

evelyn douek

LECTURER ON LAW, HARVARD LAW SCHOOL

ASSOCIATE RESEARCH SCHOLAR, KNIGHT FIRST AMENDMENT INSTITUTE AT

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EDUCATION

Harvard Law School, S.J.D. Candidate

2017—Now

Supervisors: Professors Martha Minow (principal supervisor), Jack L. Goldsmith & Cass R. Sunstein

Research: digital constitutionalism; global regulation of online speech; comparative free speech law and theory; comparative constitutional law; U.S. constitutional law.

Harvard Law School, Master of Laws

2016—2017

Dean's Scholar Prize for Global Governance

Staff of the *Harvard Journal of International Law*

College of Law, New South Wales, Graduate Diploma of Legal Practice

2014

University of New South Wales, Bachelor of Commerce/ Bachelor of Law

2008—2013

First Class Honors, 5th in class

UNSW Law Journal, Executive Editor (Editor-in-Chief)

UNSW Council (University's Governing Body), elected student representative

First in *Remedies*, *International Organisations*, *Conflicts of Law*, *Conceptual Framework of the Common Law*, and *Torts*

Three-time recipient of Australian School of Business Dean's Award

CLERKSHIP

High Court of Australia, Associate to the Hon Justice Kiefel AC (now Chief Justice)

2015—2016

FELLOWSHIPS & AFFILIATIONS

Knight First Amendment Institute at Columbia University, Associate Research Scholar

2021—2022

Yale Law School Information Society Project, Visiting Fellow

2021—2022

Berkman Klein Center for Internet & Society at Harvard University, Affiliate

2019—2022

Harvard Law School, Summer Academic Fellowship in 2018, 2019, 2020

TEACHING EXPERIENCE

Harvard Law School, Lecturer on Law

Seminar: Free Speech Frontiers: Comparative and Global Perspectives (taught solo Spring 2021, co-taught with Prof. Martha Minow Fall 2020).

Harvard Law School, Teaching Assistant

Constitutional Law: Separation of Powers & 14th Amendment (Fall 2018, Spring 2019, Fall 2019, Spring 2020)

Harvard Law School, Teaching Assistant

Legal Research, Writing, and Analysis I (2017, 2018, 2019, 2020)

ADMISSIONS TO PRACTICE

High Court of Australia, admitted on 18 March 2016

Supreme Court of New South Wales, admitted on 5 December 2014

OTHER PROFESSIONAL EXPERIENCE

Corrs Chambers Westgarth, Litigation Lawyer

Feb. 2016—Aug. 2016

Herbert Smith Freehills, Graduate Lawyer

Mar. 2014—Dec. 2019

Robert Yezerski and James Emmett (Barristers), Research Assistant

Feb. 2013—Jul. 2013

Freehills, Summer Clerk

Nov. 2011—Feb. 2012

Voiceless (Animal Rights Non-Profit), Legal Intern

Jul. 2011—Dec. 2011

LexisNexis Australia, Editorial Assistant in Specialist Legal Department

Nov. 2010—Apr. 2011

LAW REVIEW ARTICLES

Governing Online Speech: From "Posts-As-Trumps" to Proportionality and Probability
121 COLUM. L. REV. 759 (2021)

The Limits of International Law in Content Moderation
6 UCI J. INT'L TRAN'L & COMP. L. 37 (2021) (invited symposium contribution)

Australia's 'Abhorrent Violent Material' Law: Shouting 'Nerd Harder' and Drowning Out Speech
94 AUS. L.J. 41 (2020)

Facebook's 'Oversight Board': Move Fast with Stable Infrastructure and Humility
21 N.C. J.L. & TECH. 1 (2019)

All Out of Proportion: The Ongoing Disagreement about Structured Proportionality in Australia
47 FED. L. REV. 551 (2019)

Winner, *Aus. Assoc. of Constitutional Law Cheryl Saunders Prize for Constitutional Law 2020*
Honourable mention (2nd place), *Zines Prize 2019 for excellence in legal scholarship*

OTHER ACADEMIC PUBLICATIONS

The Siren Call of Content Moderation Formalism, in *NEW TECHNOLOGIES OF COMMUNICATION AND THE FIRST AMENDMENT: THE INTERNET, SOCIAL MEDIA AND CENSORSHIP* (Lee Bollinger & Geoffrey Stone eds., forthcoming 2022)

"What Kind of Oversight Board Have You Given Us?", U. CHI. L. REV. ONLINE (May, 2020)
<https://lawreviewblog.uchicago.edu/2020/05/11/fb-oversight-board-edouek/>
Cited by the Supreme Court of Israel in H CJ 7846/19 Adalah -The Legal Center for Arab Minority Rights in Israel v. Israeli State Attorney - Cyber Unit (2021).

