

DAVID S. ARDIA

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CURRENT POSITION

UNC School of Law, Chapel Hill, NC 2011–present
Associate Professor (2017–present), *Assistant Professor* (2011–2017)
Co-Director, UNC Center for Media Law and Policy

Research and teach in the areas of torts, media law, cyberlaw, and intellectual property. Received grant to develop a new skills-based media law and intellectual property course. Serve as faculty co-director of the UNC Center for Media Law and Policy, a joint center between the UNC School of Law and UNC School of Media and Journalism. Hold secondary appointment as an Associate Professor, UNC School of Media and Journalism.

EDUCATION

Harvard Law School, Cambridge, MA
LL.M., June 2007

Areas of study: Legal Theory and Jurisprudence

Syracuse University College of Law, Syracuse, NY
J.D., *summa cum laude*, May 1996

Honors: Order of the Coif; Justinian Honorary Law Society; Law Review Distinguished Service Award; Robert M. Anderson Publication Award; Pomeranz Scholarship; Dean's List (all years); Award for Highest Grade in Civil Procedure, Evidence, and Legal Research and Writing

Activities: Lead Articles Editor, *Syracuse Law Review*; Member, Moot Court Honor Society

Publication: Dolan v. City of Tigard: *Takings Doctrine Moves Onto Unpaved Ground*, 24 REAL ESTATE L.J. 195 (1996) (also selected by *Syracuse Law Review*)

State University of New York College of Environmental Science and Forestry, Syracuse, NY
M.S., Environmental Science, May 1995

Area of study: Environmental Modeling, Risk Assessment, and Public Policy; M.S. Report: THE ROLE OF MODELING IN LAKE ONTARIO FISHERIES MANAGEMENT (1995)

Clarkson University, Potsdam, NY
B.S., Interdisciplinary Engineering and Management, May 1989

PUBLICATIONS

Books

- MEDIA AND THE LAW (LexisNexis/Matthew Bender & Co., 2nd ed., 2014) (co-authored with David Kohler, Lee Levine, Dale Cohen, and Mary-Rose Papandrea).

Law Review Articles

- *Privacy and Court Records: Online Access and the Loss of Practical Obscurity*, 2017 UNIV. OF ILLINOIS LAW REVIEW 1385.

- *Court Transparency and the First Amendment*, 38 CARDOZO LAW REVIEW 835 (2017).
- *Privacy and Court Records: An Empirical Study*, 30 BERKELEY TECHNOLOGY LAW JOURNAL 1807 (2015) (co-authored with Anne Klinefelter).
- *Freedom of Speech, Defamation, and Injunctions*, 55 WILLIAM & MARY LAW REVIEW 1 (2013) [selected for publication in THE FIRST AMENDMENT LAW HANDBOOK, 2014–2015 EDITION (Rodney Smolla, ed.)].
- *Reputation in a Networked World: Revisiting the Social Foundations of Defamation Law*, 45 HARVARD CIVIL RIGHTS-CIVIL LIBERTIES LAW REVIEW 261 (2010).
- *Government Speech and Online Forums: First Amendment Limitations on Moderating Public Discourse on Government Websites*, 2010 BYU LAW REVIEW 1981 (2010).
- *Free Speech Savior or Shield for Scoundrels: An Empirical Study of Intermediary Immunity Under Section 230 of the Communications Decency Act*, 43 LOYOLA OF LOS ANGELES LAW REVIEW 373 (2010).
- *Does the Emperor Have No Clothes? Enforcement of International Laws Protecting the Marine Environment*, 19 MICHIGAN JOURNAL OF INTERNATIONAL LAW 497 (1998).
- *Dolan v. City of Tigard: Takings Doctrine Moves Onto Unpaved Ground*, 24 REAL ESTATE LAW JOURNAL 195 (1996).

Work in Progress

- *Digital Feudalism: Technology, Private Power and 21st Century Serfdom* (book manuscript that examines the expansion of private power over public discourse; argues that the First Amendment will play a less important role in protecting speech online and that future battles over freedom of expression will increasingly occur in the realms of technology, markets, and social norms).

Other Publications

- *Bloggers and Other Online Publishers Face Increasing Legal Threats*, POYNTER ONLINE, Sept. 22, 2008, <http://www.poynter.org/column.asp?id=101&aid=150968>.
- *What Can You Say? A Look at Your Free Speech Rights in School*, THE NEXT STEP, Summer 1997, at 40 (co-authored with K. Gorman).

