

# AARON JOSEPH BURSTEIN

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## EDUCATION

J.D., School of Law, University of California, Berkeley May 2004  
M.S., Chemistry, University of California, Berkeley December 1998  
Sc.B., Chemistry (with Honors), *magna cum laude*, Brown University May 1996

## ACADEMIC & PROFESSIONAL EXPERIENCE

**University of California School of Information and  
University of California School of Law**, Berkeley, CA July 2006-Present  
*TRUST and ACCURATE Research Fellow*

Analyzing data privacy and cybersecurity law and policy issues arising in networked information systems. Researching regulatory barriers to creating secure electronic voting systems. Drafting comments for relevant state and federal agencies. Collaborating with computer scientists and social scientists on multiple projects.

**U.S. Dept. of Justice, Antitrust Division**, Washington, DC Sept. 2004-July 2006  
*Honors Program/Trial Attorney*

Investigated and developed legal theories to address civil antitrust violations in the healthcare industry. Reviewed proposed mergers for possible anticompetitive effects. Advised Department of Health and Human Services on antitrust issues pertaining to electronic health records.

**Technical Assistance Legal Center**, Oakland, CA Dec. 2003-March 2004  
*Consultant*

Developed legal strategies for curtailing tobacco sales made over the Internet.

**Public Knowledge**, Washington, DC June 2003-Aug. 2003  
*Legal Intern*

Prepared legal and economic analysis of proposals for new copyright compulsory licenses. Critiqued legislation to enhance criminal copyright enforcement. Analyzed proposed FCC rules to mandate copy-protection in digital cable equipment. Conducted and organized research on state laws pertaining to theft of cable television service.

**Samuelson Law, Tech. & Public Policy Clinic**, Berkeley, CA Sept. 2001-May 2004  
*Legal Intern*

Evaluated a variety of copyright control systems, and prepared for publication two manuscripts discussing their legal and policy consequences. Submitted public interest requirements to a standards body developing a digital copyright control language. Analyzed proposed treaty creating intellectual property rights for broadcasters and advised client non-profit organization on strategy for advocating changes to draft treaty.

**Electronic Frontier Foundation**, San Francisco, CA May 2002-Aug. 2002  
*Legal Intern*

Researched and helped prepare motions and helped plan litigation strategy in federal declaratory judgment action concerning digital video recorders.

**UCSF/VA Magnetic Resonance Unit**, San Francisco, CA      Sept. 1999-July 2001  
*Programmer/Analyst*

Developed computer simulation program to enhance spatial imaging of chemicals in the human brain.

**University of California College of Chemistry**, Berkeley, CA      Aug. 1996-Dec. 1998  
*Graduate Student Researcher, Instructor, and Ph.D. Candidate*

Initiated research project to study dynamics of small particles by computer simulation.  
Taught undergraduate thermodynamics and general chemistry.

## PUBLICATIONS

### Law Journals and Refereed Conferences

1. Aaron J. Burstein, *Trade Secrecy as an Instrument of National Security? Rethinking the Foundations of Economic Espionage*, 41 ARIZ. ST. L.J. 933 (2009).
2. Aaron J. Burstein and Fred B. Schneider, *Trustworthiness as a Limitation on Network Neutrality*, 61 FED. COMM. L.J. 591 (2009).
3. Aaron J. Burstein, *Amending the ECPA to Create a Culture of Cybersecurity Research*, 22 HARV. J.L. & TECH. 167 (2008).
4. Aaron J. Burstein, *Conducting Cybersecurity Research Legally and Ethically* (to appear in USENIX Workshop on Large-Scale Exploits and Emerging Threats (LEET), April 2008).
5. Aaron J. Burstein and Fred B. Schneider, *Network Security and the Need to Consider Provider Coordination in Network Access Policy*, 35th Research Conference on Communication, Information and Internet Policy (TPRC) (2007).
6. Aaron J. Burstein, *Stopping Internet-Based Tobacco Sales Through Domain Name Seizure*, 16 HEALTH MATRIX 279 (2006).
7. Aaron J. Burstein, Will T. DeVries, and Peter S. Menell, *The Rise of Internet Interest Group Politics* 19 BERKELEY TECH. L.J. 1 (2004).
8. C.J. Alice Chen and Aaron J. Burstein, *The Law & Technology of Digital Rights Management: Foreword* 18 BERKELEY TECH. L.J. 487 (2003).
9. Deirdre K. Mulligan, John Han & Aaron J. Burstein, *How DRM-Based Content Delivery Systems Disrupt Expectations of "Personal Use"*, in PROCEEDINGS OF THE THIRD ACM WORKSHOP ON DIGITAL RIGHTS MANAGEMENT (2003).
10. Aaron J. Burstein, *A Survey of Cybercrime in the United States*, 18 BERKELEY TECH. L.J. 314 (2003).
11. Deirdre K. Mulligan and Aaron J. Burstein, *Implementing Copyright Limitations in Rights Expression Languages*, PROCEEDINGS OF THE SECOND ACM WORKSHOP ON DIGITAL RIGHTS MANAGEMENT (2002).

