
9 February 2018
8:30 – 9 a.m. | check-in
9 – 3:30 p.m. | program
3:30 p.m. | reception

Fordham University
McNally Ampitheatre and Platt Court
140 West 62nd Street
PROGRAM

9:00 a.m. - 9:15 a.m.
Reception in Platt Court

9:15 a.m. - 9:30 a.m.

Joe Straw, The Capitol Forum, Senior Editor; Jeremy Chase, Davis Wright Tremaine LLP, Senior Associate; Matthew Schafer, Buzzfeed, Newsroom Counsel

9:30 a.m. - 9:45 a.m.

European Union Comparative Law
Moderator: Martin Flaherty

Nico van Eijk, University of Amsterdam, Professor of Media and Telecommunications Law; The Institute for Information Law, Director; Carrie DeCell, The Knight First Amendment Institute at Columbia University, Staff Attorney

9:45 a.m. - 10:00 a.m.

Dean Matthew Diller’s Remarks

10:00 a.m. - 10:15 a.m.

Lunch

10:15 a.m. - 11:45 a.m.

Political Non-Neutrality in the Press
Moderator: Corey Brettschneider

Susan Buckley, Cahill Gordon & Reindel LLP, Senior Counsel; Mark Conrad, Fordham University Gabelli School of Business, Associate Professor

11:45 a.m. - 12:00 p.m.

Keynote Conversation
Moderator: N. Cameron Russell

David Brawlow, First Look Media, First Amendment Counsel; Jim Risen, First Look Media’s Press Freedom Defense Fund; Director; Daniel Jacobson, Arnold & Porter Kaye Scholer LLP, Associate

12:00 p.m. - 1:00 p.m.

Break

1:00 p.m. - 2:30 p.m.

Safeguarding Information Integrity in the Era of Fake News
(1 hour 15 minutes) - 1.5 Professional Practice CLE
Moderator: Olivier Sylvain

Sally Hubbard, The Capitol Forum, Senior Editor; Jeremy Chase, Davis Wright Tremaine LLP, Senior Associate; Matthew Schafer, Buzzfeed, Newsroom Counsel

2:30 p.m. - 3:00 p.m.

Political Non-Neutrality in the Press
(1 hour 15 minutes) - 1.5 Professional Practice CLE
Moderator: Corey Brettschneider

Susan Buckley, Cahill Gordon & Reindel LLP, Senior Counsel; Mark Conrad, Fordham University Gabelli School of Business, Associate Professor

Buckley's clients have included ABC, NBC, CBS, FOX, The New York Times, Time Inc., HBO, the Hearst Corporation, Business Week, CNN, Court TV, NY1, local broadcasters, motion picture distributors, music distributors, cable program suppliers, and other publishers of newspapers and magazines. Buckley defended the Brooklyn Museum in its dispute with the City of New York over the museum’s right to display controversial, contemporary art, and represented Senator Mitch McConnell and the National Association of Broadcasters in a First Amendment-rooted challenge to the constitutionality of the Bipartisan Campaign Reform Act.

Buckley serves as a master for the Federal Bar Council American Inn of Court and has served on the governing board of the ABA’s Forum on Communications Law, the Communications and Media Law Committee of the Association of the Bar of the City of New York, and the Media Law Committee of the New York State Bar Association. Susan is named among the top First Amendment litigators in New York by Chambers USA, The Legal 500, and Euromoney’s Benchmark Litigation. She has been listed among the Best Lawyers in America in the field of First Amendment law for more than 10 years.

Buckley joined Cahill in 1977 following her graduation from Fordham University School of Law, where she served as an editor of the Fordham Law Review. She became a partner in 1985 and senior counsel in 2017.

Jeremy Chase
Senior Associate, Davis Wright Tremaine LLP

Jeremy Chase is a senior associate in the media and intellectual property group in Davis Wright Tremaine LLP’s New York office. Jeremy regularly advises newspaper, magazine, website, book publishing, television, and documentary film clients on a wide range of issues in media and intellectual property law, including pre-publication and pre-broadcast legal review. Chase’s litigation practice involves all areas of intellectual property, media, and entertainment litigation at the trial and appellate levels of federal and state courts, in such areas as libel, privacy, copyright, trademark, access, open records, and reporter’s shield laws.

