

U.S. DEPARTMENT OF JUSTICE

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

February 19, 2020

Federal Bureau of Investigation Headquarters
Washington, D.C.



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AGENDA

9:00 a.m. 9:15 a.m. Introduction and Welcome

Introduction of the Attorney General

- The Honorable Christopher Wray, Director, Federal Bureau of Investigation

Welcome

- The Honorable William P. Barr, Attorney General

9:15 a.m. – 10:30 a.m. Panel 1: Litigating Section 230

The history, evolution, and current application of Section 230 in private litigation.

- **Moderator:** Claire McCusker Murray, Principal Deputy Associate Attorney General
- Patrick Carome, Partner, WilmerHale
- Carrie Goldberg, Owner, C. A. Goldberg, PLLC
- Professor Jeff Kosseff, United States Naval Academy
- Annie McAdams, Founder, Annie McAdams PC
- Professor Benjamin Zipursky, Fordham University School of Law

10:30 a.m. – 11:45 a.m. Panel 2: Addressing Illicit Activity Online

Whether Section 230 encourages or discourages platforms to address online harms, such as child exploitation, revenge porn, and terrorism, and its impact on law enforcement.

- **Moderator:** The Honorable Beth A. Williams, Assistant Attorney General
Office of Legal Policy
- Professor Mary Anne Franks, University of Miami
- Professor Kate Klonick, St. John's University
- The Honorable Doug Peterson, Attorney General of Nebraska
- Matt Schruers, President, Computer & Communications Industry Association
- Yiota Souras, Senior Vice President and General Counsel, National Center for Missing and Exploited Children

11:45 a.m. – 12:45 p.m. Panel 3: Imagining the Alternative

The implications on competition, investment, and speech of Section 230 and proposed changes.

- **Moderator:** Ryan Shores, Associate Deputy Attorney General
- David Chavern, President, News Media Alliance
- Neil Chilson, Senior Research Fellow, Charles Koch Institute
- Pam Dixon, Executive Director, World Privacy Forum
- Professor Eric Goldman, Santa Clara University
- Julie Samuels, Executive Director, Tech:NYC

12:45 p.m. Adjourn

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MORNING BIOS

PANEL 1:

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.

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*.

Jeff Kosseff, Assistant Professor, 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.

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.

Benjamin Zipursky, Professor of Law, Fordham University

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 of Arnold & Porter.

PANEL 2:**Mary Anne Franks, Professor of Law, 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 non-consensual 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.

Kate Klonick, Assistant Professor of Law, 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.

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.

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.

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 positions. 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.

PANEL 3:

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.

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>].

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.

