# PAM SAMUELSON AND THE EMERGENCE OF THE TECHNOLOGY LAW AND POLICY CLINICAL MOVEMENT

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## I. INTRODUCTION

When I arrived at Berkeley Law in 1997 for my first day as a 1L, I had no idea that I was destined for a career in a field of legal education that had yet to come into being. But someone else on campus had already been laying the intellectual, institutional, and political groundwork for years: Pam Samuelson.

My first introduction to Pam came through Laurel Jamtgaard, the incoming editor of the Berkeley Technology Law Journal. At one of our first meetings, Laurel announced that Pam was working with other leading

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academics to organize a massive multi-day conference on Article 2B of the Uniform Commercial Code (UCC). Article 2B was a model law drafted to provide a standard set of rules for regulating transactions in information products and services, similar to what Article 2 of the UCC tried to do for the manufacturing economy and commerce in goods.[1] The authors and supporters of Article 2B planned to submit these new rules for the information economy to state legislatures to enact into law. Further, with the Clinton Administration's recent publication of *A Framework for Global Electronic Commerce* touting internet commerce as the wave of the future for the global economy, Article 2B was poised to make state contract law "the world's preeminent law regulating transactions in information," as Pam would later write.[2]

The conference was a tour deforce, dissecting the problems Article 2B posed to information policy, intellectual property, privacy, and other public interest concerns. It also laid out an exceptional agenda for pushing back on the law. As was typical of conferences that Pam helped organize, the speakers list was a star-studded group of scholars, practitioners, and policymakers. The conversations, presentations, and papers energized many of us in the audience. We knew we had not only come to the right law school, but also found inspiration and strategic ideas for how to make a difference on a topic near and dear to our hearts—law and technology.

The event culminated in the publication of joint-symposium issues by the California Law Review and the Berkeley Technology Law Journal. Pam wrote forwards for both issues, outlining not only theoretical and doctrinal contributions from other leading thinkers such as Mark Lemley, David Nimmer, Michael Froomkin, Jessica Litman, Jane Ginsburg, Julie Cohen, and Rochelle Dreyfuss, but also several paths forward for policy debates and interventions.[3] As a student, it was exciting to be part of the event planning and publishing, but many of us felt a collective need for something more and something bigger.

## II. *ELDRED V. ASHCROFT* AND THE ORIGINS OF TLP CLINICAL EDUCATION

A watershed moment came for us on January 11, 1999. Professor Larry Lessig filed his complaint on behalf of internet publisher Eric Eldred in *Eldred*

1. Pamela Samuelson, *Intellectual Property and Contract Law for the Information Age: Foreword to a Symposium*, 87 CALIF. L. REV. 1 (1999).

2. *Id.*

3. *Id.*; Pamela Samuelson, *Foreword*, *Symposium on Intellectual Property and Contract for the Information Age*, 13 BERKELEY TECH. L.J. 809 (1998).

*v. Reno* (*Eldred v. Ashcroft* on appeal), challenging the additional twenty years of protection that the Sonny Bono Copyright Term Extension Act had granted to copyright owners as both a violation of the Constitution's Copyright Clause and the First Amendment.[4]

As part of his effort to garner legal support for the case, Lessig toured law schools to highlight his arguments. After a talk at Berkeley, there was a discussion of what, if anything, students could do to help. Lessig suggested that we contribute to Harvard's Openlaw effort, "an experiment in crafting legal argument[s] in an open forum" based on the philosophy of open-source software.[5] *Eldred* was Openlaw's first case; we could still address many topics by uploading our independent research and analysis.[6]

Several of us, especially those of us who had taken Pam's classes, tried to make contributions, but we quickly found the experience frustrating and unsustainable. There was no structure, no supervision, no pedagogical model where our contributions both enhanced our learning and fulfilled the role of lawyering in the public interest. The case was exactly the type we envisioned working on in our careers, but it felt disconnected from the fight, an abstraction of learning and lawyering instead of in situ, real time, and representing a real client.

At the same time, we noticed that many of our friends and colleagues working on other public interest issues were having a very different experience. They were enrolled in clinics such as Berkeley Law's East Bay Community Law Center, Death Penalty Clinic, and International Human Rights Clinic.[7] In these clinics, they represented real clients and worked on live issues directly under the supervision of faculty. The issues they were working on were just as impactful, albeit in more traditional legal domains. But the most striking differences were pedagogical. As clinic students, they were able to build on their understanding of theory, doctrine, and policy through direct legal work. They could receive regular feedback and practice iteration with experts in the

4. Eldred v. Reno, 239 F.3d 372 (D.C. Cir. 2001), *aff'd sub nom.* Eldred v. Ashcroft, 537 U.S. 186 (2003).

5. *Openlaw*, BERKMAN KLEIN CTR. FOR INTERNET & SOC'Y AT HARVARD UNIV., https://cyber.harvard.edu/openlaw.

6. Most of the Openlaw Eldred v. Reno site has been archived, but a sample of the types of questions it asked for help with is here. *See Openlaw: Contribute/Edit Copyright Questions*, BERKMAN KLEIN CTR. FOR INTERNET & SOC'Y AT HARVARD UNIV., https://cyber.harvard.edu/openlaw/contribute.html.

7. *Providing Collaborative and Holistic Programs*, EAST BAY CMTY. LAW CTR., https://ebclc.org/about-us/program-areas/; *Death Penalty Clinic*, BERKELEY L., https://www.law.berkeley.edu/experiential/clinics/death-penalty-clinic/; *Human Rights Clinic*, BERKELEY L., https://www.law.berkeley.edu/experiential/clinics/international-human-rights-law-clinic/.

field. In essence, they were able to begin their careers in their chosen areas before graduation, which put them on the path not only to make a greater impact but also toward becoming leading thinkers and advocates across the issues they cared most about. Thus we began to see the way forward—forming a clinic of our own.

The task of creating the first technology, law, and policy (TLP) clinic, however, was not simple. In traditional areas of social justice, clinics had been around since the 1970s.[8] Technology law, and especially intellectual property law, was commonly seen as "private law"—the domain of corporations and other commercial actors. Even though the social welfare benefits of information infrastructures such as the internet became obvious by 1999 and we had already seen digital public interest organizations such as the ACLU, Electronic Frontier Foundation, Center for Democracy and Technology, and Electronic Privacy Information Center advocate for these benefits in Congress and the Courts, our initial conversations with various law school clinical programs unearthed substantial skepticism.[9] Would students work on important social justice issues? Or would they simply represent private interests such as startups wanting to raise money? Would students learn what they needed to pursue careers as public interest TLP lawyers?[10] Or would they simply log the equivalent of pro bono hours until they went to work for profit-oriented private law firms? And how would TLP clinics integrate into the broader social justice clinical community and contribute to the growth and development of the field as a whole?

