

Mark Fenster

Levin College of Law, University of Florida
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Legal Academic Employment

Levin College of Law, University of Florida, 2001-present
University Term Professor, 2017-present
Cone, Wagner, Nugent, Hazouri & Roth Tort Professor, 2012-present
Samuel T. Dell Research Scholar, 2009-2012
Associate Dean for Faculty Development, 2009-2011
University of Florida Research Foundation Professor, 2008-2011
Professor, 2007-present
Associate Professor, 2004-2007
Assistant Professor, 2001-04.

Visiting Professor, University of Colorado School of Law, Spring 2008.

Courses Taught:

First-Year Courses: Contracts; Torts; Property.

Upper-Division Courses: Administrative Law; Statutory Interpretation; Payment Systems; Legislation & Regulation; Land Use; Intellectual Property Survey; Public Access to Government Information (seminar).

Education

J.D. Yale Law School, June 1998.

Ph.D. University of Illinois at Urbana-Champaign, Institute of Communications Research, May 1992.

M.A. University of Texas at Austin, May 1988 (media and cultural studies).

B.A. University of Virginia, May 1985.

Books

The Transparency Fix: Secrets, Leaks, and Uncontrollable Government Information (Stanford University Press, 2017).

Conspiracy Theories: Secrecy and Power in American Culture (revised 2nd ed.) (University of Minnesota Press, 2008). First edition published 1999. Excerpts translated into French, Polish, and Slovenian.

Law-Related Articles and Essays

- “FOIA as an Administrative Law,” in *Troubling Transparency: The Freedom of Information Act and Beyond*, David Pozen & Michael Schudson eds. (Columbia University Press, forthcoming).
- “Transparency in Trump’s America,” 30 GOVERNANCE 173-175 (2017) (invited essay).
- “Mr. Peabody’s Improbable Legal Intellectual History,” 64 BUFFALO LAW REVIEW 101-120 (2016) (symposium essay).
- “Opportunities for Law’s Intellectual History,” 64 BUFFALO LAW REVIEW i-iv (2016) (with John Henry Schlegel) (symposium introduction).
- “The Informational Ombudsman: Fixing Open Government by Institutional Design.” 1 INTERNATIONAL JOURNAL OF OPEN GOVERNMENTS/ REVUE INTERNATIONALE DES GOVERNMENTS OUVERTS 275-296 (March 2015), available at <http://ojs.imodev.org/index.php/RIGO/article/view/22/99>.
- “Transparency in Search of a Theory.” 18 EUROPEAN JOURNAL OF SOCIAL THEORY 150-167 (2015) (peer review).
- “Regulating in the Post-*Koontz* World.” 67 FLORIDA LAW REVIEW FORUM 26-29 (2015) (brief online response).
- “The Implausibility of Secrecy.” 65 HASTINGS LAW JOURNAL 309-363 (2014).
- “Substantive Due Process by Another Name: *Koontz*, Exactions, and the Regulatory Takings Doctrine.” 30 TOURO LAW REVIEW 403-419 (2014) (symposium essay).
- “Land Use Exactions Takings & the Impact of *Koontz* (133 S. Ct. 2586),” 2013 EMERGING ISSUES 7061 (LexisNexis).
- “Disclosure’s Effects: WikiLeaks and Transparency.” 97 IOWA LAW REVIEW 753-807 (2012) (with online responses from Mary-Rose Papandrea, Roy Peled, and Christine Wells, in 97 IOWA LAW REVIEW BULLETIN (2012), <http://www.uiowa.edu/~ilr/bulletin.shtml>).
- “The Transparency Fix: Advocating Legal Rights and Their Alternatives in the Pursuit of a Visible State,” 73 UNIVERSITY OF PITTSBURGH LAW REVIEW 443-503 (2012).
- “Failed Exactions.” 36 VERMONT LAW REVIEW 623-647 (2012) (symposium article).
- “Exactions Takings - Looking Ahead to Supreme Court Review of *Koontz v. St. Johns River Water Management District*,” 77 So.3d 1220 (Fla. 2011), 2012 EMERGING ISSUES 6802 (LexisNexis).

