

## NEIL M. RICHARDS

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### EMPLOYMENT:

**Professor of Law**, Washington University School of Law, St. Louis, Missouri. July 2003-present.

- Professor of Law with tenure July 2008-present.
- Associate Professor of Law, July 2003-July 2008.
- Awards
  - Voted Professor of the Year by student body, 2003-04 Academic Year.
  - Israel Treiman Faculty Fellow, 2005-06 Academic Year.
- Courses
  - Information Privacy Law, First Amendment Law, First Amendment Theory, Privacy Law, Fourteenth Amendment Law, Copyright, Constitutional Law, Law and Politics Colloquium, Property, Civil Liberties in Cyberspace.
- Co-Organizer, Washington University-Cambridge University International Privacy Conference, Clare College, Cambridge, June 2012, July 2013, July 2014.
- Co-Organizer, Washington University First Amendment Roundtable, March 2013.
- Institutional Service
  - Chair, Institutional Profile Committee, 2014-present.
  - Chair, Faculty Appointments, 2010-11; committee member 2004-05 and 2008-09.
  - Decanal Review Committee, Spring 2010.
  - Washington University Faculty Senate Council, Law School Elected Representative, 2008-2011.
  - Faculty Chair, Washington University Social Media Committee, Spring 2013-present
  - University Online Education Committee, 2014-present.
  - University IT Council, 2014-present.
  - Faculty Promotions Committee, 2012-13.
  - Faculty Marketing Committee, 2013-14.
  - Faculty Advisor, *Washington University Law Review*, 2004-2010.
  - Faculty Clerkships Advisor, 2003-04, 2005-06, 2009-2011.
  - Curriculum Committee, 2006-07 and 2009-10.
  - Student Life Committee, 2011-12.
  - Liaison to Arts & Sciences, 2011-present.

**Affiliate Scholar**, Stanford Center for Internet and Society, Jan. 2015-present.

**IViR Information Law Fellowship**, University of Amsterdam, The Netherlands, Summer 2014.

**Adviser**, American Law Institute Project on Privacy Law, Sept. 2012-present.

**Advisory Board Member**, Future of Privacy Forum, 2010-present.

**Visiting Professor of Law**, Utrecht University, the Netherlands, January 2012.

- Taught one-credit short course on Comparative Free Speech Law.

**Visiting Professor of Law**, University of Illinois College of Law, October 2010.

- Taught one-credit short course on Privacy and the First Amendment.

**Associate**, Wilmer, Cutler & Pickering, Washington, D.C. 2000-2003. Practice involved privacy, electronic commerce, and appellate litigation.

**Hugo Black Faculty Fellow**, University of Alabama School of Law, Tuscaloosa, Alabama. Academic Year 1999-2000; Spring Semester 2003. Inaugural research and teaching fellow in a visiting faculty program for former Supreme Court clerks. Courses: Property, Constitutional Law, First Amendment. Chaired Clerkships Committee, 1999-2000.

**Temple Bar Scholar**, American Inns of Court. London, England. October 2000.

**Law Clerk**, Hon. William H. Rehnquist, Chief Justice of the United States, United States Supreme Court, Washington, D.C. July 1998-July 1999. Served during the Supreme Court's 1998-99 Term and the 1999 Presidential Impeachment Trial.

**Law Clerk**, Hon. Paul V. Niemeyer, United States Court of Appeals for the Fourth Circuit, Baltimore, MD. August 1997-July 1998.

**Summer Associate**, Powell, Goldstein, Frazer & Murphy, Washington, D.C. Summers 1996-97.

**Research Assistant**, Professor A.E. Dick Howard, University of Virginia School of Law, Charlottesville, VA. 1995-1997.

## **EDUCATION:**

**University of Virginia School of Law**, J.D. May 1997. Class rank: 2/390.

**Activities:** Executive Editor, *Virginia Law Review*. Teaching Assistant, First-Year Study Skills Workshop. Legal Education Project. Editorial Board, *Virginia Journal of International Law*.

**Honors:** Order of the Coif. Slaughter Honor Prize. Davis Prize in Constitutional Law.

**University of Virginia**, M.A. Legal History. Secondary Field of Study in Early American History. May 1997.

**Master's Thesis:** *Clio and the Court: A Reappraisal after Three Decades*.

**George Washington University**, B.A. History with Special Honors, *summa cum laude*, Phi Beta Kappa, University Honors Program. Minor in Economics, Secondary Field of Study in International Affairs. May 1994. GPA 3.93.

