

H. Brian Holland

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FACULTY APPOINTMENTS

Texas A&M University School of Law

Professor of Law (2013-present)

Texas Wesleyan University School of Law

Professor of Law (2012-2013)

Associate Professor of Law (2009-2012)

Penn State University, School of Law

Visiting Associate Professor of Law (2007-2009)

Barry University School of Law

Associate Professor of Law (2006-2007)

Assistant Professor of Law (2003-2006)

EDUCATION

Columbia University School of Law

LL.M., *with honors*, Harlan Fiske Stone Scholar (2003)

Self-designed program in technology and the law, focusing on intellectual property and constitutional law

Washington College of Law at American University

J.D., *Summa Cum Laude* (1998)

Tufts University

B.A. (1988)

ARTICLES

Currently in Progress

- *The Third-Party Doctrine: Digital Data and the "Privacies of Life"*
- *Fourth Amendment Rights in Digital Data "Created" in Interactions Between Automated Systems*

Accepted for Publication

- *A Third-Party Doctrine for Digital Data*, __ CARDOZO L. REV. __ (forthcoming).

Published

- *A Cognitive Theory of the Third-Party Doctrine and Digital Papers*, 91 TEMP. L. REV. 55 (2018).
- *Social Semiotics in the Fair Use Analysis*, 24 HARV. J.L. & TECH. 335 (2011).
- *Section 230 of the CDA: Internet Exceptionalism as a Statutory Construct*, in THE NEXT DIGITAL DECADE (2010).
- *Privacy Paradox 2.0*, 19 WIDENER L.J. 893 (2010) (invited).
- *In Defense of Online Intermediary Immunity: Facilitating Communities of Modified Exceptionalism*, 56 U. KAN. L. REV. 369 (2008).
- *Inherently Dangerous: The Potential for an Internet-Specific Standard Restricting Speech That Performs a Teaching Function*, 39 U.S.F. L. REV. 353 (2005).
- *The Failure of the Rule of Law in Cyberspace: Reorienting the Normative Debate on Borders and Territorial Sovereignty*, 24 J. MARSHALL J. COMPUTER & INFO. L. 1 (2005).
- *Tempest in a Teapot or Tidal Wave? CyberSquatting Remedies Run Amok*, 10 J. TECH. L. & POL'Y 301 (2005) (invited).

PRESENTATIONS (recent)

Academic Conferences and Symposia

- *Information as an Object of Fourth Amendment Protection*, CONFERENCE: INTERNET LAW WORKS-IN-PROGRESS, Santa Clara University School of Law (March 2019).
- *What AI Is (and Is Not)*, SYMPOSIUM: ARTIFICIAL INTELLIGENCE AND THE LEGAL PROFESSION, Texas A&M Journal of Property Law (October 2017).
- *Big Data and Mass Surveillance*, SYMPOSIUM: NEW TECHNOLOGY AND OLD LAW: RETHINKING NATIONAL SECURITY, Texas A&M School of Law (October 2017) (presenter/panelist).
- *3D Printing and the Architecture of Enforcement*, CONFERENCE: INTERNET LAW WORKS-IN-PROGRESS, Santa Clara University School of Law (March 2017).
- *We Are All Cyborgs Now: A Cognitive Theory of the Third-Party Doctrine*, CONFERENCE: INTELLECTUAL PROPERTY WORKS-IN-PROGRESS, Boston University School of Law (February 2017).
- *3D Printing and the Architecture of Enforcement*, SYMPOSIUM: PRINTING THE FUTURE: THE IMPLICATIONS OF 3D PRINTING, Texas A&M Journal of Property Law (November 2016).
- *We Are All Cyborgs Now: A Cognitive Theory of the Third-Party Doctrine*, IP SCHOLARS ROUNDTABLE, Texas A&M School of Law (October 2016).
- *We Are All Cyborgs Now: A Cognitive Theory of the Third-Party Doctrine*, CONFERENCE: INTERNET LAW WORKS-IN-PROGRESS, New York Law School (March 2016).

Law School Speaker Series

- *We Are All Cyborgs Now: A Cognitive Theory of the Third-Party Doctrine*, INVITED SPEAKER SERIES, Oklahoma University School of Law (March 2016).

Practitioner Conferences

- *Overview of U.S. Intellectual Property Law*, SOUTHWESTERN INSTITUTE FOR INTERNATIONAL AND COMPARATIVE LAW, Center for American and International Law (June 2018).
- *NSA Surveillance: Challenging the Global Reach of U.S. Technologies*, CONFERENCE: PRIVACY & TECHNOLOGY IN THE 21ST CENTURY: RIGHTS, RESPONSIBILITIES, AND THE BOTTOM LINE, Austin, Texas (September 2015)

Professional Meetings/Luncheons

- *Innovations in Information: The Shifting Landscape and Hidden Risks of Privacy Regulation*, GEEKDOM: INCUBATOR, ACCELERATOR, AND COWORKING SPACE, Texas A&M School of Law M.Jur. Program in San Antonio (October 2018).
- *The Business of Data and Privacy*, BUSINESS SPEAKER SERIES, Texas A&M School of Law M.Jur. Program in San Antonio (June 2017).
- *Trademarks and Data Privacy*, INTA PRACTITIONERS ROUNDTABLE (INTERNATIONAL TRADEMARK ASSOCIATION), Dallas (October 2016).
- *Cybercrime for the Trademark Practitioner: Data Security and Privacy Issues*, INTA PRACTITIONERS ROUNDTABLE (INTERNATIONAL TRADEMARK ASSOCIATION) (October 2015).

