

Susan Freiwald

University of San Francisco School of Law
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Education

Harvard Law School, Cambridge, MA

J.D., *magna cum laude*, 1991
Books and Commentaries Co-Chair, *Harvard Law Review*.

Harvard University, Cambridge, MA

A.B., *magna cum laude*, Economics, 1987.
Phi Beta Kappa.

Faculty and Administrative Positions

University of San Francisco School of Law, San Francisco, CA

- Dean, starting July 1, 2019.
- Interim Dean, 2018-19.
- Associate Dean, 2017-18.
- Professor of Law, 2001-17; Associate Professor, 1997-2001.

Courses: Internet Law, Criminal Procedure, Information Privacy Law, Cyberspace
Scholarship Seminar, Data Privacy Law Skills class, Data Privacy Law Guided
Externship, Contracts.

The Wharton School, University of Pennsylvania, Philadelphia, PA

- Assistant Professor, Department of Legal Studies, 1994-97.
- Courses: Introduction to Law; Employment Law; Technology Law.

Professional Service

University of San Francisco School of Law

Committee Chair

- Academic Standards Committee, 2017-present.
- Educational Programs Committee, 2017- present.
- Honor Committee, 2015-17.
- Budget Committee 2008-14.
- Status Committee, 2011-13;
- Strategic Planning Committee, 2013.
- Emergency Preparedness Committee, Chair, 2007-09 (co-chair 2009-11).
- Appointments Committee, Chair 2004-06.
- Teaching and Scholarship Task Force, 2000-01 (co-chair 2001-02).

Committee Member:

- Academic Standards Committee, 1997-99, 2002-03, 2004-06, 2014-15.
- Admissions Committee, 1999-00, 2001-02.
- Appointments Committee, 1997-98.
- Bar Pass Task Force, 2015-17.
- Budget Committee, 1998-99, 2002-04, 2006-08, 2015-17.
- Educational Programs Committee, 1999-00, 2001-11, 2015-17.
- Scholarship Advisory Committee, 2011-12.
- Status Committee, 2005-07.
- Tenure Standards Committee, 2011-12.

Faculty Advisor:

- Law Review Symposium, 1999, 2007, 2012, 2018
- Law Review, Women's Law Association, Jewish Law Students Association, Intellectual Property and Technology Law Association (various years)

University of San Francisco

- Member, Council of Associate Deans, 2017-18; University Accreditation Committee, 2017-18; Magis Committee on University Services, 2017
- Faculty representative for University, Trustee Development Committee, Board of Trustees, 2006-14;
- Faculty representative for Law School, Faculty Budget Committee of the University, 2009-11.
- Member, Interview Team for Candidates for Vice President of Development for the University (2012)
- Member, Interview Team for Candidates for Director of Planned Giving for University Development Department (2010)
- Guest Lecturer at Undergraduate and School of Management Classes, 2015 – present.

Other Professional Service

- Academic liaison, Member of the policy and language teams for the Coalition to pass the California Electronic Communications Policy Act (2016) (2014-present).
- Member, Merit Screening Committee for open U.S. Bankruptcy Court Position for Northern District of California, 2011
- Member, National Judicial College, 2008

Other Employment

- Edited the California Privacy Law: Practical Guide and Commentary, by Dr. Lothar Determann, (2016 ed. Law Journal Press).
- Consulting to lawyers at the Electronic Frontier Foundation and the American Civil Liberties Union, pro bono, 2004 to present.
- Consulting to other lawyers on issues of electronic communications privacy,

- 2012-16.
- Cleary, Gottlieb, New York, NY
Associate, 1992-94. Securities Group.
- Hon. Amalya L. Kearse, United States Court of Appeals, 2nd Circuit, New York, NY
Law Clerk, 1991-92.

Advisory Positions

- Advisory Board and Executive Committee, UCI Cybersecurity Policy and Research Institute, 2016 – present.
- Fellow, Center for Democracy and Privacy, 2016 - present
- Palantir Council of Advisors on Privacy and Civil Liberties, 2012 – 2018.
- Board of Directors, ACLU of Northern California (NC), 2002 – 07.
- Chair, Development Subcommittee of the Board, ACLU of NC, 2005 – 07.
- Capital Campaign Steering Committee and Cabinet, ACLU of NC, 2006 – 11.