**Honors Thesis:** The Last Days of the Horse: The U.S. Cavalry and Technology in the 20th Century.

**Awards:** National Merit Scholar (1990). Hubbard Prize for best student of American history. Distinguished Academic Achievement Awards. Strasser Essay Prize. Presidential Honor Scholarship (full tuition).

## **PUBLICATIONS:**

### **Books:**

INTELLECTUAL PRIVACY: RETHINKING CIVIL LIBERTIES IN THE DIGITAL AGE (Oxford University Press, 2015).

### **Works in Progress:**

*Big Data and the Future for Privacy*, Handbook on Digital Transformations (Elgar, forthcoming 2015) (with Jonathan H. King).

- SSRN: [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2512069](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2512069)

*Why Data Privacy Law Is (Mostly) Constitutional*, WILLIAM AND MARY LAW REVIEW (forthcoming 2015).

- Selected for The Future of Privacy Forum's "Privacy Papers for Policymakers 2013"
- SSRN: [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2335196](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2335196)

*Privacy and Free Speech: The Transatlantic Divide* (with Kirsty Hughes) (work in progress).

*How Should the Law Think About Robots?* (with William Smart) (work in progress).

- SSRN: [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2263363](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2263363)

### **Articles and Essays in Law Reviews:**

*Big Data Ethics*, 49 WAKE FOREST LAW REVIEW 393 (2014) (with Jonathan H. King).

- available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2384174](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2384174).

*The Dangers of Surveillance*, 126 HARVARD LAW REVIEW 1934 (2013)

- available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2239412](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2239412).

*The Perils of Social Reading*, 101 GEORGETOWN LAW JOURNAL, 689 (2013).

- Selected for encore and regular discussion at the 2012 Berkeley-GW Privacy Law Scholars Conference.
- Awarded the 2012 University of Houston IPIL Sponsored Scholarship Grant prize.

*Three Paradoxes of Big Data*, 66 STANFORD LAW REVIEW ONLINE 41 (2013) (with Jonathan H. King).

*The Limits of Tort Privacy*, 9 J. TELECOM. & HIGH TECH. L. 357 (2011).

- Invited submission for Conference on “Privacy and the Press,” Silicon Flatirons Center, University of Colorado School of Law, Dec. 3, 2010.

*Prosser’s Privacy Law: A Mixed Legacy*, 98 CALIFORNIA LAW REVIEW 1887 (2011) (with Daniel J. Solove).

*The Puzzle of Brandeis, Privacy, and Speech*, 63 VANDERBILT LAW REVIEW 1295 (2010).

- Selected for discussion at the 2010 Berkeley-GW Privacy Law Scholars Conference.

*Rethinking Free Speech and Civil Liability* (with Daniel J. Solove), 109 COLUMBIA LAW REVIEW 1650 (2009).

- Selected for plenary discussion at the 2009 Berkeley-GW Privacy Law Scholars Conference.

*Privacy and the Limits of History*, 21 YALE JOURNAL OF LAW AND THE HUMANITIES 165 (2009) (review essay discussing Lawrence Friedman, *Guarding Life’s Dark Secrets: Legal and Social Controls over Reputation, Propriety, and Privacy* (2007)).

*Intellectual Privacy*, 87 TEXAS LAW REVIEW 387 (2008).

- Selected for discussion at the 2008 Berkeley-GW Privacy Law Scholars Conference.

*Privacy’s Other Path: Recovering the Law of Confidentiality*, 96 GEORGETOWN LAW JOURNAL 123 (2007) (with Daniel J. Solove).

- Selected for the 2007 Michigan-Illinois Comparative Law Works-in-Progress Workshop.
- Excerpted in Daniel J. Solove, Marc Rotenberg & Paul Schwartz, INFORMATION PRIVACY LAW (Aspen: 3d ed. 2008).

*The Information Privacy Law Project*, 94 GEORGETOWN LAW JOURNAL 1087 (2006) (essay).

- Reprinted in Practising Law Institute, EIGHTH ANNUAL INSTITUTE ON PRIVACY AND SECURITY LAW: PATHWAYS TO COMPLIANCE IN A GLOBAL REGULATORY MAZE, 902 PLI/Pat 11 (July 2007).
- Excerpted in Daniel J. Solove, Marc Rotenberg & Paul Schwartz, INFORMATION PRIVACY LAW (Aspen: 3d ed. 2008).

*Reconciling Data Privacy and the First Amendment*, 52 U.C.L.A. LAW REVIEW 1145 (2005).

