

Jane Bambauer

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ACADEMIC POSITIONS

University of Arizona James E. Rogers College of Law, Tucson, AZ.
Associate Professor of Law (2012 - present)

Brooklyn Law School, Brooklyn, NY.
Visiting Assistant Professor of Law (2010 - 2012)

EDUCATION

Yale Law School, J.D., 2006.

- Journal of Law and Feminism, *Symposium Director and Editor*
- Legal Assistance Clinic, *Landlord/Tenant Intern at the New Haven Legal Assistance Association*
- Legislative Advocacy Clinic, *Tax Reform Advocate*

Yale University, B.S. in Mathematics, with Distinction, 2002.

- Deforster (2002), Stanley (2001), and Barge-Runck (2000) prizes for mathematics

ARTICLES

Information Libertarianism, 105 CALIFORNIA LAW REVIEW __ (forthcoming 2017) (with Derek Bambauer).

Other People's Papers, 94 TEXAS LAW REVIEW 205 (2015).

Outrageous and Irrational, 100 MINNESOTA LAW REVIEW 281 (2015) (with Toni Massaro).

Hassle, 113 MICHIGAN LAW REVIEW 461 (2015).

Is Data Speech?, 66 STANFORD LAW REVIEW 57 (2014).

The New Intrusion, 88 NOTRE DAME LAW REVIEW 205 (2012).

The Secret of My Success: How Status, Prestige, and School Performance Shape Legal Careers, 9 J. EMPIRICAL LEGAL STUDIES 893 (2012) (peer-reviewed) (with Richard Sander).

Tragedy of the Data Commons, 25 HARVARD J. LAW & TECHNOLOGY 1 (2011) (published as Jane Yakowitz).

Marooned: An Empirical Investigation of Law School Graduates Who Fail the Bar Exam, 60 J. LEGAL EDUCATION 3 (2010) (peer-reviewed) (published as Jane Yakowitz).

ESSAYS, TECHNICAL PAPERS, AND OTHER WORKS

Privacy Versus Research in Big Data, in THE CAMBRIDGE HANDBOOK OF CONSUMER PRIVACY (Evan Selinger et al., eds., Cambridge University Press, forthcoming 2017).

I, for One, Welcome Our New Robot Overlords, in RON COLLINS & DAVID SKOVER, ROBOTICA: SPEECH RIGHTS & THE NEW TECHNOLOGIES (Cambridge University Press, forthcoming 2017).

A Bad Education, 2016 U. ILL. L. REV. __ (forthcoming 2016) (with J. Loe & D. Winkelman).

Glass Half Empty, 64 UCLA L. REV. FORUM __ (forthcoming 2016) (invited contribution).

Jane Yakowitz Bambauer

Are Privacy Disclosures Informational or Ideological?, 65 DEPAUL L. REV. ___ (forthcoming 2016) (Clifford symposium issue).

The Relationships Between Speech and Conduct, 49 U.C. DAVIS L. REV. 194-1 (2016) (invited response to *Information Fiduciaries and the First Amendment* by Jack Balkin).

Assessing Data Intrusion Threats, SCIENCE (letter) (with Daniel Barth-Jones et al.) (2015).

All Life Is an Experiment. (Sometimes It's a Controlled Experiment.), 47 LOY. CHI. L. REV. 487 (2015) (symposium issue).

Freedom From Thought, 65 EMORY L. J. 219 (2015) (symposium issue).

Cyber-Exploitation and Distributed Enforcement, B.U. L. REV. ANNEX (November 6, 2015) (with Derek Bambauer) (invited response to HATE CRIMES IN CYBERSPACE by Danielle Citron).

Collection Anxiety, 99 CORNELL L. REV. ONLINE 195 (2014) (invited response to *Digital Innocence* by Joshua Fairfield and Erik Luna).

Fool's Gold: An Illustrated Critique of Differential Privacy, 16 VAND. J. ENT. & TECH. L. 701 (2014) (with Krishnamurthy Muralidhar and Rathindra Sarathy).

