



Privacy, News, and the Future of Freedom of the Press

THURSDAY, SEPTEMBER 27 AND FRIDAY, SEPTEMBER 28, 2018

Tulane University Law School
John Giffen Weinmann Hall
Room 110
6329 Freret Street · New Orleans · Louisiana





IN 2018, THE ROLE OF A FREE PRESS IN AMERICAN DEMOCRACY

appears to be facing perils on multiple fronts – from changing business models and cost-cutting, to disruptive forces challenging the identity and norms of the news media, to judicial pushback, rising public distrust, and political attacks. This conference will bring together leading national journalists, publishers, legal scholars, judges, and privacy and free press advocates for a vital, cross-disciplinary discussion of the threats to press freedoms and what might be done to safeguard those freedoms.

The conference begins on Thursday afternoon with a screening of the provocative 2016 CNN/Sundance documentary *Holy Hell* that exposed practices within a religious cult. Filmmaker Will Allen used footage he obtained as the cult's own longtime videographer in his film and Allen will discuss the creative, legal, and ethical considerations that shaped his decisions in making the documentary.

On Friday, six hour-long panels will focus on key aspects of contemporary pressures on press freedom and will include a keynote address by the Honorable Denny Chin. Judge Chin serves on the U.S. Court of Appeals for the Second Circuit and his lunchtime talk is titled *Privacy, Newsworthiness, and a View from the Bench*.

To encourage robust conversation among journalists, media executives, scholars, and advocates, each panel will feature an open discussion among all attendees, rather than a panelist-only discussion. Other than the lunch keynote, there will be no formal presentations.

The conference will conclude on Friday with a reception. The public is invited to attend the conference and the concluding reception.

Amy Gajda, the Class of 1937 Professor of Law at Tulane University Law School, will act as moderator for each of the panels.

The conference is generously underwritten by a Carol Lavin Bernick Faculty Grant, and is also supported by Tulane University Law School and the *Tulane Law Review*.

This course has been approved by the Mandatory Continuing Legal Education Committee of the Louisiana Supreme Court for a maximum of 9.0 hours credit.

Thursday, September 27

3:45 P.M.

Welcome from Dean David Meyer followed by Introductory Remarks from Walter Isaacson

4:00 P.M.

Screening of the CNN/Sundance Documentary “Holy Hell” and Discussion with filmmaker Will Allen

Allen’s film exposes the practices and members within a religious cult, using footage originally taken in his role as the cult’s own videographer. Allen will explain how law and ethics guided his decisions in making the film, including the clear clash between privacy interests and the public interest.

Friday, September 28

8:45 A.M.

Welcome and Introductions

9:00 A.M.

Bollea v. Gawker: An Introduction to Privacy and the New Media Environment

This panel will use the privacy lawsuit brought by professional wrestler Hulk Hogan against the Gawker website for publishing a sex tape featuring him to introduce the themes of the conference, including the economics of journalism, the changing nature of journalism and its perceptions of newsworthiness, and legal and societal pushbacks against media.

Panelists:

Charles J. Harder, Harder LLP, Beverly Hills, CA (lead counsel for Hulk Hogan)

Larry Aldrich, former CEO of Arizona Newspapers Group and publisher of Arizona.com (led the *Arizona Daily Star* to become the fifth U.S. newspaper on the internet)

Paul Farhi, Media Reporter, *The Washington Post*

Patrick Plaisance, Don W. Davis Professor in Ethics, Bellisario College of Communications, Pennsylvania State University

Albert Samaha, National Reporter, BuzzFeed News

10:15

The Changing Business Model of Journalism

This panel considers how the evolving media business model, including the rise of digital media,

new revenue models, and rising competitive pressures, has driven changes in newsgathering, reporting and the perception of the press.

Panelists:

Steve Beatty, Consultant, LION Publishers: Local Independent Online News

Martha Carr, Managing Editor, *The Advocate*, New Orleans

Danielle Coffey, Vice President for Policy, News Media Alliance, Washington, D.C.

Ed Manassah, former publisher, *The Louisville Courier*

Timothy Morris, NOLA.com and *The Times-Picayune*

11:30

Changing Norms Within Journalism

This panel will explore how changing journalism practices, including the rise of on-scene posts, quasi-journalistic blogs, crowd-sourced news, digital reader comments, and talking-head coverage, have affected news judgment and attitudes toward the press.