- “Seeing the State: Transparency as Metaphor.” 62 ADMINISTRATIVE LAW REVIEW 617-672 (2010).
- “The Stubborn Incoherence of Regulatory Takings.” 28 STANFORD JOURNAL OF ENVIRONMENTAL LAW 525-576 (2009) (symposium article).
- “Designing Transparency: The 9/11 Commission and Institutional Form.” 65 WASHINGTON & LEE LAW REVIEW 1239-1321 (2008).
- “Regulating Land Use in a Constitutional Shadow: The Institutional Contexts of Exactions.” 58 HASTINGS LAW JOURNAL 729-776 (2007), reprinted in ZONING AND PLANNING HANDBOOK (2008).
- “The Folklore of Legal Biography.” 105 MICHIGAN LAW REVIEW 1265-1282 (2007) (review essay).
- “Takings, Version 2005: The Legal Process of Constitutional Property Rights.” 9 UNIVERSITY OF PENNSYLVANIA JOURNAL OF CONSTITUTIONAL LAW 667-744 (2007).
- “Coolhunting the Law.” 12 HARVARD NEGOTIATION LAW REVIEW 157-173 (2007) (symposium essay).
- “On Idiocratic Theory: A Reply.” 19 CRITICAL REVIEW 147-55 (2007).
- “The Opacity of Transparency.” 91 IOWA LAW REVIEW 885-949 (2006).
- “Murray Edelman: Polemicist of Public Ignorance.” 17 CRITICAL REVIEW 367-391 (2005).
- “The Birth of a Logical System: Thurman Arnold and the Making of Modern Administrative Law.” 84 OREGON LAW REVIEW 69-146 (2005).
- “Takings Formalism, Regulatory Formulas: Exactions and the Consequences of Clarity.” 92 CALIFORNIA LAW REVIEW 609-681 (2004), reprinted in ZONING AND PLANNING HANDBOOK (2005) and LAND USE & ENVIRONMENTAL LAW REVIEW (A. Dan Tarlock & David Callies, eds., 2005) (collecting “best land use and environmental law articles” published in 2004).
- “The Symbols of Governance: Thurman Arnold and Post-Realist Legal Theory.” 51 BUFFALO LAW REVIEW 1053-1118 (2003).
- “Community by Covenant, Process, and Design: Cohousing and the Contemporary Common Interest Community,” 15 JOURNAL OF LAND USE & ENVIRONMENTAL LAW 3-54 (1999).
- Note, “‘A Remedy on Paper’: The Role of Law in the Failure of City Planning in New Haven, 1907-1912,” 107 YALE LAW JOURNAL 1093-1123 (1998).

“New Directions in Law and Humanities: An Introduction,” 10 *YALE JOURNAL OF LAW & THE HUMANITIES* 383 (1998) (with Wendie Schneider and Mark Weiner).

Works in Progress

The Symbols of Governance: The Cultural Legal Realism of Thurman Arnold and Karl Llewellyn.
(book)

“The Dream of Frictionless Payments” (article)

Academic Law-Related Invited Presentations and Conference Papers

“Transparency, Law and Desire: Imagining the Informational State.” Herrenhäuser Konferenz, Hannover, Germany, June 2018.

“The Difficult Paths to a Right to Know,” International Colloquium on the Democratic Legitimacy of State Secrecy, Leiden University, Netherlands, September 2017.

“Transparency and/as Populism.” Fifth Global Conference on Transparency Research, University of Limerick, June 2017.

“From Hiss to Trump: Russian Conspiracy in the American Imaginary.” Protagonists of Political Mythology: How do Individuals and Collectives become History? British Association for Slavonic and Eastern European Studies, London, March 2017.

“Foreign Policy and the Effects of Disclosure: Megaleaks as a Natural Experiment.” Transparency in Foreign Policy Conference, University of Agder, Kristiansand, Norway, March 2017.

“Individual Rights, Administrative Rules, and the Problem of Enforcing Information Access.” MANCEPT Political Theory Workshop, Manchester UK, September 2016.

“FOIA as an Administrative Law.” FOIA@50 Conference, Columbia Law School & Columbia Graduate School in Journalism, New York, June 2016.

“State Secrecy, State Transparency, and the State in Theory.” Politics and Practices of Secrecy Conference, King’s College, London, May 2015.

“The Ombudsman Fix.” International Symposium on Freedom of Information, and Governmental Transparency in the Open Government Era, University of Paris 1 Panthéon-Sorbonne, March 2015.

“Attempted Doctrine.” Opportunities for Law’s Intellectual History, Baldy Center for Law and Social Policy, SUNY Buffalo Law School, October 2014. I also served as conference co-organizer.

“Substantive Due Process By Another Name: *Koontz*, Exactions, and the Regulatory Takings Doctrine.” American Planning Association National Conference, Atlanta, April 2014.

“Of Pyramids and Pools: Prophecy, Theory, and Policy in the Work of Simon Frith.” Studying Music – An International Conference in Honour of Simon Frith, University of Edinburgh, April 2014

“Opening Transparency.” 3rd Global Conference on Transparency Research, HEC Paris, Paris, October 2013.

