



Duane C. Pozza

Partner



202.719.4533

dpozza@wiley.law



Duane advises clients on complex legal and regulatory issues involving emerging technology, consumer protection, and Federal Trade Commission (FTC) enforcement. He counsels on a range of issues including privacy and data governance, advertising law, competition matters, and consumer financial laws and regulations. He represents clients before the FTC and has broad experience dealing with all levels of the agency. Duane has extensive experience working on legal issues involving cutting edge tech innovation, including fintech, artificial intelligence (AI), Internet of Things (IoT), mobile payments, and blockchain. Prior to joining Wiley, Duane was an Assistant Director in the Division of Financial Practices at the FTC, where he led consumer protection efforts in financial technology and worked extensively on issues involving tech platforms.

Representative Matters

- Counsels clients on full range of privacy and data governance obligations under federal and state law, including under FTC Act, Children’s Online Privacy Protection Act (COPPA), Gramm-Leach-Bliley Act (GLBA), and California Consumer Privacy Act (CCPA), and helps clients assess compliance risk and evolving expectations under existing and proposed legislation.
- Represents clients before the FTC in investigations and other proceedings, and advises clients on FTC compliance and strategy. Experience with all aspects of FTC investigations, including Civil Investigative Demand response; staff-, Bureau-, and Commission-level advocacy and negotiations; settlement and litigation; and coordination of multi-forum settlements.

Practice Areas

FTC Regulation
Privacy, Cyber & Data Governance
Fintech
Blockchain and Digital Assets
Telecom, Media & Technology
Digital Health
GDPR and Global Privacy
Privacy Investigations and Enforcement
State Attorneys General
The California Consumer Privacy Act (CCPA) and the California Consumer Privacy Rights and Enforcement Act (CPRA)

Credentials

Education

J.D., Stanford Law School
B.A., with Honors, University of Texas at Austin

Law Journals

Submissions Editor, *Stanford Technology Law Review*

Clerkships

Law Clerk for the Honorable Roslyn O. Silver, U.S. District Court for the District of Arizona (2002-2003)

Bar and Court Memberships

District of Columbia Bar
California Bar
Supreme Court of the United States
U.S. Court of Appeals for the Seventh Circuit

- Advises on biometric privacy laws including the Illinois Biometric Information Privacy Act (BIPA) and other state laws, including laws and regulations impacting facial recognition technology.
- Counsels clients on cutting edge policy and regulatory issues involving AI, machine learning, and advanced data analytics, including legal obligations and risks, advocacy strategies, and corporate practices.
- Advises financial technology and other clients on compliance and advocacy strategies, including advising on matters related to Fair Credit Reporting Act (FCRA), Equal Credit Opportunity Act (ECOA), Fair Debt Collection Practices Act (FDCPA), GLBA, and federal and state financial service regulations.
- Counsels clients regarding advertising matters, including endorsement guidelines, environmental claims, "Made in the USA" claims, and adequacy of substantiation, and represents clients in challenges to competitor advertising.
- Advises on emerging blockchain and crypto asset regulation at federal and state level, including consumer protection regulations. While at the FTC, he led the FTC's Blockchain Working Group, and coordinated enforcement with Securities and Exchange Commission (SEC) and Commodity Futures Trading Commission (CFTC).
- Advocates on policy and legal approaches to fintech regulation. Previously led the FTC's fintech forum series, focusing on financial regulatory and data privacy issues in AI, peer-to-peer payments, online lending, cryptocurrencies, and blockchain.
- Testified before U.S. House of Representatives Financial Service Committee Fintech Task Force, on big data analytics and federal and state privacy laws.
- Substantial litigation experience, particularly in technology-focused matters, both at the FTC and in private practice, resulting in successful monetary judgments.
- Substantial appellate experience, including successful merits briefing in two prominent U.S. Supreme Court cases dealing with First Amendment issues, *CLS v. Martinez* and *Brown v. Entertainment Merchants Association*.

Professional Experience

- Federal Trade Commission, Bureau of Consumer Protection, Division of Financial Practices
 - Assistant Director (2016-2018)
 - Attorney (2012-2015)
- Private law practice (2003-2012)

Affiliations

- Federal Communications Bar Association (FCBA)
 - Co-Chair, AI, Machine Learning, and Robotics Committee (2019-20)
- American Bar Association (ABA)
 - Vice-Chair, Women.Connected Committee, Antitrust Law Section (2020)

Recognitions

- Named one of the “Top Lawyers for Fintech” by *Business Insider* (2021)
- Received the Director’s Award from the Federal Trade Commission Bureau of Consumer Protection (2014)
- Named one of “40 Best LGBT Lawyers Under 40” by the National LGBT Bar Association (2010)