

FRANK A. PASQUALE

10 E. Lee St., #1504
Baltimore, MD 21202

fpasquale@law.umaryland.edu
410-706-4820

EDUCATION

Yale Law School, New Haven, CT

- J.D., June 2001
- Coker Fellow

Oxford University, Oxford, UK

- M.Phil. in Politics, 1998
- Marshall Scholar

Harvard University, Cambridge, MA

- B.A., *summa cum laude* in Social Studies, 1996
- Chair, Small Claims Advisory Service at Cambridge/Somerville Legal Services

ACADEMIC APPOINTMENTS

University of Maryland Carey School of Law, Baltimore, MD

- Professor of Law (2013 to present)

Seton Hall University School of Law, Newark, NJ

- Schering-Plough Professor in Health Care Regulation & Enforcement (2010-13).
- Loftus Professor of Law (2008-09).
- Associate Professor of Law (2004-08).
- Associate Director, Institute for Law, Science, and Technology (2006-2008).

Princeton University, Princeton, NJ

- Visiting Fellow, Center for Information Technology Policy, 2010-2011.
- Researched book on corporate uses of trade secrecy.
- Developed policy analysis of electronic health records and health care databases.

Cardozo Law School of Yeshiva University, New York, NY

- Visiting Professor (2009).
- Taught Copyright and seminar on intellectual property and health care.

Yale Law School, New Haven, CT

- Visiting Professor (2009) (taught Intellectual Property and Health Care Finance and Regulation)
- Affiliate Fellow, Yale Information Society Project (2009 to present).

Selected Recognition

- Elected to the American Law Institute (2018).
- Ranked as sixth most cited health law scholar in the US, as reported on the HLS Petrie-Flom Center's *Bill of Health* and *Leiter's Law School Reports* (2017).
- Google Scholar: over 2600 citations, h-index of 22, i10-index of 34 (as of 2018).
- Two law review articles profiled in *Jotwell* (2017 and 2018).
- Keynote address at Re:Publica (on media law and policy) (2017).
- Inaugural Lecturer for London School of Economics masters' program in social science and big data (2016).
- Keynote Address, NYU Blockchain Workshop (2016).
- TIAA-CREF Lecturer, UNC-Charlotte (2015) (for public lecture on big data).
- Keynote Address for Northeastern's *Legal Scholarship 4.0 Conference: Solving the Urban Core Puzzle* (2015).
- Mitchell Lecture, SUNY Buffalo (2015) (public lecture on big data law & policy).
- Co-winner of International Association of Privacy Professionals Award at the Privacy Law Scholars Conference (2014).
- Ewen Lecture, Brooklyn College (for public lecture on civil liberties) (2013).

Courses Taught

- Administrative Law
- Intellectual Property
- Copyright
- Health Information, Privacy, & Innovation (focuses on health IT law & policy)
- Health Data Analysis & Advocacy (co-taught with a statistician)
- Health Law & Policy Survey
- Technology, Equality, and Human Rights

Advisory Service

Member, NSF-sponsored Council on Big Data, Ethics, and Society (2014-2016)

Advisory Board, *Journal of Legal Education* (2014-2016).

Advisory Board, Data Competition Institute (2014 to present).

Harvard-Georgetown Working Group on Market Democracy (2012-2013)

Executive Board, Section on Health Law, AALS (2011-2013).

New York Leadership Council, Global Giving (2010-2012).

Chair, Section on Privacy and Defamation Law, AALS (2010-2011).

Board, Electronic Privacy Information Center (2015 to present).

Frequent consultations with federal agencies and Congressional committee members and staffers.

University Service at Maryland

- Chair of the Library & Technology Committee (2018 – present)
- Chair of the Diversity & Professionalism Committee (2014 – 15; 2017 - 18); Member (2015 to present); Informal advisor to the law school's LGBTQ group.
- Member, Dean Search Committee (2013-14).
- Member, Advisory Committee on Ethical, Legal, and Social Implications of Big Data.
- Health Law & Policy Program Faculty. Program consistently ranked in the top 10 by *US News & World Report*.
- Co-Chair, MPower Committee (2013-14). Committee coordinated planning for intercampus collaboration to develop non-JD degree programs at College Park campus).
- University Faculty Senator (2014 to present); Faculty Senate Advisory Council (2016-17).
- Advisory Committee on Undergraduate Program in Law & Social Thought (2014 to present).

University Service at Seton Hall

- Chair, Academic Credentials Committee, 2011 - 2013.

- Member of the Health Law and Policy Program, 2004 - 2013. Attended conferences on health law, and assisted in event planning and curricular planning.
- Member of the Center on Health and Pharmaceutical Law & Policy . Assisted in organizing 2007 conference on pharmaceutical law; assisted in planning for (and teaching at) compliance certifications for midcareer professionals.
- Chair, Library and Information Technology Committee, Fall 2007. Ran committee meetings and researched ways of reducing costs of the library and increasing its effectiveness.
- Chair of Ad Hoc Self-Study Technology Committee, 2006. Wrote report on the past five years of technology use at Seton Hall, and future plans.
- Associate Director, Gibbons Institute of Law, Science, and Technology, 2006 - 2009. Responsible for assisting Director in programming, advising students about careers in IP and technology related industries.
- Member, Appointments Committee, 2005-2009. Participated in committee's exhaustive review of resumes, attended meetings, interviewed candidates, attended most job talks, and tried to recruit candidates.
- Events: Attended Admissions Events, student recruitment, Faculty Scholarship Retreats, Alumni Dinner Dances, Theology on Tap presentations, *inter alia*.

Professional Service, Outreach, and Commentary

- Served as reviewer of book proposals for Yale, Harvard, Stanford, Princeton, Oxford, Cambridge, MIT, and Michigan University Presses.
- Serve on the editorial board of *Frontiers of Blockchain* (2018 to present).
- Served as co-host of *The Week in Health Law* (with Nicolas Terry). There have been over 135 episodes of TWIHL, each about 40 minutes in length.
- Served as Editor-in-Chief, *Laws* (a peer-reviewed, open access journal), 2015 to 2017.
- Contributing Writer at *The Atlantic* (2015).
- Founding Member of *Concurring Opinions, LLC*, a limited liability corporation operating a general interest weblog and directory of scholarship. The blog regularly organizes online symposia on scholarly books in law.
- Contributing Editor, *Jotwell (Journal of Things We Like (Lots))*, Cyberlaw Section, at <http://cyber.jotwell.com/>. This online journal is designed to recognize

and raise awareness of outstanding legal scholarship.

