

MICHAEL M. EPSTEIN, J.D., Ph.D.

Professor of Law and Supervising Editor, *Journal of International Media & Entertainment Law*
Southwestern Law School, Los Angeles

EDUCATION

UNIVERSITY OF MICHIGAN

Program in American Culture.

Fields: Mass Communication, Anthropology, Cultural Studies,, Cross-Cultural Legal Images.

M.A., Ph.D.

COLUMBIA LAW SCHOOL

Book Review Editor, Human Rights Law Review.

J.D.

COLUMBIA COLLEGE

Majors: English; History.

B.A.

AWARDS

2022 Fulbright Specialist Award, U.S. Department of State Bureau of Cultural Affairs.

Project title: *Fact-Checking in the Fight against Fake News and Disinformation in Sierra Leone*.

Gabriel Distinguished Dissertation Prize Nominee, American Studies.

Rackham Dissertation Fellowship; Dean's Candidacy Fellowship, University of Michigan.

APPOINTMENTS

JOURNAL OF INTERNATIONAL MEDIA & ENTERTAINMENT LAW

Southwestern Law School in assoc. with American Bar Association Forums

Supervising Editor (2009-)

Board of Editors (2006-2009)

DIRECTOR, ENTERTAINMENT AND MEDIA LAW CONCENTRATION

Southwestern Law School (2019-)

COMMS LAW JOURNAL (U.K.)

Editorial Board (2010-)

NATIONAL ACADEMY OF TELEVISION ARTS AND SCIENCES

Editorial Board, Television Quarterly (1999-2010)

TEACHING

SOUTHWESTERN LAW SCHOOL

Professor of Law (2004-)

Associate Professor of Law (1999-2004)

Faculty, Donald E. Biederman Entertainment and Media Law Institute (2000-)

Director, Amicus Project at Southwestern Law School (2013-)

Courses:

Mass Media Law, Telecommunications Law and Policy, Law and Literature Seminar, International Entertainment Law, International and Comparative Media Law, Business Associations, Entertainment Law, First Amendment Seminar, Amicus Project Practicum

SYRACUSE UNIVERSITY, S.I. NEWHOUSE SCHOOL OF PUBLIC COMMUNICATIONS

Visiting Assistant Professor of Communication and Television, Radio and Film (1997-1999)

Courses:

Media Law for Television, Radio and Film, Media Law for Advertising and Public Relations, Television Industry, Communication and Society, Communications Theory

SELECTED AMICUS BRIEFS – ENTERTAINMENT & MEDIA LAW

Counsel of Record, *Moodsters Co. v. Walt Disney Co. et al.* Supreme Court of the United States, 2020.

Brief of Suna Izgi *et al.* in Support of Petitioner (Pet. Stage).

Counsel of Record, *ABC, Inc. et al. v. Aereo, Inc.* Supreme Court of the United States, 2014.

Brief of Competition Professors *et al.* in Support of Respondent.

Counsel of Record, *United States v. Brima Wurie*, Supreme Court of the United States, 2014.

Brief of Anna Aran, *et al.* in Support of Respondent.

Co-Counsel, *Nat.Conf. of Personal Mgrs., Inc. v. Brown, et al.*, U.S. Ninth Circuit, 2013.

Brief of Talent Managers Association and Music Managers Forum-US in Support of Appellant.

Co-Counsel, *Paula Petrella v. Metro-Goldwyn-Mayer, Inc. et al.*, Supreme Court of the United States, 2013.

Brief of Professors Robert Lind and Michael Epstein *et al.* in Support of Petitioner.

SELECTED PUBLICATIONS

ENTERTAINMENT & MEDIA LAW

Epstein, Michael M. "Agency Deference After Loper: Expertise as a Casualty of a War Against the 'Administrative State,'" 89 *Brooklyn Law Review* 871 (2024).

Epstein, Michael M. "Grassroots Narrative Building as an Answer to State-Controlled Disinformation: Creating an 'Artsakh Archive' to Document Ethnic Displacement in Nagorno-Karabakh," *Loyola Journal of Public Interest Law* (forthcoming, 2024).

Epstein, Michael M. "Identical Facts, Opposite Rulings: *Choice Hotels*, *Hickory Farms*, and the Advent of Website "Pen Registers," *Mississippi Law Journal* (forthcoming, 2024).

Epstein, Michael M. "Sustaining Country-Specific Fact-Checking Remedies, The Sierra Leone Experience," *Stetson Business Law Review* (forthcoming, 2024).

Epstein, Michael M. "Regulating Fraud on the Marketplace of Ideas: Federal Securities Law as a Model for Constitutionally Permissible Social Media Regulation." 46:1 *Seattle University Law Review* 39 (2023).

Epstein, Michael M. "Fact-Checking Remedies in the Developing World: The Fight Against Misinformation and Disinformation in Sierra Leone," in *Damages, Injunctive Relief, and Other Remedies in Tort and Free Speech Cases*, Cambridge Scholars Publishing, 2023.