Main Campus Events

- *Technology Myths in the Agriculture Industry*, FACULTY COLLOQUIUM, Texas A&M College of Agriculture (March 2017).
- *Web Presence: Identifying Legal Risks/Limiting Your Exposure*, StartUp Aggieland (April 2016).

PRESENTER/PANELIST (recent)

Student Events

- *The First Amendment, Second Amendment, and 3D-Printed Guns*, FEDERALIST SOCIETY DEBATE SERIES, Texas A&M School of Law (September 2018).
- *Pidgeon v. Turner and Issues After Obergefell*, FEDERALIST SOCIETY SPEAKER SERIES, Texas A&M School of Law (March 2017) (co-sponsored with ACS).
- *IP issues in the Trans-Pacific Partnership*, CLIP, Texas A&M School of Law (April 2016).
- *The Empty Chair: Filling a Judicial Vacancy*, ACS SPEAKER SERIES, Texas A&M School of Law (March 2016).
- *CitizenFour*, FILMCLIPS SERIES, Texas A&M School of Law (November 2015).
- *Supreme Court 2015-2016 Preview*, ACS SPEAKER SERIES (November 2015).
- *Top Cases of the 2014-2015 Supreme Court Term*, CONSTITUTION DAY, Texas A&M University School of Law (September 2015).

MODERATOR (Recent)

Academic Conferences and Symposia

- *The DMCA and Emerging Developments*, SYMPOSIUM: DIGITAL MILLENNIUM COPYRIGHT ACT AT 20, Texas A&M School of Law (March 2018).
- *Creations*, SYMPOSIUM: INTELLECTUAL PROPERTY AND GLOBAL DEVELOPMENT: 50 YEARS AFTER STOCKHOLM, Texas A&M School of Law (March 2017).
- *Navigating Intellectual Property Protections and Concerns in the Entertainment Industry*, SYMPOSIUM: SPORTS AND ENTERTAINMENT LAW, Texas A&M School of Law (March 2017).
- *Copyright, Enforcement and Institutions*, SYMPOSIUM: IP IN ALL THE NEW PLACES, Texas A&M School of Law (April 2016).
- *International Intellectual Property*, IP SCHOLARS ROUNDTABLE, Texas A&M School of Law (October 2015).
- *Trademark Law*, IP SCHOLARS ROUNDTABLE, Texas A&M School of Law (October 2014).

Practitioner Conferences

- *Patent Practice and Continuing Challenges*, CONFERENCE: IP AGGIE FORUM, Texas A&M School of Law (September 2017).

MEDIA PUBLICATIONS (recent)

- [*DraftKings and FanDuel's billion-dollar businesses are built on very shaky legal ground*](#), THE BUSINESS INSIDER (October 2015).
- [*NFL a Victim of Goodell's Arrogance*](#), BOSTON HERALD (September 2015).
- [*Deflategate: Does the NFL commissioner enjoy absolute power?*](#) NEWSWEEK (August 2015).

MEDIA INTERVIEWS (recent)

- [*Online Persona Affects Opportunities*](#), THE BATTALION (January 2019) (quoted).
- [*Are daily fantasy sports legal? DraftKings, FanDuel federal regulation inevitable after insider information leak*](#), INTERNATIONAL BUSINESS TIMES (October 2015) (quoted).
- [*FBI daily fantasy sports probe: Customers aren't scared, but it could change DraftKings and FanDuel's business models*](#), INTERNATIONAL BUSINESS TIMES (October 2015) (quoted).
- Radio Interview, NEWS TALK 770 IN CALGARY, CANADA (September 2015).
- [*FCC to Vote on Broad Net Neutrality Protection*](#), THE BATTALION (February 2015) (quoted).
- [*Entertainment Websites Protest 'Slow Lanes'*](#), THE BATTALION (September 2014) (quoted).

TEACHING (current courses)

- Constitutional Law
- Internet Law
- Information Privacy Law
- Communications Law
- Information Society Seminar

TEACHING (prior courses)

Intellectual Property Law

- Copyright Law
- Trademark Law
- Intellectual Property Law Survey
- International Intellectual Property Law
- Intellectual Property Licensing Practicum
- Entertainment Law

Technology and the Law

- Internet Law Seminar
- Computers and the Law

Required and Core Course

- Property Law
- Constitutional Law I and II (full year)
- Civil Procedure I and II (full year)
- Civil Procedure (one semester)
- Evidence

Other

- Appellate Advocacy

TEACHING (comprehensive course materials developed)

- Constitutional Law
- Internet Law
- Intellectual Property Law Survey

PRIOR LEGAL EXPERIENCE

Jones, Day, Reavis & Pogue, Washington, DC
Associate (2000-2002)

United States Court of Appeals for the Second Circuit, New York,
NY Judicial Clerk (1998-2000)

Prof. Jamin B. Raskin, Washington, DC
Washington College of Law at American University
Dean's Fellowship for Research Assistance in First Amendment and Voting Rights (1996-1998)

U.S. Department of Justice: Summer Honors Program, Washington, DC
Executive Office for Immigration Review
Judicial Law Clerk (1997)

San Francisco City Attorney's Office, San Francisco, CA
Construction Contracts Team, Law Clerk (1996)

OTHER PROFESSIONAL EXPERIENCE

Maine Education Services, Portland, ME
Corporate Communications Consultant (1994-1995)

Tom's of Maine, Inc., Kennebunk, ME
Director of Corporate Communications (1991-1994)

Federal Filings Inc. (Dow Jones & Co.), Washington, DC
Manager of Corporate Marketing (1989-1991)

BAR MEMBERSHIPS

- New York State Bar
- District of Columbia Bar