

SPACE, CYBER, AND TELECOMMUNICATIONS LAW

2019-2020 Annual Report



COLLEGE OF LAW

2020 — 2019

Dennis
Burnett

Advisory Board President Dennis Burnett, Founding Director Matt Schaefer, and Executive Director Elsbeth Magilton speaking at the 2019 Annual Washington D.C. Space Law Conference.

In assembling this Annual Report

we appreciated the opportunity to review major accomplishments and growth of the Space, Cyber, and Telecommunications Law (SCTL) program during the 2019-2020 academic year. Of course, this was a year like no other as we responded to an unfolding global pandemic. We are proud of what we accomplished prior to that and of our response in the face of that sudden change.

For readers unfamiliar with the program, the SCTL program was established in 2007 largely in response to interest by the U.S. Air Force in establishing a U.S. based program in space law to which it could send Judge Advocate General (JAG) officers. At the time it was established, the law school recognized the narrowness of the field and decided to focus the program more broadly on space law as the then-current domain of interest to the Department of Defense (DoD), on cyberlaw as the likely next domain of interest both to DoD and the nation generally, and on telecommunications as a common foundation necessary to both.

We continue to focus on service to the state of Nebraska, taking on issues such as the rural digital divide and agricultural access to broadband, and our global community. We engage with international organizations and colleagues on challenges our society faces in space and online. The program faculty (and students) are active researchers, and the program organizes various events, including an annual conference in Washington, D.C. (one of the largest regular events focusing on space law), an annual conference in conjunction with USSTRATCOM (on DoD operational issues relating to space, cyber, and related issues), and an annual conference in Lincoln focusing on telecommunications and cyber issues as they impact the region.

We appreciate continued support from the state of Nebraska, the University of Nebraska, our board members, and many of our friends and colleagues across the world.

Thank you,

*Professor and Founding Director Matt Schaefer,
Professor and Co-Director Justin (Gus) Hurwitz,
Professor and Co-Director Jack Beard,
Professor Frans von der Dunk,
and Executive Director Elsbeth Magilton.*



(From left) Stacey Henderson, professor Frans von der Dunk, and professor Jack Beard share their expertise during the Woomera Manual panel.



Nebraska LL.M. students Amy Sfara (left) and Jasmine Dixon-Sims enjoy the Women in Space Law reception following the conference.



(From left) Maria Elena De Mastri, Phillippe Clerc, and Lesley Jane Smith pose together during the Women in Space Law reception.

12th Annual University of Nebraska Washington, D.C., Space Law Conference, “Global Perspectives on Space Law and Policy”

The Space, Cyber, and Telecommunications Law program hosted their 12th Annual Space Law Conference on Oct. 18, 2019 in Washington D.C., and focused on “Global Perspectives on Space Law and Policy.” The event brought together more than 200 attendees to discuss modern issues in space law and policy.

The first panel “Commercial Space Legislation: US and Global Developments,” led by professor Matt Schaefer, featured Audrey Powers, deputy general counsel of Blue Origin; Mike Gold, chair of COMSTAC; Irmgard Marboe, University of Vienna Law professor; Frans von der Dunk, Nebraska Law professor; Lesley Jane Smith, Leuphana University Lueneburg professor; and Marcia Smith, founder and editor of Spacepolicyonline.com.

The conference hosted a lunch hour Space Agency Legal Counsel “Fireside Chat” with Sumara Thompson-King, NASA’s general counsel, Masahiko Sato, director of the evaluation and audit department at JAXA, and Phillippe Clerc, head of ethics and compliance and former head of the legal department at CNES (French Space Agency). The conversation was led by



NASA General Counsel Sumara Thompson-King speaks during the Space Agency Legal Counsel “Fireside Chat.”



(From left) Professor Matt Schaefer and professor Frans von der Dunk participate in the “Commercial Space Legislation — US and Global Developments” panel.

Sergio Marchisio, chairman of the European Centre for Space Law, and Dennis Burnett, former vice-president of EADS North America and Kymeta.

The group discussed going back to the moon, international collaboration, and the roles of their respective agencies. During discussion of Japan joining NASA’s Artemis project Thompson-King said, “We’re not going to do anything new. We’re going to use that same system as we move forward. We’re going to build upon the collaboration and coordination that we have already been engaged in to get the space station operational.”

