

# DAVID S. ARDIA

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UNC School of Law ▪ Van Hecke-Wettach Hall ▪ Chapel Hill, NC 27599

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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*

*Faculty Affiliate, UNC Center for Information, Technology and Public Life*

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 Hussman School of Journalism and Media. Hold secondary appointment as an Associate Professor, UNC Hussman School of Journalism and Media.

## 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 Tigar: *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

- *First Amendment Limits on State Laws Targeting Election Misinformation*, 20 FIRST AMENDMENT LAW REVIEW 291 (2022) [co-authored with Evan Ringel]
- *Beyond the Marketplace of Ideas: Bridging Theory and Doctrine to Promote Self-Governance*, 16 HARVARD LAW & POLICY REVIEW 275 (2022)
- *Privacy and Court Records: Online Access and the Loss of Practical Obscurity*, 2017 UNIV. OF ILLINOIS LAW REVIEW 1385 (2017)
- *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

- *The First Amendment, Self-Governance, and a Right to Know About the Government* – Argues that courts should recognize a First Amendment right of access to certain categories of government information and that the seeds for a such a right already exist in the Supreme Court’s First Amendment jurisprudence; describes how a right of access to government information should be implemented.
- *Untangling Government Use of Social Media: Public Forums on Private Platforms* – Examines the First Amendment issues that arise when government employees use privately owned social media platforms for official purposes, including the extent to which such use of private infrastructure implicates the state action doctrine.

- *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

- *State Regulation of Election-Related Speech in the U.S.: An Overview and Comparative Analysis*, U. OF N.C. CTR. FOR MEDIA LAW AND POLICY (Aug. 2021) [co-authored with Evan Ringel & Allysan Scatterday]
- *Addressing the Decline of Local News, Rise of Platforms, and Spread of Mis- and Disinformation Online: A Summary of Current Research and Policy Proposals*, U. OF N.C. CTR. FOR MEDIA LAW AND POLICY (Dec. 2020) [co-authored with Evan Ringel, Victoria Smith Ekstrand & Ashley Fox]
- *Balancing Transparency and Privacy in the Implementation of Police Body-Worn Camera Systems*, U. OF N.C. CTR. FOR MEDIA LAW AND POLICY (Sept. 2018) [co-authored with Rachael L. Jones]
- *Bloggers and Other Online Publishers Face Increasing Legal Threats*, POYNTER ONLINE, Sept. 22, 2008, <http://www.poynter.org/column.asp?id=101&aid=150968>

## TEACHING AND SERVICE

### Courses taught:

- Torts
- Cyberlaw
- Media Law
- 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)
- Member, Grading Task Force (2022–23)
- Member, Diversity, Equity, and Inclusion Committee (2021–22)
- Chair, Faculty Technology Committee (2013–14; 2020–21)
- Chair, Academic Affairs Committee (2018–20)
- Member, Academic Affairs Committee (2014–18)
- 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** 1999–2004

*Associate*

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** 1998–1999

*Law Clerk*

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. 1996–1998  
*Law Clerk*

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 1995  
*Summer Associate*

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

**Professor Laura Lape**, Syracuse University College of Law 1994–1995  
*Research Assistant*

Researched and analyzed various issues in copyright law.

### SELECTED ACADEMIC WORKSHOPS AND PRESENTATIONS

**Bright Light or Black Pen: The Promise and Perils of Court Transparency** July 2022  
Big Sky, MT

Presented research on the sealing of court records at the United States Court of Appeals for the Ninth Circuit’s Judicial Conference.

**The Role of Online Platforms in Reducing Election Misinformation** January 2022  
UNC School of Law, Chapel Hill, NC

Presented paper at the *First Amendment Law Review* symposium.

**The First Amendment and an Informed Society** November 2019  
UNC School of Law, Chapel Hill, NC

Presented paper at the *First Amendment Law Review* symposium.

**The First Amendment and Social Media: What (If Any) Rules Apply?** September 2018  
UNC School of Law, Chapel Hill, NC

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** June 2016  
The George Washington University Law School, Washington, DC

Presented paper at the Ninth Annual Privacy Law Scholars Conference.

**Court Transparency and the First Amendment** March 2016  
New York Law School, New York, NY

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

**Privacy and Court Records: An Empirical Study** November 2015  
New York University School of Law, New York, NY

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 Hussman School of Journalism and Media, Chapel Hill, NC

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

**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.

**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).