

U.S. DEPARTMENT OF JUSTICE

**Section 230 –
Nurturing Innovation
or Fostering Unaccountability?**

February 19, 2020

Robert F. Kennedy Department of Justice Building
Washington, D.C.



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AFTERNOON ROUNDTABLE BIOS

Stewart A. Baker, Washington, D.C.

Stewart Baker practices law in Washington, D.C. From 2005 to 2009, he was the first Assistant Secretary for Policy at the Department of Homeland Security. He has been General Counsel of the National Security Agency and of the commission that investigated WMD intelligence failures prior to the Iraq war. He has been awarded one patent. He is the author of *Skating on Stilts*, a book on terrorism, cybersecurity, and other technology issues; he also hosts the weekly Cyberlaw Podcast.

Elizabeth Banker, Deputy General Counsel, Internet Association

Elizabeth Banker is Deputy General Counsel at Internet Association. Banker has advised technology companies for more than twenty years on content moderation, online safety, and law enforcement response. She spent a decade at Yahoo! Inc., where she was VP, Associate General Counsel for Global Law Enforcement, Security and Safety. While there, Banker testified twice before Congress regarding child online safety, helped form the Technology Coalition, sat on NTIA's Online Safety and Technology Working Group, and participated in other efforts to promote industry collaboration and public-private partnership. Recently, she spent three years at Twitter where she was Senior Director for Global Law Enforcement and Safety. Banker advised technology companies as outside counsel for five years while a shareholder at ZwillGen PLLC and worked on encryption export controls and policy while an associate at Steptoe & Johnson. She served as Assistant General Counsel to the President's Commission on Critical Infrastructure Protection.

Adam Candeub, Professor of Law, Michigan State University

Adam Candeub is a professor of law at Michigan State University where he directs its IP, Intellectual Property, and Communications Law Program. Prior to entering academics, he worked at private firms in D.C. and served as an attorney-advisor at the Federal Communications Commission. He has written extensively on section 230 both in law reviews and popular outlets, including the Wall Street Journal and US News. He has also served as lead counsel in lawsuits representing individuals whom Twitter deplatformed, including *Murphy v. Twitter*, currently on appeal to the California Court of Appeals.

Patrick Carome, Partner, WilmerHale, Washington, D.C.

Regarded as one of the country's leading civil litigators, Patrick Carome has extensive experience representing major media and entertainment companies, international organizations and other businesses in high stakes litigation in both trial and appellate courts. While much of his practice focuses on representation of major internet companies, he is a seasoned advocate and counselor across a broad range of subject matter and industries.

Mr. Carome is especially well known for his defense of social media and other online enterprises in cases raising First Amendment and other free speech issues. He is the nation's preeminent advocate in litigation concerning Section 230 of the Communications Decency Act, the federal law that shields operators of online platforms from liability pertaining to publishing third-party content. Mr. Carome's clients in this space include or have recently included Twitter, Facebook, Google, craigslist, Airbnb, Yahoo! and the Internet Association.

David Chavern, President, News Media Alliance

David Chavern is president and CEO of News Media Alliance, the news industry's largest trade organization. In addition to developing an entirely new brand and identity for the organization, Chavern has been intensely focused on telling the powerful – and optimistic – story of the news industry and offering members new products that help them run their businesses better every day. He has been called an activist for the news industry by a national media columnist: a title that he embraces proudly.

Chavern has built a career spanning 30 years in executive strategic and operational roles, and most recently completed a decade-long tenure at the United States Chamber of Commerce. From 2014 to 2015, he served as the President of the Center for Advanced Technology & Innovation at the Chamber. From 2007 through 2014, Chavern was the Chamber's Executive Vice President and Chief Operating Officer. Prior to that, Chavern served as a Vice President and Chief of Staff at the Chamber, offering strategic advice and guidance to the CEO and managing daily operations of the organization.

A 1987 graduate of Villanova University's School of Law, Chavern went on to receive his MBA from Georgetown University in 2003. He attended the University of Pittsburgh where he received a Bachelor of Arts degree.

Neil Chilson, Senior Research Fellow, Charles Koch Institute

Neil Chilson is a lawyer and computer scientist. His research guides the Stand

Together community's ongoing efforts to understand and promote the legal and cultural environments that best enable people to create, innovate, and improve all of our lives.

Before joining ST, Neil was the Chief Technologist at the Federal Trade Commission, where he focused on the economics of privacy and blockchain-related issues. Previously, he was an attorney advisor to Acting FTC Chairman Maureen K. Ohlhausen. In both roles he advised Chairman Ohlhausen and worked with Commission staff on nearly every major technology-related case, report, workshop, or other proceeding at the FTC since January 2014, when he joined her office. Neil joined the FTC from Wilkinson Barker Knauer, LLP, where he practiced telecommunications law for seven years.

