

OF COUNSEL

THE NEWSLETTER OF THE OFFICE OF GENERAL COUNSEL

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The OGC Welcomes Ellen Rubin, Jamie Weiler and Larissa Drayer

Please join us in welcoming **Ellen Rubin**, **Jamie Weiler** and **Larissa Drayer** to the Office of General Counsel

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Ellen Rubin has joined the Office of General Counsel as Assistant General Counsel, with a focus on contracts and transactions. Prior to joining the team at Northeastern, Ellen was the General Counsel of Greater Media, Inc., a company which owned and operated radio stations in Boston and other major markets, a group of weekly newspapers in New Jersey, and a portfolio of telecommunications towers. Before that, Ellen was an associate in the corporate department of Hill & Barlow where her clients included software and hardware companies, financial services firms, a variety of start-ups, and a local performing arts center. Ellen received her B.A. in anthropology from Harvard College and her J.D. from the University of California at Berkeley.

Jamie Weiler joined the Office of the General Counsel as Assistant General Counsel, and will be focusing on employment, student affairs and litigation. Previously, Jamie was an Assistant General Counsel for nearly five years at the University of Maryland. She also previously worked as the Director of Contracting Services at Brimstone Consulting LLC in Camden Maine and with the litigation firm of Butters Brazilian in Boston. Jamie is a graduate of the Pennsylvania State University and received her J.D. from Whittier Law School, magna cum laude. While in law school, Jamie clerked in the Office of Legal Affairs at the Ohio State University and in the Office of the District Attorney in Newport Beach, California.

Larissa Drayer joined the Office of the General Counsel as Immigration Counsel. Prior to joining Northeastern, Larissa was Senior Counsel at Pappas and Lenzo, a boutique immigration firm in Boston. Before that, Larissa volunteered with AmeriCorps, where she ran the citizenship program at the International Institute of New Jersey, a nonprofit in Jersey City. Larissa received her dual B.A. in Education and History from Lesley University and her J.D. from Suffolk University Law School.

FIVE MINUTES WITH THE CISO, MARK NARDONE

Don't Get Hooked

Phishing, social engineering and other email types of attacks remain the most common route to compromise of systems and networks in organizations big and small. Northeastern is no exception. Technical solutions to mitigate the risk are difficult, and 2017 has seen some creative attacks of this kind. As always, the most effective defense is **you**, the user. This axiom has been validated time and again when members of the Northeastern community were observant and careful, and thus we were able to avert many of these attacks and stop them in their tracks.

What can and should you do to keep your computer and NU's network safe? Here are some simple guidelines:

- If something seems 'off,' trust your instincts. A meeting invite from someone you do not know or normally interact with might have you questioning. Pay attention to that sense of the unusual.
- Be suspicious of emails that attempt to illicit a fear response (e.g., threatening that your account will be shut down) if you do not respond. When you see this kind of message, stop before opening. If you think there is a chance that it's legitimate, hover your cursor over the sender's address – if that looks off (e.g., kip@northesternu.org or americanexpres@cnt.net), don't open it.
- Even if they are apparently from someone you know, be wary of emails that ask you to do something out of the ordinary, such as emailing sensitive information, clicking on an unexplained link, or opening an attachment which you were not expecting.
- Send suspect emails to phishcatcher@northeastern.edu which is monitored by the Office of Information Security.

Further information on Phishing can be found at www.northeastern.edu/securenu/phishing/what-is-phishing/

THE COMPLIANCE CORNER

Last spring, the Compliance Department initiated the Compliance Colloquia, a series of informative sessions on announced topics that address one or more of the many regulatory requirements about which the University community should be aware. We kicked off the colloquia in early May with a presentation by Vice President and Assistant Treasurer Alyssa Gerlach and Assistant General Counsel Barbara Healy Smith on the Foreign Corrupt Practices Act – aimed at those who may deal with foreign officials in the course of university business. That was followed at the end of the month by a panel on Export Control, led by Assistant Vice Provost for Research Compliance Jeff Seo, with Megan Perkins from the Office of Information Security and Rob Leahy and Barbara Smith from the Office of the General Counsel. In September the Compliance Department presented a panel to discuss the university's new Policy on Unmanned Aircraft Systems, a/k/a "Drones."

