



Roland Trope

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Roland Trope is a partner in the New York City offices of Trope and Schramm LLP and an Adjunct Professor in the Departments of Electrical Engineering and Computer Science at the U.S. Military Academy at West Point.

He is Co-Chair of the ABA Cybersecurity Legal Task Force, Vice-Chair of the ABA Task Force on Law and Artificial Intelligence, Vice-Chair of the Intellectual Property Committee for the ABA Public Contracts Law Section, a member of the Board of Directors of the International Society for Military Law and the Law of War, and co-host for the ABA sponsored podcast series, *Mind the Gap: Dialogs on Artificial Intelligence*, accessible at https://www.americanbar.org/groups/business_law/resources/podcasts/to_the_extent_that/mind-the-gap/.

Mr. Trope has a national security practice in which he advises on government procurement, protection and licensing of intellectual property under government contracts, cross-border tech transfers, export controls, economic sanctions regulations, anti-corruption laws, reviews by the Committee on Foreign Investment in the United States (CFIUS), determinations of foreign ownership, control, and influence (FOCI), cyberspace law, cybersecurity, and artificial intelligence.

Mr. Trope has over 40 years of experience in cross-border legal transactions representing governments and multi-national corporate clients. He advises high tech companies, financial institutions and equity investors, developers, owners and operators of critical infrastructure, and contractors for design and development of military systems and medical devices for the battlefield. He has represented allied ministries of defense in major system procurements from the U.S. Government and in international arbitrations of commercial contracts for design and development of advanced, digital-based defense systems.

He has written more than 40 articles on legal issues and contributed as author, co-author, or co-editor to several books and chapters in books published by the American Bar Association (ABA), including:

- *The Law of Artificial Intelligence and Machine Learning*;
- *ABA Cybersecurity Handbook* (1st, 2nd, and 3rd editions);
- *Guide to Cybersecurity Due Diligence in M&A Transactions*;
- *Sailing in Dangerous Waters: A Director's Guide to Data Governance*; and,
- *Checkpoints in Cyberspace: Best Practices for Averting Liability in Cross-Border Transactions*.

Education

J.D., Yale Law School, 1980
B.A., M.A., Oxford University, 1972, 1976
B.A., University of Southern California, 1969

Honors

Danforth Fellow, Oxford University, 1974 – 1978
Marshall Scholar, Oxford University, 1969 – 1972
U.S. Army Commander's Award for Public Service, 1994, 2000

Professional Affiliations

Adjunct Professor, Department of Electrical Engineering and Computer Science, U.S. Military Academy (since 2018)
Adjunct Professor, Department of Law, U.S. Military Academy at West Point (1992 - 2018)
Co-Chair, American Bar Association (ABA) Cybersecurity Legal Task Force (2023 -)
Vice-Chair, ABA Task Force on Law and Artificial Intelligence (2023 -)
Chair, Subcommittee on Artificial Intelligence, New York City Bar Association's Council on Intellectual Property (2020 -)
Member, New York City Bar Association's Council on Intellectual Property (2019 -)
Co-Chair and Co-Host, ABA, Section of Business Law, Podcast Series, *Mind the Gap – Dialogs on Artificial Intelligence* (2022 -)
Public Liaison, ABA Cybersecurity Legal Task Force (2017 - 2023)

Co-Chair, Subcommittee on Artificial Intelligence, New York City Bar Association's Digital Technologies Task Force (2022 - 2023)

Steering Committee, ABA Task Force on Cybersecurity (2012 – 2015)

Chair, Commission on Defense Procurement, International Society for Military Law and the Law of War (since Board of Directors, International Society for Military Law and the Law of War, (since 2011)

Co-Chair, Intellectual Property Committee, ABA Public Contracts Section, (2017 - 2020)

Copyright and Literary Property Committee, Association of the Bar of the City of New York, (since 2005)

Co-Chair, Cybersecurity Subcommittee, Cyberspace Law Committee, ABA Business Section (2011 - 2020)

Fellow of The American Bar Foundation (since 2016)

Institute of Electrical and Electronic Engineers (IEEE) (since 1996)

Associate Editor, *IEEE Security & Privacy* (2004 – 2009)

Books and Chapters in Books

- 2022 *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, 3rd Edition, March 2022
- 2019 *AI-Controlled Vehicles: How Will We Frame Thy Fearful Symmetry?*, chapter in The Law of Artificial Intelligence and Machine Learning, published by ABA Business Law Section, August 2019 (First Author)
- 2017 GUIDE TO CYBERSECURITY DUE DILIGENCE IN M&A TRANSACTIONS, book published by ABA, August 2017 (Co-Editor and Contributing Author)
- 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, 2nd Edition, published by ABA, November 2017
- 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, published by ABA, 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, published by ABA, August 2013
- 2006 SAILING IN DANGEROUS WATERS: A DIRECTOR'S GUIDE TO DATA GOVERNANCE, 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)