“Substantive Due Process by Another Name: *Koontz*, Exactions, and the Regulatory Takings Doctrine.” 40th Anniversary of *The Takings Issue* Symposium, Touro Law School, Islip, NY, October 2013.

Moderator, “The Good, the Bad, and the Ugly: Responses to the Changing Market for Legal Education.” Southeastern Association of Law Schools annual meeting, Palm Beach, August 2013.

Moderator, “*Koontz v. SJRWMD*: Implications for Florida Environmental, Land Use, and Real Property Lawyers & Their Clients.” Environmental and Land Use Law Section of the Florida Bar, July 2013.

“Historicizing the ‘Right to Know.’” Conference on the Right to Know, Center for European Studies, University of Florida, April 2013.

“The Improbability of Secrecy.” Workshop on Organizational Transparency—Practices, Meanings, and Tensions, Copenhagen Business School, Denmark, December 2012.

“The Improbability of Secrecy.” Transatlantic Conference on Transparency, Utrecht University, Netherlands, June 2012.

“The Improbability of Secrecy.” University of Tennessee Law School Faculty Workshop, February 2012.

“Negotiating Regulatory Takings.” 14th Annual Litigating Regulatory Takings Challenges to Land Use and Environmental Regulations, Georgetown Law School, November 2011.

“Transparency Advocacy, From Rights and Freedoms to Wikis and Bureaucracy.” First Global Conference on Transparency Research, Rutgers University - Newark, May 2011.

“Varieties of Deference to ‘Extraordinary Needs’: CIA and Secrecy in the Courts.” Landscapes of Secrecy Conference: The CIA and the Contested Record of U.S. Foreign Policy (invited speaker), University of Nottingham, April 2011.

- “Wikileaks and the Desire for Perfect Transparency.” Conference on Conspiracy Theories in the Middle East and the United States (invited keynote speaker), Freiburg Institute for Advanced Studies, Albert-Ludwigs-Universität, Freiburg, Germany, January 2011.
- “Seeing the State: Transparency as Metaphor.” Law & Society Association, Chicago, May 2010.
- “The Aging of Small-Scale Limited Common Property Arrangements: First Generation Cohousing Communities Today.” Association for Law, Property, and Society Meeting, Georgetown Law Center, March 2010.
- “After *Lingle*.” 11th Annual Georgetown Environmental Law & Policy Institute Litigating Takings Conference, Stanford Law School, November 2008.
- “Democratic Property Ownership and the Commodification of Community.” Property Works in Progress Early Stage Paper, University of Colorado Law School, June 2008.
- “The Dilemmas of Local Transparency.” Law & Society Association Annual Meeting. Montreal, May 2008.
- “The Dependency of Independence: 9/11 and the Independent Commission Form.” University of Colorado School of Law, Boulder. February 2008.
- “The Dilemmas of Local Transparency.” Governing in the Sunshine Conference, The Municipal Law Institute and the Center for State and Local Government Law. University of California - Hastings College of the Law, San Francisco, October 2007.
- “Thurman Arnold and Legal Theory.” American Studies Association Annual Meeting. Philadelphia, October 2007.
- “A Transparent Narrative: The Lives of *The 9/11 Commission Report*.” Law & Society Association Annual Meeting. Berlin, July 2007.
- “A Transparent Narrative: The Lives of *The 9/11 Commission Report*.” Association for the Study of Law, Culture and Humanities Annual Meeting. Washington, March 2007.
- “The Dependency of Independence: 9/11 and the Independent Commission Form.” Brooklyn Law School Faculty Workshop, January 2007.
- “Takings, Version 2005: The Legal Process of Constitutional Property Rights.” Florida State University Law School Faculty Workshop, September 2006.
- “Regulating Land Use in a Constitutional Shadow: The Institutional Contexts of Exactions.” Law & Society Association Annual Meeting. Baltimore, July 2006.
- “The ‘Naked’ Brand: Transparency and the Branded IPO.” *Harvard Negotiation Law Review* Symposium: The MasterCard IPO: Protecting the Priceless Brand. Cambridge, April 2006.

