

Fall 2023



Dear Alumni and Friends,

Happy holidays and warm wishes from the Samuelson Clinic! We're delighted to share news about this year's exciting work and news from our remarkable friends and alumni.

In November, we were thrilled to help fete our namesake, benefactor, friend, mentor, and all-around inspiration, Professor Pam Samuelson, during November's "PamFest," which celebrated her work and her extraordinary community-building efforts. See below for more about this special day and some lovely photos.

And read further for news of our students' fantastic work over the last year. They've advanced the public's interest in intellectual property — including by successfully “freeing the law” on two occasions, and by supporting incarcerated people's ability to express themselves via music. They've educated the public about critical issues, including government surveillance of immigrants and authors' freedom to write about real people. Students have advocated for the public and against discriminatory harms from commercial surveillance in the Federal Trade Commission, and they've argued for public access to court records and surveillance requests in the Eighth Circuit. Read on for information about these projects, which make up only some of the amazing work our students do every day as they build their skills and serve the public interest.

This fall, we were delighted to welcome back Director Catherine Crump as she returned from serving as a senior policy advisor for criminal justice at the White House. And in bittersweet — but very proud — news, our two supervising attorneys and teaching fellow are heading onwards to new challenges. Supervising Attorney Megan Graham has been an amazing colleague and an extraordinary asset to the clinic and our students. We've

greatly valued her vision and her work to explore and challenge the role of emerging technologies in the criminal legal system and look forward to seeing her expand her work. Supervising Attorney Brianna Schofield has been an incredible resource and wise presence on projects ranging from copyright to privacy. And Teaching Fellow Areeba Jibril's civil liberties experience and enthusiastic support for students' learning and professional development have been wonderful resources during her fellowship. We will miss them all, but very much look forward to seeing them make new marks as they continue to advance the public interest and social justice. Onward!

Last but not least, read on for news from our friends and alumni — and don't forget to keep in touch! We love to hear from you.

We are continually impressed by, and proud of, our students' creativity, commitment, and passion. It's been a wonderful year, and there's much yet to do. Please consider [donating to the clinic](#) to support our students and work into the new year. We wish you a peaceful holiday season and a wonderful 2024. Fiat lux!

Jennifer M. Urban, Director of Policy Initiatives
Catherine Crump, Director

Clinic News

Clinic namesake Pam Samuelson honored at conference



Clinic benefactor and renowned technology law scholar **Pam Samuelson**, a Berkeley Law professor since 1996, was [honored in November with an all-day conference](#) at Memorial Stadium's University Club. Top scholars from around the world hailed Samuelson as a trailblazing titan in digital copyright law, intellectual property, cyberlaw, and information policy. They also described how her seismic impact in those fields, remarkably, is

surpassed by her impact on the people working in them. *Photo: Samuelson speaks to an adoring crowd — including her husband Robert Glushko (center) — during the conference. Photo credit: Jim Block*

Clinic clients create fact sheet on ICE surveillance after successful FOIA lawsuit

On behalf of Community Justice Exchange, Just Futures Law, and Mijente Support Group, the clinic filed suit in 2022 to force U.S. Immigrations and Customs Enforcement (ICE) to disclose records about its collection of data on some 200,000 immigrants through its SmartLINK App. As a result of the lawsuit's success, this fall the clinic's clients created a [fact sheet about the lawsuit](#) based on these records, and media outlets covered new information obtained as a result of the lawsuit. As reported in [The Guardian](#), SmartLINK "is collecting far more data on the people it surveils than officials previously shared, and storing that data for far longer than was previously known." **Brian Anderson '25**, **Harshini Malli '25**, and **Aaminah Bhat '24** worked on the project. [Read more on the project page.](#)

Clinic helps public radio station with "Uncuffed" podcast copyright issues



The clinic assisted KALW Public Media with copyright licensing issues related to the distribution of the [Uncuffed Podcast](#), which is written and produced by and for incarcerated people in California correctional facilities. Clinic students also helped KALW navigate copyright issues related to a separate Uncuffed DJ Program, which trains incarcerated people to produce a music program for radio broadcast. Thanks in part to the clinic's involvement, the [Uncuffed Playlist](#), California's first radio program

hosted by incarcerated people and broadcast to the general public, is now airing. **Jackie Baik '24**, **Serena Lau '22**, **Isabella Pestana '23**, and **Rachel Thompson '22** worked on the project.

