

ALAN Z. ROZENSHTEN

Associate Professor of Law

University of Minnesota Law School

ACADEMIC POSITIONS

University of Minnesota Law School, Minneapolis, MN

Associate Professor of Law (with tenure), 2024 –

Associate Professor of Law, 2019 – 2024

Visiting Assistant Professor of Law, 2017 – 2019

Affiliate Faculty, University of Minnesota Law School Human Rights Center and University of Minnesota Consortium on Law and Values in Health, Environment & the Life Sciences

Courses Taught: Artificial Intelligence and the Law, Constitutional Law: Federalism and Separation of Powers, Criminal Procedure: Investigation, Cybercrime and Cybersecurity, Legislation and Regulation

Brookings Institution, Washington, DC

Nonresident Senior Fellow, 2024 –

University of Nebraska College of Law, Lincoln, NE

Visiting Faculty Fellow, 2020 – 2024

Harvard University, Cambridge, MA

Affiliate, Berkman Klein Center for Internet and Society, 2018 – 2019

Georgetown University Law Center, Washington, DC

Adjunct Professor of Law, 2017

Courses Taught: Cybercrime and Technological Insecurity

PUBLICATIONS

Principal Scholarship

The NetChoice Cases and the Future of the Digital First Amendment, 5 JOURNAL OF FREE SPEECH LAW (forthcoming 2024) (with Kyle Langvardt)

The Virtuous Executive, 108 MINNESOTA LAW REVIEW 605 (2023)

January 6, Ambiguously Inciting Speech, and the Overt-Acts Solution, 37 CONSTITUTIONAL COMMENTARY 275 (2022) (with Jed Handelsman Shugerman)

Silicon Valley's Speech: Technology Giants and the Deregulatory First Amendment, 1 JOURNAL OF FREE SPEECH LAW 337 (2021)

Digital Disease Surveillance, 70 AMERICAN UNIVERSITY LAW REVIEW 1511 (2021)

Wicked Crypto, 9 UC IRVINE LAW REVIEW 1181 (2019)

Surveillance Intermediaries, 70 STANFORD LAW REVIEW 99 (2018)

Additional Scholarship

- Beyond the Editorial Analogy: Social Media Must-Carry Laws and the First Amendment*, in THE ELGAR COMPANION TO FREEDOM OF SPEECH AND EXPRESSION (Ashutosh Bhagwat & Alan K. Chen eds., Edward Elgar Publishing forthcoming 2025) (with Kyle Langvardt)
- First Amendment Constraints on AI Regulation*, in ELGAR CONCISE ENCYCLOPEDIA OF ARTIFICIAL INTELLIGENCE AND THE LAW (Ryan Abbott ed., Edward Elgar Publishing forthcoming 2025)
- Personhood Credentials: Artificial Intelligence and the Value of Privacy-Preserving Tools to Distinguish Who Is Real Online* (Aug. 2024) (with Steven Adler et al.), <https://arxiv.org/abs/2408.07892>
- Interpreting the Ambiguities of Section 230*, 41 YALE JOURNAL ON REGULATION BULLETIN 60 (2024) (expanded version of *Interpreting the Ambiguities of Section 230*, BROOKINGS INSTITUTION (Oct. 26, 2023))
- Beyond the Editorial Analogy: The Future of the First Amendment on the Internet*, COMMUNICATIONS OF THE ACM, Jan. 2024, at 36 (with Kyle Langvardt)
- Moderating the Fediverse: Content Moderation on Distributed Social Media*, 3 JOURNAL OF FREE SPEECH LAW 217 (2023) (reprinted in MEDIA AND SOCIETY AFTER TECHNOLOGICAL DISRUPTION 177 (Kyle Langvardt & Gus Hurwitz eds., Oxford Univ. Press 2024))
- Review of Martha Minow, *Saving the News: Why the Constitution Calls for Government Action to Preserve Freedom of Speech* (2021), 21 INTERNATIONAL JOURNAL OF CONSTITUTIONAL LAW 1240 (2023)
- Trends in Ransomware Attacks on US Hospitals, Clinics, and Other Health Care Delivery Organizations, 2016-2021*, 3 JAMA HEALTH FORUM e224873 (2022) (with Hannah T. Neprash et al.)
- Cost-Benefit Analysis and the Digital Fourth Amendment*, 40 CRIMINAL JUSTICE ETHICS 75 (2021) (reviewing Ric Simmons, *Smart Surveillance: How to Interpret the Fourth Amendment in the Twenty-First Century* (2019))
- Fourth Amendment Reasonableness After Carpenter*, 128 YALE LAW JOURNAL FORUM 943 (2019)
- Recent Legislation, National Defense Authorization Act for Fiscal Year 2012*, 125 HARVARD LAW REVIEW 1876 (2012)