Neil has a J.D. from The George Washington Law School, a M.S. in computer science from University of Illinois, Urbana-Champaign, and a B.S. in computer science from Harding University.

Pam Dixon, Executive Director, World Privacy Forum

Pam Dixon is the founder and executive director of the World Privacy Forum. An author and researcher, she has written respected and influential studies in the area of privacy, identity, biometrics, AI, data brokers, health privacy, and other topics. In 2019 Dixon served as Rapporteur for the first Roundtable of African Data Protection Authorities (RADPA), for which she produced a report regarding privacy and identity in African jurisdictions. She also conducted substantive biometrics research in India, which formed the basis of a scholarly article analyzing India's Aadhaar, biometrics, and EU-US data protection policy, *A Failure to Do No Harm*, (Springer-Nature). This work was cited in the landmark 2018 Supreme Court of India Aadhaar decision. Also in 2019, Dixon co-wrote with UW professor Jane Winn a discussion bill on standard setting in privacy. Dixon has written eight books and numerous other privacy studies. She is an expert advisor to OECD on Health Data and also on Artificial Intelligence. For two years, Dixon served on the OECD AI Experts Group, which produced the OECD Guidelines on AI in May 2019.

Yaël Eisenstat, Visiting Fellow, Cornell Tech

Yaël is a Visiting Fellow at Cornell Tech in the Digital Life Initiative, where she explores technology's effects on civil discourse and democracy and teaches a graduate course on "Tech, Media and Democracy." In 2018, she was the Global Head of Elections Integrity Operations in Facebook's business integrity org. Previously, she spent 18 years working around the globe as a CIA officer, a national security

advisor to Vice President Biden, a diplomat, a corporate social responsibility strategist at ExxonMobil, and the head of a global risk firm. Yaël works with governments, tech companies, and investors focused on the intersection of ethics, tech, society, and policy.

Professor Mary Anne Franks, University of Miami

Dr. Mary Anne Franks is Professor of Law and Dean's Distinguished Scholar at the University of Miami School of Law, where she teaches First Amendment law, Second Amendment law, criminal law and procedure, and law and technology. She serves as the President and Legislative and Tech Policy Director of the Cyber Civil Rights Initiative. Franks is the author of *The Cult of the Constitution: Our Deadly Devotion to Guns and Free Speech* (2019); her scholarship has also appeared in publications such as the Harvard Law Review, California Law Review, and UCLA Law Review. Franks drafted the first model criminal statute on nonconsensual pornography (aka "revenge porn") and regularly advises legislators and tech industry leaders on issues relating to online abuses. Franks earned her master's and doctorate degrees in Modern Languages and Literature from Oxford University, where she studied as a Rhodes Scholar, and a juris doctorate degree from Harvard University.

Dan Gainor, Vice President, Business and Culture, Tech Watch

Dan Gainor is the T. Boone Pickens Fellow and Vice President for TechWatch, Business and Culture for the Media Research Center. He is a veteran editor with more than 20 years in news and another 15 years as a media critic. Gainor worked as a managing editor for CQ.com, the website of Congressional Quarterly, and executive editor for ChangeWave, published by Phillips International.

He has been extensively interviewed on both radio and TV — including everything from Fox News and Fox Business to CNN and CNBC. His work has been published or cited widely in print and online.

Gainor holds an MBA from the University of Maryland's Robert H. Smith School of Business and a master's in publications design from the University of Baltimore. As an undergraduate, he majored in political science and history at the University of Maryland Baltimore County.

Carrie Goldberg, Owner, C. A. Goldberg, PLLC

Carrie Goldberg is the owner of victims' rights law firm, C. A. Goldberg, PLLC and is the author of the 2019 *New York Times* Editor's Choice, *Nobody's Victim: Fighting Psychos, Stalkers, Pervs, and Trolls*.

Professor Eric Goldman, Santa Clara University

Eric Goldman is a Professor of Law, and Co-Director of the High Tech Law Institute, at Santa Clara University School of Law. His research and teaching focuses on Internet law, and he blogs on the topic at the Technology & Marketing Law Blog [<http://blog.ericgoldman.org>].

Professor Kate Klonick, St. John's University

Kate Klonick is an Assistant Professor at St. John's University Law School and an Affiliate Fellow at Yale Law School's Information Society Project. Her research on networked technologies' effect on social norm enforcement, freedom of expression, and private governance has appeared in the *Harvard Law Review*, *New York Times*, *New Yorker*, *The Atlantic*, *The Guardian* and numerous other publications.