These were just some of the questions that my student colleagues and I began to discuss as the idea for a TLP clinic at Berkeley gained traction. To help answer them, we reached out to several members of the Berkeley Law faculty, all of whom were supportive. Pam quickly emerged as our champion. To no one's surprise, Pam had already been thinking about the possibility of a

8. *See* Jane H. Aiken, *The Clinical Mission of Justice Readiness*, 32 B.C. J.L. & SOC. JUST. 231–46 (2012); Stephen Wizner, *The Law School Clinic: Legal Education in the Interests of Justice*, 52 FORDHAM L. REV. 1929 (2002); Stephen Wizner and Dennis Curtis, *Here's What We Do: Some Notes About Clinical Legal Education*, 29 CLEV. ST. L. REV. 673 (1980).

9. *See, e.g.*, Reno v. American Civil Liberties Union, 521 U.S. 844 (1997); *Bernstein v. US Department of Justice*, ELEC. FRONTIER FOUND., https://www.eff.org/cases/bernstein-v-us-dept-justice; Juliana Gruenwald, *Congress Finds No Easy Answers to Internet Controversies*, CNN (Jan. 31, 1998), https://www.cnn.com/ALLPOLITICS/1998/02/02/cq/internet.html; *Children's Privacy Protection and Parental Empowerment Act: Hearing on H.R. 3508 Before the Subcomm. on Crime of the H. Comm. on the Judiciary*, 104th Cong. (1996), https://archive.epic.org/privacy/kids/EPIC_Testimony.html (statement of Marc Rotenberg, director of the Electronic Privacy Information Center).

10. Some questioned if the career of "public interest TLP lawyer" even existed, having never heard of it before.

TLP Clinic. She had already been laying the groundwork across the faculty, connecting the substantive issues (especially in intellectual property and information law) with the public interest vision of the program. She had also already begun working together with the Berkeley Law clinical faculty, including Charles ("Chuck") Weisselberg (the head of the Berkeley Law clinical program at the time), to build the case for integrating a TLP Clinic into the larger program.

Together, we developed a blueprint for a public interest TLP clinic. First, we dedicated the clinic to public interest clients—no startups, no corporations, no VCs or profit-oriented inventors. Our work would focus on the needs of those whose voices who were underrepresented or disaggregated in tech law and policy regulatory, litigation, and legislative proceedings. These clients included librarians, grassroots activists, social justice NGOs (especially those without expertise in the technology domain), academic researchers, journalists, individual artists, and privacy advocates.

We also committed the clinic to work on issues that would have a positive social impact beyond the individual clinic clients. For example, a case protecting one client's constitutional right to online privacy helped protect all our rights to online privacy. Or a case fighting for fair use for librarians or online critics would create breathing room for anyone who made similar uses of copyrighted works. Much like Pam's framing of the Article 2B conference and subsequent publications, the clinic would take on the fights that would help shape the best rules and protections possible for the future of technology and society, especially for those who couldn't afford the legal representation that most corporations and governments regularly brought to the table.

Finally, we worked to design the clinical pedagogical experience to mirror that of other tremendous clinical programs, both at Berkeley and across the country. The clinic's commitment to take on important issues on behalf of clients in need was critical to creating true experiential educational opportunities, as was putting students in the role of lead attorneys to run the cases under the supervision of experienced expert practitioners. TLP Clinics, also faced the added challenge of working on issues involving new technologies that were often nascent, where evidence on various harms and policy considerations was difficult to find let alone marshal. Here, again, Pam provided much-needed mentoring and support. Pam built much of her scholarly career on identifying and dissecting key TLP issues as they emerged. She helped lay out the case for how TLP Clinics could not only intervene in key fights in a timely manner, but also how they could get ahead of important conflicts and policy choices to help shape themselves in their earliest stages.

And the rest, as they say, is history. In 2000, the faculty voted to create what would soon be named the Samuelson Law, Technology, and Public Policy Clinic (SLTPPC). Today, there are over thirty TLP clinics worldwide, including at most major law schools that have a significant TLP faculty presence.[11] Berkeley Law's Samuelson Clinic is about to celebrate its twenty-fifth anniversary. Hundreds of law students every year now work on TLP issues as a regular part of their legal education, and thousands of alumni have built careers based in part on having experience as TLP student attorneys.[12] One of the keys to building this successful movement was understanding early on how important it was to have strong connections between clinical and non-clinical TLP faculty at every school. Those strong alliances, which Pam helped foster both at Berkeley with the SLTPPC and at other schools where she helped start TLP clinics, would often prove decisive in the success and sustainability of the TLP Clinic movement. Notably, this also proved true for the *Eldred* case. By the time it reached the U.S. Supreme Court, the Berkeley SLTPPC was there to help file an amicus in support of petitioners' arguments, something Berkeley Law students could never have achieved alone.[13]

Yet Pam's contribution to the TLP clinical education field goes far beyond her vision and support at its moment of origin. For the last quarter century, Pam's scholarship, organizing, and advocacy helped pave the way for numerous areas of TLP clinic work. In her writing, teaching, and public talks, she would often lay out the road map for what was needed in a given area, highlighting gaps and key voices and positions missing from the debate. Many movements look to intellectual architects to help identify key opportunities. Through her teaching, scholarship, and advocacy, Pam provided this

11. For an early snapshot of these developments, see Christine H. Farley, Victoria Phillips, Joshua Sarnoff & Ann Shalleck, *Clinical Legal Education and the Public Interest in Intellectual Property Law*, 52 ST. LOUIS U. L.J. 735 (2008).

12. Pam and her husband Robert Glushko would eventually help personally establish five other clinics, including ones at Colorado, Fordham, Ottawa, Amsterdam, and American University in Washington D.C. Years later, many of us would recount how the Berkeley Law technology faculty, and in particular Pam, had helped so many of us grow into public interest technology lawyers. We affectionately referred to ourselves as Samuelson's Army, a reference to "Dumbledore's Army" in J.K. Rowling's Harry Potter Series. Just as Harry and his classmates took inspiration from their mentor and teacher to form their own peer-led educational cohorts, so too had dozens of us followed Pam's lead to not only fight for TLP public interest values but also to dedicate ourselves to building out the TLP field, especially as part of law school clinical education. *See, e.g.*, *Clinic Alumni*, BERKELEY L., https://www.law.berkeley.edu/experiential/clinics/samuelson-law-technology-public-policy-clinic/about/clinic-alumni/.