Victory! Clinic frees California jury instructions from copyright restrictions

Continuing its work to keep laws free and accessible to the public, the clinic successfully petitioned 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 argued 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. After more than two years of deliberation, the Judicial Council of California agreed, and on April 1, 2023 amended its rules to remove copyright notices from California's jury instructions. Students **Jennifer Hewitt '22** and **Blaine Valencia '22** wrote the proposal, supervised by **Jennifer Urban '00** and former Teaching Fellow **Juliana DeVries '17**. [Read more on the project page.](#)

Clinic files amicus brief on behalf of intellectual property law

professors in successful bid to free standards incorporated by law

Representing 19 prominent intellectual property law professors, the clinic [drafted and filed an amicus brief](#) with Berkeley Law Professor **Pam Samuelson** in *ASTM v. Public.Resource.Org*, a case before the U.S. Court of Appeals for the D.C. Circuit arguing that standards incorporated by references into federal law should be accessible under the fair use doctrine. In the case, Public.Resource.Org published for free access to the public hundreds of privately developed standards — technical standards, building codes, and the like — that have been incorporated by reference into federal law. The brief explains why providing free public access to the law furthers the purposes of copyright and facilitates statutorily favored purposes in the fair use analysis. In September, Public.Resource.Org won decisively. The plaintiffs, American Society for Testing and Materials, could still ask the Supreme Court to hear the case. **Catherine Sakurai '23** and **Eric Nikolaides '23** worked on the project.

Students help write comment on targeted advertising in FTC proceeding

Clinic students assisted the Lawyers Committee for Civil Rights Under Law in researching, preparing, and filing an extensive comment in the Federal Trade Commission's Commercial Surveillance proceeding. The comment provided evidence of how targeted advertising and automated decision-making systems have led to discriminatory outcomes in violation of federal laws protecting civil rights. It also identified models for specific regulations to address discriminatory harms based on state and federal laws, and on the European Union's General Data Protection Regulation. **Christian Howard-Sukhil '24**, **Cecily Kruger '24**, and **Savannah Grossarth Nuttall '23** worked on the project.

Protecting the right of public access to court records and search warrant materials

In May, the clinic finished filing appellate briefing in the Eighth Circuit in its [ongoing representation of the Reporters Committee for the Press](#) in a case seeking to unseal various kinds of electronic surveillance requests the government files in the District of Minnesota. **Savannah Grossarth Nuttall '23** and **Henry Metro '23** drafted the reply brief arguing that the Reporters Committee has standing to seek access to the court records at issue in the case. In October, Reporters Committee's Legal Director Katie Townsend argued the case before an Eighth Circuit panel. We are awaiting the decision now.

Clinic authors legal guidebook for nonfiction authors

This month, clinic client [Authors Alliance launched a new book](#) — *Writing About Real People* — written by the clinic during a yearlong project. A guide for nonfiction authors writing about real people, the book addresses defamation, privacy, and right-of-publicity issues, with the goal of empowering authors with information on legal constraints and protections that affect nonfiction work. It was developed by students **Lily Baggott '21**, **Jameson Davis '22**, **Tommy Ferdon '21**, **Alexandra Harvey '22**, **Emma Lee '21**, and **Daniel Todd '21**. It follows others in a series of authors' guides written by students for Authors Alliance.

Clinical Program releases 2022-2023 annual report



More than 300 students enrolled in clinics last year, demonstrating their commitment to social justice and developing the skills to be effective advocates. Please take a look at the [Clinical Program's annual report](#) to learn more about how clinics stand with threatened individuals and communities in pursuit of transformative justice.

Faculty News

Director Catherine Crump returns to campus from White House



We were delighted to welcome Director **Catherine Crump** back this fall. She spent last year serving as a senior policy advisor for criminal justice for the White House Domestic Policy Council, which drives the development and implementation of the president's domestic policy agenda in the White House and across the federal government.

Former Faculty News



Former clinic Co-Director **Jason Schultz '00** celebrated the [10-year anniversary of New York University Law's Technology Law and Policy Clinic](#) in November. We still miss Jason, but are delighted to see the NYU clinic thriving in the growing community of tech clinics! And we are grateful for collaborations with the NYU Technology Law and Policy Clinic over the years — and especially for the wonderful **Megan Graham**, former clinic Supervising Attorney, who came to us via the NYU clinic. Congratulations on 10 amazing years!

Alumni News

2002

Katie Race Brin started a new position in September as the chief data privacy officer at the World Bank after a glorious six weeks off this summer. She leads the global data protection program for the bank, with offices in more than 130 countries and on-the-ground projects all over the globe. Katie lives in Washington, D.C., with her husband, two

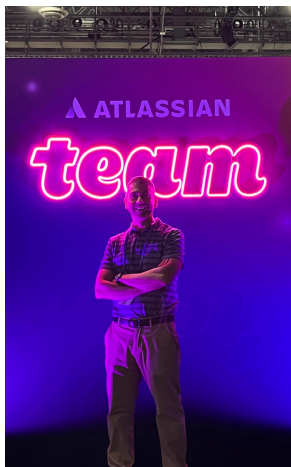


teenagers, and feisty golden retriever.