- Excerpted in Daniel J. Solove, Marc Rotenberg & Paul Schwartz, INFORMATION PRIVACY LAW (Aspen: 3d ed. 2008).
- Excerpted in Rodney Smolla, ed., THE FIRST AMENDMENT LAW HANDBOOK (Thompson West: 2006).

*“The Good War,” the Jehovah’s Witnesses, and the First Amendment*, 87 VIRGINIA LAW REVIEW 781 (2001) (book review).

*The Supreme Court Justice and “Boring” Cases*, 4 THE GREEN BAG 2D 401 (2001).

*Sallie Mae, The Gunderson Effect, and My Plumber*  
3 THE GREEN BAG 2D 251 (2000) (with Christopher P. Bowers).

*Clio and the Court: A Reassessment of the Supreme Court’s Uses of History*, 13 JOURNAL OF LAW & POLITICS 809 (1998).

*U.S. Term Limits v. Thornton and Competing Notions of Federalism*, 12 JOURNAL OF LAW & POLITICS 521 (1996) (student note).

### Book Chapters:

*Four Privacy Myths*, in A WORLD WITHOUT PRIVACY? (Cambridge Press, Austin Sarat, ed. 2015).

- Keynote address, Amherst College/University of Alabama Conference on “A World Without Privacy? What Can/Should Law Do?” Jan. 17, 2014.
- Selected for The Future of Privacy Forum’s “Privacy Papers for Policymakers 2014”
- SSRN: [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2427808](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2427808)

“Privacy and Intellectual Freedom,” in M. Alfino ed., THE HANDBOOK OF INTELLECTUAL FREEDOM (Unwin, 2014) (with Joanna F. Cornwell).

- SSRN: [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2501448](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2501448)

“Tort Privacy and Free Speech,” in D. Doerr & U. Fink, eds., THE RIGHT TO PRIVACY - PERSPECTIVES FROM THREE CONTINENTS (De Gruyter 2012).

### Other Writings:

“Digital Laws Evolve,” WIRED MAGAZINE UK, THE WIRED WORLD IN 2015, available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2523748](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2523748).

“Will We Have Any Privacy After the Big Data Revolution?” TIME, Sept. 25, 2014, available at <http://time.com/3430090/will-we-have-any-privacy-after-the-big-data-revolution/>.

“Big Data Isn’t Magic,” ZOCALO PUBLIC SQUARE, Sept. 24, 2014, available at <http://www.zocalopublicsquare.org/2014/09/24/will-we-have-any-privacy-after-the-big-data-revolution/ideas/up-for-discussion/>.

“Can and Should Perez Hilton Be Held Liable for Reposting Celebrities’ Private Nude Photos Without their Consent?” FORBES, Sept. 3, 2014 (with Danielle Keats Citron), available at <http://www.forbes.com/sites/daniellecitron/2014/09/03/can-and-should-perez-hilton-be-held-liable-for-reposting-celebrities-private-nude-photos-without-their-consent/>

- “Can Technology Prevent Another Ferguson?” CNN.com, Sept. 2, 2014, available at <http://www.cnn.com/2014/09/02/opinion/richards-ferguson-cameras/>
- “Privacy Is Not Dead—It’s Inevitable,” The Boston Review, May 28, 2014, available at [http://www.bostonreview.net/blog/neil-m-richards-privacy-not-dead#.U4YV\\_7EKpXs.twitter](http://www.bostonreview.net/blog/neil-m-richards-privacy-not-dead#.U4YV_7EKpXs.twitter).
- “The Promises and Pitfalls of Big Data,” Aj-Jazeera America, May 8, 2014, available at <http://america.aljazeera.com/opinions/2014/5/big-data-surveillancensagoogle.html>.
- “What’s Up With Big Data Ethics?” Forbes, March 28, 2014 (with Jonathan H. King), available at <http://www.forbes.com/sites/oreillymedia/2014/03/28/whats-up-with-big-data-ethics/>.
- “What’s Up With Big Data Ethics?” O’Reilly Strata Blog, March 21, 2014 (with Jonathan H. King), available at <http://strata.oreilly.com/2014/03/whats-up-with-big-data-ethics.html>.
- “Gigabytes Gone Wild,” Al-Jazeera America, March 2, 2014, (with Jonathan H. King) available at <http://america.aljazeera.com/opinions/2014/2/gigabytes-gone-wild.html>.
- “Obama’s Surveillance Reforms,” BOSTON REVIEW, January 22, 2014, available at <http://www.bostonreview.net/blog/richards-nsa-obama-surveillance>.
- “Watching the Watchers: The Rise of Sousveillance,” WIRED MAGAZINE UK, THE WIRED WORLD IN 2014, available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2350002](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2350002).
- “They Know Where You Are (But They Shouldn’t),” BOSTON REVIEW, August 26, 2013, available at <http://www.bostonreview.net/blog/they-know-where-you-are-they-shouldn%E2%80%99t>.
- “Opinion: Don’t Let U.S. Government Read Your E-mail,” CNN.com Opinion, August 18, 2013, available at <http://www.cnn.com/2013/08/18/opinion/richards-lavabit-surveillance/index.html>.
- “Surveillance After the Boston Bombing,” THE CHRONICLE OF HIGHER EDUCATION, Issue #35, May 10, 2013, available at <http://chronicle.com/blogs/conversation/2013/04/29/surveillance-after-the-boston-bombings/>.

