Faculty Biographies

David Berger is a partner in the Gibbs Law Group. He represents consumers in class action lawsuits, with a special emphasis on data breach, privacy, and financial services litigation. With broad technical and IT expertise, he is widely regarded as a leader in data breach and privacy law. His substantive technical knowledge ranges from hacking techniques and cybersecurity controls to industry standard IT practices, information security frameworks, and auditing processes. This unique background positions him to understand and sift through the relevant technical aspects of a case, competently interface with corporate IT executives, and negotiate settlement agreements that incorporate meaningful changes to business practices—all of which are critically important to ensure consumers' data is appropriately protected. Berger has represented data breach and privacy victims in some of the largest and most influential privacy cases throughout the country, including litigation against Equifax, Anthem, Adobe, Banner Health, and Excellus BlueCross BlueShield. He is an active member of The Sedona Conference's Working Group on Data Security and Privacy Liability, and a former chair of the American Association for Justice's Consumer Privacy and Data Breach Litigation Group.

Angelo Carusone is president and CEO of Media Matters, a nonprofit media watchdog organization. He is a recognized authority on right-wing extremism, and frequently provides expert opinion about extremism, online toxicity, and the underlying structures fueling their rise. He is a regular resource for journalists writing about disinformation and the ways in which technology platforms are addressing the issue. He is also an expert on brand safety in advertising and has led many high-profile corporate campaigns. He holds a bachelor's degree from Fordham University and a law degree from the University of Wisconsin Law School.

Bryan H. Choi holds joint appointments at the Ohio State University with the College of Law and the Department of Computer Science and Engineering. The question that drives his research is software safety: how do we make software safer for ordinary people? His recent work has focused on reconstituting a more robust software liability regime. He has also written extensively on data privacy, particularly on issues involving digital identity and online anonymity. Prior to joining Ohio State, Professor Choi was a Faculty Fellow at the Center for Technology, Innovation and Competition (CTIC) at the University of Pennsylvania Law School. Before that, he served as the Director of Law and Media at the Information Society Project (ISP) at Yale Law School. Professor Choi received his undergraduate degree in Computer Science from Harvard University and his law degree from Harvard Law School. Following law school, he clerked for the Honorable Leonard I. Garth of the U.S. Court of Appeals for the Third Circuit and for the Honorable William C. Bryson of the U.S. Court of Appeals for the Federal Circuit.

Joshua P. Davis is Professor and director for the Center of Law and Ethics at the University of San Francisco School of Law. He has published numerous articles and book chapters and presented numerous times on artificial intelligence, antitrust, civil procedure, class certification, ethics, free speech, and jurisprudence. He is currently writing his first book, *Unnatural Law: AI, Consciousness, Ethics, and Legal Theory*, forthcoming from Cambridge University Press in 2022/2023. He graduated from NYU School of Law, where he was the Senior Articles Editor of the NYU LAW REVIEW and won the Frank H. Sommer Award for top general scholarship and achievement in his class. He served as a law clerk to Patrick Higginbotham on the U.S. Court of Appeals for the Fifth Circuit. Before entering academia, he was a partner at Lieff, Cabraser, Heimann & Bernstein, LLP.

Anuj C. Desai is the William Voss-Bascom Professor of Law at the University of Wisconsin, where he teaches in both the Law School and the iSchool (The Information School), offering classes in cyberlaw, First Amendment, intellectual freedom, statutory interpretation, legislation and regulation, and copyright. Professor Desai writes in a variety of different areas, with a focus on understanding how social, historical, and institutional contexts shape law. He is also co-director of the Law School's summer program in International and Comparative Law in Giessen, Germany. Prior to entering academia, Professor Desai practiced law in Seattle, Washington, focusing primarily on First Amendment, defamation, newsgathering, copyright and trademark litigation. Before his time in private practice, he served as a legal assistant to the American judges at the Iran-United States Claims Tribunal in The Hague, clerked for two federal judges, and worked briefly in the Legal Adviser's Office at the U.S. State Department and at the Legal Resources Centre in Grahamstown, South Africa. Professor Desai is an elected member of the American Law Institute and a Fellow of the American Bar Foundation. He received his AB in Mathematics from Harvard University, a Master's in International Affairs from Columbia University, and a JD from Berkeley Law, where he was Editor-in-Chief of the CALIFORNIA LAW REVIEW.

