

evelyn douek

ASSISTANT PROFESSOR OF LAW · STANFORD LAW SCHOOL

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ACADEMIC EMPLOYMENT

STANFORD LAW SCHOOL
Assistant Professor of Law, 2022–

KNIGHT FIRST AMENDMENT INSTITUTE AT COLUMBIA UNIVERSITY
Senior Research Fellow, 2021–

HARVARD LAW SCHOOL
Lecturer on Law, 2021–20

EDUCATION

HARVARD LAW SCHOOL
Doctor of Juridical Science (SJD), 2022
Master of Laws (LLM), 2017

UNIVERSITY OF NEW SOUTH WALES
Bachelor of Commerce/ Bachelor of Law (BComm/LLB), first class honors, 2013
UNSW Law Journal, executive editor (editor-in-chief)
UNSW Council (university's governing body), elected student representative

CLERKSHIP

HIGH COURT OF AUSTRALIA
Associate (Clerk) to the Hon then-Justice (now Chief Justice) Susan Kiefel AC, 2015–16

FELLOWSHIPS & AFFILIATIONS

BERKMAN KLEIN CENTER FOR INTERNET & SOCIETY AT HARVARD UNIVERSITY
Affiliate, 2019–

JOURNAL OF ONLINE TRUST AND SAFETY
Editorial Board, 2021–

PROFESSIONAL EXPERIENCE

CORRS CHAMBERS WESTGARTH
Litigator, 2016

HERBERT SMITH FREEHILLS
Litigator & banking lawyer, 2014
Summer clerk, 2011–12

VOICELESS (animal rights non-profit)
Legal intern, 2011

LEXISNEXIS
Editorial assistant, 2010–11

ADMISSIONS TO PRACTICE

High Court of Australia, admitted on 18 March 2016
Supreme Court of New South Wales, admitted on 5 December 2014

PUBLICATIONS

LAW REVIEW ARTICLES

Content Moderation as Systems Thinking, 136 HARV. L. REV. (forthcoming 2022)

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)

OTHER ACADEMIC PUBLICATIONS

First Amendment Politics Gets Weird: Public and Private Platform Reform and the Breakdown of the Laissez-Faire Free Speech Consensus, U. CHI. L.REV. ONLINE (June, 2022) (with Genevieve Lakier)

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)

The Accidental Origins, Underappreciated Limits & Enduring Promises of Transparency Reporting about Information Operations, 1 J. ONLINE TRUST & SAFETY (2021) (with Camille François)

"What Kind of Oversight Board Have You Given Us?", U. CHI. L.REV. ONLINE (May, 2020)
Cited by the Supreme Court of Israel in HCJ 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)

Verified Accountability: Self-Regulation of Content Moderation as an Answer to the Special Problems of Speech Regulation, HOOVER AEGIS PAPER SERIES NO. 1903 (2019)

BLOG POSTS

Rereading the First Amendment Series, KNIGHT FIRST AMENDMENT INSTITUTE AT COLUMBIA UNIVERSITY

Introduction (May 18, 2022)
Rereading Alvarez (May 18, 2022)
Rereading Herbert v. Lando (May 26, 2022)

Rereading Bluman v. Federal Election Commission (June 23, 2022)

Rereading Schenck v. United States (July 7, 2022)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

COMMENTARY

Running Twitter Is Going to Disappoint Elon Musk, THE ATLANTIC (Apr. 26, 2022)

1 Billion TikTok Users Understand What Congress Doesn't, THE ATLANTIC (Oct. 10, 2021)

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

Someone Has to Do It, THE ATLANTIC (May 6, 2021)

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

Trump Is Banned. Who is Next?, THE ATLANTIC (Jan. 9, 2021)

The Year That Changed the Internet, THE ATLANTIC (Dec. 28, 2020)

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

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

Trump is a Problem Twitter Cannot Fix, THE ATLANTIC (May 27, 2020)

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

Finally, Facebook Put Someone in Charge, THE ATLANTIC (Sep. 18, 2019)

The Lawless Way to Disable Schan, THE ATLANTIC (Aug. 6, 2019)

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

PODCASTS

Host, *Views on First*, KNIGHT FIRST AMENDMENT INSTITUTE AT COLUMBIA UNIVERSITY (forthcoming 2022)

Co-host, *Arbiters of Truth Podcast*, LAWFARE (2019–22)