TEACHING AND SERVICE

Courses taught:

- Torts
- Cyberlaw
- Media Law
- Media Law Practicum
- Media and Internet Law Practicum
- Comparative Privacy Law and the Right to be Forgotten
- Internet and Society: Technologies and Politics of Control

Service Activities:

- Faculty Co-Director, UNC Center for Media Law and Policy (2011–present)

- Faculty Advisor, Dual Degree Program (J.D./M.A. & J.D./Ph.D. in Mass Communication) (2012–present)
- Faculty Advisor, *First Amendment Law Review* (2014–present)
- Faculty Advisor, Media Law Society (2013–present)
- Chair, Academic Affairs Committee (2018–present)
- Member, Academic Affairs Committee (2014–18)
- Chair, Technology Committee (2013–14)
- Member, Dean’s Advisory Committee (2013–14)
- Member, Faculty Speakers Committee (2011–13)
- Chair, Association of American Law Schools, Mass Communication Law Section (2014–15)
- Chair-Elect, Association of American Law Schools, Mass Communication Law Section (2013–14)
- Secretary, Association of American Law Schools, Mass Communication Law Section (2012–13)

OTHER LEGAL EXPERIENCE

Berkman Klein Center for Internet & Society, Harvard University, Cambridge, MA 2007–2015

Faculty Associate (2011-2015), Resident Fellow (2007-2011)

Participated in interdisciplinary research center based at Harvard University that investigates the boundaries in cyberspace between open and closed systems of speech, commerce, and governance, and the relationship of law to each. Formerly founded and directed the Berkman Center’s Digital Media Law Project, which provides research, legal assistance, and education for journalists, media organizations, and other digital media creators.

Digital Media Law Project, Cambridge, MA 2007–2011

Director

Founded and directed a project at the Berkman Center for Internet & Society at Harvard University that provides research, education, and legal assistance for journalists, media organizations, and other digital media creators. Responsible for hiring and supervising a staff of 3 full-time lawyers and 3-6 part-time law students; successfully raised more than \$850,000 in grants to support the project’s work; drafted and filed *amicus curiae* briefs addressing important First Amendment, media law, and intellectual property issues.

The Washington Post, Washington, DC 2004–2006

Assistant Counsel

Provided legal counsel to all parts of *The Washington Post* newspaper. Responsible for varied legal matters, including First Amendment, newsgathering, intellectual property, and general business issues. Provided pre-publication review for all sections of the newspaper. Gained extensive experience providing media law training to reporters and editors. Worked with counsel from other media organizations to develop strategies for dealing with important First Amendment issues, including court access, prior restraints, and the reporter’s privilege.

Williams & Connolly LLP, Washington, DC
Associate

1999–2004

Gained substantial experience litigating complex cases, including extensive experience with First Amendment and intellectual property litigation. Clients included broadcast networks, newspaper publishers, and magazine publishers. Provided pre-publication review for *The National Enquirer* and *In Touch Weekly*, and general legal advice for *Newsweek*.

Judge Conrad K. Cyr, U.S. Court of Appeals for the First Circuit
Law Clerk

1998–1999

Researched and drafted judicial opinions and bench memoranda for civil and criminal appeals; attended oral argument.

Judge Thomas J. McAvoy, U.S. District Court, N.D.N.Y.
Law Clerk

1996–1998

Researched and drafted judicial opinions and bench memoranda for criminal and civil matters. Drafted jury instructions, assisted in sentencings, and participated in chamber conferences.

Cravath, Swaine & Moore, New York, NY
Summer Associate

Summer 1995

Worked in litigation department. Advised on patent and copyright issues.

Professor Laura Lape, Syracuse University College of Law
Research Assistant

1994–1995

Researched and analyzed various issues in copyright law.

SELECTED ACADEMIC WORKSHOPS AND PRESENTATIONS

The First Amendment and Social Media: What (If Any) Rules Apply?
UNC School of Law, Chapel Hill, NC

September 2018

Presentation on the role that social media companies play in moderating the public sphere.

Privacy and Court Records: Online Access and the Loss of Practical Obscurity
The George Washington University Law School, Washington, DC

June 2016

Presented paper at the Ninth Annual Privacy Law Scholars Conference.

Court Transparency and the First Amendment
New York Law School, New York, NY

March 2016

Presented paper at Internet Law Works-in-Progress Symposium at New York Law School.

Privacy and Court Records: An Empirical Study
New York University School of Law, New York, NY

November 2015

Presented paper at the NYU Information Law Institute's symposium on "Responsible Use of Open Data: Government and the Private Sector."

Privacy and Court Records: An Empirical Study April 2015
University of California Berkeley School of Law, Berkeley, CA

Presented paper at Berkeley Center for Law and Technology's symposium on "Open Data: Addressing Privacy, Security, and Civil Rights Challenges."

