

**REBECCA WEXLER**

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**ACADEMIC APPOINTMENTS**

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**University of California, Berkeley, School of Law**

- Assistant Professor of Law, 2019 – (*government service leave* Spring 2023)
- Faculty Co-Director, Berkeley Center for Law & Technology, 2019 –
- Non-Resident Fellow, The Brookings Institution, Center for Technology Innovation, 2020 –
- Affiliated Fellow, Yale Law School, Information Society Project, 2019 –

**Columbia Law School**

- Visiting Assistant Professor of Law, Fall 2023 (scheduled)

**GRANTS & AWARDS**

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- Co-PI, \$5 million Algorand Foundation grant to study decentralization technologies, 2022-present.
- Honorable Mention, Privacy Papers for Policymakers Award as 1 of top 8 privacy papers, 2022.
- National Association of Criminal Defense Lawyers, Must Read Article, 2021.
- PLSC Reidenberg-Kerr Award, overall merit for a paper by an untenured faculty member, 2020.

**EXPERIENCE**

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<b>White House Office of Science and Technology Policy</b> , Senior Policy Advisor	Jan-June 2023
<b>U.S. District Court, Southern District of N.Y.</b> , Clerk to Hon. Katherine Polk Failla	2018-2019
<b>U.S. Court of Appeals, Second Circuit</b> , Clerk to Hon. Pierre N. Leval	2017-2018
<b>The Legal Aid Society Criminal Defense Practice</b> , Yale Public Interest Fellow	2016-2017
<b>The Data &amp; Society Research Institute</b> , Lawyer-in-Residence	2016-2017
<b>The Electronic Frontier Foundation</b> , Legal Intern	Summer 2014
<b>Senior Fulbright Advanced Research &amp; Lecturing Scholar</b> , Sri Lanka	2012

**EDUCATION**

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**Yale Law School**, J.D., 2016

- Nathan Burkan Prize for Best Paper in the Field of Copyright Law, 2015
- Miller Prize for Best Paper Concerning the Bill of Rights, 2015 & 2016
- *The Yale Law Journal*, Forum Editor

**Cambridge University**, M.Phil., *high first distinction* 2006, Gates-Cambridge Fellow

**Harvard College**, A.B., *summa cum laude* 2005, *Pbi Beta Kappa* Junior Inductee (top 1%)

**LAW REVIEWS**

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**Digital Privacy for Reproductive Choice in the Post-Roe Era**, 92 N.Y.U. L. REV. \_\_\_ (*forthcoming* 2023) (with Aziz Huq).

**Life, Liberty, and Data Privacy: The Global Cloud and the Criminally Accused**, 101 TEXAS L. REV. \_\_\_ (*forthcoming* 2023).

- Pre-publication excerpt featured in the Knight First Amendment Institute and Law and Political Economy Project invited essay series on Data and Democracy, 2022.

**A Signaling Theory of Privilege Law**, \_\_\_ VAND. L. REV. \_\_\_ (*forthcoming* 2023) (invited symposium essay).

**Verification Dilemmas, Law, and the Promise of Zero-Knowledge Proofs**, 37 BERKELEY TECH. L.J. \_\_\_ (*forthcoming* 2022) (with Kenneth A. Bamberger, Ran Canetti, Shafi Goldwasser & Evan Zimmerman).

- Honorable Mention, Privacy Papers for Policymakers Award, 2022.

**Privacy as Privilege: The Stored Communications Act and Internet Evidence**, 134 HARV. L. REV. 2721 (2021).

- Cited in *Fowler v. Varey*, 2022 WL 3211638 at \*5 (S.D.N.Y. 2022).
- National Association of Criminal Defense Lawyers “must read” article, 2021.
- Privacy Law Scholars Conference Reidenberg-Kerr Award, 2020.

**Privacy Asymmetries: Access to Data in Criminal Defense Investigations**, 68 U.C.L.A. L. REV. 212 (2021).

- Proposed for codification in the *Public Health Emergency Privacy Act*, H.R. 651 (2021).
- Quoted in *The New York Times* (Nov. 22, 2019).

**Life, Liberty and Trade Secrets: Intellectual Property in the Criminal Justice System**, 70 STAN. L. REV. 1343 (2018).

- Twice proposed for codification in the *Justice in Forensic Algorithms Act of 2021*, H.R. 2438 (2021) and the *Justice in Forensic Algorithms Act of 2019*, H.R. 4368 (2019).
- Cited in *United States v. Clarke*, 979 F.3d 82, 97 (2d Cir. 2020).
- Featured in JOTWELL: THE JOURNAL OF THINGS WE LIKE (LOTS) (2017).

**Gags as Guidance: Expanding Notice of National Security Letter Investigations to Targets and the Public**, 31 BERKELEY TECH. L.J. 325 (2016) (note).

**The Private Life of DRM: How Fundamental Rights Frame Copyright Enforcement Reform**, 17 YALE J.L. & TECH. 368 (2015).

**Warrant Canaries and Disclosure by Design: The Real Threat to National Security Letter Gag Orders**, 124 YALE L.J. F. 158 (2014) (essay).