Scott Dodson is the Founding Director of the UC Hastings Law Center for Litigation and Courts, the James Edgar Hervey Chair in Litigation, and the Geoffrey C. Hazard Jr. Distinguished Professor of Law. An expert in civil procedure and federal courts, he has published seven books, including *The Legacy of Ruth Bader Ginsburg* (Cambridge 2015) and *New Pleading in the Twenty-First Century* (Oxford 2013). He has written around 100 shorter works, appearing in such journals as STANFORD LAW REVIEW, NEW YORK UNIVERSITY LAW REVIEW, MICHIGAN LAW REVIEW, UNIVERSITY OF PENNSYLVANIA LAW REVIEW, CALIFORNIA LAW REVIEW, VIRGINIA LAW REVIEW, DUKE LAW JOURNAL, NORTHWESTERN UNIVERSITY LAW REVIEW, GEORGETOWN LAW JOURNAL, AMERICAN JOURNAL OF COMPARATIVE LAW, AMERICAN JOURNAL OF INTERNATIONAL LAW, and LAW & SOCIETY REVIEW. Professor Dodson is a frequent commentator in the news media, including appearances on local news, NPR Radio, and CNN Radio; quotes in various print media; and blogging stints at SCOTUSblog, SCOCAblog, Civil Procedure & Federal Courts Blog, and PrawfsBlawg.

David Freeman Engstrom is the LSVF Professor in Law, Associate Dean, and Co-Director of the Center on the Legal Profession at Stanford Law School. His current work focuses on law and artificial intelligence, particularly the use of machine learning tools by government agencies and litigants in the civil justice system. He is currently serving as an appointee to the State Bar of California's Closing the Justice Gap Working Group, tasked with proposing reforms to foster innovative legal service delivery systems. From 2018-2020, he served as a principal advisor to the Administrative Conference of the United States on a project titled *Government by Algorithm: Artificial Intelligence in Federal Administrative Agencies*. Engstrom is an elected member of the American Law Institute, an appointed member

of the Administrative Conference of the United States, a fellow of the American Bar Foundation, and a faculty affiliate at the Stanford Center for Legal Informatics (CodeX), and the Stanford Institute for Human-Centered Artificial Intelligence, where he also chairs the Technology Policy Governance committee. He has a JD from Stanford Law School, an MSc from Oxford University, and a PhD in political science from Yale University. Before joining Stanford's faculty, he practiced at what is now Kellogg Hansen Todd Figel & Frederick, representing clients before the U.S. Supreme Court and many other courts and agencies.

Lindsay Freeman is the Director of Law and Policy for the Tech and Human Rights Program at the UC Berkeley Human Rights Center. She is an international criminal and human rights lawyer with experience working at the International Criminal Court and the Extraordinary Chambers in the Courts of Cambodia, and has expertise in digital evidence and investigations of genocide, crimes against humanity, and war crimes. Freeman led the drafting team of the Berkeley Protocol on Digital Open Source Investigations, an international protocol co-published with the UN Office of the High Commissioner for Human Rights. She is a Visiting Fellow of Practice at Oxford University's Blavatnik School of Government, co-chair of the Technology Advisory Board of the International Criminal Court, and a member of the ABA's International Criminal Justice Standards Advisory.
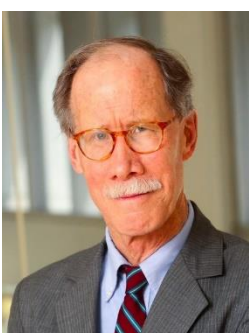
Eric Goldman is a Professor of Law at Santa Clara University School of Law in the Silicon Valley. He also co-directs the High Tech Law Institute and supervises the Privacy Law Certificate. His research and teaching focuses on Internet, IP and advertising law topics, and he blogs on these topics at the Technology & Marketing Law Blog. Before joining the Santa Clara Law faculty, he taught at Marquette University Law School. Before that, he practiced law for eight years in the Silicon Valley as General Counsel of Epinions.com and an Internet and technology transactions attorney at Cooley Godward LLP. Goldman received his BA, *summa cum laude* and Phi Beta Kappa, in Economics/Business from UCLA in 1988. He received his JD from UCLA in 1994, where he was a member of the UCLA LAW REVIEW, and concurrently received his MBA from the Anderson School at UCLA.