Professor Jeff Kosseff, United States Naval Academy

Jeff Kosseff is an assistant professor of cybersecurity law in the United States Naval Academy's Cyber Science Department. His latest book is *The Twenty-Six Words That Created the Internet*, a history of Section 230 of the Communications Decency Act. He also is the author of a textbook *Cybersecurity Law*. He practiced cybersecurity, privacy, and First Amendment law at Covington & Burling, and clerked for Judge Milan D. Smith, Jr. of the United States Court of Appeals for the Ninth Circuit and Judge Leonie M. Brinkema of the United States District Court for the Eastern District of Virginia. Before becoming a lawyer, he was a technology and political journalist for *The Oregonian* and was a finalist for the Pulitzer Prize for national reporting and recipient of the George Polk Award for national reporting. He received a JD from Georgetown University Law Center, and a BA and MPP from the University of Michigan.

Rick Lane, Founder, Iggy Ventures, LLC

Rick Lane is the founder and CEO of Iggy Ventures, LLC. Iggy Ventures focuses on advising and investing in startups, projects, and public policy initiatives that can have a positive societal impact. Rick served from 2001 – 2016 as the Senior Vice President of Government Affairs for News Corporation/21st Century Fox where he was responsible for coordinating the development and implementation of the Company's public policy activities with a focus on digital distribution. Before joining Fox, Rick was the Director of Congressional Affairs focusing on e-Commerce and Internet public policy issues for the United States Chamber of Commerce.

Rick has served on a variety of federal, state, local committees, including his participation as a member of the USTR's Joint Government-Private Sector Committee on

Experts on Electronic Commerce, the Federal Trade Commission's Advisory Committee on Online Access and Security, and the Virginia Attorney General's Online Safety Task Force.

He currently serves on the Board of Directors of Horton's Kids, a community-based 501(c)3 whose goal is to empower at-risk children in Washington, D.C. and prepare them for college, career, and life through educational opportunities and comprehensive programs tailored to their needs.

Emma Llansó, Center for Democracy and Technology

Emma Llansó is the Director of CDT's Free Expression Project, which works to promote law and policy that support Internet users' free expression rights in the United States and around the world. This work spans many subjects, including human trafficking, privacy, counter-terrorism, online child safety, and online harassment. Emma leads CDT's legislative advocacy and amicus activity in the U.S. and the E.U. focused on protecting fundamental rights to freedom of expression. She also works to develop content policy best practices with Internet content platforms and advocates for transparency and accountability in content moderation, including in the use of automation as part of content moderation systems.

Emma serves on the Board of the Global Network Initiative and is a member of the Freedom Online Coalition Advisory Network. She earned a B.A. in anthropology from the University of Delaware and a J.D. from Yale Law School.

Annie McAdams, Founder, Annie McAdams PC

Annie McAdams exclusively represents victims nationwide who have been harmed due to the negligence or acts of others. Ms. McAdams is currently the lead trial attorney in the sex trafficking cases against Facebook, Salesforce and MailChimp.

Corynne McSherry, Legal Director, Electronic Frontier Foundation

Corynne McSherry is the Legal Director at the Electronic Frontier Foundation, specializing in intellectual property, intermediary liability, and free speech. She comments regularly on Section 230 of the Communications Decency Act in a variety of fora, including testifying before Congress in 2019, and is part of the litigation team challenging the constitutionality of the 2018 amendments contained in SESA/FOSTA. She has been named one of California's Top Entertainment Lawyers and was named AmLaw's "Litigator of the Week" for her work on *Lenz v. Universal*. Prior to joining EFF, Dr. McSherry was a civil litigator at the law firm of Bingham McCutch-

en, LLP. She holds a B.A. from the University of California at Santa Cruz, a Ph.D from the University of California at San Diego, and a J.D. from Stanford Law School. While in law school, she published *Who Owns Academic Work? Battling for Control of Intellectual Property* (Harvard University Press, 2001).

Gretchen Peters, Executive Director, Alliance to Counter Crime Online

Executive Director, The Center on Illicit Networks and Transnational Organized Crime, which runs the Alliance to Counter Crime Online (ACCO). Gretchen's expertise is in mapping transnational organized crime networks, and pinpointing ways to defeat them. She has worked with U.S. Central Command and U.S. Special Operations Command as well as multiple conservation groups. Gretchen co-chaired an OECD Task Force on fighting wildlife crime, and authored the book, *Seeds of Terror*, about the Taliban's role in the Afghan heroin trade. Gretchen appeared on The Daily Show and in other leading media outlets to discuss organized crime. She delivered presentations and training programs about online crime, wildlife trafficking, transnational organized crime and the global drug trade to U.S. and multinational entities including: the U.N. Office on Drugs and Crime, the U.S. State Department, the Department of Justice, Homeland Security, and she has provided training to U.S. and NATO troops deploying to Afghanistan.