13. Brief for Eldred et al. as Amici Curiae Supporting Petitioners, Eldred v. Ashcroft, 537 U.S. 186 (2003) (No. 01-618), 2002 WL 1059714.

leadership for the TLP Clinic movement. Below are several domains where she has had a profound and undeniable impact.

## III. SECTION 1201 OF THE DIGITAL MILLENNIUM COPYRIGHT ACT

When Congress began debating digital copyright reform in the mid 1990s, Pam was well in the middle of it. She wrote many articles on various proposals from the 1994 U.S. National Information Infrastructure Take Force's Report on Intellectual Property Rights to the Clinton Administration's *Framework for Global Electronic Commerce* to the draft and eventual enactment of the Digital Millennium Copyright Act (DMCA) of 1998.[14]

The DMCA included several controversial provisions, but among those especially subject to Pam's searing critique were the anti-circumvention regulations.[15] An unprecedented "Copyright Grab," as Pam would pithily coin in an early issue of *Wired Magazine*, the DMCA sought to overturn decades of consumer and competition-friendly copyright decisions, including important fair use precedents such as the canonical 5-4 *Sony v. Universal* decision, upholding the legality of the Betamax VCR.[16]

Section 1201 of the DMCA was particularly nefarious. The law sought to outlaw the distribution of technologies that could decrypt digital content (DVDs being the main example at the time), even if their primary or intended use was lawful—such as making a backup copy or compiling film clips for classroom teaching.[17] This entirely new form of legal power allowed copyright owners to reverse the *Sony Betamax* "capable of substantial noninfringing use" rule for digital content, sacrificing the beneficial lawful uses of multimodal devices in favor of protecting copyright owners against potential harm no matter how remote or inconsequential. In her powerful and prescient article, *Intellectual Property and the Digital Economy: Why the Anti-Circumvention Regulations*

14. BRUCE A. LEHMAN, INTELLECTUAL PROPERTY AND THE NATIONAL INFORMATION INFRASTRUCTURE THE REPORT OF THE WORKING GROUP ON INTELLECTUAL PROPERTY RIGHTS (1995), https://www.eff.org/files/filenode/DMCA/ntia_dmca_white_paper.pdf; *Read the Framework*, *Clinton White House*, https://clintonwhitehouse4.archives.gov/WH/New/Commerce/read.html; Digital Millennium Copyright Act, Pub. L. No. 105-304, 112 Stat. 2860 (1998) (codified as amended in scattered sections of 17 U.S.C. & 28 U.S.C.).

15. 17 U.S.C. § 1201 *et. seq.*

16. 464 U.S. 417 (1984) (holding manufacturers could not be liable for contributory copyright infringement when their devices were used for copyright infringement as long as they were also capable of substantial non-infringing uses like time shifting television programs for later viewing).

17. Pamela Samuelson, *The Copyright Grab*, WIRED (Jan. 1, 1996), https://www.wired.com/1996/01/white-paper/.

*Need to be Revised*, Pam laid out the arguments why Section 1201 was bad news for copyright policy and the strong need for pushback to protect lawful uses, including uses for consumer enjoyment of digital media, education, commentary, research, and technological interoperability.[18]

Following the creation of the TLP Clinical movement, amicus briefs in Section 1201 cases and participation in the Copyright Office's triannual exemption process became the bread and butter of many clinic projects. For example, in the case of *Skylink v. Chamberlain*, SLTPPC filed amicus briefs on behalf of Consumers Union in both the District Court and Federal Circuit proceedings.[19] The case, which centered on whether it was a violation of Section 1201 to sell universal garage door remotes that could work with proprietary garage door openers, raised many of the fundamental public interest concerns Pam had identified in her 1999 paper.[20] Chamberlain, the proprietary manufacturer of garage door openers, claimed that competitor Skylink was trafficking in a copyright circumvention tool by selling universal remotes to Chamberlain customers that were capable of activating the copyrighted software that opened their garage. Yes, that's right. According to Chamberlain, opening your own garage door with a third-party universal remote violated Section 1201, at least according to Chamberlain.

The Berkeley Clinic's briefs took this case from a consumer and competition perspective. The briefs argued that to allow Chamberlain to misuse Section 1201 in this manner and block aftermarket products like universal remotes would give their clients a monopoly that copyright law never intended to provide and would undermine the rights of consumers who legitimately bought their openers to use whichever remote they pleased. Moreover, the briefs anticipated a key fight that Pam had flagged. As more and more consumer devices ran on embedded software, companies would look to Section 1201 as legal leverage to "lock in" their customers and prevent them (or any third-party providers) from improving, repairing, or even maintaining their devices.[21]

Fortunately, both the District Court for the Northern District of Illinois and the Federal Circuit ruled against Chamberlain. The courts interpreted Section 1201 to protect consumers and competition and held that for a

18. Pamela Samuelson, *Intellectual Property And The Digital Economy: Why The Anti-Circumvention Regulations Need To Be Revised*, 14 BERKELEY TECH. L.J. 519 (1999).

19. Chamberlain Group Inc., v. Skylink Tech. Inc., 381 F.3d 1178 (Fed. Cir. 2004).

20. Samuelson, *supra* note 18.

21. Samuelson, *supra* note 18; *see also* Aaron Perzanowski, Chris Hoofnagle & Aniket Kesari, *The Tethered Economy*, 87 GEO. WASH. L. REV. 783 (2019); AARON PERZANOWSKI & JASON SCHULTZ, THE END OF OWNERSHIP, MIT PRESS (2016); AARON PERZANOWSKI, THE RIGHT TO REPAIR, CAMBRIDGE PRESS (2021).

copyright owner to bring a claim under Section 1201, there must be some "nexus" between the access control circumvented and copyright infringement.[22] Since opening a garage door didn't infringe any Chamberlain copyrights, Skylink emerged victorious, as did the core principles of competition, innovation, and consumer protection the Clinic had fought to preserve.