- “Data Security and Intellectual Property” (panel moderator and respondent). Data Devolution: Corporate Information Security, Consumers and the Future of Regulation, Center for Information Research, University of Florida, February 2006.
- “When Does Dicta Become Law? Land Use Bargaining in Law and Practice under the Court’s Functional Equivalence Approach to Takings.” Richard E. Nelson Symposium, Levin College of Law, University of Florida. November 2005.
- “Making Sense of Federal Constitutional Takings After the 2004-05 U.S. Supreme Court Term.” Ninth Annual Conference of Florida Eminent Domain Attorneys, Tampa. October 2005.
- “The Spaces of Government Secrecy.” Concordia University. Montreal, September 2005.
- “Murray Edelman and the Study of Political and Legal Symbols.” Law & Society Association Annual Meeting. Las Vegas, June 2005.
- “The Spaces of Government Secrecy.” International Roundtable for the Semiotics of Law. McGill University, Montreal, Canada, April 2005.
- “The Opacity of Transparency.” Stetson Law School, St. Petersburg, Florida, January 2005.
- “The Opacity of Transparency.” Association for the Study of Law, Culture and the Humanities Annual Meeting, Hartford, Connecticut, March 2004.
- “Takings Formalism, Regulatory Formulas: Exactions and the Consequences of Clarity.” Southern Methodist University, Dallas, December 2003.
- “The Opacity of Transparency.” Levin College of Law, University of Florida, August 2003.
- “Takings Formalism, Regulatory Formulas: Exactions and the Consequences of Clarity.” Southeastern Association of Law Schools, Amelia Island, Florida, July 2003.
- “Disclosure’s Promise and Secrecy’s Peril: Government Information Policy in American Political and Popular Culture.” America Institute, Ludwig Maximilians University and the Bavarian American Academy, Munich, Germany, June 2003.
- “Information Does Not Wish to Be Free: Secrecy and the Desire for Transparent Governance.” Law & Society Association Annual Conference: Pittsburgh, PA, June 2003.
- “The Glorious Symbols of Administration: Thurman Arnold, Legal Realism, and an Alternative History of Administrative Law.” Law & Society Association Annual Conference: Pittsburgh, PA, June 2003.

- “Disclosure’s Promise and Secrecy’s Peril: Government Information Policy in American Political and Popular Culture.” Institute of English and American Studies, Friedrich Alexander University, Nuremberg, Germany, January 2003.
- “Balancing Takings and Givings: Rethinking Land Use Bargaining under Heightened Scrutiny.” Faculty Workshop, Levin College of Law, University of Florida: November 2002.
- “Constructing the Shape and Image of the Local.” American Studies Association: Houston, November 2002.
- “The Symbols of Governance: Thurman Arnold and Cultural (Legal) Realism.” American Bar Foundation Seminar Series: Chicago, October 2002.
- “The Symbols of Governance: Thurman Arnold and the Cultural Study of Law.” Columbia, USC & Georgetown Law & Humanities Interdisciplinary Junior Scholar Workshop: Los Angeles, June 2002.
- “The Folklore of Populist Symbols: Thurman Arnold Meets Cultural Studies.” Law & Society Association Annual Conference: Chicago, June 1999.
- “Community by Contract and Design: Cohousing, Community Associations, and Property Relations.” Law & Society Association Annual Conference: Aspen, Colorado, June 1998.

Other Articles and Essays

- “Competing Narratives of 9/11 Truth / Récits en concurrence sur la vérité du 11-Septembre,” *Diogenes* (forthcoming 2016) (edited and translated excerpt of *Conspiracy Theories: Secrecy and Power in the United States*).
- “Dziś wszyscy jesteśmy zwolennikami teorii spiskowych” and “Teorie spiskowe, studia kulturowe i kłopoty z populizmem,” in *Spuktura Teorii Spiskowych [The Structure of Conspiracy Theories]*, Franciszka Czecha ed. (Kraków, Poland: Zakład Wydawniczy “NOMOS,” 2014). Translated excerpts of Introduction and Afterword, *Conspiracy Theories: Secrecy and Power in American Culture*.
- “Against the Cure,” in *Conspiracy Theories in the United States and the Middle East: A Comparative Approach*, Michael Butter & Maurus Reinkowski eds. (Berlin: Water de Gruyter, 2013), 333-344.
- “Foreword,” to Victoria Pagán, *Conspiracy Theories in Latin Literature* (Austin: University of Texas Press, 2012).
- “Teoriziranje konspirativne politke,” *Dialogi: Revija Za Kulturoin Družbo* Vol. 47, No. 3-4 (2011): 22-51. Translation into Slovenian of Chapter 2, *Conspiracy Theories: Secrecy and Power in American Culture*.