The Free Speech Blind Spot: Foreign Election Interference on Social Media, in *DEFENDING DEMOCRACIES: COMBATING FOREIGN ELECTION INTERFERENCE IN A DIGITAL AGE* (Duncan B. Hollis & Jens David Ohlin eds., Oxford University Press, 2021)

The Rise of Content Cartels, Knight First Amendment Institute at Columbia University (2020), <https://knightcolumbia.org/content/the-rise-of-content-cartels>

Verified Accountability: Self-Regulation of Content Moderation as an Answer to the Special Problems of Speech Regulation, HOOVER AEGIS PAPER SERIES NO. 1903 (2019)
<https://www.hoover.org/research/verified-accountability>

COMMENTARY

WIRED, *More Content Moderation Is Not Always Better* (Jun. 2, 2021)

The Atlantic, *Someone Has to Do It* (May 6, 2021)

The Atlantic, *What Facebook Did for Chauvin's Trial Should Happen All the Time* (Apr. 21, 2021)

The Atlantic, *Trump Is Banned. Who is Next?* (Jan. 9, 2021)

The Atlantic, *The Year That Changed the Internet* (Dec. 28, 2020)

WIRED, *Why Isn't Susan Wojcicki Getting Grilled by Congress?* (Nov. 17, 2020)

Slate, *What Does "Coordinated Inauthentic Behavior" Actually Mean?* (Jul. 2, 2020)

The Atlantic, *Trump is a Problem Twitter Cannot Fix* (May 27, 2020)

The Atlantic, *The Internet's Titans Make a Power Grab* (Apr. 18, 2020)

The Atlantic, *Finally, Facebook Put Someone in Charge* (Sep. 18, 2019)

The Atlantic, *The Lawless Way to Disable 8chan* (Aug. 6, 2019)

Slate, *Facebook's Federalist Papers* (Jun. 27, 2019) (with Kate Klonick)

Slate, *Breaking Up Facebook Won't Fix Its Speech Problems* (May 10, 2019)

CONTRIBUTOR AT LAWFARE

available at
<https://www.lawfareblog.com/contributors/edouek>

Facebook's Responses in the Trump Case Are Better Than a Kick in the Teeth, but Not Much (Jun. 4, 2021)

It's Not Over. The Oversight Board's Trump Decision is Just the Start. (May 5, 2021)

The Oversight Board Moment You Should've Been Waiting For: Facebook Responds to the First Set of Decisions (Feb. 26, 2021)

The Facebook Oversight Board's First Decisions: Ambitious, and Perhaps Impractical (Jan. 28, 2021)

Facebook Has Referred Trump's Suspension to Its Oversight Board. Now What? (Jan. 21, 2021)

The Facebook Oversight Board Should Review Trump's Suspension (Jan. 11, 2021)

Twitter Brings Down the Banhammer on QAnon (Jul. 24, 2020)

COVID-19 and Social Media Content Moderation (Mar. 25, 2020)

Facebook's White Paper on the Future of Online Content Regulation: Hard Questions for Lawmakers (Feb. 18, 2020)

Members of the House Are on Notice: No Tweeting Deepfakes (Jan. 30, 2020) (with Quinta Jurecic and Jacob Schulz)

Facebook's Oversight Board Bylaws: For Once, Moving Slowly (Jan. 28, 2020)

New U.N. Report on Online Hate Speech (Oct. 25, 2019)

How Much Power Did Facebook Give Its Oversight Board? (Sep. 25, 2019)

Why Facebook's "Values" Update Matters (Sep. 16, 2019)

Facebook Releases Civil Rights Audit Progress Report (Jul. 1, 2019)

Facebook Releases an Update on Its Oversight Board: Many Questions, Few Answers (Jun. 27, 2019) (with Kate Klonick)

YouTube's Bad Week and the Limitations of Laboratories of Online Governance (Jun. 11, 2019)

Two Calls for Tech Regulation: The French Government Report and the Christchurch Call (May 18, 2019)

Australia's New Social Media Law Is a Mess (Apr. 10, 2019)

Facebook's 'Draft Charter' for Content Moderation: Vague, But Promising (Jan. 31, 2019)

Facebook's New 'Supreme Court' Could Revolutionize Online Speech (Nov. 19, 2018)

