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ACADEMIC APPOINTMENTS

WASHINGTON UNIVERSITY IN ST. LOUIS SCHOOL OF LAW, St. Louis, MO
(Virtual) Visiting Professor of Law, Spring 2021
Classes: National Security Law

UNIVERSITY OF HOUSTON LAW CENTER, Houston, TX
Associate Professor of Law, 2019-present
Assistant Professor of Law, 2014-2019
Classes: Constitutional Law; Foreign Relations Law; National Security Law
Honors: *2019 Student Bar Association Professor of the Year Award*

BROOKLYN LAW SCHOOL, Brooklyn, NY
Visiting Assistant Professor of Law, 2012-14
Constitutional Law; National Security Law

NEW YORK UNIVERSITY SCHOOL OF LAW, New York, NY
Furman Fellow & Brennan Center Fellow, 2011-12

EDUCATION

NEW YORK UNIVERSITY SCHOOL OF LAW, New York, NY
LL.M., International Legal Studies, May 2011
J.D., *magna cum laude*, May 2005

Honors: *New York University Law Review*, Editor-in-Chief, 2004-05
Order of the Coif
Furman Scholar – exceptional candidates for careers in legal academia
International Law & Justice Junior Fellow
George P. Foulk Memorial Award – for distinguished scholarship
Jerome Lipper Prize – for outstanding work in International Law
Pomeroy Scholar – top ten students in the class after two semesters
Other: *Research Assistant*, Professor Barry Friedman, 2003
Teaching Assistant – *Torts*, Professor Eleanor Fox, 2003

DUKE UNIVERSITY, Durham, NC
B.A. in Political Science, May 1994

CLERKSHIP

U.S. COURT OF APPEALS FOR THE SECOND CIRCUIT, New Haven, CT
Law Clerk to the Honorable John M. Walker Jr., 2005-06

LAW REVIEW PUBLICATIONS

Why Digital Contact Tracing Failed (in progress) (with Leah Fowler & Jessica Roberts).
Weaponizing the Office of Legal Counsel, 62 B.C. L. REV. 515 (2021).
Winner, 2020 Levin Center Award for Excellence in Oversight Research

LAW REVIEW PUBLICATIONS (CON'T)

- The Role of the State and Federal Governments in Pandemic Response*, 11 J. NAT'L SEC. L. & P. (2020).
- Individualized Suspicion in the Age of Big Data*, 105 IOWA L. REV. 463 (2020).
- A Government of Laws and Not of Machines*, 98 B.U. L. REV. 1277 (2018).
Winner, 2018 Southeast Association of Law Schools Call-for-Papers Award
- Digital Searches, the Fourth Amendment, and the Magistrates' Revolt*, 68 EMORY L. J. 49 (2018).
- When Database Queries are Fourth Amendment Searches*, 102 MINN. L. REV. 577 (2017).
- Quasi-Constitutional Rights and Government Surveillance*, 2016 B.Y.U. L. REV. 771.
- The Two Faces of the Foreign Intelligence Surveillance Court*, 91 IND. L. J. 1191 (2016).
- Regulating Domestic Intelligence Collection*, 71 WASH. & LEE L. REV. 3 (2014).
- The Paradox of Counterterrorism Sunset Provisions*, 81 FORDHAM L. REV. 1777 (2013).
- Too Big a Canon in the President's Arsenal: Another Look at United States v. Nixon*, 17 GEO. MASON L. REV. 737 (2010) (with Eric Lane & Frederick A.O. Schwarz, Jr.).
- Executive Privilege Disputes Between Congress and the President: A Legislative Proposal*, 3 ALB. GOV'T L. REV. 741 (2010) (symposium publication).
- Democratizing the Media*, 35 FLA. ST. U. L. REV. 817 (2008).
- Note, *In Pursuit of Accountability: The Red Cross, War Correspondents, and Evidentiary Privilege in International Criminal Tribunals*, 80 N.Y.U. L. REV. 241 (2005).