Recent Articles

- 2024 *Look Before You Leap: Reflections on Ill-Informed Introductions of AI and Other Digital Technologies*, THE BUSINESS LAWYER, Winter 2023 – 2024 (First Author)
- 2023 *If You Think It "Thinks," Think Again*, THE NEW YORK LAW JOURNAL, July 3, 2023
- Why It Matters: ABA House of Delegates Adopts Guidelines for Developers and Users of Artificial Intelligence*, THE NEW YORK LAW JOURNAL, March 13, 2023
- 2022 *When Security Paradigms Fail*, THE BUSINESS LAWYER, Winter 2022 - 2023
- The "New Abnormal" – The Emergence of Persistently Insecure Digital Systems*, THE BUSINESS LAWYER, published in Winter 2021 - 2022
- 2021 *What a Piece of Work is AI – Security and AI Developments*, THE BUSINESS LAWYER, Winter 2020 - 2021
- 2020 *Whether to Secure, Or Not Secure, Data Integrity – That Is The Question: Cybersecurity Developments May 2018 – May 2019*, THE BUSINESS LAWYER, Winter 2019 - 2020 (First Author)

- 2019 *When Incident Response Goes Awry: Cybersecurity Developments May 2017 – May 2018*, THE BUSINESS LAWYER, Winter 2018 - 2019 (First Author)
- 2018 *Why Smart Car Safety Depends on Cybersecurity*, THE SCITECH LAWYER, Summer 2018 (First Author)
- Reckoning with the Hacker Age: Cybersecurity Developments*, THE BUSINESS LAWYER, Winter 2017 - 2018 (First Author)
- 2017 *The Importance of Cybersecurity Due Diligence in M&A Transactions*, BUSINESS LAW TODAY, September 2017 (First Author)
- Hacking Away at Trust: Significant Developments in Cybersecurity 2015 – 2016*, THE BUSINESS LAWYER, Winter 2016 - 2017 (First Author)
- 2016 *Mettle Fatigue: VW's Single-Point-of-Failure Ethics*, IEEE SECURITY & PRIVACY, January/February 2016 (First Author)

Works in Progress

Co-Author (1st Author), *Guide to CFIUS Reviews of Foreign Direct Investments in Companies Designing and Developing Artificial Intelligence and Other Emerging Technologies*, ABA Section of Business Law, to be published in 2026

Co-Author (1st Author), *In the Right Hands, In the Wrong Hands: Planning Wealth Transfers in the AI Era*, ABA Section of Business Law, to be published in 2025

Recent Presentations and Briefings

- 2024** *Military Procurement Law and Considerations of National Security and Cooperation with Allies (Challenges for Trilateral Military Acquisition of AI-Augmented Systems and Allocations of IP Rights)*, 23rd Congress of the International Society on Military Law and the Law of War, Vilnius, Lithuania, May 24, 2024;

In the Right Hands, in the Wrong Hands: Wealth Transfers in the AI Era, The Northern Trust 2024 Wealth Planning Symposium, Chicago, Illinois, April 25, 2024;

AI and Wealth Planning Implementation and Risks, The Northern Trust 2024 Wealth Planning Symposium, Chicago, Illinois, April 25, 2024;

Intellectual Property under Government Contracts for Artificial Intelligence, Bar Association of the City of New York, January 25, 2024

Planning Wealth Transfers in the AI Era, Winter Working Meeting, ABA Business Law Section, Cyberspace Law Committee, January 27, 2024

- 2023** *Ethical Issues Arising from Generative Artificial Intelligence Programs in Legal Practice*, Nassau County Bar Association, November 2023

In the Right Hands, In the Wrong Hands: Planning Wealth Transfers in the AI Era, 60th ANNUAL HAWAII TAX INSTITUTE, Honolulu, Hawaii, November 2023

AI, Its Application to Professional Services and Ethical Considerations, 60th Annual Hawaii Tax Institute, Honolulu, Hawaii, November 2023

Braving the Thucydides Trap: Challenges to Transit Through the Narrowing Straits of CFIUS Reviewed Investments in AI and Other Emerging Technologies, ABA SECTION OF BUSINESS LAW SPRING MEETING, Seattle, WA, April 2023

- 2022** *Defence Procurements from the U.S.: Detecting and Averting Problematic Outcomes*, New Zealand Ministry of Defence, November 2022, Wellington, New Zealand

US Trade Control and Foreign Direct Investment Reviews – Working With Our Allies, SAFEGUARDING AUSTRALIA SUMMIT 2022, November 2022, Canberra, Australia

