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Stanley D. and Nikki Waxberg Chair in Law  
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## **EDUCATION**

### **Université de Paris I (Panthéon-Sorbonne)**

**Ph.D (Doctorat en droit )** (2003) awarded *mention très honorable avec félicitations du jury* (summa cum laude) ; Ph.D Publications: *Le droit et les réseaux internationaux d'information* (« Law and International Information Networks»)

**D.E.A. droit international économique** (1987) awarded *mention bien* (magna cum laude)

### **Columbia University School of Law**

**J. D.**, (1986) Harlan Fiske Stone Scholar; Parker Program Honors Certificate for Studies in International and Foreign Law; Articles Editor, *Columbia Journal of Transnational Law*

### **Dartmouth College**

**A.B.** (1983) awarded Magna Cum Laude with High Honors in Government

## **ACADEMIC POSITIONS**

### **Fordham University**

Stanley D. Waxberg and Nikki Waxberg Chair, 2010-  
Associate Vice President for Academic Affairs and Associate Chief Academic Officer, 2008 – 2009;  
Professor of Law, 1997 – ; Associate Professor of Law, 1990-1997 (tenure granted 1995)  
Courses: Contracts, Information Technology Law; Information Privacy Law; Intellectual Property Law; International Trade Regulation; Introduction to the US Legal System.

### **Université de Paris I (Panthéon-Sorbonne)**

Visiting Professor, DESS droit et globalisation économique 2003-2004  
Visiting Professor, DEA droit anglais et nord américain des affaires, 1996-1997  
Courses: Comparative contracts; E-commerce; Internet Regulation

### **Institut d'études politiques de Paris**

Visiting Professor, DESS droit et globalisation économique 2003-2004

### **Université de Paris V (René Descartes)**

Guest Professor, 1996

## **ACADEMIC ADMINISTRATIVE EXPERIENCE**

### **Fordham University**

Associate Vice President for Academic Affairs and Associate Chief Academic Officer, 2008 – 2009  
President of the University Faculty Senate, 2007-2008  
Executive Committee of the University Faculty Senate, 2006-2008  
Chair, University Faculty Technology Committee, 2005 – 2007 (member since 2002)  
Elected member of the University Faculty Senate, 2004 – 2008  
Presidential Appointment to the University Research Council, 2000-2006  
Board of Advisors, Donald McGannon Communications Research Center, GSA&S, 2005-  
University Information Technology Advisory Committee, 1997- 1999

### **Fordham University School of Law**

Founding Director, Center on Law and Information Policy, 2005 –  
Director of LL.M in Intellectual Property and Information Technology Law, 2006-2008  
Director of the Graduate Program, 1999 – 2001  
Director of Graduate Program- Academic Affairs, 1998-1999  
Chair, International Program & Curriculum Committee, 1997- 2003; 2004 – 2006  
Chair, Graduate Program Committee, 1998-2001  
ABA Accreditation Self-Study Committee, 1992-1994

### **Fordham University and Law School Search Committees**

Senior Vice President for Academic Affairs, 2006-2007  
Vice President for Information Technology/CIO, 2005  
Law School Assistant Dean for International and Non-JD Programs 2005/06  
Mulligan Distinguished Visitors Chair, 1997 - 1999  
Law School Director of Information Systems, 1995

## **PROFESSIONAL EXPERIENCE**

### **Special Assistant Attorney General for the State of Washington (2003)**

Counsel in connection with Verizon Corp. v. Showalter, No. CV02-234R (W.D. Wash.)

### **AT&T Laboratories, Public Policy Research Department (Summer 1996)**

Visiting Professor for project on network policy and technical standardization

### **Debevoise & Plimpton (Washington, DC) (1987-1990)**

Associate with firm's international telecommunications group (matters included European telecommunications liberalization and competition law, data protection regulation, and intellectual property rights)

### **PROMETHEE (Paris, France) (1986-1987)**

Friedmann Fellow (responsible for intellectual property policy studies and publication within PROMETHEE's work program.)

