

## ELLEN P. GOODMAN

Rutgers Law School  
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### EDUCATION

**Harvard Law School**, J.D. *cum laude*. Pew Fellow in International Law 1992  
**Harvard College**, A.B. *magna cum laude*. Harvard Crimson, Philips Brooks House 1988

### EMPLOYMENT

**Rutgers Law School.** Camden, NJ Professor 2007-present  
Associate Professor 2003-2007

- *Co-Director, Rutgers Institute for Information Policy & Law (RIIPL); Director, News Law Project:* design curricula, programming, student supervision, community outreach
- *Grant Awards (Principal Investigator):* Pratt Award (2016-19), Dodge Foundation (2015-16), Ford Foundation (2010-14)
- *Current Grant Projects:* Reporting project on public algorithms (with MuckRock); Developing natural language tool for data governance advocacy (with Professor Hector Postigo)
- *Courses:* digital privacy, global free expression, intellectual property, copyright, media, public media, advertising, property, animal law
- *Scholarly focus:* information law and policy, free expression, public media, information as regulation, transparency policy, data governance and smart cities
- *Policy advisor/speaker:* FCC, National Academy of Arts and Sciences, National Academies of Science and Technology, Brookings Institution, Aspen Institute
- *Publish in Slate, Guardian; Blog at [riipl.rutgers.edu](http://riipl.rutgers.edu); [medium.com/@ellgood](https://medium.com/@ellgood)*
- *Service:* Council Member, Civil Media Foundation (Constitutional construction and appeals for new blockchain media platform); Co-Chair, Rutgers Law Co-Dean Search Committee (2015-16)

#### Select Secondary and Visiting Appointments:

*London School of Economics Senior Visiting Fellow* (2013-14); *FCC – Distinguished Visiting Scholar* (2010-2011); *American University Center for Social Media* (Fellow, 2009-10); *University of Pennsylvania: Annenberg School for Communications* (Visiting Scholar 2008 on)

**Covington & Burling, LLC.** Washington D.C. 1993-2009  
Of Counsel (02-09), Partner (00-02), Associate (93-00)

Helped manage communications and information policy practice, including client relations and development, strategy, associate training and retention, pro bono priorities, diversity initiatives. Advised communications companies, industry associations, entrepreneurs, venture funds, journalists, governments, and nonprofit entities on U.S. and European regulation and policy. Handled billing, budgeting, and associate development.

- Developed foundational FCC, EU, legislative policies on digital TV, broadband services, spectrum management, information technology, public media, Internet
- Litigated challenges to communications rules and statutes
- Drafted licensing, programming, distribution agreements

**U.S. Federal District Court.** Philadelphia. Law Clerk to Judge Norma L. Shapiro 1992-1993

**Bar Memberships:** PA, DC. **Boards:** Hazon **Personal:** Married, three kids, Yoga, cycling, kayaking.

## SELECTED PUBLICATIONS

### *Law Reviews*

(some available at [SSRN](#))

1. *The Googled Public Realm: Equities in the Algorithmic City* (forthcoming Fordham Law Rev. 2019) (with Julia Powles)
2. *Algorithmic Transparency for the Smart City*, 20 *Yale J. of Law & Tech.* 103 (2018) (with Robert Brauneis)
3. *Zero Rating Broadband Data: Equality and Free Speech at the Network's Other Edge*, 15 *COLO. TECH. L. J.* 63 (2016)
4. "Smart Cities" Meet Anchor Institutions: Public Libraries and Broadband, 41 *FORDHAM URBAN L. J.* 1665 (2014)
5. *Visual Gut Punch: Persuasion, Emotion, and the Constitutional Meaning of Graphic Disclosure*, 99 *CORNELL L. REV.* 513 (2014)
6. *Modeling Policy for Public Media*, 24 *HARV. J. OF LAW & TECH.* 112 (2010) (with Anne H. Chen)
7. *Digital Public Service Media Networks to Advance Broadband and Enrich Connected Communities*, 9 *J. TELECOM & HIGH TECH. L.* 82 (2010) (with Anne H. Chen)
8. *Spectrum Auctions and the Public Interest*, 7 *J. TELECOM & HIGH TECH. L.* 343 (2009)
9. *No Time for Equal Time*, 76 *GEO. WASH. L. REV.* 897 (2008) (symposium issue)
10. *Free Speech and Media Policy: The First Amendment at War With Itself*, 35 *HOFSTRA L. REV.* 1211 (2007) (symposium issue)
11. *Peer Promotions and False Advertising Law*, 58 *S. CAR. L. REV.* 683 (2007) (symposium issue)
12. *Animal Ethics and the Law*, 79 *TEMPLE L. REV.* 1291 (2006) (book review)
13. *Stealth Marketing and Editorial Integrity*, 85 *TEX. L. REV.* 83 (2006)
14. *Spectrum Equity*, 4 *J. TELECOM. & HIGH TECH. L.* 101 (2005)
15. *Media Policy Out of the Box: Content Abundance, Attention Scarcity, and the Failures of Digital Markets*, 19 *BERKELEY TECH. L. J.* 1389 (2004)
16. *Spectrum Rights in the Telecosm to Come*, 41 *SAN DIEGO L. REV.* 269 (2004)
17. *Tender Justice: Judge Norma L. Shapiro's Hard-Headed Humanity*, 152 *U. PA. L. REV.* 25 (2003)
18. *Bargains in the Information Marketplace: The Use of Government Subsidies to Regulate New Media*, 1 *J. TELECOM. & HIGH TECH. L.* 217 (2002)
19. *Digital Television and the Allure of Auctions: The Birth and Stillbirth of DTV Legislation*, 49 *FED. COMM. L.J.* 517 (1997)

