

Justin (Gus) Hurwitz

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Curriculum Vitae
rev.20240201 - short

EMPLOYMENT

U. Pennsylvania Carey Law School , Center for Technology, Innovation and Competition	
Senior Fellow & Academic Director	June 2023 – Present
Fellow, Center for Technology, Innovation and Competition	July 2011 – June 2013
U. Nebraska College of Law	
Professor of Law (with tenure)	Aug 2021 – May 2023
Menards Director, Nebraska Governance & Technology Center	Jan 2020 – May 2023
Associate Professor of Law (with tenure)	Aug 2018 – Aug 2021
Co-Director, Space, Cyber, and Telecom Program	Jan 2017 – July 2022
Assistant Professor of Law	June 2013 – Aug 2018
George Mason University Antonin Scalia Law School	Jan 2011 – June 2011
Visiting Assistant Professor	
United States Department of Justice, Antitrust Division	Sept 2007 – Dec 2010
Telecom & Media Section, Trial Attorney	
Los Alamos National Lab , Computer & Computational Sciences	
Graduate Technical Researcher	May 2003 – Dec 2004
Undergraduate Technical Researcher	Feb 2002 – May 2003

STATEMENT

My work draws on my background in law, economics, and computer science to study how technology orders social and economic institutions. In summer 2023 I joined the University of Pennsylvania Carey Law School as a Senior Fellow and Academic Director of the Center for Technology, Innovation, and Competition, where I am helping to develop the law & engineering program. From 2013-2023 I was a professor at the University of Nebraska, where I raised more than \$6 million to establish the Governance & Technology Center.

The most interesting work today is at the intersection of engineering, business, and law. My passion is introducing students to foundational concepts needed to work across these disciplines. I convolve engineering with regulatory law and economics. As an academic I work to break down disciplinary barriers and to create opportunities for those who are similarly interested in refactoring our research institutions to better support the needs of the future.

This work falls at the intersection of antitrust, administrative, and regulatory law (my primary fields); principles of engineering, industrial organization, jurisprudence, political philosophy, technology ethics.

EDUCATION

University of Chicago Law School	J.D., June 2007
Fellowships & Journals	MVP2 Law and Economics Fellowship John M. Olin Law and Economics Student Fellowship Chicago Journal of International Law
George Mason University , Economics Department	M.A., May 2011
St. John's College , Annapolis, MD, and Santa Fe, NM	B.A., May 2003
Awards	Best Original Mathematics Paper, 2003 Outstanding Contributions to the College Community, 2003 Best Solution to an Analytical Mathematics Problem, 2001 Best Solution to a Geometrical Mathematics Problem, 2001

AFFILIATIONS & APPOINTMENTS

International Center for Law and Economics , Academic Affiliate	2013 – 2017
Director, Law & Economics Programming	2018 – Present
Penn Program on Regulation , Program Affiliate Scholar	2023 – Present
NYU School of Law , Program Affiliate Scholar	2018 – Present
Classical Liberal Institute	
Antonin Scalia Law School , Visiting Fellow	2017 – Present
National Security Institute	
American Enterprise Institute , Visiting Fellow	2013 – 2017
Center for Internet, Communications, & Technology Policy	

TEACHING

- Law-focused:** Administrative Law, Antitrust, Cyberlaw, Cybersecurity, Domestic Telecommunications Law, Law & Economics, Principles of Regulation, Torts, Technology Ethics, Technology Regulation
- Interdisciplinary:** Most of my classes can be taught in an introductory setting, to introduce non-law students to legal concepts or law-students to engineering and business concepts.

CURRENT PROJECTS AND INITIATIVES

- *Engineering, Law, and the State*: My current primary focus, this book project develops the concept of “law as part of the built environment,” both as a standalone hypothesis as well as as a scaffolding for introducing engineering, law, and other students to ideas about the operation of law and regulation, and their relationship with technology, in the modern state. It is primarily a research project, but is being developed alongside, and as a primary text for, an interdisciplinary class.
- *Conglomerates and Ecosystems in the Digital Era*: This edited volume, a proposal for which is currently under review with Cambridge University Press, will consider the contemporary meaning of conglomerate businesses and their implications for competitiveness. Antitrust commentators have devoted substantial attention in recent years to concerns that the modern economy is dominated by relatively few, very large, firms. These firms have many of the characteristics of conglomerates; but, defined by densely interconnected, often digitally intermediated, industrial networks, they also have unique characteristics, which has led them to also be known as ecosystems. This project, co-edited with Jeff Prince (IU-Kelley) and Geoff Manne (ICLE) will be the first systematic treatment of the regulatory treatment of modern conglomerate and ecosystem business models.
- *Giga Project*: With colleagues at the University of Pennsylvania, I am working in collaboration with UNICEF to study the effectiveness of a pilot project that installed Internet access to 52 school in the Bugesara District of Rwanda. The purpose of this three-year study is to assist UNICEF in further implementation of programs that will support Internet access in schools throughout Rwanda and, potentially, the African continent.
- *Context-Driven Design of Trustworthy AI Standards*: With colleagues at the University of Pennsylvania and Seoul National University, this project is an effort to develop a stack-based, or layered, approach to artificial-intelligence standards. This project both will develop substantive standards for various AI applications, and also explores a novel approach to the regulation of general-purpose and platform technologies.

