

THE EMORY LAW JOURNAL

Presents

THE 2021
RANDOLPH W. THROWER SYMPOSIUM

Privacy in the Digital Age

*BIG TECH, GOVERNMENT, AND
CIVIL LIBERTIES*

Thursday, February 4, 2021

8:30 a.m. - 4:45 p.m.

HELD VIRTUALLY



EMORY | LAW



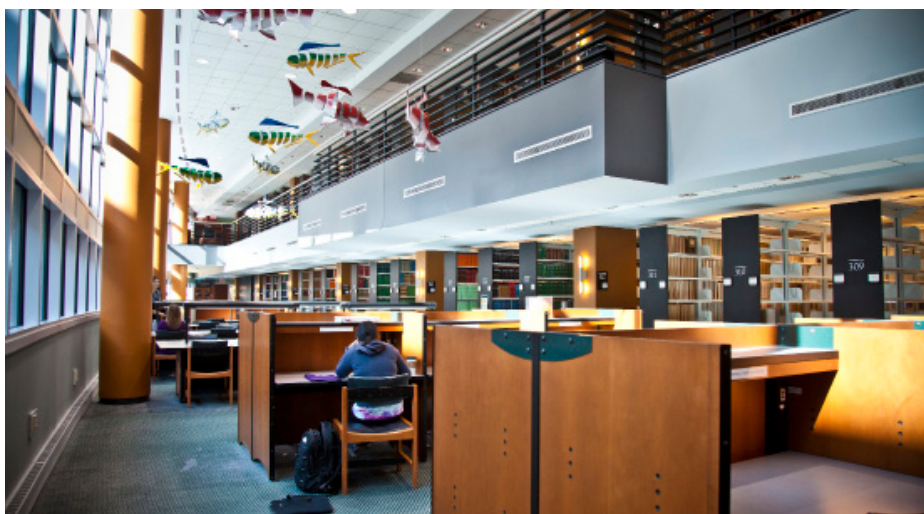
Privacy in the Digital Age

BIG TECH, GOVERNMENT, AND CIVIL LIBERTIES

Since 1995, Emory University School of Law and the Emory Law Journal have hosted the Randolph W. Thrower Symposium, part of an endowed lecture series sponsored by Thrower's family. Randolph Thrower 34C 36L graduated from Emory College and Emory University School of Law and achieved wide acclaim through his active practice of law and devotion to public service. Mr. Thrower passed away in 2014.

The 2021 Thrower Symposium will explore various issues surrounding the technology industry today by bringing together a diverse and experienced array of speakers with different perspectives on key topics and solutions. In an era where technology has become ever-present in our lives, we will analyze some of the leading issues facing the technology industry, with a particular focus on Big Tech. The Symposium will tackle complex, controversial, and nuanced issues related to data privacy, the Fourth Amendment, and antitrust. We will explore innovative approaches to tackling these issues, and we will explore how the relationship between technology and the law can and should change.

SYMPOSIUM OVERVIEW



8:30 a.m. - 10:00 a.m.

PANEL I. Personal Data Protection: How Technology Jeopardizes Privacy

- **Anita L. Allen**, Vice Provost for Faculty, Henry R. Silverman Professor of Law and Professor of Philosophy, University of Pennsylvania
- **Roy E. Barnes**, Former Georgia Governor; Founder, Barnes Law Group
- **Woodrow Hartzog**, Professor of Law and Computer Science, Northwestern University School of Law
- **Moderator: Morgan Cloud**, Charles Howard Candler Professor of Law, Emory University School of Law

10:30 a.m. - 11:45 a.m.

INTRODUCTION: **Mary Anne Bobinski**, Dean and Asa Griggs Candler Professor of Law, Emory University School of Law

KEYNOTE ADDRESS: **Danielle Citron**, Jefferson School Scholars Foundation Schenck Distinguished Professor in Law, University of Virginia School of Law

11:45 a.m. - 1:15 p.m.

Lunch Break

SYMPOSIUM OVERVIEW



1:15 p.m. - 2:45 p.m.