“Opinion: Surveillance State No Answer to Terror,” CNN.com Opinion, April 23, 2013, available at [http://www.cnn.com/2013/04/23/opinion/richards-surveillance-state/index.html?hpt=hp\\_t4](http://www.cnn.com/2013/04/23/opinion/richards-surveillance-state/index.html?hpt=hp_t4).

“Keep Your Update to Yourself,” WIRED MAGAZINE, THE WIRED WORLD IN 2013 (UK Edition), 2012, available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2172385](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2172385).

“Choose Privacy Week 2012: The Perils of Social Reading,” PrivacyRevolution.org, May 2, 2012, available at [http://www.privacyrevolution.org/index.php/comments/cpw\\_2012/](http://www.privacyrevolution.org/index.php/comments/cpw_2012/).

“Rethinking Privacy in the Digital Age,” WASHINGTON UNIVERSITY LAW MAGAZINE, Spring 2012, at p. 47, available at <http://law.wustl.edu/Magazine/spring2012/>.

Regular Guest Blogger, ConcurringOpinions.com, 2007-present

*Should Supreme Court Justices Continue to Have Life Tenure?* (revised)  
NEW YORK TIMES UPFRONT MAGAZINE, Sept. 21, 2009.

*William Hubbs Rehnquist*, in ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES (West: 2008).

*Missouri v. Holland*, in ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES (West: 2008).

*Foreword: The Rehnquist Court and the First Amendment*  
21 WASH. U. J. L. & POL. 1 (2006).

*Griswold v. Connecticut*, in THE ENCYCLOPEDIA OF PRIVACY  
(William Staples *et al.* eds., 2006).

*Should Supreme Court Justices Continue to Have Life Tenure?*  
NEW YORK TIMES UPFRONT MAGAZINE, March 7, 2005.

*The Constitutionality of Federal and State Historic Preservation Grants to Religious Properties*  
SJ053 ALI-ABA 873 (2004) (coauthor).

*Ex Ante: Taxing Cases*  
5 THE GREEN BAG 2D 2 (2001).

*The Electronic Communications Privacy Act and Internet Privacy Litigation*  
LIBEL DEFENSE RESOURCES COUNCIL CYBER SPACE PROJECT (2001).  
<http://www.ldrc.com/Cyberspace/cyber11.html> (coauthor).

#### **ACADEMIC & PUBLIC PRESENTATIONS:**

“Intellectual Privacy,” Chicago-Kent School of Law, Chicago, Illinois, February 23, 2015.

“Privacy and Technology,” Eliot Society Seminar Series, Washington University, October 28, 2014.

“A Theory of Privacy and Trust,” Notre Dame Law School, October 24, 2014.

“Big Data Ethics,” Washington University Olin School of Business, October 10, 2014.

“Why Privacy Matters,” Washington University Political Theory Workshop, September 19, 2014.

Panelist, “Our Enduring Constitution,” Washington University Constitution Day Event, September 17, 2014.

Panelist, “If You Have Nothing to Hide...” Missouri Bar Association Annual Meeting Plenary Session, Kansas City, Missouri, September 11, 2014.

“Why Privacy Matters,” Saint Louis University Faculty Workshop Series, September 3, 2014.

“Why Privacy Matters,” University of Amsterdam IViR, Amsterdam, the Netherlands, July 24, 2014.

“Intellectual Privacy,” University of Amsterdam, IViR Summercourse on Privacy Law and Policy, Amsterdam, The Netherlands, July 10, 2014.

“Big Data Ethics,” The Guardian Newspaper HQ, London, England, June 12, 2014.

“Four Privacy Myths,” Privacy Law Scholars Conference, GW Law School, Washington, DC, June 5, 2014.