## REGULATORY FILINGS AND TECHNICAL REPORTS

1. Comment on Privacy and Cybersecurity Policy Issues in the Smart Grid (with Deirdre K. Mulligan and Longhao Wang) (filed with California Public Utilities Commission on Mar. 9, 2010).
2. Comment on Smart Grid Data Ownership and Access Policy Questions (with Deirdre K. Mulligan and the Center for Democracy & Technology) (filed with the Office of Science and Technology Policy and the National Institute of Standards and Technology on Mar. 7, 2010).
3. Comment on the Consumer Interface with the Smart Grid (with Longhao Wang and the Center for Democracy & Technology) (filed with the Office of Science and Technology Policy on Feb. 19, 2010).
4. A Center for Correct, Usable, Reliable, Auditable, and Transparent Elections (ACCURATE), *Public Comment on the Voluntary Voting Systems Guidelines, Version 1.1* (principal authors Aaron J. Burstein and Joseph Lorenzo Hall) (filed with U.S. Election Assistance Commission on Sept. 28, 2009).
5. A Center for Correct, Usable, Reliable, Auditable, and Transparent Elections (ACCURATE), *Public Comment on the Voluntary Voting Systems Guidelines Version II (First Round)* (principal authors Aaron J. Burstein and Joseph Lorenzo Hall) (filed with U.S. Election Assistance Commission on May 5, 2008).
6. Aaron J. Burstein, Joseph Lorenzo Hall, Deirdre K. Mulligan, and David A. Wagner, *Comment on the U.S. Election Assistance Commission's Request for Information Regarding Voting Systems Risk Assessment Support* (filed with U.S. Election Assistance Commission on Apr. 28, 2008).
7. Aaron J. Burstein, *How an Information Security Law Framework Could Improve Information Security* (I3P White Paper, Dec. 31, 2007).
8. Aaron J. Burstein, Nathan S. Good, and Deirdre K. Mulligan, *Review of the Documentation of the Sequoia Voting System*, for the California Secretary of State's Top-to-Bottom Review of Voting Systems (released Sept. 28, 2007).
9. Lawrence Norden, Aaron J. Burstein, Joseph Lorenzo Hall, and Margaret Chen, *Post-Election Audits: Restoring Trust in Elections* (2007).
10. Aaron J. Burstein, *Legal Issues Facing Election Officials in an Electronic-Voting World* (2007).
11. *Public Comment of ACCURATE on the Manual for Voting System Testing & Certification Program* (principal authors Aaron J. Burstein, Joseph Lorenzo Hall, and Deirdre K. Mulligan) (2006).
12. Comments of the Samuelson Law, Technology & Public Policy Clinic and the Electronic Privacy Information Center to the OASIS Rights Language Technical Committee: *Supporting Limits on Copyright Exclusivity in a Rights Expression Language Standard* (submitted Aug. 13, 2002).