In general, these Colloquia are designed to:

- answer questions on emerging compliance issues
- promote awareness of best practices
- inform the community of changes in regulations, or in University policies and procedures
- communicate and train on compliance requirements
- support the University in marshaling our strengths in globally networked learning and experiences
- advance the University's mission and goals, including its commitment to excellence with a purpose, and to fostering excellence, creativity, and entrepreneurship in a diverse and inclusive community

Further sessions will continue this fall. The speakers will be subject matter experts from across the University, and the format will vary -- there might be a single speaker, roundtable, interview, or a podcast discussion, depending on the topic and presenter(s). Details on subsequent colloquia will follow. Please feel free to suggest topics for future sessions by contacting John McNally, AVP Compliance at j.mcnally@northeastern.edu.



BROWN BAG SEMINAR: ESTATE PLANNING

On July 12th, the Office of the General Counsel held a personal development seminar titled “Estate Planning: It’s Not as Hard as You Fear and You’re Never Too Young.” Law Fellow Amy McKendry, Law Student Intern Andrew Snow and Patty Hurley, Board Secretary and Assistant General Counsel, presented a panel discussion designed to help the attendees understand the important information you need to compile and the questions you need to be ready to answer when you begin the process of preparing an estate plan.

Many people think that estate plans only deal with the disposition of property on death. While that is an important part of an estate plan, a complete plan will also deal with medical and financial decision-making in the event of incapacity, with the care of minor children in the event parents are unable to care for them, and with the ongoing control of assets for minor children and other family members with special needs and considerations. The panel discussed many scenarios (many presented by audience members) and shared important information related to these topics, including powers of attorney, health care proxies, HIPAA Release Forms, wills, trusts, guardianship designations, life insurance and retirement plan beneficiary designations, and designations of joint ownership or account transfer on death.

In the case of death, you have the option to designate beneficiaries for your assets through retirement and life insurance plans, trusts, or through the creation of a will. For any asset that is not a retirement plan or part of a trust, you should specify how they should be passed down via a will. If you do not have an estate plan in place upon your death, your assets will pass on through the state laws of intestacy. These laws will cause your assets to be distributed in ways that you may not want, so it is important to develop an estate plan with your lawyer when you can.

The program was oversubscribed, so we are planning to schedule a similar program before the end of the year.

IP INSIGHTS

Patent Infringement Litigation: Is the Rocket Docket a thing of the past?

Since the 1990’s, the United States District Court for the Eastern District of Texas (the “Eastern District”) has been a hot bed of patent litigation often initiated by patent holders variously named as non-practicing entities (NPEs), patent holding companies, and, more colloquially, patent trolls. Such patent holders generally do not produce any product or offer any service that practices the patents they hold. Often, defendants in such cases have only a tangential connection to the venue, such as having sold some products in the district. The Eastern District earned its ‘Rocket Docket’ moniker due primarily to relatively accelerated timetables for patent litigation as compared to other venues in the United States.

The goal of NPE patent assertion is mostly to extract money from defendants engaged in commerce in the technical field of the patent by convincing a jury that the products or practices of a defendant infringe the claims of the NPE’s patent. The legitimacy of such infringement claims can range from reasonable to absurd. Conveniently for the NPEs, several defendants from different and far-flung corners of the country could be called to the Eastern District to answer accusations of infringement.

The ability of patent holders to initiate patent infringement litigation in a venue such as the Eastern District despite a lack of close ties to the venue is attributable to a 1990 Federal Circuit decision in *VE Holding Corp. v. Johnson Gas Appliance Co.*, 917 F.2d 1574. There, the Federal Court interpreted a legislative change in the general venue statute 28 U.S.C §1391(c) to be applicable patent cases instead of the patent venue statute, so that defendants were subject to personal jurisdiction in the Eastern District merely by having some contact with the litigation venue, as opposed to where the defendant’s State of incorporation or place where the defendant maintains an established place of business and/or committed an infringing act.

