

Kendra Albert

they/them

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Experience

- Summer 2019 **Clinical Instructor**, *Harvard Law School Cyberlaw Clinic*, Cambridge, MA.
– Present Supervises clinical students on client matters related to computer security, intellectual property law, the First Amendment, and product counseling. Represents clients in a number of pre-litigation matters, providing risk analysis and mitigation strategies. Notable public successes:
- Helping Fight for the Future, an digital rights advocacy organization, fight back against a retaliatory and overbroad subpoena from Proctorio, an e-proctoring company.
 - Working with sex worker art collective Veil Machine to provide legal support for their art show E-Viction, that protested digital gentrification.
 - Obtained favorable settlement of copyright litigation targeting small queer media client.
 - Developed conflict of interest policy for CAT Lab at Cornell University, cited by the Federal Trade Commission.
- Fall 2019 – **Director**, *Initiative for a Representative First Amendment*, Cambridge, MA.
Present Run a fellowship program for students from backgrounds traditionally underrepresented in First Amendment law. Created entire program model, recruited advisory board, hired staff, and raised over \$500,000 in order to fund the program. Oversees communications, and places students at summer positions.
- Fall 2017 – **Clinical Instructional Fellow**, *Harvard Law School Cyberlaw Clinic*, Cambridge,
Summer 2019 MA.
Supervised clinical students on client matters. Filed brief on behalf of two members of Congress in *ASTM v. Public.Resource.org*. Successfully petitioned Library of Congress on behalf of Software Preservation Network, gaining a broad exemption to DMCA §1201 for libraries, archives, and museums to preserve software. Worked with security researchers from DEF CON's Voting Village to publish voting machine vulnerability findings under threat of litigation.
- Fall 2016 – **Associate**, *Zeitgeist Law*, San Francisco, CA.
Fall 2017 Worked at boutique law firm specializing in technology issues. Counseled clients on matters including Computer Fraud and Abuse Act risk, EU-US data protection law, product development, and litigation. Drafted open government requests and managed FOIA docket.
- 2012 – 2013 **Fellow/Head Teaching Fellow, CopyrightX**, *Berkman Center for Internet and Society*, Cambridge, MA.
- 2011 – 2013 **Research Associate/Assistant**, *Professor Jonathan Zittrain, Harvard Law School*, Cambridge, MA.

Education

- 2013 – 2016 **J.D.**, *Harvard Law School*, Cambridge, MA..
Graduated *cum laude*

2007 – 2011 **B.H.A. in History and Lighting Design**, *Carnegie Mellon University*, Pittsburgh, PA.
Graduated with College of Fine Arts Honors, University Honors, and Humanities & Social Sciences Honors

Bar and Court Admissions

State Bars California (2017), Massachusetts (2019)

Courts Ninth Circuit Court of Appeals (2019), United States District Court, Northern District of California (2017), United States District Court, Central District of California (2020), United States District Court, District of Massachusetts (2021)

Publications: Law

- 2023 Kendra Albert, *Imagine a Community: Obscenity's History and Moderating Speech Online*, 25 *Yale J.L. & Tech. Special Issue* 59
- 2023 Kendra Albert, *Accidental Abolition? Exploring Section 230 as Non-Reformist Reform*, forthcoming in *Feminist Cyberlaw* (edited volume).
- 2022 Kendra Albert & Avatara Smith-Carrington, *Bomb Body Politics: On the TSA's Algorithmic Policing of Gender*, 33 *University of Florida Journal of Law & Public Policy* 213.
- 2022 Kendra Albert, *Five Reflections from Five Years of FOSTA/SESTA*, 40 *Cardozo Arts and Entertainment Law Review* 413.
- 2021 Kendra Albert, et al., *FOSTA in Legal Context*, 52 *Columbia Human Rights Law Review* 1084.
- 2017 Kendra Albert, *Computer Security Tools and Concepts for Lawyers*, *The Green Bag* (vol. 20, no. 2).
- 2014 Jonathan Zittrain, Kendra Albert, & Lawrence Lessig, *Perma: Scoping and Addressing the Problem of Link and Reference Rot in Legal Citations*, 127 *Harv. L. Rev. Forum* 176.