Digital Feudalism: Technology, Private Power and 21st Century Serfdom March 2014
New York Law School, New York, NY

Presented paper at Internet Law Works-in-Progress Symposium at New York Law School.

Freedom of Speech, Defamation and Injunctions May 2013
Yale Law School, New Haven, CT

Presented paper at Freedom of Expression Scholars Conference at Yale Law School.

Freedom of Speech, Defamation and Injunctions February 2013
UNC School of Journalism and Mass Communication, Chapel Hill, NC

Presented paper at the Mary Junck Research Colloquium hosted by the UNC School of Journalism and Mass Communication.

Freedom of Speech, Defamation and Injunctions January 2013
Chicago-Kent College of Law, Chicago, IL

Presented paper at faculty workshop; selected by Associate Dean for Faculty Development to present paper as part of the UNC/Chicago-Kent junior faculty exchange program.

Online News Association Annual Conference September 2012
San Francisco, CA

Presented lecture on defamation and privacy law at ONA's "Law School for Digital Journalists."

Freedom of Speech, Defamation and Injunctions March 2012
New York Law School, New York, NY

Presented paper at Internet Law Works-in-Progress Symposium at New York Law School.

Social Networks and the Law November 2011
UNC School of Law, Chapel Hill, NC

Moderated panel on privacy issues and social media at the *North Carolina Law Review's* symposium on "Social Networks and the Law."

Newsroom Law September 2011
Harvard Law School, Cambridge, MA

Presented lecture on defamation and privacy law at "Law School for Digital Journalists" at Harvard Law School.

Media Law in the Digital Age September 2011
Kennesaw State University, Atlanta, GA

Organized and moderated multiple panels examining new developments in media law and their impact on online journalism.

Freedom of Speech, Defamation and Injunctions

August 2011

DePaul University College of Law, Chicago, IL

Presented paper at Intellectual Property Scholars Conference at DePaul University College of Law.

MIT Communications Forum

November 2010

Massachusetts Institute of Technology, Cambridge, MA

Panelist on panel exploring how technology is influencing civic media and the law.

Investigative Reporters and Editors Annual Conference

June 2010

Las Vegas, NV

Panelist on panel addressing legal issues associated with launching a non-profit investigative reporting center.

Journalism's Digital Transition

April 2010

Harvard Law School, Cambridge, MA

Panelist and moderator for panel discussing anonymity, defamation, and privacy.

Government Speech and Online Forums

March 2010

Brigham Young University, Provo, UT

Presented paper entitled "Government Speech and Online Forums: First Amendment Limitations on Facilitating and Moderating Public Discourse on Government Websites" at the *Brigham Young University Law Review* symposium on the "Emerging Complexities of Government Speech."

National Association of Hispanic Journalists Annual Convention

June 2009

San Juan, PR

Panelist and moderator for panel entitled "Online Media Law and Ethics."

New Media & the Marketplace of Ideas

October 2007

Boston University School of Law, Boston, MA

Panelist on panel entitled "Gatekeeping in the New Media Environment" at symposium organized by Boston University School of Law and Boston University College of Communication.

SELECTED MEDIA COVERAGE AND APPEARANCES

- Wendy Davis, [White House Defends Decision To Revoke Acosta's Press Pass](#), MEDIAPOST (Nov. 14, 2018)
- Louis Jacobson, [Donald Trump inaccurately describes libel law](#), POLITIFACT (Sept. 15, 2018)
- Pema Levy, [Trump Election Commissioner Used Dubious Data to Allege an "Alien Invasion"](#), MOTHER JONES (July 18, 2017)
- Edward Helmore, ["It's a tense environment': Media braced for further hostility fueled by Trump](#), THE GUARDIAN (June 29, 2017)
- Peter Hayes, [Green Groups: Suits to Silence Them on the Rise](#), BLOOMBERG BNA (Apr. 14, 2017)
- Alanna Durkin Richer, [For Rolling Stone, 'worst nightmare' continues](#), ASSOCIATED PRESS (Nov. 6, 2016)