Alexa Koenig, JD, PhD, is executive director of UC Berkeley's Human Rights Center (winner of the 2015 MacArthur Award for Creative and Effective Institutions) and a lecturer-in-residence at UC Berkeley's School of Law. She co-founded UC Berkeley's Investigations Lab, which uses digital open-source research methods to strengthen legal investigations, investigative reporting, and human rights reporting. Alexa is also co-chair of the International Bar Association's Human Rights Law Committee, co-chair of the Technology Advisory Board for the International Criminal Court's Office of the Prosecutor, and a member of the American Association for the Advancement of Science's Committee on Scientific Freedom and Responsibility, among other posts. She has been honored with the United Nations Association-SF's Global Human Rights Award, UC Berkeley's Mark Bingham Award for Excellence, and as a 2020 Woman Inspiring Change by Harvard Law School. Her recent books include *Hiding in Plain Sight* (UC Press 2016) and *Digital Witness: Using Open Source Information for Human Rights Investigation, Documentation and Accountability* (Oxford University Press 2020).

Brian Lewis is former Director & Associate General Counsel at Facebook, where he led Facebook's user data disclosure and compliance program, managed the team advising on user data disclosure in response to U.S. civil and criminal legal requests, and advised on and led extraordinary and high-visibility user data disclosure efforts globally. He previously served as an Assistant U.S. Attorney in the Northern District of California where he investigated and prosecuted a variety of federal crimes, including corporate fraud, violent crimes, and cases of child exploitation. Brian tried numerous cases to jury verdict and argued appeals before the Ninth Circuit Court of Appeals. He served as Senior Litigation Counsel at the U.S. Attorney's Office, and departed the office as the Deputy Chief of the Oakland Branch Office. Prior to his career in public service, Brian was in private practice in Chicago, where he focused on intellectual property, product liability, and general commercial litigation. He earned his J.D. from Georgetown University Law Center, and his A.B. from Princeton University in Public Policy and International Affairs, with a certificate in African American Studies.

Richard L. Marcus holds the Coil Chair in Litigation at UC Hastings Law, where he has taught since 1988. He previously taught at the University of Illinois and worked as a litigator in San Francisco. His writing has focused on litigation-related topics. He is a lead author of the West casebooks *Complex Litigation* (6th ed. 2015) and *Civil Procedure: A Modern Approach* (7th ed. 2018). He is also the author of several volumes of *Federal Practice & Procedure* (Wright & Miller), and serves on a variety of committees dealing with practice issues. Since 1996 he has served as Associate Reporter to the Advisory Committee on Civil Rules of the Judicial Conference of the U.S., and has had a principal role in drafting amendments to the Federal Rules of Civil Procedure over the last 20 years, including particularly amendments to the class action rule and the rules of discovery. Professor Marcus has also been involved in international academic activities. He was elected a member of the International Association on Procedural Law (IAPL) in 1998, and now serves as the Vice President of the IAPL for North America. He has also served as an adviser to the European Law Institute project on drafting procedural rules for the EU. In addition, he has been elected to Honorary Membership of the Japan Association of the Law of Civil Procedure (the first American so honored), and selected as Onorari Corrispondenti of the Associazione Itiliana fra gli Sutdiosi del Processo Civile. He regularly presents and participates in academic conferences in Europe, Latin America, and Asia.

Bradford Newman is a litigation partner in the Palo Alto office of Baker McKenzie and leader of the firm's North America AI and Machine Learning practice. He is the Chair of the AI Subcommittee of the ABA, has been instrumental in proposing federal AI workplace and IP legislation that in 2018 was turned into a United States House of Representatives Discussion Draft bill. In 2019, he was recognized by the *Daily Journal* as one of the Top 20 AI attorneys in California. He has been an invited speaker on AI for MIT Sloan and NYU Law, frequently publishes on AI law and public policy, and has developed AI oversight and corporate governance best practices designed to ensure algorithmic fairness. He is the author of *Protecting Intellectual Property in the Age of Employee Mobility: Forms and Analysis*, a comprehensive treatise published by ALM that offers authoritative guidance on legal risks and practical steps companies can take to protect their IP and remedy IP theft.