## ***Book Chapters and Monographs***

1. *The Atomic Age of Data: Policies for the Internet of Things*, Aspen Institute Report (2015)
2. *Public Media Policy Reform and Digital Age Realities* in COMMUNICATIONS LAW AND POLICY IN THE DIGITAL AGE: THE NEXT FIVE YEARS (Randolph May ed.) (Carolina Academic 2012)
3. *Public Service Media Narratives* in HANDBOOK OF MEDIA LAW AND POLICY: A SOCIO-LEGAL EXPLORATION (Monroe E. Price & Stefaan G. Verhulst, ed.)(Routledge 2012)
4. INFORMATION NEEDS OF COMMUNITIES (Steven Waldman, ed.) (Carolina Press 2011) (principal author of 50 page nonprofit media section)
5. *Spectrum Policy and the Public Interest* in TELEVISION GOES DIGITAL (Darcy Gerbarg ed.) (Springer 2009)
6. *Public Service Media 2.0* in ... AND COMMUNICATIONS FOR ALL: A POLICY AGENDA FOR A NEW ADMINISTRATION (Amit M. Schejter ed.)(Lexington Books 2009)
7. *Public Television and Pluralistic Ideals* in THE FUTURE OF PUBLIC SERVICE BROADCASTING (Tim Gardam & David Levy ed. (Reuters Institute 2008)
8. *Spectrum Sharing and Spectrum Efficiency* in A FRAMEWORK FOR A NATIONAL BROADBAND POLICY (Aspen Institute 2008)
9. *Proactive Media Policy in an Age of Content Abundance* in MEDIA DIVERSITY AND LOCALISM: MEANINGS AND METRICS (Philip M. Napoli ed.)(Erlbaum 2006)

## ***Press publications***

- “So, Mark Zuckerberg wants to repent for Facebook's sins? He can start here,” *The Guardian* (10/2/17)
- “Facebook Should Consider Subsidizing and Promoting Local News,” *Slate* (12/1/16)
- “Facebook and Google: most powerful and secretive empires we've ever known,” *The Guardian* (9/28/16)
- “Self-driving cars: overlooking data privacy is a car crash waiting to happen,” *The Guardian* (6/8/16)
- “Big pharma, tobacco, tech - how the first amendment is being abused,” *The Guardian* (3/16/16)
- “India's ban on Facebook's free service is an overreaction,” *The Guardian* (2/8/16)

## ***Works in Progress***

1. *Smart Cities and Private Power over Data*
2. *Community Benefits Agreements for the Smart City*
3. *Product Labeling, Free Speech, and Right-to-Know*

## ***Other Periodical Publications***

1. *Prospects for U.S. Spectrum Management*, Practicing Law Institute (2002) (with Stanford McCoy and Devandra Kumar)
2. *Access Through Cable: Who Will Control the Cable Internet Gateway?*, Australian Media Law Association's COMMUNICATIONS LAW BULLETIN, April 2000

3. *Towards Digital Television and New Paradigms for Media Law and Regulation*, American Bar Association's BULLETIN OF LAW, SCIENCE AND TECHNOLOGY, December 1997
4. *Second Byte: Congressional Excursion into Digital TV*, American Bar Association's COMMUNICATIONS LAWYER, Summer 1996
5. *Superhighway Patrol: Why the FCC Must Police the Airwaves*, THE WASHINGTON POST, August 6, 1995

