

Fall 2021



Dear Alumni and Friends,

What a year we have all had. We are thrilled that after a year of teaching and learning online, we were able to resume in-person education here at Berkeley Law this fall. It is a delight to meet our students (and each other) in person once again.

Not that remote learning slowed our students down! Read on to learn about our students' amazing work. They drafted a white paper on municipal adoption of ordinances regulating surveillance technology. They submitted briefing in a Freedom of Information Act case for records regarding the Trump Administration's use of social media monitoring at the border, which will be argued in January 2022. They won an exemption to the anti-circumvention provisions of the Digital Millennium Copyright Act for our client Authors Alliance, one that will enable academic researchers to use text data mining on a broad array of copyrighted eBooks and motion pictures. Other students participated in efforts to shape state and federal broadband affordability programs and policies alongside Teaching Fellow Gabrielle Daley. And still others worked on a project for Public.Resource.org to ask California courts to remove copyright restrictions from jury instructions.

Also, our criminal justice docket continues to grow. Under Supervising Attorney Megan

Graham's leadership, we co-hosted our third annual tech-focused trial skills workshop for federal defense attorneys.

We have also received much good news this year. We are thrilled to report that our longtime benefactors, Pamela Samuelson and Bob Glushko, have once again stepped forward to fund Berkeley Law's first chair for clinical faculty. Their \$1 million dollar gift will help to create the Robert Glushko Clinical Professor of Practice in Technology Law. Director of Policy Initiatives Jennifer Urban has been appointed Chair of the Board of Directors of the California Privacy Protection Agency. She has taken a one-year leave to help stand up that new agency. Anyone who knows Jennifer understands that it could not be in better hands.

This year's newsletter includes these stories, as well as updates from our alumni. We are grateful to our students, clients, alumni, and friends for their support. Please consider [donating to the clinic](#) to support our students and work into the New Year. And please stay in touch! We love to hear from you.

Catherine Crump, Director

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## Clinic News



### Clinic asks California courts to remove copyright restrictions from jury instructions

Continuing its work to keep laws free and accessible to the public, the clinic [asked the California courts to remove all copyright restrictions from the official jury instructions](#), on behalf of Public.Resource.Org. The clinic's proposal to the Judicial Council argues that

jury instructions do not qualify for copyright protection because they are not original enough and law is not copyrightable. Nearly 500 individuals and organizations signed on to support the proposal, including 342 law professors, librarians, and legal practitioners, and 11 public interest organizations. Students **Jennifer Hewitt '22** and **Blaine Valencia '22** (above) wrote the proposal, supervised by **Jennifer Urban '00** and former Teaching Fellow **Juliana DeVries '17**. Read more on the [project page](#).

## **Students secure exemption to DCMA's anti-circumvention provisions to benefit academic researchers**

On behalf of Authors Alliance, clinic students obtained an exemption to the anti-circumvention provisions of the Digital Millennium Copyright Office so that academic researchers can perform text and data mining on in-copyright literary works and motion pictures. This research promises to create new knowledge about culture through application of computational analysis to draw insights across collections of ebooks and motion pictures. Previously, the prohibition on breaking “digital locks” has meant that “born digital” works reflecting contemporary culture have largely been excluded from this type of research. The exemption will allow researchers in the digital humanities and other fields to explore new questions and gain a more accurate, representative, and inclusive understanding of our culture and society. Many students contributed to the project over the years, including **Tait Anderson '22**, **Jason Francis '21**, **Elizabeth Fu '21**, **Alistair McIntyre '21**, **Erin Moore '21**, and **Ziyad Alghamdhhi '21**. Associate Director **Erik Stallman**, **Catherine Crump**, and **Gabrielle Daley** supervised their work. Read more on the [project page](#).

## **Clinic files amicus brief in *Sony Music Entertainment v. Cox Communications***

The clinic co-authored [an amicus brief](#) filed on June 1 in the Fourth Circuit in *Sony Music Entertainment v. Cox Communications*. Signed by clinic clients the Electronic Frontier Foundation, as well as the Center for Democracy & Technology, American Library Association, Association of College and Research Libraries, Association of Research Libraries, and Public Knowledge, the brief argues that the district court decision misapplies secondary liability doctrine and raises due process concerns. It also explains that upholding the \$1 billion statutory damage award would harm innocent and vulnerable internet users as ISPs terminate more subscribers for alleged infringement to avoid liability exposure. Students **Waen Vejjajiva '22**, **Kevin Yang '21**, and **Benjy Malings '22** worked on the brief, under the supervision of **Erik Stallman** and **Juliana DeVries**. Read more on the [project page](#).