Publications: Peer Reviewed

- 2022 Kendra Albert & Maggie Delano, *Algorithmic Exclusion*, forthcoming in *Handbook of Critical Studies of Artificial Intelligence*.
- 2022 Kendra Albert & Maggie Delano, *Sex Trouble: Sex/Gender Slippage, Sex Confusion, and Sex Obsession in Machine Learning Using Electronic Health Records*, *Cell Patterns*.
- 2021 Kendra Albert, Maggie Delano, Bogdan Kulynych, & Ram Shankar Siva Kumar, *Adversarial for Good? How the Adversarial ML Community's Values Impede Socially Beneficial Uses of Attacks*, ICML 2021 Workshop on the Promises and Perils of Adversarial Machine Learning.
- 2021 Kendra Albert & Maggie Delano, *"This Whole Thing Smacks of Gender": Algorithmic Exclusion in Bioimpedance-based Body Composition Analysis*, ACM Conference on Fairness, Accountability, and Transparency 2021 (presentation).

- 2020 Kendra Albert et al., *Ethical Testing in the Real World: Evaluating Physical Testing of Adversarial Machine Learning*, NeurIPS 2020 Workshop on Dataset Curation and Security (presentation).
- 2020 Ram Shankar Siva Kumar, Jonathon Penney, Bruce Schneier, & Kendra Albert, *Legal Risks of Adversarial Machine Learning Research*, ICML 2020 Workshop on Law & Machine Learning (selected for oral presentation).
- 2020 Kendra Albert et al., *Politics of Adversarial Machine Learning*, ICLR 2020 Workshop on Towards Trustworthy Machine Learning: Rethinking Security and Privacy for ML (selected for oral presentation).
- 2019 Ram Shankar Siva Kumar, David R. O'Brien, Kendra Albert, Salome Viljoen, & Jeffery Snover, *Failure Modes in Machine Learning Systems*, Microsoft Security Documentation.
- 2018 Ram Shankar Siva Kumar, David R. O'Brien, Kendra Albert, & Salomé Viljoen, *Law and Adversarial Machine Learning*, NeurIPS 2018 Workshop on Security in Machine Learning (selected for oral presentation).

Program Committees USENIX Security (2023), Usenix ENIGMA (2022), 7th IEEE European Symposium on Security and Privacy (2022)

Reviews NeurIPS 2021 Ethical Review Committee, Association of Computing Machinery FAccT 2021, American Educational Review Association (AERA) Open

Selected Opinion Writing

- 2022 Mahsa Alimardani, Kendra Albert, & Afsaneh Rigot *Big Tech Should Support the Iranian People, Not the Regime*, The New York Times (Sep. 3, 2022).
- 2022 Kendra Albert, *Not A Crime: The CFAA and Respectability Politics*, Tech Policy Press (January 3, 2022).
- 2021 Kendra Albert & Afsaneh Rigot, *Apple and Google still have an LGBTQ problem*, WIRED UK (August 16, 2021).
- 2019 Kendra Albert, *Their Law*, Harvard Law Review Blog (June 16, 2019).
- 2017 Kendra Albert & Maggie Delano, *The World is a Prison: The Problem with Electronic Monitoring*, Logic Magazine (vol. 3, 2017).
- 2017 Kendra Albert, *Difficult Speech in Feminist Communities*, Perspectives on Harmful Speech Online, Berkman Klein Center for Internet and Society (August 2017).
- 2015 Sarah Jeong & Kendra Albert, *An Unassuming Web Proposal Would Make Harassment Easier*, WIRED (July 2, 2015).

Guides

- 2021 Kendra Albert & Mason Kortz, *How to Read a Docket*, Cyberlaw Clinic Publication.
- 2020 Kendra Albert & Sunoo Park, *A Researcher's Guide to Some Legal Risks of Security Research*, Electronic Frontier Foundation & Cyberlaw Clinic Publication.
- 2019 Kendra Albert, Daina Bouquin, Alena Farber, & Russell Hoover, *Copyright Guide for Scientific Software*, Software Preservation Network.

2019 Kee Young Lee & Kendra Albert, *A Preservationist's Guide to the DMCA Exemption for Software Preservation*, Software Preservation Network.