Commentary (selected)

- Regular contributions, LAWFARE (<https://www.lawfaremedia.org/contributors/arozenstein>)
- The Platforms Should Win the NetChoice Content Moderation Cases—but Narrowly*, YALE JOURNAL ON REGULATION NOTICE & COMMENT (Feb. 11, 2024) (with Kyle Langvardt)
- The First Amendment Is No Defense for Trump’s Alleged Crimes*, ATLANTIC (Aug. 15, 2023)
- The Prosecution of Trump Runs Into Some Serious First Amendment Troubles*, ATLANTIC (Dec. 20, 2022) (with Jed Handelsman Shugerman)
- The Case for Prosecuting Donald Trump*, PERSUASION (Aug. 31, 2022) (with Jed Handelsman Shugerman)
- The Great Liberal Reckoning Has Begun*, ATLANTIC (Sept. 22, 2020)
- It’s the Beginning of the End of the Internet’s Legal Immunity*, FOREIGN POLICY (Nov. 13, 2017)

PROFESSIONAL ACTIVITIES

Media

Senior Editor and Research Director, Lawfare

Quoted in: ABC, AP, Age (Australia), Atlantic, Bloomberg, Business Insider, BuzzFeed, CBC, CNN, Financial Times, Forbes, Hill, Information, Minnesota Star Tribune, National Journal, New York Times, New Yorker, South China Morning Post, Reuters, Roll Call, Rolling Stone, Verge, Wall Street Journal, Washington Examiner, Washington Post, Wired

TV appearances: CBC, CNN, Fox Business, MSNBC, Reuters, Scripps,

Radio appearances: Bloomberg Businessweek, Minnesota Public Radio

Podcast appearances: Lawfare Daily, Rational Security, Vox's Today Explained, Public Policy this Week, Cyberlaw Podcast

Academic

Constitutional Commentary, Editor

Law and Technology Workshop, Organizer

Cybersecurity Law and Policy Conference, Organizer

ACM Symposium on Computer Science and Law, Program Committee

Reviewer: Annual Review of Criminal Procedure (vol. 49), CQ Press, Federal Law Review (Australia), Internet Policy Review, Minnesota Law Review, New Criminal Law Review, Oxford University Press, Texas National Security Review, Yale Law Journal

Affiliations

Term Member, Council on Foreign Relations, 2021 –

Scholars Strategy Network, 2019 –

Service

Committees: Clerkships (chair), Dean's Search, Appointments, Education Policy, Faculty Works in Progress

Hiring committees: Assistant Dean of Diversity, Equity, and Inclusion; Director of Student Affairs

Faculty advisor: Minnesota Law Review; Minnesota Journal of Law, Science & Technology

WORKSHOPS AND PRESENTATIONS

Workshops

Beyond the Editorial Analogy: The Future of the First Amendment on the Internet

Public Law Workshop, University of Minnesota Law School, November 2023

The Virtuous Executive

Faculty Workshop, Penn State Law School, September 2022

Seventh Annual Administrative Law New Scholarship Roundtable, University of Minnesota Law School, June 2022

