

# RonNell Andersen Jones

801-369-3063(c); 801-587-8756(w)  
ronnell.andersen.jones@law.utah.edu  
<http://ssrn.com/author=1006982>

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## ACADEMIC AFFILIATIONS

### **University of Utah S.J. Quinney College of Law – Salt Lake City, Utah**

<i>University Distinguished Professor</i>	2023 to present
<i>Lee E. Teitelbaum Chair in Law</i>	2017 to present
<i>Professor of Law</i>	2016 to 2017
<i>Associate Dean of Research &amp; Faculty Development</i>	2019 to 2020

### **Yale Law School – New Haven, Connecticut**

<i>Affiliated Fellow, Yale Information Society Project</i>	2017 to present
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### **Columbia University – New York, New York**

*Senior Visiting Research Fellow, Knight First Amendment Institute* 2023-24

### **Brigham Young University J. Reuben Clark Law School – Provo, Utah**

<i>Professor of Law</i>	2014 to 2016
<i>Associate Dean of Academic Affairs &amp; Research</i>	2014 to 2016
<i>Associate Professor</i>	2008 to 2014

### **The University of Arizona James E. Rogers College of Law – Tucson, Arizona**

<i>Visiting Professor</i> (Team teaching annual course with Justice Sandra Day O'Connor)	2008 to 2010
<i>Distinguished Visiting Professor</i>	2004 to 2008

*Courses taught:* Constitutional Law I, Constitutional Law II, First Amendment, Media Law, The U.S. Supreme Court, Gun Law & Policy, Legislation & Regulation

## JUDICIAL CLERKSHIPS

**Chambers of Justice Sandra Day O'Connor, United States Supreme Court – Washington, D.C.** Law Clerk. 2003-2004

**Chambers of Judge William A. Fletcher, United States Court of Appeals for the Ninth Circuit** – *San Francisco, California*. Law Clerk. 2001-2002

## PROFESSIONAL EXPERIENCE

**Jones, Day** – *Columbus, Ohio and Menlo Park, California*. **Associate**. 1999 (summer associate); 2000-2001; 2002-2003.

Researched and wrote briefs in cases before state supreme courts, federal appellate courts, and the United States Supreme Court. Involved in all stages of U.S. Supreme Court merits briefing in major constitutional cases of *Kimel v. Florida Board of Regents* and *Garrett v. University of Alabama*.

## EDUCATION

**The Ohio State University Moritz College of Law** – J.D. with Highest Honors, 2000. Ranked first in the class. *Summa cum laude*. Order of the Coif. Editor, Ohio State Law Journal. Editor, Journal of Communications Law and Policy. President, The Ohio State University Women's Law Caucus. Strong Award for Excellence in Legal Writing. Best Brief Award. Best Oralist Award, Appellate Advocacy Moot Court Competition. Studied at St. Anne's College, Oxford Summer Law Program.

**Utah State University** – B.A. with Highest Honors, 1995.

*Summa cum laude*. Communications major with a print journalism emphasis. Political Science minor. Liberal Arts and Sciences certificate. Phi Kappa Delta. Dean's list every quarter. Twice named Department of Communications Student of the Year. Department of Communications student government representative.

## ARTICLES AND ESSAYS

*Presuming Trustworthiness*, \_\_\_ FLA. L. REV. \_\_ (forthcoming 2023) (with S. West)

*Defamation, Disinformation, and the Press Function*, 3 JOURNAL OF FREE SPEECH LAW 103 (2023)

*The Disappearing Freedom of the Press*, 79 WASH. & LEE L. REV. 1377 (2022) (with S. West)

*The U.S. Supreme Court's Characterizations of the Press: An Empirical Study*, 100 N. CAROLINA L. REV. 375 (2022) (with S. West)

*Freedom of the Press in Post-Truthism America*, 98 WASH. U. L. REV. 419 (2020) (with L. Sun)

*The Fragility of the Free American Press*, 112 NORTHWESTERN UNIV. L. REV. 567 (2017) (with S. West)

*Enemy Construction and the Press*, 49 ARIZ. ST. L. J. 1301 (2017) (with L. Sun)

*Clarence Thomas the Questioner*, 111 NORTHWESTERN UNIV. L. REV. 1185 (2017) (with A. Nielson)

*Of Reasonable Readers and Unreasonable Speakers: Libel Law in a Networked World*, 23 VIRGINIA JOURNAL OF SOCIAL POLICY & THE LAW 155 (2016) (with L. Lidsky)

*What the Supreme Court Thinks of the Press and Why It Matters*, 66 ALA. L. REV. 253 (2014)

*Disaggregating Disasters*, 60 UCLA L. REV. 884 (2013) (with L. Sun)

*Press Definition and the Religion Analogy*, 2014 HARV. L. REV. FORUM 362 (2014)

*The Dangers of Press Clause Dicta*, 48 GEORGIA L. REV. 706 (2014)

*Rethinking Reporter's Privilege*, 111 MICH. L. REV. 1221 (2013)