SUBSTANTIAL GRANT PROPOSALS & RESEARCH AWARDS

- Charles Koch Foundation** & other private donors, *to establish Nebraska Governance and Technology Center*
Role: PI Status: Awarded (2019) Amount: \$5,500,000+ (5 years)
- Knight Foundation**, *to study relationship between media, law, and technology*
Role: PI Status: Awarded (2020) Amount: \$250,000 (2 years)
- [Various Private Awards]**, *to support competition policy education and outreach*
Role: PI Status: Awarded Amount: \$500,000+
- Mercatus Center**, *to support the development of a short-form video series introducing legal concepts*
Role: PI Status: Awarded Amount: \$50,000
- NSF Proposal #1952217**, *Can Rural IoT Help to Bridge the Digital Divide While Feeding America?*
Role: Co-PI Status: Declined Amount: \$3,374,039 (4 years)
- PAWR (Platforms for Advanced Wireless Research)**, *NEXTT: Nebraska Experimental Testbed of Things*
Role: Co-PI Status: Declined (selected as co-finalist) Amount: \$15,991,057 (5 years)

SCHOLARLY PUBLICATIONS

Law Reviews and Legal Journals

- *Pigou’s Plumber (or: Regulation as a Discovery Process)* (in submission).
- *Administrative Antitrust, Redux*, 30 GMU L. REV. 4 (2023).
- *Substance and Procedure of Proposed Revisions of the Merger Guidelines and Premerger Notification Form*, NETWORK L. REV. (2023).
- *Procedure and Policy in the Premerger Notification Revisions*, REGULATORY REV. (2023).
- *Noisy Speech Externalities*, 3 J. FREE SPEECH L. 75 (2023).
- *What is a Law and Political Economy Movement without Law and Economics or Political Economy?*, 17 J.L. ECON. & POL’Y 773 (2022).
- *Returning to Agency Deference in Communications Law*, REGULATORY REV. (July 21, 2021).
- *Designing a Pattern, Darkly*, 20 N. CAROLINA J. L & TECH. 57 (2020).
- *Modern Privacy Advocacy: An Approach at War with Privacy Itself?*, 47 PEPP. L. REV. 955 (2020) (with Jamil Jaffer).

- *Regulation as Partnership*, 3 U. PENN. J. OF LAW & INNOVATION 117 (2020).
- *Madison and Shannon on Social Media*, 3 BUS., ENTREPRENEURSHIP, & TAX L. REV. 249 (2020).
- *Static and Dynamic Effects of Mergers: A Review of the Empirical Evidence in the Wireless Telecommunications Industry*, in OECD GLOBAL F. COMP., DAF/COMP/GF(2019)13 (2019) (with Geoff Manne, Eric Fruits, & Alec Stapp).
- *AmEx and Post-Cartesian Antitrust*, 98 NEB. L. REV. 364 (2019).
- *McGeeveran's The Duty of Data Security: Not the objective duty he wants, Maybe the subjective duty we need*, 109 MINN. L. REV. HEADNOTES 139 (2019).
- *Chevron's Political Domain: W(h)ither Step Three?*, 68 DEPAUL L. REV. 615 (2019).
- *Telemarketing, Technology, and the Regulation of Private Speech*, 84 BROOK. L. REV. 1 (2019).
- *Big Tech's Big-Time, Big-Scale Problem*, CATO POLICY REPORT 1 (May/June 2018) (with Geoff Manne).
- *Fake News's Not-So-Real Antitrust Problem: Content Remains King*, 13 ANTITRUST CHRON. (Dec. 19, 2017).
- *Cyberensuring Security*, 49 U. CONN. L. REV. 1495 (2017).
- *Encryption^{Congress} mod (Apple + CALEA)*, 30 HARV. J. LAW & TECH. 355 (2017).
- *Blacklining The FCC's Editorial Privilege*, 23 MICH. TELECOM & TECH. L. REV. 149 (2016).
- *Data Security and the FTC's UnCommon Law*, 101 IOWA L. REV. 955 (2016).
- *The Practical Power of the Commission's UMC Statement*, 11 ANTITRUST CHRON. (Nov. 30, 2015).
- *Net Neutrality: Something Old; Something New*, 2015 MSU L. REV. 665 (2015).
- *Chevron and the Limits of Administrative Antitrust*, 76 U. PITT. L. REV. 209 (2014).
- *Administrative Antitrust*, 21 GMU L. REV. 1191 (2014).
- *Trust and Online Interaction*, 161 U. PA. L. REV. 1579 (2013).
- *Network Neutrality and Neighbor Billing*, 11 VA. J.L. & TECH. 9 (2006).