PANEL II. Technology and the Fourth Amendment: Surveillance and Security in the Digital Age

- **Chaz Arnett**, Associate Professor of Law, University of Maryland Carey School of Law
- **Jamil N. Jaffer**, Founder & Executive Director, National Security Institute; Director, National Security Law & Policy Program; Assistant Professor, George Mason University Antonin Scalia Law School
- **Jennifer Lynch**, Surveillance Litigation Director, Electronic Frontier Foundation
- **Moderator: Kay L. Levine**, Professor of Law, Emory University School of Law

3:00 p.m. - 4:30 p.m.

PANEL III. Antitrust & Big Tech: Consolidation and the Resulting Tension

- **Roger P. Alford**, Professor of Law, Notre Dame Law School
- **Babette E. Boliek**, Professor of Law, Pepperdine Caruso School of Law
- **Marina Lao**, Board of Visitors Research Scholar and Edward S. Hendrickson Professor of Law, Seton Hall University School of Law
- **Moderator: Lawrence A. Reicher**, Chief, Office of Decree Enforcement & Compliance (Antitrust Division), United States Department of Justice

SYMPOSIUM KEYNOTE ADDRESS



DANIELLE CITRON,

*Jefferson Scholars Foundation Schenck Distinguished Professor in Law,
University of Virginia School of Law*

Danielle Citron is the Jefferson Scholars Foundation Schenck Distinguished Professor in Law at UVA, where she writes and teaches about privacy, free expression and civil rights. Her scholarship and advocacy have been recognized nationally and internationally. In

2019, Citron was named a MacArthur Fellow based on her work on cyberstalking and intimate privacy. In 2018, she received the UMD Champion of Excellence award and in 2015, the United Kingdom's Prospect Magazine named her one of the Top 50 World Thinkers and The Daily Record named her one of the Top 50 Most Influential Marylanders.

Her book "Hate Crimes in Cyberspace" (Harvard University Press, 2014) was widely praised in published reviews, discussed in blog posts and named one of the 20 Best Moments for Women in 2014 by the editors of Cosmopolitan magazine. She has published more than 40 law review articles, including in the Yale Law Journal, Michigan Law Review (three times), California Law Review (twice), Southern California Law Review, Texas Law Review and many more, which have won professional awards from the International Association of Privacy Professionals as well as from the privacy think tank Future of Privacy. She has written more than 40 opinion pieces for major media outlets, including the New York Times, the Washington Post, the Atlantic, the Guardian, Time and Slate.

For the past decade, Citron has worked with lawmakers, law enforcement and tech companies to combat invasions of intimate privacy. In June 2019, she testified before Congress about the national security and privacy risks of deepfakes and have been working with Hill staff on a bill to criminalize digital forgeries. She has been deeply involved in reform efforts around the regulation of online platforms. In October 2019, she testified before Congress about Section 230 of the Communications Decency Act. She is currently working with Senate and House staff (both for individual members as well as committees) on proposed Section 230 amendments, and has been working with major tech companies on privacy matters. Since 2011, she has been a member of Facebook's Non-Consensual Intimate Imagery Task Force and an adviser and a member of Twitter's Trust and Safety Task Force and as an adviser to the company since 2009.

From 2014 to 2016, Citron served as an advisor to then-California Attorney General Kamala Harris and as a member of Harris' Task Force to Combat Cyber Exploitation and Violence Against Women. In October 2015, Citron, with Harris, spoke at a press conference to discuss her office's new online resource for law enforcement and individuals whose nude images were disclosed without consent. In 2011, Citron testified about misogynistic cyber hate speech before the Inter-Parliamentary Committee on Anti-Semitism at the House of Commons in the United Kingdom.

Citron is the vice president of the Cyber Civil Rights Initiative, a nonprofit devoted to fighting for civil rights and liberties in the digital age that was founded in 2013 and named after her article "Cyber Civil Rights." She serves on the boards of directors of the Electronic Privacy Information Center and the Future of Privacy, as well as on the Advisory Board of the Anti-Defamation League's Center on Technology and Society and the Center on Investigative Journalism. In 2020, she received a \$75,000 grant from the Knight Foundation to study the salutary impact of intimate privacy laws on victims, a project that she is co-leading with Canadian academic Jonathon Penney.