Epstein, Michael M. "Fiduciary Duty as a Shield for Social Media User Privacy and Platform Policing of Political Misinformation and Disinformation." 17 *Florida International University Law Review* 187 (2023).

Epstein, Michael M. "Flash Infringement 2.0: Protecting 'Unique Performance' from Live Social Media Distribution as a Right of Publicity." 41 *Loyola L.A. Entertainment Law Review* 151 (2021).

Epstein, Michael M. "Joint Declaration on Freedom of Expression and 'Fake News,' Disinformation and Propaganda" in *Comparative Law Solutions: Regulating Fake News*, Lexis-Nexis, 2019.

Epstein, Michael M. "'Pokémon Slow!': GPS-Based Interactive Technologies and Tort Liability." 38 *Whittier Law Review* 54, 2018.

Epstein, Michael M. *Mass Media Law: A Survey of Content and Culture*, Third Edition, Vandepas Publishing, 2017.

Epstein, Michael M. "Social Media and 'Flash-Infringement': Live Music Culture and Dying IP Protection." 3 *Belmont Law Review* 1, 2016.

Epstein, Michael M. (with Nazgole Hashemi) "Crowdfunding in Wonderland: Issuer and Investor Risks in Non-Fraudulent Creative Arts Campaigns Under the JOBS Act." 6 *American University Business Law Review* 1, (2016).

Epstein, Michael M. *Mass Media Law: A Survey of Content and Culture*, Second Edition, Vandepas Publishing, 2015.

Epstein, Michael M. "Reclaiming the Promise of Free Local Broadcasting: Spectrum Reallocation and Public Interest in the Post-Aereo Age." 39 *Nova Law Review* 325, 2015.

Epstein, Michael M. *Mass Media Law: A Survey of Content and Culture*, First Edition, Vandepas Publishing, 2014.

Epstein, Michael M. "Mutiny on the Pirate Ship: Indigenous Infringement and the Development of a Media Asset." 21:3 *Michigan State International Law Review* 631, 2013.

Epstein, Michael M. (with Jimmie L. Reeves) "The Changing Face of Television: Turner Broadcasting System," *The Columbia History of American Television* 347 (Gary Edgerton, ed.), Columbia UP, 2009.

Epstein, Michael M. "From Scarcity to Market Power *Quid Pro Quo*: Toward a Workable Right of Access in U.S. Media," *Media Ownership: Research and Regulation*, Hampton Press, 2008.

Epstein, Michael M. "Diversity and Localism as Content-Neutral Metric: Creating a Practical Balance between Media Access and Market Power." 35 *Hofstra Law Review* 1139, 2007.

Epstein, Michael M. (with Mark C. Rogers and Jimmie L. Reeves) "Quality Control: The Daily Show, the Peabody and Brand Discipline," in *Quality Television: Contemporary American Television and Beyond*, (Janet McCabe and Kim Akass, eds.) I.B. Taurus, 2007.

Epstein, Michael M. "Broadcast Technology as Diversity Opportunity: Exchanging Market Power for Multiplexed Signal Set-Asides." 59 *Federal Communications Law Journal* 1, 2006.

Epstein, Michael M. "'Primary Video' and its Secondary Effects on Digital Broadcasting: Cable Carriage of Multiplexed Signals under the 1992 Cable Act and the First Amendment." 87 *Marquette L. Review* 525, 2004.

Epstein, Michael M. Conference Statement, *Media Diversity and Localism: Meaning, Metrics, and the Public Interest – Statements of Conference Participants*. Ford Foundation/Fordham University, 2004.

Epstein, Michael M. (with Mark C. Rogers and Jimmie L. Reeves) *From Must-See-TV to Branded Counter-Programming: Syndicating Seinfeld. Master of Its Domain: Revisiting Seinfeld*, Continuum, 2005.

