

## **PAUL OHM**

Georgetown University Law Center  
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### EXPERIENCE

Georgetown University Law Center, Professor, 2015 – Present

Center on Privacy and Technology, Faculty Director, 2015 – Present;  
Institute for Technology Law and Policy, Faculty Director, 2016 – Present

University of Colorado Law School, Associate Dean for Academic Affairs and Associate Professor (tenured 2011); Silicon Flatirons Center, Director of IT/IP Initiative; and LL.M Co-Director, 2006 – 2015

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

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

Desirable Inefficiency (work-in-progress) (with Jonathan Frackle).

Sensitive Information, 88 SOUTHERN CALIFORNIA LAW REV. 1125 (2015).

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).

ESSAYS, BOOK  
CHAPTERS,  
SYMPOSIA  
CONTRIBUTIONS  
AND TECHNICAL  
PAPERS

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

We Couldn't Kill the Internet If We Tried, 130 HARVARD LAW REVIEW FORUM 79 (2016) (online commentary).

Regulating Software When Everything Has Software, 84 GEORGE WASHINGTON UNIVERSITY LAW REVIEW 1672 (2016) (symposium) (with Blake Reid).

What if Everything Reveals Everything? (with Scott Peppet), in BIG DATA IS NOT A MONOLITH (Cassidy Sugimoto, Michael Mattioli, and Hamid Ekbia) (2016).

The Surveillance Regulation Toolkit: Thinking Beyond Probable Cause, in THE CAMBRIDGE HANDBOOK OF SURVEILLANCE LAW (Stephen Henderson and David Gray, eds) (2016).

The Computer Fraud and Abuse Act: Structure, Controversy, and Proposals for Reform in CYBER INSECURITY: NAVIGATING THE PERILS OF THE NEXT INFORMATION AGE (Richard M. Harrison and Dr. Trey Herr, eds.) (2016).

The Life of Riley (v. California), 48 TEXAS TECH LAW REVIEW 133 (2015) (symposium).

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.) (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

Article Review, Free for the Taking (Or Why Libertarians are Wrong About Markets for Privacy), JOTWELL, May 26, 2014 (reviewing Katherine Strandburg, Free Fall: The Online Market's Consumer Preference Disconnect and Chris Jay Hoofnagle & Jan Whittington, Free: Accounting for the Internet's Most Popular Price) (online journal).

Should Sniffing Wi-Fi be Illegal?, IEEE SPECTRUM (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

Georgetown University Law Center

Computer Crime Law (S17)

Computer Programming for Lawyers: An Introduction (S16, S17, S18)

Computer Programming for Lawyers: Intermediate (S18)

Criminal Justice (S16, F16)

Information Privacy Law (F15, F17)

Technology of Privacy (F15, F16, F17)

University of Colorado Law School

Computer Crime (S07, F09, F11, S15)

Copyright (S07, S08, S10, S11, S15)

Criminal Procedure (Investigative) (S08)

Information Privacy (F08, F10, F13)

Intro to Intellectual Property (S06, F06, F07, F08, F10, F11, F13)

Technology of Privacy (S13, S14, S15)

Quantitative Methods for Lawyers (S10)

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)

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 (multiple)

Computer and Telecommunications Coordinators Seminar (multiple)

RELEVANT  
SERVICE

Commissioner, U.S. Commission on Evidence-Based Policymaking, White House Appointment, 2016 – 2017

Board of Directors, Upturn, 2016 – present

Center for Democracy and Technology, Non-Resident Fellow (Inaugural Class), 2009 – 2012

Future of Privacy Forum, Advisory Board Member, 2009 – 2012

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

Georgetown University Law Center Service

Member, Technology Committee (2015 – 16)

Member, Search Committee for Executive Director of Institute for Technology Law and Policy (2015 – 16)

University of Colorado University Service

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

Advisory Board Member, Alliance for Technology, Learning & Society (ATLAS) (2009 – 2013)

Member, University of Colorado, Committee on University Discoveries (2006 – 2010)

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

University of Colorado 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, Academic and Student Affairs Committee (2014-15)

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 Co-Advisor, Colorado Technology Law Journal (formerly  
Journal on Telecommunications & High Technology Law), (2006 –  
present)  
Faculty Advisor, Asian and Pacific American Law Students Association,  
University of Colorado Chapter (2007 – 2012)

GRANTS AND  
AWARDS

AXA Grant in Big Data, Privacy, and Discrimination (2015 – 18)  
(\$300,000)

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).

OTHER  
RESEARCH  
ACTIVITIES

Member, Council for Big Data, Ethics, and Society (2014-16).

Member, Values-in-Design Council (2011-2014).

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

SELECTED  
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.

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.

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

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

SELECTED  
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).

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

EMPIRICAL  
PROJECTS

Software Regulation Clearing House, Silicon Flatirons 2005 – 2008 (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