

# Jonathan Manes

613 O'Brian Hall, North Campus, Buffalo, NY 14260-1100 | (716) 800-1981 | jmmanes@buffalo.edu

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## Education

- Yale Law School, J.D. 2008
- *Yale Law Journal*, Articles & Essays Editor
  - *Yale Law & Policy Review*, Editor
  - Latino Law Students Association, Faculty Diversity Co-Chair
  - Coker Fellow Teaching Assistant, Constitutional Law
  - Research Assistant, Professors Daniel Markovits & Jerry Mashaw
- London School of Economics, M.Sc., Philosophy of the Social Sciences 2004
- Commonwealth Scholarship
- Columbia University, B.A., Biochemistry, Philosophy of Science (honors) 2003
- *Summa Cum Laude*, *Phi Beta Kappa*
  - University Senate

## Employment

- University at Buffalo School of Law, State University of New York  
*Assistant Clinical Professor* 2016-present  
*Director*, Civil Liberties and Transparency Clinic
- Yale Law School  
*Affiliated Fellow*, Information Society Project 2016-present
- Yale Law School  
*Abrams Clinical Fellow*, *Clinical Lecturer in Law*, *Research Scholar* 2013-2016  
*Supervising Attorney*, Media Freedom and Information Access Clinic  
*Cooperating Counsel*, Veterans Legal Services Clinic
- Gibbons P.C., Newark, NJ  
*John J. Gibbons Fellow in Public Interest and Constitutional Law* 2011-2013
- American Civil Liberties Union  
*Legal Fellow*, National Security Project 2009-2011
- Supreme Court of Canada, Hon. Morris J. Fish, C.C., Q.C.  
*Law Clerk* 2008-2009
- Simpson, Thacher & Bartlett, LLP  
*Summer Associate* 2007
- Department of Justice Canada  
*Legal intern*, Constitutional & Administrative Law Section 2006

Civil Liberties and National Security Clinic, Yale Law School <i>Student attorney</i>	2006-2007
Community Lawyering Clinic, Yale Law School <i>Student attorney</i>	2006
Canadian House of Commons <i>Parliamentary Intern</i>	2004-2005

## Publications

### Articles & Essays

Jonathan Manes, *Secrecy and Evasion in Police Surveillance Technology*, 34 BERKELEY TECH. L.J. \_\_\_ (forthcoming 2019).

Jonathan Manes, *Secret Law*, 106 GEORGETOWN L.J. 803 (2018)

Jonathan Manes, *Online Service Providers and Surveillance Law Transparency*, 125 YALE L.J. F. 343 (2016)

### Selected Amicus Briefs and Policy Reports

*Food Marketing Institute v. Argus Leader, Inc*, No 18-481 (Sup. Ct. 2019), Brief of Amici Curiae AI Now Institute, ACLU, EFF, NYU Center on Race, Inequality, and the Law, and Knight First Amendment Institute at Columbia University (arguing for narrow reading of the FOIA exemption for “confidential commercial information” to avoid unwarranted secrecy about government activities that rely on private-sector technology like artificial intelligence decisionmaking algorithms and advanced surveillance technologies) (co-author with clinic students John Kuebler, Suzanne Starr, and John Zakour)

*United States v. Terry Albury*, No. 18-cr-67 (D. Minn 2018), Brief of Amici Curiae Scholars of First Amendment Law (arguing that criminal sentence imposed on FBI whistleblower convicted of disclosing classified information should reflect the public interest in disclosure and broader First Amendment values) (co-authored with Heidi Kitrosser (Minnesota), David Schulz (Yale), Patrick Kabat (Cleveland State), and Jane Kirtley (Minnesota))

*Flo & Eddie, Inc. v. Pandora Media, Inc.*, No. S240649 (Cal. Sup. Ct. 2018), Brief of Amici Curiae Information Society Project and Scholars of Intellectual Property and Free Expression Law, in support of Defendant-Petitioner (supporting protections for free expression in state copyright law) (co-author with BJ Ard)

