

Introducing Santa Clara Law's New Privacy Law Certificate

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In May 2014, the Santa Clara Law faculty created the Privacy Law Certificate. The certificate reflects the growing importance of privacy issues to the global, national and California economies. Privacy concerns have become mission-critical for many key Silicon Valley companies, and privacy has emerged as one of the major social issues of our time. As a result, legislators are constantly enacting new privacy laws, privacy litigation has exploded, and companies are frequently struggling with privacy imbroglios and (sometimes) proactively trying to avoid them.

All of this privacy-related legal activity is fueling strong employer demand for dedicated law students with demonstrated privacy expertise. The Privacy Law Certificate is an important resource for those students.

Certificate Requirements

The Privacy Law Certificate has four main requirements:

1) *Coursework*. Students must pass Privacy Law, Comparative Privacy Law and three electives. We encourage certificate students to take Privacy Law in their third semester.

2) *Publication*. Students must publish a paper in “a publication likely to be read by privacy professionals,” which can include blogs or electronic newsletters approved by the certificate supervisor. We anticipate certificate papers will be much shorter (perhaps 1,000 words) than Supervised Analytical Writing Requirement (SAWR) papers (requirement of 7,500 words) because of the long times required to publish law review articles.

The International Association of Privacy Professionals (IAPP) has several publications that would be appropriate and time-effective venues for certificate papers. IAPP editors will even help students develop paper topics and edit paper drafts.

3) *Certification*. Students must pass an IAPP certification exam, a multiple-choice test that takes about a half-day. Student IAPP membership cost \$50/year (see <https://privacyassociation.org/join/>) and includes a free administration of a certification exam plus a free 20 hour video of the IAPP's standard exam prep course.

Some students will prefer to take the certification exam after completing Privacy Law in their third semester, and we plan to offer a certification exam on campus annually in early January. Ambitious 1L students could try the exam based solely on the prep video plus self-study.

4) *Work Experience*. Students need to complete an externship, or work in a paid job, “that substantially relates to privacy.” We maintain an ever-expanding list of potential externships and clerkships. Right now, employer demand substantially exceeds the number of qualified certificate students.

Note: the official Privacy Law Certificate rules are available at <http://law.scu.edu/privacy-law/privacy-law-certificate/>. This guidance doesn't modify the official rules.

Is the Certificate Right for You?

Students cannot earn both the Privacy Law Certificate and another law school certificate, so why pick the Privacy Law Certificate?

The Privacy Law Certificate seeks to train highly specialized privacy professionals. As a result, certificate students should be very competitive for entry-level privacy jobs. If you're sure you want a privacy career, the certificate is right for you.

In contrast, if you aren't sure what you want to do post-graduation, the certificate isn't a good choice. The certificate's requirements are so specialized that students pursuing non-privacy careers won't get the full benefit of their certificate work. At minimum, that time could be better spent. For example, if you want to be an intellectual property litigator, enhancing your litigation skills is a better time investment than the Privacy Law Certificate. Students still unsure about which career path to pursue should choose the High Tech Law Certificate (HTLC); students can count many of the privacy law courses towards the HTLC but will retain more curricular flexibility.

The Privacy Law Certificate is not helpful to law students aimlessly chasing gainful employment regardless of subject matter. Students who subsequently realize they don't love privacy work may find it tricky to switch to a plan B. Plus, privacy employers will quickly ferret out any lack of enthusiasm.

Many entry-level privacy jobs are "J.D.-advantaged," i.e., the J.D. helps the employee get hired over other candidates, but the employee won't provide legal advice. J.D.-advantaged privacy jobs are typically good jobs with favorable entry-level compensation (usually comparable to starting lawyer salaries outside Biglaw) plus strong financial and job responsibility upside. Still, if your heart is set on being *a lawyer*, you'll want to research this issue carefully.

How to Learn More

As I've indicated, the Privacy Law Certificate is optimized for students who know they want to become privacy specialists. But what if you're not sure if it's something you want? Students looking to learn more about privacy careers can take the following steps:

- 1) Conduct informational interviews. Meet with privacy professionals and ask them three questions: (i) what do you like about your job?, (ii) what don't you like about your job?, and (iii) how does someone get a job like yours? Find potential interviewees through your LinkedIn and the alumni networks.

- 2) Review the IAPP's career page, <https://privacyassociation.org/connect/career-central/>. If those jobs look interesting to you, that's a sign you're on the right track.

3) Subscribe to the Privacy Law Certificate Twitter feed (<https://twitter.com/SCUPrivacy>) or Facebook page (<https://www.facebook.com/PrivacySCU>), which link to many career-related items.

At any time, I'm happy to meet with you to discuss your specific situation.

Conclusion

Law students are often nervous about over-specializing in law school. They often think simultaneously pursuing a range of practice areas maximizes the chance of a successful job search. However, as professional jobs become increasingly specialized, “shotgun” job search tactics are probably outdated. Students dedicating themselves to a niche practice—and who stop hedging their bets—may (perhaps counterintuitively) generate greater employer interest.

If you're committed to a privacy career, you can declare for the certificate by meeting with the certificate supervisor (right now, that's me). Declaring for the certificate means that you'll get certificate-related emails and will get more guidance from the certificate supervisor.