## **PEER-REVIEWED ARTICLES**

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**Using Zero-Knowledge to Reconcile Law Enforcement Secrecy and Fair Trial Rights in Criminal Cases**, *Proceedings of the 2022 ACM Symposium on Computer Science and Law (ACM CSLaw'22)* (with Dor Bitan, Ran Canetti & Shafi Goldwasser) (*forthcoming* 2022).

**Adversarial Scrutiny of Evidentiary Statistical Software**, *Proceedings of the 2022 ACM Conference on Fairness, Accountability, & Transparency (ACM FAccT)*, 2022 (with Rediet Abebe, Moritz Hardt, Angela Lin, John Miller & Ludwig Schmidt).

## **BOOK CHAPTERS AND SHORTER WORKS**

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**Trade Secret Litigation at Summary Judgment**, *in* THE TRADE SECRET CASE MANAGEMENT JUDICIAL GUIDE (*forthcoming* 2023).

**Sri Lanka: Censorship Through Forensics—Video Evidence in Post-war Crises**, *in* ACTS OF MEDIA: LAW AND MEDIA IN CONTEMPORARY INDIA (Siddharth Narrain, ed., 2022).

**Technology’s Continuum: Body Cameras, Data Collection, and Constitutional Searches**, *in* VISUAL IMAGERY AND HUMAN RIGHTS PRACTICE (Monroe Price & Sandra Ristovska, eds., 2018).

**Book Note**, 8 INT’L J. OF THE COMMONS 688 (2014) (reviewing PATRICK BURKART, PIRATE POLITICS: THE NEW INFORMATION POLICY CONTESTS (2014)).

**Onward, Christian Penguins: Wildlife Film and the Image of Scientific Authority**, 39 HIST. & PHIL. OF BIOLOGICAL & BIOMEDICAL SCIENCES 273 (2008).

### **NON-ACADEMIC PUBLICATIONS (SELECTED)**

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**Big Tech can Help Women in a Post-Roe World. Will it?**, WASH. POST (June 1, 2022) (with Aziz Huq).

**It's Time to End the Trade Secret Evidentiary Privilege Among Forensic Algorithm Vendors**, BROOKINGS TECH POLICY BLOG (July 13, 2021).

**Privacy Laws Should Help, Not Harm, Criminal Justice Reform**, DAYONE TECHNOLOGY POLICY ACCELERATOR (Jan. 2021) (with John Villasenor).

**How Well-Intentioned Privacy Laws can Contribute to Wrongful Convictions**, BROOKINGS TECHNOLOGY POLICY BLOG (Feb. 11, 2020) (with John Villasenor).

**How Data Privacy Laws Could make the Criminal Justice System even more Unfair**, L.A. TIMES (July 31, 2019).

**When a Computer Program Keeps you in Jail**, N.Y. TIMES (June 13, 2017).

**Code of Silence: How Private Companies Hide Flaws in the Software that Governments use to Decide who goes to Prison and who gets out**, WASH. MONTHLY (June/July/Aug. 2017).

**Why it's so Difficult to Authenticate Videos that Appear to Show Human Rights Violations**, SLATE (Feb. 28, 2017).

**Convicted by Code**, SLATE (Oct. 6, 2015).

**U.N. Investigators for Sri Lanka, Show Your Work**, GROUNDVIEWS (Aug. 8, 2014).

**Transparency in the UNHRC Investigation of War Crimes in Sri Lanka**, THE ISLAND May 8, 2014.

**Integrity vs. Authenticity in Video Journalism**, COMMIT. TO PROTECT JOURNALISTS (Dec. 13, 2012).

**The Post-Wikileaks World**, YALE GLOBAL ONLINE MAG. (Dec. 17, 2010).

### **CONFERENCES AND PRESENTATIONS (SELECTED)**

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Ohio State Moritz College of Law, Program on Data and Governance  
Columbus, OH, April 4, 2023  
Talk: Data Points: Ideas on Data, Law and Society lecture series (cancelled due to OSTP commitment)

UC Davis School of Law, New Directions in Reproductive Justice: The Way Forward after Dobbs  
Davis, CA, Mar. 24, 2023  
Panelist, marquee event (anticipated)

ABA Webinar, Evidentiary and Policy Questions about Police Body Cameras  
Remote, Dec. 16, 2022  
Talk, "Bodycam Footage and the Fourth Amendment"

Fordham Law School, Civil Rights and Civil Liberties in a Digital Age Seminar

Remote, Sept. 8, 2022  
Talk, “Criminal Defense Rights and Policy Secrecy in Digital Surveillance and Forensic Tech”

Northwestern University School of Law, Emerging Trends in Data Privacy Post-*Dobbs*  
Remote, Sept. 7, 2022  
Panelist discussing big tech and abortion protections

~~National Association of Attorney Generals, Presidential Summit~~  
Des Moines, IA, Aug. 9, 2022 (declined due to Covid)  
Panelist discussing privacy, technology, and criminal law