US Trade Control and Foreign Direct Investment Reviews – Working With Our Allies, Australia Export Control Council, November 2022, Canberra, Australia

Intersection of Government Procurements of AI and Other Emerging Technologies, Intellectual Property Rights, and Security, XXIIND CONGRESS OF THE INTERNATIONAL SOCIETY ON MILITARY LAW AND THE LAW OF WAR, Florence, Italy, May 2022

Conservation of Orderly Orbital Operations: Key to Protecting Terrestrial Critical Infrastructure, XXIIND CONGRESS OF THE INTERNATIONAL SOCIETY ON MILITARY LAW AND THE LAW OF WAR, Florence, Italy, May 2022

Thinking Inside the Black Box: AI Due Diligence in M&A Transactions, ABA SECTION OF BUSINESS LAW SPRING MEETING, Atlanta, GA, presentation, April 2022

2021 *When OTAs Become Terra Incognita: IP Rights in AI-Augmented Systems under OTAs*, ABA SECTION OF PUBLIC CONTRACTS, COMMITTEE ON INTELLECTUAL PROPERTY, Webinar, May 2021

“No bucks, no Buck Rogers”: *Negotiating IP Rights Under USG Contracts for AI and Other Emerging Technologies*, ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK, Webinar, March 2021

2020 *National Security S.H.I.E.L.D.*, ABA ARTIFICIAL INTELLIGENCE AND ROBOTICS INSTITUTE, Webinar, October 2020

Emergence of Artificial Intelligence as Collaborator, as Creator: An Exploration of the Intersection of AI, IP, and Security, NEW YORK CITY BAR ASSOCIATION, Webinar, June 2020

Cracking the CFIUS Code – Illuminating the New Regulations Implementing the Foreign Investment Risk Review Modernization Act (FIRRMA), ABA BUSINESS LAW SECTION, Webinar, June 2020

Rising Tides of Protectionism? Foreign Direct Investment Regulations Across the Globe, Speaker, ABA SECTION OF INTERNATIONAL LAW, New York City, Webinar, June 2020

Cracking the CFIUS Code – Challenges to IP Rights in CFIUS Reviews of Foreign Direct Investment Transactions, NEW YORK CITY BAR ASSOCIATION, Webinar, May 2020

Embedded Security Risks and Artificial Intelligence, 2020 CYBERSPACE LAW INSTITUTE AND WINTER WORKING MEETING, Phoenix, Arizona, January 2020

2019 *Cracking the CFIUS Code – Startup’s Guide to Averting Bad Outcomes in National Security Reviews of Foreign Direct Investment*, INTERNATIONAL STARTUP AND EMERGING GROWTH FORUM: PUSHING THE BOUNDARIES, ABA SECTION OF INTERNATIONAL LAW, San Francisco, California, scheduled for September 2019

Uncle Sam Wants Your Innovations, Not Your Intellectual Property – Strategies for Protecting a Startup’s IP Under Federal Funding Agreements, INTERNATIONAL STARTUP AND EMERGING GROWTH FORUM: PUSHING THE BOUNDARIES, ABA SECTION OF INTERNATIONAL LAW, San Francisco, California, scheduled for September 2019

Is the U.S. Open for Business or Not – CFIUS’ Increasingly Important Role in Cross-Border M&A Deals in Light of New Laws, ABA SECTION OF INTERNATIONAL LAW ANNUAL MEETING, Washington, D.C., April 2019

Artificial Intelligence and the Law, ABA SECTION OF BUSINESS LAW SECTION SPRING MEETING, Vancouver, British Columbia, Canada, March 2019

Guiding Clients Through CFIUS Reviews In the Wake of the Foreign Investment Risk Review Modernization Act of 2018, ABA BUSINESS LAW SECTION SPRING MEETING, Vancouver, British Columbia, Canada, March 2019

Compliance with U.S. Economic Sanctions Regulations, SANCTIONS COMPLIANCE WORKSHOP, Gujarat National Law University, Gandhinagar, Gujarat, India, February 2019

Resilient Cybersecurity for Positioning, Navigation, and Timing Systems, WINTER WORKING MEETING, ABA BUSINESS LAW SECTION, CYBERSPACE LAW COMMITTEE, January 2019

2018 *Voices in the Room: Ethical Challenges to Advising Clients on Responding to Cyber Extortion Demands*, ABA BUSINESS LAW SECTION ANNUAL MEETING, Austin, Texas, September 2018

Regulating Foreign Direct Investment in the U.S. – Reviews by the Committee on Foreign Investment in the U.S., ABA CONFERENCE ON TRANS-PACIFIC TRANSACTIONS, Singapore, May 2018

