

KRISTEN E. EICHENSEHR

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EXPERIENCE

UNIVERSITY OF VIRGINIA SCHOOL OF LAW

Martha Lubin Karsh and Bruce A. Karsh Bicentennial Professor of Law. 2020–Present
Director, National Security Law Center 2021–Present

UCLA SCHOOL OF LAW

Assistant Professor. 2016–2020
Visiting Assistant Professor. 2014–2016
Classes taught: Cybersecurity Law & Policy, Foreign Relations Law, Legislation & Regulation, and Privacy & Power in the Digital Age.

HOOVER INSTITUTION

Visiting Fellow. July 2015

COVINGTON & BURLING LLP

Associate. Specialized in appellate litigation and international and national security law, including advising clients on cybersecurity and international transactions. 2011–2014

HON. SANDRA DAY O’CONNOR & HON. SONIA SOTOMAYOR

Law Clerk. Supreme Court of the United States. 2010–2011

OFFICE OF THE LEGAL ADVISER, U.S. Department of State

Special Assistant to the Legal Adviser. 2009–2010

HON. MERRICK B. GARLAND, U.S. Court of Appeals for the D.C. Circuit

Law Clerk. 2008–2009

EDUCATION

YALE LAW SCHOOL, J.D., 2008

Honors: Cullen Prize for the Best Paper by a First-Year Student
Lemkin Prize for the Best Paper on International Human Rights
Activities: *Yale Law Journal*, Executive Editor
Yale Journal of International Law, Articles Editor
Teaching Assistant for “Peacemaking” with Prof. W. Michael Reisman
Research Assistant for Profs. Owen Fiss and W. Michael Reisman

UNIVERSITY OF CAMBRIDGE, M.Phil. in International Relations, 2005

Thesis: “Crosshairs on Terror: The Legality of U.S. and Israeli Targeted Killings”

HARVARD UNIVERSITY, A.B. in Government, Language Citation in French, 2004

Honors: *Magna cum laude*, Phi Beta Kappa
Paul Williams Fellowship for study at the University of Cambridge

Thesis: “In the Wings: Identity and Voting Among Russian Immigrants to Israel”

SELECTED PUBLICATIONS & WORKS IN PROGRESS

Cyberattack Attribution as Empowerment and Constraint, in THE UNITED STATES’ CYBER STRATEGY AND “DEFEND FORWARD”: A COMPREHENSIVE LEGAL ASSESSMENT (Jack L. Goldsmith ed., forthcoming Oxford Univ. Press 2021).

[*The Youngstown Canon: Vetoed Bills and the Separation of Powers*](#), 70 DUKE L.J. 1145 (2021).

[*Contemporary Practice of the United States Relating to International Law*](#), 115 AM. J. INT’L L. __ (2021).

[*Cyberattack Attribution as Empowerment and Constraint*](#), Hoover Working Group on National Security, Technology, and Law, Aegis Series Paper No. 2101 (2021).

[*The Law & Politics of Cyberattack Attribution*](#), 67 UCLA L. REV. 520 (2020).

[*Digital Switzerlands*](#), 167 U. PA. L. REV. 665 (2019).

[*Decentralized Cyberattack Attribution*](#), 113 AM. J. INT’L L. UNBOUND 213 (2019) (invited contribution).

[*International Decision, Animal Science Products, Inc. v. Hebei Welcome Pharmaceutical Co. Ltd., No. 16-1220 \(U.S. 2018\)*](#), 113 AM. J. INT’L L. 116 (2019) (invited contribution).

[*Courts, Congress, and the Conduct of Foreign Relations*](#), 85 U. CHI. L. REV. 609 (2018).

- Awarded the 2018 Mike Lewis Prize for National Security Law Scholarship.

[*Data Extraterritoriality*](#), 95 TEX. L. REV. SEE ALSO 145 (2017) (invited symposium).

[*Public-Private Cybersecurity*](#), 95 TEX. L. REV. 467 (2017).

[*Giving Up on Cybersecurity*](#), 63 UCLA L. REV. DISCOURSE 320 (2016) (invited symposium).

[*Foreign Sovereigns as Friends of the Court*](#), 102 VA. L. REV. 289 (2016).