But the courts were not the only venue where TLP Clinics found purchase when it came to Section 1201. The DMCA also contained a triennial rulemaking administrative exemption process whereby the Copyright Office could recommend that the Librarian of Congress exempt certain classes of users or works from Section 1201's anti-circumvention access prohibition when necessary to preserve socially valued noninfringing uses.[23] While this administrative process theoretically offered a chance to protect many of the important lawful uses Pam had identified, the time, energy, and funds needed to undertake this process proved prohibitive for most noncommercial users, including libraries, educators, and the general public. For TLP clinical students, on the other hand, it was an ideal pedagogical opportunity. Each exemption request offered a chance to build a case from the ground up, gathering key facts and evidence to support the lawful use exemption requested. It also offered students the chance to understand the unintended consequences and real-world impact of Section 1201 on vulnerable and under-resourced populations. As a result, over the last 25 years, TLP Clinics have helped successfully secure dozens of Section 1201 exemptions for security researchers, educators, consumers, disability advocates, repair enthusiasts, and many others.[24]

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22. *See* Chamberlain, 381 F.3d at 1178. This precedent was further reinforced in StorageTek v. CHE, where a manufacturer of magnetic library tape systems attempted to use Section 1201 to shut down independent repair services from fixing and maintaining customer's systems. Again, the Federal Circuit found there was no nexus with copyright infringement and that the public interest favored both the rights of the customer and competition in the repair market. Storage Tech. Corp. v. Custom Hardware Eng'g & Consulting Inc., 421 F.3d 1307 (Fed. Cir. 2005).

23. The anti-circumvention access prohibition focuses on preventing methods of circumventing any technological protection measure designed to control access to copyrighted works, such as methods of encrypting movie or music content. 17 U.S.C. § 1201.

24. *See, e.g.*, Edward W. Felten and J. Alex Halderman, Comment Letter Re: RM 2005-11 – Exemption to Prohibition on Circumvention of Copyright Protection Systems for Access Control Technologies (Dec. 1, 2005), https://cdn.loc.gov/copyright/1201/2006/comments/mulligan_felten.pdf (CD "rootkit" security research); Alex J. Halderman, Comment Letter In the Matter of Exemption to Prohibition on Circumvention of Copyright Protection Systems for Access Control Technologies (Dec. 2, 2008), https://cdn.loc.gov/copyright/1201/2008/comments/halderman-reid.pdf (video game security research); Matthew D. Green, Comment Letter In the Metter of Exemption to Prohibition on Circumvention of Copyright Protection

While the singular focus and short life cycle of amicus briefs have long been seen in clinical pedagogy as an excellent learning vehicle for students, the ability to participate in the 1201 triennial process has provided an especially vibrant opportunity for TLP clinical education. It allows students to study and understand not only the core administrative law and copyright questions but also many of the public policy issues Pam and other scholars identified during the debates before and after its passage. Clinic students have then had a chance to represent actual voices in those post-passage debates and proceedings, counseling them on those questions, filing exemption requests and replies on their behalf, and even representing them in proceedings before the Copyright Office, combining substantive knowledge, policy savvy, and advocacy skills. Dumbledore's army indeed.

## IV. A DECADE OF LITIGATION OVER DIGITAL BOOK SEARCH

Anyone who knows Pam's work is well acquainted with her myriad of interventions to help bring reason and public interest perspectives to the Book Search battles of the 2000s. It began when Google announced The Google Books Library Project, a collaboration with some of America's most prominent academic libraries to scan millions of physical books from their collections in order to provide better online book search results and, in return, provide each of those libraries with a single digital copy of each physical book

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Systems for Access Control Technologies, https://cdn.loc.gov/copyright/1201/2015/comments-020615/InitialComments_LongForm_Green_Class25.pdf (general-purpose security research); Authors Alliance American Association Of University Professors University Film And Video Association Society For Cinema And Media Studies, Mark Berger, & Bobette Buster, Comment Letter In the Matter of Exemption to Prohibition on Circumvention of Copyright Protection Systems for Access Control Technologies, https://cdn.loc.gov/copyright/1201/2015/comments-020615/InitialComments_LongForm_AuthorsAllianceEtAl_Class05.pdf (multimedia ebooks exemption); American Council of the Blind, American Foundation for the Blind, National Federation for the Blind, Long Comment Regarding a Proposed Exemption Under 17 U.S.C. § 1201, https://www.copyright.gov/1201/2021/comments/Class%2008_InitialComments_Accessibility%20Petitioners.pdf (expansion of ebook accessibility exemption to bring the US into compliance with the Marrakesh Treaty on copyright accessibility for the visually impaired); Association of Transcribers and Speech-to-Text Providers, Association of Research Libraries, Long Comment Regarding a Proposed Exemption Under 17 U.S.C. § 1201, https://cdn.loc.gov/copyright/1201/2018/comments-121817/class2/class-02-initialcomments-atsp-et-al.pdf (disability services exemption); *Regulatory Filings*, AM. U. WASH. COLL. OF LAW, https://ipclinic.org/clients/policy-advocacy-regulatory-filings/ (online learning exemptions for film, medicine, computer science, etc.).

they loaned to the project.[25] The libraries, in turn, formed their own collaboration entitled HathiTrust, to produce a shared digital collection for enhancing search and access, especially access to those with visual disabilities. As a result, both the Authors Guild and members of the American Association of Publishers (AAP) filed lawsuits against Google, and the Authors Guild filed an additional lawsuit against HathiTrust, claiming that mass digitization of lawfully purchased books to achieve these goals infringed the copyrights. Meanwhile, Google and HathiTrust both claimed their activities were noninfringing under the fair use doctrine.

Pam's work on this topic spans volumes and nearly a decade.[26] It also spawned numerous opportunities for TLP clinical education and intervention. After Pam identified a range of public interest issues at stake in the litigation

25. *See* DEANNA MARCUM & ROGER C. SCHONFELD, ALONG CAME GOOGLE (2021); JOHN B. THOMPSON, BOOK WARS (2021).

