, Berkeley in 1992.

Bryce C. Pilz, '00, is a clinical assistant professor of law in the Entrepreneurship Clinic at the University of Michigan Law School. He represents tech startups in intellectual property, incorporation, and financing matters. Prior to joining the Law School, Pilz practiced at Kirkland & Ellis LLP in the firm's intellectual property practice and clerked for the Hon. Amy J. St. Eve in the Northern District of Illinois. Most recently, he served as associate general counsel at U-M, where he worked with the Office of Technology Transfer on startups and licensing. Pilz was part of a team that spun-out more than 60 tech startups and entered into more than 500 technology licenses over a five-year period. Pilz also assisted in the creation of the University's Venture Accelerator at the North Campus Research Complex and advised the U-M Center for Entrepreneurship on student entrepreneurship matters. He also has served as a National Science Foundation I-Corps mentor, is currently a Tech Stars mentor, and teaches in the University's Master of Entrepreneurship program. Pilz also manages the Law School's involvement in the ZEAL Venture Capital Lab, a partnership with local and national venture capital firms Detroit Innovate and Mercury Fund that enables law students to extern with local venture capital firms. He received his JD from Michigan Law and his BS in mechanical engineering from U-M's College of Engineering.

Bryant Walker Smith is an assistant professor in the School of Law and (by courtesy) in the School of Engineering at the University of South Carolina. He is also an affiliate scholar at the Center for Internet and Society at Stanford Law School and chair of the Emerging Technology Law Committee of the Transportation Research Board of the National Academies. Smith's research focuses on risk (particularly tort law and product liability), technology (automation and connectivity), and mobility (safety and regulation). As an internationally recognized expert on the law of self-driving vehicles, Smith taught the first-ever course on this topic and is regularly consulted by government, industry, and media. His recent article, "Proximity-Driven Liability," argues that commercial sellers' growing information about, access to, and control over their products, product users, and product uses could significantly expand their point-of-sale and post-sale obligations toward people endangered by those products. Before joining the University of South Carolina, Smith led the legal aspects of the automated driving program at Stanford University, clerked for the Hon. Evan J. Wallach at the U.S. Court of International Trade, and worked as a fellow at the European Bank for Reconstruction and Development. He holds an LLM in international legal studies and a JD (*cum laude*) from New York University School of Law and a BS in civil engineering from the University of Wisconsin. Prior to his legal career, Smith worked as a transportation engineer.

Kirk T. Steudle has been director of the Michigan Department of Transportation (MDOT) since 2006. He oversees MDOT's \$3 billion-plus budget and is responsible for the construction, maintenance, and operation of nearly 10,000 miles of state highways and more than 4,000 state highway bridges at a department with 2,500 employees. He also oversees administration of a variety of multi-modal transportation programs and projects that range from aviation to the Zilwaukee Bridge. In addition, Steudle is a national leader in the development of connected vehicle technologies. He was the 2014-2015 chair of the board of the directors of the Intelligent Transportation Society of America and is a member of the Intelligent Transportation Systems Program Advisory Committee of the U.S. Department of Transportation. Steudle is a graduate of Lawrence Technological University, where he received a BS in construction engineering and serves on the College of Engineering advisory board.

PRESENTER BIOS

Kevin Vincent is director of regulatory and safety affairs at Faraday Future. Prior to Faraday Future, Vincent was chief counsel at the U.S. Department of Transportation's National Highway Traffic Safety Administration for more than six years. In that role, he provided counsel to senior management and staff on legal issues including transportation safety and fuel economy. Earlier in his career, Vincent served as special counsel for Baker Botts LLP from 1993 to 2009, where he was responsible for advising and representing clients on government and commercial contracting matters. Vincent also was an associate at two law firms in the early 1990s and was an attorney-adviser for the Office of the Air Force General Counsel in Washington, D.C., from 1986 to 1990. Vincent earned his BS in electrical engineering from the University of Alabama and his JD from the University of Alabama School of Law.

Richard A. Walawender, '86, is co-Leader of Miller Canfield's Corporate Group and director of the firm's International Practice and Automotive Practice. His practice specialties include mergers and acquisitions, corporate and commercial law, corporate governance and securities, private equity, venture capital, equity and debt financing, international transactions and joint ventures, project finance, and franchising. As director of the firm's Automotive Practice, Walawender coordinates the firm's attorneys specializing in the full range of legal issues affecting clients involved in the automotive industry. He has a wealth of experience in representing both strategic (OEM and tier suppliers) as well as private equity clients on automotive industry transactions, including mergers, dispositions, acquisitions, Section 363 acquisitions in bankruptcy, joint ventures and alliances, contract drafting negotiations and disputes, licensing, recapitalizations and refinancings, and distressed supplier/customer dealings. More recently, he has spearheaded the firm's representation of traditional auto companies as well as new software companies entering into the autonomous vehicle sector of the auto industry, and has led the effort in establishing Miller Canfield as a legal pioneer in this area.

Adam Wiener, '07, is associate general counsel at Robert Bosch LLC.

Eric Williams is senior regulatory counsel at Tesla Motors, where he advises on complying with vehicle safety standards and all other National Highway Traffic Safety Administration requirements. He also advises on legislative and regulatory initiatives, both stateside and abroad, on issues ranging from dealer franchise laws, to electric vehicle incentive programs, energy storage, and connected and autonomous vehicle technologies. Prior to joining Tesla, Williams served as counsel for the Insurance Institute for Highway Safety, where he was the lead transactional attorney, with particular emphasis on emerging technologies.

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University of Michigan Law School Entrepreneurship & Law Association

Victoria Waters