- “When Theorists Conspire: An Inter(re)view Between Mark Fenster and Jack Bratich” (with Jack Bratich & Hye-Jin Lee), *International Journal of Communication*, Vol. 3 (2009): Feature 961-972, available at <http://ijoc.org/ojs/index.php/ijoc/article/view/662/378>.
- “Dialogues in Communications Research” (with Jack Z. Bratich), review essay/ interview, *Journal of Communication Inquiry* 33 (2009): 278-286.
- “Commercial (and/or?) Folk: The Bluegrass Industry and Bluegrass Tradition,” *South Atlantic Quarterly* 94 (1995): 81-108 [refereed journal]. Reprinted in *Reading Country Music*, edited by Cecilia Ticchi (Durham: Duke University Press, 1998).
- “Interpreting and Incorporating Rap: The Articulation of Alternative Popular Musical Practices within Dominant Practices and Institutions,” *Howard Journal of Communications* 5 (1995): 223-244 [refereed journal].
- “Boxing In, Opening Out: The Boxed Set and the Politics of Musical Production and Consumption,” *Stanford Humanities Review* 3 (1993): 145-152 [non-refereed journal].
- “Queer Punk Fanzines: Identity, Community, and the Articulation of Homosexuality and Hardcore Music,” *Journal of Communication Inquiry* 17 (1993): 73-94 [refereed journal]. Reprinted in *Deviance and Deviants*, edited by Richard Tewkesbury & Patricia Gagne (Los Angeles: Roxbury Publishing, 2000).
- “Containment, Excess, Ambivalence: The Adaptation of *Less Than Zero*,” *Velvet Light Trap*, No. 27 (1991): 51-65 [non-refereed journal].
- “The Problem of Taste Within the Problematic of Culture,” *Communication Theory* 1 (1991): 87-105 [refereed journal].
- “Popular Music and the Struggle for Discursive Control: Buck Owens and Country Music,” *Popular Music* 9 (1990): 275-289 [refereed journal].
- “The (Ab)uses of Pop Music History,” *ONETWOTHREEFOUR: A Popular Music Journal*, No. 8 (1990): 7-22 [non-refereed journal].
- “Preparing the Audience, Informing the Performers: John A. Lomax and Cowboy Songs and Other Frontier Ballads,” *American Music* 7 (1989): 260-277 [refereed journal].
- “Constructing the Image of Authorial Presence: David O. Selznick and the Marketing of *Since You Went Away*,” *Journal of Film and Video* 41 (1989): 1-15 [refereed journal].
- “Under His Spell: How Buck Owens Took Care of Business,” *Journal of Country Music* 12 (1989): 18-27 [non-refereed journal].
- “Country Music Video,” *Popular Music* 7 (1988): 285-302 [refereed journal].

Other Book Chapters

- “Consumers’ Guides: The Political Economy of the Music Press and the Democracy of Critical Discourse,” in *Pop Music and the Press*, edited by Steve Jones (Philadelphia: Temple University Press, 2002), 81-92.
- “Where Exactly is ‘The Local’?” in *Popular Music—Style and Identity*, edited by Will Straw, Stacey Johnson, Rebecca Sullivan, and Paul Friedlander (Montreal: The Centre for Research on Canadian Industries and Institutions, 1995), 83-88.
- “Genre and Form: The Development of the Country Music Video,” in *Sound and Vision: a Music Video Reader*, edited by Simon Frith, Andrew Goodwin and Lawrence Grossberg (New York: Routledge, 1993).
- “Two Highways? Alison Krauss and the Contemporary-Traditional Conflict in Bluegrass,” in *All That Glitters: Country Music in America*, edited by George H. Lewis (Bowling Green, OH: Bowling Green University Popular Press, 1992), 323-334.

Short Reviews and Encyclopedia Entries

- Review of *American Conspiracy Theories* by Joseph Uscinski and Joseph Parent (Oxford University Press, 2014) in *Perspectives on Politics* 15, no. 1 (March 2017): 54-55.
- “Alternative Country” and “New Country,” in *The Continuum Encyclopedia of Popular Musics of the World, Part III: Genres*, John Shepherd, David Horn, and Dave Laing, eds. (2007).
- “Buck Owens” and various other entries, in *The Encyclopedia of Country Music*, Paul Kingsbury ed. (Oxford University Press, 1998).
- Reviews of *Performing Rites: On the Value of Popular Music*, by Simon Frith, and *Rhythm and Noise: An Aesthetics of Rock*, by Theodore Gracyk, *Journal of Communication*, 46 (1997): 152-55.
- Review of *Dissonant Identities: The Rock 'n' Roll Scene in Austin, Texas*, by Barry Shank, *American Studies* Vol. 36 (1995): 177-79.
- Reviews of *Singing Cowboys and Musical Mountaineers; The Stonemans: An Appalachian Family and the Music That Shaped Their Lives*; and *Travelling the High Way Home: Ralph Stanley and the World of Traditional Bluegrass Music*, *Popular Music* Vol. 14 (1994): 265-71.
- “Authorizing Memory, Remembering Authority: A Review of Michael Schudson’s *Watergate in American Memory: How We Remember, Forget, and Reconstruct the Past*, and Barbie Zelizer’s *Covering the Body: The Kennedy Assassination, the Media, and the Shaping of Collective Memory*,” *Postmodern Culture* 4, no.1, n.p, 1993.