## AWARDS

- Berkeley Technology Law Journal Annual Review of Law & Technology Award for Writing Excellence, 2004.
- Brian M. Sax Prize for Excellence in Clinical Advocacy (honorable mention), University of California School of Law, 2004.
- Prosser Award (for second-highest grade) in Federal Courts (Prof. William Fletcher), University of California School of Law, 2003.
- American Jurisprudence Award (for highest grade) in Cyberlaw (Prof. Pamela Samuelson), University of California School of Law, 2002.
- American Jurisprudence Award in Law & Technology Writing Workshop (Prof. Peter Menell), University of California School of Law, 2002.
- American Jurisprudence Award in Samuelson Law, Technology & Public Policy Clinic Seminar (Prof. Deirdre Mulligan), University of California School of Law, 2002.
- Moot Court Advocacy Award, University of California School of Law, 2002.
- Junior Prize in Chemistry (for outstanding junior chemistry major), Brown University, 1995.

## RESEARCH FUNDING

*Research Fellow*, How an Information Security Law Framework Could Improve Information Security, Institute for Information Infrastructure Protection (I3P), \$17,644, November-December 2007 (Principal Investigator: Deirdre K. Mulligan).

## WORKING PAPERS

Aaron J. Burstein and Joseph Lorenzo Hall, *Transparency, Innovation, and Trustworthiness in the Market for Electronic Voting Systems*.

## PRESENTATIONS

1. “Discoveries from the Fine Print: Understanding How Regulation, Innovation, and Security Relate Through Voting System Contracts,” Election Verification Network Annual Conference, Washington, DC, Mar. 27, 2010.
2. “Protecting Privacy in the Smart Grid,” University of Toledo College of Law Conference on Climate Change and the Future of Energy, Toledo, OH, Mar. 26, 2010.
3. Panelist, Identity Management in an Open Society, sponsored by the State Department, Washington, DC, Nov. 20, 2009.
4. “Trade Secrecy as an Instrument of National Security? Rethinking the Foundations of Economic Espionage,” Symposium on Cyberlaw 2.0: Legal Challenges of an Evolving Internet, DePaul University School of Law, Chicago, IL, Oct. 16, 2009.
5. Panelist, Ethics in Security Research, Workshop on Secure Network Protocols (NPSec), Princeton, NJ, Oct. 13, 2009.
6. “Trade Secrecy as an Instrument of National Security? Rethinking the Foundations of Economic Espionage,” Intellectual Property Scholars Conference, Cardozo Law School, Aug. 8, 2009.

7. Participant, Workshop on the Future of Cyber Attribution (sponsored by the Office of the Director of National Intelligence), Sandia National Laboratory, Albuquerque, NM, July 27, 2009.
8. “The Business of Identity Management: Views from Within U.S. Firms,” Young Engineering Scientists Symposium (jointly sponsored by the National Science Foundation and the French Embassy), Washington, DC, July 9, 2009.
9. Panelist, Department of Homeland Security Workshop on Ethical Issues in Network Research, Arlington, VA, May 26-27, 2009.
10. Panelist, Ethics in Botnet Research, Second USENIX Workshop on Large-Scale Exploits and Emerging Threats (LEET), Boston, MA, April 21, 2009.
11. Panelist, Future of Voting Technology: Toward “Critical Democracy Infrastructure?”, Politics Online Conference, Washington, DC, April 20, 2009.
12. “Accommodating Security in Network Neutrality Rules,” I3P Workshop on the Economics of Securing the Economics of Securing the Information Infrastructure, University of California, Berkeley, March 5, 2009.
13. “Choosing Voting Technology in the United States,” The Carter Center’s 2008 U.S. Presidential Election Study Mission, American University, Washington, D.C., November 3, 2008.
14. Panelist, Economic, Ownership, and Trust Issues in Network Data Sharing, Workshop on Network Data Anonymization, 15th ACM Computer and Communications Security Conference (CCS), George Mason University, Fairfax, VA, October 31, 2008.
15. Panelist, Targeted Malware, Workshop on Interdisciplinary Studies in Security and Privacy, Polytechnic Institute of NYU, Brooklyn, NY, September 26, 2008.
16. “Toward a Culture of Cybersecurity Research,” Privacy Law Scholars Conference, George Washington University Law School, Washington, DC, June 12, 2008.
17. “ACCURATE’s Public Comment on the Draft Voluntary Voting System Guidelines, Version II,” Election Verification Network teleconference, May 15, 2008.
18. “Conducting Cybersecurity Research Legally and Ethically,” USENIX Workshop on Large-Scale Exploits and Emerging Threats (LEET), San Francisco, CA, April 15, 2008.
19. “Security Breach Notification and Beyond: A Preliminary View from the CSOs Perspective,” Institute for Information Infrastructure Protection (I3P) Quarterly Meeting, National Institute of Standards and Technology (NIST), Gaithersburg, MD, March 20, 2008.
20. “How a Framework for Information Security Law Could Improve Information Security,” Institute for Information Infrastructure Protection (I3P) Quarterly Meeting, University of California, Davis, January 16, 2008.
21. “Network Security and the Need to Consider Provider Coordination in Network Access Policy,” TRUST Fall Meeting, Cornell University, Ithaca, NY, October 10, 2007.
22. “Network Security and the Need to Consider Provider Coordination in Network Access Policy,” 35th Research Conference on Communication, Information and Internet Policy (TPRC), Arlington, VA, September 29, 2007.