Non-traditional Research Activity

- Host, TECH REFACTORED Podcast. Between 2020 and 2023 I hosted over 100 episodes of this podcast since 2020, featuring discussions on a range of topics relating to technology and society.
- Host, TECHNOLOGUE AMERICANA. Produced by the Governance and Technology Center, this series explores the law and technology of hidden infrastructure. Three episodes were produced, looking at road, grain silos, and fiber optics.
- Co-producer, WHY LAW AND ECONOMICS? (in progress). I am leading the production of a series of videos documenting and exploring the origins, impacts, and future of the field of law and economics. An initial teaser video from this project is available [here](#).

Books

- ENGINEERING, LAW, AND THE STATE (early development).
- CONGLOMERATES AND ECOSYSTEMS IN THE DIGITAL ERA (proposal submitted) (edited volume, with Jeff Prince and Geoff Manne).
- MEDIA AS A GOVERNANCE INSTITUTION (Cambridge, forthcoming 2024) (edited volume, with Kyle Langvardt).
- CYBERSECURITY: AN INTERDISCIPLINARY PROBLEM (West 2021) (with Derek Bambauer, Charlotte Tschider, David Thaw). (primary author of chapters 1, 2, 4, 5, 6.B, 9).

Book Chapters

- *Data Portability: A Solution, Too Many Problems* in THE ANTITRUST TURN TOWARD EX ANTE REGULATION OF DIGITAL PLATFORMS: LESSONS FROM THE HISTORY OF REGULATED INDUSTRIES (Oxford, forthcoming 2024)
- *Noisy Speech Externalities* in MEDIA AS A GOVERNANCE INSTITUTION (Cambridge, forthcoming 2024).
- *Regulation of Facial Recognition Technologies in the United States* in [FORTHCOMING VOLUME ON GLOBAL PERSPECTIVES ON FACIAL RECOGNITION TECHNOLOGIES] (forthcoming, 2024) (with Maily Fidler).
- *Digital Duty to Deal, Data Portability, and Interoperability*, in REPORT ON THE DIGITAL ECONOMY (Joshua Wright & Douglas Ginsburg, eds., Global Antitrust Institute) (2020).
- *Classical Liberalism and the Problem of Technological Change* in THE CAMBRIDGE HANDBOOK OF CLASSICAL LIBERAL THOUGHT (Todd Henderson, ed., Cambridge 2018) (with Geoff Manne).
- *Telecommunications Competition Law vs. Policy in the United States* in COMPETITION LAW IN TELECOMMUNICATIONS MARKETS: KEY REGULATORY CHALLENGES (Sandra Marco Colino, ed, Wolters 2018).

- *Satellite Harmful Interference: A US Perspective* in HARMFUL INTERFERENCE IN REGULATORY PERSPECTIVE: LEGAL RULES FOR INTERFERENCE-FREE RADIO COMMUNICATION (Mahulena Hoffman, ed., Ashgate 2016).

Early / Future Projects

- *The Consumer Protection Paradox: Exploring Consumer Exploitation through Explore-Exploit Framework.*