*Litigation, Legislation, and Democracy in a Post-Newspaper America*, 68 WASH. & LEE L. REV. 557 (2011)

RonNell Andersen Jones, *Media Subpoenas: Impact, Perception, and Legal Protection in the Changing World of American Journalism*, 84 WASH. L. REV. 31 (2009)

*Avalanche or Undue Alarm? An Empirical Study of Subpoenas Received by the News Media*, 93 MINN. LAW REVIEW 585 (2008)

*Reflections on Arizona's Judicial Selection Process*, 50 ARIZ. LAW REVIEW 15 (2008) (with Sandra Day O'Connor)

## **Symposia**

*The Public Benefits of Press Specialness*, Yale Journal on Regulation, Notice & Comment, Symposium on *Saving the Freedom of Information Act*, Feb. 11, 2022, <https://www.yalejreg.com/nc/symposium-saving-foia-09/>

*Repairing the Damage: President Biden and the Press*, 2021 U. ILL. L. REV. ONLINE: Biden 100 Days (2021) (invited symposium)

*Press Speakers and the First Amendment Rights of Listeners*, 90 COLO. L. REV. 499 (2019) (invited symposium)

*The Press and the Expectation of Executive Counterspeech*, 83 MO. L. REV. 939 (2019) (invited symposium hosted by the National Press Club, Washington, D.C.)

*Making an Enemy of the Press*, 2017 U. ILL. L. REV. ONLINE: Trump 100 Days (2017) (with L. Sun) (invited symposium)

*Justice Scalia and Fourth Estate Skepticism*, 15 FIRST AMENDMENT. L. REV. 258 (2017) (invited symposium)

*U.S. Supreme Court Justices and the Press*, 2012 BRIGHAM YOUNG UNIVERSITY LAW REVIEW 2045 (2012) (symposium) (2012)

*The Press, the Public, and the U.S. Supreme Court*, 2012 BRIGHAM YOUNG UNIVERSITY LAW REVIEW (2012) (symposium) (2012) (with E. Carter and R. Davis)

*Pick Your Poison: Private Speech, Government Speech, and the Special Problem of Religious Displays*, 2010 BRIGHAM YOUNG UNIVERSITY LAW REVIEW 2045 (2010) (symposium)

## BOOK CHAPTERS

*Defamation, Disinformation, and the Press Function, in Media as a Governance Institution* (Cambridge University Press) (Kyle Langvardt, ed., forthcoming 2023)

*New York Times v. Sullivan, in Privacy Rights in the Digital Age* (Christopher Anglim ed., 2016)

*War Rhetoric and Disaster Transparency, in Risk Analysis of Natural Hazards* 199 (Paolo Gardoni et. al. eds., 2015) (with L. Sun)

*Media Politicization of the United States Supreme Court: A Case Study*, Oñati Socio-Legal Series, Volume 4, No. 4, “Law in the Age of Media Logic” (2014)

## OTHER PUBLICATIONS AND CONTRIBUTIONS

Op-Ed, *The Dangerous Consequences of Trump’s Doomed Defamation Threats*, op-ed, NBC News, Oct. 8, 2022, <https://www.nbcnews.com/think/opinion/trump-sues-cnn-herschel-walker-threatens-daily-beast-america-loses-rcna51081>

Op-Ed, *The Truth Was Never the Point* (with L. Lidsky), Slate, June 1, 2022, <https://slate.com/news-and-politics/2022/06/johnny-depp-amber-heard-defamation-scotus.html>

*Revisiting New York Times v. Sullivan in an Age of Disinformation*, First Amendment Watch, July 30, 2021, <https://firstamendmentwatch.org/revisiting-new-york-times-v-sullivan-in-the-age-of-disinformation/>

*The Impact of Justice Sandra Day O’Connor: Reflections by her Law Clerks*, ABA Litigation Journal, May 6, 2020, [https://www.americanbar.org/groups/litigation/publications/litigation\\_journal/2019-20/spring/the-impact-justice-sandra-day-oconnor-reflections-her-law-clerks/](https://www.americanbar.org/groups/litigation/publications/litigation_journal/2019-20/spring/the-impact-justice-sandra-day-oconnor-reflections-her-law-clerks/)

*The U.S. Supreme Court’s Characterizations of the Press*, Inside Higher Education, Academic Minute, July 12, 2021, <https://academicminute.org/2021/07/ronnell-anderson-jones-university-of-utah-the-u-s-supreme-courts-characterizations-of-the-press/>

*Examining Sandmann v. Washington Post*, Media Law Resource Center “Hot Topic Roundtable,” Spring 2019, <http://www.medialaw.org/component/k2/item/4524>

*Op-Ed: Don’t Expect the First Amendment to Protect the Media*, The New York Times, Jan. 25, 2017, <https://www.nytimes.com/2017/01/25/opinion/dont-expect-the-first-amendment-to-protect-the-media.html>

*Value your constitutional rights? Thank a journalist*, CNN, Nov. 22, 2017,  
<http://www.cnn.com/2017/11/22/opinions/constitutional-rights-press-andersen-jones/index.html>

