

ACADEMIC PUBLICATIONS

- *Upgrading Cybersecurity Law*, forthcoming HOUSTON L. REV. (2023)
- *A User's Guide to Section 230 and a Legislator's Guide to Amending it (or Not)*, 37 BERKELEY TECH. L. J. 757 (2022)
- *Protecting Free Speech in a Post-Sullivan World*, 75 FED'L COMM. LAW J. 1 (2022) (with Matthew Schafer)
- *Online Service Providers and the Fight Against Child Exploitation: The Fourth Amendment Agency Dilemma*, LAWFARE/BROOKINGS (2021)
- *Retorsion as a Response to Ongoing Malign Cyber Operations*, presented at the NATO Cooperative Cyber Defense Center of Excellence Conference on Cyber Conflict (Tallinn, Estonia) and published in the IEEE conference proceedings (June 2020)
- *Hacking Cybersecurity Law*, 2020 U. ILL. L. REV. 811 (2020)
- *The Contours of 'Defend Forward' Under International Law*, presented at the NATO Cooperative Cyber Defense Center of Excellence Conference on Cyber Conflict (Tallinn, Estonia) and published in the IEEE conference proceedings (June 2019)
- *Hamiltonian Cybersecurity*, 54 WAKE FOREST L. REV. 155 (2019)
- *Cybersecurity of the Person*, 17 FIRST AMEND. L. REV. 343 (2019)
- *The U.S. Naval Academy's Interdisciplinary Approach to Cybersecurity Education* (with Tracy Emmersen, Joe Hatfield, and Stephen Orr), COMPUTER (2019)
- *First Amendment Protection for Online Platforms*, 35 COMP. L. & SEC. REV. 105 (2019)
- *Defining Cybersecurity Law*, 103 IOWA L. REV. 985 (2018)
- *Developing Collaborative and Cohesive Cybersecurity Legal Principles*, paper presented at the NATO Cooperative Cyber Defense Center of Excellence Conference on Cyber Conflict (Tallinn, Estonia) and published in the IEEE conference proceedings (June 2018)
- *Private Computer Searches and the Fourth Amendment*, 14 I/S: A J. OF L. & POL'Y FOR THE INFO. SOCIETY 187 (2018)
- *The Gradual Erosion of the Law that Shaped the Internet*, 18 COLUM. SCI & TECH. L. REV. 1 (2017)
- *Twenty Years of Intermediary Immunity: The U.S. Experience*, 14:1 SCRIPTED: A JOURNAL OF LAW, TECHNOLOGY & SOCIETY 5 (2017)
- *New York's Financial Cybersecurity Regulation: Tough, Fair, and a National Model*, 1 GEO. L. TECH. R. 432 (2017)
- *Cyber-Physical Systems and National Security Concerns*, chapter in book, SECURITY AND PRIVACY IN CYBER-PHYSICAL SYSTEMS: FOUNDATIONS AND APPLICATIONS (Wiley 2017)
- *The Hazards of Cyber-Vigilantism*, 32:4 COMPUTER LAW & SECURITY REVIEW 642 (2016)
- *In Defense of FAA Section 702: An Examination of Its Justification, Operational Employment, and Legal Underpinnings* (co-author with Chris Inglis), HOOVER INSTITUTION NATIONAL SECURITY, TECHNOLOGY, AND LAW WORKING GROUP and LAWFARE (2016)
- *The Cybersecurity Privilege*, 12:2 I/S: A J. OF L. & POL'Y FOR THE INFO. SOCIETY 641 (2016)
- *A New Legal Framework for Online Anonymity*, IEEE SECURITY & PRIVACY (Nov./Dec. 2015)
- *Private or Public? Eliminating the Gertz Defamation Test*, 2011 UNIVERSITY OF ILLINOIS JOURNAL OF LAW, TECHNOLOGY & POLICY 249 (2011)
- *Defending Section 230: The Value of Intermediary Immunity*, 15 JOURNAL OF TECHNOLOGY LAW AND POLICY 123 (University of Florida) (2010)
- Note, *The Elusive Value: Protecting Privacy During Class Action Discovery*, 97 GEO. L. J. 289 (2008)

CONGRESSIONAL TESTIMONY

- Testimony before the United States Senate Committee on Commerce, Science, & Transportation, Subcommittee on Communications, Technology, Innovation, and the Internet, *The PACT Act and Section 230: The Impact of the Law that Helped Create the Internet and an Examination of Proposed Reforms for Today's Online World* (July 28, 2020)
- Testimony before the United States House of Representatives Judiciary Committee, Subcommittee on Crime, Terrorism, Homeland Security, and Investigations, *Online Sex Trafficking and the Communications Decency Act* (Oct. 3, 2017)
- Testimony before the United States House of Representatives Judiciary Committee, *Section 702 of the Foreign Intelligence Surveillance Act* (Mar. 1, 2017)