Prior to joining Davis Wright Tremaine LLP, Chase served as a law clerk to the Honorable Gene K. Pratter in the United States District Court for the Eastern District of Pennsylvania. Chase also worked as an associate at the New York office of Gibson, Dunn & Crutcher LLP.

Chase received an A.B. with honors from Brown University and a J.D. from the University of Pennsylvania Law School.

Mark Conrad
Associate Professor of Law and Ethics and Director of Sports Business Concentration, Fordham University Gabelli School of Business

Mark Conrad is associate professor of law and ethics at Fordham University’s Gabelli School of Business, where he directs its sports business concentration. In addition to teaching sports law, he has taught courses covering contracts, business organizations, and media law.

Conrad’s books and articles have appeared in academic, legal, and general circulation publications. His book The Business of Sports – Off the Field, In the Office, On the News (Routledge/
Taylor & Francis, 2017) has been cited in leading journals as one of the most comprehensive texts on the subject. He has also published in academic and non-academic journals on various sports law topics, including governance issues, intellectual property, collegiate, and international issues. In addition to his full-time responsibilities at Fordham, Conrad has served as adjunct professor at Columbia University’s Sports Management Program, St. John’s University’s LL.M. in International Sports Practice, and New York Law School. He has lectured at Northwestern University’s campus in Doha, Qatar, and has appeared on panels and symposia at Duke University School of Law, the University of Virginia School of Law, and the law schools of Fordham, Pace, Hofstra, DePaul, and Arizona State universities. He served as president of the Sport and Recreation Law Association from 2014 to 2015 and now is president of the Alliance for Sport Business.

Conrad has been quoted in The New York Times, The Boston Globe, and the Chicago Tribune, and has appeared on CNN, Bloomberg TV, and i24News.

Conrad received his B.A. from City College of New York. After receiving his law degree, he earned an M.S. from Columbia University’s Graduate School of Journalism. He is a member of the New York and District of Columbia bars and resides in New York City.

Carrie DeCell
Staff Attorney, The Knight First Amendment Institute at Columbia University

Carrie DeCell is a staff attorney at the Knight First Amendment Institute. Prior to joining the Institute, she was a senior associate at Jenner & Block LLP. As a member of the firm’s media & First Amendment practice group, she handled a variety of matters involving constitutional and statutory speech protections and public access to information. She defended TheHuffingtonPost.com against defamation claims, advised a nonprofit organization regarding the protections afforded online publishers under the Communications Decency Act, and co-taught a CLE seminar on freedom of speech limits in social media. Additionally, as a member of the firm’s Appellate and Supreme Court practice group, she drafted numerous merits and amicus briefs in cases before the Supreme Court and other courts of appeals.

DeCell graduated from the University of Pennsylvania and Harvard Law School, where she served as the essays and book reviews editor of the Harvard Law Review. Following law school, she clerked for the Honorable Judith W. Rogers on the United States Court of Appeals for the D.C. Circuit.

Martin Flaherty
Leitner Family Professor and Co-Director of the Leitner Center for International Law and Justice, Fordham Law School

Martin S. Flaherty is Leitner Family Professor of Law and founding co-director of the Leitner Center for International Law and Justice at Fordham Law School. He is also a visiting professor at the Woodrow Wilson School of Public and International Affairs, where he was a fellow in the program in law and public affairs and a visiting professor at the New School in New York. Flaherty has taught at China University of Political Science and Law and the National Judges College in Beijing. He co-founded the Rule of Law in Asia Program at the Leitner Center as well as the Committee to Support Chinese Lawyers, an independent NGO on which he serves as vice chair: http://www.csclawyers.org. He has taught at Sungkyunkwan University in Seoul, Queen’s University Belfast, Columbia Law School, Cardozo School of Law, St. John’s University School of Law, and the New School. Previously, Flaherty served as a law clerk for Justice Byron R. White of the United States Supreme Court and Chief Judge John Gibbons of the United States Court of Appeals for the Third Circuit.

Flaherty received a B.A. summa cum laude from Princeton, an M.A. and M.Phil. from Yale (in history), and a J.D. from Columbia Law School, where he was book reviews and articles editor of the Columbia Law Review. For the Leitner Center, Human Rights First, and the New York City Bar Association, he has led or participated in human rights missions to Northern Ireland, Turkey, Hong Kong, Mexico, Malaysia, Kenya, Romania, and China. He is also a member of the Council on Foreign Relations. He is chair of the Council on International Affairs of the New York City Bar Association, where he was formerly chair of the Committee on International Human Rights, and is a life member of the Council on Foreign Relations.


