




Duane C. Pozza

Partner



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Duane helps clients navigate complex legal and regulatory matters involving privacy, consumer protection, and data governance, with a focus on regulation involving emerging technology including artificial intelligence (AI). He successfully handles Federal Trade Commission (FTC) inquiries and advocates before the agency, in addition to representing clients dealing with the Consumer Financial Protection Bureau (CFPB) and state agencies. He counsels clients on privacy law, advertising law, competition, and consumer financial laws and regulations, including advising on litigation matters, and has significant experience in financial technology (fintech), payments, digital assets, and AI. 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 fintech.

Duane is a co-chair of Wiley's Privacy, Cyber, and Data Governance practice, and has been named a "Top Lawyer for Fintech" by *Business Insider* (2021) and a "Trailblazer" in cryptocurrency, blockchain, and fintech by the *National Law Journal* (2022). He also serves as a member of the Firm's Management Committee and Chair of its Diversity, Equity, and Inclusion Committee.

Representative Matters

- Extensive experience representing clients successfully before the FTC including:
 - Successfully representing cutting-edge technology companies in FTC inquiries where investigations were ultimately closed.

Practice Areas

FTC Regulation
Privacy, Cyber & Data Governance
Fintech
Digital Assets, Cryptocurrencies, and Blockchain
Telecom, Media & Technology

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 Fifth and Seventh Circuits
U.S. District Court for the Central and Northern Districts of California

- Negotiating complex settlements with the FTC, including on behalf of public companies.
- Handling all aspects of FTC investigations, including responses to Civil Investigative Demands response; staff-, Bureau-, and Commission-level advocacy and negotiations; and ongoing litigation.
- Drafting advocacy in major FTC rulemakings and counseling clients on FTC strategic approaches.
- Represents clients in CFPB matters, including CID responses, market monitoring inquiries, and supervision and examination, and in responding to state consumer protection and regulatory inquiries
- Counsels clients on cutting edge policy and regulatory issues involving AI, machine learning, and advanced data analytics, including legal obligations and risks, advocacy strategies, AI ethics, and governance frameworks. Has drafted and advised on corporate AI policies for both public and private companies.
- Counsels clients on full range of privacy, data security, 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) Privacy and Safeguards Rules, and California law (CCPA/CPRA), and helps clients assess compliance risk and evolving expectations under existing and proposed legislation.
- 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.
- Advises financial technology and other financial services clients on compliance and advocacy, including matters related to Fair Credit Reporting Act (FCRA), Equal Credit Opportunity Act (ECOA), Fair Debt Collection Practices Act (FDCPA), GLBA/Regulation P, Electronic Fund Transfer Act (EFTA)/Regulation E, and other federal and state financial service regulations.
- Counsels clients regarding advertising matters, including endorsement guidelines, environmental claims, and "Made in the USA" claims, as well as the Magnuson-Moss Warranty Act and the Restore Online Shoppers' Confidence Act (ROSCA) and negative option and subscription marketing.
- Advises on blockchain, crypto asset, and Web3 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.
- 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 (2019-22)
- American Bar Association (ABA), Antitrust Law Section
 - Vice-Chair, Privacy and Information Security Committee (2021-24)
 - Vice-Chair, Women.Connected Committee (2020-22)

Recognitions

- Included in *The Best Lawyers in America* directory for Advertising Law (2023, 2024)
- Named a “Trailblazer” in Cryptocurrency, Blockchain, and Fintech by the *National Law Journal* (2022)
- 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)