*In re National Security Letter*, 863 F.3d 1110 (9th Cir. 2017), Brief of Amici Curiae Floyd Abrams Institute for Freedom of Expression and First Amendment Scholars, in support of the Parties Under Seal (opposing National Security Letter gag orders as prior restraints) (co-author with Hannah Bloch-Wehba)

*Microsoft v. Department of Justice*, No. 16-cv-538 (W.D. Wash. 2016), Brief of Law Professors (opposing gag order provision of Electronic Communications Privacy Act on First and Fourth Amendment grounds)

Media Freedom & Information Access Clinic, *Police Body Cam Footage: Just Another Public Record* (Dec. 2015) (co-authored with clinic students and David A. Schulz)

*Hamdan v. United States*, No. 11-1257 (D.C. Cir. 2012), Brief of Japanese American Citizens League, *et al.* (opposing Military Commissions Act on Equal Protection grounds for discriminating against non-citizens) (co-author with Jon Hafetz and David Cole)

American Civil Liberties Union, *Establishing a New Normal: National Security, Civil Liberties, and Human Rights Under the Obama Administration—An 18-month Review* (July 2010) (co-author with Jameel Jaffer, Ben Wizner, Hina Shamsi, and Alex Abdo).

## **Presentations**

*Privacy Law Scholars Conference*, Discussant for article by Profs. Robert Sloan and Richard Warner, University of Berkeley School of Law, May 2018.

*Freedom of Expression Scholars Conference*, Discussant for article by Profs. Ronnell Andersen Jones and Lisa Grow Sun, Yale Law School, April 2018.

*Artificial Intelligence Policy Forum*, SUNY Office of Research and Economic Development, The Rockefeller Institute on Government, Albany, NY, November 2018.

*Algorithmic Systems, Trade Secrecy and Incentives*, panelist, Conference on Trade Secrets and Algorithmic Systems, NYU Information Law Institute, November 2018.

*Accountability Clinic Nuts & Bolts*, panelist, Access & Accountability Conference, Yale Law School, October 2018.

*Law Enforcement Accountability*, panelist, Access & Accountability Conference, Yale Law School, October 2018.

*Freedom of Expression Scholars Conference*, Discussant for article by Prof. Scott Skinner-Thompson, Yale Law School, June 2018.

*Secret Techniques: The Problem of Secret Innovation in Law Enforcement Technology*, Privacy Law Scholars Conference, GW Law School, May 2018.

*Artificial Intelligence Germination Space*, State University of New York, University at Buffalo, Spring 2018

*National Security & Surveillance*, moderator and panelist, Yale Law School Access & Accountability Conference, October 2017.

*Secret Techniques*, faculty workshop, University at Buffalo School of Law, August 2017.

*Building a network of Media and Tech Clinics*, co-facilitator and participant, Media and Tech Clinic Convening, MacArthur Foundation Chicago, June 2017.

*Secrecy and Circumvention: The Problem of Secret Innovation in Law Enforcement Techniques and Procedures*, Freedom of Expression Scholars Conference, Yale Law School, May 2017

*Transparency Litigation and Advocacy in Clinics: Supporting Activism, Journalism, and Organizing in Troubled Times*, lead organizer and panelist, AALS Conference on Clinical Legal Education Denver, April 2017.

*Hate Speech on Campus*, speaker and panelist, University at Buffalo “Difficult Conversations” series, April 2017.

*Civil Liberties and the Trump Administration*, University at Buffalo Post-Election Community Forum, November 2016.

*FOIA and Secret Law*, Invited Speaker, Berkman-Klein Center for Internet & Society, Harvard Law School, November 2016.

*Once More Unto the Breach: The Law and Policy of Data Breaches*, Moderator, AALS Section on Internet & Computer Law, AALS 110th Annual Meeting, January 2016.

*Workshop on Human Rights and New Technologies*, Commentator, University of Connecticut Human Rights Institute, October 2015.