~~Berkeley Law School, National Association of Appellate Court Attorneys Annual Conference~~  
Berkeley, CA, July 6-8, 2022 (declined due to Covid)  
Talk, “Disparate Access to Data Enjoyed by Prosecutors and Defense Counsel”

Simons Institute for the Theory of Computing, Interpretable Machine Learning in Natural and Social Sciences  
Remote, June 30, 2022  
Talk, “Legal Barriers to Interpretable Machine Learning”

Northeastern University School of Law, Privacy Law Scholars Conference  
Remote, June 2, 2022  
Paper Presentation, “Life, Liberty, and Data Privacy: The Global Cloud and the Criminally Accused”  
Discussant for Ayelet Gordon-Tapiero, et. al.’s paper, “The Case for Establishing a Collective Perspective to Address the Harms of Platform Personalization”

~~Mitchell Hamline School of Law~~  
St. Paul, Minneapolis, June 10-11, 2022 (declined due to Covid)  
Talk, “Claims of Trade Secrecy in Non-Litigation Contexts”

UC Berkeley Foundation and Board of Visitors, Research Committee Meeting  
Remote, May 26, 2022  
Presentation, “Technology and the Criminal Legal System”

Berkeley Center for Law and Technology, IP & Tech Month  
Remote, May 18, 2022  
Panelist, “Criminal Law and Tech Year in Review”

University of Pennsylvania Law School, Computer Science and the Law Roundtable  
Remote, May 17, 2022  
Talk, “Using Zero-Knowledge to Reconcile Law Enforcement Secrecy and Fair Trial Rights in Criminal Cases” (with Ran Canetti)

The National Association of Criminal Defense Lawyers, Unlocking the Black Box: Challenging Surveillance Tools & Technology in Criminal Cases  
Chicago, IL, May 16, 2022  
Talk, “Trade Secret Evidence in the Criminal Legal System”

The Brookings Institution, Center for Technology Innovation  
Remote, May 12, 2022  
Panelist and Organizer, “Forensic Algorithms: The Future of Technology in the U.S. Legal System”

U.C. Berkeley, The Future of AI and Policy Workshop hosted by Jennifer Chayes, Susan Graham, Janet Napolitano, and Pam Samuelson  
Berkeley, CA, May 6, 2022

Invited Participant

~~DLA Piper, American Constitution Society Scholar Schmooze hosted by Mark Tushnet~~  
Washington, DC, May 6, 2022 (declined due to scheduling conflict)  
Paper Presentation for Workshop on Constitutional and Public Law Topics

~~Vanderbilt Law School, Evidence Summer Workshop~~  
Nashville, TN, May 6, 2022 (declined due to scheduling conflict)  
Paper Presentation, “Law Enforcement Evidentiary Privilege”

Berkeley Kavli Center for Ethics, Science, and the Public  
Berkeley, CA, May 5, 2022  
Panelist, “From Research to Real World Impact”

Columbia University, Roosevelt Institute Hackathon on AI Governance  
Remote, April 23, 2022  
Talk, “Trade Secret Evidence in the Criminal Legal System”

Georgetown University Law Center, Professor Amanda Levendowski’s Class on iPIP x Social Justice  
Remote, April 15, 2022  
Guest Lecture, “Trade Secrets and Algorithmic Obfuscation”

Santa Clara Law School and the Northern California Innocence Project, High Technology Law Journal Conference  
Remote, March 25, 2022  
Talk, “Trade Secret Evidence in the Criminal Legal System”

~~University of Pennsylvania Law School, American Constitution Society Chapter~~  
Philadelphia, PA, March 25, 2022 (declined due to scheduling conflict)  
Speaker, “Inaugural ACS Philadelphia Symposium”

Berkeley Law School, The New Criminal Courts Research Workshop  
Remote, March 11, 2022  
Talk, “Zero-Knowledge Proofs and the Law Enforcement Privilege”

Berkeley Legal Studies, Professor Jon Marshall’s Class on Law and Technology  
Remote, March 7, 2022  
Guest Lecture, “Computer Science and Law”

Berkeley Institute for Data Science, Computational Social Science Forum  
Remote, March 1, 2022  
Talk, “Privacy Asymmetries”

American Bar Association, TIPS Cybersecurity and Data Privacy Committee  
Remote, February 16, 2022  
Talk, “Privacy as Privilege: The Stored Communications Act and Internet Evidence”

Georgetown University Law Center, Georgetown Law and Technology Review Symposium Conference  
Remote, January 28, 2022  
Talk, “The Impact of Public-Private Data Sharing on Law Enforcement”

University of Pennsylvania Law School, Journal of Law & Innovation Symposium  
Remote, January 28, 2022  
Panelist, “Innovation and Criminal Justice”

Bar Association of San Francisco

Remote, January 11, 2022  
Panelist, CLE on “Finding and Fighting Algorithmic Bias”

