

THE INSTITUTE FOR LEGAL RESEARCH

**IN COLLABORATION WITH
THE JEFFERSON LECTURES ENDOWMENT**

PRESENTS

**A CONSTITUTION DAY FORUM
“TECHNOLOGY, DEMOCRACY,
AND THE LAW”**

September 17, 2009, 2:00 pm

**Great Hall, Bancroft Hotel
2680 Bancroft Way, Berkeley**

Welcome and Introduction

Prof. Harry N. Scheiber

Director, Institute for Legal Research, UC Berkeley

“Technology, Democracy, and the Law”

Prof. Steven Usselman

School of History, Technology, and Society, Georgia Institute of Technology

Commentary

Prof. Robert P. Merges

Director, Berkeley Center for Law and Technology, UC Berkeley

Lee Tien

Senior Staff Attorney, Electronic Frontier Foundation

Audience Questions & Answers

Reception

Biographies

Steven Usselman

Steven Usselman is Associate Professor of History in the School of History, Technology, and Society at Georgia Institute of Technology. Prof. Usselman, who received his Ph.D. from the University of Delaware in 1985, specializes in the history of technology and American political economy. He has published more than two dozen articles and book chapters, including many pertaining to the history of computing and communications. His book, *Regulating Railroad Innovation: Business, Technology, and Politics in America, 1840-1920* (Cambridge University Press, 2002) won the Ellis W. Hawley Prize from the Organization of American Historians and the Hilton Prize in railroad history. In addition, his essay "IBM and Its Imitators" won the Newcomen Prize from the Business History Conference, which has also awarded him its Williamson Prize for mid-career achievement in the field of business history. Prof. Usselman is currently at work on a book on computing innovation and American political economy since 1920 and a series of studies on technology and policy in the global pulp and paper industry.

Prof. Usselman serves as Associate Director of Research with the Center for Paper Business and Industry Studies, a joint venture of Georgia Tech and the Sloan Foundation. He has developed innovative uses of high-speed internet technologies in education and also participates in a variety of initiatives to integrate history and the social sciences with engineering education. In 2007-2008, he served as the president of the Society for the History of Technology.

Robert P. Merges

Robert Merges is the Wilson Sonsini Goodrich & Rosati Professor of Law and Technology, and the Director of the Berkeley Center for Law & Technology, UC Berkeley. Before coming to Berkeley in 1995, Prof. Merges was a faculty member at Boston University School of Law and served as a visiting professor at Harvard Law School. Prof. Merges has authored or co-authored three books: *Patent Law and Policy: Cases and Materials*; *Intellectual Property in the New Technological Age*; and *Legal Protection for Computer Technology*. Recent articles include "As Many as Six Impossible Patents before Breakfast: Property Rights for Business Concepts and Patent System Reform," in the *Berkeley Technology Law Journal* (1999); "The Control of Strategic Alliances: An Empirical Analysis of Biotechnology Collaborations," in the *Journal of Industrial Economics* (1998); and "Intellectual Property and Digital Content: Notes on a Scorecard," in *Rivista di Diritto Industriale* (1998).

In addition to teaching and research projects, Prof. Merges also serves as a special consultant to the U.S. Department of Justice, Antitrust Division, and is a member of the Department's Task Force on Intellectual Property.

Lee Tien

Lee Tien is a Senior Staff Attorney with the Electronic Frontier Foundation, specializing in free speech law, including intersections with intellectual property law and privacy law. Before joining the Foundation, he was a sole practitioner specializing in Freedom of Information Act (FOIA) litigation. Mr. Tien has published articles on children's sexuality and information technology, anonymity, surveillance, and the First Amendment status of publishing computer software. He received his undergraduate degree in psychology from Stanford University, where he was very active in journalism at the *Stanford Daily*. After working as a news reporter at the *Tacoma News Tribune* for a year, Mr. Tien took his J.D. from Berkeley Law, and also did graduate work in the Program in Jurisprudence and Social Policy at UC Berkeley.