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Academic Appointments

LOYOLA LAW SCHOOL, Los Angeles, California

Professor (2009-Present)

Associate Professor (2007-2009)

Committees: Faculty Workshops (Chair); Appointments (laterals); Clerkships

Other Service: Intellectual Property Curriculum & LL.M Exploratory Groups,
Advising Law Review Students, Advisor to IP Moot Court
program

Awards: Joseph Scott Fellowship (2010-2013)

WASHINGTON UNIVERSITY SCHOOL OF LAW, St. Louis, Missouri

Associate Professor (2005-2007) (tenure-track)

Advisor: Intellectual Property & Technology Law Program;
Intellectual Property LL.M. Program

Committees: Building & Design; Clerkships; Curriculum

Courses

First Year: Torts

Upper-Level Lectures: Trademarks and Unfair Competition; Copyright;
Intellectual Property Survey; First Amendment

Upper-Level Seminars: The Right of Publicity; IP Honors Colloquium;
Entertainment Law/Legal Issues in Reality and Non-Fiction
Works; Intellectual Property Theory; Cyberlaw/Internet
Law; Law & Film

Major Articles

- *Liberating Copyright: Thinking Beyond Free Speech*, 95 CORNELL LAW REVIEW 463 (2010)
- *Sex In and Out of Intimacy*, 59 EMORY LAW JOURNAL ____ (2010) (forthcoming) (co-authored with Laura A. Rosenbury)
- *The Questionable Use of Custom In Intellectual Property*, 93 VIRGINIA LAW REVIEW 1899 (2007)
- *Initial Interest Confusion: Standing at the Crossroads of Trademark Law*, 27 CARDOZO LAW REVIEW 105 (2005)

- *Copyright Preemption and the Right of Publicity*, 36 U.C. DAVIS LAW REVIEW 199 (2002)
- *Freedom of Speech and True Threats*, 25 HARVARD JOURNAL OF LAW AND PUBLIC POLICY 283 (2001)

Other Articles, Essays, and Commentary

- *Best Intentions: Best Practices Statements for Fair Use*, Journal of the Copyright Society of the U.S.A (2010) (forthcoming)
- *The Substantive Due Process Turn: Identity-Based Uses of Copyrighted Works*, THE LEGAL THEORY WORKSHOP (2010)
- *Response, Custom, Comedy and the Value of Dissent*, 95 VIRGINIA LAW REVIEW IN BRIEF 19 (2009)
- *Reply, Why Custom Cannot Save Copyright's Fair Use Defense*, 93 VIRGINIA LAW REVIEW IN BRIEF 243 (2008) (reply to Richard Epstein's response)

Book Chapters and Anthologies

- *Liberating Copyright: Thinking Beyond Free Speech*, 95 CORNELL LAW REVIEW 463 (2010) *reprinted in* COPYRIGHT ANNUAL ANTHOLOGY (Ed. Rodney Smolla 2010) (Thomson Reuters) (selected as one of the top articles on copyright for 2010)
- *Copyright Preemption and the Right of Publicity*, 36 U.C. DAVIS LAW REVIEW 199 (2002) *excerpted in* Molly Torsen, HOW INTELLECTUAL PROPERTY LAWS PROTECT ART AND ARTISTS; DESIGN AND DESIGNERS: AN INTERNATIONAL OVERVIEW (BRILL 2010).
- *Initial Interest Confusion: The Diversion of Trademark Law* in INTELLECTUAL PROPERTY AND INFORMATION WEALTH (Praeger Press, ed. Peter Yu) (2006)

Works-In-Progress

- *The Inalienability of the Right of Publicity*
- *Trademark Law and the Negative Externality of Consumer Culture*
- *The First Amendment Right to Marry*

Presentations

Speaker, *The Inalienability of the Right of Publicity*, Privacy Law Conference, Co-hosted by U.C. Berkeley & George Washington Schools of Law, Washington D.C. (June 2010)