DARPA Zero-Knowledge Proof Workshop  
Remote, December 13, 2021  
Co-Presenter (with Shafi Goldwasser), “Verification Dilemmas in Law and the Promise of ZKPs”

New York University, Public Interest Technology CHat (PITCH) AI Now Event Series  
Remote, December 2021  
Talk, “AI and Criminal Evidence”

Northwestern University, Panel Series on AI Profess and the 20-Year Community Roadmap  
Remote, November 17, 2021  
Discussant, “Creating a National AI Infrastructure”

University of Florida Levin College of Law  
Remote, November 17, 2021  
Discussant for Maura Grossman and Paul Grimm’s paper, “Artificial Intelligence as Evidence”

~~Yale Law School, AI Governance Symposium~~  
Remote, November 12-13, 2021 (cancelled due to a medical emergency)  
Talk, “Ignorance-Based Secrecy: Surveillance Software, Discovery, and the Law Enforcement Privilege”

Berkeley EECS, Professor Rediet Abebe’s Class on Algorithms and Inequality  
Berkeley, CA, November 10, 2021  
Guest Lecture, “Algorithmic Inequality and the Law”

Colorado Law School, Conference on The State of the Art of Artificial Intelligence in the Practice of Law  
Remote, November 9, 2021  
Panelist, “Artificial Intelligence and Litigation”

The Pound Civil Justice Institute and The University of California, Hastings, Center for Litigation and Courts  
San Francisco, CA, November 6-7, 2021  
Discussant for Conference on “The Internet and the Law: Legal Challenges in the New Digital Age”

University of Ottawa, Global AI and Regulation Emerging Scholars Workshop  
Remote, November 4, 2021  
Discussant for Matt Malone’s paper, “The Trade Secret Justification in Access to Information Requests: Addressing a Key Barrier to Access and Transparency in AI-Driven Processes”

University of Pennsylvania Law School, Junior Faculty Forum on Law & STEM  
Remote, October 15-16, 2021, paper selected through a blind, peer-review submission process  
Paper Presentation, “Ignorance-Based Secrecy: Surveillance Software and Law Enforcement Privilege”

Berkeley Law School, Professor Paul Schwartz’s Class on Information Privacy  
Berkeley, CA, October 4, 2021  
Guest Lecture, “The Global Cloud and the Criminally Accused”

University of Minnesota Law School, Cybersecurity Law and Policy Scholars Conference  
Remote, October 1-2, 2021  
Paper Presentation, “Ignorance-Based Secrecy: Surveillance Software and Law Enforcement Privilege”  
Discussant for Tabrez Ebrahim’s paper, “Directors & Officers Liability with Corporate Cybersecurity”

Northwestern University, Computer Science and the Law Virtual Workshop Series

Remote, September 17, 2021  
Talk, “Privacy Asymmetries”

Berkeley Center for Law and Technology, Webinar Series  
Remote, August 27, 2021  
Co-Instructor for Workshop on Trade Secrets Basics and Case Management

InternetLab Law and Technology Research Center (Sao Paulo, Brazil), Fundamental Rights and Criminal Procedure in the Digital Age, International Conference  
Remote, August 30, 2021  
**KEYNOTE** Lecture, “Privacy Asymmetries and Cross-Border Access to Data in Criminal Investigations”

Yale Law School, Information Society Project  
Remote, August 19, 2021  
Talk, “Ignorance-Based Secrecy: Surveillance Software and the Law Enforcement Privilege”

~~Lawrence Livermore National Lab, Machine Learning for Industry Forum~~  
Berkeley, CA, August 10-12, 2021 (declined)  
Panelist, “Dataset Sharing and Security”

Georgetown University Law Center, Privacy Law Scholars Conference  
Remote, June 3, 2021  
Discussant for Annie Boustead and Matthew Kugler’s paper, “Juror Interpretations of Metadata and Content Information: Implications for the ‘Going Dark’ Debate”

Office of the Federal Defender, Southern District of New York, Continuing Legal Education Lecture  
Remote, May 24, 2021  
Lecture, “Litigating Defense Access to Social Media Evidence”

Berkeley Center for Law and Technology Webinar Series  
Remote, May 20, 2021  
Talk (with Kenneth Bamberger), Discussing Zero-Knowledge Proofs and Law

Georgetown University Law Center, Technology Law and Policy Colloquium: Data, Algorithms, and Platforms  
Remote, April 19, 2021  
Paper Presentation, “The CLOUD Act and the Accused”

Berkeley Center for Law and Technology, Lex Informatica Symposium  
Remote, April 15-16, 2021  
Moderator, panel on Transparency as a Technology Policy Lever

~~Orchid Priv8 Summit on Digital Privacy~~  
Remote, March 23, 2021 (declined)  
Speaker, “Innovator’s Dilemma: Post-Pandemic Privacy Policy”

Center for Statistics and Applications in Forensic Evidence, Source Code on Trial Symposium  
Remote, March 12, 2021  
Panel Presentation, Discussing the Trade Secret Evidentiary Privilege in Criminal Cases