Dawn Carla Nunziato is Professor of Law and The William Wallace Kirkpatrick Research Professor at The George Washington University Law School. She also serves as Co-Director of the Ethical Technology Initiative, and is an Affiliate of the Institute for Data, Democracy, and Politics. She currently serves as Chair of the TikTok Content Advisory Council. She is an internationally recognized expert in the area of content regulation on the Internet, and is the author of the critically acclaimed book *Virtual Freedom: Net Neutrality and Free Speech in the Internet Age* (Stanford University Press). She has written extensively on issues involving free speech and information privacy on the Internet, and has lectured and taught courses on these and other subjects at leading law schools, universities, and other institutions around the world. While a law student at the University of Virginia, she served as Articles Development Editor of the VIRGINIA LAW REVIEW and received the Thomas Marshall Miller Prize, which is awarded to the outstanding member of the graduating class.

Behram V. Parekh has been litigating complex class action and mass tort litigation for essentially his entire career, representing both individuals and institutions. He has been appointed lead or co-lead counsel in numerous cases involving consumer fraud, false and misleading advertising, unfair competition, securities fraud, and products liability cases. He also has extensive expertise and knowledge related to computer systems and the discovery of electronically stored information ("ESI"). With a background in computer science and systems administration, he has been selected by his peers to oversee and negotiate ESI protocols, select ESI vendors and technology, and conduct the discovery of ESI in numerous multidistrict mass tort cases and class actions and California Judicial Council Coordination Proceedings.

Robert S. Peck, founder and president of the Center for Constitutional Litigation, P.C., is among the most sought-after appellate litigators within the plaintiffs' bar. He is credited with having developed groundbreaking constitutional challenges to laws impeding access to courts. Bob has taught state constitutional law at The George Washington University Law School and American University Washington College of Law, is a member of the advisory board of the Civil Justice Research Institute at Berkeley Law School, and is past chair of the Board of Advisors of the RAND Corporation's Institute for Civil Justice. He is a member of the American Bar Association's House of Delegates, a former member of the Board of Directors and former co-chair of the Lawyers Committee at the National Center for State Courts, and a past president of both the U.S. Supreme Court Fellows Alumni Association and the Freedom to Read Foundation. He is also a contributing editor of the Appellate Advocacy Blog of Law Professor Blogs Network.

Neil M. Richards is one of the world's leading experts in privacy law, information law, and freedom of expression. He writes, teaches, and lectures about the regulation of the technologies powered by human information that are revolutionizing our society. Professor Richards holds the Koch Distinguished Professorship at Washington University School of Law, where he co-directs the Cordell Institute for Policy in Medicine & Law. He is also an affiliate scholar with the Stanford Center for Internet and Society and the Yale Information Society Project, a Fellow at the Center for Democracy and Technology, and a consultant and expert in privacy cases. Professor Richards serves on the board of the Future of Privacy Forum and is a member of the American Law Institute. He has graduate degrees in law and history from the University of Virginia, and served as a law clerk to both William H. Rehnquist, Chief Justice of the United States, and Paul V. Niemeyer, United States Court of Appeals for the Fourth Circuit. Professor Richards is the author of *Intellectual Privacy* (Oxford University Press 2015). His many scholarly and

popular writings on privacy and civil liberties have appeared in a wide variety of media, from the HARVARD LAW REVIEW and the YALE LAW JOURNAL to THE GUARDIAN, WIRED, and SLATE. His next book, *Why Privacy Matters*, will be published by Oxford University Press in 2021.