“Writing the Suburb: Review of *The Written Suburb*, by John Dorst,” *Journal of Communication* 40 (1990): 142-44.

Other Invited Presentations and Conference Papers

“*Koontz v. SJRWMD*: Implications for Florida Environmental, Land Use, and Real Property Lawyers & Their Clients.” Webinar for Environmental and Land Use Law Section of the Florida Bar, July 2014.

“Making Sense of Federal Constitutional Takings After the 2004-05 U.S. Supreme Court Term.” Florida Eminent Domain Institute Conference: Tampa, May 2005.

“Why There Isn’t a Crisis in Intellectual Property (But Should Be).” International Communication Association: Montreal, Quebec, May 1997.

“Pathology, Seduction, Populism: Conceptualizing Conspiracy Theory as a Popular Political Practice.” Discerning the Right Conference: University of Wisconsin-Milwaukee, March 1996.

“A Hi Sound: The Political Economy of Sound and the Crisis of Intellectual Property.” International Association for the Study of Popular Music: Glasgow, Scotland, June 1995.

“Class, Culture, and the Problem of Country Music.” American Studies Association: Nashville, TN, October 1994.

“Space and Identity in the Transnational Cultural Economy of Popular Music.” International Association for the Study of Popular Music Conference: Stockton, California, June 1993.

“Sensing the End: Popular Christian Eschatology, Historiography, and the Struggle Over History.” International Communication Association: Washington, D.C., May 1993.

“‘The Paranoid Style’: Historical Counter-Narrative and the Cinematic Representation of Conspiracy.” Society for Cinema Studies: New Orleans, February 1993.

“The Problem of the Local in the International Music Industry.” Indiana University Department of Telecommunications Research Colloquium: Bloomington, IN, October 1992.

“Incorporating Rap: The Mainstream Media’s Response to an Emergent Form of Popular Music.” Union for Democratic Communications: Peterborough, Ontario, May 1992

“Breaking Traditions: Cultural Studies and Philosophy Meet Country Music.” American Philosophical Association, Middle States Division: Louisville, April 1992.

“Consumers’ Guides: Pop Music Criticism and Pop Music Practice.” Popular Culture Association: Louisville, March 1992.

- “Boxing In, Opening Out: The Boxed Set and the Politics of Musical Production and Consumption.” International Association for the Study of Popular Music: Chicago, October 1991.
- “Flow and Devour: Post-Fordism as a Landscape for the Economic and Institutional Restructuring of the International Popular Music Industry.” International Communication Association: Chicago, May 1991.
- “Homocore and Homopunks: The Articulation of Homosexuality and Punk Rock.” International Communication Association: Chicago, May 1991.
- “Excess, Containment, Ambivalence: *Less Than Zero* as a Teen Film.” Society for Cinema Studies, Washington, D.C.: May 1990.
- “Whose Flow, Flowing Where?: Television Studies in Search of a Text.” Ohio University/ Wide Angle Film Conference, Athens, Ohio: November 1989.
- “The Problem of Taste, The Problematic of Culture: A Re-evaluation of Taste Cultures.” International Communication Association, San Francisco: May 1989 (Top Four Paper, Philosophy of Communication Division).
- “Elvis: The Popular Figure in a Consumptive Society.” International Communication Association, New Orleans: June 1988.
- “Country Music Videos: Development, Maturity, Crossover.” International Association for the Study of Popular Music, Pittsburgh: April 1987.

Manuscript and Grant Reviewer

American Political Science Review
Anthropologie et Sociétés
Critical Studies in Mass Communications
Cultural Studies
Election Law Journal
Ethics and International Affairs
International Journal of Communication
Land Use & Environmental Law Review (editorial review board member)
Law & Society Review
Patterns of Prejudice
Poetics: Journal of Empirical Research on Culture, the Media and the Arts
Regulation and Governance
Social Theory and Practice
Stanford Law Review
Theory, Culture and Society
University of Toronto Quarterly
Yale Law Journal

Bloomsbury Academic Press (U.K.)
 Cornell University Press
 Johns Hopkins University Press
 Oxford University Press
 Routledge
 University of Alabama Press
 University of Chicago Press
 University of Georgia Press
 Council for the Humanities of the Netherlands Organization for Scientific Research
 European Science Foundation
 Independent Social Research Foundation (U.K.)
 Institut d'études avancées de Paris
 Israel Science Foundation

Media Appearances

TELEVISION: CBC News with Michael Serapio (Canadian Broadcasting Company-TV); The World (Australian Broadcasting Company); The News with Brian Williams (CNBC/ MSNBC); Connect with Mark Kelley (CBC News Network); History Channel; ZDF German Television; KBDI-TV Denver (Public Television); KMSP-TV Minneapolis-St. Paul (Fox Affiliate).