## **Clinic files brief in *Knight First Amendment Institute v. U.S. Department of Homeland Security***

The clinic filed a [merits brief](#) in the Second Circuit in *Knight First Amendment Institute v. U.S. Department of Homeland Security* last spring. Clinic client the Knight Institute filed a FOIA request for records about the government's ideological screening of immigrants and visitors at the border. The Institute filed the request after the Trump Administration implemented an “extreme vetting” initiative and agencies sought to collect more information about social media usage by those seeking to enter the United States. The

district court ordered the government to disclose certain records, and the government appealed. The argument is set for January 6. Students **Schuyler Standley '21** and **Melody Wong '21** filed the brief, supervised by **Megan Graham** and **Catherine Crump**. Check out the [project page](#) for more information about the case.

## Clinic co-hosts third annual tech-focused trial skills workshop for federal defense attorneys

In late October and early November, the clinic co-hosted the third annual technology-focused trial skills workshop in collaboration with the Federal Defender Services Training Division. This innovative program is an intensive conference that teaches lawyers in Federal Defender offices and Criminal Justice Act attorneys about various technologies they see in their clients' cases, and helps them practice trial skills like cross-examination of a government expert, direct examination of defense experts, and oral argument. Participants get to hone these skills in small group sessions that pair a seasoned federal defense attorney with a technologist or technology law expert. Over the past three years, the clinic has helped train nearly 200 defense attorneys on how to litigate cutting-edge technology issues on behalf of their clients.

## Students help shape state and federal broadband for low-income households

On behalf of Next Century Cities, a nonprofit organization that represents the interests of local governments in broadband policy, students **Ross Ufberg '22** and **Shalev Netanel '22**, supervised by **Gabrielle Daley** and **Erik Stallman**, participated in efforts to shape state and federal broadband affordability programs and policies. As part of their advocacy during the Federal Communications Commission's proceeding to establish rules for the \$3.2 billion Emergency Broadband Benefit Program, the students researched the approaches different communities have taken to ensure that low-income households have access to essential broadband service during the COVID-19 pandemic, including an innovative partnership in the city of San Rafael, California to establish a community mesh broadband network. The students then met with the Office of FCC Acting Chairwoman Jessica Rosenworcel to advocate for federal support for these and similar efforts. The [Notice of Ex Parte Presentation is available here](#). Read more on the [project page](#).

## New white paper on local surveillance oversight ordinances

In February 2021, the clinic released a [white paper on local surveillance oversight ordinances](#) that compares and analyzes these ordinances based on their text. Clinic students **Tyler Takemoto '22** and **Ari Chivukula '21** authored the white paper under the supervision of **Catherine Crump** and **Juliana DeVries**.

## Clinical Program releases second annual report

It's been another busy year in Berkeley Law's clinical program, which welcomed the largest class ever of incoming clinic students this fall. To meet this growing demand, plans are underway to expand the program with five new tenure-track faculty over the next five years and to



launch new clinics. [View our Annual Report](#) to learn how clinical students and faculty have continued to fight for racial, economic, and social justice.

## Faculty News

### Jennifer Urban named chair of California Privacy Protection Agency



California Gov. Gavin Newsom has [appointed Jennifer Urban '00 chair of the board of directors of the California Privacy Protection Agency \(CPPA\)](#). She and four other experts in privacy, technology, and consumer rights have formed the board of the new administrative agency charged with protecting the privacy rights of consumers over their personal information. In creating the agency, Urban says the state “demonstrates national and international leadership.” She adds that “California, with explicit privacy protections in our state constitution, many existing innovative privacy laws, and leadership from an expert attorney general’s office, has long been a leader in privacy. But as the world grows ever more data-driven, a dedicated body to protect consumer privacy rights, provide guidance to businesses, and enforce the law, is necessary.”



*Robert Glushko, UC Berkeley School of Information Professor Deirdre Mulligan, Samuelson Clinic Director Catherine Crump, and Professor Pamela Samuelson at the clinic’s 15th anniversary celebration in 2016.*

### \$1 million gift creates clinic’s first chair for clinical faculty

The clinic's endowing donors have again stepped forward, this time to fund Berkeley Law's first chair for clinical faculty. Professor [Pamela Samuelson](#) and her husband, Robert Glushko, of the UC Berkeley Cognitive Science Program, [have pledged \\$1 million to create the Robert Glushko Clinical Professor of Practice in Technology Law](#). Two decades earlier, they donated \$2 million to help establish the Samuelson Clinic, which was the first of its kind, to advance the public interest in tech and intellectual property law. Catherine Crump says: "It's impossible to overstate how important Pam and Bob have been not just in supporting the clinic here at Berkeley Law, but really in cementing the place of tech law among clinical offerings at law schools nationwide."