OTHER PUBLICATIONS

- The Role of the State and Federal Governments in Pandemic Response in COVID-19: THE LEGAL CHALLENGES* (Steven Dycus & Eugene Fidell eds. 2020).
- The Twenty-Third Annual Frankel Lecture: Introduction*, 56 HOUSTON L. REV. 737 (2019).
- The Torture Memos*, in ENCYCLOPEDIA OF AMERICAN GOVERNANCE (Stephen L. Schechter et al. eds. 2016).
- THE CONFLICT BETWEEN NATIONAL SECURITY AND ACCESS TO INFORMATION (Emily Berman ed., 2014) (anthology highlighting key issues in the conflict between national security and access to information in a democracy).
- DOMESTIC INTELLIGENCE COLLECTION: NEW POWERS, NEW RISKS (2011) (Brennan Center Publication).
- EXECUTIVE PRIVILEGE: A LEGISLATIVE REMEDY (2009) (Brennan Center Publication).

BLOGS AND OPINION PIECES

- Responding to the Capitol Attack: Accountability Without Overreaction*, JUST SECURITY, Jan. 12, 2021.
- The Good Governance Paper No. 2: Congress' Subpoena Power*, JUST SECURITY, Oct. 14, 2020.
- The Good Governance Papers: An Introduction*, JUST SECURITY, Oct. 14, 2020 (with Ryan Goodman, Tess Bridgeman, & Dakota Rudesill).

BLOGS AND OPINION PIECES (CONTINUED)

- Insecurity: How lax security procedures could hurt our national security*, ACS BLOG, Mar. 8, 2018.
- Never Waste a Good Crisis, FBI Edition*, JUSTSECURITY.ORG, May 15, 2017 (crossed-posted at NEWSWEEK).
- The Elephant in the Room: The FBI*, JUSTSECURITY.ORG, Mar. 6, 2014.
- When Did It Become Legal to Spy on Americans?*, THE ATLANTIC ONLINE, Oct. 26, 2011.
- FBI Overreaching*, NATIONAL LAW JOURNAL, November 8, 2010.
- You Still Have the Right to Remain Silent*, CNN.COM, June 2, 2010.
- Detention Promises Ring Hollow*, POLITICO.COM, May 25, 2010.
- Bill Will Restore Congress' Powers*, Roll Call, July 28, 2009 (with Rep. Brad Miller, D-NC).

SERVICE

- Paper Selection Committee, AALS Conference on Rebuilding Democracy and the Rule of Law, May 2021
- Editorial Board Member, *Journal of National Security Law and Policy*, 2020-present
- University of Houston Law Center Entry-Level Appointments Committee, 2016-2020
- University of Houston Law Center Admissions Committee, 2014-16, 2019-present
- University of Houston Law Center Executive Committee, 2017-2019
- Faculty Advisor, University of Houston Law Center Int'l Law Society, 2017-present
- Faculty Advisor, *Houston Journal of International Law*, 2016-present
- University of Houston Law Center Honor Court Member (elected by students)
- University of Houston Law Center 1L Faculty Mentor, 2014-present
- AALS National Security Section Executive Committee, 2016-present, currently Chair
- Defending Rights & Dissent, Member, Board of Directors 2013-17; V.P. 2017-present

SELECT PRESENTATIONS

- The Role of the State and Federal Governments in Pandemic Response*
- Invited: ABA Standing Committee on Law & Security, National Security Law CLE Webinar, January 28, 2021.
- Weaponizing the Office of Legal Counsel*
- Invited: Levin Center at Wayne State University, online (January 22, 2021).
 - Invited: Pennsylvania Journal of Constitutional Law Symposium, *The Constitution Outside the Courts*, online (October 2, 2020).
 - Invited: Duke University Faculty Workshop Series, Durham, NC (November 18, 2019).
 - Selected: Loyola-Chicago Annual Constitutional Law Colloquium, Chicago, IL (November 8, 2019)
 - Selected: Chicagoland Junior Scholars Conference, Chicago, IL (September 27, 2019).
 - Invited: Ohio State University Law School Summer Workshop Series, Columbus, OH (July 31, 2019).

SELECT PRESENTATIONS (CON'T)*Individualized Decision Making in the Age of Big Data*

- Selected: National Conference of Constitutional Law Scholars, Tucson, AZ (Mar. 4, 2019).
- Invited: Boston College Law School Junior Faculty Roundtable, Boston, MA (Feb. 15, 2019).
- Invited: Second Annual Junior Faculty Works-in-Progress Conference at Chapman University Fowler School of Law, Orange, CA (Sept. 21-22, 2018).