2003

Nicky Ozer is about to celebrate her 19th work anniversary as technology and civil liberties director at the ACLU of Northern California. This past year, in addition to her regular docket at the ACLU, she had the great pleasure of working with the *Berkeley Technology Law Journal* editors to organize an important fall symposium — [“California Constitutional Privacy at 50: Power of State Law to Promote Racial Justice in the Digital Age.”](#) where there was wonderful clinic participation, both current and past. She is also drafting a short law review article, “California Constitutional Privacy: A History and a Future Rooted in Intersectional Justice and Integrated Advocacy,” that will be published in an upcoming edition of the journal. Also, she was recognized by *The Recorder* as a 2023 Woman Leader in Tech Law and the ACLU of Northern California Technology and Civil Liberties Program was recognized as a finalist for Tech Industry Litigation Department of the Year.

2007



Susheel Daswani and his family live in Orinda where he started a new position at a startup called Headspin and traveled for work to Vienna, Las Vegas, and Austin. Susheel and his wife, Anita, enjoyed having a completely “normal” year with their sons Sushant and Sathvik, which was filled with school work, video games, karate promotions, flute recitals, and a trip to Walt Disney World and the Star Wars Galactic Starcruiser.

2010

David Marty has a solo private practice at DCM Legal and works with a wide variety of technology companies on privacy, data security, consumer protection, technology licensing, and AI ethics and governance. He lives in Baja Sur, Mexico.

2015

Mark Gray recently had his five-year anniversary working at the Copyright Office in Washington, D.C. Over the last year, Mark has been one of the main attorneys working on the office’s artificial intelligence portfolio, where he has authored decisions on the scope of

copyright protection in AI-generated works, organized public listening sessions that were held in the spring, and drafted the current Notice of Inquiry seeking input on issues such as AI training and the right of publicity. Mark was also recently appointed to the Copyright Office Review Board, a three-member body that issues final decisions on copyright applications.

2016



Thaddeus Houston worked for two years as an associate at a San Francisco law firm before moving to Truckee, California for a federal clerkship in Reno, Nevada. He's now a career law clerk and has been working for Chief District Judge Miranda M. Du of the District of Nevada in Reno for more than five years. His wife teaches elementary school in Truckee, and they have two children, Willa and Otis, and a dog.

2020

Samantha Hamilton has finished her time as the 2022-2023 First Amendment Fellow in *The New York Times* legal department, where she litigated lawsuits under the Freedom of Information Act and defamation law and helped *New York Times* reporters across the country get access to public records from state and local agencies. She has returned to the University of Georgia First Amendment Clinic as the Georgia Journalism and Access Project Attorney.

2021



Evan Enzer has been with the Surveillance Technology Oversight Project (STOP) since graduating in 2021. Evan likes to say that he's doing the exact same work he did for two semesters in the Samuelson Clinic. Recently, Evan published an article on student surveillance with *Mad in America*, produced a TikTok about consumer data collection with a New York drag queen named Esther, and a civil rights law he collaborated on during its early stages recently passed in California. In the last year, Evan became a Young Privacy Professional and Fellow of Information Privacy with the International Association of Privacy Professionals. He also joined the Internet Law and Policy Foundry as a fellow, where he edits and produces weekly episodes of the Tech Policy Grind.

Alistair McIntyre continues to practice patent law at Knobbe Martens. Within the last year, he married his partner of nine years, honeymooned in the Netherlands and the U.K., and will visit Japan before this letter publishes. He's very happy to be travelling internationally again after the pandemic!

Erin Moore has just moved back to Los Angeles and is



beginning work as a litigation associate at Covington & Burling after a year in Texas clerking for Justice Rebeca Huddle of the Texas Supreme Court. She also finally took a bar trip about two years later, spending time in Europe and crossing the Atlantic with her family.

Thank You to Clinical Staff



We are grateful for outstanding help and support from the Clinical Program staff. Back row left to right: **Adelaida Caballero**, office administrator; **Olivia Layug Balbarin**, director of administration; and **Sarah Weld**, communications and development officer. Front row left to right: **Heather Canfield**, former Death Penalty Clinic paralegal; **Laura Riley**, director; **Grace Thieme**, office

administrator; and **Lauren Havey**, paralegal. Their talent and energy keeps us on track and makes sure the faculty and students have the tools they need to do their best work. Thanks for everything you do, Adelaida, Grace, Laura, Lauren, Olivia, 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 Jenny Jeon](#). 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.

Donate to the clinic

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:

Berkeley Law c/o University of California, Berkeley Gift Services

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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](#)