[*The Cyber-Law of Nations*](#), 103 GEO. L.J. 317 (2015).

[*Cyberwar & International Law Step Zero*](#), 50 TEX. INT’L L.J. 355 (2015) (invited symposium).

[*Review of the TALLINN MANUAL ON THE INTERNATIONAL LAW APPLICABLE TO CYBER WARFARE*](#) (Michael N. Schmitt ed., 2013), 108 AM. J. INT’L L. 585 (2014).

[*Treaty Termination and the Separation of Powers*](#), 53 VA. J. INT’L L. 247 (2013).

[*Treason in the Age of Terrorism: An Explanation and Evaluation of Treason’s Return in Democratic States*](#), 42 VAND. J. TRANSNAT’L L. 1443 (2009).

STOPPING WARS AND MAKING PEACE: STUDIES IN INTERNATIONAL LAW (edited with W. Michael Reisman, Brill 2009).

Note, [Defending Nationals Abroad: Assessing the Lawfulness of Forcible Hostage Rescues](#), 48 VA. J. INT'L L. 451 (2008).

Comment, [On Target? The Israeli Supreme Court and the Expansion of Targeted Killings](#), 116 YALE L.J. 1873 (2007).

[Treason's Return](#), 116 YALE L.J. POCKET PART 229 (2007).

SELECTED POPULAR WRITING

Member, Board of Editors, [Just Security](#) (Ryan Goodman & Stephen Vladeck, editors-in-chief), Sept. 2014–Present (blogging about cybersecurity and other national security-related issues).

[Cyberattacks, Accusations, and the Making of International Law](#), J. OF THINGS WE LIKE (LOTS) (JOTWELL), Dec. 2020 (reviewing Martha Finnemore & Duncan B. Hollis, *Beyond Naming and Shaming: Accusations and International Law in Cybersecurity*, EUR. J. INT'L L. (forthcoming 2020)).

[Military Algorithms and the Virtues of Transparency](#), J. OF THINGS WE LIKE (LOTS) (JOTWELL), Nov. 2019 (reviewing Ashley S. Deeks, *Predicting Enemies*, 104 VA. L. REV. 1529 (2018)).

[Don't Believe It If You See It: Deep Fakes and Distrust](#), J. OF THINGS WE LIKE (LOTS) (JOTWELL), Sept. 2018 (reviewing Bobby Chesney & Danielle Citron, *Deep Fakes: A Looming Challenge for Privacy, Democracy, and National Security*, 107 CAL. L. REV. 1753 (2019)).

[Today's Revolution: Cybersecurity and the International Order](#), LAWFARE, Feb. 8, 2018 (reviewing LUCAS KELLO, *THE VIRTUAL WEAPON AND INTERNATIONAL ORDER* (Yale University Press, 2017)).

Three Questions on the WannaCry Attribution to North Korea, JUST SECURITY, Dec. 20, 2017.

- Reposted on [Newsweek](#).

[Will NATO Invoke Collective Action over Russia Hacking](#), NEWSWEEK, Mar. 14, 2017.

- Originally posted on Just Security.

[Legal Scholarship Highlight: Foreign-Government Amici and Foreign Relations](#), SCOTUSBLOG, Oct. 21, 2016.

[Risky Business: When Governments Do Not Attribute State-Sponsored Cyberattacks](#), CFR NET POLITICS, Oct. 4, 2016.

- Reprinted as [Opinion: The Government Must Name and Shame Hackers](#), CHRISTIAN SCIENCE MONITOR PASSCODE, Oct. 5, 2016.

[International Law Permits a Measured Military Response to Cyberattacks](#), Room for Debate, N.Y. TIMES, Dec. 23, 2014.

[Domestic Human Rights Enforcement after Kiobel](#), ASIL CABLES (Apr. 11, 2014).

On the Offensive: Assassination Policy Under International Law, HARV. INT'L REV., Fall 2003, at 36.

SELECTED PRESENTATIONS & MEDIA

Panelist, “Legal Aspects of Attribution,” Political, Technical And Legal Aspects Of Attribution: Multi-Stakeholder Dialogue On The Norms Of Responsible State Behaviour In Cyberspace, United Nations Institute for Disarmament Research, June 2021 (Virtual).