PUBLIC RADIO: *Here and Now* (NPR); "World Tonight" (BBC Radio 4); Australian Broadcasting Company; Canadian Broadcasting Company [CBC] (national radio network); CBC affiliate stations (Edmonton, Halifax, Kelowna, St. Johns, Saskatoon, Thunder Bay, Toronto, Vancouver, Whitehorse, Winnipeg, Yellowknife); German Radio (Cologne); 103.2 Dublin (Ireland) City FM; *On the Media* (NPR syndicated show); *RadioWest*, KUER-FM, Salt Lake City (syndicated to XM Satellite Radio); *To the Point*, KCRW-FM, Santa Monica (also syndicated via Public Radio International); *Todd Mundt Show* (syndicated to NPR stations); *Odyssey*, WBEZ-FM, Chicago (also syndicated to NPR stations); *Brian Lehrer Show*, WNYC-FM, New York; *Marc Cooper Show*, KCRW-FM, Santa Monica; *Against the Grain*, KPFA-FM, Berkeley (also syndicated to Pacifica stations); WANC-FM, Albany, NY; *Colin McEnroe Show*, WNPR-FM, Hartford Connecticut; Alabama Public Radio (state-wide news show); Minnesota Public Radio (state-wide morning talk show); Wisconsin Public Radio (state-wide morning talk show).

COMMERCIAL RADIO: "Clout!" (Air America Radio network); WGN-AM, Chicago (Milt Rosenberg Show); 570-AM News, Toronto; "Fieger Time" (Detroit-based syndicated radio talk show); WSJS-AM, Winston-Salem, NC; KCOL-AM, Loveland, CO; WBAL-AM, Baltimore; WTOP-AM, Washington, DC.

MAGAZINES: *Chronicle of Higher Education*; *Florida Trend*; *The Forward*; *Miller-McCune*; *New York Times Sunday Magazine*; *Slate*; *Spin*; *U.S. News & World Report*; *The Week News Magazine*; *Wired*.

NATIONAL U.S. NEWSPAPERS: *Bloomberg News*; *Christian Science Monitor*; *New York Times* (multiple stories and columns, including in "Room for Debate" forum, some reproduced in local and regional newspapers); *Los Angeles Times*; *The Nation*; *Wall Street Journal*; *Washington Post*.

LOCAL DAILY U.S. NEWSPAPERS: *Atlanta Journal-Constitution*; *Arizona Republic*; Associated Press; *Atlanta Journal-Constitution*; *Baltimore Sun*; *Boston Globe*; *Columbus Dispatch*; *Gainesville (FL) Sun*; *Hartford Courant*; *Houston Chronicle*; *Kansas City Star*; *Miami Herald*; *New York Newsday*; Newhouse News Service (wire story picked up by numerous newspapers); *Newark (NJ) Star-Ledger*; *Orlando Sentinel*; *Palm Beach Post*; *Richmond Times-Dispatch*; *Rocky Mountain News*; *Sacramento News & Review*; Scripps-Howard News Service (multiple wire stories picked up by dozens of newspapers); *South Florida Sun-Sentinel*; *St. Paul (MN) Pioneer Press*; *Tampa Bay (FL) Times*; *San Francisco Chronicle*; *Valley News* (Upper River Junction, VT and Hanover, NH); *Washington Times*.

LOCAL MAGAZINES: *Boulder (CO) Weekly*; *Jacksonville Business Journal*; *Minneapolis/ St. Paul City Pages*; *Ventura County (CA) Reporter*; *Village Voice*.

INTERNATIONAL MAGAZINES: *Galileu* (Brazil); *Maclean's* (Canada); *New Internationalist* (England); *Respekt* (Czech Republic); *Der Spiegel* (Germany).

INTERNATIONAL NEWSPAPERS: *The Australian*; *El Confidencial* (Spain); *Financial Times*; *Frankfurter Allgemeine Zeitung* (Frankfurt, Germany); *Libération* (France); *The National* (United Arab Emirates); *Mittelbadische Presse* (Offenburg, Germany); *National Post* (Canada); *news.de* (German news website); *Público* (Spain); *la Repubblica* (Italy); *Toronto Star*.