## In Memoriam



This year, the Samuelson Clinic lost a dear friend and colleague in **Sherwin Siy '05**. Sherwin was a student in the clinic for two semesters before graduating from Berkeley Law. After graduation, Sherwin started his career at the Electronic Privacy Information Center and then joined Public Knowledge, where he spent several years and eventually became vice president of legal affairs. Later on, Sherwin worked at the Federal Communications Commission and the Wikimedia Foundation. He was a passionate and knowledgeable advocate on copyright law and policy, and also a dedicated mentor. Sherwin was a repeat client contact for the clinic and always inspired the students he worked with. He left a deep impression on his fellow travelers, and his passing was observed by colleagues at [Public Knowledge](#), the [Internet Archive](#), the [Electronic Frontier Foundation](#), [Wikimedia Foundation](#), and elsewhere. We miss him.

## Former Faculty News

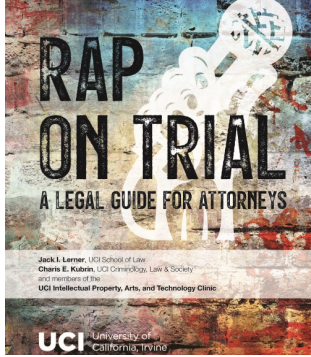


**Juliana DeVries '17** (teaching fellow, 2020-2021) and her husband Dieter welcomed their daughter, Sidonia Lior Brommer, July 23, 2021. The new parents are overjoyed (and exhausted!).



**Jen King** (staff researcher, 2007-2009, iSchool Ph.D 2018, MIMS 2006) is presently the privacy and data policy fellow at the Stanford Institute for Human-Centered Artificial Intelligence, where she moved after nearly three years at the Center for Internet and Society at Stanford Law. Accordingly, her research has shifted towards examining the privacy issues related to artificial intelligence, in addition to her work in consumer privacy. She recently published an article in the *Georgetown Law Technology Review* examining the CCPA's approach to regulating privacy dark patterns.

**Jack Lerner** (teaching fellow, 2005-2007) continues to direct



the UCI Intellectual Property, Arts, and Technology Clinic, now in its seventh year, where he has collaborated with many members of the Samuelson Clinic community including Brianna Schofield, Andy Gass, Derek Slater, Lila Bailey, and Pam Samuelson herself. In June, UCI's IPAT Clinic published *Rap on Trial: A Legal Guide for Attorneys*, the first-ever treatise on the use of rap lyrics in criminal proceedings. The guide has already been used successfully to limit the use of rap lyrics and videos in a criminal trial. Later this year, Jack, co-author Charis Kubrin, and a team of IPAT Clinic students will be presenting workshops to groups of defense attorneys around the country.

**Brianna Schofield '12** (research and policy fellow, 2013-2105; teaching fellow, 2015-2017) has enjoyed working with Samuelson Clinic teams on two major Authors Alliance projects this past year. These teams petitioned for a new 1201 exemption to facilitate text data mining research and wrote a comprehensive guide to the legal issues that can arise when authors write about real people. Brianna recently started a new role as director of scholarly communications at Stanford.

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## Alumni News

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### 2002



**Sabra-Anne (Kelin) Truesdale** joined the patent prosecution group at Fenwick & West in the Mountain View office after graduation and stayed for 12 years. In 2015, she joined HGST/Western Digital as in-house patent counsel in the San Jose office. There, she manages a portion of Western Digital's patent portfolio. She also oversees She Invents, Western Digital's female inventor program, whose mission is to help empower, advance, and support Western Digital's female inventors.



**Eddan Katz** helped initiate the World Economic Forum's Centre for the Fourth Industrial Revolution, developing the C4IR policy instrument methodology; leading the AI/ML network as platform curator, operationalizing AI Ethics Frameworks piloted at national affiliate centers across the world through multi-stakeholder norm-shaping agreements.

