

MARGOT E. KAMINSKI

Associate Professor ◊ Colorado Law ◊ 2450 Kittredge Loop Road, 417 ◊ Boulder, CO 80309 ◊
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EDUCATION

YALE LAW SCHOOL, J.D. 2010

HARVARD UNIVERSITY, B.A., American History and Literature, *magna cum laude*, 2004

JUDICIAL CLERKSHIP

THE HONORABLE ANDREW J. KLEINFELD

United States Court of Appeals for the Ninth Circuit. Fairbanks, Alaska

SELECTED ACADEMIC PUBLICATIONS

Binary Governance, S. CAL. L. REV. (forthcoming 2019).

The Right to Explanation, Explained, 34 BERKELEY TECH. L. J. (forthcoming 2019), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3196985.

Privacy and the Right to Record, 97 B.U. L. REV. 167 (2017). available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2927001. Junior Scholar Award at 2016 Privacy Law Scholars Conference (PLSC).

Siri-ously 2.0: What Free Speech Rights for Artificial Intelligence Reveal about the First Amendment, with Toni Massaro & Helen Norton, 101 MINN. L. REV. 2481 (2017), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2896174.

Copyright's Framing Problem, with Guy Rub, 64 UCLA L. REV. 1102 (2017), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2860914.

Regulating Real-World Surveillance, 90 WASH. L. REV. 1113 (2015), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2681128.

The Conforming Effect: First Amendment Implications of Surveillance, Beyond Chilling Speech, with Shane Witnov, 49 U. RICH. L. REV. 465 (2015), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2550385.

The Capture of International Intellectual Property Law through the U.S. Trade Regime, 87 S. CAL. L. REV. 977 (2014), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2354324.

Copyright Crime and Punishment: The First Amendment's Proportionality Puzzle, 73 MD. L. REV. 587 (2014), available at <http://digitalcommons.law.umaryland.edu/mlr/vol73/iss2/5>.

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Drone Federalism: Civilian Drones and the Things They Carry, 4 CALIF. L. REV. CIR. 57 (2013), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2257080.

Real Masks and Real Name Policies: Applying Anti-Mask Case Law to Anonymous Online Speech, 23 FORDHAM INTELL. PROP. MEDIA & ENT. L.J. 815 (2013), available at http://papers.ssrn.com/abstract_id=2250054.

INVITED SYMPOSIUM PUBLICATIONS & BOOK CHAPTERS

Carpenter v. United States: Big Data is Different, *Geo. Wash. L. Rev. On the Docket* (Oct. Term 2017), July 2 2018, available at <https://www.gwlr.org/carpenter-v-united-states-big-data-is-different/>.

Authorship, Disrupted: AI Authors in Copyright and First Amendment Law, 51 UC DAVIS L. REV. 589 (2017), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3086912.

Averting Robot Eyes, 76 MD. L. REV. 983 (2017), co-authored with Cindy Grimm, Matthew Rueben, & William D. Smart, available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3002576.

Standing after Snowden, 66 DEPAUL L. REV. 413 (2017), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3042351.

Intellectual and Social Freedom, in the CAMBRIDGE HANDBOOK OF SURVEILLANCE LAW, EDS. DAVID GRAY & STEPHEN E. HENDERSON (2018).

When the Default is No Penalty: Negotiating Privacy at the NTIA, 94 DEN. L. REV. 923 (2016-17), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2835434.

Robots in the Home: What Will We Have Agreed To?, 51 IDAHO L. REV. 661 (2015), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2592500.

EXPERIENCE

COLORADO LAW, WOLF LAW 2017-present
Associate Professor

OHIO STATE UNIVERSITY, MORITZ COLLEGE OF LAW 2014-2017
Assistant Professor

YALE INFORMATION SOCIETY PROJECT, Yale Law School 2011-2014
Executive Director, Research Scholar, & Lecturer in Law

MEDIA FREEDOM AND INFORMATION ACCESS CLINIC, Yale Law School 2009-2010
Co-founder

SELECTED POPULAR PUBLICATIONS, BLOG POSTS

THE NEW YORK TIMES

- *Facebook, Free Expression, and the Power of a Leak*, (June 27, 2017), <https://www.nytimes.com/2017/06/27/opinion/facebook-first-amendment-leaks-free-speech.html>
- *Don't Keep the Trans-Pacific Partnership Talks Secret*, (Apr. 14, 2015), <http://www.nytimes.com/2015/04/14/opinion/dont-keep-trade-talks-secret.html>.