SELECT PRESENTATIONS

- Panelist, Privacy and Civil Liberties Oversight Board, Panel on Section 702 Reauthorization (Jan. 12, 2023)
- Speaker, A Crash Course on Section 230 of the Communications Decency Act, DGAP German-American Initiative on Influencers, Disinformation, and Democracy in the Digital Age (Nov. 30, 2022)
- Panelist, Catholic University Journal of Law and Technology, 25 Years and 26 of the Internet's Most Controversial Words: Section 230 and the Modern Internet (April 1, 2022)
- Keynote Speaker, Cardozo Arts & Entertainment Law Journal Spring Symposium on Section 230 (March 31, 2022)
- Panelist, Rutgers Law School Computer & Technology Law Journal Symposium, Section 230 of the Communications Decency Act (March 31, 2022)
- Speaker, Silicon Flatirons (University of Colorado), The United States of Anonymous (March 28, 2022)
- Speaker, University of Florida Technology, Media, & Privacy Law Conference (March 25, 2022)
- Panelist, Journal of National Security Law and Policy (Georgetown) Symposium, Social Media and Misinformation (March 8, 2022)
- Panelist, Oregon State Bar Association, Civil Rights Committee Section 230 panel (Dec. 9, 2021)
- Panelist, Practicing Law Institute, Communications Law in the Digital Age, Section 230 panel (Nov. 19, 2021)
- Speaker, New Jersey State Bar Association Data Privacy Summit (Nov. 16, 2021)
- Panelist, Federalist Society Seventh Annual Texas Chapters Conference, Big Tech and the Future of Section 230 (Sept. 18, 2021)
- Panelist, Federal Communications Bar Association, Current Law on Content Moderation (July 8, 2021)
- Panelist, Beverly Hills Bar Association, Program on Section 230 (May 25, 2021)
- Panelist, Congressional Hispanic Caucus Institute Spring Policy Summit, The Role of Online Platforms in Content Moderation (May 19, 2021)
- Speaker, Oxford University Strategic Studies Group, Reforming Cybersecurity Law to Bolster National Security (May 18, 2021)
- Panelist, National Academies of Sciences, Engineering and Medicine, Section 230 Protections workshop (April 22 and 27, 2021)
- Panelist, MIT Summit on Social Media (April 22, 2021)

- Panelist, National Association of Attorneys General, Section 230 Briefing to State Attorneys General (April 16, 2021)
- Dialogue Leader, The Sedona Conference Working Group 11 Annual Meeting (April 15, 2021)
- Panelist, Association for Education in Journalism and Mass Communication annual meeting, Section 230: The Twenty-Six Words That Turned Online Speech Into Techlash (March 19, 2021)
- Speaker, Unpacking Section 230 with Professor Jeff Kosseff, virtual event organized by Lincoln Network, a technology policy organization (July 13, 2020)
- Panelist, Yale Information Society Project (virtual), Everything You Need to Know About Section 230 in 5 Hours (June 22, 2020)
- Panelist, Federal Communications Bar Association Summer Series for Students on the Practice of Communications Law and Policy - virtual panel (June 15, 2020)
- Panelist, Yale Law School Workshop on Cyber Norms (New Haven) (Feb. 5, 2020)
- Speaker, CES Conference (Las Vegas) (Jan. 8, 2020)
- Panelist, Social Media and the First Amendment, Knight First Amendment Institute and Georgetown University's Free Speech Project (Sept. 23, 2019)
- Panelist, Should We Reform Section 230? American Enterprise Institute (Sept. 6, 2019)
- Presenter, The Twenty-Six Words That Created the Internet, Johns Hopkins University Applied Physics Laboratory Symposium (Aug. 23, 2019)
- Speaker, Internet Governance Forum - USA (July 23, 2019)
- Presenter, The Twenty-Six Words That Created the Internet book talk, R Street Institute (May 16, 2019)
- Panelist, The Twenty-Six Words That Created the Internet (Book Forum Panel), Cato Institute (April 17, 2019)
- Panelist, The Internet and Society, Los Angeles Times Book Festival (April 13, 2019)
- Panelist, Cybersecurity and National Security, Notre Dame Journal of International Law annual symposium (Feb. 22, 2019)
- Presenter, The Twenty-Six Words That Created the Internet, Boston University Cyber Security, Law, and Society Alliance Presentation (Jan. 16, 2019)
- Presenter, The Twenty-Six Words That Created the Internet, Mississippi State University, Office of Research and Economic Development Research Seminar (Jan. 11, 2019)
- Panelist, First Amendment Law Review Symposium, University of North Carolina (Nov. 17, 2018)
- Presenter, *Hamilton's Private Key: American Exceptionalism and the Right to Anonymity*, DEF CON Crypto & Privacy Village, Las Vegas (Aug. 10, 2018)
- Panelist, Briefing to United States House of Representatives Research and Development Caucus, *Access to Science and Technology Expertise in Congress* (May 11, 2018)
- Panelist, Stanford Technology Law Review and Stanford Law and Public Policy Review 2018 Cybersecurity Law Symposium (April 27, 2018)
- Panelist, *Fighting Sex Trafficking Online: In Search of a Legislative Solution* (congressional staff briefing), TechFreedom (Jan. 30, 2018)
- Panelist, *Breach Response*, Albany Law School Cyber Security and the Law Conference (Oct. 20, 2017)
- Moderator, *Discussion with Deputy Attorney General Rod J. Rosenstein*, Naval Academy Encryption and Going Dark Conference (Oct. 10, 2017)
- Presenter, *Cyber Security, Surveillance, and Free Speech*, 2017 Intelligence and National Security Colloquium, University of Oklahoma (Sept. 13, 2017)