23. NSF Workshop on Data Confidentiality, Arlington, VA, September 6-7, 2007 (invited participant).
24. "Toward a Culture of Cybersecurity Research," Seventh Intellectual Property Scholars Workshop, Chicago, IL, August 10, 2007.
25. "An Uneasy Relationship: Communications Privacy, Cyber Security Research, and the Boundaries of the Firm," Sixth Workshop on the Economics of Information Security (rump session), Carnegie Mellon University, Pittsburgh, PA, June 8, 2007.
26. "Electronic Voting Research Developments in 2006," Second Annual Meeting of the Election Verification Network, Philadelphia, PA, April 12, 2007.
27. "Tales from an Anonymized Log," Berkeley Center for Law & Technology Seminar, Berkeley, CA, March 21, 2007.
28. "Legal Issues Facing Security Researchers," TRUST Seminar, University of California, Berkeley, November 30, 2006.
29. "Legal Issues Facing Security Researchers," TRUST Privacy Workshop, University of California, Berkeley, October 5, 2006.
30. Digital Rights Management Retreat, St. Helena, CA, July 24, 2006 (invited participant).
31. "Implementing Copyright Limitations in Rights Expression Languages," Second ACM Workshop on Digital Rights Management (held in conjunction with the ACM Conference on Computer and Communications Security), Washington, DC, November 18, 2002.

### **PROFESSIONAL ACTIVITIES**

- Program Committee, 2010 Workshop on Ethics in Computer Security Research (WECSR) (co-located with Financial Cryptography 2010).
- Member, Department of Homeland Security Working Group on Ethics in Network Research, May 2009-present.
- Member, Global Environment for Network Innovations (GENI) End-User Opt-In Working Group, Mar. 2009-present.
- Member, Network Research Review Committee, Internet2, Feb. 2009-present.
- Program Committee, Electronic Voting Technology Workshop/Workshop on Trustworthy Elections (EVT/WOTE), 2009-2010.
- Member, ISAlliance-ANSI Workshop on Developing a Framework to Analyze and Manage Financial Risk for Cyber Security, March 2008-present.
- Alternate Representative of the University of California, Berkeley to the Institute for Information Infrastructure Protection (I3P), Sept. 2007-present.
- Document Review Associate, California Secretary of State's Top-to-Bottom Review of Electronic Voting Systems, May-July 2007.
- Program Committee, Conference on Computers, Freedom and Privacy (CFP) 2004 and 2008.
- Co-Editor, *Berkeley Technology Law Journal: Annual Review of Law & Technology*, 2003-04.

### **TEACHING EXPERIENCE**

Adviser, Law and Technology Writing Workshop, University of California, Berkeley School of Law, Fall 2003.

Graduate Student Instructor, Thermodynamics and Statistical Mechanics, College of Chemistry, University of California, Berkeley, Spring 1998.

Graduate Student Instructor, Introductory Chemistry, College of Chemistry, University of California, Berkeley, Fall 1996 and Fall 1998.

### **BAR & COURT ADMISSIONS**

Admitted to practice in the State of California. Admitted to practice before the U.S. Courts of Appeals for the Fourth and Ninth Circuits.