- Member of *Balkinization* and *Law & Political Economy* (legal blogs).
- Contributor, *Bill of Health* blog of Harvard Law School.
- Featured Scholar, *Technology, Academics, Policy*.
- Repeatedly quoted in the *New York Times*, *Financial Times*, *ProPublica*, *Boston Globe*, *San Francisco Chronicle*, *Los Angeles Times*, *IEEE Spectrum*, and many other publications.
- Interviewed on multiple podcasts and radio programs.
- President of the Yale Law School Alumni Assoc. of New Jersey, 2006 to 2008.

OTHER EMPLOYMENT

Arnold & Porter, Washington, DC

Associate, 2002-2004

Focused on intellectual property and antitrust litigation. Matters included internet trademark infringement, software copyright and patent infringement, and competition law in health care.

Judge Kermit V. Lipez, First Circuit Court of Appeals, Portland, ME

Law Clerk, 2001-2002

Researched and wrote on legal issues concerning a wide range of civil and criminal litigation.

Legal Services Center of Yale Law School, New Haven, CT

Student Director, 2000-2001

Advocated on behalf of individuals with disabilities. Represented claimants in social security appeals. Presented benefits information to community groups.

Institute for Defense of Intellectual Property & Competition, Lima, Peru

Fellow, Summer 1999

Analyzed Peruvian administrative law in a cross-national context. Researched interaction of firms and regulators.

Cambridge and Somerville Legal Services, Cambridge, MA

Director of Small Claims Advisory Service, 1995-1996

Assisted more than 500 low-income consumers seeking legal remedies or defense in small claims disputes.

Executive Office for Consumer Affairs and Business Regulation, Boston, MA

Intern, Summer 1993

Filed complaints against unfair business practices. Answered consumer hotline. Devised test to determine future interns' knowledge of consumer law.

Organization for a New Equality, Boston, MA

Intern, Summer 1993

Researched enforcement of the Community Reinvestment Act. Promoted policies designed to stop redlining of minority communities.

Publications

Books

THE BLACK BOX SOCIETY: THE SECRET ALGORITHMS BEHIND MONEY AND INFORMATION (Harvard University Press, 2015). Translated into Chinese, French, Korean, and Serbian as of 2016. Reviewed in *Science*, *Nature*, *The New Republic*, *Michigan Law Review*, and *Slate*, among other venues. Reviews are summarized here: <http://www.hup.harvard.edu/catalog.php?isbn=9780674368279&content=reviews>

One review concluded: “*The Black Box Society* is a first-rate work of synthesis, combining ideas from law and economics, interpretive social science, science studies, and the philosophy of technology into an essential study of the political economy of information.” (Thomas Drueke, *Law Library Journal*, 2016).

ADMINISTRATIVE LAW: A CONTEMPORARY APPROACH (Popper, McKee, Varona, Harter, Niles, Pasquale) (3rd Ed., 2016).

TRANSPARENT DATA MINING FOR BIG AND SMALL DATA (Tania Cerquitelli, Daniele Quercia, and Frank Pasquale, eds., 2017).

Scholarly Articles, Book Chapters, & Selected Book Reviews

When Machine Learning is Facially Invalid, 61(9) COMMUNICATIONS OF THE ACM 25-27 (2018), doi: 10.1145/3241367.

A Rule of Persons, Not Machines: The Limits of Legal Automation, 87 GEO. WASH. L. REV. (forthcoming, 2018). This was positively reviewed in *Jotwell* by Rebecca Roiphe: <https://legalpro.jotwell.com/the-life-of-the-law-cannot-be-coded/>.

Prediction, Persuasion, and the Jurisprudence of Behaviorism, 68 U. TORONTO L. J. 63 (2018) (with Glyn Cashwell).

New Economic Analysis of Law: Beyond Technocracy and Market Design, CRITICAL ANALYSIS OF LAW (Special Issue on New Economic Analysis of Law) (forthcoming, 2018). I guest edited the issue and wrote this as the introduction.

- The Automated Public Sphere*, in THE POLITICS AND POLICIES OF BIG DATA: BIG DATA, BIG BROTHER? (Ann Rudinow Sætnan, Ingrid Schneider & Nicola Green eds., 2018). Also published in German (by the Rosa Luxemburg Stiftung) and Portuguese (in the Brazilian media studies journal *Libero*).
- Paradoxes of Privacy in an Era of Asymmetrical Social Control*, in BIG DATA, CRIME AND SOCIAL CONTROL (Aleš Zavrašnik ed., 2018).
- Ten simple rules for responsible big data research*, 13(3) PLOS COMPUTATIONAL BIOLOGY (2017): e1005399 (with Matthew Zook et al.).
- Un controle humain significatif sur la force algorithmique en tant que norme juridique internationale*, PERSPECTIVES LIBRES 21(3) (2017).
- Toward a Critical Theory of Corporate Wellness Programs*, BIOSOCIETIES, <https://doi.org/10.1057/s41292-017-0064-1> (2017) (with Gordon Hull). This was positively reviewed in *Jotwell* by Mary Crossley: <https://health.jotwell.com/the-perils-of-wellness/>.
- Law and Economics: Contemporary Approaches*, 35 YALE L. & POL'Y REV. 297 (2016) (with Martha McCluskey and Jennifer Taub).
- Two Narratives of Platform Capitalism*, 35 YALE L. & POL'Y REV. 309 (2016)
- When Antitrust Becomes Pro-Trust*, CPI ANTITRUST CHRON. (May 2017).
- Platform Neutrality*, 17 THEORETICAL INQUIRIES IN LAW 487 (2016). Also translated into Hungarian and published in the Hungarian journal *In Medias Res*.
- Reforming the Law of Reputation*, 47 LOYOLA L. REV. 515 (2016).
- Une nouvelle course aux armements: surveillance des données informatiques et finance dématérialisée*, 18 PERSPECTIVES LIBRES 112 (2016).
- First Amendment Freeze Play: Bennett's Strategy for Entrenching Inequality*, 164 U. PENN. L. REV. ONLINE 215 (2016).
- Health Information Law*, in THE OXFORD HANDBOOK OF U.S. HEALTHCARE LAW (I. Glenn Cohen, Allison K. Hoffman, and William M. Sage, eds., 2016).
- Four Futures of Legal Automation* (with Glyn Cashwell), 63 UCLA L. REV. DISC. 26 (2015).
- Law's Acceleration of Finance: Redefining the Problem of High-Frequency Trading*, 36 CARDOZO L. REV. 2085 (2015).