- Panelist, *When Should Online Platforms be Liable for Unlawful Activity?* (congressional staff briefing), R Street Institute (Sept. 7, 2017)
- Presenter, *Defining Cybersecurity Law*, Johns Hopkins University, Applied Physics Laboratory (Aug. 16, 2017)
- Panelist, *Inside Job, Improving Cybersecurity with Better Cyber Hygiene* (June 15, 2017)
- Presenter (with Naval Academy Midshipman Dennis Devey), *Understanding the Cybersecurity Act of 2015*, BSidesCharm conference (April 30, 2017)
- Moderator, *The Future of Cybersecurity Regulation*, Joint Service Academy Cyber Security Summit (Mar. 24, 2017)
- Panelist, *Governance, Risk Management & Compliance*, Boston Conference on Cyber Security (sponsored by Boston College and the FBI) (Mar. 8, 2017)
- Co-presenter (with Mike Bilzor), *Cyber Reconnaissance and Intrusion, at Developing a Normative Framework for Cyberwarfare* conference (Oct. 17, 2016)
- Presenter: *The Value of Intermediary Immunity: The U.S. Experience*, Oxford Internet Institute Internet, Policy, & Politics Conference (Sept. 23, 2016)
- Presenter, Cyber Security and the Law conference, French-American Foundation and Interpol (Sept. 16, 2016)
- Panelist, *Cyber Sovereignty: Ethical and Legal Considerations*, Cyber Endeavor 2016, Naval Postgraduate School (June 22, 2016)
- Presenter, *Preserving the Privilege During Breach Response*, RSA Conference (Mar. 3, 2016)
- Presenter, *Ten Reasons to Adopt the NIST Cybersecurity Framework*, The Law & Policy of Cybersecurity Symposium, University of Maryland (Feb. 5, 2016)
- Presenter, *Positive Cybersecurity Law: Creating a Consistent and Incentive-Based System* (symposium article), *Chapman Law Review*, Chapman University (Jan. 29, 2016)
- Presenter, *Protecting the Privilege During Breach Investigations*, InfoGovCon, Hartford, CT (Sept. 30, 2015).
- Presenter, *The Attorney-Client Privilege for Cybersecurity Investigations*, Cyber Security Technology and Training Forum (Aug. 19, 2015).
- Moderator, *Staying Virtuous in the Virtual World: Social Media and the Ethical Lawyer*, Federal Communications Bar Association (May 18, 2015)
- Presenter, *Big Data and Privacy by Design*, Big Data TechCon, Boston, MA (April 28, 2015)
- Presenter, *Digital Rules of Engagement*, UMSL Digital Media Marketing Conference (April 17, 2015)
- Panelist, *Drones and Privacy*, NIST Information Security and Privacy Advisory Board (Oct. 23, 2014)
- Presenter, *Predictive Analytics and Privacy by Design*, Predictive Analytics World 2014 (Oct. 7, 2014)
- Presenter, MediaPost Social Media Insider Summit, *Legal Questions Every Social Media Marketer Should Ask* (Aug. 22, 2014)
- Panelist, Techweek Chicago 2014, *The Value of Internet Security* (June 28, 2014)
- Panelist, International Association of Privacy Professionals 2014 Global Privacy Summit, *Preconference Workshop on Privacy by Design* (March 5, 2014)