Commentator, *Inherent Vice: Bootleg Histories of Videotape and Copyright*, U.C. Irvine (May 2010)

Speaker, *The Inalienability of the Right of Publicity*, Association for Law, Society and Property, Georgetown Law School (March 2010)

Speaker/Panelist, *The Best Practices Movement*, AALS IP Section, Annual AALS Meeting, New Orleans (January 2010)

Speaker, *Liberating Copyright: Thinking Beyond Free Speech*, UCLA IP Colloquium (November 2009)

Speaker, *Liberating Copyright: Thinking Beyond Free Speech*, Whittier Law School (October 2009)

Speaker, *Copyright Through a Liberty Lens: Moving Beyond Speech*, Loyola Law School (Los Angeles) (January 2009)

Speaker, *Liberating Copyright*, Washington University School of Law in St. Louis (September 2008)

Plenary Speaker, *Copyright Through a Liberty Lens*, Stanford, Intellectual Property Scholars Conference (August 2008)

Speaker, *Beyond Intimacy*, University of Chicago (April 2008)

Speaker, *Copyright Through A Liberty Lens*, University of Mississippi (April 2008)

Speaker, *Copyright Through A Liberty Lens*, IP Colloquium, Chicago IP Speaker Series (co-sponsored by Chicago-Kent and Loyola (Chicago)) (March 2008)

Speaker, *Beyond Intimacy*, Legal Theory Workshop, UCLA (January 2008)

Panelist, *Issues in Advertising and Marketing in New Media*, IPED conference (November 2007)

Speaker, *The Questionable Use of Custom in Intellectual Property*, IP Theory Seminar, Loyola Law School (Los Angeles) (October 2007)

Speaker, *Beyond Intimacy*, Law and Society Conference, Berlin, Germany (July 2007)

Invited Participant, *Modest Proposals*, Cardozo Law School (February 2007)

Speaker, *IP and the Relevance of Custom*, UCLA School of Law Colloquia (February 2007)

Speaker, *Customary Intellectual Property*, Loyola Law School (Los Angeles) (November 2006)

Speaker, *Customary Intellectual Property*, Washington University School of Law in St. Louis, MO (November 2006)

Speaker, *Customary Intellectual Property*, Cardozo Law School Speaker Series (October 2006)

Speaker, *Customary Intellectual Property*, Boalt Hall (U.C. Berkeley), Intellectual Property Scholars Conference (August 2006)

Speaker, *Fantasy Sports: When Reality Strikes*, Washington University Alumni Association, Seattle, WA (May 2006)

Moderator, *Technology and the First Amendment*, Conference on First Amendment Law & Policy, Washington University, St. Louis, MO (November 2005)

Moderator, *Commercializing Innovation*, Washington University, St. Louis, MO, (November 2005)

Speaker, *Celebrity Justice? When Copyright and the Right of Publicity Collide*, National Council, Washington University, St. Louis, MO (September 2005)

Speaker, *Supreme Court Intellectual Property Update: Grokster, KP Permanent and Integra Lifesciences*, Washington University, St. Louis, MO, (September 2005)

Media/Op-Eds

- Op-ed, *Reality Check: Why Opponents of Same-Sex Marriage May Want to Vote Against Prop. 8*, available at http://www.huffingtonpost.com/jennifer-e-rothman/reality-check-why-opponen_b_139388.html (Oct. 30, 2008)
- Commentator, California Marriage Cases, Fox News (2008)
- Commentator, California Marriage Cases, *To the Point*, PRI/NPR (2008)
- Commentator, California Marriage Cases, Morning News, KTLA, Los Angeles, CA (2008)
- Commentator, *Fantasy Baseball: CBC Litigation*, KMOX, St. Louis, MO

(2006)

- Quoted as IP, First Amendment, Cyberlaw and Entertainment expert in numerous newspapers and news services, including Associated Press, Business Week, Washington Post, Salon.com, Slate.com, Riverside Enterprise, San Jose Mercury and St. Louis Post-Dispatch