“Big Data Ethics,” StampedeCon Big Data Conference, St. Louis Missouri, May 30, 2014.

“Why Data Privacy Law Is (Mostly) Constitutional,” Yale Free Expression Scholars Conference, Yale Law School, New Haven, Connecticut, May 3, 2014.

*Privacy and Free Speech: The Transatlantic Divide*, University of Melbourne Conference on Privacy and Defamation, Melbourne, Australia, April 24, 2014. (via Skype)

“Four Privacy Myths,” Washington University Law National Council, April 25, 2014.

“Four Privacy Myths,” Washington University Cyber-Security Roundtable, April 18, 2014.

“The Dangers of Surveillance (Robots),” 2014 WeRobot Conference, University of Miami School of Law, Miami, Florida, April 5, 2014.

“Four Privacy Myths,” Loyola Law School, Chicago, Illinois, March 31, 2014.



Facilitator, White House Office of Science & Technology Policy/Data & Society Institute  
Conference on The Social, Cultural & Ethical Dimensions Of “Big Data,” NYU School of Law,  
New York, NY, March 17, 2014.

“Why Data Privacy Law Is (Mostly) Constitutional, Future of Privacy Forum Privacy Papers for  
Policymakers, United States Congress, Washington, DC, March 5, 2014.

“Why Data Privacy Law Is (Mostly) Constitutional,” William and Mary Law Review First  
Amendment Conference, Williamsburg, Virginia, Feb. 22, 2014.

“Four Privacy Myths,” Keynote Address, University of Alabama Conference on Privacy Law,  
Tuscaloosa, Alabama, Jan. 17, 2014.

“Four Privacy Myths,” Ethical Society of St. Louis, Jan. 14, 2014.

“The Dangers of Surveillance,” Weidenbaum Center Policy Breakfast, Washington University, St.  
Louis, Missouri, Dec. 16, 2013

“Four Privacy Myths,” Washington University School of Law Faculty Workshop, December 5,  
2013.

“Why Surveillance Is Dangerous,” Yale Information Society Project Thompson-Reuters Lecture  
Series, Yale Law School, Dec. 3, 2013.

“Privacy and Security: A Roundtable,” Washington University Interdisciplinary Program in the  
Humanities, St. Louis Missouri, November 20, 2013.

“Big Data Ethics,” University of Pennsylvania Invisible Harms Conference, Philadelphia,  
Pennsylvania, November 15, 2013.

“Cyber-Security, Social Media, and Big Data,” Washington University School of Engineering,  
October 29, 2013.

“Big Data Ethics,” Wake Forest Law Review Symposium on Privacy, Winston-Salem, North  
Carolina, October 24, 2013.

“Three Paradoxes of Big Data,” Stanford Law Review/Future of Privacy Forum Conference on  
Privacy and Big Data, Washington, DC, September 10, 2013.

“The Dangers of Surveillance,” 2013 Society of Law Scholars Annual Meeting, University of  
Edinburgh School of Law, Edinburgh, Scotland, September 5, 2013.

“Intellectual Privacy,” Washington University-Cambridge University International Privacy Law  
Conference, Clare College, Cambridge, England, July 29-31, 2013.

“Data Privacy and the Right to be Forgotten after *Sorrell*,” George Mason Law School Conference on the Law & Economics of Search and Social Media, Arlington, Virginia, May 15, 2013.

“Data Privacy and the Right to be Forgotten after *Sorrell*,” Center for Democracy and Technology, Washington, D.C., May 14, 2013.

“Associations and Social Networks,” Yale Law School Free Expression Scholars Conference, New Haven, Connecticut, May 4, 2013.

“The Dangers of Surveillance,” Yale Law School Free Expression Scholars Conference, New Haven, Connecticut, May 4, 2013.

“Data Privacy and the Right to be Forgotten after *Sorrell*,” Berkeley-GW Privacy Law Scholars Conference, Berkeley Law School, Berkeley, California, June 6-7 2013.

“The Dangers of Surveillance,” University of Illinois Faculty Workshop, Champaign, Illinois, April 18, 2013.

“Free Speech Issues in the Standard & Poor’s Case,” Washington University Law/Business Roundtable, Washington University Olin School of Business, April 3, 2013.

Conference Organizer and participant, Washington University First Amendment Conference, Washington University School of Law, March 21-22, 2013.

“Intellectual Privacy,” Amherst College Department of Law, Jurisprudence, and Social Thought, Amherst, Massachusetts, February 22, 2013.