Panelists:

Leon Dash, Swanlund Chair in Journalism, University of Illinois, and former Pulitzer Prize-winning reporter, *The Washington Post*

Robert Giles, former Editor and Publisher, *The Detroit News*, and Curator Emeritus of the Nieman Foundation for Journalism, Harvard

Betsy Fischer Martin, Executive Director, Women and Politics Institute, American University School of Public Affairs formerly, Managing Editor of NBC News Political Programming and Producer of *Meet the Press*

Jasmine McNealy, Assistant Professor, College of Journalism and Communications, University of Florida

Amy Kristen Sanders, Associate Professor, School of Journalism, University of Texas

12:30

Keynote Address: Privacy, Newsworthiness, and a View from the Bench

The Honorable Denny Chin, Circuit Judge, U.S. Court of Appeals for the Second Circuit, New York

2:00

The Rising Distrust of Journalism in the Courts

This panel will explore how rising concerns over media practices may be eroding traditional deference to the press and may be leading to

greater oversight of journalism by courts in privacy, defamation, FOIA, and other media-related cases.

Panelists:

Derek Bauer, Partner, BakerHostetler, Atlanta

Mary-Rose Papandrea, Judge John J. Parker Distinguished Professor of Law & Associate Dean for Academic Affairs, University of North Carolina

Neil Richards, Thomas & Karole Green Professor of Law, Washington University, St. Louis, Missouri

Marc Rotenberg, President & Executive Director, Electronic Privacy Information Center, Washington, D.C.

Scott Skinner-Thomson, Associate Professor of Law, University of Colorado

Sonja West, Otis Brumby Distinguished Professor in First Amendment Law, University of Georgia

3:15

The Rising Distrust of Journalism in the Public

This panel will explore how changes in journalism practices and rising political attacks against the press in an increasingly polarized society are affecting public trust in news reporting and the effectiveness of the press role in American democracy.

Panelists:

RonNell Andersen Jones, Lee E. Teitelbaum Professor of Law, University of Utah

Jonathan Martin, National Political Correspondent, *The New York Times*

Gene Policinski, President and COO, Freedom Forum Institute and First Amendment Center, and a founding editor of *USA Today*, Washington, D.C.

Gabe Rottman, Director, New Technology and Press Freedom Project, Reporters Committee for Freedom of the Press, Washington, D.C.

4:30

The Path Forward

This closing panel invites a concluding exploration of the possible paths forward to secure the role of a free and responsible press from the perspectives of different stakeholders.

Panelists:

Peter Baker, Chief White House Correspondent, *The New York Times*

The Honorable Denny Chin, Circuit Judge, U.S. Court of Appeals for the Second Circuit

Terry Egger, Publisher, Philadelphia Media Network (overseeing the *Philadelphia Inquirer*, *Philadelphia Daily News*, and *Philly.com*)

Neil Richards, Thomas & Karole Green Professor of Law, Washington University, St. Louis, Missouri

Bruce Sanford, Partner, BakerHostetler, Washington, D.C., and author of *Don't Shoot the Messenger: How Our Growing Hatred of the Media Threatens Free Speech for All of Us*

Sonja West, Otis Brumby Distinguished Professor in First Amendment Law, University of Georgia

5:30-6:30

Closing Reception

Marian Mayer Berkett Multipurpose Room, Weinmann Hall

Panelist Biographies:

Larry Aldrich has a forty-year career in for-profit, non-profit and governmental organizations. From 1992 – 2000, he was the president and CEO of the Tucson Newspapers, which managed all business operations for the two daily newspapers in Tucson, Arizona. AzStarNet (the online *Arizona Daily Star*) launched on May 5, 1995, as the fifth newspaper in the United States to be published in part on the internet. Prior to that, he was in-house counsel with Gannett, Co., Inc., and a federal prosecutor with the United States Department of Justice, Antitrust Division, focused on media investigations. Aldrich

has a Civil Engineering degree from Georgia Tech and a law degree from Tulane Law School. He serves on several for-profit and non-profit boards.