Citron will talk about Privacy's Promise: Sex, Love and Identity in the Digital Age.

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PANEL I: Personal Data Protection: How Technology Jeopardizes Privacy



MORGAN CLOUD,
(Moderator) *Charles
Howard Candler Professor
of Law, Emory University
School of Law*

Morgan Cloud is Charles Howard Candler Professor of Law. He teaches and writes about privacy law, constitutional criminal procedure, white collar crime, criminal law, and constitutional theory. His numerous scholarly articles have been published in leading journals, including the *Stanford Law Review*, the *University of Chicago Law Review*, the *Southern California Law Review*, and the *UCLA Law Review*. Cloud has been a distinguished visiting professor at universities in the United States and Europe. In Europe he has been a German Marshall Fund distinguished guest lecturer and has taught courses on Corporate Crime in a Global Economy, constitutional theory, and United States law at the University of Konstanz Law School in Germany, at the Central European University in Budapest, Hungary, and at the European Business School in Germany. He has lectured at various universities, including the University of Heidelberg and the University of Paris, Pantheon Sorbonne.

Before joining the Emory faculty, Cloud was a trial lawyer and litigator in Florida and California, litigating cases throughout the United States. He served as a program director for the National Institute for Trial Advocacy for more than twenty years and has lectured to practicing attorneys around the country about ethics, trial practice, civil litigation, and evidence. He has served as chairperson of the Section on Litigation of the Association of American Law Schools. He serves on the advisory board of the *Green Bag*, a journal devoted to legal history and legal policy issues.



ANITA ALLEN,
*Vice Provost for Faculty,
Henry R. Silverman Professor
of Law and Professor of
Philosophy, University of
Pennsylvania*

Anita L. Allen is an expert on privacy law, the philosophy of privacy, bioethics, and contemporary values and is recognized for scholarship about legal philosophy, women's rights, and race relations.

Her books include *Privacy Law and Society* (Thomson/West, 2016), the most comprehensive textbook on the US law of privacy and data protection; *Unpopular Privacy: What Must We Hide* (Oxford, 2011); *The New Ethics: A Guided Tour of the 21st Century Moral Landscape* (Miramax/Hyperion, 2004); *Why Privacy Isn't Everything: Feminist Reflections on Personal Accountability* (Rowman and Littlefield, 2003); and *Uneasy Access: Privacy for Women in a Free Society* (Rowman and Littlefield, 1988), the first monograph on privacy written by an American philosopher.

Prof. Allen has published more than a hundred scholarly articles, book chapters and essays; contributed to popular magazines, newspapers and blogs; frequently appears on nationally broadcast television and radio programs; and is active as a member of editorial, advisory, and charity boards and in professional organizations related to her expertise in law, philosophy and health care. In 2010, she was appointed by President Obama to the Presidential Commission for the Study of Bioethical Issues.

The first African-American woman to hold both a PhD in philosophy and a law degree, she is a graduate of Harvard Law School and received her Ph.D. in Philosophy from the University of Michigan.

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ROY E. BARNES,

*Former Georgia Governor;
Founder, Barnes Law Group*

Described as a “lawyer’s lawyer” and recognized by the American College of Trial Lawyers as one of the top trial attorneys in the nation, Roy E. Barnes knew from a young age what profession he wanted to pursue. His love of law and his commitment to serving others have never wavered.

A lifelong resident of Cobb County, Georgia, Roy Barnes received his undergraduate degree from the University of Georgia and graduated with honors from the Lumpkin School of Law at UGA in 1972. Upon graduation, he went to work as a prosecutor in the Cobb County District Attorney’s office, where he stayed until opening his first law firm in 1975.

For over 40 years, Gov. Barnes has tried civil and criminal cases throughout Georgia and in neighboring states including a successful class action lawsuit against Fleet Finance that received national recognition in the early 1990s. His practice has concentrated primarily on civil litigation, where he has developed an expertise in consumer class action cases, medical malpractice matters, products liability law, general tort matters and commercial litigation. Gov. Barnes has appeared in more than 250 cases in the state and federal appellate courts.