THE ECONOMIST

- *Toward defining privacy expectations in an age of oversharing*, (Aug. 16, 2018), <https://www.economist.com/open-future/2018/08/16/toward-defining-privacy-expectations-in-an-age-of-oversharing>.

SCIENCE

- *Shadow health records meet new data privacy laws*, with W. Nicholson Price II, Timo Minssen, Kayte Spector-Bagdady (Feb. 01, 2019), <http://science.sciencemag.org/content/363/6426/448?rss=1>

SLATE

- *Brett Kavanaugh has Some Alarming Outdated Views about Privacy*, (July 12, 2018), <https://slate.com/technology/2018/07/brett-kavanaughs-views-on-privacy-are-alarmingly-outdated-for-the-digital-age.html>
- *Enough with the Sunbathing Teenager Gambit*, (May 17, 2016), http://www.slate.com/articles/technology/future_tense/2016/05/drone_privacy_is_about_much_more_than_sunbathing_teenage_daughters.html
- *What the Scarlett Johansson Robot Says about the Future*, (Apr. 7, 2016), http://www.slate.com/articles/technology/future_tense/2016/04/what_the_scarlett_johansson_robot_says_about_the_future.html.
- *Privacy is Not a Barrier to Trade*, (June 4, 2015), http://www.slate.com/articles/technology/future_tense/2015/06/trade_in_services_agreement_could_change_the_global_internet.html.
- *Up in the Air: The free-speech problems raised by regulating drones*, (Nov. 25, 2014), http://www.slate.com/articles/technology/future_tense/2014/11/faas_attempts_to_regulate_drones_could_have_first_amendment_problems.html.
- *Up in the Air: States shouldn't wait until courts weigh in to place limits on drone surveillance*, (Sep. 5, 2014), http://www.slate.com/articles/technology/future_tense/2014/09/california_bill_ab_1327_dont_wait_for_courts_to_place_limits_on_drone_surveillance.html.

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THE NEW REPUBLIC

- *The Supreme Court's Cloud-Computing Confusion*, THE NEW REPUBLIC (June 26, 2014), <http://www.newrepublic.com/article/118402/supreme-courts-cloud-computing-confusion>.

THE ATLANTIC

- *PRISM's Legal Basis: How We Got Here, and What We Can Do to Get Back*, THE ATLANTIC (June 7, 2013), <http://www.theatlantic.com/national/archive/2013/06/prisms-legal-basis-how-we-got-here-and-what-we-can-do-to-get-back/276667/>.

SELECTED AMICUS BRIEFS & POLICY WORK

First Amendment Law Professors Brief in *Fields v. Philadelphia* in the Third Circuit Court of Appeals, supporting a “right to record” law enforcement officials in public places. See <http://www.margotkaminski.com/wp-content/uploads/2016/11/Amici-as-filed.pdf>.

First Amendment Legal Scholars Brief in *Wikimedia v. NSA* in the Fourth Circuit Court of Appeals, challenging “Upstream” NSA Internet Surveillance. See <https://www.aclu.org/legal-document/wikimedia-v-nsa-amicus-brief-first-amendment-legal-scholars>.

Filed comments on drones and privacy to the National Telecommunication and Information Administration. See https://www.ntia.doc.gov/files/ntia/kaminski_stepanovich_syed.pdf.

Worked with Technology Law and Policy Clinic to file comments on privacy to the National Telecommunication and Information Administration. See <https://tlpc.colorado.edu/tlpc-files-privacy-law-scholar-comments-in-ntia-consumer-privacy-proceeding/>.

BAR ADMISSIONS

California
United States Court of Appeals for the Ninth Circuit

GRANTS & AWARDS

2018 Fulbright-Schuman Innovation Grant

2016 Privacy Law Scholars Conference Junior Scholar Award

Center for Democracy and Technology (CDT) Fellow