Will Allen starting making films at the age of thirteen in Newport Beach, California. He graduated from Southern Methodist University, in Texas with his film degree. Shortly after college, he ended up living inside a guru-based society for two decades, where he continuously created films about the secret world in which he lived. After finally extricating himself at the age of 44, he decided to use his archives of film footage to tell the complicated 20-year story of HOLY HELL, his feature documentary which premiered

in competition at Sundance Film Festival in 2016, was executive produced by Jared Leto, bought by CNN and NETFLIX, had national and international theatrical releases, and earned two Critic's Choice Award Nominations. Allen's experience in both directing and editing, lends a unique vision and story-telling sensibility to his work. His strengths lie in telling personal, complex narratives in an emotionally compelling way. He is an advocate for personal freedom, dedicating his time to projects on education, prevention and self-empowerment. Will currently lives in Santa Monica, California.

Peter Baker is the chief White House correspondent for *The New York Times*, responsible for covering President Trump, the fourth president he has covered. He covered President Obama for *The Times* and Bill Clinton and George W. Bush for *The Washington Post*. Baker joined *The Times* in 2008 after 20 years at *The Post* and has written about Mr. Trump since the inception of his administration, through the turmoil inside his White House and the many battles with adversaries outside it. During his first tour at the White House, Baker co-authored the original story breaking the Monica Lewinsky scandal and served as *The Post's* lead writer on the impeachment and trial of Mr. Clinton. Baker is author or co-author of five books, most recently "Impeachment: An American History" (Modern Library, 2018), to be published on October 16, and has won all three major awards devoted to White House reporting: the Gerald R. Ford Prize for Distinguished Coverage of the Presidency (twice), the Aldo Beckman Memorial Award (twice) and the Merriman Smith Memorial Award. Baker is also a political analyst for MSNBC and a regular panelist on PBS's "Washington Week." A native of the Washington area, he attended Oberlin College.

Derek Bauer is a trial lawyer with a concentration on media and healthcare litigation, and regularly handles high-profile and complex commercial litigation matters involving healthcare regulatory, real estate, media and First Amendment issues. His media-related work has included a successful motion on behalf of the *Indianapolis Star* to unseal court records of USA Gymnastics that led to the conviction of Larry Nassar and the resignations of USA Gymnastics and U.S. Olympic Committee leaders; securing an order to unseal the autopsy report of Bobbi Kristina Brown in connection with an investigative news report regarding epidemic heroin use among young adults; a successful challenge to a sweeping gag order in a high-

profile Georgia murder trial; co-counsel in a successful defamation case representing John and Patsy Ramsey who had been accused of murdering their daughter, JonBenet Ramsey; and lead trial and appellate counsel for *Hustler* magazine in a right of publicity claim arising from publication of a news article and images of the late Nancy Benoit, a well-known professional wrestler and victim of a highly publicized murder in 2007. Derek frequently litigates open records and newsgathering matters for investigative journalists. He is a partner in the Atlanta office of BakerHostetler.

Steve Beatty is a consultant to LION (Local Independent Online News) Publishers and the former editor of *The Lens*, New Orleans' first nonprofit investigative newsroom, which first published in January of 2010. Beatty has 30 years of journalism experience, including time as an editor at major daily newspapers, including *The Atlanta Journal-Constitution* and *The Times-Picayune* in New Orleans. At *The Lens*, Beatty ran a staff of 10 others who write a mix of short daily stories and longer, in-depth looks in topics such as education, the environment, politics, and the spending of Hurricane Katrina recovery money. Beatty holds tightly to his only sheepskin, a bachelor's degree in journalism granted by Kent State University in Ohio.

Martha Carr is a New Orleans native who has spent the majority of her journalism career reporting on the struggles and triumphs of her hometown. After working for 16 years at *The Times-Picayune*, she joined *The Advocate* as managing editor in 2013 to lead the effort to bring back a strong, civic-minded, daily paper to the New Orleans area. In the past five years, she has helped build a team that has gone head-to-head with the city's legacy news organization in one of the few newspaper wars still being waged in the U.S. The staff in New Orleans has grown to more than 40 full-time employees, and *The Advocate* is now the largest news organization in the state. Carr was part of the Pulitzer Prize-winning editorial team that reported on the tragedy unleashed by Hurricane Katrina in 2005, and was integral in directing the coverage of the area's recovery, including every anniversary since. Carr received her master's degree in print from Northwestern's Medill School of Journalism in Chicago.