Gov. Barnes has been a public servant nearly as long as he has been a lawyer. At age 26, he was elected the youngest member of the Georgia State Senate. He went on to serve a total of eight terms and was a member of the Appropriations, Rules and Transportation committees. In addition, he was Chairman of the Select Committee on Constitutional Revision, which rewrote the state’s constitution as well as Chairman of the powerful Judiciary Committee. He also served as a floor leader to Governor Joe Frank Harris from 1983 to 1989.

After an unsuccessful bid for the Governor’s Office in 1990, he was elected to the State House of Representatives, where he served for six years and was Vice Chairman of the Judiciary Committee and Chair of the Subcommittee on General Law.

In 1998, Barnes was elected to serve as the 80th Governor of the State of Georgia. During his term, he concentrated on education reform, health care reform, and remedies for urban growth and sprawl. He created the Georgia Cancer Coalition and served as Chair of the Southern Regional Education Board, the Southern Governor’s Association, and the Education Commission of the States. He was defeated for reelection in large part because of his efforts to change the Georgia flag, a political decision for which he was honored with the 2003 John F. Kennedy Library Foundation Profile in Courage Award.

From the day he was elected governor, Roy Barnes knew he would return to the practice of law, which he has done through the establishment of The Barnes Law Group.



WOODROW HARTZOG,

*Professor of Law and Computer
Science, Northwestern University
School of Law*

Professor Hartzog joined the faculty of the School of Law in 2017 and holds a joint appointment with the Khoury College of Computer Sciences, where he teaches privacy and data protection issues. His research focuses on law and policy issues related privacy, digital technologies and artificial intelligence.

Professor Hartzog’s work has been published in numerous scholarly publications such as the Yale Law Journal, Columbia Law Review, California Law Review and Michigan Law Review, and popular national publications such as The New York Times, The Washington Post, The Guardian, The Atlantic and The

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Nation. He has testified three times before Congress on privacy and data protection issues. His book, *Privacy's Blueprint: The Battle to Control the Design of New Technologies* (Harvard University Press, 2018), has been called “one of the most important books about privacy in our times.”

Prior to joining the Northeastern faculty, Professor Hartzog was the Starnes Professor of Law at Samford University's Cumberland School of Law. He has also served as a visiting professor at Notre Dame Law School and the University of Maine School of Law. Professor Hartzog previously worked as an attorney in private practice and as a trademark attorney for the US Patent and Trademark Office. He also served as a clerk for the Electronic Privacy Information Center. He holds a PhD in mass communication from the University of North Carolina at Chapel Hill, an LLM in intellectual property from the George Washington University Law School and a JD from Samford University.

PANEL II: Technology and the Fourth Amendment: Surveillance and Security in the Digital Age



KAY L. LEVINE,
*(Moderator) Professor of Law,
Emory University School of Law*

Kay Levine is an empirical scholar who examines how criminal law works in the real world, with an emphasis on state courts in the United States. Her research focuses in particular on how prosecutors make decisions in their cases; interpret ethical rules; structure relationships with victims, judges, and defense attorneys; and think about their careers, all across a wide range of specialties (such as drug crimes and sex crimes). Her courses and curricular interests include Criminal Law, Criminal Procedure (both Police Investigations and Adjudication), Victimless Crimes, and the Colloquium Series Workshop.

Levine is writing a book titled *The Inside World of Prosecution*, in conjunction with Professor Ron Wright of Wake Forest University Law School. This work stems from their years of empirical research with approximately 270 prosecutors in state courts in the American Southeast and Southwest. The project offers a highly nuanced perspective on the job of prosecution in the 21st century – it examines the influences of office structure, leadership, and culture on prosecutorial decision-making, morale, and career mindsets. Levine also is researching drug enforcement patterns in Fulton County, Georgia, as part of a multidisciplinary project funded by the National Science Foundation. In that project, titled *Race, Place and Discretion*, the authors are exploring various legal actors' understanding of, and willingness to use, drug-free zone laws to impact drug selling activity in the county. The project includes review of thousands of court cases, as well as interviews with prosecutors, defense attorneys, police officers, judges, and active offenders in the criminal court community.