*Notable First Amendment Cases 2019-2020*, in COMMUNICATIONS LAW IN THE DIGITAL AGE  
(Practising Law Institute November 2020)

*Notable First Amendment Cases 2017-2018*, in COMMUNICATIONS LAW IN THE DIGITAL AGE  
(Practising Law Institute November 2017)

*Recent Developments in Social Media Law*, in COMMUNICATIONS LAW IN THE DIGITAL AGE  
(Practising Law Institute November 2014) (with L. Lidsky)

*Recent Developments in Social Media Law*, in COMMUNICATIONS LAW IN THE DIGITAL AGE  
(Practising Law Institute November 2013)

*Recent Developments in Social Media Law*, in COMMUNICATIONS LAW IN THE DIGITAL AGE  
(Practising Law Institute 2012) (with L. Lidsky)

Review, *The Supreme Court and the Press: The Indispensable Conflict*, JOURNALISM AND MASS  
COMMUNICATION QUARTERLY (February 2012)

## **SELECTED SPEECHES, PRESENTATIONS, WORKSHIPS, & PANELS**

*Lessons from Dominion v. Fox*, International Defamation Scholars Workshop, London, England,  
July 19, 2023

*New York Times v. Sullivan, Disinformation, and the Preservation of American Democracy*,  
Media Law Comparative Perspectives Conference, Gonville & Caius, University of Cambridge,  
July 17, 2023

*Press Freedom and the Weaponization of Defamation Law*, Panel on “Law, Press Freedom, &  
Democracy,” Law & Society Association Annual Meeting, San Juan, Puerto Rico, June 2, 2023

*Pro-Democracy Defamation Suits and the Sullivan Standard*, Comparative Law Conference on  
Libel Reform, Bonavero Institute of Human Rights, Oxford University, May 25, 2023

*The Press Clause: The Forgotten First Amendment Value*, Yale Law School Press Clause  
Workshop, May 23, 2023

*Presuming Trustworthiness*, plenary session, Free Expression Scholars Conference, Yale Law  
School, April 28, 2023

*Media Law in a Post-Newspaper Future*, American Bar Association Section on Civil Rights and  
Social Justice, April 18, 2023

*Sullivan Standards in an AI Setting*, Journal of Free Speech Law “Liability for AI Speech”  
webinar, March 2023

*Presuming Trustworthiness*, Media Law and Policy Scholars Conference, January 2023

*The Disappearing Freedom of the Press*, Washington & Lee Law Faculty Workshop, October 31, 2022

*The U.S. Supreme Court's Characterizations of the Press*, Indiana University Center for International Media Law and Policy Studies, Oct. 17, 2022

*Defining the Rights of the Press*, Yale Access & Accountability Conference, Yale Law School. New Haven, CT, October 14, 2022

*The Supreme Court's Changing Views on Press Freedom*, William & Mary Law Faculty Enrichment Workshop, Sept. 15, 2022

*The Disappearing Freedom of the Press*, Ohio State University Moritz College of Law Faculty Workshop, Columbus, OH, Sept. 16, 2022

*Delete, Ban, Cancel: Public Understanding of Free Speech and Censorship*, Reed College of Media and College of Law, West Virginia University, Sept. 20, 2022

*The Disappearing Freedom of the Press*, Southern Methodist University Law School Faculty Forum Workshop, Aug. 31, 2022

*Press Freedom trends at the Supreme Court*, Free Expression Legal Network webinar, Aug. 3, 2022

*Reporter's Privilege and the 50<sup>th</sup> Anniversary of Branzburg v. Hayes*, Association of Educators of Journalism and Mass Communication annual conference, Detroit, Michigan, Aug. 4, 2022

*Defamation, Disinformation, and Democracy*, Law & Society Global Annual Meeting roundtable, July 15, 2022

*Conversations on Controversial Issues: The Supreme Court of the United States*, Vail Summer Symposium, June 2022

*Leaks, Journalists, and the Court*, Media Law Resource Center seminar, May 17, 2022

*Presuming Trustworthiness*, Knight First Amendment Institute Symposium, "Lies, Free Speech, and the Law," Columbia Law School, April 2022

*Gag Free Nation*, discussant, Yale Freedom of Expression Scholars Conference, April 2022

*Future of Defamation Law in a Misinformation Age*, University of Kansas Media & the Law Seminar, April 29, 2022

*Current Issues in First Amendment and Media Law*, Utah Bar Spring Convention, April 2022

*The Disappearing Freedom of the Press*, University of Iowa College of Law Faculty Workshop, March 3, 2022

*Changing Trends in Freedom of the Press*, Yale Law School Information Society Project Ideas Lunch, March 17, 2022

*Saving Local News*, Conference on Race, Racism, and American Media, co-hosted by Georgetown Law Center and University of Houston Law Center, Feb. 25, 2022

*Communications about the 2020 Elections: Defamation and Disbarments*, American Bar Association Forum on Communications Law Annual Conference, Feb. 24, 2022