The final two panels included “Spectrum Challenges for Space Activities: What’s on the Line for Satellites at ITU WRC19 and Before the FCC?” and “Woomera Manual: Military Activities in Outer Space.” Spectrum panelists included Gerry Oberst, senior vice president, Global Advocacy at SES; Ruth Pritchard-Kelly, OneWeb’s director of regulatory affairs; Jennifer Manner, senior vice president of regulatory affairs at EchoStar; Franceska Schroeder, managing member at Schroeder Law; and Fred Campbell, director of tech knowledge and former advisor to the FCC chairman. Woomera Manual panelists included Stacey Henderson, University of Adelaide Law School

faculty; Brian Weeden, director of program planning for the Secure World Foundation; Mike Hoversten, Air Force Space Command; and professors von der Dunk and Beard, who chaired the panel.

During the conference, Dennis Burnett, former vice president of EADS North America and Kymeta, and president of the Nebraska Law Space, Cyber, and Telecom Law advisory board and adjunct professor at Nebraska Law, announced the creation of the United States Center for Space Law. In addition to policy work, the center will raise funds to help students wanting to study space law, carrying on Nebraska’s work on behalf of major NASA Space Law education grant.

The event concluded with a “A Celebration of Women in Space Law Reception” at the National Press Club. Representatives of the Space, Cyber, and Telecommunications Law student group assembled table decor featuring photos and biographies of notable women in space law.

The conference was co-sponsored by the American Society of International Law and the Space Law Interest Group and the American Branch of the International Law Association.



Von der Dunk, Magilton Host International Visit to the Smithsonian Air and Space Museum

Professor von der Dunk and Executive Director Elsbeth Magilton took international guests to brunch and then to the Air and Space museum in Chantilly, Virginia, following the Annual D.C. Space Law on October 19, 2019. Irmgard Marboe, Masahiko Sato (JAXA), Philippe Clerc (French Space Agency) and their guests enjoyed a tour of this amazing facility. Nebraska Law alum Jacob Tewes and students Amanda Berman and Sarah Lauce joined.



The Space, Cyber, and Telecom Law program at the Smithsonian Air and Space Museum with some of the program's international visitors following the Annual D.C. Space Law Conference.



Nebraska Law students at the NASA Goddard facility prior to the Annual D.C. Space Law Conference.

Nebraska Law Students Tour NASA Goddard Space Flight Center

During October 2019, 13 Nebraska Law LL.M. and J.D. students and two Space Law Network law student awardees traveled from NASA Headquarters in Washington, D.C. to Greenbelt, Maryland to the NASA Goddard Spaceflight Center for a tour to help the group contextually prepare for the space law

conference the following day. At the center the tour included sessions on data visualization processes, the James Webb Telescope project, and the space environment simulator. The tour was coordinated by Jessica Deihl, an attorney at NASA Goddard, and Elsbeth Magilton.



Magilton welcomes guests to the NASA General Counsel Mentorship Brunch.

Magilton Hosts NASA General Counsel Mentorship Brunch

Elsbeth Magilton, executive director, hosted a brunch event in her capacity as the co-chair of the Space Law Interest Group for the American Society of International Law fall 2019. The event was directed at law students, new professionals, and those interested in mentoring opportunities. The session featured a "Fireside Chat" with Sumara Thompson-King, NASA's general counsel, led by Jessica Deihl, an attorney at NASA Goddard.

Thompson-King covered her career, professional experiences, and her advice to those seeking to mentor, or receive mentorship. When asked how it felt to be the first female general counsel at NASA she remarked, "it's an honor... but I don't want to be first and last," emphasizing that leadership



Sumara Thompson-King shares her experience and insights from serving as NASA General Counsel during an American Society of International Law brunch.

and success inherently comes with pressure. The intimate and exclusive group generally

commented on the success of the event and the power of Thompson-King's story.

Nebraska Law Team Impresses at the 70th International Astronautical Congress/62nd International Institute of Space Law Colloquium on the Law of Outer Space



Professor von der Dunk moderated and presented during the International Institute of Space Law symposium session on National Space Legislation

at the 2019 International Astronautical Congress in Washington, D.C. Scott Parry, an LL.M. alumni, joined von der Dunk as the session rapporteur. Professor Schaefer also presented a paper during the session. Elsbeth Magilton spoke at the space education outreach symposium, discussing her paper on legal military research development and integrating funded research into law faculty structures. During the congress, Magilton was officially inducted

as a member of the International Institute of Space Law.

Von der Dunk presented two talks during the IAC, "Scoping National Space Law: The true meaning of 'national activities in outer space' of Article VI of the Outer Space Treaty" at the IISL Colloquium on Oct. 23, and "Governance of Space Activities - Comparative Studies of National Space Policy and Law" at the Global Networking Forum on Oct. 24, 2019.



