

Guggenheim Program Proposed Respondents

Richard Salgado

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Richard Salgado serves as Google's Director for information security and law enforcement matters. Prior to joining Google, Richard was with Yahoo!, focusing on international security and compliance work. He also served as senior counsel in the Computer Crime and Intellectual Property Section of the United States Department of Justice. As a federal prosecutor, Richard specialized in investigating and prosecuting computer network cases, such as computer hacking, illegal computer wiretaps, denial of service attacks, malicious code, and other technology-driven privacy crimes.

In 2005, Richard joined Stanford Law School as a legal lecturer on computer crime and on Internet business legal and policy issues; he previously served as an adjunct law professor at Georgetown University Law Center and George Mason Law School and as a faculty member of the National Judicial College. Richard is a senior instructor with the SANS Institute, teaching on the legal issues in computer forensics and network investigations. He regularly speaks on the legal and policy implications of searching and seizing computers and electronic evidence, emerging surveillance technologies, digital evidence, and related criminal conduct.

Richard graduated magna cum laude from the University of New Mexico and in 1989 received his JD from Yale Law School.

Chris Soghoian

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Chris Soghoian is the Principal Technologist and a Senior Policy Analyst with the Speech, Privacy and Technology Project at the American Civil Liberties Union. He completed his Ph.D. at Indiana University in 2012, which focused on the role that third party service providers play in facilitating law enforcement surveillance of their customers. Between 2009 and 2010, he was the first ever in-house technologist at the Federal Trade Commission's Division of Privacy and Identity Protection, where he worked on investigations of Facebook, Twitter, MySpace and Netflix. Prior to joining the FTC, he co-created the Do Not Track privacy anti-tracking mechanism now adopted by all of the major web browsers.

Marc Zwillinger

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Marc Zwillinger is a founding partner of ZwillGen PLLC and has been regularly providing advice and counsel on issues related to the increasingly complex laws governing Internet practices, including issues related to Electronic Communications Privacy Act (“ECPA”), the Wiretap and Communication Acts, privacy, CAN-SPAM, FISA, spyware, adware, Internet gambling and adult-oriented content. He also helps Internet Service Providers and other clients comply with their compliance obligations pertaining to the discovery and disclosure of customer and subscriber information.

Marc also provides corporations with advice and counsel on protecting the data on their networks from internal and external threats, and counsels them through handling data breaches and internal misuse of their network. Marc regularly works with clients who have suffered security breaches in conducting internal investigations, complying with security breach notification laws, and responding to FTC and state Attorney General inquiries.

The 2012 client’s guide of Chambers USA: America’s Leading Lawyers for Business recognizes him as a leader in Privacy & Data Security law, noting specifically his expertise with ECPA and FISA issues. <http://www.chambersandpartners.com/uk/Firms/237870-42694/336122>.

Prior to starting ZwillGen PLLC, Marc ran the Privacy and Security groups at two major national firms: Sonnenschein Nath and Rosenthal LLP and Kirkland & Ellis LLP. Before that, he spent three years prosecuting cybercrime from the Computer Crime and Intellectual Property Section of the Criminal Division of the Department of Justice. At the Department of Justice, he coordinated the investigations of several high-profile computer crime cases including the 1997 penetration of U.S. military computer systems by an Israeli hacker (“Solar Sunrise”), the February 2000 Denial of Service Attacks on prominent e-commerce sites, and the Love Bug virus. He also investigated and prosecuted violations of the Economic Espionage Act of 1996 (the “EEA”) and represented the government at trial and in sentencing proceedings in *United States v. P.Y. Yang, et al.*, the first EEA case successfully tried in the United States.

After receiving his J.D. from Harvard Law School, magna cum laude in 1994, Marc clerked for Judge Mark L. Wolf of the United States District Court, District of Massachusetts.

Marc frequently is invited to speak to various professional audiences and to conduct in-house training courses. He has appeared on national news programs and has been a quoted source for a number of national media outlets. He is also an adjunct professor of Cybercrime at the Georgetown University Law Center in Washington, D.C. Marc holds an active security clearance for classified matters.

James Dempsey

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Jim Dempsey, Vice President for Public Policy, has been with CDT since 1997. From 2003 to 2005, he served as Executive Director; he currently heads CDT West, in San Francisco. At CDT, Mr. Dempsey concentrates on Internet privacy, government surveillance, and national security issues. He coordinates the Digital Due Process coalition, <http://www.digitaldueprocess.org>, a diverse group of companies, advocacy groups and think tanks working to update the Electronic Communications Privacy Act of 1986.

On August 27, 2012, after Senate confirmation and Presidential appointment, Dempsey was sworn in as a part-time member of the Privacy and Civil Liberties Oversight Board, an independent agency within the Executive Branch, charged with various advisory and oversight functions related to the privacy and civil liberties issues associated with the Nation's counterterrorism programs. Dempsey is widely quoted in the media and has testified numerous times before Congressional committees. Ars Technica and Tech Policy Central identified Dempsey as one of the top names in tech policy for 2009. The Washington Post Sunday magazine (Oct. 2002) described Dempsey as “a reasoned and respected civil liberties advocate routinely summoned to [Capitol] Hill by both political parties to advise lawmakers about technology and privacy issues.”

Prior to joining CDT, Mr. Dempsey was Deputy Director of the non-profit Center for National Security Studies and special counsel to the National Security Archive, a non-governmental organization that uses the Freedom of Information Act to gain the declassification of documents on U.S. foreign policy.

From 1985 to 1995, Mr. Dempsey was assistant counsel to the House Judiciary Committee’s Subcommittee on Civil and Constitutional Rights. He worked on issues at the intersection of national security and constitutional rights, including terrorism, counterintelligence, oversight of the Federal Bureau of Investigation, and electronic surveillance laws, as well as criminal justice issues.

Dempsey previously headed CDT's international project, the [Global Internet Policy Initiative \(GIPI\)](#). In that capacity, he consulted with government officials and human rights organizations on Internet policy and civil liberties issues.

From 1980 to 1984, Mr. Dempsey was an associate with the Washington, D.C. law firm of Arnold & Porter. He clerked for the Hon. Robert Braucher of the Massachusetts Supreme Judicial Court (1979 - 1980). He is a graduate of Yale College (BA 1975) and Harvard Law School (JD 1979). He is a member of the bar of the District of Columbia.

Mr. Dempsey is author or co-author of articles in law reviews and other journals on privacy and Internet policy, including “Privacy as an Enabler, Not an Impediment: Building Trust into Health Information Exchange,” *Health Affairs*, Vol. 28, no. 2 (2009); “Commercial Data and National

Security,” 72 G. W. L. Rev. 1459 (2004), “Civil Liberties in a Time of Crisis,” Human Rights magazine (2002), and “Communications Privacy in the Digital Age,” 8 Albany L.J. Sci. & Tech 65 (1997). He is co-author of the book Terrorism & the Constitution: Sacrificing Civil Liberties in the Name of National Security (New Press, Third edition, 2006) (with Prof. David Cole of Georgetown).

Mr. Dempsey has been a member of the Markle Foundation Task Force on National Security in the Information Age (2004-2011); the Bill of Rights Defense Committee advisory board (2002-2012); the Board of Directors of the Defending Dissent Foundation (2007-2012); the Industry Advisory Board for the National Counter-Terrorism Center (2005-2006), and the Transportation Security Administration’s Secure Flight Working Group (2005).