## SELECTED PRESENTATIONS

### *Public Addresses*

1. *Freedom of Expression and Digital Platforms*, Council on Foreign Relations (June 2018)
2. *Media Law and Digital Platforms*, Antitrust and Competition Conference – Digital Platforms and Concentration, Stigler Center, Chicago Booth Business School (April 2018)
3. *Algorithmic Transparency*, Silicon Flatirons, University of Colorado (Feb. 2018)
4. *Algorithmic Transparency*, Boston University Computer Science Dept. (Nov. 2017)
5. *Algorithmic Transparency*, MetroLab, Washington D.C. (July 2017)
6. *The Future of Public Media*, American Academy of Arts & Sciences, New York (June 2017)
7. *Big Data and Education*, Haifa University School of Law (May 2017)
8. *Algorithmic Accountability for Smart Cities*, The Power Switch: How Power is Changing in a Networked World, University of Cambridge (March 2017)
9. *Open Records Laws and Algorithmic Accountability*, What Works Cities 2017 Summit, New York (March 2017)
10. *Fake News*, Yale Information Society Project (Feb. 2017)
11. *Weaponizing Information*, Yale Information Society Project (Jan. 2017)
12. *Informational Privacy*, Annual Meeting of Pennsylvania Trial Lawyers, Hershey, PA (July 2016)
13. *Markets, Innovation and Regulation*, Fordham Law School (May 2016)
14. *Risk and Resilience in Technology Regulation*, University of Arizona Law School (May 2016)
15. *Native Advertising Public and Private Policies*, Cardozo Law School (Feb. 2016)
16. *Zero Rating and Free Expression*, Silicon Flatirons, University of Colorado (Jan. 2016)
17. *Right to be Forgotten and Digital Platforms*, Hearsay Culture Radio (Jan. 2016)
18. *Right to be Forgotten and Digital Platforms*, Wharton Business Radio, The Digital Show (June 2015)
19. *The Meanings of Transparency*, Cyberlaw Colloquium, University of Pennsylvania (May 2015)
20. *Internet of Things: Civil Liberties and Civic Inclusion*, State of the Net Conference, Newseum (April 2015)
21. *Comment on Monroe Price, Globalization and Freedom of Expression*, University of Pennsylvania, Annenberg School of Communication (April 2015)
22. *Evolving Legal Standards of "Who's a Journalist,"* in Quality Journalism in the Digital Age Conference, Rutgers University (April 2015)
23. *Algorithms as Editors*, in Digital Intermediaries: Measurement, Monitoring and Theories of Harm, London School of Economics (March 2015)
24. *Right to Be Forgotten*, Cardozo Law School (Jan. 2015)

25. *Policies for the Internet of Things*, Jerusalem Center for Ethics (Dec. 2015)
26. *Spectrum Issues*, Current Issues in Internet Law in Europe and the U.S. MaCCI & CTIC Telecommunications Workshop (April 2014)
27. *Native Advertising and Media Ethics*, London School of Economics (Mar. 2014)
28. *Editorial Independence, Transparency, and Governance*, London School of Economics (Mar. 2014)
29. *Anchor Institutions and Broadband*, Fordham Law School Smart Cities Conference (Feb. 2014)
30. *Spectrum and Public Value*, London School of Economics (Jan. 2014)
31. *The Public Interest and Digital Discourse*, Haifa University School of Law (Nov. 2013)
32. *Fourth Estate Anxieties*, City University of London Department of Sociology (Oct. 2013)
33. *Communications Access Economics*, Public Knowledge Seminar for U.S. Congress, Washington D.C. (June 2013)
34. *Lessons from Broadcast Regulation for the Twenty-First Century*, Administrative Law Review, Washington D.C. (Apr. 2013)
35. *Tobacco Warning Labels and the First Amendment*, Annenberg School of Communication, University of Pennsylvania (Apr. 2013)
36. *Public Media in the Digital Age*, National Press Club (Jan. 2013)
37. Organized and Moderated *Future of New Jersey Public Media*, New Brunswick, NJ (Jan. 2013)
38. *Public Interest Narratives in Spectrum* at Looking Back to Look Forward: The Next Ten Years of Spectrum Policy, University of Colorado Silicon Flatirons, Washington D.C. (Nov. 2012)
39. *The Innovation Narrative in Public Media*, at the Public Service Media and Exposure Diversity Conference, IViR, University of Amsterdam (Sept. 2012)
40. Organizer/Moderator for Ford Foundation Convening on the *Future of the Public Interest in the Post-Broadcast Era* (July 2012)
41. Organizer/Moderator for *The Future of the Public Interest in the Broadband Age*, Rutgers Institute of Information Policy & Law and New America Foundation (May 2012)
42. *Media Policy as Innovation Policy* at Redefining Diversity in a Digital Age: Meeting Information Needs of Communities, Annenberg School, University of Southern California (Jan. 2012)
43. *Content Futures: Who Will Be Content King*, Telecommunications and Media Forum, Washington D.C., (Dec. 2011)
44. *The Future of Public Media*, Free State Foundation Conference (Oct. 2011)
45. Harvard University School of Law, Participated in Conference on the 50<sup>th</sup> Anniversary of Newt Minow's Vast Wasteland Speech (Oct. 2011)
46. Oxford University Center for Comparative Media Studies, Seminar on Media Policy Interventions and the Future of Public Media (July 2011)
47. University of Southern California Annenberg School for Communication & Journalism, Colloquium on Measuring Participation in the Broadcast, Telecommunications and Digital Media Industries (May 2011)
48. *Public Media and Political Influence: Lessons for the Future of Journalism from Around the World*, New York University (Feb. 2011)
49. *Wireless Rights Definitions, The Unfinished Radio Revolution: New Approaches to Handling Wireless Interference*, The Information Technology and Innovation Foundation (Nov. 2010)
50. *Spectrum Policy and Public Media*, Brookings Institute (Oct. 2010)
51. *Spectrum Policy and Auction Revenue*, New American Foundation (Sept. 2010)