Catherine Sharkey, the Segal Family Professor of Regulatory Law and Policy at New York University School of Law, is the leading authority on the economic loss rule, punitive damages, and federal preemption. She has published dozens of law review articles, essays, reviews, and book chapters in the fields of torts, business torts, products liability, administrative law, remedies, and class actions. Sharkey is coauthor of *Cases and Materials on Torts* (12th ed., 2020) (with Richard Epstein). In 2020 she was named Senior Fellow of the Administrative Conference of the United States (ACUS), and served as a principal adviser on Government by Algorithm: Artificial Intelligence in Federal Administrative Agencies, a project for the Office of the Chairman. Her recommendations in a prior report concerning internal procedures governing preemptive rulemaking by federal agencies were adopted by ACUS. Sharkey is an elected member of the American Law Institute and an adviser to the ALI's *Restatement Third, Torts: Liability for Economic Harm*, and *Restatement Third, Torts: Remedies*. She was a 2011-12 Guggenheim Fellow. Sharkey's scholarship has been cited by numerous federal appellate and trial courts. She is also an active participant at domestic and international workshops and conferences of torts, administrative law, and preemption scholars. Sharkey received her BA in economics *summa cum laude* from Yale University. A Rhodes Scholar, she received an MSc in economics for development, with distinction, from Oxford University, and her JD from Yale Law School, where she was Executive Editor of the *Yale Law Journal*. Sharkey served as a law clerk to Judge Guido Calabresi of the U.S. Court of Appeals for the Second Circuit and Justice David H. Souter of the U.S. Supreme Court.

Donald H. Slavik is principal of the Slavik Law Firm, LLC, in Steamboat Springs, CO, and works with clients and firms around the country on products liability cases, class actions, antitrust, and other complex litigation. He is a graduate of the University of Wisconsin, with a BS with honors in Nuclear Engineering and a JD. He was a licensed Professional Engineer in Wisconsin for thirty years (now retired) and is a licensed private pilot. He is a long-time member of the American Association for Justice, and has authored articles for AAJ's *Trial* magazine and chapters in various books, including *Litigating Tort Cases*. He is also a member of the Colorado Trial Lawyers Association and other litigation organizations. He has served on the Public Justice Foundation board of directors since 2005. Don's products liability cases have dealt with motor vehicle crashworthiness issues, ATV's, ski equipment and lifts, tires, un-commanded acceleration, restraint system failures, and more. He has been a regular member of the Society of Automotive Engineers for over thirty years, and of the Association for the Advancement for Automotive Medicine, for which he served on its peer review committee for six years. Don has particular expertise in motor vehicle software and autonomous vehicle systems. He has made multiple presentations at the Association's Unmanned Vehicle Systems International symposium since 2017, and has spoken on the same subjects to other legal organizations.

Dr. Gerson Smoger of Smoger and Associates, P.C. is the President of the Pound Civil Justice Institute, while also currently serving on the boards of Public Citizen, Public Justice (as a past president), the Civil Justice Research Initiative, the Human Rights Center at U.C. Berkeley, the advisory board of Physicians for Human Rights, and as a Commissioner for the International AIDS Society-Lancet Commission on Health and Human Rights. In the past, he has served for many years on the American Association for Justice (AAJ) Board of Governors, as Chair of its Legal Affairs Committee and as Chair of its Amicus Curiae Committee. As a plaintiff attorney, Dr. Smoger has tried cases and argued appeals throughout the United States. In 2012, he was named the Public Justice Trial Lawyer of the Year for his role as

lead trial counsel in gaining a precedent-setting award for sixteen children suffering from lead exposure. He represented Admiral Zumwalt and the Agent Orange Coordinating Council in getting benefits for Vietnam veterans for Agent Orange and argued for veterans' rights in the U. S. Supreme Court to bring suit against its manufacturers. He has also served as Vice-Chair of the ABA's Toxic Torts Hazardous Substances and Environmental Law Committee and been named Missouri Environmentalist of the Year. Dr. Smoger is co-sponsor of the Hogan/Smoger Access to Justice essay contest under the auspices of Public Citizen. He earned his B.A. from Lycoming College (*summa cum laude*), Ph.D. from the University of Pennsylvania (with distinction), J.D. from Berkeley Law, and is a member of the bars of Texas and California.