The Urban Justice Center, Surveillance Technology Oversight Project  
Remote, February 18, 2021  
Lecture, Discussing Privacy Laws and Criminal Defense Access to Evidence

New Jersey Public Defender Services, Continuing Legal Education Lecture

Remote, February 4, 2021  
Lecture, “Litigating Defense Access to Social Media Evidence”

The Legal Aid Society of New York City, National Public Defender Training on Forensics  
Remote, January 29, 2021  
Lecture, “Litigating Defense Access to Social Media Evidence”

Hebrew University of Jerusalem, Federmann Cyber Security Research Center, Cyber Law Program  
Remote, December 23, 2020  
Talk (with Kenneth Bamberger), Discussing Zero-Knowledge Proofs and Law

University of Haifa, Center for Cyber, Law and Policy, Cyber Forum  
Remote, December 3, 2020  
Talk, Digital Forensics and Criminal Defense

University of Colorado Law School, Roundtable on Artificial Intelligence in Government  
Remote, December 2, 2020  
Participant, Discussing Artificial Intelligence and Law

The Brookings Institution, Webinar on the Future of Artificial Intelligence  
Remote, November 17, 2020  
Panel Presentation, Discussing Market and Political Distortions Surrounding AI and Criminal Justice

Northeastern University School of Law, Northeast Privacy Scholars Workshop  
Remote, November 13, 2020  
Discussant for Niklas Eder’s paper, “Machine Learning-Based Surveillance, Surveillance Theory and Critical Legal Scholarship”

Berkeley Center for Law and Technology, Symposium: Technology Law as a Vehicle for Anti-Racism  
Remote, November 12-13, 2020  
Panel Presentation, Discussing Technology Law and Criminal Defense Practice

Fordham University School of Law, Center on Law and Information Policy, Faculty Workshop  
Remote, November 6, 2020  
Paper Presentation, “Privacy as Privilege: The Stored Communications Act and Internet Evidence”

Columbia University, Knight First Amendment Institute, Data and Democracy Symposium  
Remote, October 15, 2020  
Paper Presentation, “The CLOUD Act and the Accused”

Berkeley Center for Law and Technology, Privacy Law Forum  
Remote, October 9, 2020  
Talk, “Privacy as Privilege: The Stored Communications Act and Internet Evidence”

Stanford Law School, Faculty Workshop Junior Faculty Exchange  
Remote, September 23, 2020  
Paper Presentation, “Privacy as Privilege: The Stored Communications Act and Internet Evidence”

University of California, Berkeley, School of Law, Faculty Workshop  
Remote, September 15, 2020  
Paper Presentation, “Privacy as Privilege: The Stored Communications Act and Internet Evidence”

Mechanism Design for Social Good Workshop  
Remote, August 17, 2020



Panel Presentation, Discussing Privacy Laws and Access to Digital Evidence

Vanderbilt Law School, Evidence Summer Workshop

Remote, August 6, 2020

Paper Presentation, “Privacy as Privilege: The Stored Communications Act and Internet Evidence”

Ohio State University Moritz College of Law, Summer Junior Lightning Rounds Workshop

Remote, July 29, 2020

Paper Presentation, “Privacy as Privilege: The Stored Communications Act and Internet Evidence”

University of California, Berkeley, School of Law, Executive Education Webinar

Remote, June 24, 2020

Talk, “Privacy Asymmetries: Internet and Subpoenas”

~~Simons Institute for the Theory of Computing, Interpretable Machine Learning in Natural and Social Sciences~~

~~Berkeley, CA, June 29-July 2, 2020 (cancelled due to Covid)~~

~~Invited Participant, Workshop~~

Duke Law School, Criminal Law Workshop

Remote, June 15, 2020

Paper Presentation, Privacy Asymmetries and Criminal Defense Access to Evidence

George Washington University Law School, Privacy Law Scholars Conference

Remote, June 4-5, 2020

Paper Presentation, “Privacy as Privilege: The Stored Communications Act and Internet Evidence”

Yale Law School, Information Society Project, Virtual Cyber Policy Talk Series

Remote, May 8, 2020

Talk, The Stored Communications Act and Criminal Defense Access to Evidence

New York Law School, Internet Law Works-in-Progress Conference

Remote, March 14, 2020

Paper Presentation, “Privacy as Privilege: The Stored Communications Act and Internet Evidence”

~~University of Minnesota Law School, Cybersecurity Law and Policy Scholars Conference~~

~~Minneapolis, MN, May 21-22, 2020 (cancelled due to Covid)~~

~~Paper Presentation, “Privacy as Privilege: The Stored Communications Act and Internet Evidence”~~

~~Berkeley Center for Law and Technology, Privacy Law Forum~~

~~San Francisco, CA, March 20, 2020 (cancelled due to Covid)~~

~~Talk, “Privacy as Privilege: The Stored Communications Act and Internet Evidence”~~

~~Stanford Law School, Faculty Workshop Junior Faculty Exchange~~

~~Stanford, CA, March 18, 2020 (cancelled due to Covid)~~

~~Paper Presentation, “Privacy as Privilege: The Stored Communications Act and Internet Evidence”~~

University of California, Berkeley, School of Law, Conference Honoring Robert Cooter

Berkeley, CA, February 28-29, 2020

Discussant for Jonathan Masur’s paper, “Moral Norms, Adaptive Preferences, & Hedonic Psychology”

University of California, Los Angeles, School of Law, Symposium: Algorithmic Criminal Justice?