(From left) Matt Schaefer, Elsbeth Magilton, and Kiersten Haugen, '16, enjoy a virtual International Space Station Tour on the showroom floor at the IAC



(From left) Scott Parry, Frans von der Dunk, and Matt Schaefer before their National Space Legislation session.



Chinese Translation of von der Dunk's Space Law Handbook Completed

Professor von der Dunk's book, "Handbook of Space Law," was translated into Chinese in 2020. The "Handbook of Space Law" addresses the legal and regulatory aspects of activities in outer space and major space applications from a comprehensive and structured

perspective. It fundamentally addresses the dichotomy between the state-oriented character of international space law and the increasing commercialization and privatization of space activities. The text is part of the "Research Handbooks in International Law" series from Edward Elgar.

Beard, von der Dunk Organize and Lead Roundtable of Prominent International Space Law Experts in Washington, D.C. on the Issue of "Planetary Defense."

Following the Nebraska Space Law Conference, professor von der Dunk chaired a roundtable discussion on "Planetary Defense: Legal Issues" at the American Society of Law's Tillar House Oct. 18, 2019 in downtown Washington, D.C. The term "Planetary Defense" refers to efforts to protect earth from future, catastrophic asteroid impact. Professor Beard was one of the speakers at the roundtable, and professor Schaefer was one of the commentators. Because the event was held prior to the opening of the 2019 International Aeronautics Congress/International Institute of Space Law Symposium in Washington, D.C., many prominent space law experts from around the world were in attendance.

The focus of this event was the book "Legal Aspects of Planetary Defence", edited by University of Vienna professor Irmgard Marboe, which is part of the Brill/Nijhoff series, "Studies in Space Law," edited by von der Dunk. The speakers and commentators at this event are authors of chapters in Marboe's book or have particular expertise in areas of international law of significance to planetary defense.

The event brought together the American



Society of International Law, a leading American international law association, and the International Institute of Space Law. The event was sponsored by the ASIL Space Law Interest Group, co-chaired by professor Beard, who developed and organized this unprecedented event as part of his work on the ASIL Signature Topics Steering Committee.

Hurwitz Co-Authors Paper on Telecommunications Mergers Published by OECD



Along with several co-authors, professor Gus Hurwitz submitted a paper on Static and Dynamic Effects of Mergers: A Review of the Empirical Evidence in the Wireless Telecommunications Industry as part of the OECD's 18th Global Forum on Competition. The paper is a meta analysis of 18 empirical studies of the effects of "4-to-3" mergers between wireless companies in European countries.

This paper produced important results for both competition law, including that 4-to-3 mergers tend to increase consumer prices in the short term

but not necessarily in the long term and that they tend to increase infrastructure by wireless carriers in absolute terms.

Beard, Lepard, Schaefer, von der Dunk Present at International Law Weekend

Professors Jack Beard, Brian Lepard, Matt Schaefer and Frans von der Dunk presented at the American Branch of the International Law Association's International Law Weekend hosted by Fordham University, Oct. 10-12, 2019, in New York. The theme for the weekend was "The Resilience Of International Law."

Beard, a member of the ABILA Board of Directors, chaired a panel entitled the "Growing Risk of War in Space: What Role Will International Law Play?" The panel covered a wide range of legal and policy issues. Given the Woomera Manual representation on the panel, the audience also showed considerable interest in the work of the Woomera Manual and the issues and methodology adopted by the project.

Lepard and von der Dunk presented on the panel themed "At a Crossroads: Can Customary International Law Provide a Stabilizing Influence in a Fractious World?" The panel explored the challenges posed by rising nationalism and factionalism to the ability of customary international law to generate consensus-based norms that can effectively regulate politically charged problems such as the use of outer space, international investment, and human rights.



Schaefer chaired a panel presentation entitled "The Resilience of the International Law of Outer Space in Light of Technology, Business and Military Developments." Speakers on this panel discussed the hard and soft international laws governing the increasingly competitive, congested, and contested outer space domain.

From 2019-2020, Schaefer continued to serve as the co-chair of the ABILA Space Law Committee and Beard continued to serve as the chair of the ABILA Use of Force Committee.

Beard Teaches Space Law at the University of Adelaide Law School in Australia

Professor Beard co-taught a course entitled "Strategic Space Law" during June 2019 at the Adelaide University Law School in South Australia. The course examined the legal aspects of space security—globally and domestically. The content of the course ranged across the spectrum from peace to conflict and covered international law and some domestic law applicable to space situational awareness, sharing of technology, expertise and data, space launch, the space component of ballistic missile defense, space-based intelligence, surveillance and reconnaissance and means to counter these systems, space-based Position, Navigation and Timing (PNT), satellite communications, use of the radio-frequency spectrum and electronic warfare, counter-space operations and force application from space.