A Government of Laws and Not of Machines

- Selected: Southeastern Association of Law Schools Annual Meeting, Call for Papers Lunch, Fort Lauderdale, FL (August 6, 2018).
- Selected: George Mason University Program on Economics & Privacy, Third Annual Digital Information Policy Scholars Conference (Apr.27, 2018).
- University of Houston Law Center, Faculty Workshop (February 2, 2018).
- 112th AALS Annual Meeting, Panel on the Intersection of Civil Rights and Technology, San Diego, CA. (Jan. 5, 2018).
- Invited: South Texas College of Law, Faculty Workshop (Oct. 23, 2017).

Digital Searches, the Fourth Amendment, and the Magistrates' Revolt

- University of Houston Law Center, Faculty Workshop (Feb. 9, 2018).
- Selected: Eighth Annual Constitutional Colloquium at Loyola University of Chicago School of Law, Chicago, IL (Nov. 4, 2017).

Panelist at *Extent of, and Limitations on, Presidential Power*

- Invited: American Constitution Society, Austin Lawyers Chapter, Austin, TX (Nov. 29, 2017).

Invited Speaker at *Courts at War: A Conference on Judicial Accountability for U.S. National Security and Counterterrorism Policies*

- University of Texas Law School, Austin, TX (Sept. 14-15, 2017).

When Database Queries are Fourth Amendment Searches

- University of Michigan Law School, Michigan Young Scholars Conference, Ann Arbor, MI (Apr. 2017).
- 111th AALS Annual Meeting, New Voices in National Security Law, San Francisco, CA (Jan. 2017).
- SMU Dedman School of Law, Texas Junior Legal Scholars Conference, Dallas, TX (Aug. 26, 2016).

Invited Participant at *Scholars Roundtable on Congressional Oversight*

- Levin Center at Wayne Law, Detroit, MI (June 9, 2017).

Panelist at *What's That Up in the Sky? A Panel Discussion on Drones*

- Lone Star College-Cyfair, Center for Civil Engagement, Houston, TX (Nov.15, 2016).

SELECT PRESENTATIONS (CON'T)Panelist at *Human Rights Series: Torture*

- University of Houston, Honors College (Nov. 9, 2016).

Abortion Rights after *Whole Women's Health*

- University of Houston Law Center, Supreme Court Update CLE (July 21, 2016).

Quasi-Constitutional Protections and Government Surveillance

- University of Houston Law Center, Faculty Workshop (Jan. 22, 2016).

Disaggregating the Government's Interest in National Security

- University of Houston Law Center, Texas Legal Scholars (Aug. 28, 2015).
- University of Kentucky Law School, Developing Ideas Conference, Lexington, KY (May 15, 2015).

Due Process and Equal Protection after *Obergefell v. Hodges*

- University of Houston Law Center, Supreme Court Update CLE (July 15, 2015).

The Two Faces of the Foreign Intelligence Surveillance Court

- Southeastern Association of American Law Schools 2015 Annual Meeting, Ft. Lauderdale, FL (Aug. 1, 2015).
- University of Houston Law Center, Faculty Workshop (Feb. 6, 2015).

Regulating Domestic Intelligence Collection

- Law & Society 2013 Annual Meeting, Boston, MA (May 2013).

The Paradox of Counterterrorism Sunset Provisions

- NYU School of Law, Scholarship Camp (Apr. 13, 2012).

Panelist at *The Humanitarian Law Project Decision: Problems for Peace-Building, Aid, and Free Speech*

- National Press Club, Washington, DC (June 2011).

Executive Privilege: A Legislative Remedy

- University of Virginia's Miller Center of Public Affairs, Symposium (Sept. 2010).
- Albany Law School, Albany Government Law Review, Symposium (Sept. 2009).

Panelist at *The Prosecution of Guantanamo Bay Detainees in Civilian Courts: Does It Promote Justice and Security?*

- New York County Lawyers Association American Inns of Court, New York, NY (Jan. 2010).