The Honorable Denny Chin is a United States Circuit Judge for the United States Court of Appeals for the Second Circuit. He was sworn in on April 26, 2010. He had previously served, from 1994 through 2010, as a United States District Judge for the Southern District of New York. In the District Court, Judge

Chin presided over a number of important matters, including cases involving Megan's Law, the Million Youth March, Al Franken's use of the phrase "Fair and Balanced" in the title of a book, the Naked Cowboy, a privacy-based tort claim against NBC's "To Catch a Predator," and the Google Books project. In the Circuit Court, Judge Chin has authored opinions or dissents in cases in a variety of cases, including cases involving the enforceability of arbitration clauses in on-line agreements and the streaming of copyrighted television broadcasts over the Internet. Judge Chin graduated from Princeton University *magna cum laude* and received his law degree from Fordham Law School, where he was managing editor of the Law Review. Judge Chin has received numerous awards and honors, including the Woodrow Wilson Award from Princeton University, the Spirit of Excellence Award from the American Bar Association, the Lifetime Achievement Award from Judicial Friends, the Abely Award for Leading Women and Children to Safety from Sanctuary for Families, and the Trailblazer Award from the National Asian Pacific American Bar Association. He has received honorary doctorates from Fordham University and CUNY Law School and has given commencement addresses at Cardozo Law School, Fordham Law School, Boston University Law School, St. John's Law School, the University of Miami Law School, and Packer Collegiate Institute.

Danielle Coffey is Senior Vice President of Strategic Initiatives and Counsel for the News Media Alliance, which represents 2,000 news media outlets worldwide. Danielle focuses on digital policy issues and strategic initiatives for the organization, building better partnerships with tech platforms and urging for a more favorable regulatory environment for the digital distribution of news content. Before joining the News Media Alliance, Danielle was Vice President and General Counsel for the Telecommunications Industry Association (TIA) where she led advocacy efforts for member companies on issues that affected the internet ecosystem, content regulation and international trade. She was responsible for informing and educating government representatives about member companies' technologies and advocated for policies that facilitate innovation. While earning her JD at the Catholic University Law School, she interned at the Federal Communications Commission in the office of Chairman Michael Powell and at the National Telecommunications and Information Administration. Danielle is from California and obtained her undergraduate degree from San Diego State University.

Leon Dash worked as a reporter at *The Washington Post* from 1966 to 1968. He took a two-year leave of absence and worked as a Peace Corps volunteer high school teacher in rural Kenya in 1969 and 1970, returning to *The Post* in 1971. Dash is a 1995 Pulitzer Prize winner in the explanatory journalism category. Dash left *The Post* in August 1998 to accept appointment as a professor in Journalism and Afro-American Studies at the University of Illinois at Urbana-Champaign. In 2000, Dash was selected as the first Swanlund Chair Professor in Journalism. A member of the Center for Advanced Study (CAS) at the University of Illinois since 2003, he served as Director from 2009 to 2014. In 1999, New York University's journalism department selected Dash's *Washington Post* series, *Rosa Lee's Story*, as one of the best 100 works in 20th-century American journalism. In 2007, Dash was initiated into the Kappa Tau Alpha national honor society for academic excellence and scholarship in advertising, journalism and mass communications.

Terrance C.Z. "Terry" Egger is the Chief Executive Officer and Publisher of Philadelphia Media Network, PBC (PMN), the parent company of *The Philadelphia Inquirer*, *Philadelphia Daily News* and *Philly.com*. He joined PMN in October 2015. PMN is owned by The Lenfest Institute for Journalism, a first-of-its-kind organization whose sole mission is to develop and support sustainable business models for great local journalism. Egger spent more than three decades in the news business. In 2013, he retired as Chairman of The Plain Dealer Publishing Co. where he was responsible for the overall policy, operation and direction of Ohio's largest newspaper. He joined that newspaper in 2006 and served as its President, Publisher and CEO. He served for 10 years in a similar capacity at the *St. Louis Post-Dispatch*, and was also a newspaper executive in Tucson, Arizona. Egger began his newspaper career as Marketing Services Manager and later Advertising Director for Copley Los Angeles Newspapers. Egger serves as a member of the Board of Trustees for the News Media Alliance and American Press Institute, among others. He received a Bachelor's degree from Augustana College in Sioux Falls, South Dakota, and a Master's degree in Speech Communication from San Diego State University.