Levine's prior research about prosecutorial behavior has appeared in numerous law reviews and peer-reviewed journals, including the *Emory Law Journal*, the *Wake Forest University Law Review*, *Law and Social Inquiry*, the *Fordham Urban Law Journal*, the *Arizona Law Review*, and *Studies in Law, Politics and Society*. It has also appeared in specialty criminal law journals such as *The Stanford Journal of Criminal Law and Policy*, the *Journal of Criminal Law and Criminology*, *The American Criminal Law Review*, the *Ohio State Journal of Criminal Law*, and the *Virginia Journal of Criminal Law*.

Levine joined the Emory faculty in 2003. She graduated Phi Beta Kappa from Duke University and received her JD from the University of California-Berkeley, Boalt Hall School of Law, where she served as an editor on the *Berkeley Women's Law Journal*. She later earned both a master's degree and a PhD in jurisprudence and social policy from UC Berkeley. Before joining Emory, Levine served as a law clerk for the Honorable David Alan Ezra, US District Court, District of Hawaii; as a deputy district attorney in Riverside County, California; as a criminal defense consultant; and as an adjunct faculty member of Boalt

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Hall. Since joining Emory, she has earned both the Most Outstanding Professor Award and the Emory Williams Teaching Award.



CHAZ ARNETT,

*Associate Professor of Law,
University of Maryland Carey
School of Law*

Prof. Chaz Arnett teaches and holds expertise in the areas of criminal procedure, race and technology, juvenile law, and education law. His research interests rest at the intersection of race, surveillance, and technology. Prof. Arnett's scholarship has examined the ways in which surveillance measures are used within the criminal justice system, in corrections and policing, and the impact these practices have on historically marginalized groups and vulnerable populations. His most recent article, "From Decarceration to E-carceration" published in the *Cardozo Law Review*, explores the dangers presented by the use of electronic monitoring as an alternative to incarceration. His scholarship has been featured in *The Crime Report*, *Jotwell*, and *Jurist*, and discussed on the *Criminal Injustice* and *Ipse Dixit* podcasts. Prof. Arnett's current research agenda is aimed at highlighting how law and policy pave the way for new technologies, through their design and implementation, to reproduce and entrench legacies of state sponsored racialized surveillance.

Prior to joining the University of Maryland Law faculty, Prof. Arnett was an assistant professor of law at the University of Pittsburgh School of Law, where he was designated as a Distinguished Public Interest Professor for his commitment to furthering social justice in his teaching, scholarship, and service. Before teaching, he served as a trial attorney with public defender offices in Baltimore and New Orleans, and as a staff attorney with the Advancement Project, where he assisted in local and national campaigns aimed at combating the school-to-prison pipeline. As a recipient of the

Satter Human Rights Fellowship, he also worked with the International Center for Transitional Justice on issues of constitutional development in Zimbabwe, and asylum cases for Zimbabwean refugees in South Africa. He has received numerous awards and accolades for his commitment toward furthering human rights through criminal justice work. Professor Arnett holds a B.A. from Morehouse College, and a J.D. from Harvard Law School.



JAMIL N. JAFFER,

*Founder & Executive Director,
National Security Institute;
Director, National Security Law
& Policy Program; Assistant
Professor, George Mason*

University Antonin Scalia Law School

Jamil N. Jaffer is the Founder and Executive Director of the National Security Institute, and an Assistant Professor of Law and Director of the National Security Law & Policy Program at the Antonin Scalia Law School at George Mason University. Jamil is also Senior Vice President for Strategy, Partnerships & Corporate Development at IronNet Cybersecurity, a technology products startup founded by Gen (ret.) Keith B. Alexander, the former Director of the National Security Agency and Founding Commander of U.S. Cyber Command. In his role at IronNet, Jamil leads all of the company's strategic and technology partnership efforts, including developing go-to-market and technology integration plans with some of the largest cloud platforms and cybersecurity companies in the market, evaluating potential acquisition targets, and developing overall corporate strategy and thought leadership around collective security and collaborative defense in the cyber arena. In addition, Jamil is an advisor to Beacon Global Strategies, a strategic advisory firm; 4iQ, a deep and dark web intelligence startup; Duco, a technology platform startup that connects corporations with geopolitical and international business experts; and Amber, a digital authentication and verification startup.