Panelist, “Attacks on Healthcare Are Banned Under the Laws of War. Is It Time to Ensure the Same Is True for Peace Time?,” European Cyber Agora, Microsoft, June 2021 (Virtual).

Panelist, “Cybersecurity 2021: Developing a New Legal and Pragmatic Framework,” National Security Association for Law & Policy Reform, Fordham University School of Law, Apr. 2021 (Virtual).

Cyberattack Attribution as Empowerment and Constraint

- Guest Speaker, University of California Berkeley School of Law, Cybersecurity Law & Policy Course, Apr. 2021 (Virtual).
- Guest Speaker, Cornell Cybersecurity Law & Policy Course, Mar. 2021 (Virtual).

Participant, The Regulation of Information Operations under International Law, Oxford Institute for Ethics, Law and Armed Conflict, Apr. 2021 (Virtual).

Panelist, “Writing the Rules of the Cyber Road,” International Studies Association Annual Conference, Apr. 2021 (Virtual).

Presenter, “Regulating Cyberwarfare,” Congressional Study Group on Foreign Relations and National Security, Brookings Institution, Apr. 2021 (Virtual).

Moderator, “Information Conflict in the Digital Age,” American Society of International Law Annual Meeting, Mar. 2020 (Virtual).

Panelist, “The SolarWinds Breach: What Happened and Where Do We Go From Here?,” Reiss Center on Law & Security, NYU School of Law, Mar. 2021 (Virtual).

Moderator, “Addressing Threats to Global Safety,” Symposium on 75 Years of the United Nations and the Future of International Cooperation, *Virginia Journal of International Law*, Mar. 2021 (Virtual).

Discussant, “International Law and the Protection of IT Supply Chains,” The Protection of IT Supply Chains under International Law, Oxford Institute for Ethics, Law and Armed Conflict, Mar. 2021 (Virtual).

Panelist, U.S. Cyber Command Virtual Legal Conference, Mar. 2021 (Virtual).

Moderator, Cybersecurity Speaker Series, UVA School of Law, Feb. 2021 (Virtual).

The Youngstown Canon: Vetoed Bills and the Separation of Powers

- *Duke Law Journal*, Apr. 2021 (Virtual).
- Virginia-Duke Foreign Relations Roundtable, Charlottesville, VA, Feb. 2021.
- Faculty Workshop, Northwestern Pritzker School of Law, Oct. 2020 (Virtual).
- Southern California International Law Scholars Conference, USC Gould School of Law, Los Angeles, CA, Feb. 2020.
- New Voices in Legislation, AALS Annual Meeting, Washington, D.C., Jan. 2020.

Panelist, “Preventing Harm: How Can States Address Attacks on Healthcare through International Law?,” Securing Healthcare to Achieve Cyberpeace, World Health Organization and CyberPeace Institute, Dec. 2020 (Virtual).

Presenter, “Cyberattacks, Attribution, and the Protection of Medical Facilities,” Law, Cyber and COVID-19, Federmann Cyber Security Research Center, Hebrew University of Jerusalem and Center for Cyber Law & Policy, University of Haifa, Dec. 2020 (Virtual).

National Security Creep in Corporate Transactions (with Cathy Hwang)

- UVA School of Law Incubator Series, Nov. 2020.

Participant, “The Oxford Process on International Law Protections in Cyberspace: Protecting Elections from Foreign Cyber-Interference,” Oct. 2020 (Virtual).

Panelist, “International Law in the COVID Pandemic,” J.B. Moore Society of International Law, UVA School of Law, Oct. 2020 (Virtual).

Panelist, “Ethics and Accountability in High Tech,” The Future of Humanities @ Google, Oct. 2020 (Virtual).

Public Service Faculty Virtual Coffee, UVA School of Law, Oct. 2020 (Virtual).

Roundtable Participant, “International Perspectives on Cyber Attribution,” Atlantic Council’s Cyber Statecraft Initiative, Oct. 2020 (Virtual).

Panelist, *What is Cybersecurity Law and Policy Research?*, Cybersecurity Law Scholars Conference, Sept. 2020.

