

BETH E. CATE

Clinical Associate Professor of Law and
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EDUCATION

Harvard Law School, Cambridge, MA. J.D., *cum laude* (May 1991). President, Harvard Mediation Program.
Editor, *Harvard International Law Journal*. Editor, *Harvard Journal on Legislation*.

George Washington University, Washington, DC. B.A. (Economics), *summa cum laude* (June 1988). George
Washington University Merit Scholar (1984-1988) and Golden Nugget Merit Scholar (1984-1988).
Member, Phi Beta Kappa (elected 1988).

University of Lancaster, Lancaster, England (Sept. 1986-June 1987). Studied comparative politics and
economics, toward B.A. degree.

EMPLOYMENT

Indiana University School of Public and Environmental Affairs (2011 to present)
Associate Clinical Professor (2015-present); Associate Professor (2011-2015)
Faculty Coordinator, Law and Public Policy Program (2015 to present)
Lead Instructor, Law and Public Affairs BSPA Core Course (2011 to present)
Associated Scholar, Center for Civic Literacy (2012-present)

Indiana University Maurer School of Law (2011-present) Affiliated
Faculty, Center for Intellectual Property Law

Indiana University School of Continuing Studies (2006-present)
Faculty of "Mini University," teaching classes on topics involving the United States Supreme Court and
constitutional law for participants in annual weeklong alumni program.

Honors and Awards

SPEA Student Choice Award, Most Inclusive Professor (2015-16)
Recreational (Club) Sports Advisor of the Year (2015-16)
Trustees Teaching Award (2014)
Trustees Teaching Award (2013)

University, Campus, and School Service:

University Body-Worn Camera Evaluation Committee (co-chair) (2015-16)
IU Bloomington Faculty Board of Review (2016-18)
IU Bloomington Faculty Council Constitution and Rules Committee (2016-18)
IU Bloomington Campus Strategic Planning Committee (2013)
Faculty Leadership Team, Center of Excellence for Women in Technology (CEWiT) (2013-present)
ServeIT Advisory Board (2012-present)
HathiTrust Research Center Advisory Board (2011-15)
Truman Merit Scholarship Nominating Committee (2014- present)
Wells Scholars Program Advisor (2015-present)
Wells Scholars Admissions Review (2012-present)
Hutton Honors College Resident Faculty Fellow (2013-present)
Hutton Honors College Extracurricular Affairs Committee (2012-present)
Hutton Honors College Scholarship Committee (2014-15)
SPEA Policy Committee (2016-17)
SPEA MPA Core Review Committee (2016-17)
SPEA Undergraduate Curriculum Committee (2014-present)
BSPA Core Curriculum Reform Task Force (2014-16)
SPEA Big Data/Data Analytics Discussion Group (2015-present)
SPEA MPA Admissions Committee (2012-2014)
SPEA Budgetary Affairs Committee (2014)
SPEA Law and Public Policy Major/Minor Planning and Implementation Group (2012-2014)

Dissertation Committee Service

Muge Fazlioglu, Ph.D. in Law and Social Science, Maurer School of Law; Dissertation Title:
“Sensitivity in the Risk-Based Approach to Data Protection: A Comparative Study of the Privacy
Frameworks of the European Union and the United States”

Independent Reading Courses supervised

Jenelle Murling, V580 Readings in Public Affairs (J.D.-M.P.A. Candidate May 2017), “Recognizing
Girls’ Education as a Human Right under International Law”

Cheryl Sullivan, E625 Research in Environmental Science (Ph.D. Candidate May 2017), “Judicial
consideration of risk assessment in determining liability for Agent Orange exposure”

Gwen Cooper, V580 Readings in Public Affairs (M.P.A. Dec. 2015), “Using bankruptcy to exit a
public retirement system”

Michaila Nate, V491 Independent Readings in Workforce Development (B.S.P.A. Candidate May
2017)

Honors Theses Supervised

Cleo Hernandez, B.S.P.A. 2016, “Dealing with Dissent: Government Responses to Racial and Ethnic
Protest”

Lara Kish, B.S.P.A. 2013, “Medical Decisions for Children: How Competing Interests Are And Should
be Weighed”

Rebecca Mandel, B.S.P.A. 2012, “Genetically Engineered Foods and Regulatory Recommendations”

Holly Venhuizen, B.S.P.A. 2012, “Copyright and Mass Digitization”

Jana Kovich, B.S.P.A. 2012, “A Patchwork of Policy: Growing Government Data Security Policy
Alongside Internet Expansion”

Indiana University Office of the Vice President and General Counsel (1998-2011)

Associate General Counsel (1998-2011); Adjunct Associate General Counsel (August 2011-May 2012)

Special Assistant for Policy and Procedure to the Vice President for Research (1998-2005)

Eli Lilly and Company, Indianapolis, IN. (1996-1998)

Attorney, U.S. Operations. Advised corporate contracting, sales, marketing, distribution, purchasing, and public policy organizations in the areas of antitrust, fraud and abuse, government and private contracting, and food and drug law. Drafted, reviewed and negotiated contracts; evaluated business proposals; interacted with regulatory authorities; reviewed and developed responses to proposed federal and state legislation; managed litigation and regulatory investigations; reviewed all ads and promotional activities for Lorabid, a Lilly antibiotic; and provided ongoing training and education in the above areas. Trained new sales representatives and management in food and drug and fraud and abuse law.