Vanished: Analyzing Censorship with Google Transparency Data, 18 VA. J. L. & TECH. 137 (2013) (with Derek Bambauer).

Defending the Dog, 91 OR. L. REV. 1203 (2013) (symposium issue).

How the War on Drugs Distorts Privacy Law, 64 STAN. L. REV. ONLINE 131 (2012).

AWARDS, PRESENTATIONS, AND TECHNICAL PAPERS

Information Libertarianism, TPRC Conference on Communications, Information, and Internet Policy, George Mason University School of Law, Arlington, VA, September 2015.

Program Committee Member, UNESCO Privacy in Statistical Databases, Dubrovnik, Croatia, September 2016.

Information Libertarianism, Free Expression Scholars Conference, Yale Law School, New Haven, CT, April 2016 (plenary session).

A Bad Education, Program on Economics and Privacy, George Mason University School of Law, Arlington, VA, April 2016.

Are Privacy Policies Informational or Ideological?, Clifford Symposium on Tort Law and Social Policy, DePaul University College of Law, Chicago, IL, April 2016.

Center for Law & Information Policy, invited commentary on *Privacy and the Right to Record* by Margot Kaminski, Fordham University Law School, New York, NY, April 2016.

Glass Half Empty, PULSE symposium, UCLA School of Law, Los Angeles, CA, April 2016.

Other People's Papers, University of Haifa Law Department Cyberforum, Haifa, Israel, March 2016.

Bad Education, University of Haifa Law Department, Haifa, Israel, March 2016.

Jane Yakowitz Bambauer

Privacy Versus Research in the Age of Big Data, University of Utah LABS colloquium, Salt Lake City, UT, January 2016.

2015–16 Privacy Fellow, George Mason University Law & Economics Center Research Roundtable (supporting experimental research on privacy).

Criminal Justice Roundtable, invited commentary on *The New Surveillance Discretion: Automated Suspicion, Big Data and Policing* by Elizabeth Joh, Vanderbilt University School of Law, Nashville, TN, 2015.

Harry W. Stonecipher Award for top scholarship in communication and free speech law, Association for Education in Journalism and Mass Communication Law & Policy Division, 2015.

Program Chair, TPRC Conference on Communications, Information, and Internet Policy, George Mason University School of Law, Arlington, VA, 2015.

Privacy Law Scholars Conference, invited commentary on *Leaps and Bounds: Toward a Normative Theory of Inferential Privacy* by Solon Barocas, Berkeley, California, 2015.

All Life is An Experiment. (Sometimes It's a Controlled Experiment.), Loyola Chicago Law School, Chicago, IL, 2015.

Truth in the Age of Uncertainty, University of Maryland Law School, Baltimore, MD, 2015.

Hassle, Author talk, University of Michigan Law School, Ann Arbor, MI, 2015.

Data, the Police, and the Whole Constitution, University of Texas Faculty Colloquium, Austin, TX, 2015.

Freedom From Knowledge, The 2015 Randolph W. Thrower Symposium, Emory University School of Law, Atlanta, GA, 2015.

Data, the Police, and the Whole Constitution, Rocky Mountain Junior Scholars Workshop, University of Utah, UT, 2014.

The Era of Big Data: Balancing Privacy Rights, Law Enforcement Needs, and Corporate Interests, National Asian-Pacific American Bar Association Annual Conference, Scottsdale, AZ, 2014.

Public Health in the Shadow of the First Amendment, Yale Law School, New Haven, CT, 2014.

Program Vice Chair, TPRC Conference on Communication, Information and Internet Policy, George Mason University School of Law, Arlington, VA, 2014.

Other Peoples' Papers, Privacy Law Scholars Conference, George Washington University Law School, Washington, DC, 2014 (selected for a second, encore presentation).

Other Peoples' Papers, Public Policy Conference on the Law & Economics of Privacy and Data Security, George Mason University School of Law, Arlington, VA, 2014.