Sally Hubbard
Senior Editor, Tech Platforms, The Capitol Forum

Investigative journalist Sally Hubbard specializes in tech platforms, competition, and regulatory risk. Leading The Capitol Forum’s coverage of monopolization issues, Hubbard’s expertise in antitrust and tech giants, including Google, Apple, Facebook, and Amazon, yields predictive analysis of regulatory outcomes. She also applies her deep understanding of antitrust to the “fake news” phenomenon, analyzing the market structures and business incentives that support fake news.

A former assistant attorney general in the Antitrust Bureau of the Office of the New York State Attorney General (OAG) under the Spitzer, Cuomo, and Schneiderman administrations, Hubbard’s firsthand experience as an antitrust enforcement informs her assessments of high-profile mergers and the competitive dynamics of tech platforms. In the New York OAG, Hubbard investigated violations of state and federal antitrust laws from local mergers to nationwide multistate price fixing. She was honored with the Louis Lefkowitz Award for her efforts in investigating municipal bond derivative bid rigging.

Hubbard also founded and hosts the “Women Killing It!” podcast, interviewing women who are excelling in their careers about what has worked for them, how they got where they are today, and what they wish they knew earlier. Combining her two passions of antitrust and feminism, Hubbard writes about the relationship between consolidated market power and gender inequality.

Hubbard is a Washington Bytes contributor for Forbes.com and has published in Slate, Competition Policy International, The Huffington Post, and The Threshold, a publication of the ABA. She is a frequent speaker on antitrust, fake news, and gender equality. Hubbard holds a B.A. from The College of William & Mary and a J.D from New York University School of Law.

Daniel Jacobson
Associate, Arnold & Porter Kaye Scholer LLP

Daniel Jacobson focuses his practice on appellate and complex civil litigation, as well as privacy and data security matters. Jacobson has briefed cases before the United States Supreme Court, federal courts of appeals, and state supreme courts. He successfully represented a Fortune 200 company in vacating a $10 billion verdict related to product advertising, and he represented the nation’s largest steel producer in securing a complete appellate reversal of a $150 million-plus jury verdict in an antitrust case. He has successfully represented clients in district court proceedings and advised press entities on legal issues arising from the use of government sources.

Before rejoining Arnold & Porter Kaye Scholer LLP in 2017, Jacobson served as an associate counsel in the White House Counsel’s office under President Barack Obama. In that role, Jacobson served as the primary legal counsel to the White House information technology and digital strategy offices, advising staff on legal issues relating to privacy, network defense, intellectual property, the adoption of cloud-based tools, and the first transition of social media assets across administrations. Jacobson also provided legal guidance to White House policy offices on public-private partnerships relating to cybersecurity, open data, and broadband connectivity, and he advised White House staff on general ethics and compliance matters. He received his J.D. from Harvard Law School.

Jim Risen
Pulitzer Prize-Winning Journalist; Director, First Look Media's Press Freedom Defense Fund

Jim Risen, a best-selling author and former New York Times reporter, is The Intercept’s senior national security correspondent, based in Washington, D.C. Risen also serves as director of First Look Media’s Press Freedom Defense Fund, which is dedicated to supporting news organizations, journalists, and whistleblowers in legal fights in which a substantial public interest, freedom of the press, or related human or civil right is at stake.

Risen was himself a target of the United States government’s crackdown on journalists and whistleblowers. He waged a seven-year battle, risking jail, after the Bush administration and later the Obama administration sought to force him to testify and reveal his confidential sources in a leak investigation. Risen never gave in and the government finally backed down.
As a New York Times reporter, Risen won the 2006 Pulitzer Prize for National Reporting for his stories about the National Security Agency's domestic spying program. He was a member of the reporting team that won the 2002 Pulitzer Prize for explanatory reporting for coverage of the September 11 attacks and terrorism.


Risen is the author of four books: Wrath of Angels: The American Abortion War, The Main Enemy: The Inside Story of the CIA’s Final Showdown with the KGB, State of War: The Secret History of the CIA and the Bush Administration, and Pay Any Price: Greed, Power and Endless War. He graduated from Brown University and received a master’s degree in journalism at Northwestern University’s Medill School of Journalism.