The Honorable Judge S. Jay Plager, United States Court of Appeals for the Federal Circuit, Washington, DC. (1994-1996)

Law Clerk. Reviewed case records, conducted extensive legal research, advised judge on resolution of cases, and prepared draft opinions and memoranda.

McKenna & Cuneo, Washington, DC. (1991-1994)

Associate. Specialized in civil (including complex) litigation, products liability, environmental insurance, health care/antitrust, international trade, and immigration. Served as Special Assistant to Chairman in NAFTA binational dispute resolution panel (1993-94) and as Special Assistant to panelist in U.S.-Canada Free Trade Agreement binational dispute resolution panel (1992). Member of the firm's Pro Bono Committee (1991-94) and Summer Associate Committee (1993). Summer Associate (Aug. 1990; June-Aug. 1989).

Freehill, Hollingdale & Page, Sydney, Australia; Byrne, Nosworthy & Doyle, Brisbane, Australia. (Summer 1990)

Law Clerk. Counseled on matters involving Australian property, environmental, corporate, and employment law.

Office of the General Counsel, International Trade Commission, Washington, DC. (Jan-Feb 1990) Law Clerk. Advised on antidumping and international patent infringement investigations.

PROFESSIONAL SERVICE

Editorial Board Member, Journal of Civic Literacy (2013-2015)

Editorial Board, Journal of College and University Law (2012-2014)

National Association of College and University Attorneys (NACUA), 1998-present; NACUA Board of Directors, 2007-2010

Member, American Bar Association, 1991-2016

COMMUNITY SERVICE

Secretary, Indianapolis Zoological Society Board of Trustees, 2013-present; elected to IZS Founder Board, 2017; IZS Board of Trustees, 1999-2016; Chair, IZS Committee on Animal Collections, 2004-present (chair, 2008-present); IZS Conservation Committee, 2009-present; IZS Strategic Planning Committee member, 2017; author, IZS Code of Ethics and implementing procedures.

Board of Directors, Bloomington Playwrights Project, 2001-02

BAR ADMISSIONS

United States Supreme Court (Apr. 24, 2003)
United States Court of Appeals for the Federal Circuit (June 8, 1995)
Supreme Court of Indiana (Dec. 15, 1998)
Supreme Court of the District of Columbia (Aug. 2, 1993) (inactive)
Maryland Court of Appeal (high court) (Dec. 29, 1991) (inactive)

PUBLICATIONS

“The Supreme Court and Information Privacy,” forthcoming in *Bulk Surveillance: Systematic Government Access to Private Sector Data*, James X. Dempsey and Fred H. Cate eds. (Oxford Univ. Press 2018) (with Fred Cate).

“The Constitutional Rights of Public Employees,” in *Global Encyclopedia of Public Administration, Public Policy, and Governance*, Ali Farazmand ed. (Springer Reference Online 2017).

“The Constitutional Intersection of Civil Liberty and Public Administration,” in *Global Encyclopedia of Public Administration, Public Policy, and Governance*, Ali Farazmand ed. (Springer Reference Online 2016).

“Mission Before Pension,” Hubert Project e-case study (online teaching case) 2016 (with Gwen Cooper MPA, CFRE)

“Correcting the System of Unequal Justice,” Chapter 3 in Tavis Smiley, *The Covenant with Black America—Ten Years Later* (SmileyBooks 2016) (with Andrea Need).

“The Supreme Court and Information Privacy,” *International Data Privacy Law* (2012) 2(4): 255-67 (with Fred H. Cate).

“Legal Considerations in Phishing Research,” in Markus Jakobsson & Steven Myers, eds., *Phishing and Countermeasures: Understanding the Increasing Problem of Electronic Identity Theft* (Wiley 2007), at 640.

Informational Privacy Rights and the Supreme Court (in progress) (with Fred Cate). This book examines the Supreme Court’s apparently idiosyncratic treatment of privacy over the past 30 years and seeks to explain how, why, and when the Court extends protection to informational privacy and the factors that influence the Court’s reasoning. Research for this book is funded by a grant from The Privacy Projects, Seattle, WA.

