

MWH

LAW GROUP

SPECIAL COUNSEL - NEW YORK



PEGGY A. MILLER

Licensed to Practice in New York

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PRACTICE AREAS

- ✓ Technology Law
- ✓ Contract Support
- ✓ Corporate & Transactional
- ✓ Intellectual Property

ADMISSIONS

- Admitted to practice in all state and federal courts in New York

License Date: 3/1/1978

BIOGRAPHY

I have over 40 years of experience solving legal challenges related to information and systems technology and software, websites, online marketing, outsourcing, e-Commerce, mobile apps, open source software and various IT services (e.g., SaaS, IaaS, PaaS). My decade of legal experience in-house gives me a true appreciation of how we can best serve our clients.

I provide legal advice and counsel regarding social media, IP/IT/IS due diligence, licensing, commercial transactions and contracts, as well as copyright and trademark protection. My practice also includes advice about the development, protection, purchase and sale of branded services, websites and mobile apps, establishing rights in marks and related domain names and resolving domain name disputes.

Experienced in all aspects of interactive services and technology law, I advise, negotiate and drafts materials for new product development, master technology consulting and services agreements, complex contracts including hybrid cloud SaaS agreements and related SLAs, website development, software creation and licensing, collection, use and monetization of data in compliance with data privacy laws, and domestic and international outsourcing and insourcing agreements. I have deep experience drafting terms of use, privacy policies, screen notices, license terms and disclaimers for software downloads, Intranets and portals, and activities on social media sites. I've also developed internal e-Commerce, acceptable use and related policies for global insurance, financial services and marketing companies.

My experience includes advising on the creation, use, ownership and licensing of third party software; use of open source "copyleft" software; cloud computing agreements; compliance with COPPA, DMCA, CDA, FTC Rules and other laws and regulations including the new California Consumer Privacy Act (CCPA) and other state data protection laws; utilizing E-Sign and UETA for online commerce (B2B and B2C); and management and commercial use of blogs, liability for user generated content, and defamation and violation of EULA/Terms of Service. Recently, I've advised companies on the implications, issues and ways to comply with the CCPA and have recommended and drafted revisions to Privacy Policy terms and notices in response for a variety of clients.

I was honored to serve as expert advisor to a NY State Supreme Court Justice, providing findings and recommendations related to claims of trade secret misappropriation of source code by an ex-employee (adopted in full by the court). I currently serve as Co-Chair of the NAMWOLF Technology Law Subcommittee of the Transactional Practice Area Committee.

Prior to joining MWH Law Group, I was Partner and lead technology lawyer at a national minority-owned law firm for 5 years. Prior to that, I helped establish the technology law practice at a large global law firm where I was Of Counsel for fourteen years. I've also held a variety of senior in-house positions in legal, operations and line departments over 10 years as Executive Director and Group Counsel for New Business Ventures, Associate General Counsel, Director of Commercial Operations, and Director of the Crisis Management Group at Prodigy Services Company, the first consumer online service in the U.S. (launched in 1988). During my tenure as Associate General Counsel, Prodigy was sued for an allegedly defamatory bulletin board post by a user and was held liable, which led directly to Congress's enactment of Section 230 of the Communications Decency Act, currently a subject of public and governmental interest.

EDUCATION

- Harvard Law School, J.D.
- Union College, Schenectady, New York, B.S., Mathematics, *summa cum laude*, Phi Beta Kappa

HONORS

- Lifetime Achievement Award, Marquis *Who's Who* (2019)
- Martindale-Hubbell® Client Distinction Award (2015)
- New York Super Lawyers® (2006, 2007)
- Listed in *Who's Who in American Law*
- Listed in *Who's Who in Communications & Media*
- Listed in *Who's Who of American Women*
- Listed in *Who's Who in Finance and Business*

PROFESSIONAL EXPERIENCE

- **MWH Law Group LLP**, *Special Counsel*, February 2016 – Present
- **Gonzalez Saggio & Harlan LLP**, *Partner*, July 2012 – February 2016
- **Gonzalez Saggio & Harlan LLP**, *Special Counsel*, April 2011 – July 2012
- **Ritholz Levy Sanders Chidekel & Fields LLP**, *Of Counsel*, April 2009 – March 2011
- **Dewey & LeBoeuf LLP**, *Of Counsel*, April 2007 – March 2009
- **LeBoeuf, Lamb, Greene & MacRae**, *IT/IP Counsel*, April 1995 – March 2007
- **Prodigy Services Company**, *Executive Director, New Business Ventures*, January 1993 – March 1995
- **Prodigy Services Company**, *Associate General Counsel and Assistant Secretary*, 1992 – 1993
- **Prodigy Services Company**, *Director, Commercial Marketing Operations*, 1988 – 1992
- **Trintex**, *Counsel and Senior Counsel*, 1985 – 1988
- **Kaye Scholer**, *Senior Associate*, 1980 – 1985
- **Martin, Obermaier, Morvillo & Abramowitz**, *Litigation Associate*, 1977 – 1980

PROFESSIONAL MEMBERSHIPS

- Black Duck® Certified Legal Specialist, 2017 (Open Source Software)
- Co-Chair of the Technology Subcommittee of the National Association of Minority and Women Owned Law Firms (NAMWOLF), Transactional Practice Area Committee

SPEAKING ENGAGEMENTS

- “Platform-as-a-Service & Other Cloud Computing Legal Issues” CLE, presented in-house to Comcast Corporation – Philadelphia, 2018
- “Technology-Related Transactions: Protecting Against Risk in an Evolving Environment” CLE, presented in-house to Uber – San Francisco, 2017
- “Law & Digital Disruption” (portion on Tech Law and Open Source Software issues), presented to the American Management Association’s Information Systems and Technology Council – 2015

* List of prior presentations available by request

PUBLICATIONS

- *Changing Liability for Third Party Content under Section 230 of the CDA*, August 2020 – MWH Law Group Blog
- *Can Copyright in Software Extend to its Output?*, June 2019 – MWH Law Group Blog
- *Four Things to Know About California’s New Privacy Law*, October 2018 – MWH Law Group Blog
- *Going, Going, Gone – Register Online NOW or lose DMCA © Infringement Protections*, December 2017 – MWH Law Group Blog
- *Is Your Use of Open Source Software in Compliance with the OSS License Terms?*, August 2017 – MWH Law Group Blog

COMMUNITY INVOLVEMENT

- Volunteer, Junior Achievement of New York