Harry Surden is a professor of law at the University of Colorado Law School in Boulder, and affiliated faculty at the Stanford Center for Legal Informatics (CodeX). His research focuses on artificial intelligence and law (including machine learning and law), legal informatics and legal automation, and issues concerning self-driving/autonomous vehicles. He also studies intellectual property law with a substantive focus on patents and copyright, and information privacy law. Prior to his legal career, Professor Surden was a professional software engineer for Bloomberg LP and Cisco Systems. He received his law degree from Stanford University and his undergraduate degree from Cornell University, both with honors.

Zahra Takhshid joined the University of Denver Sturm College of Law as an Assistant Professor in July 2021. Before joining DU, she was the Lewis Fellow for Law Teaching and Lecturer on Law at Harvard Law School where she taught "Common Law and Privacy Torts." She teaches and writes about torts, contracts, privacy, social media, technology and the law. Part of her scholarship explores how to use tools from tort and contract law in resolving challenges with emerging technological developments. A second strand of her interest is Islamic and comparative law. Zahra is also a Faculty Associate at the Berkman Klein Center for Internet and Society at Harvard University and has been selected as the 2021 Quantum Fellow at the Center for Quantum Networks of the University of Arizona in partnership with Yale Law School's Information Society Project (ISP). Zahra's research has been published or is forthcoming in Cardozo Law Review, Minnesota Law Review Online, UCLA Journal of Islamic and Near Eastern Law, Vanderbilt Journal of Entertainment and Technology, and others.

Eugene Volokh (keynote speaker) is the Gary T. Schwartz Distinguished Professor of Law at the UCLA School of Law. He teaches First Amendment law, an intensive editing workshop, and a First Amendment amicus brief clinic. He has also taught copyright and tort law and a seminar on firearms regulation policy. Before coming to UCLA, he clerked for Judge Alex Kozinski on the U.S. Court of Appeals for the Ninth Circuit and for Justice Sandra Day O'Connor on the U.S. Supreme Court. Volokh has argued over 30 appellate cases since 2013 in state and federal courts throughout the country, and has filed more than 100 appellate briefs. He is the author of the textbooks *The First Amendment and Related Statutes* (6th ed. 2016), and *Academic Legal Writing* (5th ed. 2013), and more than 90 law review articles, which have been cited over 250 times in judicial opinions. He is a member of The American Law Institute, a member of the American Heritage Dictionary Usage Panel, and the founder and coauthor of "The Volokh Conspiracy," a leading legal blog. For the last several years, he has been closely studying libel litigation, as well as the right of access to court records.

Rebecca Wexler is an Assistant Professor of Law at the University of California, Berkeley, School of Law, where she teaches, researches, and writes on issues concerning data, technology, and secrecy in the criminal legal system. Her most recent work has focused on privacy law barriers that block criminal defense counsel from subpoenaing technology companies for digital evidence that could exonerate their clients. She is also a Faculty Co-Director of the Berkeley Center for Law & Technology. Before joining Berkeley Law, Professor Wexler clerked for Judge Pierre N. Leval of the United States Court of Appeals for the Second Circuit (2017-2018) and for Judge Katherine Polk Failla of the United States District Court for the Southern District of New York (2018-2019). She has worked as a Yale Public Interest Fellow at The Legal Aid Society's criminal defense practice; a Lawyer-in-Residence at The Data and Society Research Institute; a Visiting Fellow at the Yale Law School Information Society Project; a Visiting Scholar at the Human Rights Center at Berkeley Law; a Visiting Scholar at Harvard University; and a Legal Intern at the Electronic Frontier Foundation. Professor Wexler is a graduate of Harvard College, Cambridge University, and Yale Law School.

Nancy Willard specializes in issues of issues of ethical use of social media. She earned a BS in elementary and early childhood education from the University of Utah (1975), an MS in special education from the University of Oregon (1972), and a JD from Willamette University College of Law (1983). She practiced law in the area of computer law in the 1980s, and shifted her focus to educational technology planning in the 1990s. Her recent focus has been on aspects of digital safety relating to schools. Her articles have appeared in numerous legal and educational journals. She has presented at conferences of the International Bullying Prevention Association, American School Counselors Association, and other educational organizations, and she has testified before Congress on digital safety concerns and before the Commission on Online Child Protection (2000). Her recently published books include *Engage Students to Embrace Civility* (2018) and *Be Positively Powerful: Resilient When Things Get Tough* (2020).