The Spectrum of Control: A Social Theory of the Smart City (with Jathan Sadowski), 20(7) FIRST MONDAY (2015).

The Algorithmic Self, 17(1) HEDGEHOG REVIEW 23 (2015).

Synergy and Tradition: The Unity of Research, Service, and Teaching in Legal Education, 40 J. L. PROF. 25 (2015).

Democratizing Higher Education: Defending and Extending Income-Based Repayment Programs, 28 LOY. CONSUMER L. REV. 1 (2015).

Promoting Innovation While Preventing Discrimination: Policy Goals for the Scored Society, 89 WASHINGTON LAW REVIEW 1413 (2014) (with Danielle Keats Citron).

Redescribing Health Privacy: The Importance of Information Policy, 14 HOUS. J. HEALTH L. & POLICY 95 (2014).

The Scored Society: Due Process for Automated Predictions, (with Danielle Keats Citron), 89 WASH. L. REV. 1 (2014). (This paper, commissioned for a special issue (*Artificial Intelligence & the Law*), was named one of two “Papers of the Year” by the International Association of Privacy Professionals).

Privacy, Autonomy, and Internet Platforms, in PRIVACY IN THE MODERN AGE (edited by Marc Rotenberg, Jeramie Scott, and Julie Hurwitz, 2015).

To Replace or Respect: Futurology as if People Mattered, BOUNDARY2 (Jan. 20, 2015), a review of ERIK BRYNJOLFSSON AND ANDREW MCAFEE, THE SECOND MACHINE AGE (W.W. Norton, 2014)

Private Certifiers and Deputies in American Health Care, 92 N. CAROLINA L. REV. 1161 (2014).

Search Engines, in THE INTERNATIONAL ENCYCLOPEDIA OF DIGITAL COMMUNICATION AND SOCIETY (Robin Mansell et al., eds., Wiley-Blackwell, 2014).

Protecting Health Privacy in an Era of Big Data Processing and Cloud Computing, 17 STAN. TECH. L. REV. 595 (2014) (with Tara Adams Ragone).

The Hidden Costs of Health Care Cost-Cutting, 77 LAW & CONTEMPORARY PROBLEMS 171 (2014).

Privacy, Antitrust, and Power, 20 GEO. MASON L. REV. 1009 (2013).

Paradoxes of Digital Antitrust, HARV. J. L. & TECH. (2013) (Occasional Papers Series).

- Accountable Care Organizations in the Affordable Care Act*, 42 SETON HALL L. REV. 1371 (2013).
- Grand Bargains for Big Data: The Emerging Law of Health Information*, 72 MARYLAND LAW REVIEW 682 (2013).
- The Hippocratic Math: How Much Should Society Spend on Health Care?*, J. L. & MEDICINE (2012) (Review of Gregg Bloche, *The Hippocratic Myth: Why Doctors are Under Pressure to Ration Care, Practice Politics, and Compromise their Promise to Heal*).
- Review of Configuring the Networked Self*, 6 INTELLECTUAL PROPERTY LAW BOOKS REVIEW (2012).
- Diagnosing Finance's Failures: From Economic Idealism to Lawyerly Realism*, 6 INDIA L. J. 2 (2012).
- Network Accountability for the Domestic Intelligence Apparatus* (co-authored with Danielle Keats Citron), 62 HASTINGS L. J. 1441 (2011).
- The Troubling Trend Toward Trade Secrecy in Rankings and Ratings*, forthcoming in THE LAW AND THEORY OF TRADE SECRECY: A HANDBOOK OF CONTEMPORARY RESEARCH (Rochelle C. Dreyfuss and Katherine J. Strandburg, eds., Edward Elgar Publishing, 2011).
- Joining or Changing the Conversation? Catholic Social Thought and Intellectual Property*, 29 CARDOZO ARTS & ENTERTAINMENT LAW JOURNAL 681 (2011).
- Beyond Competition and Innovation: The Need for Qualified Transparency in Internet Intermediaries*, 104 NW. U. L. REV. 105 (2010).
- Data and Power: From Individual Consent to Societal Transparency*, Kauffman Foundation/Yale ISP Thought Piece for Symposium on Privacy and Innovation (2010).
- Restoring Transparency to Automated Authority*, 9 J. TELECOMM. & HIGH TECH. L. (2010) (invited piece for Silicon/Flatirons Conference of 2010).
- Contributing author, *Reproducible Research*, 12(5) COMPUTING IN SCIENCE AND ENGINEERING, 8-13 (Sep./Oct. 2010), doi:10.1109/MCSE.2010.113.
- Access to Medicine in an Era of Fractal Inequality*, 19 ANNALS OF HEALTH LAW 269 (2010) (invited piece for the conference *Profits, Patents, and Patients*).
- Cognition-Enhancing Drugs: Can We Say No?*, 30(1) BULLETIN OF SCIENCE, TECHNOLOGY, AND SOCIETY 9 (2010), doi: 10.1177/0270467609358113.

Ending the Specialty Hospital Wars: A Plea for Pilot Programs as Information-Forcing Regulatory Design, in *OUR FRAGMENTED HEALTH CARE SYSTEM: CAUSES AND SOLUTIONS* (Einer Elhauge, ed., Oxford Univ. Press, 2010).

Search, Speech, and Secrecy: The Inversion of Network Neutrality, 1 *YALE L. & POL'Y REV. INTER ALIA* (2010) (invited piece for Yale Law School symposium on network neutrality).