## **BIBLIOGRAPHY**

### **Books**

LES SERVICES EN LIGNE ET LA PROTECTION DES DONNÉES: LES RÉPONSES DE LA RÉGLEMENTATION (avec Paul Schwartz)(Office des publications officielles des Communautés européennes : 1999)

ON-LINE SERVICES AND DATA PROTECTION LAW: REGULATORY RESPONSES (with Paul Schwartz)(Office of Official Publications of the European Commission:1998) also at <<http://europa.eu.int/comm/dg15/en/media/dataprot/studies/regul.pdf>>

DATA PRIVACY LAW (with Paul Schwartz)(Michie: 1996)

### **Monographs**

CHILDREN'S EDUCATIONAL RECORDS AND PRIVACY: A STUDY OF ELEMENTARY AND SECONDARY SCHOOL REPORTING SYSTEMS (with Jamela Debelak et al)(CLIP Research Report: 2009) available at <http://law.fordham.edu/childrensprivacy>

COMPARISON OF PRIVACY AND TRUST POLICIES IN THE AREA OF ELECTRONIC COMMUNICATIONS (with Scott Marcus, Neil Robinson, Yves Poullet, Adam Peake, et al) (European Commission: 2008) available at: [http://ec.europa.eu/information\\_society/policy/ecomms/doc/library/ext\\_studies/privacy\\_trust\\_policies/final\\_report\\_29\\_02\\_08.pdf](http://ec.europa.eu/information_society/policy/ecomms/doc/library/ext_studies/privacy_trust_policies/final_report_29_02_08.pdf)

SAFE HARBOR DECISION IMPLEMENTATION STUDY (with Jan Dhont, Maria Veronica Perez Asinari, Yves Poullet, Lee Bygrave) (European Commission: 2004) available at [http://europa.eu.int/comm/internal\\_market/privacy/docs/studies/safe-harbour-2004\\_en.pdf](http://europa.eu.int/comm/internal_market/privacy/docs/studies/safe-harbour-2004_en.pdf)

THE FUNCTIONING OF THE US-EU SAFE HARBOR PRINCIPLES (with Privacy Laws & Business) (2001)

### **Book Chapters**

*La régulation de l'Internet par la technique et la Lex Informatica*, in LA COHERENCE DES REGULATIONS ECONOMIQUES, Marie Anne Frison-Roche (Daloz : 2005)

*International Approaches to Public and Private Data Privacy and Security* in NATIONAL SECURITY, NEW TECHNOLOGIES, AND INDIVIDUAL PRIVACY: SHAPING A 21st CENTURY PUBLIC INFORMATION POLICY, Peter Shane and John Podesta, eds., (Century Fund Press: 2004)

*La faillite de Toysmart*, in C.N.I.L., LA 23IÈME CONFÉRENCE INTERNATIONALE DES COMMISSAIRES À LA PROTECTION DES DONNÉES : VIE PRIVÉE-DROIT DE L'HOMME (Doc. française : 2002) companion English version : *The Toysmart Bankruptcy*, in C.N.I.L., THE 23<sup>rd</sup> INT'L CONFERENCE OF DATA PROTECTION COMMISSIONERS (Doc. française: 2002)

*Privacy Protection and the Interdependence of Law, Technology and Self-Regulation* in CAHIERS DU CENTRE DE RECHERCHES EN INFORMATIQUES ET DROIT : VARIATIONS SUR LE DROIT DE LA SOCIÉTÉ DE L'INFORMATION (Bruylant : 2001) companion French version : *La vie privée et l'interdépendance du droit, de la technologie et de l'autorégulation*, in C.N.I.L., LA 23IÈME CONFÉRENCE INTERNATIONALE DES COMMISSAIRES À LA PROTECTION DES DONNÉES : VIE PRIVÉE-DROIT DE L'HOMME (Doc. française : 2002)

*L'encadrement juridique de l'Internet aux Etats-Unis*, in L'INTERNET ET LE DROIT: DROIT EUROPÉEN ET COMPARÉ DE L'INTERNET (Légipresse: 2001)

*L'instabilité et la concurrence des régimes réglementaires dans le Cyberspace*, in LES INCERTITUDES DU DROIT (Ejan MacKaay, éd.)(Editions Thémis: 1999).

*A Movement toward Obligatory Standards of Fair Information Practices in the United States* in VISIONS OF PRIVACY IN THE 21st CENTURY (Colin Bennett & Rebecca Grant, eds., Univ. of Toronto Press: 1999).

*Information Flows on the Global Infobahn, in THE NEW INFORMATION INFRASTRUCTURE: STRATEGIES FOR U.S. POLICY* (Wm. Drake, ed., Twentieth Century Fund Press: 1995)

#### **Law Review Articles**

*The Rule of Intellectual Property Law in the Network Economy*, 44 HOUSTON L. REV. 1073 (2007)

*Technology and Internet Jurisdiction*, 153 UNIV. OF PENN. L. REV. 1951 (2005)

*Privacy Wrongs in Search of Remedies*, 54 HASTINGS L. J. 877 (2003)

*E-commerce and TransAtlantic Privacy*, 38 HOUSTON L. REV. 717 (2001)

*Resolving Conflicting International Privacy Rules in Cyberspace*, 52 STANFORD L. REV. 1315 (2000).