*Law, Policy, and Ethics of Drone Warfare*, Discussant, Drone War Institute Conference on Reconfiguring Global Space: The Geography, Politics, and Ethics of Drone War, Indiana University School of Global and International Studies, July 2015.

*Secret Law*, Freedom of Expression Scholars Conference, Yale Law School, May 2015

*Reflections on Litigating for Marriage Equality in New Jersey*, Guest Lecture, Yale College Seminar on Gay Rights, Abortion and Religious Freedom: Constitutional Rights and the Culture Wars, April 2015.

*How National Security Information Flows to the Public: The Case of Targeted Killing*, Invited Lecture, Rob Kling Center for Social Informatics Speaker Series, Indiana University Bloomington, March 2015.

*The First Amendment and Online Threats*, Guest Lecture, Indiana University School of Informatics Graduate Seminar on Technology and the First Amendment, March 2015.

*Twenty Years of South African Constitutionalism: Constitutional Rights, Judicial Independence, and the Transition to Democracy – Access to Information Panel*, Commentator, New York Law School, November 2014.

*Freedom of Information Laws and Investigative Journalism*, Guest Lecture, Pace University Journalism Program, October 2014.

*Freedom of Expression Scholars Conference*, Lead Organizer and Discussant for article by Prof. Helen Norton, Yale Law School, May 2014.

*Big Data and Foreign Surveillance*, Moderator, Yale Journal of Law and Technology Symposium, April 2014.

*Balancing National Security and Transparency in Government Data Collection*, Moderator, Cardozo Arts and Entertainment Law Journal Symposium, April 2014.

*Secret Law*, Yale Law School Information Society Project Workshop, March 2014.

*Reasonable Expectations: Restraining the NSA in the New Surveillance State*, Panelist, Yale Law School, February 2014.

*Transparency as a Utopian Vision*, Whitney Humanities Center (Yale University), Science, Technology and Utopian Visions Working Group, November 2013.

*Internal Law and the National Security State*, Yale Law School Information Society Project Workshop, November 2013.

*Privacy vs. Security: Our Right to Know*, Panelist, American Civil Liberties Union of Connecticut Public Forum, October 2013.

*Targeting Terror: Can the Executive Carry Out "Targeted Killings" of US citizens Outside of a Combat Zone?*, Panelist, Cardozo Law School, International Law Society, December 2010.

*Al-Aulaqi v. Obama: Targeted Killings Come to Court*, Brooklyn Law School, November 2010.

*Al-Aulaqi v. Obama: When Does the President Have the Legal Authority To Target a U.S. Citizen?*, Panelist, Columbia Law School, September 2010.

*Drone Warfare: New Robotics & Legality of Targeted Killings*, Panelist, Harvard Law School, Harvard National Security Journal Symposium, March 2010.

## **Selected Professional Service**

### Community and public service

Buffalo Common Council Police Advisory Board, Co-Chair	2018-present
New York Civil Liberties Union, Board Member	2017-present
Buffalo-Niagara Coalition for Open Government, Board Member	2017-present
Western New York Lawyers for Civil Rights, Member	2016-2018

Academic service – national

National Access, Accountability, and Free Expression Network, Co-Founder and Member of Steering Committee	2017-present
Post-Election Working Group of Clinical Teachers, Steering Committee	2016-2017
Yale Law School Freedom of Expression Scholars Conference, Organizer	2013-2016

Academic service – University at Buffalo

UB Artificial Intelligence Institute, Legal & Ethics Thrust Leader	2018-present
UB Faculty Senate	2017-2019
Baldy Center for Law & Social Policy Advisory Council	2016-present
Baldy Center for Law & Social Policy Grant Proposal Review Committee	2018
UB Civil Liberties Union, Faculty Advisor	2017-2018

Academic service – UB School of Law

Academic Standards and Standing Committee	2018-present
Legal Writing Faculty Hiring Committee	2017
Pro Bono Scholars Committee	2016-present
Trump & the Law Speaker Series, Co-organizer	2017-2018
UB School of Law Dean Search Committee	2017