52. Testimony before the New Jersey Legislative Task Force on Public Broadcasting (Sept. 2010)
53. *Public Media, NJN and the Future of Journalism in New Jersey*, Rutgers Eagleton Public Policy Institute (Sept. 2010)
54. *Spectrum Policy*, White House meeting on spectrum legislation (August 2010)
55. *Future of Media*, Keynote Address, Progress and Freedom Foundation (May 2010)
56. *Broadband Policy*, Address to the Board of the Corporation for Public Broadcasting (Jan. 2010)
57. *Public Media Policy and the Future of Journalism*, Association of American Law Schools Midyear Convention (Jan. 2010)
58. *Policy Directions for the New Public Media*, University of Colorado Silicon Flatirons Telecommunications Institute (Jan. 2010)
59. *Public Media in the New Information Ecology*, New School Conference on Internet as Playground and Factory (Nov. 2009)
60. *Public Media: From Broadcast to Broadband*, Yale Law School Knight Law and Media Program, Conference on Journalism and the New Media Ecology (Nov. 2009)
61. *Public Media: From Broadcast to Broadband*, Harvard Law School Berkman Center for Information Policy (Nov. 2009)
62. *Public Media and Sustainability*, Ford Foundation Convening, American University (Nov. 2009)
63. *Public Media and Health Care*, Ford Foundation Convening, Paley Center for Media (Nov. 2009)
64. *Public Media and Education*, Ford Foundation Convening, Paley Center for Media (Oct. 2009)
65. *Green Marketing and the Administrative Agencies*, American Bar Association, Consumer Protection Conference (June 2009)
66. *Public Service Media 2.0*, Federal Communications Commission (May 2009)
67. *New Policy Directions in Public Media*, Ford Foundation (April 2009)
68. *Lifecycle Analysis and Public Policy*, Wharton Initiative for Global Environmental Leadership (Mar. 2009)
69. *Public Service Media 2.0*, Free State Foundation Roundtable at the National Press Club (Feb. 2009)
70. *Public Service Media 2.0*, New America Foundation (Jan. 2009)
71. Expert panelist for *Reforming the Federal Communications Commission*, National Press Club Roundtable (Jan. 2009)
72. *Pointing the Finger: How Should Governments Assign Liability to Promote the Success of Next Generation Radio Technology*, Software Defined Radio Forum (Oct. 2008)
73. *Green Marketing and Information Policy: The Case of Animal Products*, IT Colloquium, New York University Law School (Oct. 2008)
74. *Public Media in the Networked Environment*, Haifa Law School (May 2008)
75. *Information and the Information Economy*, Fordham Business School (May 2008)