Paul Farhi has been *The Washington Post's* media reporter since 2010. He started at *The Post* in 1988 and has been a financial reporter, a political reporter and a Style reporter. He has reported and commented widely on media issues.

Amy Gajda is the Class of 1937 Professor of Law at Tulane Law School and a former journalist. Her academic work focuses in large part on the press-privacy conflict and includes two related books, “The First Amendment Bubble: How Privacy and Paparazzi Threaten a Free Press” (Harvard Univ. Press 2015) and “Media Law” (Foundation Press 2016, co-authored). Before attending law school, Gajda worked fulltime for years as a television news reporter and anchor at stations primarily in the northeast. While a professor at the University of Illinois with appointments in the journalism and law schools, she was the award-winning legal commentator for Illinois Public Radio stations. Later legal commentary, including invited opinion pieces, has appeared in *The New York Times*, *Slate*, the *New Yorker*, the *Guardian*, and various broadcast media, including the CBS Morning News. Gajda served twice as chair of the Association of American Law School’s Section on Mass Communication Law, once as the chair of its Section on Defamation and Privacy Law, and once as head of the Association for Education in Journalism and Mass Communication’s Law and Policy Division. Her law degree is from Wayne State University in Detroit, where she worked as a fill-in morning news anchor while a law student, and her undergraduate degree is from the University of Michigan, where she began her journalism career working for *The Michigan Daily*.

Robert H. Giles was curator of the Nieman Foundation for Journalism at Harvard University from 2000 until 2011. He came to Harvard after a newspaper career of nearly 40 years that included editorships at *The Detroit News*, *Times-Union* and *Democrat & Chronicle* in Rochester, New York, and the *Akron Beacon Journal*. Giles shared in the Pulitzer Prize for his role in directing the *Beacon Journal*’s coverage of the campus shootings at Kent State University in May 1970. Before coming to Harvard, Giles spent three years at the Freedom Forum as senior vice president and executive director of its Media Studies Center in New York City. Giles is a member of the American Academy of Arts and Sciences. He is a graduate of DePauw University and Columbia Graduate School of Journalism. He was a Nieman Fellow in 1966 and received an honorary doctorate from DePauw in 1996. His wife, Nancy, is a psychologist and a specialist in trauma. They live in the Traverse City area of northern Michigan where Giles is active in several civic organizations, including serving on the editorial board of *The Traverse City Record-Eagle*.

Charles Harder is a trial attorney representing both plaintiffs and defendants in the areas of privacy, publicity, defamation, reputation protection, media, entertainment, intellectual property, and business law. He is lead counsel for President Trump in two lawsuits filed by “Stormy Daniels,” and in an arbitration against former aide Omarosa Manigault-Newman. He was also lead counsel for First Lady Melania Trump in a defamation lawsuit against the *Daily Mail*, leading to an apology, a retraction, and \$2.925 million in damages; and for Hulk Hogan (Terry Bollea) in his privacy lawsuit against Gawker Media, leading to a \$140.1 million jury verdict. He has represented numerous other celebrities, including Sandra Bullock, George Clooney, and Kate Hudson, in major right of publicity lawsuits. His representation of Halle Berry in 2014 led to the rewriting of the California law that protects children from aggressive paparazzi. He was named California Lawyer of the Year in Media by *California Lawyer* magazine, in addition to other prominent awards. His J.D. is from Loyola Law School in Los Angeles and he graduated with College Honors from the University of California, Santa Cruz.

Walter Isaacson is a history professor at Tulane and an advisory partner at Perella Weinberg, a financial services firm in New York. He is the past CEO of the Aspen Institute, where he is now a distinguished fellow, and was the chairman of CNN and the editor of *TIME* magazine. He is a host of the PBS/CNN show “Amanpour and Company,” a CNBC contributor and host of the podcast “Trailblazers, from Dell Technologies.” Isaacson’s most recent biography, *Leonardo da Vinci* (2017), offers new discoveries about the artist. His other books include *The Innovators* (2014), *Steve Jobs* (2011), *Einstein* (2007), *Benjamin Franklin* (2003) and *Kissinger* (1992). Born in 1952 in New Orleans, he is a graduate of Harvard College and of Pembroke College of Oxford University, where he was a Rhodes Scholar. He began his career at *The Sunday Times* of London and then *The Times-Picayune*. He joined *TIME* in 1978 and became its executive editor in 1996. He became chairman and CEO of CNN in 2001, then president and CEO of the Aspen Institute in 2003. He is chair emeritus of Teach for America. He was the vice chair of the Louisiana Recovery Authority after Hurricane Katrina. He also served as chair of the Broadcasting Board of Governors, which runs Voice of America and other broadcasts. He is a member of the American Academy of Arts and Sciences, the Royal Society of the Arts, and the American Philosophical Society.