Reputation Regulation, in *The Offensive Internet: Privacy, Free Speech, and the Internet* (Martha Nussbaum and Saul Levmore, eds., Harvard Univ. Press, 2010).

Federal Search Commission? Access, Fairness, and Accountability in the Law of Search, 93 *CORNELL L. REV.* 1149 (2008) (with Oren Bracha).

Internet Nondiscrimination Principles: Commercial Ethics for Carriers and Search Engines, 2008 *U. CHI. LEG. F.* 263 (2008) (invited piece for symposium *Law in a Networked World*).

Reclaiming Egalitarianism in the Political Theory of Campaign Finance Reform, 2008 *ILLINOIS L. REV.* 599 (2008) (cited in *Citizens United v. F.E.C.*, 130 S. Ct. 876, 963 (Stevens, J., dissenting)).

Asterisk Revisited: Debating a Right of Reply on Search Results, 3 *J. BUS. & TECH. L.* 61 (2008) (invited piece for special symposium on search engines).

Copyright in an Era of Information Overload, 60 *VANDERBILT L. REV.* 135 (2007).

Technology, Competition, and Values, 8 *MINN. J. L., SCI., & TECH.* 607 (2007) (reprinted in *LAW AND TECHNOLOGY: AN INTERFACE* (K. Prasanna Rani, ed., Icafi University Press, Hyderabad, India, 2009)).

The Three Faces of Retainer Care, 7 *YALE J. HEALTH POL'Y, L., & ETHICS* 39 (2007).

Rankings, Reductionism, and Responsibility, 54 *CLEV. ST. L. REV.* 115 (2006) (invited piece for symposium in honor of Margaret Jane Radin) (excerpted in Bellia, Post, & Berman's textbook *Cyberlaw*).

Toward an Ecology of Intellectual Property: Lessons from Environmental Economics for the Valuation of Copyright's Commons, 8 *YALE J. L. & TECH.* 78 (2006).

Breaking the Vicious Circularity: Sony's Contribution to the Fair Use Doctrine, 55 *CASE W. RES. UNIV. L. REV.* 777 (2005) (invited piece for Law, Technology, and the Arts Symposium: "Copyright and Personal Copying: *Sony v. Universal Studios* Twenty-One Years Later").

Two Concepts of Immortality: Reframing Public Debate on Stem Cell Research, 14 YALE J.L. & HUMAN. 73 (2002).

Beyond Napster: Using Antitrust Law to Advance and Enhance Online Music Distribution, 8 B.U. J. SCI. & TECH. L. 451 (2002) (with Kimberlee Weatherall and Matthew Fagin).

Selected Opinion/Editorial

Odd Numbers: Algorithms alone can't meaningfully hold other algorithms accountable, REAL LIFE MAGAZINE, Aug., 2018.

Our Lives in a Scored Society, LEMONDE DIPLO, 2018. (This was translated into at least 10 languages.)

Get Off the Trolley Problem: Self-driving cars shouldn't have to choose who to protect in a crash, SLATE, 2016.

The Dubious Ethics of Drone Warfare, CHRON. HIGHER EDUC., Nov., 2015.

How to Tame an Internet Troll, CHRON. HIGHER EDUC., Sept., 2015.

Digital Star Chamber, AEON MAG., July, 2015.

We're Being Stigmatized by 'Big Data' Scores We Don't Even Know About, L.A. TIMES, Jan. 15, 2015.

The Dark Market for Personal Data, N.Y. TIMES, Oct. 16, 2014.

Selected Presentations

Governmental

Briefing on New Developments in Privacy Law, for members of the House Energy & Commerce Committee, Sept., 2018.

Briefing on Social Media Regulation, for staffers at the Senate Intelligence Committee, Aug., 2018.

Ratings, Rankings, and Risk Adjustment, Webinar for the Center for Medicare and Medicaid Innovation, Centers for Medicare and Medicaid Services, Mar., 2018.

Machine Learning in Government, Consultation with *Canada Beyond 150* Government Advisory Committee, Mar., 2018.

Witness, *Algorithms: How Companies' Decisions About Data and Content Impact Consumers*, House Energy & Commerce Committee, Washington, D.C., Nov., 2017.

Presenter, House Progressive Caucus/House Judiciary Committee Briefing on Antitrust Law & Policy, Washington, D.C., Nov., 2017.

Witness, *Exploring the Fintech Landscape*, Senate Committee on Banking, Housing, and Urban Affairs, Washington, D.C., Sept., 2017.

Regulating Automation and Machine Learning, Presentation before representatives of Directorates-General of the European Commission, Brussels, June, 2017.

Emerging Issues in Fairness, Accuracy, and Transparency of Data Driven Classifications, Talk for Staff at the Office of the Privacy Commissioner of Canada, June, 2017.

Competition and Privacy in an Era of Automation, Presentation to Representatives of Directorates-General, European Commission, June, 2016.

Academic

Legal Automation, the Rule of Law, and Rule by Law, Keynote Address at the annual conference of the International Society for Public Law, Hong Kong, June, 2018,.

Written on the Body: Health Status in a Portfolio Society, Public Lecture in Melbourne, Australia, for the Culture | Media | Economy program of Monash University, Aug., 2018.

The promise (and threat) of algorithms, Public Lecture co-sponsored by the University of Sydney's Social Sciences and Humanities Advanced Research Centre (SSSHARC), the Post Truth Initiative, and Sydney Ideas, Aug., 2018.

The Algorithmic Accountability Research Agenda, Cross-faculty consultation, Monash University, Aug. 2018.

Master class on the political economy of new media for Media Studies Ph.D. students at the University of Sydney, Aug., 2018.

In conversation with Dr. Julia Powles on artificial intelligence law and policy, University of New South Wales Law School, Aug., 2018.

The Limits of Artificial Intelligence in Finance, Keynote Address for the Interdisciplinary Perspectives on Accounting Conference, Edinburgh, July, 2018.

From Cost Disease to Cost Cure: Embracing Expensive Automation, the second lecture of the Edinburgh Futures Institute Series, Edinburgh, July, 2018.

The Political Economy of Killer Robots, public lecture at the Manchester International Law Centre of the University of Manchester, July, 2018.