Among other things, Jamil currently serves on the

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Board of Directors for the Greater Washington Board of Trade, the Board of Advisors for the Global Cyber Alliance, and the Advisory Board of the Foundation for the Defense of Democracies' Center on Cyber and Tech Innovation, and is a member of the Center for a New American Security's Artificial Intelligence and National Security Task Force and the CNAS Digital Freedom Forum. Jamil is also affiliated with Stanford University's Center for International Security and Cooperation.

Prior to his current positions, Jamil served on Capitol Hill in a variety of roles, including on the leadership team of the Senate Foreign Relations Committee and as a senior staff member of the House Intelligence Committee. Jamil also previously served in the Bush Administration in a number of positions, including on the leadership team of the Justice Department's National Security Division and in the White House as an Associate Counsel to President George W. Bush. Jamil also served as a law clerk to Justice Neil M. Gorsuch of the U.S. Supreme Court and Judge Edith H. Jones of the U.S. Court of Appeals for the Fifth Circuit, was a Visiting Fellow at the Hoover Institution from 2016-2019, taught classes at the George Washington University's Elliott School of International Affairs and the National Intelligence University, and holds degrees with honors from UCLA, the University of Chicago Law School, and the United States Naval War College.



JENNIFER LYNCH,

*Surveillance Litigation
Director, Electronic Frontier
Foundation*

As Surveillance Litigation Director, Jennifer Lynch leads EFF's legal work challenging government abuse of search and seizure technologies through the courts by filing lawsuits and amicus briefs in state and federal courts, including the U.S. Supreme Court, on important issues at the

intersection of technology and privacy. Jennifer founded EFF's Street Level Surveillance Project, which informs advocates, defense attorneys, and decisionmakers about new police tools. In 2017, the First Amendment Coalition awarded her its Free Speech and Open Government Award for her years-long litigation against the Los Angeles Police and Sheriff's Departments seeking access to Automated License Plate Reader (ALPR) records and for setting new precedent in California's public records law. In 2019, the Daily Journal named her to its annual list of Top 100 Lawyers in California, and in 2021, the Daily Journal further named her to its list of lawyers who "Defined the Decade" for her work "guarding privacy in an over-policed world." Jennifer has written influential white papers on biometric data collection in immigrant communities and law enforcement use of face recognition. She speaks frequently at legal and technical conferences as well as to the general public on technologies like location tracking, biometrics, algorithmic decisionmaking, and AI, and has testified on facial recognition before committees in the Senate and House of Representatives. She is regularly consulted as an expert on these subjects and others by major and technical news media.

PANEL III: Antitrust & Big Tech: Consolidation and the Resulting Tension



LAWRENCE A. REICHER

*(Moderator) Chief, Office
of Decree Enforcement &
Compliance (Antitrust
Division), United States
Department of Justice*

Larry Reicher is a graduate of Princeton University (cum laude) and Emory University School of Law (with honors). After law school, he began his law career in New York City with Cahill Gordon & Reindel and then Dechert.

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He moved to DC in 2016 and joined the Department of Justice as a trial attorney in the Telecommunications & Media section. He worked on the AT&T/Time Warner and T-Mobile-Sprint merger investigations before taking a detail assignment as counsel to the Assistant Attorney General. This summer, he was appointed the chief of the newly-created Office of Decree Enforcement, where he oversees enforcement of civil decrees and implementation of the criminal compliance program. He's won multiple Assistant Attorney General Awards and the John Marshall Award, the highest award the Department can give to an attorney. Outside of DOJ, Larry is a vice-chair of the ABA Antitrust Section's Media & Technology Section and an Executive Committee Member of the New York State Bar Association's Antitrust Section.