Panelist at *Debating Powers, Disputing Justice: Uighur Detainees Appeal for Release from Gitmo*

- NYU Wagner Graduate School of Public Service, New York, NY (Dec. 2009).

SELECT MEDIA APPEARANCES

- Quoted in Corky Siemaszko, *Texas AG threatens to sue city of Austin for defying governor on mask mandate*, NBCNews.com, Mar. 10, 2021.
- Quoted in Jennifer Valentino-DeVries et al., *Arrested in Capitol Riot: Organized Militants and a Horde of Radicals*, N.Y. TIMES, Feb. 4, 2021.
- Quoted in FOX-TV26, *The History of the 25th Amendment* (Jan. 12, 2021).
- Guest on *The Ben Hall Legal Hour – The Aftermath of the 2020 Presidential Election*, KCOH Radio (Nov. 12, 2020).
- Guest on KPRC, “Trump vs. Biden: Who is winning the 2020 presidential race?” (Nov. 3, 2020).
- Guest on KHOU-TV11, “Law Professor: Obstruction charge possible after President Trump tweet during witness impeachment testimony” (Nov. 15, 2019).
- Guest on *Texas Standard* to discuss Supreme Court arguments in three LGBTQ-rights cases, (Oct. 9, 2019).
- Guest on Houston Public Media’s weekly politics show, *Red, White, & Blue*, to discuss the upcoming Supreme Court term (Sept. 26, 2019).
- Guest on *Houston Matters*, “The First Amendment on College Campuses,” Houston Public Radio (Aug. 19, 2019).
- Guest on *Briefcase*, “How Our Digital Privacy is Protected,” Houston Public Radio (Mar. 24, 2019).
- Guest on KHOU-TV11, “Could President Trump declare a national emergency to build border wall?” (Jan. 8, 2019).
- Guest on *Houston Matters*, “What the Nomination of Brett Kavanaugh to the Supreme Court Means for Texas,” Houston Public Radio (July 10, 2018).
- Guest on Fox 26 5:30pm Newscast to discuss the Supreme Court nominee selection process (July 9, 2018).
- Guest on *Houston Matters*, “Abortion rights for undocumented minors,” Houston Public Radio (Oct. 25, 2017).
- Guest on *The Monitor*, “New FBI Director Nominee Chris Wray,” Pacifica Radio (July 25, 2017).
- Guest on *Houston Matters*, “Common Misconceptions about the Constitution,” Houston Public Radio (Aug. 8, 2016).
- Guest on *The Ben Hall Legal Hour*, KCOH Radio (Feb. 25, 2016).
- Guest on *Eyewitness News*, “*Obergefell v. Hodges* Supreme Court Decision,” Houston ABC Affiliate, Channel 13 (June 28, 2015).

LEGAL EXPERIENCE

BRENNAN CENTER FOR JUSTICE, New York, NY

Counsel, Liberty & National Security Project September 2009-September 2011

Katz Fellow, Liberty & National Security Project September 2007-September 2009

Developed policy recommendations, drafted reports, and engaged in advocacy regarding U.S. national security policy and its impact on civil liberties. Issue areas included executive privilege and domestic intelligence collection. Drafted briefs for impact litigation cases.

U.S. DEPARTMENT OF STATE, OFFICE OF THE LEGAL ADVISOR, Washington, DC

Law Clerk, May 2005-July 2005

Researched legal issues and wrote memoranda for the Human Rights & Refugees and Political-Military Affairs sections of the Office of the Legal Advisor.

PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP, New York, NY

Summer Associate, May 2004-July 2004

OTHER PROFESSIONAL EXPERIENCE

ESPN REGIONAL TELEVISION, Charlotte, NC

Producer, August 1999-August 2002

Associate Producer, March 1998-August 1999

Production Assistant, July 1995-March 1998

Produced broadcasts for college football, college basketball, and World Cup soccer, including ABC and ESPN's coverage of the 2002 & 1998 Men's Tournaments, as well as the 1999 Women's World Cup Tournament.

BAR ADMISSIONS

State of New York, admitted September 2008

District of Columbia Circuit Court of Appeals, admitted January 2010