Machine Learning, Meaning, and Law, presentation at the conference “The Emergence of Computational Legal Studies,” Hong Kong University, June, 2018.

After Black Box Society, Public Lecture at the Invitation of the Research Institute of the Social Sciences and Humanities ” at National Taiwan University, Taipei, June, 2018.

The Problem of Black Box Algorithms in Government, Presentation for the civic tech group Gov-Zero, Taipei, June, 2018.

Machine Learning, Meaning, and Law, presentation at the Academia Sinica’s Institutum Jurisprudentiae, Taipei, June, 2018.

The Politics of Expertise: From CBO to OMB, presentation at the Association for the Promotion of Political Economy and Law Conference, U. Mass Amherst Political Economy Research Institute, June, 2018.

The Devil is in the Data’s Details, presentation for UCLA’s Program on Understanding Law, Science, and Evidence, May, 2018.

Participant, Columbia University SIPA Workshop on the Digital Economy, May, 2018.

Privacy, Secrecy, and Corporate Data Flows, public lecture for Pomona College’s “Tech for Good” student group, May, 2018.

Law and Policy Implications of Substitutive and Complementary AI in Health Care, Johns Hopkins Berman Institute of Bioethics, Apr., 2017.

Participant, *Political Economy of Technology Workshop*, Yale Law School, Apr., 2017.

The Devil is in the Data’s Details, presentation on a panel for Seton Hall University’s conference on AI law & policy, Apr., 2018.

Consultation on “New Media and Democratic Risks,” for the Public Policy Forum and the School of Public Policy and Global Affairs at the University of British Columbia, Mar., 2018.

Panelist, *A First Amendment for All? Free Expression in an Age of Inequality*, Columbia Law School, Mar., 2018.

Reconciling Common Carrier and Intermediary Responsibility Regulation, Georgetown Advanced Technology Law & Policy Seminar (Mar., 2018).

The Political Economy of Killer Robots: Rethinking the Supply and Distribution of Lethal Autonomous Weapon Systems,” Yale Law School Information Society Project, Jan., 2018.

Net Neutrality and a Public Option for Internet Services, University of Maryland, Feb., 2018.

Two Narratives of Algorithmic Credit Determinations, Section on Financial Institutions & Consumer Financial Services, panel on “The Future of Money: Exploring Innovative Technology and Design in Banking,” at the AALS Annual Conference in San Diego, California, Jan., 2018.

The Automated Public Sphere, Section on Internet & Computer Law, panel on “Influencing Information in the Internet Age,” at the AALS Annual Conference in San Diego, California, Jan., 2018.

The Limits of Legal Automation, Section on Civil Procedure, panel on “Procedure as Technology/Technology as Procedure,” at the AALS Annual Conference in San Diego, California, Jan., 2018.

State Single Payer Initiatives, Section on Law, Medicine, and Health Care, panel “From Obamacare to Trumpcare,” at the AALS Annual Conference in San Diego, California, Jan., 2018.

Machine Learning, Meaning, and Law, Cybernetics Conference, New York City, Nov., 2017.

From Territorial to Functional Sovereignty, Keynote Address, Friedrich Ebert Stiftung, Berlin, Nov. 2017.

Beyond Instrumentalism in Law and Technology Studies, Stanford Law School Conference “What’s Law Got to Do With It,” Nov., 2017.

The Law and Policy of the Learning Health Care System, Washington University in St. Louis, Sept., 2017.

Participant at “The Future of Artificial Intelligence,” Berggruen/CIFAR Workshop, New York City, Aug., 2017.

Profession, Piecework, PR, or Propaganda?: Futures of Journalism in an Era of Automation, Keynote, Data/Power Conference, Ottawa, Canada, June, 2017.

The Perils of Automating Health Care Compliance Policies, American Society for Law, Medicine, and Ethics Annual Meeting, Atlanta, June, 2017.

Co-organizer and Co-host, Annual Meeting of the Association for the Promotion of Political Economy and Law, University of Maryland (Baltimore), June, 2017.

Regulating Automation and Machine Learning, Presentation before representatives of Directorates-General of the European Commission, Brussels, June, 2017.

A Rule of Persons, Not Machines, Joint Law & Philosophy Departmental Talk, Université Libre de Bruxelles, June, 2017.

The Paradox of Cost, Cambridge University, Center for Research in Arts, Social Sciences, and Humanities (CRASSH), May, 2017. I also served as a Visiting Fellow for a week in May, attending events at CRASSH.

Algorithmic Unfairness, public address sponsored by the Rosa Luxemburg Foundation and Algorithm Watch, Berlin, May, 2017.

The Automated Public Sphere, Keynote Address, Re:Publica Conference, Berlin, May, 2017.

Participant, *Workshop on New Media Platforms*, Media Authority of Berlin and Brandenburg, Blankensee, Germany, May, 2017.

Explaining Algorithmic Credit Determinations: Functionalism vs. Conflict Theory, Conference on Algorithms and Explanations, NYU Law School, New York, May, 2017.

Big Data and Food Advertising Regulation, RWJF Annual Grantee Meeting, St. Paul, Minnesota, April, 2017.

Convener, Workshop on Medical Automation and Robotics Law & Policy, University of Maryland, April, 2017.

Beyond Artificial Municipal Intelligence: From Smart Cities to Wise Cities, Urban Law Day, United Nations, New York, April, 2017.

Participant, *The Politics of Listening*, Dialogue at the Vera List Center for Art and Politics, New School for Social Research, New York City, April, 2017.

Commenter on Barocas & Selbst paper on the Right to an Explanation in the US and Europe, We Robot, Yale Law School, April, 2017.

The Limits of Legal Technology, Conference on Artificial Intelligence and Law, University of Toronto, March, 2017.

Algorithmic Accountability Meets #LegalTech, Centre for Ethics, University of Toronto, March, 2017.

When Antitrust Becomes Pro-Trust: The Digital Deformation of U.S. Competition Policy, Stigler Center for the Study of the Economy and the State, Chicago Booth School of Business, March, 2017.

A Rule of Persons, Not Machines, Osgoode Hall Law School, Toronto, March, 2017.