Facebook's Role in Myanmar: New Report Puts the Company on Notice (Nov. 7, 2018)

Facebook's Role in the Genocide in Myanmar: New Reporting Complicates the Narrative (Oct. 22, 2018)

Senate Hearing on Social Media and Foreign Influence Operations: Progress, But There's A Long Way to Go (Sep. 6, 2018)

Transatlantic Techlash Continues as U.K. and U.S. Lawmakers Release Proposals for Regulation (Aug. 8, 2018)

What's in Australia's New Laws on Foreign Interference in Domestic Politics (Jul. 11, 2018)

U.N. Special Rapporteur's Latest Report on Online Content Regulation Calls for 'Human Rights by Default' (Jun. 6, 2018)

European Commission Communication on Disinformation Eschews Regulation. For Now. (May 2, 2018)

Why Were Members of Congress Asking Mark Zuckerberg About Myanmar? A Primer. (Apr. 26, 2018)

Zuckerberg's New Hate Speech Plan: Out With the Court and In With the Code (Apr. 14, 2018)

The Supreme Court of Facebook: Mark Zuckerberg Floats a Governance Structure for Online Speech (Apr. 5, 2018)

EU Expert Group on Fake News Releases Final Report (Mar. 14, 2018)

Facebook's Policies Pressed From All Sides as Europe Cracks Down (Feb. 26, 2018)

U.K. Committee Grills Big Tech on Fake News (Feb. 13, 2018)

Summary: Senate Foreign Relations Committee Russia Report (Jan. 26, 2018) (with Ed Stein)

Sen. Cardin's Russia Report Wants to Hold Social Media Companies Accountable, but Its Recommendation Falls Short (Jan. 19, 2018)

Congress' Grilling of Tech Companies in 2017 Foreshadows the Debates of 2018 (Jan. 11, 2018)

The Future of Misinformation: A Lesson from 'Access Hollywood' (Dec. 7, 2017)

The European Union Steps Up its Fight Against Fake News (Nov. 14, 2017)

Germany's Bold Gambit to Prevent Online Hate Crimes and Fake News Takes Effect (Oct. 31, 2017)

UK's New 'Internet Safety Strategy' Cracks Down on Online Danger (Oct. 18, 2017)

Podcast: Co-host, *Arbiters of Truth Podcast* (weekly podcast series on the online information ecosystem), <https://www.lawfareblog.com/topic/arbiters-truth>

SELECTED PRESENTATIONS

Stanford Constitutional Law Center, *Social Media's Role in Democracy: Challenges and Opportunities* (May 18, 2021)

Knight First Amendment Institute at Columbia University, *Reimagining the Internet* (May 14, 2021)

Abrams Institute, *The Internet, Elections and the First Amendment* (May 4, 2021)

National Academies of Sciences, Engineering, and Medicine, *Workshop on Section 230 Protections (International Approaches Panel)* (Apr. 27, 2021)

Georgetown Law School, *Technology Law and Policy Colloquium Paper Presentation* (Mar. 29, 2021)

Stanford, *Technology and the 2020 Election: How Silicon Valley Technologies Impact Our Elections and Shape Our Democracy* (Oct. 7, 2020) (guest speaker)

Harvard Law School, *COVID-19 & the Law Symposium, Panel on Education and Disinformation* (Oct. 7, 2020)

RightsCon, *Content Moderation and Competition: The Missing Link?* (Jul. 28, 2020)

Global Internet Forum to Counter Terrorism, *Multi-Stakeholder Forum* (Jul 23., 2020) (invited respondent)

Australian Senate Select Committee on Foreign Interference Through Social Media, *Public Hearing* (Jun. 22, 2020) (expert witness)

Stanford Cyber Policy Center, *"Digital Technology and Democracy, Security and Geopolitics in an age of COVID-19"* (Jun. 17, 2020)

Yale Law School, Information Society Project, *Presentation "Online Speech in an Age of Proportionality and Probability"* (Feb. 20, 2020)

Harvard Law School, Berkman Klein Center for Internet & Society, *Facebook's Oversight Board* (Feb. 16, 2020)

Knight First Amendment Institute at Columbia University, *Symposium on The Tech Giants, Monopoly Power, and Public Discourse* (Nov. 14–15 2019)

Fordham Law School, *Fordham Intellectual Property, Media & Entertainment Law Journal Annual Symposium* (Oct. 4, 2019)

REFERENCES

Prof. Martha Minow

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Harvard Law School

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Prof. Jack Goldsmith

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Harvard Law School

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