26. *See, e.g.*, Pamela Samuelson, *A Perspective on the Merits of the Antitrust Objections to the Failed Google Books Settlement*, HARV. J.L. & TECH. 1 (2013); Pamela Samuelson, *New Google Books Settlement Aims Only to Placate Governments*, HUFFINGTON POST (Mar. 18, 2010), https://www.huffpost.com/entry/new-google-book-settlemen_b_358544; Pamela Samuelson, *Google Books is Not a Library*, HUFFINGTON POST (Mar. 18, 2010), https://www.huffpost.com/entry/google-books-is-not-a-lib_b_317518; Pamela Samuelson, *The Google Books Settlement: Real Magic or a Trick?*, 6 ECONOMISTS' VOICE ART. 4 (2009); Pamela Samuelson, *Google Book Search and the Future of Books in Cyberspace*, 94 MINN. L. REV. 1308 (2009); Pamela Samuelson, *Legislative Alternatives to the Google Book Settlement*, 34 COLUM. J. L. & ARTS 697 (2011); Pamela Samuelson, *Why the Google Book Settlement Failed -- and What Comes Next*, 54 COMMC'NS OF THE ACM 29 (2011); Pamela Samuelson, *Overcoming Copyright Obstacles in a Post-Google Book Settlement World*, CTR. FOR DEMOCRACY (2011); Pamela Samuelson, *The Google Book Settlement as Copyright Reform*, WIS. L. REV. 479 (2011). Pamela Samuelson, *Last Chance to Opt Out of the Google Book Settlement*, HUFFINGTON POST (Mar. 27, 2010), https://www.huffpost.com/entry/last-chance-to-opt-out-of_b_434315; Pamela Samuelson, *Standing up for Copyright: Marybeth Peters and the Google Book Settlement*, 58 J. COPYRIGHT SOC'Y U.S.A. 75 (2010); Pamela Samuelson, *An Academic Author's Perspective on the Google Book Settlement*, 22 AGAINST THE GRAIN 24 (2010); Pamela Samuelson, *Academic Author Objections to the Google Book Search Settlement*, 8 J. ON TELECOMM. & HIGH TECH. L. 491 (2010); Pamela Samuelson, *Google Book Settlement 1.0 is History*, HUFFINGTON POST (Nov. 24, 2009), https://www.huffpost.com/entry/google-book-settlement-10_b_296343; Pamela Samuelson, *DOJ Says No to Google Book Settlement*, HUFFINGTON POST (Nov. 20, 2009), https://www.huffpost.com/entry/doj-says-no-to-google-boo_b_292796; Pamela Samuelson, *The Google Settlement*, NATION (Nov. 5, 2009), https://www.thenation.com/article/archive/google-settlement/; Pamela Samuelson, *Why is the Antitrust Division Investigating the Google Book Search Settlement?*, HUFFINGTON POST (Sept. 19, 2009), https://www.huffpost.com/entry/why-is-the-antitrust-divi_b_258997; Pamela Samuelson, *The Audacity of the Google Book Search Settlement*, HUFFINGTON POST (Sept. 10, 2009), https://www.huffpost.com/entry/the-audacity-of-the-googl_b_255490; Pamela Samuelson, *Legally Speaking: The Dead Souls of the Google Book Search Settlement*, 52 COMMC'NS OF THE ACM 28 (2009); Pamela Samuelson, *Pamela Samuelson's Letters to the Court: Concerns on the Proposed Google Book Settlement*, 12 TUL. J. TECH. & INTELL. PROP. 185 (2009); *see also* Michael W. Carroll, *Committed to Copyright's Institutional Role*, 39 BERKELEY TECH. L.J. at 1210–13 (2024).

(and subsequent settlement proposals), there immediately arose a need for the groups who cared about those issues to have representation in those forums. For example, when Google, the Authors Guild, and the Publishers proposed a settlement in their case, Pam quickly gathered many stakeholders for discussions of the over 300-page proposal.[27] Critics raised concerns, including privacy, competition policy, access to "orphan" works, and adequate class representation of all authors, not just those who were members of the Guild. When objections were filed to the settlement, a number of TLP Clinics participated. For example, the Berkeley Clinic worked with the Electronic Frontier Foundation to file an objection on behalf of authors and publishers who published books on controversial or sensitive topics such as abortion, sexuality, or domestic violence.[28] In the settlement, there were no privacy protections in place to prevent Google from collecting and analyzing reader activity from every single page of those books. That data could be very dangerous for many readers, especially if subpoenaed by law enforcement, abusers, or political attackers, and the lack of privacy protections in the settlement could potentially deter readers who needed access to those works from purchasing those books—a chilling effect on the economic and social interests of the authors and for society as a whole. The EFF/Clinic objection brought these concerns directly to the judge in charge of approving or denying the settlement.

In terms of class representation, Pam was among the first to identify a clear difference between the interests of the Authors Guild (which represented mostly commercial/trade authors) and those of academic and other authors who, while interested in commercial success, prioritized access to their works over profits. This was a key weakness of the settlement, which had been oriented around the Guild's narrow perspective on the publishing world, claiming that the Guild represented the overwhelming majority of author interests as a class. This was a key weakness of the settlement. While the Guild claimed that it represented the overwhelming majority of author interests as a class, the Guild instead had a narrow perspective on the publishing world.

As part of highlighting the equally important but underrepresented authors focused on access, Pam spearheaded the formation of the nonprofit Authors Alliance, which has become a mainstay client of TLP Clinics, bringing an alternative voice to balance out the dominant voice of the Authors Guild in litigation and policy debates writ large.

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27. Pamela Samuelson, *The Google Book Settlement as Copyright Reform*, WIS. L. REV. 479 (2011).

28. *Authors Guild v. Google, Part I: Proposed Class Action Settlement*, ELEC. FRONTIER FOUND., https://www.eff.org/cases/authors-guild-v-google.

Disabled readers and their advocates were another set of voices that grew louder in the Book Search cases with help from TLP Clinics.[29] These voices have always been part of a larger debate around access to technology and digital materials, but through work on Section 1201 and digitization of books, these connections became much stronger and have led to greater engagement in advocacy as well as scholarship.[30]

## V. THE BATTLE OVER SOFTWARE AND INTERNET PATENTS

After co-directing the SLTPPC from 2007–2013, I founded a new TLP Clinic at NYU Law. One of my very first clinic projects was an amicus brief in *Alice Corp. v. CLS Bank*.[31] TLP Clinics now regularly file amicus briefs in all types of cases, but none had ever participated in patentable subject matter cases before Pam helped start the TLP Clinic movement. Like so many other fertile areas of public interest work for clinics, Pam was among a unique set of scholars who laid the groundwork in this area. As early as 1990, in her influential article, *Benson Revisited: The Case Against Patent Protection For Algorithms and Other Computer Program-Related Inventions*, Pam questioned whether and how patent law could be appropriately applied to information and algorithmic processes. Decades later, the Supreme Court began to show a renewed appetite to take on these questions, especially as the Federal Circuit Court of Appeals struggled to apply the holdings in *Bilski v. Kappos* and *Prometheus v. Mayo* consistently and often upheld patenting of basic business methods and abstract

29. Brief for Hathitrust et al. as Amici Curiae Supporting Respondent, Authors Guild, Inc. v. Hathitrust, 755 F.3d 87 (2d Cir. 2014) (No. 12-4547), 2013 WL 2702551 (the national disability orgs' amicus brief in Authors Guild v. HathiTrust from the Georgetown clinic).