Los Angeles, CA, January 24, 2020

Panel Presentation, Discussing Privacy Asymmetries

University of Chicago Law School, Public Law Workshop  
Chicago, IL, January 28, 2020  
Paper Presentation, “Privacy Asymmetries: Access to Data in Criminal Defense Investigations”

University of California, Los Angeles, Institute for Pure and Applied Mathematics, Symposium: Deep Fakes:  
Mathematical, Cryptographic, Social, and Legal Perspectives  
Los Angeles, CA, November 15-16, 2019  
Panel Presentation, Discussing Deep Fakes and Evidence Law

National Press Foundation, Criminal Justice Reporting Fellows Workshop  
San Francisco, CA, November 11, 2019  
Lecture, “Technology and Criminal Justice”

California Judges Association, Annual Meeting  
Monterey, CA, October 2019  
Panel Presentation, Discussing Fake Digital Evidence (Panel Organizer)

Yale Law School, Access and Accountability Conference  
New Haven, CT, October 4-5, 2019  
Panel Participant, Discussing the Stored Communications Act Bar on Nongovernmental Subpoenas

University of California, Irvine, School of Law, Transnational Fiduciary Law Conference  
Irvine, CA, September 6-7, 2019  
Participant, Discussing Information Fiduciaries and Cross-Border Criminal Discovery

Data and Society Research Institute  
New York, NY, June 2019  
Talk, “Information Asymmetries Between the Government and the Accused”

Stanford University, Center for Advanced Study in the Behavioral Sciences, Technology and the Self Workshop  
Stanford, CA, September 28-29, 2018  
Panel Presentation, “Information Asymmetries Between the Government and the Accused”

University of California, Berkeley, School of Law, Faculty Workshop  
Berkeley, CA, February 15, 2018  
Job Talk, “Life, Liberty, and Trade Secrets: Intellectual Property in the Criminal Justice System”

Yale Law School, Faculty Workshop  
New Haven, CT, February 8, 2018  
Job Talk, “Life, Liberty, and Trade Secrets: Intellectual Property in the Criminal Justice System”

Duke University School of Law, Faculty Workshop  
Durham, NC, February 6, 2018  
Job Talk, “Life, Liberty, and Trade Secrets: Intellectual Property in the Criminal Justice System”

Cardozo School of Law, Faculty Workshop  
New York, NY, February 5, 2018  
Job Talk, “Life, Liberty, and Trade Secrets: Intellectual Property in the Criminal Justice System”

University of California, Los Angeles, School of Law, Faculty Workshop  
Los Angeles, CA, January 31, 2018  
Job Talk, “Life, Liberty, and Trade Secrets: Intellectual Property in the Criminal Justice System”

New York University Law School, Faculty Workshop

New York, NY, January 29, 2018  
Job Talk, “Life, Liberty, and Trade Secrets: Intellectual Property in the Criminal Justice System”

Columbia Law School, Faculty Workshop  
New York, NY, January 25, 2018  
Job Talk, “Life, Liberty, and Trade Secrets: Intellectual Property in the Criminal Justice System”

Harvard Law School, Faculty Workshop  
Cambridge, MA, January 11, 2018  
Job Talk, “Life, Liberty, and Trade Secrets: Intellectual Property in the Criminal Justice System”

University of Virginia, School of Law, Faculty Workshop  
Charlottesville, VA, December 11, 2017  
Job Talk, “Life, Liberty, and Trade Secrets: Intellectual Property in the Criminal Justice System”

Northwestern University, Department of Computer Science  
Evanston, IL, December 8, 2017  
Job Talk, Digital Evidence in the Criminal Justice System

University of Chicago Law School, Faculty Workshop  
Chicago, IL, December 7, 2017  
Job Talk, “Life, Liberty, and Trade Secrets: Intellectual Property in the Criminal Justice System”

Northwestern Pritzker School of Law, Faculty Workshop  
Chicago, IL, October 10, 2017  
Job Talk, “Life, Liberty, and Trade Secrets: Intellectual Property in the Criminal Justice System”

The Leadership Conference on Civil and Human Rights, Civil Rights, Privacy, and Technology Table  
Washington, DC, June 14, 2017  
Special Presentation, Talk on Trade Secrets in Criminal Cases

New York University Law School, Information Law Institute, Algorithms and Explanations Conference  
New York, NY April 28, 2017  
Moderator, panel on Predictive Policing

Yale Law School, We Robot Conference  
New Haven, CT, March 31, 2017  
Paper Presentation, “Trade Secrets as Evidentiary Privilege”