OTHER PUBLICATIONS

- *If Congress Wants to Protect Section 702, It Needs to Rein in the FBI*, Lawfare (Feb. 9, 2023)
- *The Most Important Supreme Court Precedent for Freedom of the Press Is in Jeopardy*, Slate (with Matthew Schafer) (Jan. 22, 2023)

- *How States and Congress Can Prepare for a Looming Threat to Freedom of Speech*, Lawfare (with Matthew Schafer) (July 5, 2022)
- *Happy 25th Anniversary to the Supreme Court Decision That Shaped the Internet We Have Today*, Slate (with Jared Schroeder) (June 26, 2022)
- *America's Favorite Flimsy Pretext for Limiting Free Speech*, The Atlantic (Jan. 2, 2022)
- *Why Outlawing Harmful Social Media Content Would Face an Uphill Legal Battle*, Washington Post (with Daphne Keller) (Oct. 9, 2021)
- *Why It's No Laughing Matter That a Senator Asked Facebook to 'Commit to Ending Finsta'*, Slate (Oct. 7, 2021)
- *The Lawsuit Against America Online That Set Up Today's Internet Battles*, Slate (July 14, 2020)
- *Meet One of the Earliest Victims of Internet Bullying*, Slate (Feb. 20, 2020)
- *What's in a Name? Quite a Bit if You're Talking About Section 230*, Lawfare (Dec. 19, 2019)
- *Congress is Finally Tackling Privacy! Now Let's Do Cybersecurity*, Slate (Dec. 3, 2019)
- *Section 230 Created the Internet As We Know It. Don't Mess With It*, Los Angeles Times (Mar. 29, 2019)
- *The Twenty-Six Words That Guard the Open Internet and Open-Source Intelligence*, War on the Rocks (Mar. 14, 2019)
- *Dear 2020 Candidates, Cybersecurity Chief is Your Most Important Hire. Don't Screw it Up*, USA Today (Jan. 14, 2019)
- *How Congress Still Might Break the Internet*, Baltimore Sun (Dec. 17, 2018)
- With Professor Eric Goldman, I organized and edited a 23-essay collection for Law.com about the twentieth anniversary of *Zeran v. America Online*. The introductory essay that Eric and I co-authored was cited in a published opinion in the U.S. Court of Appeals for the District of Columbia Circuit, *Bennett v. Google*, 882 F. 3d 1163 (D.C. Cir. 2018).
- *How Do You Change the Most Important Law in Internet History? Carefully*, Ars Technica (Dec. 23, 2017)
- *Prevent Data Breaches, Don't Just Report Them*, TechCrunch (May 9, 2017)
- *A VHS-Era Privacy Law in the Digital Age*, TechCrunch (May 24, 2016)
- *In the Apple Encryption Debate, Can We Just Have the Facts, Please?* TechCrunch (Oct. 26, 2016)
- *Should Tech Companies be Subject to the Fourth Amendment?* TechCrunch (Dec. 13, 2015)
- *Time for a Serious Talk About Encryption*, The Hill (Nov. 23, 2015)
- *The Biggest Cybersecurity Risk is Not Identity Theft*, TechCrunch (Nov. 13, 2015)
- *Congress Looks at Car Hacking*, The Hill (Oct. 26, 2015)
- *Notified About a Data Breach? Too Late*, Wall Street Journal (Oct. 9, 2015)
- *Cybersecurity is Expensive – That's Why We Should Offer Tax Incentives*, Forbes (Sept. 23, 2015)
- *To Fix Cybersecurity Law, Ask More Questions*, TechCrunch (Sept. 15, 2015).
- *New California Privacy Law for 2015: More Than Just an Eraser Button*, Bloomberg BNA Social Media Law & Policy Report, Vol. 4, No. 7 (February 17, 2015) (Co-Author)
- *Will Congress Get Drone Privacy Right*, Privacy Perspectives (Jan. 6, 2015).
- *Ten Ways the U.S. Election May Affect Privacy Law in 2015*, Privacy Law & Business (December 2014)
- *Privacy Issues in Bankruptcy Cases*, NABTalk (Fall 2014) (Co-Author)
- *U.S. Big Data Report Focuses on Use Rather than Collection*, E-Commerce Law & Policy (June 2014) (Co-Author)

JOURNALISM HONORS AND AWARDS

- Finalist for 2007 Pulitzer Prize for national reporting
- Recipient of 2006 George Polk Award for national reporting