Amicus Briefs

- 2023 *Brief of Amici Curiae Authors Alliance and ComicMix in Support of Respondent, Jack Daniel's Properties, Inc. v. VIP Products LLC* (Supreme Court of the United States).
- 2022 *Brief of Amicus Curiae Transgender Law Center in Favor of Plaintiffs-Appellants and Reversal*, Woodhull Freedom Foundation et. al. v. United States (D.C. Circuit).
- 2021 *Brief of Amici Curiae Seven Data Privacy and Urban Planning Experts in Support of Plaintiff-Appellant and Reversal*, Justin Sanchez v. Los Angeles Department of Transportation, City of Los Angeles (Ninth Circuit).
- 2020 *Brief of Amicus Curiae Upturn, Inc. in Support of Movant-Appellant*, State of New Jersey v. Corey Pickett (Superior Court of New Jersey, Appellate Division)(cited in opinion).
- 2019 *Brief of the Caselaw Access Project as Amicus Curiae in Support of Respondent*, State of Georgia v. Public.Resource.Org (Supreme Court of the United States).
- 2019 *Brief of Amici Curiae Five Media Organizations and Sixteen Data Journalists in Support of Appellant and Reversal*, Center for Investigative Reporting v. United States Department of Justice (Ninth Circuit) (cited in opinion, reasoning adopted).
- 2019 *Brief of Amici Curiae Former United States Magistrate Judges in Support of Petitioners and Reversal*, Jason Leopold and RCFP v. United States (D.C. Circuit).
- 2017 *Brief of Amici Curiae Members of Congress in Support of Defendant-Appellant and for Reversal*, American Society for Testing and Materials and American Educational Research v. Public.Resource.Org (D.C. Circuit).

Classroom Teaching

- Spring 2024 **Gender and Technology, Gender as Technology**, *Studies of Women, Gender, & Sexuality*, Harvard University.
(upcoming)
- Fall 2023 **Cyberlaw Clinic Seminar**, *Harvard Law School*, co-taught with Christopher Bavitz and Mason Kortz.
- Fall 2022 **Transgender Rights and the Law: Assumptions and Critiques**, *Studies of Women, Gender, & Sexuality*, Harvard University.
- Fall 2020 **Transgender Rights and the Law: Assumptions and Critiques**, *Studies of Women, Gender, & Sexuality*, Harvard University.
- Spring 2020 **Advanced Constitutional Law: New Issues in Speech and the Press**, *Harvard Law School*.
- Fall 2019 **Critical Perspectives on Transgender Law**, *Harvard Law School*.
- Spring 2019 **Advanced Constitutional Law: New Issues in Speech, Press, and Religion**, *Harvard Law School*, co-taught with Martha Minow.

Honors, Awards, and Funding

- 2021 20/20 Visionaries Award, Public Knowledge
- 2021 Grant for Initiative for a Representative First Amendment (\$185,000), Legal Clinics Fund
- 2020 Certificate of Teaching Excellence for Transgender Rights and the Law, Harvard College Office of Undergraduate Education
- 2020 Harvard Law School Dean's Award for Excellence
- 2019 Grant for Initiative for a Representative First Amendment (\$300,000), Legal Clinics Fund
- 2017 Transatlantic Digital Debates Fellow
- 2017 Best Legal Hack for Computer Security Tools and Concepts for Lawyers, DC Legal Hackers
- 2015 Harvard Law School Academic Fellowship
- 2015 Harvard Law School Foundations of Private Law Fellowship

Community and Service Work

- 2021 – **Board of Directors Member/Board Chair**, *The Tor Project*.
Present
- 2020 – **Board of Directors Member**, *ACLU of Massachusetts Union*.
Present
- 2019 – 2023 **Legal Advisor**, *Hacking // Hustling*.
Provided legal and policy expertise for collective of sex workers and allies working at the intersection of technology and social justice.
- 2021 – 2022 **Distinguished Fellow**, *Center on Privacy and Technology at Georgetown Law School*, Washington D.C.
Co-organizer of The Color of Surveillance 4.5: Policing of Abortion and Reproduction.
- 2017 – 2018 **Crisis Line Operator**, *Trans Lifeline*.
Took calls as a peer operator for transgender crisis line.
- Spring 2017 – **Board Member**, *Double Union*.
Fall 2017 Served on the board of directors for premier feminist hackerspace.

Selected Talks and Panels

- 2022 Panel: *Free Speech and Data Privacy Post-Roe*, Media Law Resource Center.
- 2022 Provocation: *False Solutions*, Prefiguring and Resisting Tech Workshop: Towards Just Transitions, University of San Diego.
- 2022 Panel: *Digital Security After Dobbs*, AALS Internet + Computer Law Section.
- 2022 Panel: *Tech Policy in the Shadow of Dobbs*, UCLA Institute for Technology, Law & Policy.
- 2022 Panel: *Diversity, Equity, and Inclusion in Experiential Programs*, Workshop for New Law School Clinical Teachers, Conference on Clinical Legal Education (AALS Clinical).