76. *The Future of Public Service Media*, address to the Board of the Public Broadcasting System (Mar. 2008)
77. *Private Rights and Public Broadcasting*, WGBH-TV (Mar. 2008)
78. *The Public Interest in Spectrum Allocation*, The Columbia Institute for Tele-Information, Columbia Business School (Nov. 2007)
79. *Media Ownership*, before the Israel Second Broadcast Authority (Nov. 2007)
80. *Advertising, Communications and Web 2.0*, Haifa University School of Law (Nov. 2007)
81. *Public Broadcasting and Intellectual Property Rights*, American University School of Law (Oct. 2007)
82. *Legal Issues in the New Media Environment*, National Geographic Society (Oct. 2007)
83. *Media Access and the New Intermediaries*, George Washington University School of Law Symposium on Access to the Media: 1967-2007 and Beyond (Oct. 2007)
84. Expert panelist for Aspen Institute Roundtable on Spectrum Policy, Toward a National Broadband Policy: Spectrum Goals and Policies (May 2007)
85. *Regulation for Convergence and Public Service Media in the New Media Environment*, featured speaker at conference on Communication Policy Regulation in the Age of Convergence: From Global to Thai Experience (organized by the Faculty of Communication Arts, Chulalongkorn University) Bangkok, Thailand (May 2007)
86. Expert panelist for CTIA-University of Colorado Public Safety Roundtable, Washington D.C. (Apr. 2007)
87. *Process Objections to Media Concentration*, Commentary on C. Edwin Baker, Media Concentration and Democracy, University of Pennsylvania School of Law (Apr. 2007)
88. *Reclaiming the First Amendment for Media Policy*, Keynote Speaker, Hofstra University Law School (Jan. 2007)
89. *Spectrum Dispute Resolution*, University of Pennsylvania Annenberg School of Communication, Philadelphia (Nov. 2006)
90. *The Future of Broadband Video: A U.S. European Comparative Analysis*, New York Law School and Council of Europe, New York (Sept. 2006)
91. Expert panelist for the National Academies meeting on Spectrum Markets, Washington D.C. (Feb. 2006)
92. Expert panelist for the National Academies meeting on Radiofrequency Spectrum Management, Washington D.C. (Aug. 2005)
93. Expert panelist for the National Science Foundation Workshop on Future Spectrum Technology and Policy, Washington D.C. (May 2005)
94. *Spectrum Governance*, AEI-Brookings Joint Center, Washington D.C. (Apr. 2005)
95. *The Broadcast Flag: Administrative Control over Digital Rights Management*, New York University Law School (Mar. 2005)
96. *New Media Policy Goals*, "Democratic Principles in Media Policy for the 21<sup>st</sup> Century," Fordham

University (Jan. 2005)

97. *Digital Television Technology and Law*, Georgetown University Law Center, Washington D.C. (Feb. 2004)
98. *Spectrum: The New Battle Front*, MSTV 17 Annual Television Conference, Washington D.C. (Oct. 2003)
99. *Digital Television: Fact or Fiction*, Howard M. Squadron Program in Law, Media & Society and Benjamin N. Cardozo School of Law, in conjunction with the Stanhope Center for Communications Policy Research (Nov. 2002)
100. *The Changing Law of Spectrum: How Should Spectrum Regulation Respond to the Convergence of Wireless Services?*, “Telecommunications Convergence Conference,” Practicing Law Institute, New York (May 2002)
101. *Rules of the Road for Digital Transition*, ABA Conference, Las Vegas (Apr. 2002)
102. *The Development of Broadband and the Open Access Challenge*, Conference of the American Society of Engineering Management, Washington, D.C. (Oct. 2000)
103. *Legal Issues Surrounding Digital Television*, WETA-TV/National Telecommunications Infrastructure Administration Conference, Arlington, VA (Oct. 1999)
104. *Broadcast Regulation and the Administrative Process*, George Mason University Law School (Apr. 1998)
105. *U.S. Spectrum and Broadband Policy*, Israel Science and Technology Commission Conference on Technology Commercialization: Managing Intellectual Property, Tel Aviv (Mar. 1998)
106. *Press Freedoms Under U.S. and International Law*, International Research and Exchange Conference on Media Law, Belarus (Sept. 1997)
107. *Defamation and Libel Under U.S. Law*, Slovak Syndicate of Journalists Conference on Media Law, Bratislava (Apr. 1997)
108. *Developments in Video and Internet Services*, 15<sup>th</sup> Annual Practicing Law Institute/Federal Communications Bar Association Institute on Telecommunications Policy and Regulation, Washington, D.C. (Dec. 1997)
109. *The Crucial DTV Allotment/Assignment Process*, Convention of the National Association of Broadcasters, Las Vegas (Apr. 1997)
110. *The U.S. Policy on Digital Television*, Brookings Institution’s *Inside Washington: Focus on the Information Superhighway*, Washington, D.C. (May 1996)
111. *The FCC and New Technologies*, Imperial College of Science, Technology and Medicine, New York City (Oct. 1996)