Awards

- Berkeley Center for Technology Law, Annual Privacy Law Award, shared with Nicole Ozer, ACLU of Northern California (2017).
- Fifth Annual Privacy Law Scholars Conference, Competition: Constitutional Test for Government Surveillance: From Jones to Drones, First Place Award (2012).
- Most Distinguished Professor Award, spring 2001.

Academic Publications

- *The Carpenter Chronicle: A Near-Perfect Surveillance*, 132 HARVARD LAW REVIEW 205 (2018) (with Stephen Wm. Smith)
- *At the Privacy Vanguard, California’s Electronic Communications Privacy Act (CalECPA)*, 33 BERKELEY TECHNOLOGY LAW JOURNAL 131 (2018)
- “*California’s Electronic Communications Privacy Act (CalECPA): A Case Study in Legislative Regulation of Surveillance*”, in THE CAMBRIDGE HANDBOOK OF SURVEILLANCE LAW (David Gray & Stephen Henderson eds., Cambridge University Press, 2017).
- *Nothing to Fear or Nowhere to Hide: Competing Visions of the NSA’s 215 Program*, 12 COLORADO TECHNOLOGY LAW REVIEW 309 (2014).
- *Light in the Darkness: How the LEAPTR Standards Guide Legislators in Regulating Law Enforcement Access to Cell Site Location Records*, 66 OKLAHOMA LAW REVIEW 875 (2014).
- *Reforming Surveillance Law: The Swiss Model*, 28 BERKELEY TECHNOLOGY LAW JOURNAL 1261 (2013), co-authored with Sylvain Métille.

- *The Davis Good Faith Rule and Getting Answers to the Questions Jones Left Open*, 14 NORTH CAROLINA JOURNAL OF LAW & TECHNOLOGY 331 (Spring 2013).
- *Cell Phone Location Data and the Fourth Amendment: A Question of Law, Not Fact*, 70 UNIVERSITY OF MARYLAND LAW REVIEW 681 (2011).
- *A Comment on James Grimmelman's Saving Facebook*, 95 IOWA L. REV. BULLETIN 5 (2009).
- *Electronic Surveillance at the Virtual Border*, 78 MISSISSIPPI LAW JOURNAL 329 (2008) (symposium issue from Center for Justice and the Rule of Law).
- *Fourth Amendment Protection for Stored E-mail*, 2008 UNIVERSITY OF CHICAGO LEGAL FORUM 121, co-authored with Patricia L. Bellia.
- *First Principles of Communications Privacy*, STANFORD TECHNOLOGY LAW JOURNAL (2007).
- *The Fourth Amendment Status of Stored E-mail: The Law Professors' Brief in Warshak v. United States*, 41 UNIVERSITY OF SAN FRANCISCO LAW REVIEW 559, co-authored with Patricia L. Bellia.
- *Online Surveillance: Remembering the Lessons of the Wiretap Act*, 56 ALABAMA LAW REVIEW 9 (2004).
- *Comparative Institutional Analysis in Cyberspace – The Case of Intermediary Liability for Defamation*, 14 HARVARD JOURNAL OF LAW AND TECHNOLOGY 569 (2001).
- *Uncertain Privacy: Communication Attributes After the Digital Telephony Act*, 69 SOUTHERN CALIFORNIA LAW REVIEW 949 (1996).
- *Addressing the New Hazards of the High Technology Workplace, Communication Attributes After the Digital Telephony Act*, 104 HARVARD LAW REVIEW 1898 (1991).
- *Generalizing Justice*, 103 HARVARD LAW REVIEW 1384 (1990).
- *From Survey to Sample: Labor Market Data for Interwar London*,” 18 HISTORICAL METHODS 125 (1985) (with Barry J. Eichengreen).

Other Publications

Short Articles:

- “CalECPA Reassures in the Trump Age,” *San Francisco Daily Journal and Los Angeles Daily Journal* (2017).
- Do Lawyers Violate the Driver’s Privacy Protection Act When They Obtain Drivers’ Motor Vehicle Records to Solicit the Drivers’ Participation in Litigation Without Obtaining the Drivers’ Express Consent?,” 40 *American Bar Association Preview of United States Supreme Court Cases* 4 (2013).
- *Olmstead v. United States*, entry in *Encyclopedia of Privacy* 357 (William G. Staples, ed. 2007).