Big Data Futures, Queens University (Kingston, Ontario) (part of a BD175 series celebrating the university's 175th anniversary), March, 2017.

A Rule of Persons, Not Machines, Queens University Law School, March, 2017.

Preserving Professional Judgment in an Era of Automation, Pittsburgh University, Conference on the work of Philip Mirowski, March, 2017.

The Future of the Professions in an Era of Automation, National Taiwan University, Taipei, Taiwan, March, 2017.

American Health Data Law, Academia Sinica Workshop on Health Privacy, Taipei, Taiwan, March, 2017.

Panelist, *The Future of Intelligence* (in dialogue with Nobelist in Medicine, Edvard Moser), Nobel Prize Dialogue, Tokyo, Japan, Feb., 2017.

Algorithms and Social Justice, Open Society Institute, New York City, Feb., 2017.

A Rule of Persons, Not Machines, Princeton University Center for the Study of Social Organization, Dec., 2016.

Regulation by Algorithm: Blockchain Technology & Financial Data, Hariri Institute for Computing and Computational Science & Engineering, Boston University, Nov., 2016.

The Future of Fair Data Practices, Hariri Institute for Computing and Computational Science & Engineering, Boston University, Nov., 2016.

Comment on Balkin's "Three Laws of Robotics," Ohio State University, Oct., 2016.

The Future of Health Law, Yale Law School Reunion, Plenary Alumni Panel, Oct., 2016.

Implications of the EU Right to Explanation for US Privacy Law, Seton Hall Symposium on the GDPR, Sept., 2016.

Competition Law & Data Protection, Copenhagen Business School (via videolink), Sept., 2016.

Substitutive and Complementary Automation in the Health Sector, White House-sponsored AINow Conference, New York University, July, 2016.

The Black Box Society, Noblis, July, 2016.

Moderator, *Artificial Intelligence and Health Privacy*, Panel at Patient Privacy Rights Conference, Georgetown University Law Center, June, 2016.

Workshop on Data Security and Privacy, University of Toronto, May, 2016.

Cybersecurity for Health Care Providers, University of Maryland Cybersecurity Workshop, May, 2016.

Keynote Address, *Algorithmic Regulation*, New York University (Stern School of Business) Blockchain Workshop, Apr., 2016.

Ratings, Rankings, and Computational Integrity, University of Virginia School of Engineering and Applied Science, Mar., 2016.

Opening and Closing Remarks (as co-convener), *The Promise and Limits of Algorithmic Accountability in the Professions*, Yale Law School, Apr., 2016.

Algorithmic Accountability and Human Rights, New York University Law School, Mar., 2016 (for conference *Tyranny of the Algorithm*).

Workshop Participant, *Algorithms in the Public Sphere*, Data & Society, Mar., 2016.

The Promise (and Threat) of Algorithmic Accountability, Public Lecture (to launch LSE's M.Sc. in Data and Society), London School of Economics, Jan., 2016.

Bittersweet Mysteries of Machine Learning, LSE Workshop on Algorithmic Fairness & Accountability, Jan., 2016. I also helped edit the workshop leaders' statement on algorithmic accountability.

Consultation on big data and pharmacovigilance, European Medicines Agency, Jan., 2016. (Resulted in published interview in EMA Annual Report, May, 2016).

Data, dignity and technology: Exploring digital ethics (presentation of the the EDPS Ethics Advisory Group), CPDP 2016, Jan. 2016.

Political behavioural targeting, CPDP 2016, Jan. 2016.

Social Media Mistakes in Health Care Environments, Baltimore Bar Foundation CLE,

Baltimore, MD, Jan., 2016.

Multiple presentations on data law and privacy for various directorates-general of the European Commission, December, 2015, and January, 2016.

Risk Mitigation Strategies for Platform Cooperatives, New School for Social Research, Nov., 2015.

Keynote Address, *Scenario Analysis for Smart City-Driven Economic Development*, Legal Scholarship 4.0 Conference, Northeastern University, Oct., 2015.

Commenter, Young Scholars' Papers, Legal Scholarship 4.0 Conference, Northeastern University, Oct., 2015.

Big Data Research and the Common Rule Revision, Council on Big Data, Ethics, and Society, Oct., 2015.

Inequality in the Information Economy, Yale Law School (Conference on Law & Inequality), Oct. 2015.

Balancing Privacy Obligations and Research Aims in a Learning Health Care System, Data & Society Research Institute, June, 2015.

Privacy in the Modern Age, NYU Law School, April 28, 2015.

Big Data in Contemporary Finance, Modern Money Network Workshop at Columbia Law School, April 27, 2015.

Participant in all-day workshop of the Council on Big Data, Ethics, and Society, on Human Subjects Protections in an Era of Big Data Research, and an NSF Coordination Network.

Online Harassment and Digital Reputation, New York Law School, Oct., 2015.

Technology, Self and Society in an Era of Digital Rankings, University of New England, Sept., 2015.

The Black Box Society, Book Talk, OECD, June, 2015.

The Black Box Society, Book Talk, Google London, June, 2015.

Big Data and Privacy, Royal Society for the encouragement of Arts, Manufactures and Commerce, June, 2015.

Debate: The internet is a failed utopia, Vanity Fair/Intelligence Squared Digital Summit, London, June, 2015.

Digital Competition Panel, Vanity Fair/Intelligence Squared Digital Summit, London, June, 2015.

Keynote Panelist, “Algorithms as Social Control,” *Theorizing the Web* (New York City), April 18, 2015.

Model Users, Presentation at the Columbia Center for the Study of Science in Society, for workshop “History of data / Data in history,” April 17, 2015.

The Fate of Social Science in a Black Box Society, invited lecture by the Columbia University Division of Social Science and other sponsors, Apr. 16, 2015. Poster below.

Algorithmic Injustice (video presentation), Global Conference on CyberSpace, The Hague (Netherlands), April 16, 2015.

The Black Box Society, live interview before real and web-based audience at Harvard Law School’s Berkman Center, April 7, 2015.

Four Futures of Legal Automation, Rutgers-Camden Law School Faculty Colloquium, March 30, 2015.

Commenter on two papers on law & synthetic biology, and law & genetics, at Yale Law School’s *Innovation Beyond IP* conference, March 28, 2015.

