



Staff Attorney/Resident Fellow

Berkman Center for Internet & Society
Harvard Law School
Cambridge, MA

The Citizen Media Law Project at Harvard University's Berkman Center for Internet & Society invites applications for a one-year position starting in spring 2009 as a Staff Attorney/Resident Fellow.

What is the Berkman Center for Internet & Society?

The Berkman Center for Internet & Society is a research center founded at Harvard Law School in 1996 to explore and understand cyberspace, share in its study, and help pioneer its development. It serves as the locus for a network of Harvard and other faculty, students, fellows, lawyers, entrepreneurs, and others working to identify and engage with the challenges and opportunities presented by the Internet. The Center investigates the real and possible boundaries in cyberspace between open and closed systems of speech, of commerce, of governance, and of education, and the relationship of law to each.

The Berkman Center is devoted to pursuing the highest-quality research, teaching, and scholarship addressing the most difficult and fundamental problems of the digital age, and to share in their resolution in ways that advance the public interest. The Center has been at the forefront of efforts to study and facilitate online expression, including, among other initiatives: publishing a major set of research papers examining the current and potential impact of participatory news media; launching Global Voices Online, a nonprofit that aggregates and disseminates the views expressed in blogs throughout the world which recently won a Knight-Batten Award for innovation in journalism; and hosting the 2005 Blogging, Journalism, and Credibility Conference, which brought together professional journalists, bloggers, news executives, media scholars, and lawyers to study the emerging media environment on the Internet.

For more information about the Berkman Center, visit <http://cyber.law.harvard.edu/>.

What does the Citizen Media Law Project do?

The Citizen Media Law Project (CMLP), a joint venture between the Berkman Center and the Center for Citizen Media, provides legal assistance, training, research, and other resources for individuals and organizations involved in online and citizen media. The CMLP began operations in May 2007. It has five primary objectives: legal education and training; collection and analysis of legal threats; legal assistance; community building; and advocacy on behalf of online and citizen media.

The CMLP endeavors to serve as a catalyst for creative thinking about the intersection of law and journalism on the Internet. Through the project's website, www.citmedialaw.org, the active

engagement of lawyers and scholars, and occasional sponsored conferences, project staff are working to build a community of lawyers, academics, and others who are interested in facilitating citizen participation in online media and protecting the legal rights of those engaged in speech on the Internet.

A central aim of the CMLP is to provide practical knowledge and assistance for online and citizen media. This includes educational materials that run the gamut from how to form a business and negotiate contracts for web space to how to use freedom of information and open meetings laws to get access to information, meetings, and governmental records, as well as a comprehensive database of lawsuits, cease-and-desist letters, subpoenas, and other legal threats directed at online publishers. These database entries range from copyright infringement lawsuits filed against bloggers to cease-and-desist letters claiming defamation sent to MySpace users.

The CMLP also has been involved as an *amicus* party in cases that raise important First Amendment, intellectual property, and media law issues. Over the past year we have been involved in the following cases:

- In February 2008, we helped organize a coalition of media organizations opposing an injunction ordering the shutdown of Wikileaks.org, a website that offers an "uncensorable Wikipedia for untraceable mass document leaking and analysis." Shortly after the *amici curiae* brief was filed, the court dissolved the injunction and the plaintiffs withdrew their lawsuit.
- In March 2008, we joined 28 of the country's leading news organizations, press associations, and nonprofits dedicated to preserving free speech rights in filing an *amici curiae* brief in the United States Court of Appeals for the District of Columbia Circuit opposing the contempt citation issued against Toni Locy, a former reporter for USA Today.
- In September 2008, we joined Public Citizen, EFF, and Public Knowledge in filing an *amici curiae* brief in support of BlockShopper.com's motion to dismiss a trademark lawsuit filed against it by the Jones Day law firm.
- In November 2008, we organized a coalition, including the Online News Association, Media Bloggers Association, New England Press Association, and Globe Newspaper Company, to submit an *amici curiae* brief that argues that Massachusetts' anti-SLAPP statute applies to all parties, including members of the news media and professional bloggers, who engage in petitioning activities.

What will the Staff Attorney/Resident Fellow do?

The Staff Attorney's primary substantive responsibilities will be to assist with the development of a *pro bono* network of media lawyers and law school clinics to support online journalism and new media startups. The Staff Attorney will screen new cases and clients and maintain existing relationships with clients and members of the project's *pro bono* network.

Through collaboration with lawyers and law students in Harvard Law School's Cyberlaw Clinic, the Staff Attorney may provide legal assistance to individuals and organizations that operate online and citizen media ventures. The Staff Attorney also may assist in the supervision and mentoring of clinical students working on transactional, licensing, and counseling projects, including reviewing, negotiating, and drafting copyright licenses and a wide variety of technology, confidentiality, and consulting agreements. Particular emphasis will be placed on recognizing the complex interactions between the business, technological, and legal aspects of clients' needs.

The Staff Attorney also may have the opportunity to engage in oral and written advocacy on behalf of clients, including opportunities to draft *amicus* briefs in cases involving significant First Amendment, intellectual property, and media law issues.

The Staff Attorney will have many opportunities to expand his/her knowledge of technology and law, including frequent interactions with other fellows at the Berkman Center and throughout Harvard University. The position is a great opportunity for experienced media, Internet, or IP law practitioners who want to serve the public interest, transition to academic pursuits, or simply work in an intellectually invigorating environment.

While this position is full-time, the Staff Attorney will have the opportunity to spend a limited amount of time pursuing his/her own related academic research interests and will be provided a computer work station, Internet access, and access to Harvard's extensive library system.

This is a fellowship position for one year with a salary of \$48,000, plus health and other benefits; continuation is contingent on business needs and project funding.

What qualifications are necessary?

Candidates must have a Juris Doctor degree with admission to and active status in at least one state bar and eligibility for admission on motion to the Massachusetts bar. A minimum of 3 years legal-practice experience with significant internet, intellectual property, or media law background is required. Expertise in the areas of transactional and licensing work is preferred. Previous experience in a clinical legal setting or the direct supervision and mentoring of young attorneys also is advantageous.

Candidates should be energetic and passionate about working on journalism, citizen-generated media, online speech, intellectual property, and cyberlaw issues. Top academic credentials, superior writing and verbal skills, sound judgment, exceptional ethical standards, and proven abilities in interpersonal communication, supervision, and team building are required.

How to apply?

Applications should be submitted as soon as possible, but no later than March 6, 2009. To apply, email a current CV or resume, cover letter summarizing your interest and key experience, and the names of three references to:

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For more information about the Citizen Media Law Project or to view this description in electronic form, please visit our website at <http://www.citmedialaw.org>.