Panelist, *Objective Journalism in a Post-Truth Era*, sponsored by the University of Utah Communication Institute and John R. Park Debate Society, Feb. 16, 2022

*The Disappearing Freedom of the Press*, Tulane Law School Faculty Workshop, Feb. 7, 2022

*Press Trustworthiness, Democracy, and the Law*, Association of American Law Schools Annual Meeting, co-sponsored by the Section on Communication, Media & Information Law, the Section on Constitutional Law and the Section on Defamation and Privacy, January 9, 2022

*The Disappearing Freedom of the Press*, Media Law & Policy Scholars Conference, January 13, 2022

Panelist and commentator, *A Bipartisan Case Against New York Times v. Sullivan*, webinar hosted by the Journal of Free Speech Law, Dec. 9, 2021

*The Supreme Court, the First Amendment, and Freedom of the Press: Recent Developments*, Practising Law Institute, New York City, Nov. 11, 2021

*Free Speech and Social Media*, Academic Days on Open Government and Digital Issues, The Université de Paris 1 Panthéon-Sorbonne, Nov. 9, 2021

*Should New York Times v. Sullivan be Reconsidered?*, Mercer Law Review Symposium, Oct. 8, 2021

*Rights of the Press Clause*, Yale Access & Accountability Conference, Oct. 1, 2021

*Truth, Lies, and Social Media - A Conversation on the First Amendment in the Modern Age*, Ohio State University Constitution Day Event, Sept. 16, 2021

Keynote speaker, *Social Media & the Free Speech Rights of Students*, University of Utah university-wide Constitution Day Forum, Hinckley Center, Sept. 20, 2021

*The Supreme Court's Attack on New York Times v. Sullivan*, Media Law Resource Center annual conference, Sept. 29, 2021

*Supreme Court Term Preview*, Utah Judicial Education, Sept. 30, 2021

*Justice Gorsuch's Dissent and the Viability of* *New York Times v. Sullivan*, Media Law Resource Center panel (via Zoom), July 2021 (with attorney Floyd Abrams)

*Should the Supreme Court reconsider* *New York Times v. Sullivan?*, National Constitution Center Debate (via Zoom), July 22, 2021

*Shortlisted: Women in the Shadows of the Supreme Court*, New Books Panel, Southeastern Association of Law Schools Annual Conference (via Zoom), July 2021

*The Disappearing Freedom of the Press*, plenary session, Freedom of Expression Scholars Conference, Yale Law School (via Zoom), May 2021

*The Press and the Courts*, Media Law Roundtable, Law and Society Association Annual Meeting (via Zoom), May 2021

*The Disappearing Freedom of the Press*, International Free Speech Discussion Forum, cohosted by the University of Alabama Law School, the University of Windsor Faculty of Law, and Johannes Gutenberg University Faculty of Law (via Zoom), June 2021

*Stopping the Spread of Misinformation: First Amendment Considerations*, New York State Bar Association Conference (via Zoom), June 2021

*Chilling Effects as Social Conformity*, paper commentator, Privacy Law Scholars Conference (via Zoom), June 2021

*Defamation Lawsuits and the 2020 Election*, First Amendment Watch, New York University (via Zoom), May 2021

*The President, the People, and Freedom of the Press*, Bech-Loughlin First Amendment Center Lecture Series, University of Texas at Austin Law School (via Zoom), March 2021

*Interpreting the Press Clause*, conference on "The Crisis of the Press and Democracy: Saving the Press Function," Yale Law School (via Zoom), March 2021 (co-organizer and speaker)

Co-host and moderator, with Jack Balkin and Scott Shapiro of Yale Law School, the "Media Apocalypse" Zoomcast series, focused on the role of the press in democracy, 2020-21. Contributors included Martha Minow, Jameel Jaffer, Siva Vaidhyanathan, Emily Bell, Jay Rosen, Margaret Sullivan, Ben Smith, and Yochai Benkler

*The U.S. Supreme Court's Characterizations of the Press: An Empirical Study*, University of Utah College of Law Faculty Workshop Series, February 2021

*The Disappearing Freedom of the Press*, Rocky Mountain First Amendment Scholars Workshop (via Zoom), February 2021



*The Press and the Separation of Powers: The News Media's Relationships with Public and Private Power Speaker*, Association of American Law Schools Annual Meeting, Section on Communication, Media & Information Law (via Zoom), January 2021

*The U.S. Supreme Court's Characterizations of the Press*, Faculty Legal Theory Workshop, University of Miami Law School (via Zoom), January 2021

*Twitter, Trump, and the First Amendment*, Guest Lecture Series, Central Florida University (via Zoom), January 2021

*The United States Supreme Court's Characterizations of the Press*, Faculty Workshop Series, Duke University School of Law (via Zoom), November 2020

*Whistleblowing in and about the U.S. Government*, Interdisciplinary Project on War and Security in Law, Culture and Society, Emory University School of Law (via Zoom), November 2020

*The United States Supreme Court's Characterizations of the Press*, Academic Days on Open Government and Digital Issues, Universite Sorbonne Paris, France (via Zoom), November 2020