Technical Journal/Periodical/Conference

- Gus Hurwitz and Wu-chun Feng, Peer-reviewed Research Note, *Analysing MPI Performance over 10-gigabit Ethernet*, 65 J. PARALLEL AND DISTRIBUTED COMPUTING 1253 (2005).
- Gus Hurwitz and Wu-chun Feng, Invited Article, *End-to-End Performance of 10-Gigabit Ethernet on Commodity Systems*, 24 IEEE MICRO 10 (2004).
- Wu-chun Feng, Gus Hurwitz, et al., Invited Paper, *Optimizing 10-Gigabit Ethernet for Networks of Workstations, Clusters, and Grids: A Case Study*, PROC. 15TH SUPERCOMPUTING (2003).
- Gus Hurwitz and Wu-chun Feng, Peer-reviewed Paper, *Initial End-to-End Performance Evaluation of 10-Gigabit Ethernet*, PROC. 11TH HOT INTERCONNECTS CONF. (2003).
- Mark K. Gardner, et al., Peer-reviewed Paper, *Online Monitoring of Computing Systems with MAGNET*, PROC. 3RD IEEE/ACM SYMP. CLUSTER COMPUTING AND THE GRID (2003).
- Les Cottrell, et al. [first author, second line], Peer-reviewed Paper, *High Performance Wide Area Network Testbed: Experiences and Results*, PROC. CONF. FOR HIGH ENERGY PHYSICS 2003 (2003).

Publications omitted from this CV (see infra for examples of omitted materials)

- Practice-related publications, such as comments to federal agencies, legal briefs, whitepapers
- Popular press publications, such as op-eds
- Blogging and other short-form publications, such as with *AEIdeas*, *TechPolicyDaily*, and *Truth on the Market*

CONFERENCES & OTHER EVENTS (AS ORGANIZER)

- *Governance and Technology Center program series, 2020-2023.* As director of the Governance & Technology Center, each year I organized a workshop series, at least one annual conference or research roundtable, and multiple other smaller events.
- Founding Co-Organizer, *Cybersecurity Law and Policy Scholars Conference*, 5/2020, 10/2021, 10/2022, 9/2023
- Founding Co-Organizer, *Law & Technology Workshop*. Since Spring 2020, this monthly workshop has convened academics online to workshop papers relating to law and technology. See <https://lawtechworkshop.org/>.
- Board of Directors, *TPRC 2022-2023*; previously Program Committee, *TPRC 2019-2021*
- Program Committee, *2nd ACM Symposium on Computer Science and Law*, 11/2022
- Program Committee, *ACM Conference on Fairness, Accountability, and Transparency*, 6/2022
- Organizer, *Annual Lincoln Telecommunications Conference*: 4/2019, 4/2018, 3/2017, 10/2016
- Co-Organizer, *Nebrooklyn Law & Technology Jr. Scholars Workshop*: 3/2019, 2/2018, 2/2017, 3/2016, 12/2014, 11/2013.

KEYNOTES, TESTIMONY, FEATURED SPEAKER, &C (20+) (OMITTED FROM THIS CV)

OTHER ACADEMIC PRESENTATIONS, CONFERENCES, COLLOQUIA, &C (100+) (OMITTED FROM THIS CV)

PRESS APPEARANCES, QUOTES, &C (100+) (OMITTED FROM THIS CV)

SAMPLE OF MATERIALS OMITTED FROM THIS CV

Hearings, Testimony, Featured Speaker, &c

- Panelist, ASU College of Law Conference on the Governance of Emerging Technologies, *Plenary Session 2: Reigning in Big Tech: Whether, Why, Who, and How?* (May 18, 2023).
- Panelist, Federalist Society Webinar, *The Implications of the FTC's Proposed Ban on Noncompete Agreements* (Mar. 1, 2023).
- Panelist, Antonin Scalia School of Law Center for the Study of the Administrative State, *The Administration of Antitrust: The FTC and the Rule of Law* (Oct. 14, 2022).

- Panelist, BYU Law School Future of Antitrust Initiative, *The Past, Present, and Future of FTC Rulemaking* (Sept. 27, 2022).
- Witness, United States House of Representatives Committee on Energy & Commerce, *Americans at Risk: Manipulation and Deception in The Digital Age: Hearing Before the Subcommittee on Consumer Protection and Competition of the Committee on Energy and Commerce* (Jan. 8, 2020).
- Speaker, ABA Section of Antitrust Law, *FTC “Unfair Methods of Competition” Rule-making: Pros, Cons, and Processes* (June 8, 2020).
- Panelist, USC Cybersecurity Initiative, *Election Cybersecurity: Lessons from USC Workshops with Leaders in all 50 States* (Oct. 28, 2020).
- Discussant, Competition Policy Int’l, *Antitrust Policy in the 21st Century: Is There a Need for Reform?* (July 10, 2020).
- Panelist, Federal Trade Commission, *Hearing #14: Hearings on Competition and Consumer Protection in the 21st Century, panel on Consumer Protection Remedies: Economic & Legal Considerations* (June 12, 2019).
- Panel, *Privacy v. Security – Is there room for both privacy and security in the internet’s future?*, Internet Governance Forum-USA, Washington, DC, (July 14, 2016).
- Witness, United States Senate Committee on Commerce, Science, and Transportation, *At a Tipping Point: Consumer Choice, Consolidation and the Future Video Marketplace* (July 16, 2014).

