

# Jeffrey L. Vagle

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## Research interests

Privacy law, cybersecurity law, ethics of technology

## Academic appointments

- 2020 – Present **Georgia State University College of Law**  
Assistant Professor of Law
- 2014 – 2020 **University of Pennsylvania**  
Lecturer in Law and Executive Director, Center for Technology, Innovation, & Competition

## Education

- 2011 **Temple University Beasley School of Law, J.D.**  
*Temple International & Comparative Law Journal*, Editor-in-Chief  
Barrister's Award for Excellence in Trial Advocacy
- 2001 **Boston University, B.A. cum laude in Mathematics**  
University Scholar, Honors College  
Work for Distinction Thesis: *An Efficient Implementation of the Schoof-Elkies-Atkin Algorithm for Counting Rational Points on Elliptic Curves over Finite Fields*  
Graduate work in algebraic geometry and algebraic number theory

## Publications

### Books

**Being Watched: Legal Challenges to Government Surveillance**  
(N.Y.U. Press 2017)  
[\[www\]](#)

### Articles

**Rethinking Antitrust**  
38 Ga. St. U. L. Rev. 4 (2022) (with Susan Navarro Smelcer)  
[\[www\]](#)

**Cybersecurity and Moral Hazard**  
23 Stan. Tech. L. Rev. 71 (2020)  
[\[www\]](#)

### **The History, Means, and Effects of Structural Surveillance**

9 Ne. L. Rev. 103 (2017)

[\[ssrn\]](#)

### **Tightening the OODA Loop: Police Militarization, Race, and Algorithmic Surveillance**

22 Mich. J. Race & L. 101 (2016)

[\[ssrn\]](#)

### **Laird v. Tatum and Article III Standing in Surveillance Cases**

18 Univ. of Pa. J. Const. L. 1055 (2016)

[\[www\]](#)

### **Furtive Encryption: Power, Trust, and the Constitutional Cost of Collective Surveillance**

90 Ind. L.J. 101 (2015)

[\[www\]](#)

### **Has Katz Become Quaint? Use of Big Data to Outflank the Fourth Amendment**

Future of Privacy Forum, Big Data & Privacy Workshop Proc. (2013)

[\[ssrn\]](#)

### **A Kind of Hydraulic Pressure: Extraordinary Rendition, State Secrets, and the Limits of Executive Power**

Note, 22 Temple Int'l & Comp. L.J. 523 (2008)

[\[ssrn\]](#)

## Book chapters & symposia

### **The Implications of Ubiquitous Encryption**

*in* Cybersecurity Compendium (2017)

### **Cognitive Agents for Sense and Respond Logistics**

*in* Lecture Notes in Computer Science 3890 (2006)

### **Adaptive Mirroring of System of Systems Architectures**

*in* Proceedings of the First Workshop of Self-Healing Systems (2002)

### **A Gentle Introduction to Elliptic Curve Cryptography**

BBN Technical Report 2000-05 (2000)

## Working papers

### **Expanding Our Intuitions About Cybersecurity Law**

(2022)

### **Privacy's Commodification and the Limits of Antitrust**

(2022)

### **A Collaborative Governance Model for Cybersecurity Regulation**

(2021)

## Commentary

### **Dobbs Decision Has Big Impact on Privacy Too**

The Atlanta Journal-Constitution (Jul. 20, 2022)

[\[www\]](#)

### **Client-Side Scanning: A New Front in the War on User Control of Technology**

Just Security (Oct. 28, 2021)

[\[www\]](#)

**App Stores as Back-Doors for Government Regulation of End-to-End Encryption**

Just Security (Oct. 15, 2020)

[\[www\]](#)

**Zoom and the Problem of Cybersecurity Moral Hazard**

Just Security (Apr. 24, 2020)

[\[www\]](#)

**Does the Oakland Mayor Face Legal Liability for Warning About ICE Raids?**

Just Security (Mar. 15, 2018)

[\[www\]](#)

**“Neural Lace,” Extended Cognition, and Privacy**

Stanford Law School Center for Internet and Society (Mar. 27, 2017)