He serves on the board of United Airlines, the New Orleans City Planning Commission, the New Orleans Tricentennial Commission, Bloomberg Philanthropies, the Rockefeller Foundation, the Society of American Historians, the U.S. Defense Department Innovation Board, the Carnegie Institution for Science, and My Brother's Keeper Alliance.

RonNell Andersen Jones is the Lee E. Teitelbaum Endowed Chair and Professor of Law at the University of Utah S.J. Quinney College of Law. A former newspaper reporter and editor, Professor Jones teaches, researches and writes on legal issues affecting the press and on the intersection between media and the courts. Her scholarship addresses issues of press access and transparency and the role of the press as a check on government. She is also a widely cited national expert on reporter's privilege and a regular speaker on emerging areas of social media law. Her scholarly work has appeared in numerous books and journals, including *Northwestern Law Review*, *Michigan Law Review*, *UCLA Law Review*, and the *Harvard Law Review Forum*. She is also a regular media commentator on press freedom issues. Her op-eds have been published in several major news outlets, including CNN and *The New York Times*. Professor Jones graduated first in her law school class and clerked for the Honorable William A. Fletcher on the Ninth Circuit Court of Appeals and for Justice Sandra Day O'Connor on the United States Supreme Court. Prior to entering academia, she was an attorney in the Issues & Appeals section of Jones Day. She has served as Professor of Law and Associate Dean of Academic Affairs and Research at Brigham Young University and as a Distinguished Faculty Fellow at the University of Arizona.

Ed Manassah is a retired newspaper editor and publisher and served in those capacities in eight states, including being one of the editors at the start of *USA Today*. After 35 years with the Gannett Co., he retired after 12 years as publisher and president of *The Courier-Journal* in Louisville, Ky., to be a co-founder of the School of Communication at Bellarmine University, a small liberal arts school in Louisville. He currently serves on the board of a not-for-profit, digital news organization in Louisville — InsiderLouisville.com.

Betsy Fischer Martin is an Emmy-winning journalist and former TV news executive. Currently she is the Executive Director of the Women and Politics Institute at American University and a member of the

International Advisory Council of APCO Worldwide. She also founded her own consulting business, Fischer Martin Media, where she specializes in providing media training to corporate executives. During the 2016 presidential campaign cycle, she was a contributor to *Bloomberg Politics* where she co-hosted *Masters in Politics*, a political podcast featuring interviews with presidential candidates, government officials and key strategists. She was also the Contributing Editor for Washington for *MORE Magazine* where she interviewed female political leaders about policy issues, women's empowerment and leadership. Additionally, she traveled abroad extensively on behalf of the State Department's Bureau of International Information Programs, speaking to foreign journalists, students and political/civic organizations as an independent expert on U.S. elections, women in politics and women in media. During her earlier career in television news, she spent 23 years at NBC News serving as the longtime Executive Producer of *Meet the Press* with *Tim Russert* and as the Managing Editor of NBC News Political Programming. A native of New Orleans, Fischer Martin did her undergraduate and graduate work at American University in Washington, DC. She is a *cum laude* graduate of their School of Public Affairs and earned a master's degree in Broadcast Journalism from the AU School of Communications.

Jonathan Martin is a national political correspondent for *The New York Times*. Before joining *The Times*, he had served as senior political writer for *Politico* since its inception in 2007. He began covering politics for *National Journal's* political publication, *The Hotline*, and then reported on party politics and the aftermath of the 2006 midterm elections for *National Review* magazine. Mr. Martin is a co-author of the *New York Times* best seller "The End of the Line: Romney vs. Obama: The 34 Days That Decided the Election" (December 2012), the fourth and final e-book in *Politico's* 2012 series on the race for the presidency. His work has been published in *The New Republic*, *National Journal*, *The Washington Post* and *The Wall Street Journal*. He has appeared frequently on television and radio as a political analyst and commentator, including on CNN, ABC, CBS, NBC, PBS, MSNBC and NPR. Originally from Arlington, Va., Martin graduated from Hampden-Sydney College.