Beard, von der Dunk Continue Work on Woomera Manual on the International Law of Military Space Operations

Professors Beard and von der Dunk attended the third meeting of international experts drafting the Woomera Manual on the International Law of Military

Space Operations. The meeting was held Aug. 2019 in The Hague, Netherlands, and was hosted by the Dutch Ministry of Defense. Von der Dunk was elevated to the position of Core Expert, and Beard was

named to the board of directors and editorial team of the Woomera Manual project. Beard participated in a meeting of the Woomera Board of Editors in Yokohama, Japan, Nov. 2019.

Hurwitz Presents at Conferences in Colorado, D.C., Pennsylvania

Professor Hurwitz participated in a range of conferences, roundtables, and other events, including ones at the Universities of Colorado and Pennsylvania and George Mason Universities. At each event he shared work on topics including federal privacy law and policy, consumer protection, the work on Adam Smith and Nobel Laureate Elinor Ostrom, and the role of public-private partnerships as a model for regulation in the tech industry.



Von der Dunk Joins Swedish Space Corporation Panel on the Future of Lunar Missions

While professionals worked remotely during the COVID-19 pandemic, the Swedish Space Corporation found ways to connect professionals by hosting a weekly "Space Bar" to discuss current issues in space. Professor von der Dunk was pleased to join them May 7, 2020 for a session on the future of lunar missions.

The Woomera team at The Hague, Netherlands, hosted by the Dutch Ministry of Defense.





The Woomera Manual authors and editorial team in 2019 when they met at The University of Nebraska.

Beard Presents Woomera Manual at the Australian Defense Force Academy

Professor Beard addressed the military leaders and diplomats February 2020, at the Australia Defense Force Academy in Canberra, Australia regarding work on the Woomera Manual's International Law of Military Space Operations. The fourth plenary session/workshop of Core Experts continued working

on drafting the Woomera Manual at the University of New South Wales-Canberra, Australia. Numerous states agreed to send their diplomatic and military representatives to a series of engagement sessions, which will be held during 2021 in The Hague, Netherlands, to officially contribute their comments and

views on the Woomera Manual. The University of Nebraska is one of the four founding institutions and principal sponsors of the Woomera Manual Project. Beard is a Core Expert, member of the Board of Directors, and an editor of the Woomera Manual.

Schaefer Assists in Planning and Presents at Yeutter Institute for International Trade and Finance Conference

Professor Schaefer, Haggart & Work Professor of International Trade Law, worked with his colleagues at the interdisciplinary Yeutter Institute of International Trade and Finance, Director Jill O'Donnell and Yanney Chair John Beghin, on two successful Yeutter conferences, both held at the Law College, that collectively had nearly 300 registrants. Schaefer made presentations at both conferences, the first of which was "The WTO Dispute Settlement System in Crisis:



National Security Tariffs, Sec. 301 China Tariffs, and Appellate

Body Appointments," at Global Trade and Business Law: 2020 and Beyond Conference, Sept. 30, 2019 (co-sponsored by Yeutter Institute). Schaefer's second presentation was titled "International Trade Primer: Top Ten Things to Know About Trade" together with professor Uche Jarrett of the Business College at "What's on the Horizon for Trade?," the Yeutter Institute's Biennial CME Group-sponsored conference, Oct. 2019.



Magilton and co-panelists and hosts at the Hamilton Secondary College in Adelaide, South Australia.

Magilton Participates in Women in Space Events with University of Adelaide

Magilton joined colleagues at the University of Adelaide in South Australia for a series of events focused on space exploration and gender diversity in the space industry. The first of three "Women in Space" events took place at Hamilton Secondary College in suburban Adelaide, where a panel of six

leading space industry women ran a workshop for about 80 high school students from across the capital. The group, which included two Americans, Magilton and Dr. Laura Grego from the Union of Concerned Scientists, also participated in a public lecture and networking event at the university that

evening, followed by a full day academic forum at Adelaide Law School the next day. The group included an array of specialists from different disciplines: mathematicians, attorneys, physicists, ethicists, archeologists—all women discussing evolving tech and space.