[\[www\]](#)

**Trump’s Law and Order Platform**

University of Pennsylvania Law School (Nov. 11, 2016) (with Dorothy Roberts)

[\[www\]](#)

**Cybersecurity, Unscrupulous Diners, and Internet Stewardship**

Stanford Law School Center for Internet and Society (Oct. 22, 2016)

[\[www\]](#)

**Technological Redlining**

Stanford Law School Center for Internet and Society (Jul. 19, 2016)

[\[www\]](#)

**Surveillance is Still About Power**

Just Security (Feb. 9, 2016)

[\[www\]](#)

**Content is Content, No Matter How Small**

Just Security (Jan. 13, 2016)

[\[www\]](#)

**Racial Surveillance Has a Long History**

The Hill (Jan. 4, 2016) (with Dorothy Roberts)

[\[www\]](#)

**Why We All Have a Stake in Encryption Policy**

The Christian Science Monitor (Oct. 14, 2015)

[\[www\]](#)

**The Difficulty with Metaphors and the Fourth Amendment**

Just Security (Aug. 31, 2015)

[\[www\]](#)

**Government Cheating on the Sotomayor Surveillance Scale**

Stanford Law School Center for Internet and Society (Aug. 24, 2015)

[\[www\]](#)

**The Risks of Regulating Zero-Days**

Stanford Law School Center for Internet and Society (Jul. 12, 2015)

[\[www\]](#)

**A Few Brief Thoughts on Ferguson and Structural Surveillance**

Stanford Law School Center for Internet and Society (Mar. 8, 2015)

[\[www\]](#)

**The Twin Obstacles of Standing and State Secrecy Live on in Surveillance Challenges**

Stanford Law School Center for Internet and Society (Feb. 11, 2015)

[\[www\]](#)

**When Algorithmic Surveillance Becomes Structural Surveillance**

Stanford Law School Center for Internet and Society (Jan. 30, 2015)

[[www](#)]

**The Criminalization of Cryptography**

Stanford Law School Center for Internet and Society (Jan. 16, 2015)

[[www](#)]

**Charlie Hebdo and the Problem of Structural Surveillance**

Stanford Law School Center for Internet and Society (Jan. 8, 2015)

[[www](#)]

**Cybersecurity and the Risks of Law Enforcement Back Doors**

RegBlog (Dec. 22, 2014)

[[www](#)]

**The Flawed Foundations of Article III Standing in Surveillance Cases (Parts I-IV)**

Concurring Opinions (Nov. 2014)

**Security “Front Doors” Vs. “Back Doors”: A Distinction Without a Difference**

Just Security (Oct. 17, 2014) (with Matthew Blaze)

[[www](#)]

**Clapper, Adobe, and Article III Standing for Surveillance Harms**

Just Security (Oct. 9, 2014)

[[www](#)]

**Presentations**

- May. 2022 Moderator, Panel: *Privacy as a Consumer Right, Rethinking Antitrust: Adapting Competition to Contemporary Problems*, Georgia State University Law Review Symposium
- Dec. 2020 Panelist, *Digital Evidence & Privacy Under the Fourth Amendment*, Atlanta Bar Association
- Sep. 2016 Panelist, *Digital Intermediaries & Political Communication*, European Consortium for Political Research (ECPR), General Conference
- Aug. 2016 Panelist, National Forum on Audivisual Evidence Management Workshop, UCLA School of Information Studies
- Jul. 2016 Lecturer, *Legal Issues Surrounding the iPhone Hacking Case*, University of Pennsylvania Law School
- May 2016 Lecturer, *The FBI, the iPhone, and the Law*, University of Pennsylvania Information Technology Conference
- Apr. 2016 Lecturer, *Technology and the Fourth Amendment*, Prof. Matthew Blaze’s Technology and Policy Course, University of Pennsylvania
- Apr. 2016 Lecturer, *Surveillance and International Order-Making*, Wharton School of the University of Pennsylvania
- Jan. 2016 Panelist, Workshop on Machine Learning and Regulation, University of Pennsylvania Law School, Penn Program on Regulation
- Nov. 2016 Discussant, *The Internet’s Own Boy: The Story of Aaron Swartz*, University of Pennsylvania Libraries Workshop Series
- Aug. 2015 Panelist, *Ubiquitous Encryption*, Security and Sustainability Workshop, University of Pennsylvania School of Engineering
- Jul. 2015 Lecturer, *Cybersecurity for Lawyers*, Temple University Beasley School of Law