30. *See, e.g.*, Blake Reid, *Copyright and Disability*, 109 CALIF. L. REV. 2173 (2022); s*ee also* TLPC Student Att'ys, *TLPC Files Amicus Breifs on Behald of Print Disability Advocates in Georgia v. Public.Resource.Org*, SAMUELSON-GLUSHKO TECH. LAW & POL'Y CLINIC (Oct. 18, 2019), https://tlpc.colorado.edu/tlpc-files-amicus-brief-on-behalf-of-print-disability-advocates-in-georgia-v-public-resource-org/ (the print disability advocates' SCOTUS brief in Georgia v. PRO—CU clinic); Colleen McCroskey, *TLPC Presents on Disability and Copyright at WIPO SCCR/38*, SAMUELSON-GLUSHKO TECH. LAW & POL'Y CLINIC (Apr. 15, 2019), https://tlpc.colorado.edu/tlpc-presents-on-disability-and-copyright-at-wipo-sccr-38/ (the culmination of several visits the CU clinic made to WIPO to survey and present on the implementation of the Marrakesh Treaty in collaboration with Caroline Ncube and her students at the University of Cape Town); TLPC Adm'r, *TLPC Files Amicus Briefs for Disability Rights Advocates in Challenge to Federal Agency Incorporation by Reference Practices*, SAMUELSON-GLUSHKO TECH. LAW & POL'Y CLINIC (Apr. 4, 2024), https://tlpc.colorado.edu/tlpc-files-amicus-brief-for-disability-rights-advocates-in-challenge-to-federal-agency-incorporation-by-reference-practices/ (another accessibility filing in the PRO saga by Vivek and his students at the CU clinic).

31. Brief for CLS Bank International et al. as Amici Curiae Supporting Respondent, Alice Corp. Pty. Ltd. v. CLS Bank Int'l., 573 U.S. 208 (2014) (No. 13-298), 2014 WL 880952.

software processes despite the Supreme Court's skepticism that these were value patentable subject matter.[32]

In *Benson Revisited*, Pam laid out the strong case against the patentability of algorithms and software generally, especially for general purpose computing. When the Supreme Court agreed to take the *Alice* case, it was a prime opportunity to write a brief pulling together her work on the subject as well as numerous other business, law, and economics scholars. The students working on the case were among my first ever class of TLP clinic students at NYU. It was an exciting opportunity for them—one that most had never even thought possible when they applied to law school. The ability to combine their substantive patent law coursework (taught by the iconic Rochelle Dreyfuss) with the empirical and analytical scholarship of interdisciplinary experts before the Supreme Court was a first for NYU students, and the beginning of a decades-long dedication to IP amicus filings at NYU along with numerous other TLP clinics around the country.

## VI. THE PUSH FOR A COPYRIGHT SMALL CLAIMS COURT AND THE CASE ACT

Another area where Pam's scholarship and TLP clinic work have strongly aligned has been around access to justice in copyright disputes. For example, in the last decade, there have been significant debates over the cost of enforcement for copyright violations (especially online) as well as the draconian penalties that could be imposed on infringers for even minor violations.[33]

Among the later criticisms was a highly influential paper by Pam and Tara Wheatland (a former SLTPPC student), *Statutory Damages in Copyright Law: A Remedy in Need of Reform*, which noted, among other problems, the fact that courts would award the upper range of statutory damages (from $30,000 to $150,000 per infringed work) on occasions where evidence of actual harm was

32. *Compare* Ultramercial v. Hulu, 657 F.3d 1323, 1330 (Fed. Cir. 2011) (holding that a claim for showing advertisements to pay for content distribution over the internet was not "so manifestly abstract as to override the statutory language of section 101"), *with* Bilski v. Kappos, 561 U.S. 593, 602 (2010), *and* Mayo Collaborative Servs. v. Prometheus Lab'ys Inc., 566 U.S. 66 (2012).

33. *See, e.g.*, Maria Palante, *The Next Great Copyright Act*, 36 COLUM. J.L. & ARTS. 316, 327–28 (2013); Jennifer M. Urban, Joe Karaganis & Brianna L. Schofield, *Notice and Takedown in Everyday Practice*, TAKEDOWN PROJECT (Mar. 2017), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2755628; Ben Depoorter & Robert Kirk Walker, *Copyright False Positives*, 89 NOTRE DAME L. REV. 319, 355–57 (2013) (describing a statutory damages regime that incentivizes plaintiffs to bring claims for a possible windfall, but not defendants to challenge them).

scant, despite those awards being intended by Congress to apply only in "exceptional cases" of willfulness.[34] The paper also criticized the general lack of proportionality and due process in statutory damage awards.[35]

As a result of these and other criticisms, and at the urging of Congress, the Copyright Office undertook a study around mechanisms for helping resolve "small copyright claims" and to report back by the end of September 2013.[36] The report included draft legislation proposing the creation of a small claims tribunal system within the Office to adjudicate small copyright infringement claims. This report led to much debate and eventually to several House bills in 2016 and 2017 to implement the U.S. Copyright Office's proposal as part of the Copyright Alternatives in Small-Claims Enforcement (CASE) Act. One of the key provisions being that claimants could only seek damages under $30,000 for copyright violations. Of course, this still left the problem of excessive awards in the Courts, but at least the upper limit had been capped in the new tribunal.

In the ensuing debate over the CASE Act, Pam was actively involved, hosting several workshops of the merits of the proposal and eventually publishing *Scholarly Concerns about a Proposed Small Copyright Claims Tribunal* with Kathryn Hashimoto, a paper documenting and synthesizing comments from eighteen scholars specializing in economics, civil procedure, and intellectual property law. These concerns broke down into roughly six categories: (1) constitutionality concerns, (2) jurisdictional concerns, (3) due process concerns, (4) potential for abuses, (5) underexplored alternatives, and (6) larger questions about the proposal, including whether copyright was so exceptional as to deserve its own small claims tribunal when compared to other federal court claims.