ROGER P. ALFORD,

*Professor of Law, Notre
Dame Law School*

Roger P. Alford joined the Notre Dame Law faculty in January 2012. Alford teaches and writes in a wide range of subject-matter areas, including international trade, international arbitration, international antitrust, and comparative law.

Alford earned his B.A. with Honors from Baylor in 1985, his J.D. with Honors from New York University, and his LL.M. from Edinburgh University. Before entering the legal academy, he served as a law clerk to Judge James Buckley of the United States Court of Appeals for the D.C. Circuit, and Judge Richard Allison of the Iran-United States Claims Tribunal in The Hague, Netherlands. He practiced law with Hogan & Hartson (now Hogan Lovells) in Washington, D.C., and was also a senior legal advisor to the Claims Resolution Tribunal for Dormant Activities in Zurich, Switzerland.

In addition to publishing widely in leading law reviews and journals, Alford is the general editor of Kluwer Arbitration Blog and on the Executive Committee of the Institute for Transnational Arbitration.

He is Concurrent Professor at the Keough School of Global Affairs, a Faculty Fellow at the Kellogg Institute for International Studies, and a Faculty Fellow at the Nanovic Institute for European Studies. He was the Academic Director of the London Global Gateway from 2016-2017 and Associate Dean for Graduate and International Programs from 2013-2017.

He served as the Deputy Assistant Attorney General for International Affairs with the Antitrust Division of the U.S. Department of Justice from 2017-2019.



BABETTE E. BOLIEK,

*Professor of Law, Pepperdine
Caruso School of Law*

Professor Babette Boliek joined the Pepperdine faculty in 2009 and conducts research in the fields of antitrust law, telecommunications, privacy law, and sports law. As an expert in the fields of economics and communications law, Professor Boliek was selected and served as the Chief Economist of the Federal Communications Commission from 2018 to 2019. Her research has been published in academic publications and law reviews such as *Boston College Law Review*, *Cornell Law Review*, *Fordham Law Review*, *Hastings Law Journal*, and the *Review of Industrial Organization*. Professor Boliek earned her BA with distinction from California State University, Chico, her JD from Columbia University School of Law, and her PhD in Economics from the University of California, Davis. While at Columbia, she was both a Harlan Fiske Stone Scholar and a John M. Olin Fellow for Law and Economics. Her doctoral, and much of her subsequent research, has focused

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on the theoretical and quantitative analysis of legal issues in the U.S. communications industry. Professor Boliek clerked for the Honorable Michael B. Mukasey of the U.S. District Court for the Southern District of New York and is admitted to practice law in the State of New York.

Prior to joining the faculty, Professor Boliek served as a Senior Fellow at the Information Economy Project at George Mason University School of Law. In this position, she combined her background in law with her education in economics to analyze media, the Internet, and telecommunications issues. Professor Boliek's work at George Mason drew upon, and extended, her prior work as a Fellow for the Center for Communication Law and Policy, a joint research venture of the University of Southern California Gould School of Law and the Annenberg School of Communication. In addition to her scholarly research at Pepperdine, Professor Boliek has been a Visiting Scholar for the American Enterprise Institute, regularly posting blogs for AEI.org on a variety of technology and telecommunications related issues. state legislatures.



MARINA LAO,

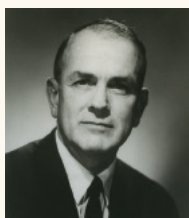
Board of Visitors Research Scholar and Edward S. Hendrickson Professor of Law, Seton Hall University School of Law

Marina Lao, the Board of Visitors Research Scholar and the Edward S. Hendrickson Professor of Law, joined the Seton Hall law faculty in 1994 after over a decade of practice experience in government and in the private sector. She took a leave of absence from February 2015 through June 2016 to serve as the Director of the Office of Policy Planning at the U.S. Federal Trade Commission. Professor Lao teaches courses on antitrust law, business associations, administrative law, and commercial law. She has written, lectured, and commented extensively on antitrust law and policy.