Blog Entries:

- “It’s Time to Look to California for Robust Privacy Reform -- CalECPA,” ACSblog, American Constitutional Society (2015).
- “How CalECPA Improves on its Federal Namesake,” *Concurring Opinions* (2015).

- “Riley v. California: A Savvy Supreme Court Recognizes the Cyber-Difference,” ACSblog (2015).
- “The Vanishing Distinction Between Real-time and Historical Location Data,” Concurring Opinions (2012).
- “Fifth Circuit Considers Constitutionality of Cell Site Location Data,” Concurring Opinions (April 2012)
- “Susan Freiwald on United States v. Warshak: Sixth Circuit Brings Fourth Amendment Protection to Stored Email,” Concurring Opinions (December 2010)
- “Freiwald on Much-Anticipated Cell Location Privacy Decision,” Concurring Opinions (September 2010)
- “Phone Tracking Should Require a Warrant,” ACSblog (2009) (with Peter Swire)

Amicus Briefs and Oral Arguments

- Topic: Fourth Amendment Protection of Cell Site Location Records:
 - ✓ U.S. District Court, Northern District of California (2014) (co-authored with Marcia Hofmann).
 - ✓ U.S. Court of Appeals for the Fifth Circuit (March, 2012) (oral argument in October 2012 with Electronic Frontier Foundation).
 - ✓ U.S. District Court, Southern District of Texas (January, 2011).
 - ✓ U.S. Court of Appeals for the Third Circuit (March, 2009) (oral argument in February 2010 with Electronic Frontier Foundation).
 - ✓ U.S. District Court, Western District of Pennsylvania (January, 2008).
- Topic: Fourth Amendment Protection of Stored Email:
 - ✓ U.S. Court of Appeals for the Sixth Circuit (*Warshak* case) (November, 2006) (co-authored law professors’ brief with Patricia L. Bellia).
- Topic: NSA Surveillance violated the Fourth Amendment:
 - ✓ U.S. District Court, Northern District of California (June, 2006) (co-authored law professors’ brief with Jennifer Granick and Lauren Gelman).

Court and Code Citations of Work

- *At the Privacy Vanguard, California’s Electronic Communications Privacy Act (CalECPA)*, 33 BERKELEY TECHNOLOGY LAW JOURNAL 131 (2018)\ Cited by: U.S. District Court, Eastern District of Michigan (2013)
 - ✓ Cited by: numerous sections of the California Penal Code Annotated
- *Reforming Surveillance Law: The Swiss Model*, 28 BERKELEY TECHNOLOGY LAW JOURNAL 1261 (2013), co-authored with Sylvain M tille.
 - ✓ Cited by: U.S. District Court, Southern District of Texas (2014)
 - ✓ Cited by: 18 U.S.C.A. §§ 2703, 2518
- *Cell Phone Location Data and the Fourth Amendment: A Question of Law, Not Fact*, 70 UNIVERSITY OF MARYLAND LAW REVIEW 681 (2011).
 - ✓ Cited by: U.S. District Court, Eastern District of Michigan (2013)
 - ✓ Cited by: Supreme Court of Wisconsin (2014)

- ✓ Cited by: Court of Appeals Maryland (2017)
- *Fourth Amendment Protection for Stored E-mail*, 2008 UNIVERSITY OF CHICAGO LEGAL FORUM 121, co-authored with Patricia L. Bellia.
 - ✓ Cited by: U.S. Court of Appeals for the Sixth Circuit (2010) (*Warshak* decision).
- *Electronic Surveillance at the Virtual Border*, 78 MISSISSIPPI LAW JOURNAL 329 (2008).
 - ✓ Cited by: numerous sections of the Miss. Code Annotated
- *First Principles of Communications Privacy*, STANFORD TECHNOLOGY LAW JOURNAL (2007).
 - ✓ Cited by: U.S. District Court for the Western District of Pennsylvania (2008).
 - ✓ Cited by: U.S. Court of Appeals for the District of Columbia (2017).
- *Online Surveillance: Remembering the Lessons of the Wiretap Act*, 56 ALABAMA LAW REVIEW 9 (2004).
 - ✓ Cited by: U.S. District Court, Southern District of Texas (2014)
 - ✓ Cited by: U.S. District Court, Eastern District of Wisconsin (2009)
- *Comparative Institutional Analysis in Cyberspace – The Case of Intermediary Liability for Defamation*, 14 HARVARD JOURNAL OF LAW AND TECHNOLOGY 569 (2001).
 - ✓ Cited by: Supreme Court of California (2006)
 - ✓ Cited by: California Court of Appeal, Sixth District (2006)
 - ✓ Cited by: California Court of Appeal, First District (2004)
 - ✓ Cited by: California Court of Appeal, Second District (2004)
 - ✓ Cited by: U.S. District Court, District of Arizona (2005)
 - ✓ Cited by: U.S. Court of Appeals for the Ninth Circuit (2003)
- *Uncertain Privacy: Communication Attributes After the Digital Telephony Act*, 69 SOUTHERN CALIFORNIA LAW REVIEW 949 (1996).
 - ✓ Cited by: U.S. District Court, Southern District of Texas (2014; 2006; 2005)