“Forward FERPA: The Future of Student Records Privacy” (in progress). This article examines recent developments in student records privacy against a backdrop of broader privacy law and policy developments in the US and abroad, and makes recommendations for revision to laws governing the collection and use of student data.

“Having Faith in Legal Judgment” (in progress). This article discusses the results of an empirical study of prayer practices within the 50 states’ legislatures and several local Indiana legislative bodies; evaluates those practices against the Supreme Court’s Establishment Clause jurisprudence and policy considerations; and suggests best practices.

SELECTED INVITED TALKS AND PRESENTATIONS

- “Copyright Characters on the Higher Ed Horizon: The Cheerleader, The Repeat Infringer, The Bad Faith Agent, and the Register Replacement.” National Association of College and University Attorneys Annual Conference, Chicago IL, June 25-28, 2017.
- “The Supreme Court in the Trump Years: Expectations and Prognostications.” Keynote address, Mini University, Bloomington IN, June 13, 2017.
- “Cheers and Jeers: The Broader Implications of *Star-Athletica* for Copyright in Fashion Design.” Oxford University-Indiana University IP Dialogue, Maurer School of Law, Bloomington IN, March 31, 2017. Workshop on international and comparative intellectual property law, with focus on product design protection under multiple intellectual property regimes, involving participants from Oxford, Cambridge, and Indiana Universities, University of Ottawa, University of Queensland, and Jindal Global Law School.
- “The Once and Future Supreme Court.” Indiana University Alumni Association Winter College, Naples FL, February 10, 2017.
- “Guns and Cameras: Challenges for Higher Education.” National Association of College and University Attorneys Workshop, *College and University Compliance Programs: Now and For the Future*, Washington, D.C., November 11-13, 2015.
- “‘Storm Cloud’ Computing in Higher Education.” National Association of College and University Attorneys Annual Conference, Washington, D.C., June 28-July 1, 2015.
- “Intellectual Property & the University” Roundtable. Duquesne Law School, Pittsburgh PA, April 19 & 20, 2015.
- “Collaborative Governance Under Version 3.0 of the U.S. Open Government Initiative.” Transatlantic Policy Consortium, Bloomington IN, June 22-25, 2014.
- “Enhancing Collaborative Governance: Open Government Version 3.0.” Law and Society Association Annual Meeting, Minneapolis, May 29-June 1, 2014.
- “Using Multimedia Learning Objects to Enhance Public Affairs Education.” Association for Public Policy Analysis & Management (APPAM) Spring Conference: Teaching Policy Analysis and Management in Today’s Classroom, Washington, D.C. April 12, 2014.
- “Enabling Collaborative Governance: Lessons from the National Day of Civic Hacking.” Midwest Public Affairs Conference, “Does Management Still Matter?” Fort Wayne IN, March 27-29.
- “Empowering Students in the Age of Big Data,” Baltimore MD, Oct. 10-11, 2012. Spoke at and participated in summit organized by EDUCAUSE and funded by a grant from the Bill & Melinda Gates Foundation, to explore the policy, legal, ethical, and operational issues involved with the use of analytics by and for students to improve educational outcomes.
- “Minimizing Security and Legal Risks in the Cloud,” EDUCAUSE/Internet2 Annual Security Professionals Conference, Indianapolis, Indiana, May 15, 2012. Co-presented half-day workshop for higher education technology professionals on protecting institutional data in a cloud computing setting.

“Copyright at a Crossroads.” Beihang University School of Law, Beijing China, Oct. 20, 2011; Beijing Institute of Technology School of Law, Oct. 19, 2011. Presented to and led discussion with law students and faculty at both institutions on the role of copyright law in shaping the future of digital libraries and mass digitization, preservation and use of human knowledge.

“Law and Higher Education.” Beihang University School of Law, Beijing China, Oct. 18, 2011. Presented to and led discussion with faculty and administrators on primary legal issues facing higher education in the United States, with emphases on human resources management and student affairs.

Faculty member for Frye Leadership Institute. Atlanta, GA, June 5-10, 201. Prepared curricula on current legal framework governing scholarship and teaching and methods for seeking desired changes in law to promote innovation, and led discussions on same.

32nd Annual National Conference on Law and Higher Education, Stetson University College of Law’s Center for Excellence in Higher Education Law & Policy, Orlando FL, Feb. 5-8, 2011. Invited paper and

panelist on law and policy surrounding student use of social networking tools.

Keynote Speaker, “All Atwitter About Facebook: The Good, Bad and Ugly of Social Networking by College Employees,” Valencia Community College Conference on Legal Issues, Orlando FL, Jan. 30-Feb. 1, 2011.

“Legal Considerations for Outsourcing: Model Contracts and Unique Institutions,” Institute for Computer Policy and Law, Cornell University, Ithaca, NY, July 22, 2010. Invited panel presentation on developing contracts for outsourcing institutional IT services.