Additionally, Professor Lao has offered invited testimony to the House Judiciary Committee, and presented at hearings/workshops convened by the U.S. Federal Trade Commission and the Antitrust Division of the U.S. Department of Justice. She is a member of the advisory board of the American Antitrust Institute, and was Chair of the Section of Antitrust and Economic Regulation of the Association of American Law Schools.

Professor Lao was awarded a Fulbright Fellowship in 2007-2008 to the University of Munich and the Max Planck Institute for Intellectual Property, Competition and Tax Law in Munich, where she taught U.S. Antitrust Law. She was named the inaugural Maury Cartine Research Endowment Fellow in 2010, the Andrea Catania Fellow for Excellence in Teaching for 2003-2005, and the Dean's Fellow for 2003-2005, and 2000-2001.

Professor Lao began her legal career with the U.S. Department of Justice, Antitrust Division, as a trial attorney under the Honors Program following graduation from Albany Law School on a three-year full scholarship.



RANDOLPH W. THROWER was a leader in virtually every endeavor of his long and active life, which included a remarkable legal career, a dedication to public service, and a devotion to Emory University.

Thrower graduated from Emory University (BPh 1934; JD 1936, first honors). He joined the law firm of Sutherland, Tuttle & Brennan in 1936, practiced in the firm's Atlanta and Washington offices, and was proud to be a partner at Sutherland until his death. During World War II he served in the FBI as a special agent (1942–1943) and as captain in the United States Marine Corps, with overseas service in the Philippines and Okinawa (1944–1945). He returned to the firm and practiced primarily in the area of federal taxation, including tax controversies, litigation, estate planning and administration, and general corporate and individual tax related matters.

From 1969 to 1971 Thrower served as commissioner of the Internal Revenue Service. In that position he worked through many high-profile and contentious issues, including the development of a policy to deny tax-exempt status for private schools that discriminate on the basis of race. But the most difficult issues were not visible to the public. Thrower steadfastly refused efforts by the Nixon White House to misuse the IRS and, as a result, was directed by the president to resign. He quietly returned to the practice of law; only after the Watergate hearings did he understand what he had been dealing with and speak publicly of his experiences. Thrower's integrity, courage, and fairness in these and other matters were widely recognized and applauded.

Thrower was president of the American Bar Foundation, the research arm of the ABA, and served for ten years on its executive committee. He was Chair of the ABA's Section on Taxation and served in the ABA House of Delegates for seventeen years. He was a member of the ABA Commission on Women in the Profession from its inception in 1987 until 1993, and was chair of the State Bar Committee on the Involvement of Women and Minorities in the Profession. He was one of the founders and the first president of the Court of Federal Claims Bar Association. He was a founding trustee, in 1963, of the Lawyers' Committee for Civil Rights Under Law. He was also president of the Atlanta Bar Association, the Lawyers Club of Atlanta, and the Atlanta Legal Aid Society. From 1980 to 1992 he served as chair of the City of Atlanta's Board of Ethics and was co-chair of an investigation into allegations of cheating on police promotion exams. Well into his nineties he was chair of the Georgia Wilderness Institutes, which provide alternatives to incarceration for criminally-delinquent youth.

In 1993 the ABA awarded him the American Bar Association Medal, its highest honor, for exceptionally distinguished service by a lawyer to the cause of American jurisprudence. Thrower received many other accolades, including honorary degrees from Emory University

RANDOLPH W. THROWER

(1984) and Wesleyan College (2006), the American Inns of Court Professionalism Award for the Eleventh Circuit, the Leadership Award of the Atlanta Bar Association, the Founders Award of the Lawyers' Committee for Civil Rights Under Law, the Lifetime Anti-Defamation League Achievement Award, a special tribute from the Atlanta Legal Aid Society on its 75th anniversary, and the Coverdell Good Government Award. In 2008 Thrower was honored by the *Fulton County Daily Report*, which described him as a "Living Legend of the Law."

Thrower passed away at the age of 100 in March of 2014. The *Emory Law Journal* and Emory University School of Law are privileged to honor his memory and accomplishments by continuing to host this Symposium which bears his name and whose success results from his contributions and support.

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