The Honorable Doug Peterson, Attorney General of Nebraska

Doug Peterson was elected as Nebraska's 32nd Attorney General in November 2014. As Attorney General, he oversees the Nebraska Department of Justice. Peterson graduated from the University of Nebraska with a business degree in 1981, and from Pepperdine University School of Law in 1985. Following law school, Mr. Peterson spent two years in North Platte, Nebraska, prosecuting criminal and civil cases for the Lincoln County Attorney. From 1988 to 1990, he served as a Nebraska Assistant Attorney General, representing the State in civil litigation matters. In 1990, Peterson entered private practice, where he advised and advocated for individuals and businesses. As Attorney General, Peterson works closely with law enforcement across the state to ensure that Nebraska communities are safe. Peterson's office has supported strengthened legislation and enforcement in the areas of human trafficking, child sexual assault and abuse, consumer protection, and prescription drug abuse.

Alan Rozenshtein, Associate Professor of Law, University of Minnesota Law School

Alan Rozenshtein is an associate professor of law at the University of Minnesota Law School and is a contributing editor at Lawfare. He previously served as an

attorney advisor in the Office of Law and Policy in the National Security Division of the U.S. Department of Justice and as a special assistant United States attorney for the District of Maryland.

Julie Samuels, Executive Director, Tech:NYC

Julie Samuels is the founder and Executive director of Tech:NYC, an organization representing New York’s fast growing, entrepreneurial tech industry. Before that she was Executive Director at Engine, a nation-wide nonprofit focused on technology entrepreneurship and advocacy, where she remains a member of the Board. Julie is a frequent commentator on technology and policy issues for national media—particularly in the intellectual property space—and she has filed briefs with the Supreme Court and testified before Congressional Committees. She previously worked at the Electronic Frontier Foundation, where she was a senior staff attorney and the Mark Cuban Chair to Eliminate Stupid Patents. Before joining EFF, Julie litigated IP and entertainment cases. Prior to becoming a lawyer, Julie spent time as a legislative assistant at the Media Coalition in New York, as an assistant editor at the National Journal in D.C., and she worked at the National Center for Supercomputing Applications (NCSA) in Champaign, IL. Julie earned her J.D. from Vanderbilt University and her B.S. in journalism from the University of Illinois at Urbana-Champaign. She serves on the Boards of Engine, the National Coalition Against Censorship, and the Internet Education Foundation, on ABNY’s Steering Committee, and on various Advisory Boards. She was recently named one of Crain’s New York 40 under 40 and one of New York City’s 50 Most Powerful Women. She lives in New York City with her family.

Mary Saunders, Vice President, Government Relations and Public Policy, American National Standards Institute

Mary Saunders leads ANSI’s efforts to advocate greater use of voluntary consensus standards and conformance programs by government agencies and broader participation by agency personnel in standards development. She works with ANSI members to create standardization-related outreach programs to legislators and to increase understanding of the private-sector standards community among agencies involved in trade and commerce issues.

Ms. Saunders has extensive federal government executive-level experience and served in a variety of positions within the Department of Commerce prior to joining the ANSI staff, most recently as the Associate Director for Management Resources at the National Institute of Standards and Technology (NIST). As Director of NIST’s Standards Coordination Office, she represented NIST

and its significant interests in the standards and conformity assessment community, advising the NIST Director and other officials throughout the Administration on policy and strategy as they relate to the federal government's role in standardization.

Matt Schruers, President, Computer & Communications Industry Association

Matt Schruers is President of the Computer & Communications Industry Association (CCIA). He represents the Association before Congress, courts, and the Administration and advises industry on matters including Internet law, intellectual property, competition and international trade. He joined CCIA from private law practice in 2005 and has previously served as Vice President and Chief Operating Officer. He has also been an adjunct professor for over 10 years, teaching on intellectual property and Internet law at the Georgetown University Law Center and Graduate School, and American University Washington College of Law. Mr. Schruers is a graduate of Duke University and the University of Virginia School of Law.

Abigail Slater, Senior Vice President, Policy and Strategy, Fox Corporation

Abigail Slater is a Senior Vice President for Policy and Strategy at Fox Corporation in Washington, DC. She is a seasoned policy professional with particular expertise in technology policy as it relates to the digital economy, including Section 230. From 2018-2019 she served on the White House National Economic Council where she managed the technology, telco, and cyber policy portfolio for Director Kudlow.