- Jun. 2015 Panelist, *The History, Means, and Effects of Structural Surveillance*, Digital Citizenship and Surveillance Society Conference, Cardiff University
- Apr. 2015 Panelist, *Surveillance in Public*, Privacy in the Age of Pervasive Surveillance, Idaho Law Review Symposium
- Apr. 2015 Lecturer, *Whither "Persons, Houses, Papers, and Effects"? The Continued Relevance of the Fourth Amendment in the Post-Snowden Era*, Contemporary Legal Issues Series, Albright College
- Apr. 2015 Moderator, *Generational Differences in Attitudes Toward Privacy*, Center for Technology, Innovation, & Competition Privacy Conference, University of Pennsylvania Law School
- Jan. 2015 Panelist, *ACLU v. Clapper: Issues the Court Did Not Reach*, University of Pennsylvania Journal of Constitutional Law Symposium
- Dec. 2014 Panelist, *Cybersecurity and Law Enforcement Back Doors*, University of Pennsylvania Wharton School of Business Risk Regulation Seminar
- Aug. 2014 Panelist, *Perspectives in Cybersecurity Law*, Pennsylvania Bar Association
- Apr. 2014 Organizer and Moderator, *Worthwhile Tradeoffs: Surveillance in a Constitutional Democracy*, Philadelphia Bar Association/National Constitution Center Symposium Series
- Feb. 2014 Panelist, *Ubiquitous Computing and the State of the Third-Party Doctrine*, American Bar Association Cyberspace Law Institute Winter Working Meeting
- Aug. 2013 Keynote/Moderator, *Cybersecurity for Lawyers*, Philadelphia Bar Association

## Service

### Academic

- 2022 – Present Curriculum Committee
- 2022 – Present Speakers Committee
- 2021 – 2022 Academic Success Committee

### Public and Professional

- 2015 – 2021 Principal Investigator, Security and Privacy of Cyber-Physical Systems, NSF Research Grant
- 2016 – 2017 Member, Legal Committee, Actionable Intelligence for Social Policy
- 2015 – 2018 Co-Chair, Committee on Policing Reforms, The Constitution Project
- 2015 – 2020 Board Member, A Call to the Bar Environmental Legal Advocacy Center
- 2014 – 2016 Member, Executive Committee, Philadelphia Bar Association
- 2013 – 2015 Chair, Cyberspace Law Committee, Philadelphia Bar Association

## Courses taught

- Information Privacy Law
- Cybersecurity Law and Policy
- Technology Law and Ethics (Seminar)
- National Security Law

## Bar admissions

- 2012 U.S. Court of Appeals for the Third Circuit
- 2012 U.S. District Court for the Eastern District of Pennsylvania
- 2011 Pennsylvania

## Experience

### **Pepper Hamilton LLP**

- 2011 – 2014 Associate, Privacy, Security, and Data Protection Practice Group
- 2009 Summer Associate

### **Portico Systems**

- 2009 – 2011 User Interface Manager
- 2008 – 2009 Senior Software Developer

### **U.S. Army National Guard**

- 2007 – 2010 Headquarters Company Executive Officer
- 2005 – 2010 Battalion Staff Intelligence Officer

### **Lockheed Martin Advanced Technology Laboratories**

- 2003 – 2008 Senior Member, Engineering Staff, Artificial Intelligence Lab

### **Cigital**

- 2002 – 2003 Senior Software Security Consultant

### **BBN Technologies**

- 1996 – 2002 Staff Scientist, Artificial Intelligence Lab

### **U.S. Marine Corps**

- 1991 – 1995 Infantry Rifleman, Squad Leader