

PAUL OHM

University of Colorado Law School



EXPERIENCE

University of Colorado Law School, Associate Professor (tenured 2011), Director of IT/IP Initiative, Silicon Flatirons Center, and LL.M Co-Director, Spring 2006 – present

(Related appointments: Associate Professor (courtesy), Interdisciplinary Telecommunications Program (Department of Engineering); Fellow, Alliance for Learning, Technology, and Society Institute; Faculty Affiliate, Center for Science and Technology Policy Research)

Federal Trade Commission, Senior Policy Advisor, 2012 – 2013

United States Department of Justice, Computer Crime and Intellectual Property Section, Honors Program Trial Attorney, 2001 – 2005

Hon. Betty Binns Fletcher, U.S. Court of Appeals for the Ninth Circuit, Law Clerk, 2000 – 2001

Hon. Mariana Pfaelzer, U.S. District Court for the Central District of California, Law Clerk, 1999 – 2000

RAND Corporation, Computer Programmer, 1994 – 1996

ARTICLES

Sensitive Information (work in progress).

Branding Privacy, 97 MINNESOTA LAW REVIEW 907 (2013).

Broken Promises of Privacy: Responding to the Surprising Failure of Anonymization, 57 UCLA LAW REVIEW 1701-1777 (2010).

The Rise and Fall of Invasive ISP Surveillance, 2009 UNIVERSITY OF ILLINOIS LAW REVIEW 1417-1496 (2009).

The Myth of the Superuser: Fear, Risk, and Harm Online, 41 U.C. DAVIS LAW REVIEW 1327-1402 (2008).

ESSAYS, BOOK
CHAPTERS,
SYMPOSIA
CONTRIBUTIONS
AND TECHNICAL
PAPERS

What Do the Rules Say About Data Analysis? *in* BIG DATA, PRIVACY, AND THE PUBLIC GOOD: FRAMEWORKS FOR ENGAGEMENT (Cambridge University Press) (Julia Lane, Victoria Stodden, Stefan Bender, and Helen Nissenbaum eds.) (forthcoming 2014).

The Underwhelming Benefits of Big Data, 161 UNIVERSITY OF PENNSYLVANIA LAW REVIEW ONLINE 339 (2013) (responding to Paul M. Schwartz, Information Privacy in the Cloud) (online journal).

The Fourth Amendment in a World Without Privacy, 81 MISSISSIPPI LAW JOURNAL 1309 (2012) (symposium).

Electronic Surveillance Law and the Intra-Agency Separation of Powers, 47 UNIVERSITY OF SAN FRANCISCO LAW REVIEW 269 (2012) (symposium).

Massive Hard Drives, General Warrants, and the Power of Magistrate Judges, 97 VIRGINIA LAW REVIEW IN BRIEF 1 (responding to Orin S. Kerr, Ex Ante Regulation of Computer Search and Seizure) (online journal) (2011).

The Argument Against Technology Neutral Surveillance Laws, 87 TEXAS LAW REVIEW 1685-1713 (2010) (symposium).

Probably Probable Cause: The Diminishing Importance of Justification Standards, 93 MINNESOTA LAW REVIEW 1514-1560 (2010) (symposium).

Computer Programming and the Law: A New Research Agenda, 54 VILLANOVA LAW REVIEW 117-153 (2009).

Good Enough Privacy, 2008 UNIVERSITY OF CHICAGO LEGAL FORUM 1-63 (symposium).

The Olmsteadian Seizure Clause, 2008 STANFORD TECHNOLOGY LAW REVIEW 2 (online journal) (approximately twenty pages) (symposium).

Doug Sicker, Paul Ohm, and Shannon Gunaji, The Analog Hole and the Price of Music: An Empirical Study, 5 JOURNAL ON TELECOMMUNICATIONS & HIGH TECHNOLOGY LAW 573-587 (2007) (symposium).

Paul Ohm, Doug Sicker, and Dirk Grunwald, Legal Issues Surrounding Network Monitoring Research, 2007 PROCEEDINGS OF THE INTERNET MEASUREMENT CONFERENCE 141-148 (invited paper).

SHORT WORKS

Should Sniffing Wi-Fi be Illegal?, IEEE SPECTRUM (forthcoming 2014).

Article Review, The Care and Feeding of Sticky Defaults in Information Privacy Law, JOTWELL, May 20, 2013 (reviewing Lauren Willis, When Nudges Fail: Slippery Defaults) (online journal).