Mitchell Lecture: *Who Rules Big Data?*, SUNY Buffalo Law School, March 27, 2015.

Big Data Overdrive, Public Lecture for Undergraduates, UNC-Charlotte, March 12, 2015.

The Business of Reputation and Rankings, Public Lecture, UNC-Charlotte, March 12, 2015.

The Algorithmic Self, University of Virginia Institute for Advanced Studies in Culture, March 6, 2015 (via skype due to snowstorm).

The Ethics of Finance and Search Algorithms (via Skype), Technical University of Berlin, March 10, 2015.

Reputation and Big Data, Algorithms and Accountability Conference at New York University, Feb. 28, 2015.

The Black Box Society, webinar/phone interview with the Council for Institutional Investors.

The Black Box Society, interviews for Hispanic Marketing & Public Relations, RJ

Eskow's *The Zero Hour*, the *Cyberlaw and Business Report*, Wharton Werbach (Wharton School of Business Radio), and many NPR outlets.

The Black Box Society, Book talk at Georgetown University Center for Privacy and Technology, Feb. 13, 2015.

Participant, Privacy Colloquium, Georgetown University, Jan. 30, 2015.

The Black Box Society, Book talk at the Harvard Club of New York City, Jan. 12, 2015.

Algorithmic Injustice, AALS Section on Internet Law, Washington, D.C., Jan. 2, 2015.

Political Economy & Law, AALS Socio-Economics Section, Washington, D.C., Jan. 3, 2015.

Keynote Address, "Opening Black Boxes," for Government Track of Meeting of International Association of Privacy Professionals, Dec. 2, 2014.

Automating the Automators, Digital Labor Conference, New School for Social Research, New York City, Nov. 15, 2014.

When Algorithms Replace Law in the Workplace, Digital Labor Conference, New School for Social Research, New York City, Nov. 15, 2014.

Participant in *Final Reflections* (plenary panel), Digital Labor Conference, New School for Social Research, New York City, Nov. 16, 2014.

Ghost in the Machine, Triple Canopy, New York City, Nov. 1, 2014.

Meaningful Use, Privacy, and Electronic Health Records under HITECH: Implications for Big Data-Driven Research in the Learning Health Care System, American Medical Informatics Association conference, Washington, DC, Nov. 20, 2014.

Co-Convener and Moderator, Big Data in Health Care: Emerging Privacy and Security Concerns, University of Maryland-Baltimore (worked on a committee to select and invite 3 cutting-edge speakers for all day session), Oct. 28, 2014.

The Scored Society (presented twice as "encore" paper), *Privacy Law Scholars Conference*, Washington, D.C., June 7 & 8, 2015.

Panelist on *Privacy, Big Data, and Mobile: Technologies Operating Outside HIPAA Protection*, Patient Privacy Rights Summit, June 6, 2015.

Privacy, Big Data, and Mobile: Technologies Operating Outside HIPAA Protection, Health Privacy Summit, Georgetown University Law Center, June, 2014.

The Scored Society, Privacy Law Scholars Conference, June, 2014.

Convener, Conference on Critiquing Cost-Benefit Analysis of Financial Regulation (event planned by Association of Professors of Political Economy and Law), May 20, 2014.

Privacy and Security Issues in mHealth, at Workshop, *Exploring Legal Challenges to Fulfilling the Potential of mHealth in a Safe and Responsible Environment*, Convened & Hosted by the American Academy for the Advancement of Science, June 16-17, 2014.

Ethics of Big Data in Medical Research, Johns Hopkins Berman Institute (2014).

Law's Acceleration of Finance, University of Pennsylvania Law School Conference on Computer Science and Law, May 13, 2014.

Redescribing Health Privacy Law, University of Houston (Sept., 2013).

Equal Surveillance Under Law, Ewen Memorial Lecture, Brooklyn College, Apr., 2012.

Audit Trails and Open Data, Harvard-Georgetown Working Group on Market Democracy, July, 2012. (Follow up in Oct., 2012).

Social Network Privacy Law Update, AALS Midyear Meeting, June, 2012.

Law & Political Economy, Association of Professors of Political Economy and Law, Amherst, May, 2012.

Reputation Analytics, presented at Brooklyn Law School and U. Miami Law School, Feb., 2012.

Google's Antitrust Dilemmas, inaugural conference of the Rutgers Intellectual Property and Information Law Institute (Nov., 2011).

Senior faculty reviewer, St. Louis Law School Health Law Scholars Workshop, Sept., 2011.

Google's Antitrust Issues, Inaugural Conference of the Rutgers Innovation Policy and Law Center, Nov., 2011.

Regulating "Big Data," ABA Section on Administrative Law and Regulated Industries, Spring Meeting at Princeton University, April, 2012.

Unilateral Conduct in High Tech Network Industries, Talk to ABA Antitrust Section's Committee on Unilateral Conduct, October, 2011.

Antitrust in High Tech Industries: talks on privacy, remedies, and market definition (three different talks at George Mason Law School in Nov., 2011, and January and May, 2012).

Beyond Competition and Innovation in the Network Neutrality Debate, Yale Law & Policy Review Symposium (Dec., 2010).

Data and Power, Yale Law School Symposium on Privacy and Innovation (Oct., 2010).

Search, Speech, and Secrecy: The Inversion of Network Neutrality, Princeton Center for Information Technology (Oct., 2010).

Systemic Risk: Understanding and Addressing Institutional Interconnectedness with New Information Technologies, Conference on Limiting Bank Size, Fordham Corporate Law Center (March, 2010).

From Medical Record to Medical Reputation, Plenary Session of the Future of Health Privacy Summit, Georgetown Law School, June, 2012.

Co-chaired *Panel on Pharmacogenomics, Privacy, and Innovation*, as Chair of AALS Section on Defamation and Privacy, AALS Annual Conference.

Reputation Regulation, Privacy Law Scholars Conference (June, 2010).

Discussions on Networked Publics IV: Infrastructure, Columbia University (Studio X Facility) (May, 2010).

Commenter, Conference on Data Privacy and Data Security in the Payment System, Brooklyn Law School (March, 2010).