Op-eds

- *Antitrust Regulation by Intimidation*, WALL STREET JOURNAL (July 24, 2023) (with Geoff Manne).
- *What’s an Agency to do? That’s for Congress to Say*, THE HILL (June 6, 2023).
- *FTC Could Soon Face High Court Reprimand*, REAL CLEAR POLICY (Oct. 11, 2022).
- *What the FAA-FCC Fight Can Teach Us About Our Approach to Risk*, REAL CLEAR POLICY (Jan. 18, 2022).
- *J&J ‘Pause’ Underscores What Government Gets Wrong About Risk*, INSIDE SOURCES (May 3, 2021).
- *Even Experts Are Poorly Informed*, WALL STREET JOURNAL (Oct. 24, 2019).

Media and Press Coverage

- Regular Guest on Steptoe & Johnson’s Cyberlaw Podcast
- Guest on Technology Policy Press podcast: *Gus Hurwitz on Technology and the Law* (May 3, 2023).
- Quoted in Tricia L. Nadolny, *Despite 100 reported infant deaths, Rock ‘n Play sleeper still for sale on Facebook Marketplace*, USA TODAY (April 12, 2023).
- Quoted in Steve Friess, *Republican and Democratic Judges Have Turned on Trump—and Not Just When it Comes to the Election*, NEWSWEEK (Dec. 2020).
- Quoted in Matthew Rozsa, *Both the GOP and the Democrats want to break up Big Tech. Could it really happen?*, SALON (Oct. 2020)
- Quoted in Jay Greene, *Burning laptops and flooded homes: Courts hold Amazon liable for faulty products*, WASHINGTON POST (Aug. 2020)
- Quoted in Suhauna Hussain, *Upholding FCC’s repeal of net neutrality rules, court opens door for California to enforce its own*, LA TIMES (Oct. 3, 2019).
- Quoted in Douglas MacMillan and John D. McKinnon, *Europe’s Google Decision Brings New Calls for U.S. Action* WALL STREET JOURNAL (July 19, 2018).

Advocacy and Similar Work

- *Amicus Curiae* Brief in Support of Petitioners in *Loper Bright Enterprises v. Gina Raimondo, Secretary of Commerce* (filed July 20, 2023) (with Ilya Shapiro, Richard Epstein, Todd J. Zywicki, and Geoffrey A. Manne).
- *Amicus Curiae* Brief in Support of Certiorari in *National Association of Broadcasters v. Prometheus Radio Project* (filed May 22, 2020; *cert granted* Oct. 2, 2020) (with Geoff Manne and Ben Sperry).
- Comments submitted in *In re: Refreshing the Record in Restoring Internet Freedom and Lifeline Proceedings in Light of the D.C. Circuit’s Mozilla Decision*, FCC WC Docket Nos. 17-108, 17-287, 11-42 (April 20, 2020) (with Geoff Manne, Eric Fruits, Kristian Stout, and Ben Sperry).
- Statement of 53 Law Professors, *Liability for User-Generated Content Online-Principles for Lawmakers* (July 11, 2019).

AWARDS & RECOGNITION

Nebraska College of Law, <i>Ray H. Bunger Memorial Award for Excellence</i>	2019
National Law Journal, <i>Cyber Security & Data Privacy Trailblazer</i>	2015
U. of Pennsylvania Law Review, Symposium Scholar, <i>The Evolving Internet</i>	2012
US DOJ Libraries, <i>Recognition for Contributions to Legal Scholarship</i>	2010
Jones Day, Swope Antitrust Writing Competition.	2007
Federal Lab Consortium, <i>Award for Excellence in Technology Transfer</i>	2005 (team)
R&D Magazine, R&D 100, <i>Award for technologically significant innovation</i>	2004 (team)
Los Alamos National Lab, <i>Recognition for 10GbE Innovations</i>	2004 (team)
IEEE & ACM, SuperComputing Bandwidth Challenge, <i>Sustained Bandwidth Award</i>	2003 (team)
Guinness Book of World Records, <i>Internet2 Land Speed Record</i>	2003 (team)
Los Alamos National Lab, <i>Recognition for Internet2 Work</i>	2003 (team)
Internet2 consortium, Internet2 Land Speed Record, <i>Single & Multiple Stream Class</i>	2003 (team)