“Intellectual Privacy” Fordham Law School Center for Information Law and Policy Workshop, January 19, 2013.

Panelist, Federal Trade Commission Workshop on “The Big Picture – Comprehensive Consumer Data Collection,” Federal Trade Commission, Washington, DC, December 6, 2012.

“The Dangers of Surveillance,” *Harvard Law Review* Symposium on Information Privacy in the Twenty-First Century, Harvard Law School, Cambridge, Massachusetts, November 9, 2012.

Invited participant, American Law Institute Invitational Conference on Information Privacy Law, San Francisco, California, September 28, 2012.

“The Dangers of Surveillance,” Washington University Political Theory Workshop, September 7, 2012.

Invited Commenter, Ronald Krotoszynsky Faculty Workshop, Saint Louis University Law School Faculty Workshop, September 6, 2012.

“Intellectual Privacy,” Duke Law School Faculty Workshop, August 31, 2012.

“The Perils of Social Reading,” Comparative Perspectives on Privacy Conference (conference co-organizer), Clare College, Cambridge University, Cambridge, England, June 27, 2012.

“The Perils of Social Reading,” Berkeley-GW Privacy Law Scholars Conference, Washington, DC, June 8 & June 9 (encore session), 2012.

“The Perils of Social Reading,” Washington University School of Law Faculty Workshop, May 2, 2012.

“How Should the Law Think About Robots?” WeRobot Conference, University of Miami, Coral Gables, Florida, April 22, 2012.

“The Perils of Social Reading,” University of Maryland Law Faculty Workshop, March 23, 2012.

“Freedom of Assembly and Intellectual Privacy,” Engaging *Liberty’s Refuge* Conference, Washington University School of Law, March 2, 2012.

Google Fellow, Privacy Law Salon, Miami, Florida, February 2012

“Tort Privacy and Intellectual Privacy,” University of Durham Law Faculty Workshop, Durham, England, September 2011.

“Tort Privacy and Intellectual Privacy,” Society of Law Scholars, Downing College, University of Cambridge, England, September 2011.

“Intellectual Privacy: Rethinking Civil Liberties in the Digital Age,” Washington University Faculty Workshop, July 2011.

“Free Speech and Tort Privacy,” Privacy Discussion Forum, Mainz, Germany, June 2011.

“Tech Talk: Intellectual Privacy,” Google Campus, Mountain View, California, June 6, 2011.

Discussant, Sandra Petronio, Privacy Perils: Deciding to Disclose or Protect Confidentialities, Berkeley-GW Privacy Law Scholars Conference, June 3, 2011.

Discussant, “What’s Wrong with Spying?” Washington University Political Theory Workshop, April 15, 2011.

“The Limits of Tort Privacy,” University of California Berkeley School of Law, March 31, 2011.

“The Limits of Tort Privacy,” Notre Dame Law School Faculty Workshop, March 4, 2011.

Participant, “Workshop on Meeting the Challenge of Online Hate,” Stanford Center for Internet and Society, January 14, 2011.

“The Limits of Tort Privacy,” Conference on “Privacy and the Press,” Silicon Flatirons Center, University of Colorado School of Law, Dec. 3, 2010.

“The Puzzle of Brandeis, Privacy, and Speech,” University of California, Davis Faculty Workshop, November 9, 2010.

“Why Privacy Matters,” ACLU of Eastern Missouri, September 21, 2010.

“Snyder v. Phelps and the First Amendment,” Washington University School of Law Supreme Court Preview, September 20, 2010.

“The First Amendment in the 21<sup>st</sup> Century,” Gephardt Center for Public Service, Washington University, September 17, 2010.

“The Puzzle of Brandeis, Privacy, and Speech,” 2009 Berkeley-GW Privacy Law Scholars Conference, George Washington University School of Law, Washington, DC, June 4, 2010.

“The Puzzle of Brandeis, Privacy, and Speech,” Washington University School of Law Faculty Research Seminar, February 24, 2010.

*Prosser’s Privacy Law: A Mixed Legacy*, *California Law Review* Symposium on the 50<sup>th</sup> Anniversary of William Prosser’s “Privacy” Article, GW Law School, Washington, DC, January 29, 2010.

Panelist, “Constitutional Law, Pharmaceutical Regulation, and Commercial Speech,” Section on Law, Medicine, and Health Care and Section on Constitutional Law, Association of American Law Schools Annual Meeting, New Orleans LA, January, 2010.

“Librarians, Privacy, and the First Amendment,” Missouri Library Association Annual Meeting, Columbia MO, October 9, 2009.