In a recent case, however, *TC Heartland LLC v. Kraft Foods Group Brands LLC*, 137 S. Ct. 1514 (2017), the Supreme Court reinstated the more restrictive venue rules in patent cases. This recent decision should even the playing field between NPEs and active commercial enterprises to some extent, resulting in patent litigation occurring in venues closer to the locale of alleged acts of infringements as opposed to those simply convenient for plaintiffs.

The Interview

Continuing OGC's series in which we present a Q&A with key university partners, OGC talked to **Jason Campbell-Foster**, Assistant Dean for Student Involvement, about the resources available to student groups and to their faculty advisors, through the process of formal "recognition."

1. *What is the Center for Student Involvement?* CSI, a unit within the Division of Student Affairs, is responsible for facilitating a major component of Northeastern's signature student life program, including leadership programs (LEAD 360), program operations (box office, space scheduling, marketing/communications), fraternity and sorority life, and student organization programming and development, as well as some of the annual campus-wide signature events.
2. *How does CSI support student groups?* Each of the 403 recognized student organizations have access to CSI's program planning assistance, as well as training and development. Through CSI, student leaders have access to resources such as programs on how to facilitate successful elections, how to cultivate new leaders within the organization, and how to keep members engaged. In addition, CSI provides resources to our advisor partners to help them successfully support and advocate for their student groups, including online networks, in-person trainings, round tables, or one-on-one support.
3. *If a faculty member is asked to advise or work with students who want to organize a new group, what options are there?* While our student organizations are student-run, faculty/staff advisors play a vital role in the long-term success of these organizations. CSI encourages any faculty/staff member interested in supporting the creation of a new student organization to check out our [recognition](#) and [advisor](#) resources that are available on CSI website.
4. *What are the benefits of recognition?* Recognition gives student organizations access to a variety of benefits including: OrgSync (our club management system); funding from the activity fee for programming; use of the Northeastern name and brand; space for meetings and events; our comprehensive organization training programs; the CSI Programming Lab (240 CSC) for collaborative meeting space, programming guidance, supplies – and more!
5. *How else can CSI help?* CSI customizes training and support to meet the needs of each organization. While we offer a variety of group sessions on common topics of interest, we have also worked closely with student leaders to design experiences that directly respond to their organization's needs. We utilize the talents of not only our staff, but also of experienced student leaders to help support groups and advisors however possible.
6. *What is the process for obtaining recognition?* While the process differs slightly depending on the principal audience for the organization (undergraduate, graduate or CPS/PAN students), each group must identify an adviser, create a profile, provide a letter of support, create a constitution and make a presentation to the board. There is a CSI staff member who works closely with proposed groups to help guide the way from proposal to final presentation. We encourage any student interested in starting an organization to visit <http://www.northeastern.edu/csi/starting-an-organization/> to learn more. The recognition process will reopen in September 2017 for recognition during the 2017-2018 academic year.

Interview Follow-up – Data Classification Project Moves to Implementation

In *The Interview* in the spring 2016 newsletter, Val Nestor, Director, Data Administration, in University Decision Support, explained the project then underway to develop a data classification system for University data. In response to follow-up questions from OGC, Val recently reported that, following a successful pilot of the Data Classification Guidelines, the Information Technology Executive Committee approved a phased roll-out of the data classification program, including the Guidelines and on-line tool. The first phase will include expanding the Guidelines to cover all four "lock" levels, and documenting processes and security controls. The next phase will include formalization of incident reporting, oversight and expansion of the guidelines, as well as training. In the meantime, the Data Classification Guidelines are available to help faculty and staff in their stewardship of the university records they use and maintain. You need not wait until the program is formally introduced in your department or unit, but may use the [Guidelines](#) to assist you in handling data as the data classification program is being rolled out. Watch for additional updates.