Academic Presentations

Welcome speaker, “Open Meetings and Open Records Conference,” California Lawyers Association, Public Law Section, USF Law, May 2019.

Moderator, “Breach: The Epidemic of Data Insecurity,” USF Law Review Symposium: The Epidemic of Data Insecurity, February 2018.

Panelist, “The Intersection of Technology and Criminal Justice,” Criminal Justice at Crossroads, Berkeley, CA, November 2017.

Moderator, “Metadata and Its (Dis)contents: Fourth Amendment Doctrine for a Big Data Age,” The 10th Annual Privacy Law Scholars Conference (PLSC), Berkeley Center for Law and Technology & George Washington Law,” Berkeley, CA, June 2017.

Presenter, “At the Privacy Vanguard: California’s Electronic Communication’s Privacy Act (CalECPA),” Faculty Workshop, Cornell Law School, Ithaca, NY, March 2017.

Moderator, “Data Privacy Regulation in the Trump Era,” USF Intellectual Property and Technology Law Journal Discussion, March 2017

Presenter, “The *Privacy* of Cell Phone Data,” Privacy and Law Panel, The Academic Perspective on Cybersecurity Challenges, Cyber Week 2016, Tel Aviv University, Israel, June 2016.

Presenter, “The Apple v. FBI case,” Cybersecurity Panel, Joint Conference hosted by University of San Francisco School of Law and Shanghai University Law School, Shanghai, China, June 2016.

Presenter, Draft CalECPA Paper, Privacy Law Scholars Conference, Berkeley Center for Law and Technology & George Washington Law, Washington, DC, June 2016.

Panelist, “CalECPA’s (SB178) Requirements and Impacts on Law Enforcement,” and “Surveillance Technologies and Fourth Amendment Privacy,” 21st Century Public Surveillance and Privacy Conference, U.C. Hastings College of the Law, June 2016.

Panelist, “Technology, Privacy and the Law,” Plenary Session, Harvard Law School Reunion, Harvard Law School, April 2016.

Panelist, “How Does Technology Impact Conceptions of Privacy in Search and Seizure Law,” The Future Frontiers of Online Privacy, The Centre for Innovation Law and Policy, University of Toronto, Ontario, Canada, January 2016.

Panelist, “Ethical, Moral and Legal Implications of Cyber Attacks,” University of San Francisco Cybersecurity Symposium, October 2015.

Panelist, “What is Privacy Crime?,” Privacy Crimes: Definition and Enforcement, Santa Clara Law School, October 2015.

Panelist, “Data? Metadata? Third Party Data?,” Symposium on Government Access to Data in the Cloud, NYU School of Law Information Law Institute and the Center on Law and Security, New York City, May 2015.

Panelist, “Technological Advances and Criminal Procedure,” Privacy, Technology and Law Symposium at the University of Michigan Law School, Ann Arbor, MI, February 2015.

Panelist, “Privacy and the Fourth Amendment in a Digital Age,” The Appellate Judicial Education Summit, Dallas, TX, November 2014.

Presenter, "Privacy Issues Relating to Cell Phone Data," Judicial Education Series, Sixth District Court of Appeal, San Jose, CA, September 2014.

Panelist, "Electronic Communications Privacy Act Reform," Privacy Challenges in the Internet Age, Stanford Law School, April 2014.

Panelist, "Government, Data Collection, and Surveillance" The Value of Privacy, U.C. Hastings College of the Law, April 2014.