Jasmine E. McNealy is an assistant professor of telecommunication at the University of Florida College of Journalism and Communications. She studies

information, communication, and technology with a view toward influencing law and policy. She is a 2018-2019 Fellow at the Berkman Klein Center for Internet & Society at Harvard University, and a 2018-2019 Faculty Fellow at the Data & Society Research Institute.

Tim Morris is a 43-year journalism veteran, including the last 26 years with NOLA.com/*The Times-Picayune*. He joined *The Times-Picayune* in 1992 as night metro editor and became the state/political editor in 1995, overseeing the newspaper's bureaus in Washington, D.C., and Baton Rouge. Since 2016, Morris has been an opinions columnist for NOLA.com | *The Times-Picayune*. He was project editor for "Oceans of Trouble: Are the World's Fisheries Doomed?," an eight-part series that won the newspaper its first Pulitzer Prize in 1997; "Home Wreckers: How the Formosan Termite is Devastating New Orleans," a five-day series that was a 1999 Pulitzer finalist for national reporting; and "Washing Away: How South Louisiana is Becoming More Vulnerable to a Catastrophic Hurricane," an award-winning five-part series that was hailed after Hurricane Katrina for sounding the alarm about weaknesses in the New Orleans area's storm-protection system. He holds a bachelor of arts degree in journalism from New Mexico State University.

Mary-Rose Papandrea is the Judge John J. Parker Distinguished Professor of Law, and the Associate Dean for Academic Affairs at the University of North Carolina School of Law. Her teaching and research interests include constitutional law, media law, and civil procedure. After graduating from Yale College and the University of Chicago Law School, Professor Papandrea clerked for U.S. Supreme Court Justice David H. Souter as well as Hon. Douglas H. Ginsburg of the D.C. Circuit and Hon. John G. Koeltl of the U.S. District Court for the Southern District of New York. She then worked as an associate at Williams & Connolly LLP in Washington, DC, where she specialized in First Amendment and media law litigation. She is co-author of the casebook "Media and the Law" (LexisNexis, 2nd ed. 2014) (with Lee Levine, David Ardia & Dale Cohen), and she has written extensively about government secrecy and national security leaks, the reporter's privilege, student speech rights, the First Amendment rights of public employees, and the U.S. Supreme Court and technology. Professor Papandrea has served as the Chair of the American Association of Law School's Mass Media Law and National Security Law sections and remains on the Executive Committee of both sections. She is currently a member of the Editorial Board for the Journal of National Security Law & Policy. In addition,

she has served on the Board of Directors for the American Civil Liberties Union of Massachusetts.

Ashton Phelps, Jr. was publisher of *The Times-Picayune*, the daily newspaper in New Orleans, from 1979 until he retired in 2012. The newspaper was awarded four Pulitzer prizes while Ashton was publisher and the newspaper was the best read in its home market of any newspaper in the country in markets the size of New Orleans or larger. Ashton has a long family tradition in the law and in newspaper ownership, although his family members were never major owners of the newspaper. His great grandfather, Ashton Phelps, was publisher of the paper from 1914-1918. Esmond Phelps, his grandfather, was a director of the newspaper and its lawyer, the victorious lead counsel in the United States Supreme Court's *Grosjean* decision that invalidated Huey Long's attempt to selectively tax newspapers Long didn't like. His father, Ashton Phelps, Sr., had practiced law for 30 years, winning an antitrust case for *The Times-Picayune* before the U.S. Supreme Court, before becoming publisher of the paper from 1967 to 1979. Ashton received his B.A from Yale in 1967 and J.D from Tulane Law School in 1970.