Law and Governance Series, University of Pennsylvania Law School, April 2022

Power in the Administrative State Workshop, University of Pennsylvania Law School, March 2022

Constitutional Law Scholars Forum Conference, Barry University Law School, February 2022

AALS New Voices in Administrative Law, January 2022

Twelfth Annual Constitutional Law Colloquium, George Washington University Law School, November 2021

Faculty Workshop, University of Florida Levin College of Law, October 2021

Faculty Workshop, University of Minnesota Law School, August 2021

National Security Junior Scholars Workshop, University of Florida Levin College of Law, July 2021

National Conference of Constitutional Law Scholars, University of Arizona Rogers College of Law, March 2021

Moderating the Fediverse: Content Moderation on Distributed Social Media

Center for Applied Cybersecurity Research, Indiana University, October 2022

Junior Law and Technology Scholars' Conference, October 2022

Max Weber Programme Multidisciplinary Research Workshop, European University Institute, May 2022

Association for Computing Machinery (ACM) Symposium on Computer Science and Law, May 2022

Freedom of Expression Scholars Conference, Yale Law School, May 2022

Information Society Project, Yale Law School, March 2022

Big Tech and Antitrust Conference, Seton Hall Law School, February 2022

Silicon Valley's Speech: Technology Giants and the Deregulatory First Amendment

Knight First Amendment Institute, Columbia Law School, July 2022

Journal of Free Speech Law Symposium, May 2021

Federalist Society Junior Scholars Workshop, University of Minnesota Law School, December 2019
(organizer)

Legal Scholarship Workshop, University of Chicago Law School, November 2019

Faculty Workshop, University of Illinois College of Law, November 2019

Yale Law School Information Society Project, September 2019

Boston University Cyber Security, Law, and Society Alliance, September 2019

Junior Scholars Conference, University of Michigan Law School, April, 2019

Faculty Workshop, University of Wisconsin Law School, April, 2019

Internet Law Works in Progress, Santa Clara University School of Law, March 2019

Digital Disease Surveillance

National Security Junior Scholars Workshop, University of Florida Levin College of Law, July 2020

Faculty Workshop, University of Minnesota Law School, June 2020

Law & Technology Workshop, University of Nebraska College of Law, April 2020

Mini-Conference on Coronavirus and Law, University of Oklahoma Law School, April 2020

Wicked Crypto

Privacy Law Scholars Conference, George Washington University Law School, May 2018

Fourth Amendment Reasonableness After Carpenter

Law and Economics Workshop, University of Minnesota Law School, April 2019

Public Law Workshop, University of Minnesota Law School, March 2019

Surveillance Intermediaries,

Technology Giants, Sovereign Power, and Surveillance, Hoover Institution, July 2017

Conferences, Symposiums, Presentations, and Podcasts

"AI on Trial: Liability in the AI Ecosystem," Georgetown University Law Center, September 2024
(organizer)

"Trump's Conviction of Felony Charges Affect His Candidacy for President in 2024," Scholars Circle, June 2024 (guest)

"Free Speech, TikTok (and Bills of Attainder!)," with Prof. Alan Rozenshtein," Free Speech Unmuted, May 2024 (guest)

“TikTok, National Security & the First Amendment,” Media Law Resource Center, May 2024 (panelist)

“Evaluating Generative AI Systems: the Good, the Bad, and the Hype,” GenLaw Center, April 2024 (participant)

“Dangerous Dancing?: TikTok, National Security, and the First Amendment,” Berkman Klein Center for Internet and Society, Harvard University, April 2024 (panelist)

“Section 3, Insurrection, and the 2024 Election: Does the Fourteenth Amendment Bar Donald Trump from the Presidency?” University of Minnesota Law School, November 2023 (organizer)

“Content Moderation: Free Speech Principles and the Law,” Legal Frontiers in Digital Media, Media Law Resource Center, May 2023 (panelist)