**Grants, Awards & Prizes**

Mozilla Responsible Computer Science Challenge Award, co-principal investigator (with PI Atri Rudra and other co-PI's from Computer Science, Industrial & Systems Engineering, Media Study, and Architecture) (\$150,000)	2019
University at Buffalo Germination Space Seed-Funding Grant: <i>Artificial Intelligence Ethics and Accountability in the Criminal Justice System</i> (with colleagues in Computer Science, Industrial & Systems Engineering, Architecture, Media Study) (\$25,000)	2018
Baldy Center for Law & Social Policy Grant: <i>Trump and the Law Speaker Series</i> (with Prof. Mateo Taussig-Rubbo) (\$6,000)	2017
Columbia University Global Freedom of Expression Prize for Excellence in Legal Service – Finalist	2016
Commonwealth Scholarship (competitive scholarship for graduate study in U.K.)	2003

Eudora J. Kellett Fellowship, Columbia University (declined in favor of Commonwealth Scholarship)	2003
Edward S. Brainard Prize, Columbia University (awarded for “qualities of mind and character” by student vote)	2003
Adam L. Jones Prize, Columbia University (best paper in philosophy of science)	2002
Kluge Fellows Summer Research Grant, Columbia University	2002
Telluride Association Summer Program	1998

### Bar Admissions

State of New York

United States Courts of Appeals for the Third, Ninth, and Tenth Circuits

United States District Courts for the Northern, Western, Southern, and Eastern Districts of New York, the District of Connecticut, and the District of New Jersey.

### Languages

Spanish (native); French (basic competence)

### Selected Media

Charlie Savage, *Testing Novel Power, Trump Administration Detains Palestinian After Sentence Ends*, Mar. 26, 2019 (article regarding clinic case challenging indefinite, preventive detention of client on national security grounds)

Brian Nearing, *Artificial Intelligence Could Impact Half of Jobs in NYS*, Jan. 20, 2019 (quoted regarding the use of potentially biased AI systems in the criminal justice system and the importance of transparency with respect to government use of AI).

Phil Fairbanks, *When Can the Feds Hack into Your Computer? Case Involving Scam Targeting Wegmans Could Decide*, Buffalo News, Jan. 5, 2019 (quoted regarding clinic FOIA lawsuit seeking disclosure of information regarding government use of computer hacking tools).

Harold McNeil, *Advisory Board Hears Public’s Concerns About Body Camera Policy*, Dec. 5, 2018 (quoted regarding the details of the Buffalo Police Department’s body-worn camera policy).

Geoff Kelly, *Police Lawyer Sues Buffalo News Commenter*, Sep. 14, 2018 (quoted extensively regarding First Amendment implications of defamation lawsuit filed by police officers against city resident).

Luke Hammill, *Class Action: UB's Law Clinics Give Students Firsthand Legal Experience—and the Disenfranchised a Fighting Chance in Court*, AT BUFFALO, Winter 2018 (feature story on my clinic's work published in the University's magazine).

Erin Fuchs, *Why Tech Giants Will Love the Supreme Court's Ruling for Digital Privacy*, Yahoo Finance, June 22, 2018 (quoted on implications of Supreme Court decision in *United States v. Carpenter*).

Erin Fuchs, *Supreme Court Fight Could Stir Up Fears of US Spying Overseas*, Yahoo Finance, February 10, 2018 (quoted about cross-border searches of digital information)

Bloomberg Law Brief (radio), *DOJ Curbs 'Sneak and Peak' Searches*, Oct. 26, 2017 (interviewed regarding changes to DOJ policy on surveillance gag orders).

Charles Anzalone, *Law Clinic Advocates Access to Information, Teaches the Power to 'Do Good'*, UNIVERSITY AT BUFFALO NOW, Aug. 14, 2017 (reporting on the first year of my clinic's work).

Vera Bergengruen, *Vets Group Sues Pentagon for not Protecting Private Military Records of Millions of Troops*, MIAMI HERALD, Aug. 11, 2017 (reporting on clinic lawsuit).