*Lex Informatica: The Formulation of Information Policy Rules through Technology*, 76 TEXAS L. REV. 553 (1998).

*Governing Networks and Rule-Making in Cyberspace*, 45 EMORY L. J. 911 (1996) *reprinted in* BORDERS IN CYBERSPACE: INFORMATION POLICY AND THE GLOBAL INFORMATION INFRASTRUCTURE (Brian Kahin & Charles Nesson, eds., MIT Press: 1997).

*Setting Standards for Fair Information Practice in the U.S. Private Sector*, 80 IOWA L. REV. 497 (1995)

*The Fundamental Role of Privacy and Confidence in Networks*, 30 WAKE FOREST L. REV. 105 (1995)(with Françoise Gamet-Pol)

*The Privacy Obstacle Course: Hurdling Barriers to Transnational Financial Services*, 60 FORDHAM L. REV. S137 (1992).

## Specialized Journal Articles

*States and Internet Enforcement*, 1 UNIV. OTTAWA TECH. L. J. 213 (2004)

*Les états et la régulation d'Internet*, JURIS CLASSEUR : COMMUNICATION COMMERCE ÉLECTRONIQUE, étude 11, mai 2004

*Yahoo and Democracy on the Internet*, 42 JURIMETRICS 261 (2002)

*L'affaire Yahoo et la démocratisation internationale de l'internet*, JURIS CLASSEUR : COMMUNICATION COMMERCE ÉLECTRONIQUE, chron. 12, mai 2001

*Restoring Americans' Privacy in Electronic Commerce*, 14 BERKELEY TECH. L. J. 771 (1999).

*Rules of the Road on Global Electronic Highways: Merging the Trade and Technical Paradigms*, 6 HARVARD J. LAW & TECH. 287 (1993).

*Privacy in the Information Economy-- A Fortress or Frontier for Individual Rights?*, 44 FED. COMM. L. J. 195 (1992).

*Note, U.S. Software Protection: Problems of Trade Secret Estoppel under the Brazilian Transfer of Technology and UNCTAD Regimes*, 23 COLUM. J. TRANSNAT'L L. 679 (1985).

## Legal Publications

*Law and Networks*, 6 Int'l Law Forum du droit int'l 5 (2004)

*Can user agents accurately represent privacy notices?*, TPRC 30th Research Conference Paper # 65 (with Lorrie Cranor) (2002)

*L'expérience américaine: aspects juridiques du commerce électronique*, GAZETTE DU PALAIS (NOUVELLES TECHNOLOGIES , Nos. 291-293 , 10 (1998).

*International Data Flows and Methods to Strengthen International Co-operation* in PROCEEDINGS OF 20<sup>th</sup> INT'L CONFERENCE OF DATA PROTECTION AUTHORITIES (Agencia de Protecciones de Datos: 1998)

*The Use of Technology to Assure Internet Privacy: Adapting Labels and Filters for Data Protection*, LEX ELECTRONICA, <<http://www.lex-electronica.org>> (Vol. 3, No. 2, 1997).

*Multimedia as a New Challenge and Opportunity in Privacy: The Examples of Sound and Image Processing* in Symposium: Multimedia and Data Protection, 22 MATERIALIEN ZUM DATENSCHUTZ, 9-12 (Berlin Data Protection Commission: Aug. 1995)  
<<http://www.datenschutz-berlin.de/infomat/heft22/teil2.htm>>.

*Information Property: Some Intellectual Property Aspects of the Global Information Economy*, 10 INFO. AGE 3 (1988).

*Observations, Journées de Montpellier consacrées à l'entreprise, l'information et le droit*, J.C.P. CAHIERS DE DROIT DE L'ENTREPRISE, Mars, 1988, at 19, 44.

*French Taxation of Software: Some International Considerations*, 1 INT'L COMPUTER LAW ADVISER 15 (1987).

### **Miscellaneous Publications**

*Législation du commerce électronique: Une perspective franco-américaine*, TELECOM Revue de l'Association Amicale des Ingénieurs de l'École Nationale Supérieure des Télécommunications, Printemps 1997, 45.