*Newsgathering in Troubled Times*, Access & Accountability Conference, Yale Law School (via Zoom), October 2020

*The United States Supreme Court's Characterizations of the Press*, College of Law Faculty Workshop Series, Arizona State University (via Zoom), October 2020

*Article V and the Ratification Procedure*, "Equal Protection and the Law: Title IX and the ERA," University of Utah Women's Law Caucus Event, October 2020

*The United States Supreme Court's Characterizations of the Press*, Freedom of Expression Scholars Conference, Yale Law School (via Zoom), October 2020

*Remembering Justice Ruth Bader Ginsburg*, University of Utah, Salt Lake City, Utah, September 19, 2020

*The United States Supreme Court's Characterizations of the Press*, International Association of Constitutional Law conference, "Free Speech in the 21<sup>st</sup> Century," Ljubljana, Slovenia (via Zoom), July 2020

*Bots, Journalists, and New Questions for Media Law*, "Free Speech in an Era of Artificial Intelligence," Southeastern Association of Law Schools Annual Meeting, July 2020

*Post-Truthism, the Press, and the Trump Years*, Media Law Resource Center Constitutional Law Scholars Series, June 2020 (with Erwin Chemerinsky, Geoffrey Stone, and Eugene Volokh)

*Freedom of the Press in Post-Truthism America*, First Amendment Scholars Workshop, University of Colorado and University of Denver (via Zoom), April 2020

*Freedom of the Press in Post-Truthism America*, University of Illinois Constitutional Law Colloquium (via Zoom), April 2020

*Emerging Threats to a Free Press*, Association of American Law Schools Annual Meeting, Washington, D.C., January 2020

*Media- and Entertainment-Law Cases at the U.S. Supreme Court*, annual symposium of the Media Law Resource Center and the Biederman Center on Media and Entertainment Law, Los Angeles, California, January 2020

*The United States Supreme Court's Characterizations of the Press*, Media & Intellectual Property Law Symposium, University of Melbourne, Melbourne, Australia, December 2019

*Justice Thomas and the Attack on New York Times v. Sullivan*, Communications Law in the Digital Age, Practising Law Institute, New York City, NY, November 2019 (with Adam Liptak, Floyd Abrams, Paul Smith, and Kathleen Sullivan)

*The Press as Marketplace of Ideas Institution*, symposium on "The Centennial of Justice Holmes's Abrams Dissent," Columbia Law School, New York City, NY, November 2019

*Post-Truthism and the Press Audience*, law review symposium, "Not Your Father's First Amendment," Drexel University Law School, Philadelphia, Pa., November 2019

*Trump Administration Obstacles to Newsgathering*, Access and Accountability Conference, Yale Law School, October 2019

*News, Information, and Discussion of Matters of Public Concern in a Social Media Age*, Utah Law Review Symposium, Salt Lake City, UT, October 2019

*Freedom of the Press in Post-Truthism America*, Governance, Transparency and Privacy Colloquium, University of Denver Law School, September 2019

*Press Audiences and First Amendment Expectations*, plenary panel, Utah State University Tanner First Amendment Symposium, September 2019

*The Scope of the Second Amendment*, moderator, 36<sup>th</sup> Annual Fordham Debate, University of Utah, September 2019

*The U.S. Supreme Court and Questions of Constitutional Law*, Constitutional Law Lecture Series, Temple-Tsinghua Program, Beijing, China, August 2019

*Defamation, the Press, and the Standards of New York Times v. Sullivan*, Dartmouth University Summer Debate Series, July 2019

*Freedom of the Press in Post-Truthism America*, Free Speech Discussion Forum, Pázmány Péter Catholic University, Faculty of Law, Budapest, Hungary, June 2019

*Freedom of the Press in Post-Truthism America*, Freedom of Expression Scholars Conference, Yale Law School, April 2019

*On Character, Adaptation, and Checking: How Modern Theories Miss Much of What the Classic Arguments for Free Speech Have to Offer*, commenter/presenter with Vincent Blasi, Freedom of Expression Scholars Conference, Yale Law School, April 2019

*Fifty Years After Brandenburg*, American Bar Association Communications Law Forum, Miami Beach, FL, February 2019

*President Trump and Freedom of the Press*, Association of American Law Schools Annual Conference, New Orleans, LA, January 2019

*Online Outrage and Social Media Backlash*, Media Law Resource Center Annual Media & Entertainment Law Conference, the Tateuchi Democracy Forum at the National Center for the Preservation of Democracy Los Angeles, CA, January 2019

*The Press and Listener's Rights*, Free Speech Discussion Forum, University of Louisville College of Law, December 2018

*First Amendment Developments*, Communications Law in a Digital Age annual conference, New York City, NY, November 2018

*Journalism Under Fire*, Access and Accountability Conference, Yale Law School, New Haven, CT, October 2018

*The Rising Distrust of Journalism in the Public*, "Privacy, News and the Future of Freedom of the Press," Tulane University Law School, New Orleans, LA, Sept. 28, 2018