### 2006

**Katie Oyama** is Global Director for Business Public Policy at YouTube, where she leads a global team focused on creator and industry policy across music, film, TV, news, gaming, education, and health. She and her partner recently relocated from Washington, D.C. to Oakland and welcomed their daughter, Mari Tal (her first two names mean "morning dew by the sea") just down the road from UC Berkeley in September. She's eager to reconnect

with old friends and colleagues in California!

**Aaron Perzanowski** recently completed the manuscript of his new book, *The Right to Repair: Reclaiming the Things We Own*, which will be published by Cambridge University Press early in 2022. He's also been busy co-organizing BCLT's annual symposium, focusing on the right to repair, alongside Professor Pam Samuelson.

## 2007



**Susheel Daswani** is now running a digital startup incubator at Citi Ventures. The incubator has two products, one focused on [place-based investing](#) and the other on [job skills](#), and will be releasing a few more in 2022 in the crypto and wealth spaces. Susheel still lives in beautiful Orinda with his wife and two sons, who are both in elementary school.



**Kristy Murphy** has been at the Los Angeles office of Bryan Cave Leighton Paisner LLP for the last 14 years, practicing in the area of franchise litigation. She is certified as a legal specialist in franchise and distribution law by the State Bar of California and represents both franchisors and franchisees in a variety of industries, including recent cases involving employment misclassification claims by franchisees in light of the shifting standards for independent contractor status.

## 2008

**Andrew McDiarmid** is a senior manager in Twitter Trust & Safety, leading a team that advises on product policy to strengthen user trust. He lives with his wife Cynthia and son Dashiell in the East Bay.



**David Snyder** is completing his fifth year as executive director of the First Amendment Coalition. During David's tenure, FAC has grown its staff and programs, which now include a journalist Subpoena Defense Initiative, FOI Boot Camps, a broad range of strategic litigation in state and federal court, and more live programs in California and beyond. David frequently comments on issues surrounding free speech, a free press, and government transparency in the local, regional and national press.

## 2009

**Robert Esposito** joined Hillspire, LLC in October 2020 as senior legal director, technology and product counsel. Hillspire is an integrated family office management company serving all the activities of Eric and Wendy Schmidt, including the Schmidt Family Foundation, the Schmidt Ocean Institute, and Schmidt





Futures. He also became a new parent to mini schnauzer Ollie.



**Kathleen Lu** and Scott welcomed baby Alexandria, now four months old. She's growing fast and very curious!

## 2010



**Shane Witnov** is a director on the privacy and public policy team at Facebook where he leads the core apps and services team. He works closely with product teams to build privacy into their products and solve novel privacy issues. He's hiring, so reach out if you're interested. He says the work is exciting and he gets to improve the privacy experience and protections for billions of people.

## 2013



**Jane (Levich) Levine** is currently associate general counsel at Databricks, where she has been working for almost four years. She manages the company's international employment matters, disputes, and soft IP. On a personal note, Jane and her husband now live in Boulder, Colorado and welcomed their first son, Jack, in July!

**Luis Zambrano Ramos** serves as a policy specialist at the National Telecommunications and Information Administration. He leads the agency's intellectual property policy work, and contributes to the agency's mission in other areas, including in competition, trade, platform governance, and cybersecurity policy. Luis welcomes any outreach from clinic students wanting to learn more about policy work in the federal government. A relatively recent outdoors convert, Luis enjoys hiking in the Shenandoah and long bicycle rides.

## 2014

**Brady Blasco** continues to advise the National Park Service on cultural resource and intellectual property matters. This past year he moved back to San Francisco and married

his longtime partner Karisa.

## 2015

2021 was a big year for **Jonathan Unikowski**. He had his first child, took and passed the California bar, and recently left his job as vice president of engineering at a tech startup. Let's see whether 2022 can top that!

## 2016



**Caleb Braley** has been practicing intellectual property litigation at the Silicon Valley office of Quinn Emanuel Urquhart & Sullivan since 2016. He represents technology companies in high-stakes patent litigation in various fora: district courts, the Federal Circuit, the International Trade Commission, and the USPTO.

**Thomas Nolan** moved home to Washington State to take an in-house role at Monolithic Power Systems, after five years working at Morgan Lewis working on patent litigation.



**Lisa Patel** is enjoying the muggle life counseling machine learning and privacy teams at Google. She's still in Silicon Valley and, when she's not practicing law, you can find her outdoors hiking great trails or paddleboarding. She got engaged in 2019 and plans to get married in Napa next year.