Surveillance in the Technological Age: The Case of the NSA, Keynote Address at the International Criminal Law Conference, Babes-Bolyai University, Cluj-Napoca, Romania, 2014.

Is Data Speech?, Yale Law School Information Society Project, New Haven, CT, 2014.

Google Fellow, Privacy Law Salon (invitational event for scholars and industry), Miami, FL, 2014.

When Worlds Collide: Technology, Privacy, and Security, Appellate Judges Education Institute, San Diego, CA, 2013.

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The De-Identified Data Commons, United Nations Economic Commission for Europe (Eurostat Work Session), Ottawa, Canada, 2013.

Into the Breach: Introduction to the 2012-2013 National Health Law Moot Court Problem, 34 J. LEG. MED. 337 (2013).

Vanished: Analyzing Censorship with Google Transparency Data, Privacy Law Scholars Conference, University of California, Berkeley Law School, Berkeley, CA, 2013.

Is Data Speech?, Free Expression Scholars Conference, Yale Law School, New Haven, CT, 2013.

Is Data Speech?, Cyberlaw Works in Progress, Santa Clara University School of Law, Santa Clara, CA, 2013.

Problem Author, National Health Law Moot Court, Southern Illinois University, Carbondale, IL, 2012 (fictitious civil rights case based on a data breach at a public health clinic).

Is Data Speech?, Rocky Mountain Junior Scholars Workshop, University of Utah School of Law, Salt Lake City, UT, 2012.

Seeding the Data Commons: Legal Safe Harbors for Research Data, Think Tank on the Identifiability of Genomic Data and Biospecimens, National Institute of Health / National Cancer Institute, Rockville, MD, 2012.

The New Intrusion, Privacy Law Scholars Conference, George Washington University Law School, Washington, DC, 2012.

Is Data Speech?, Cyberlaw Scholars Conference, Harvard Law School, Cambridge, MA, 2012.

Invited Debater, *Is Privacy Overhyped?*, The Open Society Institute, New York, NY, 2012.

Invited Panelist, *Balancing Privacy Interests and Innovation*, Law and Information Society Symposium, Fordham Law School, New York, NY, 2012.

Invited Panelist, *Bullying Bans and the First Amendment*, Seton Hall Law School, Newark, NJ, 2012.

Google Fellow, Privacy Law Salon (invitational event for scholars and industry), Miami, FL, 2012.

Invited Speaker, *The Benefits and Risks of De-Identification*, The Future of Privacy Forum, Washington, D.C., 2011.

Tragedy of the Data Commons, The Privacy Working Group Speaker Series, Information Technology and Innovation Foundation, Washington, DC, 2011.

Commenter, *Privacy and Utility in Data Sets* by Felix Wu, Privacy Law Scholars Conference, University of California, Berkeley School of Law, Berkeley, CA, 2011.

The Illusory Privacy Problem in Sorrell v. IMS Health, Technology Policy Institute, 2011 (technical paper) (with Daniel Barth-Jones).

Invited Interviewee, *Tragedy of the Data Commons*, Surprisingly Free Podcast Series, Mercatus Center, George Mason University, 2011.

Tragedy of the Data Commons, Google Public Policy Speaker Series, Mountain View, CA, 2011.

Privacy Chaff, IP Scholars Roundtable, Drake University Law School, Des Moines, IA, 2011.

Jane Yakowitz Bambauer

Tragedy of the Data Commons, Internet Law Works in Progress, Santa Clara School of Law, Santa Clara, CA, 2011.

Moderator and Poster Presentation, *The Secret of My Success: How Status, Prestige, and School Performance Shape Legal Careers*, Conference on Empirical Legal Studies, Yale Law School, New Haven, CT, 2010.

The Secret of My Success: How Status, Prestige, and School Performance Shape Legal Careers, Law & Society Association Annual Meeting, Chicago, IL, 2010.

