



Berkman

The Berkman Center for Internet & Society
at Harvard University

Employee Fellow

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

Are you a lawyer interested in dealing with emerging legal issues related to law, journalism, and new media on the Internet? The Berkman Center for Internet & Society at Harvard Law School is seeking an Employee Fellow commencing in June 2011 to assist with the Berkman Center's Digital Media Law Project.

What is the Berkman Center for Internet & Society?

The Berkman Center for Internet & Society is a research center founded at Harvard Law School in 1997. Now a university-wide center, 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 is devoted to research and teaching on issues at the intersection of emerging technologies, law, public policy, industry, and education and to the development of dynamic approaches and rigorous scholarship that can affect and support the public interest.

The Berkman Center has been at the forefront of efforts to study and facilitate online expression, including, among other initiatives: publishing [Media Re:public](#), a series of papers exploring the potential and the challenges of the emerging networked digital media environment; launching [Global Voices Online](#), a nonprofit that aggregates and disseminates the views expressed in blogs throughout the world; and hosting the [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 Digital Media Law Project do?

The Digital Media Law Project (DMLP) works to ensure that individuals and organizations involved in online journalism and digital media have access to the legal resources, education, and help that they need to thrive. The DMLP, which began operations as the "Citizen Media Law Project" in May 2007, focuses its work on three broad areas: legal education and training; litigation and *pro bono* legal services; and the collection and analysis of legal threats facing online speakers and publishers.

The DMLP 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.DMLP.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 supporting innovative journalism ventures and protecting the legal rights of those engaged in speech on the Internet.

A central aim of the DMLP is to provide practical knowledge and legal assistance for online media. This includes providing *pro bono* legal assistance to new journalism ventures and other independent online publishers on a diverse range of topics, including business formation and governance, copyright licensing and fair use, employment and freelancer agreements, pre-publication review of content, and representation in litigation. In January 2010, DMLP launched a *pro bono* legal referral network called the "[Online Media Legal Network](#)" comprised of law school clinics, in-house legal counsel, and individual lawyers across the United States who provide free and low-cost legal assistance to online journalism ventures and other digital media creators.

DMLP also has filed and participated in *amicus curiae* (friend of the court) briefs in cases raising important First Amendment and intellectual property issues, including:

- [Maxon v. Ottawa Publ'g Co.](#), No. 2008-MR-125 (Ill. App. Ct. Mar. 24, 2009). We submitted a brief urging an Illinois appellate court to protect the rights of anonymous Internet speakers by imposing important procedural safeguards before ordering disclosure of their identities.
- [Barnes v. Yahoo! Inc.](#), No. 05-36189 (9th Cir. May 21, 2009). We joined Public Citizen, the Center for Democracy and Technology, and the Electronic Frontier Foundation in asking the court to amend its opinion to omit *dicta* indicating that Section 230 of the Communications Decency Act cannot be raised on a motion to dismiss, as well as to clarify that Section 230 applies to federal as well as state law claims.
- [The Mortgage Specialists, Inc. v. Implode-Explode Heavy Industries, Inc.](#), No. 2009-0262 (N.H. June 22, 2009). We joined forces with the Reporters Committee for Freedom of the Press to submit a brief urging the New Hampshire Supreme Court to defend the First Amendment rights of a website that covers news about the mortgage industry and to apply New Hampshire's qualified reporter's privilege to online news publishers.
- [Fustolo v. Hollander](#), No. SJC-10485 (Mass. Oct. 1, 2009). We joined the ACLU of Massachusetts and the Lawyers' Committee for Civil Rights Under Law of the Boston Bar Association in submitting a brief arguing that the Massachusetts anti-SLAPP statute applies to all parties who engage in petitioning activities, including members of the news media and paid staff of advocacy organizations.
- [Wright Development Group LLC v. Walsh](#), No. 08-2783 (Ill. Mar. 3, 2010). We submitted a brief to the Illinois Supreme Court urging the court to reject two lower courts' narrow interpretations of the state's Anti-SLAPP statute, known as the Citizen Participation Act.
- [Barclays Capital Inc. v. Theflyonthewall.com, Inc.](#), 10-1372-CV (2d Cir. June 21, 2010). We joined EFF and Public Citizen to submit a brief to the Second Circuit Court of Appeals urging the court to apply First Amendment scrutiny to the "hot news misappropriation" doctrine.

What will the Employee Fellow?

The Employee Fellow will serve as a staff attorney for Digital Media Law Project. The Fellow's primary substantive responsibility will be to assist with the operation and expansion of the project's Online Media Legal Network. The Fellow will screen new cases and clients and maintain existing relationships with clients and members of the project's *pro bono* network.

The Fellow may provide legal assistance, in collaboration with lawyers and law students in Harvard Law School's Cyberlaw Clinic, to individuals and organizations that operate online and digital media ventures. Particular emphasis will be placed on recognizing the complex interactions between the business, technological, and legal aspects of clients' needs. The Fellow also may assist in the supervision and mentoring of clinical students working on transactional, litigation, and counseling projects.

The Fellow 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 Fellow 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, IP, or business 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 Fellow will have the opportunity to spend a limited amount of time pursuing his/her own related academic research interests and will be provided 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 law and non-profit advising 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, 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.

Commitment to Diversity: The work and well-being of the Berkman Center for Internet & Society at Harvard University are strengthened profoundly by the diversity of our network and our differences in background, culture, experience, national origin, religion, sexual orientation, and much more. We

actively seek and welcome applications from people of color, women, the LGBT community, and persons with disabilities, as well as applications from researchers and practitioners from across the spectrum of disciplines and methods. The roots of this deep commitment are many and, appropriately, diverse. We are not nearly far enough along in this regard, and we may never be. It is a constant process in which there remains much to learn. We welcome your inquiries, comments and ideas on how we may continue to improve.

How to get more information or apply?

Applications and questions should be submitted as soon as possible. To apply, submit your CV or resume, cover letter summarizing your interest and key experience, and the names of three references through Harvard's employment website at <http://www.employment.harvard.edu/> (search for ID: 23533BR) or by going to <http://goo.gl/KZYhy>. Questions about the position should be directed to Jeff Hermes (jhermes [at] cyber.law.harvard.edu).

Materials will be reviewed beginning on April 1, 2011, and will be considered until the position has been filled.