Nonetheless, Congress passed the CASE Act in 2020 and it was signed into law by then-President Donald Trump. Subsequently, the Copyright Office issued a Notice of Proposed Rulemaking (NPRM) on law student participation in front of the Copyright Claims Board (CCB). This alone was a huge recognition of the impact that TLP clinics had on copyright law, including through their participation in the 1201 exemption proceedings.

In response to the NPRM, thirteen TLP clinical faculty members filed a comment outlining a range of concerns about the Office's approach to

34. Pamela Samuelson & Tara Wheatland, *Statutory Damages in Copyright Law: A Remedy in Need of Reform*, 51 WM. & MARY L. REV. 439 (2009), https://scholarship.law.wm.edu/wmlr/vol51/iss2/5; *see also* Carroll, *supra* note 26 at 109–11.

35. Samuelson & Wheatland *supra* note 34.

36. *See Remedies for Copyright Small Claims*, U.S. COPYRIGHT OFF., http://www.copyright.gov/docs/smallclaims/.

implementing a process for law student participation in the CCB.[37] Drawing from several of the critiques in *Scholarly Concerns* as well as decades of research and scholarship on clinical pedagogy, we noted that the structure of the CCB's "opt-out" provision could result in situations that limited access to justice for clients with limited financial resources (those likely to be clinic clients) and greatly diminished the pedagogical learning opportunities that the CCB could offer for clinic students.[38] Given the general advantages of litigating copyright claims in federal district court, we noted how clinic students would often be strategically and ethically obligated to recommend that their clients "opt-out" of the CCB process, thereby undermining its goals of increasing access to justice. The ability to marshal these arguments both as experts in substantive copyright law and clinical pedagogy would never have been possible without the alignment of scholars like Pam with the approach of the TLP clinical movement.

## VII. ORACLE V. GOOGLE AND THE BATTLE OVER APIS

Another important way that Pam has contributed to the TLP Clinical movement is through co-authoring amicus briefs with clinic students. One of the most important cases where this occurred was the decade-long copyright litigation between Oracle and Google over the JAVA API code that was reimplemented in Google' Android operating system. The case involved many of the core copyright issues that Pam had written about for decades—the scope of copyright for functional computer code, the idea-expression distinction and the merger doctrine, the unprotectability of methods of operation, and the application of fair use to code where technological interoperability and compatibility were at stake.[39]

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37. Jonathan Askin, Lynda Braun, Cynthia L. Dahl, Ron Lazebnik, Jack I. Lerner, Amanda Levendowski, Phil Malone, Art Neill, Viki Phillips, Jef Pearlman, Blake E. Reid, Jason Schultz & Erik Stallman, Comment on Copyright Claims Board: Representation of Law Students and by Business Entities, (Feb. 3, 2022) (No. 2021-9), https://www.regulations.gov/comment/COLC-2021-0011-0012.

38. *Id.*

39. *See, e.g.*, Pamela Samuelson, *The Story of Baker v. Selden: Sharpening the Distinction Between Authorship and Invention*, UC BERKELEY (June 15, 2005), https://escholarship.org/uc/item/0vw4q999#main; ROCHELLE COOPER DREYFUSS & JANE C. GINSBURG, INTELLECTUAL PROPERTY STORIES, FOUNDATION PRESS (2005); Pamela Samuelson, *Why Copyright Law Excludes Systems and Processes from the Scope of Its Protection*, 85 TEX. L. REV. 1921 (2007); Pamela Samuelson, *Reimplementing Software Interfaces is Fair Use*, 64 COMMC'NS OF THE ACM 24 (2021), https://dl.acm.org/doi/pdf/10.1145/3466607; Pamela Samuelson, *API copyrights revisited*, 62 COMMC'NS OF THE ACM 20 (June 24, 2019), https://dl.acm.org/doi/10.1145/3332805; Pamela Samuelson, *Three Fundamental Flaws in CAFC's Oracle v. Google Decision*, EUR. INTELL. PROP. REV. (Aug. 13, 2013), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2643840;

As the case proceeded through multiple stages of appeal, Pam was able to work side-by-side with the SLTPPC faculty and students not only to bring together an exacting and strategic set of arguments around the copyright doctrines and policies at issue in the case, but also to help recruit numerous other well-respected intellectual property scholars to sign onto the brief, including over 72 signatories in the merits amicus before the Supreme Court.[40] Scholarly amicus briefs in significant technology law cases are now common, with numerous TLP clinics representing and often co-authoring with scholars to bring their research and understanding of the law before various courts. Pam's efforts in the areas of patentable subject matter and issues covered in Oracle v. Google represent just a few examples of many such collaborations where Pam's leadership, insight, and dedication to both public interest issues and student learning have helped establish this field-defining practice.

## VIII. ARTIFICIAL INTELLIGENCE

Today we are in the midst of yet another major copyright crisis—this time over artificial intelligence. The rise of generative AI has raised serious issues for copyright communities, from questions of authorship to what is a protectable expression to who is a volitional actor when an AI-generated work allegedly infringes a prior work.[41] Without a doubt, many of these issues will be resolved among the countless court cases, Copyright Office proceedings, and legislative efforts circling AI at the moment.[42] Left to the moneyed interests, most of the participants in these forums will be primarily the titans of content industries (such as the major publishers, Hollywood, etc.) versus

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Pamela Samuelson, *Why Google's Fair Use Victory Over Oracle Matters*, GUARDIAN (May 13, 2016), https://www.theguardian.com/technology/2016/may/31/google-fair-use-victory-oracle-software-androids; Pamela Samuelson, *Reconceptualizing Copyright's Merger Doctrine*, 63 J. OF THE COPYRIGHT SOC'Y OF THE U.S.A. (Apr. 18, 2016), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2763903; Pamela Samuelson, *Google's Fair Use Victory is Good for Open Source*, ARS TECHNICA (June 2, 2016), https://arstechnica.com/tech-policy/2016/06/googles-fair-use-victory-is-good-for-open-source/; Pamela Samuelson, *Fair Use Prevails in Oracle v. Google*, 59 COMMC'NS OF THE ACM 24 (Oct. 28, 2016), https://dl.acm.org/doi/10.1145/3000608; Pamela Samuelson, *Functionality and Expression in Computer Programs: Refining the Tests for Software Copyright Infringement*, 31 BERKELEY TECH. L.J. 1215 (2016).