Article Review, Cybersecurity Through Information Theory, JOTWELL, May 19, 2011 (reviewing Derek E. Bambauer, Conundrum) (online journal).

Article Review, I Always Feel Like Somebody's Watching Me, JOTWELL, April 29, 2010 (reviewing Ryan Calo, People Can Be So Fake: A New Dimension to Privacy and Technology Scholarship) (online journal).

Breaking Felten's Third Law: How Not to Fix the Internet, 87 DENVER UNIVERSITY LAW REVIEW DU PROCESS 50-54 (online journal) (2010).

When Network Neutrality Met Privacy, 53 COMMUNICATIONS OF THE ACM 30-32 (2010) (peer reviewed).

The Greatest Threat to Privacy, invited contribution to Deep Packet Inspection, A Collection of Essays from Industry Experts, Office of the Privacy Commissioner of Canada (2009) (online publication).

Forum Commentary, The Fourth Amendment Right to Delete, 119 HARVARD LAW REVIEW FORUM 10 (2005) (online journal).

PUBLISHED
PRIOR TO
ACADEMIC
POSITION

Parallel-Effect Statutes and E-Mail "Warrants": Reframing the Internet Surveillance Debate, 72 GEORGE WASHINGTON LAW REVIEW 1599 (2004).

Comment: On Regulating the Internet: Usenet, a Case Study, 46 UCLA LAW REVIEW 1941 (1999).

TEACHING

University of Colorado Law School
Computer Crime (S07, F09, F11)
Copyright (S07, S08, S10, S11)
Criminal Procedure (Investigative) (S08)
Information Privacy (F08, F10)
Introduction to Intellectual Property (S06, F06, F07, F08, F10, F11)
Technology of Privacy (S13)
Quantitative Methods for Lawyers (S10)
Frequent guest lecturer for colleagues in Law School, Business School, ATLAS and ITP

Georgetown University Law Center (Adjunct)
Computer Crime (S13)

George Washington University School of Law (Adjunct)
Computer Crime (F04)

American University, Washington College of Law (Adjunct)
Computer Crime (S03, S04)

RELEVANT
SERVICE

UCLA (Collegium of University Fellows)

Cyberlaw: The Bill of Rights and the Internet (S99)

U.S. Department of Justice, Office of Legal Education

Basic Computer Crime (repeatedly)

Computer and Telecommunications Coordinators Seminar (repeatedly)

Center for Democracy and Technology, Non-Resident Fellow (Inaugural Class), 2009 – Present

Future of Privacy Forum, Advisory Board Member, 2009 – Present

ABA Criminal Justice Standards Task Force on Transaction Surveillance, Member, 2007-10 (National task force)

AALS Internet & Computer Law Section, Officer, 2009-10; 2010-11; 2011-12. Chair-Elect, 2012-13; Chair, 2013-14.

AALS Mid-Year Meeting Planning Committee Member, 2011-12.

Social Science Research Network, Information Privacy Law eJournal Advisory Board, 2008 - Present (invited board member)

Colorado Bar Intellectual Property Advisory Board, Member, 2010 – 2013.

Colorado Bar Intellectual Property Section Task Force, Member, 2008.

Pro Bono Legal Representation, Attorney Advisor, Hepting v. AT&T (EFF litigation relating to NSA Wiretapping), 2006 – 2007

University Service

Member, School of Information Task Force (2009 – 2010)

Advisory Board Member, Alliance for Technology, Learning & Society (ATLAS) (2009 – present)

Member, University of Colorado, Committee on University Discoveries (2006 – present)

Member, Interdisciplinary Telecommunications Program Faculty Search Committee (2008-09, 2009-10)

Law School Service

Chairperson, Faculty Appointments Committee (2011-12)

Member, Law School Dean Search Committee (2010-11)

Member, Faculty Appointments Committee (2008; 2009-10, 2010-11, 2013-14)

Member, Program Review Committee (2013-14).

Chairperson, Technology Committee (2006-10)

Member, Publicity and Outreach Ad Hoc Committee (2010)

Member, Student Fee Committee (2007 – 2009)

Member, Law School Website Redesign Committee (2006 – 2008)

Member, Law School Search Committees:

Director of Special Projects (2011)
Law Library Director (2010-11)
Information Technology Director (2006)
Director of Communications and Alumni Support (2006)
Faculty Advisor, Journal on Telecommunications & High Technology
Law, (2006 – present)
Faculty Advisor, Asian and Pacific American Law Students Association,
University of Colorado Chapter (2007 – present)

GRANTS AND
AWARDS

Cy Pres award from privacy litigation (2011) (\$100,000).