Yiota Souras, Senior Vice President and General Counsel, National Center for Missing and Exploited Children

Yiota Souras is senior vice president and general counsel for the National Center for Missing & Exploited Children. She joined NCMEC in 2006 after a private practice focusing on corporate litigation and white-collar investigations at law firms in New York and Washington, D.C.

Ms. Souras is responsible for the legal and legislative affairs at NCMEC and advises NCMEC leadership and the Board of Directors about legal issues pertaining to NCMEC's mission.

During her tenure, Ms. Souras has fostered NCMEC's congressional and policy outreach, building and maintaining strong relationships with congressional offices and testifying before congressional committees on behalf of NCMEC policy posi-

tions. She appeared in the documentary *I Am Jane Doe*, which tracked legal and policy issues relating to the battle against online child sex trafficking.

Ms. Souras received a Juris Doctor from Fordham University and a Bachelor of Arts from Johns Hopkins University.

Alex Stamos, Director, Stanford Internet Observatory

Alex Stamos is a cybersecurity expert, educator and entrepreneur working to improve the security and safety of the Internet as the Director of the Stanford Internet Observatory. Stamos is an Adjunct Professor at Stanford's Freeman-Spogli Institute, a lecturer in the Computer Science department, and a visiting scholar at the Hoover Institution. As a Chief Security Officer at Facebook and Yahoo and a co-founder of iSEC Partners, Alex has investigated and responded to some of the most seminal events in the short history of cybersecurity, and has been called the "Forrest Gump of InfoSec" by friends. He is working on election security as a member of the Annan Commission on Elections and Democracy and advising NATO's Cybersecurity Center of Excellence. He has spoken on six continents, testified in Congress, served as an expert witness for the wrongly accused, earned a BSEE from UC Berkeley and holds five patents.

Rebecca Tushnet, Professor of Law, Harvard Law School

Rebecca Tushnet is the inaugural Frank Stanton Professor of First Amendment Law at Harvard Law School. She clerked for Associate Justice David H. Souter and previously taught at NYU and Georgetown. Her work focuses on copyright, trademark, and advertising law. With Eric Goldman, she publishes a casebook on advertising and marketing law. She helped found the Organization for Transformative Works, a nonprofit dedicated to supporting and promoting fanworks. Her blog, tushnet.blogspot.com, is one of the top intellectual property blogs, and her writings may be found at tushnet.com. She is also an expert on the law of engagement rings.

Eugene Volokh, Professor of Law, University of California, Los Angeles

Eugene Volokh is the Gary T. Schwartz Professor of Law at UCLA School of Law, where he specializes in First Amendment law and Internet law. He has written ninety law review articles on those and other subjects; in particular, he has written extensively about Internet law since his *Cheap Speech and What It Will Do*, 104 Yale Law Journal 1805 (1995), and *Freedom of Speech in Cyberspace from the Listener's*

Perspective, 1996 University of Chicago Legal Forum 377. He was also one of the earliest law bloggers, founding his Volokh Conspiracy blog in 2002; and he has litigated many appellate cases related to free speech, arguing 30 such cases in the last seven years.

Professor Benjamin Zipursky, Fordham University School of Law

Benjamin C. Zipursky is Professor of Law at Fordham Law School, where he holds the James H. Quinn '49 Chair in Legal Ethics and has twice served as Associate Dean (2001-03; 2010-13). A member of the Fordham faculty since 1995, he has taught as a visitor at Columbia Law School, Harvard Law School, University of Pittsburgh Law School, and Vanderbilt Law School. Among the country's leading tort scholars, Zipursky has published more than eighty articles and chapters on subjects ranging from punitive damages and conflicts of interest in mass tort litigation to the interpretation of the Communications Decency Act. His most recent book – *Recognizing Wrongs* (Harvard U. Press 2020) (coauthored with John C.P. Goldberg) – has already generated several symposia in the United States and abroad. In addition, he is the co-author of a leading casebook, *Tort Law: Responsibilities and Redress* (4th ed. 2016) and *The Oxford Introductions to U.S. Law: Torts* (2010). An Advisor to the Restatement (Third) of Torts and the Fourth Restatement of Property, Zipursky also serves on the editorial board of the *Journal of Tort Law*, and has served on Executive Committees of the Jurisprudence and Defamation and Privacy sections of the Association of American Law Schools. After graduating magna cum laude from New York University School of Law, he clerked for Hon. Kimba M. Wood in the Southern District of New York and was an associate at the New York office of Arnold & Porter.