- Louis, Jacobson, [Donald Trump wrong that New York Times can't be sued for a 'story that they know is false'](#), POLITIFACT (Mar. 1, 2016)
- Lawrence Lease, [Rolling Stone sued by former UVA frat members over false rape story](#), EXAMINER.COM (July 29, 2015)
- Brian Mastroianni, [Washington State court rules that anonymous online reviewers are entitled to First Amendment protection](#), FoxNews.com (July 7, 2015)
- Peter Jacobs, [This crucial distinction will determine whether a UVA frat can successfully sue Rolling Stone](#), BUSINESS INSIDER (Apr. 14, 2015)
- Tyler Dukes, Under Scrutiny, [Mug Shot Publishing Industry Evolves](#), WRAL.COM (June 24, 2014)
- Jonathan Weber, [History Holds Tough Lessons for Anonymous Services](#), THE INFORMATION (Apr. 21, 2014)
- Wills City, [Supreme Court Rejects Case Advocating Extension of Press Access to Polls](#), NATIONAL PRESS PHOTOGRAPHERS ASSOCIATION (June 11, 2013)
- Liz Kowalczyk, [Doctors fire back at patient critiques: Lawsuits target harsh Web posts](#), THE BOSTON GLOBE (Mar. 31, 2013)
- Victor Luckerson, [Why Is That 17-Year-Old's \\$30 Million News App Even Legal?](#), TIME (Mar. 27, 2013)
- Jamie Berk, [Did Deadspin Defame Manti Te'o?](#), AMERICAN CIRCUS (Jan. 28, 2013)
- William Freivogel, [Free speech and 'benevolent dictatorships' on the internet](#), ST. LOUIS BEACON (Sept. 22, 2012)
- Wendy Davis, [N.C. Blogger Says Doesn't Need License To Dispense Diet Advice](#), MEDIAPOST (May 30, 2012)
- Alex Dobuzinskis, [Judge in defamation case rules blogger is no journalist](#), REUTERS (Dec. 8, 2011)
- Jim Morrill, [Recording police can create clashes](#), CHARLOTTE OBSERVER (July 3, 2011)
- Noam Cohen, [A Vision of Iceland as a Haven for Journalists](#), NEW YORK TIMES (Feb. 21, 2010) at B3
- Georgia Garvey, [Anonymity is no guarantee in online postings](#), CHICAGO TRIBUNE (Feb. 14, 2010)
- Daniel Rowinski, [Police fight cellphone recordings](#), THE BOSTON GLOBE, Jan. 12, 2010.
- Brendan L. Smith, [Meet John Doe](#), ABA JOURNAL (Jan. 1, 2010)
- Laura M. Holson, [Short Outbursts on Twitter? #Big Problem](#), NEW YORK TIMES (Oct. 8, 2009) at E1
- Douglas MacMillan, [Facebook's Holocaust Controversy](#), BUSINESSWEEK (May 12, 2009)
- Brian Stelter, [Copyright Challenge for Sites That Excerpt](#), NEW YORK TIMES (Mar. 1, 2009) at B1
- Brooke Gladstone, [Photo Finish](#), NPR'S ON THE MEDIA (Oct. 31, 2008)
- Dan Margolies, [Lawsuits tell a cautionary tale for bloggers](#), SYDNEY MORNING HERALD (Oct. 30, 2008)
- Adam Cohen, [Casting a Ballot, and a Wary Eye](#), NEW YORK TIMES (Oct. 27, 2008) at B3
- Karen Goldberg Goff, [Gossip sites give access to rumors](#), WASHINGTON TIMES (Oct. 15, 2008) at B1
- Ben Arnoldy, [Close of Wikileaks website raises free speech concerns](#), CHRISTIAN SCIENCE MONITOR (Feb. 21, 2008)
- Alex Altman, [A Coming Chill Over Internet Freedom?](#), TIME (Feb. 20, 2008)
- Jaikumar Vijayan, [Privacy, civil rights advocates castigate Wikileaks ruling](#), COMPUTERWORLD (Feb. 20, 2008)

- Elana Schor, [*Julius Baer's court order springs a leak*](#), GUARDIAN (Feb. 20, 2008)
- Adam Liptak & Brad Stone, [*Judge Orders Wikileaks Web Site Shut*](#), NEW YORK TIMES (Feb. 19, 2008)
- Alana Semuels, [*Newspapers, Bloggers Now on Same Page*](#), LOS ANGELES TIMES (Oct. 9, 2007)

ADMISSIONS AND MEMBERSHIPS

Admitted to practice law in New York; District of Columbia; Massachusetts; United States Supreme Court; and United States District Court for the District of Columbia. Member of the Online News Association's Legal Advisory Board; First Amendment and Media Litigation Committee of the American Bar Association; Arts, Entertainment, and Sports Law Section of the District of Columbia Bar; and New England Media Lawyers Group. Board Member of the Association of American Law Schools, Mass Communication Law Section Executive Committee (2012–present). Affiliated faculty member, UNC UNC Center for Climate, Energy, Environment and Economics (2014-present).