*Personal Information and Global Interconnection: The Challenge of Regulatory Convergence*, PROJECT PROMETHEE PERSPECTIVES, Dec. 1991, 27.

*An American Solution to TBDF Personal Data Contractual Problems*, PRIVACY L. & BUS., Dec. 1991, at 12-14.

*A Commentary on Data Protection, Privacy and Regulatory Conflicts Between the European Community and the United States*, ACCESS REPORTS, May 1991, 5.

*The European Community Broadcast Directive: The Need for a Fresh Look at its Impact on Fundamental Human Rights of Broadcasters and the Public* (with Robert Bruce and Fred Cate), The Annenberg Washington Program Working Papers on the Transatlantic Dialogue on European Broadcasting (Paris: October 3, 1989).

*Trade Solutions Should Avoid Extremes* (with Eric Schnurrer), ST. LOUIS POST-DISPATCH, Jan. 24, 1989, at 3B, col. 2.

*Toward Information Rights and Fair Competition*, PROJECT PROMETHEE PERSPECTIVES, July 1987, C-9.

*Networking Strategies and the Search for a New Regulatory Framework* (with A. Bressand and C. Distler), PROJECT PROMETHEE PERSPECTIVES, Apr. 1987, C-5.

## **PROFESSIONAL MEMBERSHIPS AND ASSOCIATIONS**

### **Association of American Law Schools**

Chair, 1996, Section on Computers & Law

Chair, 1998, Secretary, 1996, Section on Defamation & Privacy

### **American Bar Association**

ABA Site Inspector for Columbia University School of Law ABA Approved Cooperative Program for Foreign Study (2002); ABA Site Inspector for Cornell Law School ABA Approved Cooperative Program for Foreign Study(2002)

### **Member of the Association of the Bar of the City of New York (1988 - )**

Served on the Computer Law Committee; Foreign & Comparative Law Committee; Information Technology Law Committee

## **Fordham Continuing Legal Education Program**

Lecturer on computer law (1991)

**Admitted to the Bar of the State of New York (1986) and the District of Columbia (1988)**

## **ACADEMIC RESEARCH GRANTS AND FELLOWSHIPS**

**World Intellectual Property Organization, Geneva, Switzerland (2010-11)**

**Commission of the European Communities/WiK Rand-Europe Consortium (2007)**

**Commission of the European Communities/FUNDP, Namur Belgium (2003-04)**

**Commission of the European Communities/ARETE (Paris, France)(1997/98)**

**AT&T Laboratories Public Policy Research (1996)**

**Commission of the European Communities**

**/Research Institute for Data Protection Law, Goethe University (1993/94)**

**The Twentieth Century Fund Global Information Economy Project (1992-95)**

**Fordham University Faculty Fellowships 2003/04; 1996/97**

**Fordham School of Law Summer Research Grants: 1991-1992, 1994-1996; 2000-03; 2010**

**Fordham University Faculty Research Grant Award (1991/92)**

**Parker School of Foreign & Comparative Law (Columbia University) Fellowship for Graduate Study (1986/87)**

## **CORPORATE TEACHING GRANTS**

**Mead Data Central (1994)** Software and development support for electronic course materials

**Lawyer's Cooperative Publishing (1995)** Hardware support and CD-Rom technology

## **GOVERNMENT SERVICE, ADVISORY PANELS AND TESTIMONY**

**Congressional testimony.** *Hearing on "How data can be used to inform educational outcomes"* before the House Committee on Education and Labor, 111th Cong., 1st Sess. (April 14, 2010) (Statement on children's educational record databases and privacy)

**Elected Member, Millburn Township (New Jersey) Board of Education** ( K-12 school district with approximately 4500 students and \$63 million budget in 2005/06. Elected 2001, re-elected 2002, reelected 2005. Committee Assignments: Finance, Negotiations, Policy, Program, Student Liaison)

**French National Privacy Commission.** *Audition relative à la problématique des « centrales positives» en séance plénière du 13 mai 2004 de la Commission nationale d'informatique et des libertés.* Hearing before the French National Privacy Commission on Credit Reporting (May 13, 2004)(statement on US experiences and the Fair Credit Reporting Act)

**Congressional testimony.** *Hearing on "Affiliate Sharing Practices and Their Relationship to the Fair Credit Reporting Act"* before the Senate Banking Committee, 108th Cong., 1st Sess. (June 25, 2003) (Statement on affiliate sharing)