National Science Foundation Grant for Legal Issues on Named Data
Networking (2011-13) (\$125,000).

Kauffman Foundation Grant for Software Regulation Clearing House
(2006) (\$100,000).

HONORS

University of Colorado Provost's Faculty Achievement Award, October
2010 (campuswide recognition of scholarship).

Deiter Meurer Prize for Law and Informatics, Awarded by the German
Association for Computing and the Judiciary and Juris, September 2010.

Excellence in Teaching Award, University of Colorado Law School, 2009-
10.

Outstanding New Faculty Member, University of Colorado Law School
Class of 2008.

EDUCATION

UCLA School of Law, J.D., 1999; UCLA Law Review, Articles Editor;
Benjamin Aaron Award; Jerry Pacht Prize

Yale University, B.S., Computer Science, B.A., Electrical Engineering, 1994

SELECT
PRESENTATIONS

Panelist, Ethical and Policy Issues in the Statistical Use of Big Data,
American Statistical Association, Joint Statistical Meetings, Boston, MA,
August, 2014.

Participant, University of San Diego Center for Computation, Mathematics
and the Law Inaugural Workshop, San Diego, CA, March 21-22, 2014.

Panelist, Re-Identification Risk of De-Identified Data Sets in the Era of Big
Data, AAAS Annual Meeting, Chicago, IL, February 16, 2014.

Participant, Workshop on the Social, Economic, and Workforce
Implications of Big Data Analytics and Decision Making, NSF,
Washington, DC, January 30-31, 2014.

Panelist, Privacy, Information and Law, *at* REWIRED: How Law and Technology Shape Social Progress, Wayne Morse Center for Law and Politics, University of Oregon, January 22, 2014.

Colloquium Speaker, University of Maryland Law School, Baltimore, MD, January 29, 2014.

Panelist, Under the Parental Gaze in the 21st Century: Children Privacy Rights Against Their Parents, AALS Section on Defamation and Privacy, AALS Annual Meeting, January 4, 2014.

Invited Author, Swimming in the Ocean of Big Data: National Security in an Age of Unlimited Information, *Journal of National Security Law & Policy*, Georgetown University Law Center, February 27, 2013.

Panelist, Big Data and Big Challenges for Law and Legal Information, Georgetown Law Library, January 30, 2013.

Paper Commenter and Invited Harvard Law Review Forum Author, Privacy and Technology, Symposium of the Harvard Law Review, November 9, 2012.

Paper Commenter and Invited PENNumbra Author, The Evolving Internet, Symposium of the University of Pennsylvania Law Review, October 19-20, 2012.

Branding Privacy, Intellectual Property Scholars Conference, Palo Alto, CA, August 9-10, 2012 (plenary speaker).

Moderator and Program Committee Member, AALS Mid-Year Meeting, Workshop on When Technology Disrupts Law: How do IP, Internet and Bio Law Adapt?, Berkeley, CA, June 10-12, 2012.

Branding Privacy, Privacy Law Scholars Conference, Washington, DC, June 7-8, 2012.

Panelist, Big Data, Big Problems, Center for Law and Information Policy, Fordham University Law School, March 2, 2012.

Panelist and Invited Author, Big Brother in the 21st Century, University of San Francisco Law School, February 24, 2012.

Colloquium Speaker, Florida State University Law School, Tallahassee, FL, February 22, 2012.

Panelist, Cutting-Edge Issues in Privacy Regulation, Law and Society (LSA) Annual Meeting, San Francisco, CA, June 5, 2011.

Big Data and Privacy, Privacy Law Scholars Conference, Berkeley, California, June 3, 2011.

Seminar on Privacy and Data Anonymization, London, England, UK Information Commissioner's Office, March 30, 2011.

Rethinking the Fourth Amendment: Why the Coming Surveillance Society Need Not Lead to a Surveillance State, University of Mississippi School of Law National Center for Justice and the Rule of Law, Fourth Amendment Symposium, Oxford, Mississippi, March 9 - 11, 2011.

Privacy and Intermediaries, Stanford Law School, Symposium of the Stanford Technology Law Review, March 3, 2011

Rethinking the Fourth Amendment, University of Pennsylvania School of Law, Symposium of the Pennsylvania Journal of Constitutional Law, January 28, 2011.