Washington and Lee University School of Law, Big Data: Understanding Algorithmic Power, Symposium  
Lexington, VA, March 30, 2017  
Moderator, panel on Big Data Ethics in Law and Research Methods

Santa Clara University, School of Law, Internet Law Works-in-Progress Conference  
Santa Clara, CA, March 4, 2017  
Paper Presentation, “Trade Secrets as Evidentiary Privilege”

New York State Assembly, State Legislative Hearing  
New York, NY, February 2017  
Testimony, Discussing Trade Secrets in Criminal Cases

Data and Society Research Institute, Eclectic Papers Workshop  
New York, NY, December 9, 2016  
Paper Presentation, “Deadly Secrets”

Yale Law School, Information Society Project  
New Haven, CT, October 2016  
Talk, Intellectual Property in the Criminal Justice System

New York University Law School, Information Law Institute, Intersection of Privacy and Property Workshop  
New York, NY, May 6, 2016  
Paper Presentation, “Police Body Cameras and Other Warrantless Data Collection”

Yale Law School, Rebellious Lawyering Conference  
New Haven, CT, February 19, 2016  
Panel Presentation, “Police Video as Data Collection in the Home”

University of Pennsylvania, Annenberg School for Communication, Honing the Visual Conference  
Philadelphia, PA, January 28, 2016  
Talk, “Police Video as Data Collection in the Home”

Indiana University Bloomington, Maurer School of Law  
Bloomington, IN, January 22, 2016  
Talk, “Police Video as Data Collection in the Home”

University of Connecticut, Human Rights Institute, Human Rights and New Technologies Workshop  
Storrs, CT, October 23, 2015  
Participant, discussing Video Evidence and Forensics

Carnegie Mellon University, Human Rights Media Central Workshop  
Pittsburgh, PA, July 29-30, 2015  
Participant, discussing Video Evidence and Human Rights

Government of Alberta, Technology Law Division  
Remote, June 2015  
Lecture, “DRM and Privacy”

National Law School of India University  
Remote, March 2015  
Guest Lecture, “Privacy Law and National Security Letters”

New York University School of Law, Technology Law and Policy Warrant Canary Workshop  
New York, NY, November 3, 2014  
Participant, discussing Warrant Canaries and National Security Letter Nondisclosure Orders

University of Pennsylvania Law School, Production of Visual Advocacy and Scholarship Working Group  
Philadelphia, PA, October 24, 2014  
Participant, discussing Visual Legal Advocacy

Carnegie Mellon University, Video Forensics Workshop  
Pittsburgh, PA, August 20, 2014  
Talk, “Video Evidence in Post-War Crises”

University of California, Berkeley, CITRIS Institute  
Berkeley, CA, July 29, 2014  
Talk, “Video Evidence in Post-War Crises”

University of Wisconsin-Madison, Visual Science and Technology Studies Workshop

Madison, WI, October 31-November 1, 2013  
Panelist, discussing Documentary Film as an Analytic Methodology

Yale Law School, Information Society Project  
New Haven, CT, January 30, 2013  
Talk, “The YouTube Criminal Court: Video Evidence, Access to Knowledge, and the Production of Objectivity in Post-War Sri Lanka”

United States-Sri Lanka Fulbright Commission  
Colombo, Sri Lanka, September 24, 2012  
Lecture, “Documentary Film as Legal Advocacy, Evidence, and Argument: The Yale Visual Law Project”

## **TEACHING**

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**Trade Secret Law** (S2022) (with David Almeling)

**Evidence** (S2020, F2020, S2021, F2021)

**Secrecy: The Use and Abuse of Information Control in the Courts** (F2019, F2020, S2021, S2022)

**Note Publishing Workshop** (S2020) (with Kenneth Bamberger and Steven Sugarman)

**Law 299 Independent Writing Supervisor** (Phoebe Lavin F2021, Hayley Durudogan S2022)

## **MEDIA COVERAGE (SELECTED)**

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*Bipartisan Support for Fourth Amendment is Not for Sale Act at House Judiciary Hearing*, TECH POLICY PRESS (July 19, 2022) (quoted).

*How People Can Protect Their Data in the Wake of the Roe Ruling*, PBS NEWS WEEKEND (July 3, 2022) (interviewed).

*With Roe Overturned, Tech Companies Will Have to Weigh Big Data Questions*, NPR MARKETPLACE TECH (June 27, 2022) (interviewed).

*Supreme Court Overturns Roe: What Role for Big Tech?*, BLOOMBERG TECH. TV (June 24, 2022) (interviewed).

*A Secret Algorithm is Transforming DNA Evidence*, WASHINGTON POST (July 13, 2021) (quoted).

*Court Ruling Reflects Latest Pressure on AI Trade Secrets*, WALL STREET JOURNAL (Feb. 4, 2021) (quoted).

*California High Court Sets Rules for Facebook Subpoena*, BLOOMBERG LAW (Aug. 13, 2020) (quoted).