**Congressional testimony.** *Hearing on "The Importance of the National Credit Reporting System to Consumers and the U.S. Economy"* before the Subcomm. on Financial Institutions and Consumer Credit of the House Committee on Financial Services, 108th Cong., 1st Sess. (May 8, 2003) (Statement on

affiliate sharing and pre-screening)

**European Commission.** *Internal Market Directorate General,, Data Protection Conference on the Implementation of Directive 95/46/EC*, presentation on international issues (Brussels: Sept. 30-Oct. 1, 2002)

**Congressional testimony** *Hearing on the EU Data Protection Directive: Implications for the US Privacy Debate before the Subcomm. on Commerce, Trade and Consumer Protection of the House Comm. On Energy and Commerce*, 107th Cong., 1st Sess. (March 8, 2001)(statement on the safe harbor agreement)

**N.Y. Attorney General's Office**, Invited Expert for Privacy Workshop, New York, NY: Feb. 8, 2001.

**Congressional testimony.** *Oversight Hearing on Privacy and Electronic Commerce before the Subcomm. on Courts and Intellectual Property of the House Comm. on the Judiciary*, 106th Cong., 2nd Sess. (May 18, 2000)(statement on information privacy regulation)

**National Association of Attorneys General.** Invited expert presentations on privacy in financial services and direct marketing at NAAG Privacy Workshop (New York: Sept. 23-24, 1999)

**U.S. Department of Commerce.** Filed Joint Comment Letter on International Privacy Safe Harbor Principles (November, 1998)

**Comptroller of the Currency.** Presentation at OCC Privacy Forum (Washington, DC: Oct. 19, 1998)

**White House Privacy Summit:** *Public Meeting on Internet Privacy, U.S. Department of Commerce*, Washington, D.C.: June 23-24, 1998 (panelist on "Evaluating the effectiveness of self-regulation.")

**U.S. Department of Commerce.** *Invited Expert, Privacy Consultation Workshops*, Washington, D.C.: May - June 1998.

**Member, Project Group of the Organization for Economic Co-operation and Development.** Proposals for Consumer Protection in Electronic Commerce (1997/98).

**In re: Trans Union Corporation, F.T.C. Docket No. 9255** (on remand from *Trans Union Corp. v. F.T.C.*, 81 F.3d 228 (D.C. Cir., 1996). Expert Consultant/Witness for the Federal Trade Commission (1997 - ).

**Forum on Protecting Children in an Information Society convened by Congressman Bob Franks**, Cranford, N.J.: June 24, 1996 (presentations on risks and solutions).

**Federal Trade Commission.** *Public Workshop on Consumer Privacy on the Global Information Infrastructure*, F.T.C. Project P954807, Washington, DC: June 4, 1996 (presentation and panel discussant.)

**European Commission.** *Expert Presentation before the Working Party on the Protection of Individuals with regard to the Processing of Personal Data, European Commission, Directorate General XIII*, Brussels, Jan. 17, 1996 (presentation and discussion of fair information practices in the United States).

**Member, Advisory Panel of the U.S. Congress Office of Technology Assessment**, Study of Information Technology and International Money Laundering (1994/95).

**Member, Advisory Panel of the U.S. Congress Office of Technology Assessment**, Study of Information Security in a Networked Environment (1994).

**National Information Infrastructure Security Issues Forum.** *"Security of the Electronic Delivery of Government Information and Services:" Joint Hearings before the Information Infrastructure Task Force and the U.S. Advisory Council on the N.I.I.*, Raleigh, N.C., Jan. 27, 1995 (statement on the use and treatment of personal information).

**Information Infrastructure Task Force**, *Working Group on Privacy*, Washington, D.C., Dec. 7, 1993 (statement on fair information practice issues).

**Congressional testimony.** *Telecommunications Network Security: Hearings before the Subcomm. on Telecommunications and Finance of the House Comm. on Energy and Commerce*, 103rd Cong., 1st Sess. 63-76 (1993)(statement on computer privacy issues).

**Commission d'accès à l'information du Québec**, Québec, Canada, Nov. 19, 1992 (Visiting Scholar Presentation: "La protection des renseignements personnels dans le secteur privé (approche américaine)."

**Computer Associates v. Altai, E.D.N.Y. Case No. 89-0811.** Expert affidavit on international intellectual property issues (filed on behalf of Altai, November 1994)[continuation of *Computer Assoc. v. Altai*, 982 F.2d 693 (2nd Cir., 1992)].