Panelist, "Is Government Surveillance Harmful?" The New Frontiers of Privacy Harm, Silicon Flatirons Center for Law, Technology, and Entrepreneurship at the University of Colorado, Boulder, CO, January 2014.

Panelist, "Law Enforcement Access to Third Party Records," Oklahoma Law Review Symposium, University of Oklahoma, Norman, OK, November 2013.

Panelist, "Internet Privacy and Government Surveillance – A Public Debate," Internet Society of San Francisco and CNET, San Francisco, September 2013.

Panelist, "Managing the Muddled Mass of Big Data," Big Data and Privacy: Making Ends Meet, Future of Privacy Forum, Washington, D.C., September 2013.

Panelist, "The Search for Privacy and Security in the Internet's Modern Era," American Constitution Society Annual Convention, Washington, D.C., June 2013.

Moderator and Commentator, Christopher Slobogin Article, Privacy Law Scholars' Conference, Berkeley Center for Law and Technology & George Washington Law, Berkeley, CA, June 2013.

Presenter, "Current Privacy Conflicts Arising From Social Networks," New Jersey Civil Division Education Conference, New Brunswick, NJ, April 2013.

Panelist, "Evaluating the Computer Fraud and Abuse Act Reform Proposals," The Computer Fraud and Abuse Act: Transformation after Tragedy, U.C. Hastings College of Law, CA, March 2013.

Panelist, "The Fourth Amendment and Tracking after U.S. v. Jones," Location Tracking and Biometric Conference, Yale Law School, New Haven, CT, March 2013.

Presenter "The Davis Good Faith Rule and Getting Answers to the Questions Jones Left Open," North Carolina Journal of Law and Technology Symposium: "U.S. v. Jones: Defining a Search in the 20th Century," Chapel Hill, NC, January 2013.

Panelist, Business Responses to Law Enforcement Requests for Information, Stanford E-Commerce Best Practices Conference, Stanford Program in Law, Science and Technology, June 2012.

Presenter, Four Factor Test proposal at the “From Jones to Drones” competition (winning the most votes), 5th Annual Privacy Law Scholars’ Conference at George Washington Law School, June, 2012.

Co-Presenter, Simply More Privacy Protective, 5th Annual Privacy Law Scholars Conference, at George Washington Law School, June 2012.

Panelist, panel on “Mapping our Privacy, Use and Misuse of Location Data,” at USF Law Review Symposium: Big Brother in the 21st Century? Reforming the Electronic Communications Privacy Act, February 2012.

Panelist, panel on “Government and Quasi-Government Efforts to Protect IP,” at McCarthy Institute and Microsoft Trademark Law Symposium, NYC, February 2012.

Seminar Speaker: Current Problems in ConLaw, discussing pending case of United States v. Jones (GPS tracking) with Professor Joe Grodin and the Honorable Marsha Berzon (U.S. Court of Appeals for the Ninth Circuit), Hastings College of the Law, January 2012.

Panelist, “The Smart Phone and Criminal Privacy,” Symposium: Law of the Smart Phone, Whittier Law School, Costa Mesa, CA, November 2011.

Panelist, “Does Access Mean Consent? Fourth Amendment Rights in Private Sector E-mail after *Warshak v. United States*,” panel on Privacy in the Workplace, University of Wisconsin Conference on the Constitutionalization of Labor and Employment Law, Madison, WI, October 2011.

Featured Speaker, “Fourth Amendment Protection for Location Information,” Yale Information Society Speaker Series, New Haven, September 2011.

Speaker, “Privacy Law and Stored Electronic Information” for the 6th Annual Conference of the National Association of Appellate Court Attorneys, San Diego, Ca, July, 2011.

Panelist, Big Data and Privacy, Bipartisan Policy Center Conference, Washington, D.C., June, 2011.

Moderator and Commentator, Paul Ohm’s “Big Data and Privacy,” Privacy Law Scholars’ Conference, Berkeley Center for Law and Technology & George Washington Law, Berkeley, CA, June 2011.

Presenter, “Fourth Amendment Protection for Stored Cell Site Location Information,” Law, Science and Technology Colloquium at Stanford Law School, May 2011.

Panelist, on panel: “Individual Privacy: Challenges Grow as Technology Flourishes,” 2011 Alaska Bar Convention, Fairbanks, Alaska, May 2011.

Presenter, “Social Networking Privacy,” NOCALL (Northern California Association of Law Libraries) Spring Institute, San Francisco, April 2011.