“The Shadow First Amendment,” Washington University School of Law Faculty Incubator Workshop, July 1, 2009.

“Rethinking Free Speech and Civil Liability,” 2009 Berkeley-GW Privacy Law Scholars Conference, Berkeley School of Law, Berkeley CA, June 5, 2009.

Principal Commentator, Washington University Political Theory Workshop, Spring 2009 (discussing “Legal Realism” by Frank Lovett, Washington University Department of Political Science).

Rethinking Free Speech and Civil Liability,” Washington University School of Law Faculty Research Seminar, April 2009.

“Brandeis, Privacy, and Speech,” Washington University Political Theory Workshop, February 2009.

“Rethinking Free Speech and Civil Liability,” Fordham Law School Center on Law and Information Policy Workshop, December 5, 2008.

“Intellectual Privacy,” 2008 Berkeley-GW Privacy Law Scholars Conference, George Washington University School of Law, Washington, DC, June 13, 2008.

“Brandeis, Privacy and Speech,” Oklahoma City College of Law Faculty Workshop, March 25, 2008.

“The Supreme Court,” StreetLaw St. Louis Seminar, February 15, 2008.

“Intellectual Privacy,” Loyola Los Angeles School of Law Faculty Workshop, January 31, 2008.

“Intellectual Privacy,” Washington University Political Theory Workshop, January 25, 2008.

Principal Commentator, Washington University Political Theory Workshop, Nov. 16, 2007 (discussing “Bong Hits 4 Citizens?,” by Ian MacMullen of the Washington University Department of Political Science).

“Branzburg v. Hayes and Intellectual Privacy,” Conference on Branzburg v. Hayes, University of Oregon Schools of Law and Communications, Eugene, Oregon, October 5, 2007.

Panelist, Washington University Political Theory Conference, August 27, 2007.

“Intellectual Privacy,” Washington University School of Law Faculty Research Seminar, August 15, 2006.

“Foundations, Trends, and Directions: Privacy and Security Law in 2007,” PLI Eighth Annual Institute on Privacy Law, New York, NY, June 25, 2007.

“Intellectual Privacy,” University of Illinois Law School Faculty Workshop Series, Champaign, IL, May 2, 2007.

“Intellectual Privacy,” University of Missouri-Columbia Faculty Workshop Series, April 9, 2007.

“Intellectual Privacy,” University of Nebraska Faculty Workshop Series, March 22, 2007.

“Privacy’s Other Path,” St. John’s University Law School Faculty Workshop Series, Feb. 12, 2007.

“Privacy’s Other Path,” Invited Participant, Michigan-Illinois Works-in-Progress Workshop on Comparative Law, Champaign, IL, Feb. 8-10, 2007.

Panelist, “Information, Technology, and Privacy: What’s Next?” Section on Defamation and Privacy Law, AALS Annual Meeting, Washington, D.C., Jan. 3, 2007.

Participant and Discussant, Workshop on Binding Corporate Rules, Fordham University School of Law, Nov. 13-14, 2006.

“Privacy without Confidentiality,” Washington University School of Law Faculty Research Seminar, November 8, 2006.

“Privacy after September 11,” Missouri Bar Association Annual Meeting, September 28, 2006.

“*Griswold*, Privacy, and the First Amendment,” presented at the American Association of Law Librarians Annual Meeting, St. Louis, MO, July 11, 2006.

Conference Organizer, Welcoming Remarks, and Panel Moderator, Conference on the Rehnquist Court and the First Amendment, Washington University School of Law, November 18, 2005.

“The Historiographical Poverty of Information Privacy Law,” Symposium on “Privacy Law in the New Millenium: A Tribute to Richard C. Turkington,” Villanova Law School. October 28, 2005.

“The Information Privacy Law Project,” Washington University School of Law Faculty Research Seminar. October 26, 2005.

“The Information Privacy Law Project,” Works-In-Progress Intellectual Property Colloquium 2005, Washington University School of Law. October 8, 2005.

“The Nomination of John Roberts and the Future of the Supreme Court,” Pomona College, Pomona, California, September 16, 2005.

“The Information Privacy Law Project,” Whittier Law School. September 15, 2005.

“The Information Privacy Law Project and the Limits of Metaphor,” 2005 Cardozo/Berkeley/Stanford/DePaul IP Scholars Conference, Cardozo Law School, August 11, 2005.

Chair and Discussant, “*The Digital Person* and the Information Privacy Law Project,” Law and Society Association Annual Meeting, Las Vegas, NV. June 2, 2005.