*Defining the Press in a Digital World*, First Amendment Workshop, Southeastern Association of Law Schools Conference, Ft. Lauderdale, FL, August 2018

*The Boundaries of Modern Press Protection*, Roundtable Discussion, Southeastern Association of Law Schools Conference, Ft. Lauderdale, FL, August 2018

*States and the Making of American Constitutional Law*, commentator reviewing "51 Imperfect Solutions," by Judge Jeffery S. Sutton, Federalist Society Conference, Ft. Lauderdale, FL, August 2018

*Disparagement and the First Amendment*, Utah Bar Association Convention, Sun Valley, ID, July 2018

*MeToo and the Legal Academy*, Women's Leadership in Academia Conference, University of Georgia, Athens, GA, July 2018

*The Press and the Constitutional Expectation of Executive Counterspeech*, Free Speech Discussion Forum, University of Luxembourg, June 2018

*Post-Truthism and the First Amendment*, Yale Free Expression Scholars Conference, New Haven, Conn., April 2018

*The First Amendment in a Digital Age*, Missouri-Hurley and Price-Sloan Symposium, National Press Club, Washington, D.C., April 2018

*Courts in the Age of New Media*, Appellate Judges Education Institute Summit, Long Beach, California, Nov. 4, 2017

*First Amendment Developments*, Communications Law in a Digital Age annual conference, New York City, NY, November 2017

*The Journalist's Privilege for Confidential Sources: Revisiting Branzburg v. Hayes Forty-Five Years Later*, National Communications Association Annual Convention, Dallas, TX, November 2017

*Newsgathering Rights*, Access and Accountability Conference, Yale Law School, Oct. 26, 2017

*President Trump and the First Amendment*, First Amendment Roundtable, Southeastern Association of Law Schools Annual Meeting, Boca Raton, FL, August 2017

*The Fragility of the American Free Press*, Free Speech Discussion Forum, Pázmány Péter Catholic University, Faculty of Law, Budapest, Hungary, June 2017

*Enemy Construction and the Press*, Freedom of Expression Scholars Conference, Yale Law School, April 2017

*The Fragility of the American Free Press*, Freedom of Expression Scholars Conference, Yale Law School, April 2017

*The Press Clause and Threats to Journalists*, First Amendment Forum, University of Nevada School of Journalism, Reno, NV, April 2017

*Women at the U.S. Supreme Court: A Clerk Panel*, Stanford Law School, Palo Alto, CA, February 2017

*First Amendment Threats to the Press and What to Do About Them*, keynote address, Wisconsin Newspaper Association Annual Convention, February 2017

*President Trump and Freedom of the Press*, Association of American Law Schools annual meeting, San Francisco, CA, January 2017

*Democratizing Legal Information: The Promise and Pitfalls of Freely Circulating Law on the Internet*, Section on Mass Communications Law panel, Association of American Law Schools Annual Meeting, January 2017

*Emerging issues of speech and press freedom on university campuses*, First Amendment Forum, Southeastern Association of Law Schools Conference, Amelia Island, FL, August 2016

*Justice Scalia and Fourth Estate Skepticism*, Southeastern Association of Law Schools Conference, Amelia Island, FL, August 2016

*What is Newsworthy and of Public Interest: A World View*, Law & Society Association Annual Meeting, New Orleans, LA, June 2016

*Reclaiming the Fourth Estate*, paper commentator, Freedom of Expression Scholars Conference, Yale Law School, April 2016

*Cameras in the Courtroom*, Georgia State University Symposium, Atlanta, GA, February 2016 (with Judge Richard Posner, Judge Don Willett, and Prof. Eugene Volokh)

*New Voices in Legislation and the Law of the Political Process*, senior scholar commentator, Association of American Law Schools Annual Meeting, New York, NY, January 2016

*Hot Topics in Social Media Law*, Communications Law in a Digital Age conference, New York, NY, November 2015

*The U.S. Supreme Court and the First Amendment Landscape*, Constitution Day Supreme Court Discussion, William H. Rehnquist Center on the Constitutional Structures of Government, University of Arizona, Tucson, AZ, September 2015

*Walker v. Sons of the Confederate Veterans: New Issues of Government Speech*, BYU Supreme Court Review, Provo UT, September 2015

*Magna Carta and Freedom of Belief*, Conference on the Magna Carta and its Influence on Modern Democracies, St. Hugh's College, University of Oxford, Oxford, England, June 2015

*Media Law in the Wake of Ferguson*, Constitutional Scholars Roundtable, Annual Meeting of the Law & Society Association, Seattle, Washington, May 2015

*The Press: Then and Now*, paper commentator, Freedom of Expression Scholars Conference, Yale Law School, May 2015

*The Dangers of Press Clause Dicta*, University of Georgia Law Review symposium, "The Press and the Constitution 50 Years after *New York Times v. Sullivan*," Athens, GA, November 2014

*The U.S. Supreme Court and the Press*, Distinguished Lecture Series, Biederman Entertainment and Media Law Institute, Southwestern Law School, Los Angeles, CA, September 2014