Nikki Wentling, *Vietnam Veterans Group Files Suit Accusing Dod of Exposing Private Information Through Website*, STARS & STRIPES, Aug. 2, 2017 (reporting on clinic lawsuit).

Mike Arena, *Veterans Group Suing Department of Defense Over Privacy Issue*, SPECTRUM NEWS, Aug. 1, 2017 (TV news story regarding clinic lawsuit).

Thuy Lan Nguyen, *Local Vietnam Veterans and University at Buffalo file lawsuit against Department of Defense*, WKBW BUFFALO NEWS, Aug. 1, 2017 (TV news story regarding clinic lawsuit).

Michelle Malkin, *Daniel Holtzclaw Update: Storm Over Oklahoma Court Secrecy*, CONSERVATIVE REVIEW, July 28, 2017 (quoted extensively regarding court secrecy practices).

Eugene Volokh, *Sealed Cases, Sealed Documents, Sealed Court Opinion*, WASHINGTON POST VOLOKH CONSPIRACY, July 6, 2017 (publishing Op-Ed by clinic students regarding court secrecy project).

Adam Klasfeld, *Judge Shields Records on Pacific Trade Deal*, COURTHOUSE NEWS SERVICE, Sept. 29, 2015 (discussing clinic's transparency lawsuit seeking disclosure of information regarding Trans-Pacific Partnership negotiations).

Jody Godoy, *FBI Has No Reason To Gag Ex-Internet Co. Owner, Judge Rules*, LAW360, Sept. 16, 2015 (discussing clinic's victory in lawsuit challenging gag order on National Security Letter recipient Nicholas Merrill).



Debra Kroszner, *Transparency, Surveillance, and the Future of First Amendment Law*, YALE LAW REPORT, Summer 2015 (discussing work of the Yale Media Freedom and Information Access Clinic).

Ed Silverman, *Amgen Subpoenas Journalist as it Fights Shareholder Lawsuit*, WALL STREET JOURNAL PHARMALOT, June 4, 2015 (quoted on press shield laws).

*The Elonis Case and Online Harassment*, Radio Times WHYI-FM (Philadelphia), Dec. 4, 2014 (panelist on call-in radio show discussing Supreme Court case regarding online threats).

*Supreme Court Considers Whether Online Speech is a 'True Threat,'* KQED Forum, KQED Radio (San Francisco), Dec. 2, 2014 (panelist on call-in radio show discussing Supreme Court case regarding online threats).

Maureen Farrell, *Why Herbalife Shouldn't Sue Bill Ackman*, WALL ST. JOURNAL MONEYBEAT, July 24, 2014 (quoted on defamation law).

John Christofferson, *Feds Want to Use Rowland's Radio Show in Trial*, ASSOC. PRESS, July 10, 2014 (quoted on First Amendment issues).

Bob Braun, *Gitmo Commissions Doomed to Repeat Civil Liberty Mistakes*, THE STAR-LEDGER, Dec. 1, 2011 (quoted regarding Guantánamo military commissions).

Jonathan Manes, Letter to the Editor, *A Spotlight on Drone Strikes in Pakistan*, N.Y. TIMES, Aug. 19, 2011 (letter regarding CIA secrecy).

Jonathan Manes & Jameel Jaffer, Opinion, *Too Many Secrets*, PRECEDENT, Mar. 10, 2011 (opinion column regarding transparency laws in Canada).

William Fisher, *U.S. Judge Declines to Rule on Targeted Killings of U.S. Citizens*, INTER-PRESS SERVICE, Dec. 8, 2010 (quoted regarding targeted killing lawsuit).

Channel 4 News (U.K.), *Warning Over Increased Use of Drones*, June 7, 2010 (television interview regarding drone strikes).

Adam Entous, *Americans Who Join Militants Can Be Targets—White House*, REUTERS, May 20, 2010 (quoted regarding U.S. targeted killing program).