ONLINE PUBLICATIONS: Al Jazeera Stream (web-streamed news discussion show); alnet.net (news story); Atlas Obscura (news story); BTRread (news story); Business Insider; Concurring Opinions (guest blogger); Daily Beast (news story); DCist (news story); Florida Current (multiple news stories); Huffington Post (columns and news stories); iMedia (blog op-ed); National Public Radio website (news story); NBCNews.com (news story); *New York Times* Room for Debate (invited contributor to online forum); Politifact.com (news story); Prawfsblawg (recurring guest blogger); Pando Daily (news story); ROROTOKO (interviewee); TechNewsWorld (news story); ThinkProgress (news story); *Vice Magazine* online (news story); *Vice Motherboard Germany* (news story); Vocativ (news story); Vox.com (explainer); *Washingtonian* (website interview).

PODCASTS: Culture Machine Live (culturemachine.net); Salon.com podcast with Amanda Marcotte.

Citations by Courts

Phillips v. Montgomery County, 442 S.W.3d 233 (Tenn. 2014) (citing “The Stubborn Incoherence of Regulatory Takings”).

Smith v. Township of Richmond, 82 A.3d 407 (Pa. 2013) (citing “The Opacity of Transparency”).

St. Johns River Water Management Dist. v. Koontz, 5 So.3d 8 (Fla. Dist. Ct. App. 2009) (both majority and dissent citing “Takings Formalism and Regulatory Formulas: Exactions and the Consequences of Clarity”).

Professional Organizations

Member, Bars of New York (active status) and California (inactive status)
 American Association of Law Schools
 American Bar Association

Law & Society Association

Law School and University Service

Associate Dean for Faculty Development, 2009-11
Advisor, *Florida Law Review*, 2016-present
Chair, Judicial Clerkship Committee, 2015-2016
International Programs Committee, 2013-2016
Promotion and Tenure Committee, 2011-2012
Law School Appointments Committee, 2006-07, 2009-11
Oversaw Development of Real Estate Transactions Curriculum, 2008-09
Law School Curriculum Committee, 2005-06, 2008-09
Law School Representative, Joint Appointments Committee of Law School and Department of Urban and Regional Planning, 2006-07
Dean's Ad Hoc Committee on Technology, 2005
Law School Representative, University of Florida Community Campaign, 2005-06
Academic Standards Committee, 2003-05
Adviser, Intellectual Property and Technology Law Association, 2005-06
Environmental and Land Use Law Program Committee member, 2001-07
Adjunct Faculty Committee, 2001-03, 2014

Professional Legal Experience

Pre-litigation expert retained in dispute regarding application of Florida's Sunshine Law and Public Records Act to performing arts center, July 2016.

Co-author of brief for the Florida Association of Criminal Defense Lawyers in support of petitioner in *Asay v. State*, Florida Supreme Court, February 2016.

Co-author (with John Echeverria) of brief for the State and Local Legal Center, the National Governors' Association (and others) in support of Respondent in *Koontz v. St. Johns Water Management District*, U.S. Supreme Court, October 2012 Term; and for the Florida Leagues of Cities and Counties' amicus brief in *St. Johns Water Management District v. Koontz*, 77 So.3d 1220 (Fl. 2011), on the side of petitioner.

Retained as expert by the City of Miami regarding Fifth Amendment regulatory takings litigation in *MCZ/Centrum Flamingo II, LLC v. City of Miami Beach*, in U.S. District Court, Southern District of Florida, 2009 (settled out of court in city's favor).

Land Use and Environmental Law Fellow, Shute, Mihaly & Weinberger, San Francisco, California, 1999-2001. Represented environmental groups and local governments in Northern California in litigation, legislative, and regulatory efforts to control development and to conserve natural resources and open space.

Law Clerk, Judge Carlos F. Lucero, U.S. Court of Appeals of the Tenth Circuit, Denver, Colorado, 1998-99.

Member, Committee for Democratic Communications, 1996-2001. Assisted in efforts to defend illegal microradio broadcasters and to establish legal low power radio broadcasting.

Other Academic Employment

Assistant Professor, Mass Communications, Shenandoah University, 1993-95.

Visiting Assistant Professor, Telecommunications Department, Indiana University (Bloomington), 1991-93.

Teaching Assistant, Civil Procedure (Professor Judith Resnik), Yale Law School, Fall 1997. Led weekly class discussion; developed and reviewed student assignments; researched updates to casebook supplement.

Conference Coordinator, Yale Law School, 1997. Assisted Professors Angela Harris and Harlon Dalton in planning and coordinating national Critical Race Theory conference held at Yale in November 1997.