- 2022 Panel: *25 Years of Section 230: Retain, Reform, or Repeal?*, Cardozo Arts and Entertainment Law Journal Symposium.
- 2022 Panel: *Emerging Issues in AI and Law Enforcement: Anticipatory Policing, National Security Surveillance, and Constitutional Rights to Privacy*, Technology Media and Privacy Law Conference, University of Florida Law School.
- 2022 Panel: *Sex Work, Tech, and Surveillance*, Enigma 2022, Santa Clara, CA.
- 2021 Panel: *Scoping the Problem: The Limits of Regulation, Power and Accountability in Tech Law*, UCLA Institute for Technology, Law, & Policy.
- 2021 Selected Talk: *Smashing the ML Stack for Fun and Lawsuits* (with Ram Shankar Siva Kumar), Blackhat 2021.
- 2021 Panel: *Creating Safer Spaces for Trans and Non-binary Folks*, Queer in AI Workshop at ICML 2021.
- 2021 Panel: *Public Interest Technology for the ML Age*, Obfuscation Workshop, Cornell University.
- 2021 Invited Talk: *Panda v. Gibbon: Legal Liability for Adversarial Machine Learning Attacks*, Robust and Reliable Machine Learning Workshop, ICLR 2021.
- 2021 Panel: *Real world challenges for robustness in machine learning*, Robust and Reliable Machine Learning Workshop, ICLR 2021.
- 2021 Panel: *Online Gendered Hostility and Violence*, 2021 Symposium: The Evolution of Technology & Gender-Related Offenses, Georgetown Law.
- 2021 Invited Talk: *Let's Talk About Gender*, Indiana University Maurer School of Law.
- 2021 Invited Talk: *Hacking//Hustling and Sex Worker Advocacy Online*, Carr Center for Human Rights Policy Life 3.0 Lecture Series, Harvard Kennedy School of Government.
- 2021 Panel: *Columbia HRLR Symposium on Sex Workers' Rights, Advocacy, & Organizing*, Columbia Law School.
- 2020 Panel: *Communications Decency Act Section 230 and the Future of Online Speech*, Case Western Reserve University School of Law.
- 2020 Panel: *Imagining a World Without 230*, Everything You Need to Know about Section 230 in 5 Hours, Yale Law School.
- 2020 Panel: *Technology and the Criminalization of Sex Work*, Shaping Justice, University of Virginia Law School, Charlottesville, VA.
- 2019 Panel: *Decoding the Patriarchy*, 2019 Conference on Gender and International Affairs, Fletcher School of Law & Diplomacy at Tufts University, Medford, MA.
- 2019 Invited Talk: *FOSTA-SESTA Legal Explainer*, Hacking//Hustling, Harvard Law School, Cambridge, MA.
- 2019 Panel: *Lawyering as Maintenance*, Maintainers III: Practice, Policy and Care, Washington, DC.
- 2019 Panel: *Why I Changed My Mind*, Harvard Law School Library, Cambridge, MA.
- 2019 Panel: *Legal Perspectives on Gender Equity*, Harvard Hears You: Summit for Gender Equity, Cambridge, MA.

- 2018 Panel: *Decentralized Social Networking*, Decentralized Web Summit 2018, San Francisco, CA.
- 2018 Panel: *What Does It Take to Build A Network?*, MFIA Access and Accountability Conference, New Haven, CT.
- 2018 Interview: *Netizens*, Boston Women's Film Festival, Boston, MA.
- 2018 Keynote: *The Silences of (Big) Data*, LITA President's Program, ALA Annual 2018, New Orleans, LA.
- 2018 Panel: *The Canary at the Backdoor*, RightsCon 2018, Toronto, Canada.
- 2018 Selected Talk: *Gig Work and the Digital Security Divide*, ENIGMA 2018, Santa Clara, CA.
- 2017 Selected Talk: *Direct Donation Models (Or How To Give Away Other People's Money)*, Affect Conf, Portland, OR.
- 2016 Keynote: *How to Network, Under Construction* at Carnegie Mellon University, Pittsburgh, PA.
- 2016 *Beyond Legal Talismans*, Berkman Klein Center for Internet and Society Luncheon Series, Cambridge, MA.
- 2016 *Legal Talismans*, Theorizing the Web 2016, New York City, NY.
- 2016 *The Angry Birds in the Coal Mine*
- MIT GameLab, Cambridge, MA.
 - RIT MAGIC Speaker Series, Rochester, NY.
- 2015 Panel: *Video Games, Modding, and the Law*, Harvard Journal on Law and Technology, Cambridge, MA.
- 2014 Testimony: Copyright Office Hearing on DMCA 1201, Los Angeles, CA.