*The Press, the Supreme Court, and the Constitution*, the Institute on the Supreme Court of the United States, Chicago-Kent College of Law, September 2014

*Fifty Years Later: Does *Times v. Sullivan* Make Sense in the Internet Era?*, Annual Meeting of the Law & Society Association, Minneapolis, MN, May 2014

*What the Supreme Court Thinks of the Press and Why it Matters*, Alabama Law Review Symposium, Tuscaloosa, AL, March 2014

*Freedom of the Press 50 Years After Sullivan*, Harvard Law Review Symposium, Cambridge, MA, March 2014

*The U.S. Supreme Court and the Press: Tensions and Trends*, Annual Meeting of the Association of American Law Schools, New York, NY, January 2014

*The Media and the U.S. Supreme Court*, Workshop on Constitutional Law, Southeastern Association of Law Schools Annual Conference, Palm Beach, FL, August 2013

*The Courts, Media, and the First Amendment in Push-the-Envelope Times*, Constitutional Law Roundtable, Annual Meeting of Law & Society Association, Boston, MA, June 2013

*Media Politicization of the U.S. Supreme Court: A Case Study*, Conference on Law in the Age of Media Logic, International Institute for the Sociology of Law, Onati, Spain, June 2013

*Press Clause Rhetoric*, keynote address, Summit on Freedom of the Press in the Twenty-First Century, sponsored by the Association for Education in Journalism and Mass Communications and the University of Oregon, Eugene, OR, April 2013

*The Evolving Role of the Internet in Politics and Political Campaigns*, Section on Mass Communication Law and the Section on Internet and Computer Law, Association of American Law Schools Annual Meeting, New Orleans, LA, January 2013

*U.S. Supreme Court Justices and Press Access*, Israeli Law & Society Conference, the School of Communications of Bar Ilan University and the Israeli Center for Study of Law and Media, Tel Aviv, Israel, December 2012

*Government Speech in Summum*, 10<sup>th</sup> Circuit Historical Society and the Federal Bar Association Joint Conference, Salt Lake City, Utah, October 2012

*Branzburg v. Hayes at 40: The Evolution of the Journalist's Privilege*, DePaul University and the Indiana University Center for International Media Law and Policy Studies Symposium, Chicago, IL, October 2012

*Rethinking Reporter's Privilege*, Faculty Colloquium Series, American University Law School, Washington, D.C., September 2012

*Anonymous Speech and Journalists' Sources*, Constitutional Law Speakers' Series, Duke Law School Program in Public Law, Durham, NC, September 2012

*Reporter's Privilege and Anonymous Speech: A Comparative Perspective*, International Summer Scholar Lecture, Department of Media and Communication, University of Leicester, England, July 2012

*Justices' Perceptions of the Press*, Roundtable on "The Press and the U.S. Supreme Court," International Conference on Law & Society, Honolulu, Hawaii, May 2012

*Rethinking Reporter's Privilege*, Harvard/Yale/Stanford Junior Faculty Forum, Harvard Law School, Cambridge, MA, May 2012

*The Press, the Public, and the U.S. Supreme Court*, BYU Law Review Symposium, Provo, UT, January 2012 (moderated panel featuring Supreme Court press corps members Dahlia Lithwick, Adam Liptak, Tony Mauro, and Lyle Denniston)

*The Flow of Press Information During U.S. Disasters*, keynote address, Conference on Disasters and Communication, sponsored by European Science Foundation, University of Copenhagen, Denmark, December 2011

*Rethinking Reporter's Privilege*, Boston College Law School Colloquium, Boston, MA, November 2011

*The Press Clause and the Problem of Judicial Imprecision*, First Amendment Workshop, Southeastern Law Schools Annual Conference, Hilton Head, SC, July 2011

*The Media and the U.S. Supreme Court*, International Symposium on "The Court of Public Opinion: Justice, the Media and Popular Will," Center for Socio-Legal Studies, Oxford University, England, July 2011

*The Blame Game: The People, the Press, and the U.S. Supreme Court*, Utah State University Morris Endowed Media & Society Lecture, Logan, UT, April 2011

*Civic Engagement and the Press*, National Forum on Civility and Free Expression in a Constitutional Democracy, cosponsored by the American Bar Association, the National Endowment for the Humanities, and Northwestern University's Center for Civic Engagement, Chicago, IL, February 2011

*The Media and The Court: Tensions and Troubles*, keynote address, BYU Pre-Law Conference, Provo, UT, January 2011

*Media Subpoenas and the Proposed Federal Shield Law*, National Conference of the Association for Education of Journalism and Mass Communications, Denver, CO, August 2010

*Media Law and the Death of Mainstream Media*, First Amendment Roundtable, Association of American Law Schools Annual Meeting, New Orleans, LA, January 2010

*Media Subpoenas: Frequency, Impact and Perception*, Catholic University Columbus School of Law Visiting Scholars Workshop Series, Washington, D.C., November 2009