Clerkships

Hon. Marsha S. Berzon, Ninth Circuit Court of Appeals, San Francisco, 2002-2003

Hon. Dean D. Pregerson, U.S. District Court, Los Angeles, 2000 (summer externship)

Education

UCLA SCHOOL OF LAW, Los Angeles, California, J.D., May 2002

GPA: 4.076

Graduating Class Rank: 1

Honors: Third Year Student with the Highest GPA
Lawrence E. Irell Prizes for top First and Second Year Student
Jerry Pacht Memorial Constitutional Law Award (for scholarship)
UC Regents Academic Fellowship (1999-2002) (full tuition)
Order of the Coif

Journals: *UCLA Law Review*, Articles Editor
UCLA Women's Law Journal, Staff

Activities: El Centro Homelessness Clinic, Supervisor (2000-2002)

UNIVERSITY OF SOUTHERN CALIFORNIA, School of Cinema-Television, M.F.A., Los Angeles, California, May 1995

Honors: Director, WANDERLUST (documentary on long-distance women truck drivers); Winner, Best Documentary, Palm Springs Film Festival; 2nd Place, Student Filmmaker Awards, Directors Guild of America; Finalist, Dore Schary Humanitarian Awards

PRINCETON UNIVERSITY, A.B., *cum laude*, English and American Studies, Princeton, New Jersey, June 1991

Thesis Topic: "Strategies for Making Films from Written Fiction"

Honors: Grace May Tilton Prize for Best Thesis on the Arts in America; Asher Hinds Prize for Best Thesis in American and European Studies

Activities: Varsity Fencing, Skillman House (counseled juveniles in prison)

Other Teaching Experience

JOURNALIST'S LAW SCHOOL, Loyola Law School, Los Angeles, California (June 2008)
Instructor, Intensive IP course for professional news reporters and media producers

UCLA SCHOOL OF LAW, Los Angeles, California
Guest Lecturer, First-year Property – IP Section (Fall 2006)
Teaching Fellow, First-year Civil Procedure (Fall 2001)

KAPLAN EDUCATION, Los Angeles, California
Academic Manager and *Master Teacher/Trainer* (1992-1999)

Legal Practice

Volunteer Attorney, No on Prop 8 Campaign 2008
Pro bono advising on legal issues and election day supervising.

Associate, Irell & Manella, Los Angeles, CA 2003-2005
 Practiced in areas of intellectual property, entertainment, and appellate matters, including work for Universal Music Group, Viacom, UPN, MTV, NBC, Dreamworks, Hewlett-Packard and Verizon.

Volunteer Attorney, LAMBDA Legal Defense and Education Fund 2003-2005
Pro bono representation in support of same-sex couples in San Francisco and throughout California seeking the right to marry.

Summer Associate, Munger, Tolles & Olson, Los Angeles, CA Summer 2001
 Drafted and researched motions, and prepared certiorari petition for Supreme Court of California. (Offer tendered)

Summer Associate, Irell & Manella, Los Angeles, CA Summer 2001
 Researched and wrote summary judgment motion and various memoranda. (Offer tendered)

Other Professional Experience

Story Analyst, Castle Rock, C.B.S., Showtime, MTV, Los Angeles, CA 1995-1998
 Read and evaluated scripts, treatments, and books for consideration as feature films and television movies.

Senior Production Coordinator, Paramount Pictures, Los Angeles, CA 1996-1997
 Coordinated pre-production and production of feature films, including budgeting, scheduling, script notes, location scouting, and hiring of key below-the-line crew, including negotiation and drafting of deals. Films included HARD RAIN and THE SAINT.

Memberships/Other Experience and Service

Admitted to California Bar

Reviewer, Social Science and Humanities Research Council of Canada

Scholar Host, International Visitors Council of Los Angeles (in coordination with State Department)

Member, American Association of Law Schools

Member, American Intellectual Property Association

Member, American Bar Association

Alumni Interviewer, Princeton University

California Debate Champion (high school competition)