“Privacy and Cyber-Security Risks,” 7th Annual North American Environment, Energy, and Natural Resources Conference, University of Houston Law Center, April 2023 (panelist)

“*Gonzalez v. Google* and the fate of Section 230,” Brookings Institution, February 2023 (panelist)

“Regulating the Online Public Sphere,” Columbia University, October 2022 (panelist)

“The Fifth Circuit Rules in *NetChoice v. Paxton*,” Media Law Resource Center, September 2022 (presenter)

“Restoring Trust in Law and Science,” Minnesota Journal of Law, Science, and Technology, April 2022 (panelist)

“Lawyers Behaving Badly,” Jacob Burns Center for Ethics in the Practice of Law, Cardozo Law School, November 2021 (panelist)

“Calibrating Data Surveillance,” UCLA Law, September 2021 (panelist)

“Ethics in Tech,” UCLA Institute for Technology Log and Policy, September 2021 (discussant)

“Privacy in the Age of Emergency,” American University Law Review, February 2021 (panelist)

“Hashtags, Tweets, and Shares, Oh My! Section 230’s Future in the Digital Era,” New York Law School Federalist Society, February 2021 (panelist)

“Regulating the New Public Square,” University of Pennsylvania and Temple University Federalist Societies, February 2021 (panelist)

“Encryption, Privacy, and the Future of Law-Enforcement Searches,” Privacy Law Scholars Conference, George Washington University Law School, June 2020

“Human Rights Day 2020: Contact Tracing and the Right of Privacy,” Library of Congress, December 2020 (panelist)

United States Privacy and Civil Liberties Oversight Board, December 2020 (presenter)

“Pandemic Surveillance and Emerging Tracking Technologies,” Pandemic Surveillance: Privacy, Security, and Data Ethics, November 2020 (panelist)

“What is Cybersecurity Law and Policy Research?” Cybersecurity Law and Policy Scholars Conference, September 2020 (moderator)

“FISA Surveillance Reform and the Section 215 Sunset,” American Bar Association Standing Committee on Law & National Security, March 2020 (co-presenter)

“Section 230 – Nurturing Innovation or Fostering Unaccountability?” United States Department of Justice, February 2020 (participant in closed-door roundtable)

“Civil Liberties and the Right to Privacy,” Contemporary Issues in Counter-Terrorism, University of Minnesota Law School, November 2019 (panelist)

“Tech Companies and Western Democracies,” Hoover Institution, May 2019 (participant)

2019 Privacy Law Scholars Conference, University of California, Berkeley Law School, May 2019 (paper commenter)

“Truth Decay: Deep Fakes and the Implications for National Security, Privacy, and Democracy,” Maryland

Law Review Symposium, University of Maryland Francis King Carey School of Law, February 2019 (panelist)

Sixth Annual Conference on Governance of Emerging Technologies & Science: Law, Policy and Ethics, Sandra Day O'Connor College of Law, Arizona State University, May 2018 (panelist)

"The Legal Landscape of the Internet of Things, Minnesota Journal of Law," Science & Technology Symposium, University of Minnesota Law School, March 2018 (panelist)

LEGAL EMPLOYMENT

United States Attorney's Office, Eastern District of Maryland, Greenbelt, MD

Special Assistant United States Attorney, 2016 – 2017

United States Department of Justice, National Security Division, Washington, DC

Attorney Advisor, Office of Law and Policy, 2014 – 2017

United States Court of Appeals, Fourth Circuit, Charlottesville, VA

Law clerk for Judge J. Harvie Wilkinson III, 2013 – 2014

Bar Admissions

New York

EDUCATION

Harvard Law School, Cambridge, MA

J.D. *magna cum laude*, 2013

Fellow, Heyman Fellowship Program

Harvard Law Review, articles editor

Balliol College, University of Oxford, Oxford, United Kingdom

Visiting Student, Philosophy and Mathematics, 2007 – 2008

Harvard College, Cambridge, MA

A.B. *cum laude*, History, 2007