*Subpoenas to the Media: Do We Need a Federal Shield Law?*, Society of Professional Journalists National Convention, Indianapolis, IN, August 2009

*New Media & the Courts*, Symposium on New Media & the Courts, University of Arizona  
William H. Rehnquist Center on Constitutional Structures of Government, Tucson, AZ,  
September 2008

## **PROFESSIONAL AFFILIATIONS AND ACTIVITIES**

Elected Member, American Law Institute (ALI)

Advisor, American Law Institute (ALI) Restatement Third on Torts: Defamation and  
Privacy

Association of American Law Schools Section on Constitutional Law, Executive  
Committee Member, 2022

Association of American Law Schools Section on Communication, Media & Information  
Law Chair, 2021

Association of American Law Schools Section on Mass Communication Law, Executive  
Committee Member 2014, 2015, and 2016; Secretary, 2011-2012; Chair, 2013

Representative, Southeastern Association of Law Schools, 2020-present

Representative, Society of American Law Teachers, 2021-present

Collaborator, First Amendment Watch, Arthur L. Carter Journalism Institute, New York  
University

Scholarly consultant for press freedom groups, including Reporters Committee for  
Freedom of the Press, the Media Access and Freedom of Information Clinic, American  
Bar Association Communications Law Forum, the Journalism Trust Initiative, Reporters  
Without Borders, Society of Professional Journalists, and numerous state and local press  
organizations

Affiliate, University of Utah Communications Institute, 2021-present

Association of American Law Schools Section on Defamation and Privacy, Executive  
Committee Member, 2013

Association of American Law Schools Section on Legislation, Executive Committee  
Member, 2014 and 2015

Member, American Bar Association, Section on Litigation, Communications Law Forum

Member, editorial board of *Communication Law & Policy*, a scholarly, double-blind  
peer-reviewed journal published quarterly by the Law and Policy Division of the  
Association for Education in Journalism and Mass Communication, 2016-present



Founding member, Free Expression Legal Network (FELN), a coalition of law school clinicians and academic non-clinicians who provide pro bono legal support for public interest journalism

Admitted to the Ohio Bar and the bars of the United States Court of Appeals for the Ninth and Seventh Circuits. Bar of the Supreme Court of the United States, 2004-present.

## **HONORS, AWARDS, AND APPOINTMENTS**

Peter W. Billings Teaching Award, 2022

Presidential Societal Impact Scholar Award, 2021

Utah State University Distinguished Alumni Award, 2020

University of Utah S.J. College of Law Faculty Researcher Award, 2018

Research twice featured in Rodney Smolla's annual First Amendment Handbook

Featured in JOTWELL for *The U.S. Supreme Court's Characterizations of the Press: An Empirical Study* (2021) and *Of Reasonable Readers and Unreasonable Speakers: Libel Law in a Networked World* (2016)

BYU Law School Alumni Association Teacher of the Year, 2012

BYU Law School Professor of the Year, Student Bar Association, 2011

BYU Law School Professor of the Year, Student Bar Association, 2010

Ohio State University Moritz College of Law Distinguished Alumni Award, 2007

Ohio State University Thompson Young Alumni of the Year Award, 2003

## **UNIVERSITY SERVICE**

University-wide Committee on Academic Freedom; University-wide Committee on Student Protest and Speaker Gatherings; Law School Representative, University of Utah University Promotion and Tenure Advisory Committee; Member and Chair, S.J. Quinney College of Law Faculty Recruitment Committee; Member and Chair, S.J. Quinney College of Law Programs Committee; Member and Chair, S.J. Quinney College of Law Faculty Judicial Clerkship Committee; Member and Chair, S.J. Quinney College of Law Retention, Promotion, and Tenure Committee; Member and Chair, S.J. Quinney College of Law Tenured Faculty Review Committee; Organizer, College of Law Annual Fordham Debate; Chair, Law School Career Development Office Director Search Committee; Chair, Quinney Student Fellowship Committee; Member, Faculty Development Committee; Law Review Advisor; Speaker, Admitted Students Day; Contributor, Hinckley Forum and the Hinckley Institute of Politics; Teacher, Undergraduate Honors Legal Scholars Seminar.

## **MEDIA APPEARANCES**

Commented on legal issues for, or had research featured in, print and broadcast media outlets, including: *The New York Times*, *The Washington Post*, *The Wall Street Journal*, *The New Yorker*, CNN, MSNBC, NBC News, PBS NewsHour, The Problem with Jon Stewart, *The Guardian*, *Slate*, *Vanity Fair*, the Associated Press, National Public Radio, Public Radio International, Voice of America, the BBC, BBC Radio, *The New Yorker*, *Time*, *Politico*, *The Columbia Journalism Review*, *Bloomberg News*, *New York Magazine*, *The National Law Journal*, *Fortune*, *The Financial Times*, *The Economist*, *The Christian Science Monitor*, *Newsweek*, *The Hill*, *Detroit News*, SCOTUSBlog, Courthouse News, and Politifact, along with the largest media outlets in Australia, Canada, Korea, and Japan.