The Law & Politics of Cyberattack Attribution

- Center for Applied Cybersecurity, Indiana University, Bloomington, IN, Aug. 2020 (Virtual).
- Methods and Theories in International and Comparative Law, UCLA School of Law, Mar. 2020 (Virtual).
- Cybersecurity Law, University of California Berkeley School of Law, Mar. 2020 (Virtual).

- University of Virginia School of Law, Jan. 2020.
- Public Law & Legal Theory Workshop, University of Chicago Law School, Dec. 2019.
- Privacy Law Scholars Conference, University of California Berkeley, June 2019.
- Information Society Project, Yale Law School, Mar. 2019.

Participant, *The Oxford Process on International Law Protections in Cyberspace: Safeguarding the COVID-19 Vaccine Research*, Oxford Institute for Ethics, Law and Armed Conflict, July 2020 (Virtual).

Panelist, *Digital Security in a Post-COVID Era*, Stanford Center for International Security and Cooperation, June 2020 (Virtual).

Participant, *The Legal Basis for the U.S. “Defend Forward” Cyber Security Concept*, Hoover Institution Working Group on National Security, Technology, and Law, June 2020 (Virtual).

Participant, *Applying International Law in Cyberspace: Protections and Prevention*, Oxford Institute for Ethics, Law and Armed Conflict, May 2020 (Virtual).

Panelist, *Geopolitical and Human Rights Implications of Neutral Attribution*, Building Transnational Cyber-Attribution, Internet Governance Project, Georgia Tech School of Public Policy, May 2020 (Virtual).

Panelist, *Layered Cyber Deterrence: Exploring the Cyber Solarium Commission Report*, Technology, Law & Security Program at American University Washington College of Law, May 2020 (Virtual).

PROFESSIONAL SERVICE & AFFILIATIONS

Member, Forum on Cyber Resilience, National Academies of Sciences, Engineering & Medicine, May 2021–Present.

Editor, Contemporary Practice of the United States Section, *American Journal of International Law*, Fall 2020–Present.

Editor, *Journal of National Security Law & Policy*, Jan. 2021–Present.

Contributing Editor, Technology Law, *Journal of Things We Like (Lots) (JOTWELL)*, Mar. 2018–June 2021.

Affiliate, Stanford Center for International Security and Cooperation, Jan. 2018–Present.

Affiliate Scholar, Center for Internet and Society, Stanford Law School, Sept. 2016–Present.

Member, Academic Advisory Board, Supreme Court Fellows Program, Oct. 2020 Term.

Member, Council on Foreign Relations Advisory Committee on Special Report on Developing a Digital Free Trade Zone, 2020.

Member, Decline of the Liberal International Order Study Group, American Branch of the International Law Association, 2019–2020.

Member, Council on Foreign Relations Advisory Committee for Council Special Report “Zero Botnets: Cleaning Up the Internet,” 2018.

Member, Cybersecurity, Terrorism and International Law Study Group, International Law Association, May 2014–2016.

American Society of International Law

- Member, Book Awards Committee, 2021
- Co-Chair, ASIL Mid-Year Meeting, Oct. 2020
- Member, Program Committee, ASIL Midyear Research Forum, Nov. 2016
- Member, Editorial Committee, *Judicial Benchbook*, Aug. 2014–2015

UVA Service

- Clerkship Committee (2020-22)

UCLA Service

- Clerkship and Fellows Committee, Chair (Fall 2019, 2018-19, 2017-18, Spring 2017), Member (Fall 2016)
- *UCLA Law Review*, Faculty Advisor (2019-20)
- Junior Faculty Workshop, Co-Chair (2016-17)
- DGTL, Faculty Adviser (2016-17)

MEMBERSHIPS & LANGUAGES

BAR ADMISSIONS: District of Columbia, U.S. Court of Appeals for the D.C. Circuit, U.S. Court of Appeals for the Fourth Circuit, U.S. Court of Appeals for the Ninth Circuit.

MEMBERSHIPS: American Society of International Law; Pacific Council on International Policy; Former Term Member of the Council on Foreign Relations (2013-18).

LANGUAGES: Professional capacity in French; basic competence in Japanese.