40. For a full list of the amicus collaborations between Pam and the Berkeley TLP Clinic, see *Google v. Oracle Amicus Brief*, Berkeley Law (Jan. 13, 2020), https://www.law.berkeley.edu/case-project/google-v-oracle-amicus-briefs/.

41. *See* Pamela Samuelson, *Generative AI Meets Copyright*, SCIENCE (July 13, 2023), https://www.science.org/doi/abs/10.1126/science.adi0656; Katie Craw
ford & Jason Schultz, *The Work of Copyright Law in the Age of Generative AI*, MIT (2024), https://direct.mit.edu/grey/article-abstract/doi/10.1162/grey_a_00389/119006/The-Work-of-Copyright-Lawt-in-the-Age-of-Generative.

42. *See ChatGPT is Eating the World*, https://chatgptiseatingtheworld.com/.

the dominant AI technology companies, such as Microsoft, OpenAI, Google, Facebook, and Amazon.

But so much more is at stake than just those points of view. The perspectives of independent artists, academic researchers, as well as libraries and other cultural institutions are equally important. For example, how will we be able to study the biases, geopolitics, and other sociotechnical concerns surrounding AI unless researchers and investigative journalists have equal access to datasets and AI models as technology companies?[43] With strict copyright rules that do not allow for fair use, these important insights could easily be inhibited. Constitutionally, U.S. Copyright Law is meant to reward authors to provide incentives to create.[44] Yet algorithms do not have incentives. They have instructions, they have objectives to optimize, and they have outputs to produce.

Questions of competition policy and interoperability have also risen as central policy themes, especially in jurisdictions such as the European Union, which is the first major governmental entity to pass comprehensive AI legislation while at the same time attempting to foster a nascent AI industry to compete with the US and China-dominated providers. There are also key questions about the viability of "open' AI copyright resources such as open-source models and open datasets.[45] TLP Clinics will need to play a pivotal role in helping to broaden the issues to see the impacts of AI from a more broad and diverse perspective.

Once again, Pam is among the leading scholars marking the way. In the area of computational authorship, her 1986 article, *Allocating Ownership Rights in Computer-Generated Works*, outlined the copyright conundrum concerning the

43. *See, e.g.*, Katie Crawford & Trevor Paglen, *Excavating AI The Politics of Images in Machine Learning Training Set*s, https://excavating.ai/; Christo Buschek & Jer Thorp, *Models All The Way Down*, KNOWING MACHINES, https://knowingmachines.org/models-all-the-way; Hamsini Sridharan & Jer Thorp, *Bird In Hand*, KNOWING MACHINES, https://knowingmachines.org/publications/bird-in-hand; Kate Crawford, Mike Ananny, Christo Buschek Hamsini Sridharan, Jer Thorp, Jason Schultz, Will Orr & Sasha Luccioni, *9 Ways To See A Dataset*, KNOWING MACHINES, https://knowingmachines.org/publications/9-ways-to-see.

44. Both the U.S. Constitution and the Copyright Act assume that an "author" of a work exists, somewhere. Section 8, Clause 8 of the U.S. Constitution calls on the U.S. Congress "to promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries." U.S. CONST. art. I, § 8, cl. 8.

45. *See* Udbhav Tiwari & Maximillian Gahntz, *Center for Democracy and Technology Call for Openness and Transparency in AI*, MOZILLA (Mar. 25, 2024), https://blog.mozilla.org/netpolicy/2024/03/25/mozilla-cdt-openness-ai-letter/; Alex Engler, *The EU's attempt to regulate open-source AI is counterproductive*, BROOKINGS (Aug. 24, 2022), https://www.brookings.edu/articles/the-eus-attempt-to-regulate-open-source-ai-is-counterproductive/.

creation of copyrighted works by machines.[46] Almost four decades later, this conundrum is now at the heart of U.S. copyright policy, with the US Copyright Office currently rejecting many registration applications for AI-generated works that fail to define the delineations between what is machine-authored and what is human-authored.[47]

Pam has also written on the fair use implications and pulled together several workshops. As these issues move forward in the courts and policymaking circles, there will be no shortage of work for TLP Clinics. And there will be no doubt that Pam's involvement will be key in helping to shape the debates, the public interest perspectives, and numerous valuable learning opportunities for TLP clinic students.

## IX. CONCLUSION: THE CHALLENGES AHEAD FOR TLP CLINICS

As the field of TLP Clinical Education approaches its twenty-fifth year, we are entering a complicated and increasingly challenging terrain. Discrete arenas of doctrine, such as intellectual property, privacy, or First Amendment protections are no longer occasional isolated issues intersecting with one or two new technologies in discrete instances. Instead, as technologies expand across every aspect of our society, the need for public interest voices and advocates working on these issues couldn't be greater. At the same time, this intersection intensifies the connection between classic TLP issues and a broader set of social concerns such as racial justice, labor, environmentalism, etc.[48]

Thus, TLP clinics are at a turning point. No single clinic can now handle the entire TLP docket—technology is everywhere, impacting almost every area of law. The TLP movement needs to evolve beyond a single-clinic model to embrace both TLP issues in other clinics and multiple TLP clinics within each law school. Much like Pam, we cannot and should not limit ourselves to specific doctrines or specific technologies but instead see the broader public

46. *See* Pamela Samuelson, *Allocating Ownership Rights in Computer-Generated Works*, 47 U. PITT. L. REV. 47 (1986).

47. Copyright Registration Guidance: Works Containing Material Generated by Artificial Intelligence, U.S. COPYRIGHT OFF. (Mar. 16, 2023), https://copyright.gov/ai/ai_policy_guidance.pdf.

48. Laura Moy, *Tech Support: Wiring Technology Law Clinics to Serve Racial Justice*, 30 CLINICAL L. REV. 205 (2023), https://www.law.nyu.edu/sites/default/files/Laura%20Moy%20-%20Wiring%20Tech%20Law%20Clinics.pdf; Amanda Levendowski, *Teaching Doctrine for Justice Readiness*, 29 CLINICAL L. REV. 201 (2022), *available at* https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4042023; *see also* Amanda Levendowski, *Clean SLATE: How Lawyers Can Shape Better Technologies* (U. Cal. Press forthcoming).

interest issues impacting society as a whole. The challenges of the day demand it. In Pam, we have not only a role model for how to approach these challenges but also an intellectual architect, champion, and colleague.