Privacy and Data Analytics, 32nd International Conference of Data Protection and Privacy Commissioners, Jerusalem, Israel, October 27-28, 2010

“Dieter Meurer Prize Lecture,” Conference for the German Association for Computing and the Judiciary, Saarbrücken, Germany, September 16, 2010 (awarded prize winner).

Symposium on Technology, Privacy, and National Security, Texas Law Review, February 5 – 7, 2010 (invited presenter and author).

“The Probability of Privacy,” University of Washington School of Law, Rising Scholars Colloquia Series, March 2009

“The Rise and Fall of Invasive ISP Surveillance,” Faculty Colloquium Speaker Series, New York Law School, October 2008

CONFERENCES
ORGANIZED

The New Frontiers of Privacy Harm, Silicon Flatirons, January 17, 2014 (organizer and moderator).

The Technology of Privacy, Silicon Flatirons, January 11, 2013 (organizer and moderator).

The Economics of Privacy, Silicon Flatirons, December 2, 2011 (organizer, presenter, and moderator).

Privacy and the Press, Silicon Flatirons, December 3, 2010 (organizer, presenter, and moderator).

Patents and Free and Open Source Software, Silicon Flatirons, April 29, 2010 (organizer and moderator).

Putting the Law Online: A Law.gov Workshop, Silicon Flatirons, April 2, 2010 (organizer and presenter).

Reforming Internet Privacy Law, Silicon Flatirons, December 2, 2009 (organizer and moderator).

The Rise of Broadband Video and the Future of Digital Media, Silicon Flatirons, October 12, 2009 (moderator).

The Digital Broadband Migration 2009: Imagining the Internet's Future, Silicon Flatirons, Feb. 8, 2009 (moderated panel on Network Neutrality)

The Law and Ethics of Network Monitoring, Silicon Flatirons, December 5, 2008 (organizer and moderator)

The Digital Broadband Migration 2008: Technology Policy for the Next Administration, Silicon Flatirons, February 11, 2008 (moderated panel on Privacy and Security).

The Web and the West, Silicon Flatirons, March 20, 2007 (panelist on "The Democratic Impulse" panel)

Re-examining Open Source and Community Development, Silicon Flatirons, March 5, 2007 (organizer and moderator)

The Digital Broadband Migration 2007, Silicon Flatirons, Feb. 11, 2007 (moderated panel on Network Neutrality)

The Challenges of Information Management, Silicon Flatirons, March 13, 2006 (panelist on Data Security panel)

The Digital Broadband Migration 2006, Silicon Flatirons, Feb. 19, 2006 (moderated panel on DRM)

EMPIRICAL
PROJECTS

Software Regulation Clearing House, Silicon Flatirons 2005 – present (Director) Kauffman Foundation Grant (online repository of laws regulating software development, with submitted commentary memos)

Altlaw.org, 2006 – present, Co-Founder (with Tim Wu, Columbia Law) (free, publicly available database of federal court opinions)

Participant, University of Colorado Text Analysis Community (CTAC), 2006 – Present (interdisciplinary working group of researchers investigating text analysis)

OTHER
RELEVANT
EXPERIENCE

Brief and Comment Writing

Brief of Amici Curiae Law Professors and Instructors, *Rehberg v. Paulk* (11th Cir. 2010) (primary author) (helped convinced Federal appeals court to amend opinion to lessen negative impact on Fourth Amendment privacy interests).

Comment to Register of Copyrights and Librarian of Congress Seeking Exemption to DMCA for Security Research (2009) (on behalf of Alex Halderman) (with Blake Reid, Harry Surden, and Brad Bernthal) (convinced Department of Congress to impose new exception to federal anti-circumvention law).

Brief of Amicus Curiae Electronic Frontier Foundation, *Bunnell v. MPAA* (9th Cir. 2008) (with Marcia Hoffman and Kevin Bankston).

Brief of Amici Curiae Experts in Computer Forensics Computer Technology, *U.S. v. Andrus* (10th Cir. 2007) (with Jennifer Granick).

Blogging

Permanent Blogger, *Freedom to Tinker*, Center for Information Technology Policy at Princeton, October 2008 – Present

Guest Blogger, *PrawfsBlawg*, March 2010.

Guest Blogger, *Concurring Opinions*, August 2008 and March 2007

Guest Blogger, *Volokh Conspiracy*, April 2007