Von der Dunk Collaborates with Lazarski University in Poland



In addition to his professorship at the University of Nebraska, professor von der Dunk was appointed Associate Professor of Research at the Faculty of Law and Administration of Lazarski University, Warsaw, Poland, for the duration of 2020. The main result of this collaboration was the publication, expected for September 2020, of a textbook titled "Advanced Introduction to Space Law" with Edward Elgar Publishers, as part of their Elgar Advanced Introductions series.

Schaefer Elected Vice Chair of the ASIL Space Law Interest Group

The Space, Cyber, and Telecommunications Law program has a history of serving the American Society of International Law Space Law Interest Group. Professor Beard served as vice chair and co-chair from 2017-2019, joined by Magilton as co-chair in 2018 through 2020. As Beard rotated out of service during the spring of 2020, professor Schaefer joined the team, who took on the role of vice-chair after being elected. Magilton holds the co-chair position with Stephan Kircher, associate professor of Arctic Law at the Arctic Centre of the University of Lapland in Finland. The group hosts several events each year and provides opportunities for professionals to network in the field.



Matt Schaefer and Elsbeth Magilton both serve on the ASIL Space Law Interest Group, following in the footsteps of their colleague Jack Beard.

Magilton Keynotes NASA Wisconsin Annual Conference

Magilton was the opening keynote speaker for the Wisconsin NASA Space Grant Consortium Annual Conference. Her talk, "Regulating the Final Frontier: The Role of Law in Innovative Space Activities," took place Aug. 15, 2019 at the University of Wisconsin-Platteville. The talk challenged a largely technical group of students and faculty to think about the legal and regulatory implications of space activities.



Elsbeth Magilton delivers her keynote speech "Regulating the Final Frontier: The Role of Law in Innovative Space Activities" at the Wisconsin NASA Space Grant Consortium Annual Conference.

Hurwitz Publishes Wall Street Journal Op-Ed, quoted in other media

Professor Hurwitz published an op-ed in November 2019 discussing the importance and limitations of expertise in public policy. He was also quoted over the year by various media outlets over the course of the year, including

the LA Times, San Francisco Chronicle, Omaha World Herald, and NET Radio, on a range of topics including net neutrality, privacy laws, and technological responses to the COVID-19 pandemic.

Von der Dunk a Guest on Multiple National Podcasts



In 2019, professor Frans von der Dunk joined The Conversation U.S. podcast to discuss what a space war might look like and ownership rights on the moon. The Conversation, published around the world, is a nonprofit news website dedicated to democratizing knowledge; bringing the expertise of academics to the public. Von der Dunk also appeared on "The Disruptors", a longform TED style conversation podcast with top thinkers, founders and scientists.

Star Trek and Space Law — Las Vegas to SXSW

Magilton spoke at the Official Star Trek Las Vegas Convention, Aug. 1, 2019, reprising an irreverent lecture on space law and the Star Trek Universe prepared for the University of Nebraska library lecture series "SciPop." She gave a comparative presentation on the spirit of the Prime Directive and its relationship to actual space law and policies on the CBS All Access stage.



Elsbeth Magilton delivers a lecture focused on space law and the Star Trek Universe on the CBS All Access Stage in Las Vegas, August 2019.

The session led to the creation of a panel pitch collaboration with Gabriel Swinney (U.S. State Department) and Kathryn

Waldron (R Street Institute) on the same topic to the South by Southwest (SXSW) festival. The panel was selected and

scheduled to occur, but was unfortunately cancelled due to the outbreak of the COVID-19 pandemic in March 2020.

Beard a Guest on ABA National Security Podcast



Professor Beard appeared alongside University of Adelaide professor Dale Stephens on episode 122 of the "American Bar Association's National Security Law Today" podcast. The topic was "Law and Military Operations in Outer Space Law," with particular focus on the Woomera Manual—an international research project spearheaded by Beard and Stephens to develop a manual that objectively articulates and clarifies existing international law applicable to military space operations.



University of Nebraska Hosts FCC Chairman Ajit Pai

The University of Nebraska hosted Chairman Ajit Pai, head of the Federal Communications Commission September 18, 2019.

The FCC works on issues ranging from closing the digital divide and facilitating the development of cutting edge communications technologies, to ensuring that telephone and television networks are accessible to all Americans and support public safety uses, and on high profile issues like network neutrality and the deployment of satellite-based Internet services. The visit was hosted by the Nebraska Law Space, Cyber, and Telecommunications Law Program and its Co-Director, professor Hurwitz.

The day-long visit began off campus at a precision agriculture farm; a visit coordinated by the Robert B. Daugherty Water for Food Global Institute at the University of Nebraska. Pai visited Steve



FCC Chairman Ajit Pai starts his visit at a farm near Waverly, Nebraska.