Privacy and Security Requirements for Personal Health Records, Department of Health and Human Services/Federal Trade Commission Roundtable on Electronic Health Records (Dec. 2010).

Data as Infrastructure, Kauffman Foundation Roundtable on Innovation at Yale Law School; Silicon Flatirons Conference at Colorado University (November 2009; January 2010).

Privacy Implications of Sensor Networks, Government-University-Industry Research Roundtable, National Academy of Sciences (Feb., 2010).

Tensions Between Privacy, Trade Secrecy, and Innovation in Electronic Medical Records, Health Law Professors Conference (June, 2010).

Civil Liberties and Sensor Networks, Committee on Science, Technology, and Law, National Academy of Sciences (May, 2010).

Internet Nondiscrimination Principles for Competition Policy Online, Testimony Before the Task Force on Competition Policy and Antitrust Laws of the House Committee on the Judiciary (July, 2008), at http://judiciary.house.gov/hearings/hear_071508_1.html.

Noneconomic Dimensions of the Network Neutrality Debate, Testimony before the New York City Council Broadband Advisory Committee (March 2008), at http://isoc-ny.dreamhosters.com/wiki/NYCBAC_Queens_hearing.

Distributive Justice Online, New School for Social Research Conference on The Internet as Factory and Playground (November 2009).

Clandestinely Commensurating Computing, Cardozo Law School Faculty Speaker Series (Nov. 2009)

The Social Construction of Online Reputation, Telecommunications Policy Research Conference, George Mason Law School (Sept. 2009).

Beyond Innovation and Competition, Works in Progress Intellectual Property Conference, Seton Hall Law (Oct., 2009).

Lochnerizing Search, Center for Democracy and Technology (July 2009).

The Troubling Trend Toward Trade Secret Protected Rankings and Ratings, NYU Law Roundtable on Trade Secrecy Scholarship (Feb., 2009); Chicago IP Scholars' Colloquium (April, 2009); Cardozo IP Scholars Series (March, 2009).

Fixing Fusion Centers, with Danielle Citron at U. Maryland Faculty Workshop (June, 2009); Seton Hall Faculty Workshop (June, 2009); U. Maryland Roundtable on Technology and Privacy Law (April, 2009); American Association of Law Schools Panel on Privacy and Defamation (Jan., 2010).

Is Google a Media Company?, Quello Symposium: Rethinking Media Policy in the Age of New Media, National Press Club (May, 2009)

Will Our Reputations and Privacy Survive the Age of Social Networking?, State of the Net West Policy Conference at Santa Clara Law School (2008) (colloquy with Congressman Goodlatte and Lauren Gelman).

Does "Making Available" = Infringement?, Presentation for the members of the Copyright Society of the U.S.A. (2008).

Reputation Regulation, Stanford Intellectual Property Scholars Conference (Plenary Presentation) (2008); Seton Hall Faculty Workshop (2008); Annenberg School of Communications of the University of Pennsylvania (2008); Fordham Faculty Workshop (2008).

Moderator for ILST panel discussion on *Bilski*, a patent case (June, 2008).

The New Neutralities: From Net and Device Nondiscrimination to Fairness in Social Networks, Search Engines, and Auction Platforms, University of Quebec at

Montreal (UQAM) Conference on E-Commerce (Oct., 2008); University of Chicago Conference on Reputation Online (Nov., 2008); Wharton Colloquium on Media and Communications Law (Dec., 2008).

Commentary on Lior Strahilevitz's Reputation Nation, Fordham University Center on Intellectual Property Law (2008).

Search, Speech, and Copyright, Chicago Intellectual Property Scholars Colloquium (April, 2009); Yale Law School ISP Ideas Lunch (April, 2009).

Commentary on Dan Solove's The Future of Reputation, Law & Society (2008).

Technology, Competition, and Values, Law & Society (2008).

Individual Enforcement of Rights Against a Corporate Data Warehouse, Fordham Law School Law and Information Society Symposium: Enforcement, Compliance and Remedies in the Information Society (2008).

Privacy, Reputation, and the Management of Online Communities, Computers, Freedom, and Privacy Conference at Yale University (2008).

Rights and Responsibilities for Software Code and Applications?, Computers, Freedom, and Privacy Conference at Yale University (2008).

After the Economic Debate on Network Neutrality, American University Conference on Media Law: Does *Red Lion* Still Roar? (2008).

Internet Nondiscrimination Principles, University of Chicago Legal Forum, Nov. 2007; Brooklyn Law School Faculty Forum, Nov. 2007; Seminar on "Intellectual Property: Challenges and Reforms in the Information Age," April, 2007.

Moderator, Panel on Identity and Trust, Telecommunications Policy Research Conference, George Mason University (2007).

From Net Neutrality to Search Neutrality, Works in Progress Intellectual Property Conference, American University (2007).

Intellectual Property vs. the Administrative State, Intellectual Property Scholars Conference, DePaul University (2007).

Federal Search Commission?, Reclaiming the First Amendment Conference at Hofstra University (2007) (with Oren Bracha).

Rankings and Reductionism in the Law of Search, Presentation to the Stanford Center for Internet and Society (2006); Computers, Freedom, and Privacy Conference (2006).

Copyright in an Era of Information Overload, Presentation to IP Seminar at U.C. Berkeley (2006).

How Innovation Can Undermine Equity and Efficiency: The Rise of Primarily-Position-Enhancing Information, Works-in-Progress Intellectual Property Conference, Univ. of Pittsburgh (2006).

The Law and Economics of Information Overload Externalities, IP Scholars Conference at U.C. Berkeley (Plenary Presentation) (2006); May Gathering at University of Virginia (2006).

Theories of Law & Technology, Commentary on Panel at Law & Society Conference (2006); Presentation at the International Association of Science and Technology Studies Conference (2007).

Overload and Positional Externalities in Copyright, St. John's Law School Distinguished Speakers Colloquium (2005).

Breaking the Vicious Circularity: Sony's Contribution to the Fair Use Doctrine, Symposium on the 20th Anniversary of *Sony v. Universal*, Center for Law, Technology, and the Arts at Case Western Reserve Univ. (February, 2005); Seton Hall Faculty Workshop (2005).