Co-presenter, “The Electronic Communications Privacy Act Revisited,” (lunch-time talk), at Stanford’s Center for Internet and Society/ Law and Technology / ACS Speaker Series on Data Privacy Day. Stanford, January 2011.

Panelist, “Shifting Standards for Law Enforcement and government Access to Location Data,” Fifth Annual Law & Information Society Symposium: Mobile Devices, Location Technologies & Shifting Values, Fordham University Center on Law and Information Policy. New York, March 2011.

Panelist, “Technology: Shaping the Task of Lawmaking,” Berkeley Center for Law & Technology Symposium: Technology: Transforming the Regulatory Endeavor, Berkeley, March 2011.

Panelist, Browser Privacy Mechanisms Roundtable hosted by the Berkeley Center for Law and Technology and the U.C. Berkeley School of Information (discussing FTC’s report: Protecting Consumer Privacy in an Era of Rapid Change), February 2011.

Panelist, Stanford E-Commerce Best Practices Conference, sponsored by the Stanford Program in Law, Science and Technology, Stanford Law School, June, 2010.

Paper presenter, “Cell Site Location Data and the Fourth Amendment,” 3rd Annual Privacy Law Scholars’ Conference at George Washington University, June 2010.

Panelist, Privacy Law Panel, Stanford Program in Law, Science and Technology and the Stanford Center for Computers and Law Conference: Intelligent Privacy Management Symposium. Stanford Law School, March 2010.

“Fourth Amendment Protection for Stored Cell Site Location Information,” Science and Technology Colloquium at Stanford Law School, January 2010.

Panelist, “What a New ECPA Should Regulate,” and “What Protections a New ECPA Should Include and the Politics of Reform,” Conference at the University of Colorado Law School (Silicon Flatirons Center for Law, Technology and Entrepreneurship): Reforming Internet Privacy. Boulder, Co., December, 2009.

Paper commentator and moderator, Jerry Kang paper, the Privacy Law Scholars’ Conference at Berkeley Law School, June 2009.

Panelist, panel sponsored by the Bar Association for San Francisco, Recent Developments Pertaining to CDA Section 230 (intermediary immunity), May 2009.

Invited Participant, Brainstorming Roundtable on Fusion Centers held at the University Of Maryland School Of Law, Baltimore, April 2009.

Speaker, “Electronic Communications Surveillance and the Fourth Amendment,” at the Colloquium on Information Technology and Society Series, administered by New York University’s Information Law Institute and the Department of Culture and Communication, March, 2009.

Presenter, “The Third Party Rule and Fourth Amendment Protections for Stored Communications,” Law, Science and Technology Colloquium at Stanford Law School, February 2009.

Panelist, “The Right to Privacy in IT Systems in U.S. Law,” the 2008 Transatlantic Information Law Symposium, Stanford Law School, June 2008.

Paper commentator and moderator, Paul Ohm paper, Privacy Law Scholars’ Conference, Berkeley Center for Law and Technology & George Washington Law,” Washington, DC, June 2008.

Presenter, “Electronic Surveillance Inside the Border,” at the Fourth Amendment at the International Border Symposium of the University of Mississippi, Center for Justice and the Rule of Law in collaboration with the National Judicial College Symposium for Appellate Judges on Computer Searches and Selected Fourth Amendment Issues, Oxford, Mississippi, April 2008.

Presenter, “Fourth Amendment Protection for Stored Communications,” Law, Science and Technology Colloquium at Stanford Law School, February 2008.

“The Limits of Immunity for Third Party Content,” the Santa Clara Computer and High Tech Law Journal Symposium: Internet Collaboration, Charting the Waters of Virtual Worlds, Web. 2.0 and the GPL, Santa Clara, CA, February 2008.

Moderator, Social Control: Issues of Privacy and Autonomy, USF Law Review Symposium: The Toll Roads: The Legal and Political Debate over Net Neutrality, January 2008.

Presenter, “What Fourth Amendment Protection for E-mail Means for Electronic Surveillance,” the University of Chicago Legal Forum 2007 Symposium: Law in a Networked World, October 2007.

Presenter, “Privacy Rights in the Electronic Age,” 2007 Nebraska Judges Meeting, Lincoln, Nebraska, October 2007.