Cybersecurity and IP in IoT Devices Installed in Smart Cars, ABA CONFERENCE ON TRANS-PACIFIC TRANSACTIONS, Singapore, May 2018

Averting and Responding to Ethical Crises in Multi-National Enterprises, ABA CONFERENCE ON TRANS-PACIFIC TRANSACTIONS, Singapore, May 2018

Where was the Board? Where were the lawyers? Averting and Responding to Institutional Ethical Crises, ABA SECTION OF INTERNATIONAL LAW SPRING MEETING, New York City, April 2018

Averting Corporate Ethical Crises, ABA Business Law Section, Cyberspace Law Committee, WINTER WORKING MEETING, Atlanta, GA, January 2018

2017 *Where was the Board? Where were the lawyers? Averting and Responding to Institutional Ethical Crises*, The Ed Sell Lecture, 2017 BUSINESS LAW INSTITUTE, Pennsylvania Bar Institute, Philadelphia, PA, November 2017

Connected Cars, Cybersecurity, and CFIUS, Speaker, ABA BUSINESS LAW SECTION, ANNUAL MEETING, Chicago, September 2017

Avoiding the Next Yahoo/Verizon: Cybersecurity Due Diligence in M&A Transactions, Speaker, ABA BUSINESS LAW SECTION, ANNUAL MEETING, Chicago, September 2017

From Enron to Volkswagen and Companions: Where were the Boards? The Critical Importance of Governance, Culture, Compliance, and Ethics, Speaker, ABA BUSINESS LAW SECTION, ANNUAL MEETING, Chicago, September 2017

When Companies Go Wrong: Implications for Legal, Speaker, EAST COAST GENERAL COUNSEL FORUM, New York City, September 2017

Connected Cars, Cybersecurity, and CFIUS, Speaker, ABA SciTECH SECTION MEETUP, May 2017

Cybersecurity Due Diligence in M&A Transactions, Speaker, CONFERENCE ON EMERGING LEGAL CHALLENGES IN THE UNITED STATES AND INDIA, Washington, DC, May 2017

Intellectual Property Rights under U.S. Government Contracts, Speaker, CONFERENCE ON EMERGING LEGAL CHALLENGES IN THE UNITED STATES AND INDIA, Washington, DC, May 2017

The New Realities of Dealing with Iran: What Has and Has Not Changed Since Implementation Day and how to Comply without Over-Compliance, ABA SECTION ON INTERNATIONAL LAW SPRING MEETING, Washington, DC, April 2017

When Boards are Confronted by Ethical Crises, PRESENTATION TO WEST COAST CHAIRS ROUNDTABLE, (independent directors of Fortune 500 companies), Menlo Park, California, March 2017

From Enron to Volkswagen: The Critical Importance of Governance, Culture, Compliance, and Ethics, 20TH ANNUAL CORPORATE COUNSEL INSTITUTE: AN INSIDER'S GUIDE TO WASHINGTON, Georgetown University Law Center, Washington, DC, March 2017

When Boards are Confronted by Ethical Crises, PRESENTATION TO EAST COAST CHAIRS ROUNDTABLE (independent directors of Fortune 500 companies), New York, New York, March 2017

Cybersecurity Risks in Connected Vehicle Technologies, ABA Cyberspace Law Committee Winter Working Meeting, San Diego, January 2017

2016 *From Enron to Volkswagen: The Critical Importance of Governance, Culture, Compliance, and Ethics*, at MEETING OF ASSOCIATION OF CORPORATE DIRECTORS, MINNEAPOLIS, AND AT RETAIL INDUSTRY LEADERS ASSOCIATION LAW CONFERENCE, Atlanta, October 2015

Cybersecurity Due Diligence in M&A Transactions, ABA BUSINESS LAW SECTION MEETING, Montreal, Canada, April 2016

From Enron to Volkswagen: The Critical Importance of Governance, Culture, Compliance, and Ethics, ABA BUSINESS LAW SECTION SPRING MEETING, Montreal, Canada, April 2016

Reviews by the Committee on Foreign Investment in the United States, ABA-SILF Conference, INDIA-UNITED STATES CROSS BORDER INVESTMENT 2.0: COUNSELING IN REFORM ENVIRONMENTS, New Delhi, India, February 2016

Intellectual Property Rights Under U.S. Government Contracts, ABA-SILF Conference, INDIA-UNITED STATES CROSS BORDER INVESTMENT 2.0: COUNSELING IN REFORM ENVIRONMENTS, New Delhi, India, February 2016

Bar Admissions

New York (1982)

Minnesota (1984)

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

Photo Journalism

New York City Press Credential (2023 -)