“Information Privacy, Free Speech, and *Lochner*,” *Fordham Law Review* Symposium on Law and the Information Society. Fordham Law School, April 7, 2005.

- “Brandeis, Privacy, and Speech,” Washington University School of Law Faculty Research Seminar. March 31, 2005.
- “The Constitutionality of Don’t Ask, Don’t Tell,” Washington University School of Law. February 24, 2005.
- “The War on Terror Cases and Separation of Powers,” Washington University School of Law Student-Faculty Supreme Court Workshop. September 1, 2004.
- “Journalism and the First Amendment,” Bar Ass’n of Metropolitan St. Louis, July 24, 2004.
- “Reconciling Data Privacy and the First Amendment,” Washington University School of Law Faculty Research Seminar. July 14, 2004.
- “Rehnquist Court” faculty conference, Northwestern University School of Law. April 23-24, 2004.
- “*Lawrence v. Texas* and Privacy Law,” Washington University School of Law Student-Faculty Supreme Court Workshop. October 1, 2003.
- “Reconciling Data Privacy and the First Amendment,” University of Alabama School of Law Faculty Workshop. April 14, 2003.
- “Reconciling Data Privacy and the First Amendment,” University of Virginia School of Law. October 10, 2002.
- “The Lessons of Past Federal Privacy Regulation for the Contemporary Privacy Debate,” University of Alabama Faculty Workshop. April 22, 2002.
- “Family Law and the Supreme Court,” delivered at Annual Meeting, Alabama State Bar Family Law Section. July 20, 2000.
- “The Supreme Court Law Clerk: An Agent with Many Masters,” delivered to The Federalist Society, Montgomery (Alabama) Lawyers Chapter. April 14, 2000.

### **SELECTED MEDIA APPEARANCES:**

#### **Newspapers:**

*Washington Post*

*Wall Street Journal*

*The New York Times*

*The Guardian (U.K.)*

*Christian Science Monitor*

*Chicago Tribune*

*Boston Globe*

*Washington Times*

*St. Louis Post-Dispatch*

*Baltimore Sun*

*Atlanta Journal-Constitution*

*San Francisco Chronicle*

*New York Post*

*Cleveland Plain Dealer*

*Honolulu Advertiser*

*Arizona Republic*

*Tallahassee Democrat*

*Palm Beach Post*

*Green Bay Press Gazette*

*New Jersey Star-Ledger*

*Kansas City Star*

**News Services:**

Associated Press  
Inman News Services  
Medill News Services  
Newhouse News Services  
CNN.com

**Magazines:**

*U.S. News & World Report*  
*Black Enterprise*  
*New York Times Upfront*

*Wired*

*Wired UK*

**Television:**

*CNN*  
*MS-NBC*  
*Fox News Channel*  
*Bloomberg TV*  
All national network  
affiliates in St. Louis

**Radio:**

National Public Radio  
NPR On Point  
CBS Radio  
WWOR Radio New York  
Bloomberg Radio  
Associated Press Radio  
Metro Networks Radio  
Pacifica Radio

**HONOR SOCIETIES:**

Phi Beta Kappa, Order of the Coif, Phi Alpha Theta History Honor Society, Golden Key Honor Society, Phi Eta Sigma Honor Society.



### **SELECT CONSULTING EXPERIENCE**

- Successfully represented fantasy sports company in right of publicity litigation against Major League Baseball from federal district court to Supreme Court certiorari phase. The litigation, *Major League Baseball Advanced Media v. CBC Distribution & Marketing*, 505 F.3d 818 (8th Cir. 2007), cert. denied, 128 S.Ct. 2872 (2008), is widely considered to have saved the independent fantasy sports industry.
- Expert witness in consumer credit class action settlement, giving opinion on whether a settlement under the Fair Credit Reporting Act was in the best interests of consumers.
- Consulted with various state attorney general's offices in privacy litigation over physician detailing statutes, culminating in the Supreme Court case of *IMS v. Sorrell, Inc.*, 131 S.Ct. 2653 (2011).
- Drafted First Amendment argument in Law Professors Brief as Amicus Curiae in Opposition to Motion to Dismiss at 16-22, *SEC v. Siebel Sys., Inc.*, 384 F. Supp. 2d 694 (S.D.N.Y. 2005) (No. 04 CV 5130(GBD)).
- Consulted with counsel, represented clients, or appeared in a variety of other cases involving privacy, defamation, or constitutional issues before a variety of tribunals, involving the U.S. Supreme Court.