Presenter, “First Principles of Communication Privacy,” Beyond a Physical Conception of the 4th Amendment: Search & Seizure in the Digital Age, Stanford Law School Forum, January, 2007.

Presenter, “Intermediary Liability for Defamation after the Barrett case,” The Law, Science and Technology Colloquium at Stanford Law School, November 2006

Presenter, “The Warshak Case and Electronic Surveillance,” USF Law Review Symposium: Companies Caught in the Middle, October 2006.

Presenter, “A Historical Perspective on Current Trends in Information Privacy and Security Law,” the 7th Annual Institute on Privacy Law: New Developments and Compliance Issues in a Security Conscious World, sponsored by the Practising Law Institute, June 2006.

Moderator, Hastings Law School Symposium: “Digital Rights Management Technologies and Digital Music, the Policy Issues,” sponsored by the Hastings Communication and Entertainment Law Journal, March 2006.

Presenter, “What Inhibits Congress from Reforming the Law of Online Surveillance?” the Law, Science and Technology Colloquium, Stanford Law School, December 2005.

Moderator, “Treble Damages and Private Remedies” the USF Law Review Symposium: The Uncertain Future of Antitrust, October, 2005.

Presenter, “Third Party Liability for Online Defamation,” the Law, Science and Technology Colloquium at Stanford Law School, April 2005.

Moderator, “Software after Copyright”, Student Conference, Stanford Law School, April 2005.

Panelist, “U.S. v. Councilman Debate,” Computers, Freedom and Privacy Conference, Seattle, WA, April 2005.

Presenter, “Regulating Digital Technology in the Criminal Law: Federal Law, State Law, Federal Preemption and Overarching Policy Issues,” Informational Hearing: Crime by the Digits: Digital Communication and California Criminal Law, California Senate Public Safety Committee Hearing, Santa Clara, March 2005.

Presenter, “Treating Online Surveillance Like A Wiretap,” Modest Proposal Conference, Cardozo Law School, New York, NY, February 2005.

Debater, Third Party Liability for Online Defamation, Electronic Frontier Foundation Cyber salon, San Francisco, December 2004.

Presenter, “Online Surveillance,” University California at Davis Law School Faculty Lunch Series, November, 2004.

Presenter, “Online Surveillance and Comparative Institutional Analysis,” Comparative Institutional Analysis Symposium at the University of Wisconsin School of Law, September, 2004.

Presenter, Electronic Privacy after the USA Patriot Act,” St. Thomas More Society Luncheon Speaker Series, January 2002.

“The Constitutionality and Necessity of Electronic Data Privacy Protections,” debate with Professor Eugene Volokh, UCLA, Intellectual Property, Free Speech and Economic Rights Conference, Chapman University School of Law, April 2001.

Presenter, “A Comparative Institutional Analysis of Online Defamation,” Privacy in the New Millennium Conference, Santa Clara University Law School, February, 2000.

Presenter, “Cyberspace Law Overview,” Reviewing the Year in Cyberspace Conference, University of San Francisco Law Review Symposium, February, 1999.

Presenter, “Legal Change and the Internet; should it be Up to Congress or to the Courts to Navigate the Information Superhighway?” Academy of Legal Studies in Business Conference, August 1996.

Presenter, “The Digital Telephony Law: The Uncertain Privacy of Communication Attributes,” Academy of Legal Studies in Business Conference, August 1995.

Guest Lectures for Classes at New York University Law School (Margaret Jane Radin); Stanford Law School (various); Berkeley Law School (Pamela Samuelson and Margaret Jane Radin); Lothar Determann (Hastings).

Media

Television appearances:

- Bloomberg News, Current TV, and local news.

Radio appearances:

- Marketplace Tech Report, Public Radio, and several California radio stations.

Quoted in:

- New York Times, Washington Post, Wall Street Journal, National Law Journal, Congressional Quarterly, Forbes, Wired Magazine, Bloomberg.

External Tenure / Promotion Reviews

- Freie University of Berlin, Germany
- Haim Striks Law School, Israel
- John Marshall Law School, Chicago, IL
- Notre Dame Law School, Notre Dame, ID
- University of Oklahoma College of Law, Oklahoma City, OK

Professional Memberships

- Digital Due Process Coalition.
- Digital Privacy and Security Working Group.

Admissions

Bar Admission: New York.

Court Admission: Federal Courts of Appeals for the Third and Fifth Circuits.