Nebraska Law Dean Richard Moberly (right) welcomes FCC Chairman Ajit Pai (left) to the university before a public "Fireside Chat" at the Nebraska Union, moderated by professor Gus Hurwitz (center).

Althouse Farms, just outside of Waverly, for a discussion of dryland farming operations, the precision technology used for planting and harvesting, and the data collected. Brandon Hunnicut, a farmer from Giltner, Nebraska, also joined the visit to provide some perspective about rural connectivity and the use of precision technology in an irrigated system.

Afterward, Pai joined students and community members for three unique sessions throughout the day. At a lunch for Law, Business, Engineering, and Journalism students, he discussed the FCC's work as well as the world of federal policy more generally. Following lunch,

he joined a roundtable discussion about federal communications policy with interested members of the Nebraska community.

The visit concluded with a public "Fireside Chat" at the Nebraska Union. The event began with a discussion between chairman Pai and Hurwitz, before opening to questions from and discussion with the audience. The event was open to all UNL students as well as the broader University and Lincoln community.

Pai has led the FCC since 2017, and served as a Commissioner for the FCC since 2012. In these capacities, he has helped to shape all aspects of federal communications policies, from

efforts to shrink the digital divide, to fostering deployment of next generation wireless technologies, fighting robocalls, freeing spectrum to support next-generation technologies such as precision agriculture and satellite-based Internet access, modernizing media ownership rules, updating public safety technologies (e.g., to allow you to text to 911, and for 911 operators to access location information) — and, yes, net neutrality. The son of immigrants from India, Chairman Pai grew up in Parsons, Kansas. He graduated with honors from Harvard University in 1994 and from the University of Chicago Law School in 1997.





Attendees enjoyed a reception after the first day of conference sessions.

Fourth Annual Advanced Operations Law Conference Deemed a Success

The 2019 Fourth Annual Advanced Operations Law Conference was held at the Dougherty Conference Center on Offutt Air Force Base Sept. 4-5, 2019. A number of active military and civilian attendees gathered to discuss “Law and Global Warfighting: The Challenges in 21st Century Practice.” The conference was planned by Magilton and professor Beard. Beard also moderated a panel discussing “A Nuclear Arms Control Diplomacy Discussion: Is There a Practical Mechanism for Multilateral Arms Control Agreements?”

Gen. John Hyten, commander of U.S. Strategic Command, started the conference with a welcome, followed by speakers Jessica Tok (LL.M. alumni), space policy advisor to the Secretary of Defense; LTC Zachary Irvine, deputy director of the Commander’s Action Group; Christopher T. Kuklinski, assistant deputy director of STRATCOM’s global operations; among other esteemed leaders and experts in the field of national security and space law. Topics included “Civilian and Military Effects from Low-Yield Nuclear Weapon Detonations”, “Nuclear Decision Making Process”, “Presidential Authority under Article 2”, and further engaging and thought provoking issues. The conference concluded with remarks from Vice Adm. David M. Kriete, deputy commander of Strategic Command, and a refreshed excitement to pursue new developments in the field.

Magilton reflected back on the conference saying, “One of my favorite moments was listening to the

recording of Sputnik’s beep and Laura Grego’s recounting of the NBC anchor’s response, ‘Listen now for the sound that will forever more separate the old from the new...’ because I believe that is why we gather to have these conversations. Our world, the technology we create, and modern geopolitics is moving at a rapid pace. It is my hope that conversations and informational sessions like those we’ve enjoyed during this conference prepare us to practice in those environments.”



Attendees enjoyed a reception after the first day of conference sessions.

Celebrating a Successful Year Encouraging Women to Join National Security Programs

In December 2018, Executive Director Elsbeth Magilton and political science professor Dr. Tyler White were awarded a University President’s Office Inclusive Excellence Development Grant Award for their project, “Recruiting, Retaining and Supporting Women in the Security Field.” The project, shorthanded as WiNS or Women in National Security, started by co-sponsoring a campuswide Women in National Security Symposium in February 2019. The core of the well-attended symposium was organized by an Intelligence Community Scholars student team. The day began with a leadership identity workshop led by Bossed Up Founder and CEO Emilie Aries. Guests and speakers at the afternoon conference included Megan Reiss, national security advisor to Mitt Romney; Schira Maden, Office of the Director of National Intelligence; Karalee Picard, U.S. Strategic Command; and Kevin McConnell, retired CIA.