*Convicted by Software? Not so Fast, Says California Lawmaker*, CONGRESSIONAL QUARTERLY MAGAZINE (July 14, 2020) (quoted and filmed).

*Facebook and Twitter Want to Keep the Justice System Stacked Against Defendants*, WIRED MAGAZINE (June 19, 2020) (cited).

*Algorithms Used in Policing Face Policy Review*, WALL STREET JOURNAL (June 1, 2020) (quoted).

*How Privacy Laws Harm Criminal Defendants*, TECHDIRT PODCAST (Feb. 4, 2020) (interviewed).

*'Hangover' Producer Helped a Teen Convicted in Killing. Now He's Under Investigation*, THE L.A. TIMES (Dec. 15, 2019) (quoted).

*Imagine Being on Trial. With Exonerating Evidence Trapped on Your Phone*, THE NEW YORK TIMES (Nov. 22, 2019) (quoted and cited).

*How Privacy Laws Hurt Defendants*, SCHNEIER ON SECURITY BLOG (Aug. 2, 2019) (cited).

*The Tech Trade Secrets that may be Harming the Criminal Justice System*, NPR's THE TAKEAWAY (June 15, 2017) (interviewed).

## **SERVICE**

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### **Law School**

Criminal Justice Center Search Committee (2022-23)  
Clerkship Committee (2021-22)  
Academic Placement Committee (2021-22; 2020-21)  
Thelen Marrin Writing Prize Selection Committee (2021-22; 2020-21)  
Co-Organizer, Junior Scholars' Working Ideas Group (2021-22; 2020-21)  
LL.M./J.S.D. Committee (2019-20)  
Intellectual Property Reading Group for the Hiring Committee (2019-20)

### **University**

Academic Appointments Committee, AI and Inequality Cluster Hire (2021-present)  
Letter of Collaboration provided for \$2 million NSF grant: FW-HTF-R: *Human-Machine Teaming for Effective Data Work at Scale: Upskilling Defense Lawyers Working with Police Misconduct Data*  
Faculty Steering Committee, Kavli Center for Ethics, Science, and the Public (2021-present)  
Faculty Affiliate, Berkeley Institute for Data Science (BIDS) (2021-present)  
Search and Advisory Committee, BIDS Post-Doctoral Fellow in Criminal Justice (2021-22)  
Faculty Affiliate, Center for Responsible, Decentralized Intelligence (2021-present)  
Fundraising for the Computing, Data Science, and Society Initiatives in CS and Law (2020-21)

### **Scholarly and Professional Community**

Co-organizer, ACM workshop on *Adversarialism in Machine Learning and the Law*, ACM Conference on Neural Information Processing Systems (NeurIPS 2023)  
Meta Reviewer, ACM conference, *Equity and Access in Algorithms, Mechanisms, and Optimization* (EAAMO 2023)  
Organizer, AALS Panel, *The Newly Central Role of Defense Investigations in the Digital Age* (AALS 2022)  
Executive Committee, AALS, Section on Evidence Law (2021-present)  
Steering Committee, Law and CS Inter-University Workshop Series (2021-present)  
Faculty Affiliate, Northeastern Center for Law, Information and Creativity (2020-present)  
Ally, Black in AI (2020-present)  
Confidential Evaluator, MacArthur Fellows Program (2020)  
Reviewer, AALS/NIST reviewer for educational materials on AI for judges (2022)  
Reviewer, *Yale Law Journal* (2021)  
Reviewer, *Stanford Law Review* (2019)  
Reviewer, *Harvard Law Review* (2019)

### **Public Service**

Witness, Invited Testimony Before the House Judiciary Committee for the U.S. Congress, *Hearing on*

*Voluntary Surveillance* (July 19, 2022)  
Counsel (Pro Bono), Petition for a Writ of Certiorari to the U.S. Supreme Court, *Colone v. Superior Court (GitHub)* (April 13, 2021) (with Erwin Chemerinsky)  
Consultant for U.S. Congress: Senators Richard Blumenthal, Chris Coons, Brian Schatz & Mark Warner; Congressmembers Jerrold Nadler, Val Demings, Anna G. Eshoo & Mark Takano; Senate Banking Committee, House Judiciary Committee & House Committee on Homeland Security  
Consultant for State lawmakers: Maryland State Senator Susan Lee & Illinois Governor JB Pritzker  
Consultant for nonprofit organizations: Innocence Project & ACLU of Northern California  
Expert, NACDL Task Force on Predictive Policing Report, *Garbage In, Gospel Out* (Sept. 2021)  
Expert, U.S. Government Accountability Office, Report to Congressional Requesters, *Forensic Technology* (Part I, May 12, 2020 & Part II, July 6, 2021)  
Member, CEPS and QMUL Task Force Report, *Cross-Border Data Access in Criminal Proceedings and the Future of Digital Justice* (Oct. 2020)  
Advisor, PDQuery (Nonprofit providing technical consultations to public defenders)

## **BAR MEMBERSHIP**

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New York State