N. Cameron Russell
Executive Director, Center on Law and Information Policy (CLIP) at Fordham Law School
In addition to his role with CLIP, Russell is an adjunct professor of trademark, information privacy, and copyright law courses at Fordham Law School, has taught as a lecturer in Fordham University’s Department of Communication and Media Studies, and has been interviewed regarding online privacy issues by various media outlets including CBS, NBC, and CNN. He has articles published in the Stanford Technology Law Review, the Berkeley Technology Law Journal, J/S: A Journal of Law and Policy for the Information Society, and the John Marshall Review of Intellectual Property Law. Previously, Russell practiced law as a partner in the Wender Law Group in New York and worked as a music manager for then up-and-coming pop star Rihanna. Russell earned his undergraduate degree from UNC-Chapel Hill’s Kenan-Flagler Business School and his J.D. from the University of Denver. He is also a magna cum laude LL.M. graduate of Fordham Law School in intellectual property and information technology law. Russell is admitted to practice in New York and California.

Matthew Schafer
Newsroom Counsel, BuzzFeed
Matthew Schafer is based in New York and serves as newsroom counsel to BuzzFeed news bureaus around the country. Schafer advises his clients on day-to-day legal matters arising from gathering and reporting the news, including devising newsgathering strategies to lessen legal liability, prepublication review of articles and news videos for tort liability, and various copyright issues. In addition, Schafer advises BuzzFeed news’ live morning show, “AM to DM,” which each day reaches around 1 million people on Twitter and millions more in recorded clips. Schafer also works with reporters and editors on public records issues, including overseeing and litigating public records lawsuits in federal and state courts.

Prior to joining BuzzFeed, Schafer was associated with a boutique media defense firm specializing in First Amendment- and other content-related litigation. A substantial amount of his practice was dedicated to counseling clients on government transparency issues at the federal and state levels and in the military commissions at Guantanamo Bay. In that capacity, he and his colleagues have forced the disclosure of thousands of pages of court and government records. Much of his practice was also dedicated to defending reporters from subpoenas seeking the disclosure of their confidential sources and work product.

Schafer received a bachelor’s degree in media studies from the University of Illinois at Urbana-Champaign, a master’s in mass communication from Louisiana State University, and a J.D. cum laude from Georgetown University.

Olivier Sylvain
Associate Professor, Fordham Law School
Olivier Sylvain is an associate professor of law at Fordham University School of Law. His academic interests are chiefly in information and communications law and policy. He has written a variety of law review articles, symposium pieces, policy papers, news articles, op-eds, and blog posts on current controversies in communications policy, online intermediary liability, privacy, and copyright. Sylvain has been on the local NPR station and an invited speaker at several recent conferences and symposia across the United States, South America, and Europe. He is part of a team of research engineers and social entrepreneurs to whom the National Science Foundation in fall 2017 awarded a three-year $1 million grant to prototype a secure, affordable, and energy-efficient computing network that is to be owned and operated as a “commons resource” for Harlem residents.

At Fordham, Sylvain teaches Legislation and Regulation, Administrative Law, Information Law, and information law-related courses. He manages the intellectual property and information law concentration at Fordham and is director of the McGannon Center for Communication Research. He is affiliated with the Center on Law and Information Policy and the Center on Race, Law, and Justice. Before entering academia, Olivier was a Karpatkin Fellow in the National Legal Office of the American Civil Liberties Union in New York City and a litigation associate at Jenner & Block, LLC, in Washington, DC. He is on the board of directors for the New York affiliate of the American Civil Liberties Union.

Nico van Eijk
Professor of Media and Telecommunications Law and Director of the Institute for Information Law, University of Amsterdam
Nico van Eijk is professor of media and telecommunications law and director of the Institute for Information Law (IViR, Faculty of Law, and University of Amsterdam). He studied law at the University of Tilburg and received his doctorate on government interference with broadcasting from the University of Amsterdam. He also works as an independent legal adviser. Among other things, he is the chairman of the Dutch Federation for Media and Communications Law (Vereniging voor Media- en Communicatierecht, VMG), chairman of a committee on Paid Electronic Information Services of the Social and Economic Council of the Netherlands (SER), a member of the “knowledge circle” of the Dutch Review Committee on the Intelligence and Security Services (CTIVD), and a member of the Koninklijke Hollandsche Maatschappij der Wetenschappen (KHMW).

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