Later during the fall 2019 semester, students from the College of Law and undergraduates benefited from experiences at the U.S. Strategic Command. Law and political science students were invited to

join the annual STRATCOM conference at Offutt Air Force Base, hosted by Magilton, where national security students enjoyed private lunch hour sessions with national security policy experts there. In November, WiNS welcomed Mary (Beth) Barns to the campus. Barns had a 32 year career with the CIA from 1986-2018, and was awarded the Career Intelligence Medal at her retirement in January 2019. Barns joined undergraduate security classes and students at the College of Law for a discussion on the role of law in intelligence and a discussion on gender issues in the national security field. Following lunch, Barns sat with students to provide one-on-one resume and job application feedback.

This development grant permitted White and Magilton to create support and interest in programming targeting women in national security, including Magilton’s development of a book chapter in collaboration with faculty at the University of Adelaide in South Australia. The book focuses on women working in different sectors of the space industry, with Magilton’s chapter focused on women in national security space law.



Hurwitz Speaks at FTC Panel on Competition Law

In June, professor Hurwitz was an expert discussant on a panel hosted by the Federal Trade Commission as part of its Hearings on Competition and Consumer Protection in the 21st Century. Professor Hurwitz spoke on the subject of Consumer Protection Remedies: Economic and Legal Considerations, and focused primarily on recent Supreme Court cases that call into question the FTC’s historic reliance on equitable remedies to address harms to consumers under the Federal Trade Commission Act.

Hurwitz a Regular on the CyberLaw Podcast

Hurwitz continued as a semi-regular guest on the Steptoe & Johnson Cyberlaw Podcast News Roundup segment. In each episode he discussed recent developments in technology law, including cybersecurity, federal telecommunications law and policy, antitrust and competition law, and privacy issues in both the United States and Europe.



Officers of the Space, Cyber, and Telecommunications Law Club gather for a group photo.

Tschider Wraps Up a Successful Year as Visiting Professor

We were happy to welcome Charlotte Tschider to the program for the year as a Visiting Assistant Professor. Tschider joined us from DePaul University College of Law in Chicago, and will be joining the faculty at Loyola University of Chicago in 2021. As a visiting member of the faculty, Tschider brought fresh experience and perspectives into our classrooms, research, and engagement between students and faculty alike.

In addition to teaching courses on Cyberlaw and Cybersecurity and co-supervising an LL.M. thesis, she had a remarkable year as a leading emerging scholar in cybersecurity, artificial intelligence, and privacy law. In her time with us, Tschider published two articles and a book chapter, and has another article, two book chapters, two op-eds, and a book forthcoming. While she was here, she



Visiting Professor Charlotte Tschider

completed the work for many of these projects, which were presented at conferences and other events at law schools and universities both in the United States and around the world.

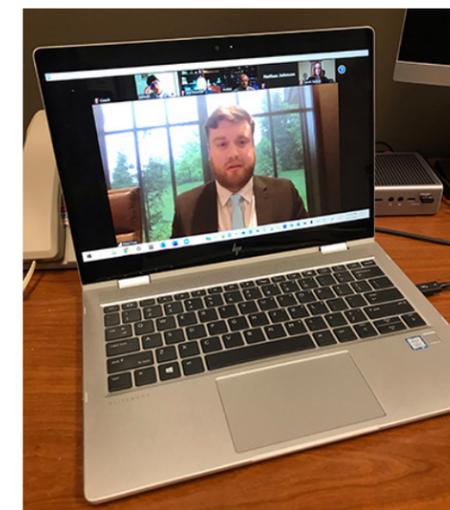
An expert in FDA and Health law, as the world began struggling

with the COVID-19 pandemic Tschider used her experience to assist organizations to navigate the FDA's Emergency Use Authorization process so that they could bring Personal Protective Equipment into the United States.

Nebraska Law Competed in Quarter Finals of Space Law Moot Court

David Fuxa ('20), Sarah Barrett ('20), and Sarah Mirs (3L) represented Nebraska in the 2020 Manfred Lachs International Institute of Space Law Moot Court Competition. Arguments were held entirely virtually in spring 2020. Out of 26 teams their brief was the second best in the competition, missing the first spot by only a fraction of point, and they made it into the quarter final rounds of oral arguments.

Nebraska Law is proud of their hard work and adaptability in arguing online. Professor Frans von der Dunk, Adam Little ('12), and Elsbeth Magilton served as coaches.



Beard Continues Supervision of DoD Externship Program



Professor Beard annually supervises externships at the Department of Defense General Counsel's Office, sending Nebraska Law J.D. students to the Pentagon. This year, the Honors Extern was Jaycie Vanderbeek (Spring Semester 2020). The program, under professor Beard's oversight, continues to be a valuable experience for students each year.

