

Duane C. Pozza

Partner

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Duane is a Co-Chair of Wiley's Privacy, Cyber, and Data Governance practice. He advises clients on complex regulatory and enforcement matters, including successfully representing clients in Federal Trade Commission (FTC) and other consumer protection investigations and enforcement proceedings. His practice includes a particular focus on advising on emerging technology, including artificial intelligence (AI), digital assets, and financial technology (fintech).

Duane counsels on compliance and handles regulatory matters that involve privacy, marketing, competition, consumer financial laws, and consumer protection regulations. He also helps clients advocate before the FTC and other agencies in rulemakings and similar proceedings, and advises on litigation.

Duane has been named "Lawyer of the Year" in DC for Advertising Law by *Best Lawyers in America* (2025), a "Top Lawyer for Fintech" by *Business Insider* (2021), and a "Trailblazer" in cryptocurrency, blockchain, and fintech by the *National Law Journal* (2022). Prior to joining Wiley, Duane was an Assistant Director in the Division of Financial Practices at the FTC.

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 and Consumer Protection
Privacy, Cyber & Data Governance
Fintech
Digital Assets, Cryptocurrencies, and Blockchain
Telecom, Media & Technology
Advertising and Marketing
Advertising Technology (AdTech) Data Privacy and Consumer Protection

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.
- Provides strategic advice and counseling 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.
- Advises 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 the Protecting Americans' Data from Foreign Adversaries Act (PADFA), and helps clients assess compliance risk and evolving expectations under existing and proposed legislation.
- Counsels 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 Restore Online Shoppers' Confidence Act (ROSCA), Click-to-Cancel Rule, and negative option and subscription marketing.
- Extensively involved in "right to repair" advocacy, compliance counseling, and enforcement matters, including advising on the Magnuson-Moss Warranty Act.
- 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.
- 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 (2019-2022)
- American Bar Association (ABA), Antitrust Law Section
 - Vice-Chair, Privacy and Information Security Committee (2021-2024)
 - Vice-Chair, Women.Connected Committee (2020-2022)

Recognitions

- Included in *The Best Lawyers in America* directory for Advertising Law (2023-2026) and as a "Lawyer of the Year" in Advertising Law (2025)
- 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)