Program Co-Chair and Discussant, Conference on the Scale and Effect of Admissions Preferences in Higher Education, UCLA School of Law, Los Angeles, CA, 2009.

What Are the Effects of Failing the Bar? An Empirical Study, Law & Society Association Annual Meeting, Denver, CO, 2009.

PRESS COVERAGE

Fernanda Santos, *Border Patrol Accused of Profiling and Abuse*, N.Y. TIMES (2015).

Connor Harris, *Matters of Mismatch: The Debate over Affirmative Action's Effectiveness*, HARVARD POLITICAL REVIEW (2015) (describing findings from *The Secret of My Success*).

Kathleen Hale, *Glory Johnson Says She Was Victim in Her Altercation with Brittney Griner*, SPORTSILLUSTRATED.COM (2015).

Tim Cushing, *The Government's Antipathy Towards Transparency Has Made FOIA Lawsuits the Default Process*, TECHDIRT (2014).

Driver-Less Cars About a Decade Away, UA Engineer Says, ARIZONA ILLUSTRATED (2014) (television coverage).

Katherine Jacobsen, *Google Challenges Secret Court Over Gag Order*, THE CHRISTIAN SCIENCE MONITOR (2013).

The Bright Side of Telephone Metadata, THE HUFFINGTON POST (2013).

Jerry Brito, *What Europe's 'Right to Be Forgotten' Has in Common with SOPA*, TIME.COM (2012).

More Bad Ideas From the E.U., FORBES.COM (2012).

Leon Neyfakh, *Our Data, Ourselves*, THE BOSTON GLOBE (2011) (describing *Tragedy of the Data Commons* in depth).

L. Gordon Crovitz, *The 0.00002% Privacy Solution*, THE WALL STREET JOURNAL (2011) (quoting *Tragedy of the Data Commons*).

Ashby Jones, *New Study: Forget the Rankings, Just Bring Home Straight A's*, THE WALL STREET JOURNAL LAW BLOG (2010) (describing findings from *The Secret of My Success*).

Terry Baynes, *Don't Sweat Your School's Status*, THE AMERICAN LAWYER (2010) (describing findings from *The Secret of My Success*).

Karen Sloan, *Those Who Never Pass Bar Exam Initially Lag Far Behind Those Who Do*, THE NATIONAL LAW JOURNAL (2010) (describing findings from *Marooned*).

Karen Dybis, *What Happens When You Fail the Bar Exam?*, NATIONAL JURIST (2010) (describing findings from *Marooned*).

AMICUS BRIEFS AND PRO BONO WORK

ACLU Foundation of Arizona v. Department of Homeland Security, No. 14-2052 (D. Ariz.), co-plaintiff with Derek Bambauer and ACLU of Arizona in Freedom of Information Act request for documents related to Border Patrol operations in Arizona north of the Mexican border.

Sander v. State Bar of California, Case No. CPF-08-508880, pro bono representation of law professor requesting anonymized public records about California bar-takers to conduct research related to law school admissions and affirmative action.

Expressions Hair Design v. Schneiderman, No. 15-1391 (U.S. Supreme Court), Brief of Amici Curiae First Amendment Scholars in support of Petitioner's writ of certiorari (arguing that credit card surcharge bans, as applied, are unconstitutional restrictions on commercial speech).

In re National Security Letter, No. 13-15957 (9th Cir. 2014), Brief of Amici Curiae Floyd Abrams Institute for Freedom of Expression and First Amendment Scholars in Support of the Parties Under Seal (arguing that the gag orders attached to national security letters demanding telephone logs and transaction records from service providers are an unconstitutional prior restraint on speech).

Sorrell v. IMS Health Inc., 564 U.S. ___ (2011), Brief of Dr. Khaled El Emam and Jane Yakowitz, Esq., as Amici Curiae in support of Respondents (arguing that HIPAA-compliant pharmacy data pose little risk of re-identification to the patients).

BAR ADMISSIONS

State Bar of California, member