Patrick Lee Plaisance is the Don W. Davis Professor in Ethics in the Bellisario College of Communications at Penn State and an affiliate faculty member with Penn State's Rock Ethics Institute. His research focuses on media ethics theory, moral psychology theory and methods, and the value systems, ethical orientations and other factors that influence the behavior of media professionals. He is author of a textbook, *Media Ethics: Key Principles for Responsible Practice* (SAGE, 2nd Ed., 2014), which is used nationwide, and a book featuring original research, *Virtue in Media: The Moral Psychology of Excellence in News and Public Relations* (Routledge 2015). He is editor of the upcoming volume, *The Handbook of Communication & Media Ethics*. He serves as Editor of the *Journal of Media Ethics* and also writes a regular blog on media ethics issues for *Psychology Today*. He also had a career of nearly 15 years as a newspaper journalist in New Jersey, south Florida and Virginia. He received his Ph.D. From Syracuse University.

Gene Policinski is chief operating officer of the Freedom Forum Institute and of the Institute's First Amendment Center. A veteran multimedia journalist, he also writes, lectures and is interviewed regularly on First Amendment issues. Policinski, a founding editor of *USA Today*, oversees all

programs of the Freedom Forum Institute and also is a longtime proponent of diversity in journalism as an essential characteristic of a free press. He speaks and writes regularly on news gathering and reporting, newsroom diversity and on journalism ethics. Policinski also co-writes the weekly, nationally distributed column, “Inside the First Amendment.” He is host of the online news program “Journalism/ Works,” produced by the Newseum and was host of several radio programs airing since the mid-1990s, including news and sports talk programs on “USA TodaySky Radio” and “Newseum Radio,” which aired on NPR worldwide from 1998 to 2002. He is a contributor to the recent American Bar Association book, “Whistleblowers, Leaks and the First Amendment,” providing a section on First Amendment issues and a free press. A graduate of Ball State University, he attended classes at the Nashville School of Law. He was awarded membership in 2012 to Pi Sigma Alpha, the national political science honor society, through its chapter at the University of North Georgia.

Neil Richards is one of the world’s leading experts in privacy law, information law, and freedom of expression. He writes, teaches, and lectures about the regulation of the technologies and powered by human information that are revolutionizing our society. Professor Richards holds the Thomas and Karole Green Chair in Law at Washington University School of Law, where he co-directs the Cordell Institute for Policy in Medicine & Law. He is also an affiliate scholar with the Stanford Center for Internet and Society and the Yale Information Society Project, a Fellow at the Center for Democracy and Technology, and a consultant and expert in privacy cases. Professor Richards serves on the board of the Future of Privacy Forum and is a member of the American Law Institute. Professor Richards graduated in 1997 with graduate degrees in law and history from the University of Virginia, and served as a law clerk to both William H. Rehnquist, Chief Justice of the United States Supreme Court, and Judge Paul V. Niemeyer, of the United States Court of Appeals for the Fourth Circuit. Professor Richards is the author of *Intellectual Privacy* (Oxford Press 2015). His many scholarly and popular writings on privacy and civil liberties have appeared in wide a variety of media, from the *Harvard Law Review* and the *Yale Law Journal* to *The Guardian*, *WIRED*, and *Slate*. His next book, *Why Privacy Matters*, will be published by Oxford Press in 2020.

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Gabe Rottman directs the new Technology and Press Freedom Project at the Reporters Committee for Freedom of the Press, which combines legal, policy, and public education work to grapple with questions at the intersection of emerging technology and the First Amendment. These include electronic surveillance law and policy, online content regulation, technological challenges to reporter-source protection, and the modern understanding of the Espionage Act. Previously, Gabe was the first Washington director at PEN America, and the deputy director of the national security project at the Center for Democracy and Technology. From 2012 to 2016, he led federal advocacy efforts on the First Amendment, open government, access to justice, and cybersecurity as a legislative counsel and policy

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Albert Samaha is a national reporter covering criminal justice at BuzzFeed News and author of *Never Ran, Never Will: Boyhood and Football in a Changing American Inner City*. His story on a narcotics unit in Mississippi led to a police captain's resignation in 2015, his story on a Bronx murder helped get a wrongfully convicted man freed from prison in 2017, and his 2018 story on a teenager who accused two NYPD detectives of rape led four states to pass bills tightening police sexual misconduct laws. He has written for the *Village Voice*, *SF Weekly*, and the *Riverfront Times*, and his work has appeared in the *New York Times*, in the Best American Traveling Writing anthology series, and on the Pop-Up Magazine live show tour. He lives in New York City.

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