## 2018

This year, **Meghan Fenzel** helped the Center for Investigative Reporting secure a FOIA victory before the Ninth Circuit involving the ATF's firearm tracing database. The ruling not only clarifies FOIA access to gun data but also reinforces the public's right to request queries of existing data from federal government databases more generally. The Fenwick/CIR team benefitted from amicus briefs from Berkman and EFF (Samuelson Clinic alum Aaron Mackey) and defeated the DOJ's petition for rehearing.

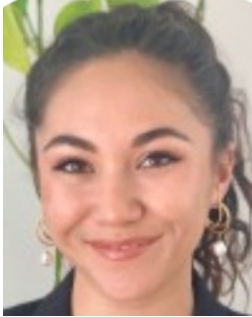
## 2019



**Ernan Kiselica** completed two clerkships — the first on the District of Arizona, and the second on the Ninth Circuit. During this time, Ernan was able to put his Samuelson training to use through work on a number of cases at the intersection of law and technology. Ernan is currently a litigator at Orrick in Southern California.

## 2020

**Samantha Hamilton** has started the second year of her fellowship in the University of Georgia School of Law's First Amendment Clinic as senior legal fellow, where she continues to lead the clinic's Media



Law & Open Government project. Sam recently presented on the project's model of serving community members' needs on a rolling basis while providing law students with hands-on, client-centered experience at this year's Yale Access & Accountability conference.

## 2021



**Ziyad Alghamdi** graduated in May 2021 and sat for the California bar exam in July 2021 (results pending). Ziyad recently relocated to New York City, where he works at White & Case on secondment from Aramco. He still hopes to pursue a career in law and technology.

**Evan Enzer** recently started as a fellow with Surveillance Technology Oversight Project, a nonprofit advocating against the proliferation of surveillance technology. He credits the clinic as the most significant factor in his professional journey to this point and expresses gratitude to all the clinic staff for preparing him to jump right into his new role.



**Katelyn Feliciano** is working as a litigation law clerk at Milbank in New York City.



**Alistair McIntyre** started working at Knobbe Martens in San Diego, where he handles patent prosecution and patent litigation matters.

**Erin Moore** began work in the Los Angeles office of Covington & Burling in October 2021. She also will be completing a clerkship with Justice Rebeca Huddle of the Supreme Court of Texas beginning in Fall 2022.

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## Thank you to clinical staff

Thank you to the Clinical Program staff! We are always very thankful for the help and support of the Clinical Program staff, but during this challenging time are particularly grateful for the outstanding efforts of former Director of Administration Amy Utstein, Interim Administrator and Legal Case Manager Olivia Layug Balbarin, Office Manager Jeanette Ching, and



Communications and Development Officer Sarah Weld (left to right, Olivia, Jeanette, Amy, and Sarah). They keep us on track and make sure the faculty and students have the tools they need to do their best work. Thanks for everything you do, Amy, Olivia, Jeanette, and Sarah.

## Stay Engaged

We are extremely grateful for your support of the Samuelson Clinic over the years. You have helped us as students, alumni, faculty members, and friends. The clinic has a large and welcoming community because of all of you. Thank you!

If you're looking for new ways to continue your involvement (or to get involved again), we've got a few ideas.

### Take students out for virtual coffee

Our students appreciate meeting and talking to our alumni about their careers. If you're up for connecting with a student or two for virtual coffee, [email Gabrielle Daley](#). Video conferencing platforms make it easier than ever to connect over a hot beverage and share your experiences with our students no matter where you are located.

### Become a client or send us project ideas

We value our clients a great deal and strive to do excellent work for them. But you may not know that we're always on the lookout for awesome new clients and project ideas. If you come across an issue or organization you think is ripe for a clinic project, let us know.

### Be a pro bono partner on a project

From time to time, the clinic needs outside support on a project. Whether that's getting something filed in court, preparing for argument, conducting research, or connecting with others who could lend a hand (or knowledge) to a project, let us know if you'd like to help out.

## Financial Support

We'd be remiss if we didn't pitch you one more time for financial support. If you'd like to make a donation, [click here to give online](#), or send a check payable to:

"UC Foundation/Samuelson Law, Technology & Public Policy Clinic"

Mail to:

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Berkeley, CA 94704-1070

We genuinely appreciate all of the contributions you have made to the success of the Samuelson Clinic over the years and we look forward to many more exciting opportunities in the future. Now that we're back on campus, be sure to stop by to say hello if you're in the area!

[DONATE TO THE SAMUELSON CLINIC](#)