Did you know? Nineteen students have participated in the DoD Externship Program since its inception in 2011.



Vanderbeek Serves as DoD Honors Extern

Student Jaycie Vanderbeek (2L) served as the Nebraska Honors Extern in International Law at the Department of Defense Office of General Counsel in Washington, D.C. during the spring 2020 semester, supervised by the externship founder, professor Jack Beard.



Student Spotlight: Amanda Berman Interns at the United Nations Office of Outer Space Affairs

During her time at Nebraska Law Amanda Berman served the Space, Cyber, and Telecommunications Law Club President, served the NASA Space Law Grant research assistant, and was consistently engaged with program activities. Berman notably interned with Blue Origin's legal team in summer of 2019. In spring 2020 Berman interned at the United Nations Office of Outer Space Affairs. While the experience was cut short by the COVID-19 pandemic Berman made Nebraska Law proud by sharing her expertise and enthusiasm for space law with the global community.



Student Spotlight: McCully Completes a Successful Semester at the FTC

Student Justin McCully ('20) spent his spring semester at the Federal Trade Commission's Office of Policy Planning. During his time, he worked on a variety of research projects focused on the intersection of technology and existing antitrust law, and looked at the FTC's role of authority and ability to regulate unique harms that might arise from digital markets.

McCully also conducted research related to the FTC's 21st Century Consumer Protection and Competition Policy Hearings.

"I really enjoyed learning about the growing body of research that attempts to articulate whether these digital markets harm consumers. Particularly, the E.U. and U.S. approach to digital competition policy represented a stark contrast between a model deferential to innovation and a model that more generally presumes harm. Whether either model is ideal though reflects how we view the question of what creates the greatest benefit for consumers."



Wurdeman Serves as DIA Honors Extern

Student Andrew Wurdeman (3L) served as Nebraska's first Honors Extern in the Office of the General Counsel at the Defense Intelligence Agency in Washington, D.C., during the Fall 2020 semester. The program—founded in 2019 by professor Jack Beard—requires students to be nominated in their 2L year in order to complete a process whereby they qualify for top-secret security clearance. Wurdeman was the first Nebraska Law J.D. to hold an externship at the DIA.

Since 2007, 78 LL.M. degrees have been awarded.

A LOST SEMESTER: A NOTE ON THE 2020 PANDEMIC FROM EXECUTIVE DIRECTOR MAGILTON

As our team put together this report and reviewed the full gamut of events and activities we completed this fall, I felt a new wave of loss over all the great plans we had for spring 2020 that were, of course, cancelled. When the world stopped this March and all the "out of an abundance of caution" cancellation emails started rolling in, academic programs everywhere were suddenly forced to change course. Of all the losses and pain that COVID-19 has caused, globally cancelled conferences and academic events are, with out doubt, some of the least important. Acknowledging that, it was still hard to cancel work we had put our hearts and souls into. There was so much I looked forward to sharing with you here that is missing - and that hurts. Even more seriously, the rug was pulled out from under students everywhere. I am proud of how Nebraska Law responded and we did our best to support students and employees who suddenly found themselves learning and working from home. From "old school" efforts like student phone trees, to more modern efforts in helping students navigating Zoom classrooms, we took efforts



A parting gift from the Corona LL.M. Class of 2020

to the next level to retain our community. Did we do it perfectly? No. Spring 2020 was an unprecedented time, and it continues to be so as I write this. There is no blueprint to help us establish best practices for building community when our community can't be together in person. The past six months have taught us a lot of lessons - and while I hope we don't have another occasion to apply them in the same context, opportunities to learn always provide opportunities for gratitude. That feeling is the one I want

to leave you with: gratitude. I could outline our response plans, discuss how our online program made us uniquely suited to make the switch, tell you what it felt like to watch our students graduate and move away without being able to hug them, but instead I want to thank our community for rising up to meet the challenges we faced this year. When all the networking mixers, airport connections, conferences, and "hustle" is stripped away, what is left is the heart of the mission, the research, and the community. This has been a year for introspection, creativity, empathy, and making space for new ideas. While this isn't the year I would've wished for, there is space for gratitude for what this year has been. To our alumni, friends, and loved ones who have been impacted by COVID-19, our hearts and thoughts are with you.

*Elsbeth Magilton
Executive Director of Technology, Security, and Space Law Initiatives
Space, Cyber, and Telecommunications Law Program
Nebraska Governance and Technology Center*

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