- Epstein, Michael M. (with Mark C. Rogers and Jimmie L. Reeves) "Surviving the Hit: Will HBO Sing After *The Sopranos*?" *Reading the Sopranos: Can This be the End of Tony Soprano?* I.B. Taurus, 2005.
- Epstein, Michael M. (with David Kohler and Robert Lind). "Has Celebrity Been Federalized?: Section 43(a) of the Lanham Act as a Substitute for the Right of Publicity," *Media Law Resource Center Bulletin*, 21 2004.
- Epstein, Michael M. "Media Consolidation: What Now?" Reprinted in *Annual Editions in Mass Media*, (10th ed.), McGraw-Hill/Dushkin, 2003-2004.
- Epstein, Michael M. "Media Consolidation What Now?" 32:4 *Television Quarterly* 42, 2002.
- Epstein, Michael M. "'Pretty Woman,' Rap and Copyright Law." *Media and Culture: An Introduction to Mass Communication*. St. Martin's Press, 2000, revised 2002.
- Epstein, Michael M. "Examining Ethics: Regulating the Internet." *Media and Culture: An Introduction to Mass Communication*. St. Martin's Press, 2000, revised 2002.
- Epstein, Michael M. (with Mark C. Rogers and Jimmie L. Reeves) "*The Sopranos* as HBO Brand Equity: The Art of Commerce in the Age of Digital Reproduction." *This Thing of Ours*, Columbia University Press, 2002.
- Epstein, Michael M. Book Review of William W. Fisher III's "Promises to Keep: Technology, Law and the Future of Entertainment." 46 *Jurimetrics Journal* 227, 2006.
- Epstein, Michael M. Book Review of Charles Tillinghast's "American Broadcasting and the First Amendment: Another Look." 31:4 *Television Quarterly* 83, 2001.
- Epstein, Michael M. Review and Comment of Reed Hundt's "You Say You Want A Revolution: A Story of Information Age Politics." 31:2-3 *Television Quarterly* 83, 2000.
- Epstein, Michael M. "Television Industry." *Grolier's Encyclopedia*, 1998.
- Epstein, Michael M. "License - U.S. Broadcast Policy." *Encyclopedia of Television*, 1996, revised 2002.
- Epstein, Michael M. "The Midwest Video Case – U.S. Legal Decisions, Cable Television." *Encyclopedia of Television*, 1996, revised 2002
- "TV Journalism Under Attack!" *Christian Science Monitor*, Op-ed., September 20, 2001.

LAW & HUMANITIES

- Epstein, Michael M. "Law and Popular Culture: Roy Cohn, Trump Witch-hunts, and the Hegemony of TV's Perry Mason." 8 *ELPIS V. Lae Review*, 2024.
- Epstein, Michael M. "The U.S. Constitution as Icon: Re-Imagining the Sacred Secular in the Age of User-Controlled Media." 45 *Southwestern Law Review* 1, 2015.
- Epstein, Michael M. "Law and the Supernatural: How One Film's Truth Compulsion Conceit Critiques and Redeems the Post-O.J. Lawyer." 26 *Vermont Law Review* 881, 2004.
- Epstein, Michael M. "Law in Film/Film in Law." 28 *Vermont Law Review* 797, 2004.
- Epstein, Michael M. "Separate" But Not "Equally Important": How *Law & Order* devalues detective work and defendants' Fifth Amendment rights," 34:2 *Television Quarterly* 4 (2004).
- Epstein, Michael M. "For and Against the People: Television's Prosecutor Image and the Cultural Power of the Legal Profession." 34 *Toledo Law Review* 273, 2003.
- Epstein, Michael M. "From Willy to Perry Mason: The Hegemony of the Lawyer Statesman in 1950s Television." 53:4 *Syracuse Law Review* 1201, 2003.
- Epstein, Michael M. "Victorian Divorce Anxiety and the Lawyer-Statesman in *Fin-de-Siecle* Advertising, Literature, and Debate." 14:1 *Law and Literature* 207, 2002.
- Epstein, Michael M. "Judging Judy, Mablean, and Mills: How Courtroom Programs Use Law to Parade Private Lives to Mass Audiences." 8 *UCLA Entertainment Law Review* 129, 2001.
- Epstein, Michael M. "Lawyers and Justice on *CNN World Report*: A Comparative Analysis." 1 *Proceedings of the International Mass Communications Symposium* 78, Texas Tech, 1999.
- Epstein, Michael M. "Young Lawyers." Chapter in *Prime Time Law*, Carolina Academic Press, 1998.
- Epstein, Michael M. "Breaking the Celluloid Ceiling: Ally McBeal and the Women Attorneys Who Paved Her Way." 30:1 *Television Quarterly* 28, 1999.

Epstein, Michael M. "The Case for Trials on Television: What's the Verdict?" 28:4 *Television Quarterly* 60, 1997.

Epstein, Michael M. "The Evolving Lawyer Image on Television." 27:1 *Television Quarterly* 18, 1994.

Epstein, Michael M. Book Review of David Papke, *et al.*, "Law and Popular Culture: Texts, Notes and Questions," 58 *Journal of Legal Education* 597 (2008).

Epstein, Michael M. Book Review of Nancy Grace and Diane Clehane's "Objection! How High-Priced Defense Attorneys, Celebrity Defendants, and a 24/7 Media Have Hijacked Our Criminal Defense System." 36:1 *Television Quarterly* 75 (2005).

Epstein, Michael M. (with Mark C. Rogers and Jimmie L. Reeves) "Rewriting Popularity: The Cult Files." Chapter reprinted in *Signs of Life in the USA*. Bedford/ St. Martins Press, 2001.

Epstein, Michael M. (with Mark C. Rogers and Jimmie L. Reeves) "Rewriting Popularity: The Cult Files." Chapter in *Deny All Knowledge: Reading the X-Files*. Syracuse Univ. Press, 1996.

Epstein, Michael M. "Fred W. Friendly." Entry in *Scribner Encyclopedia of American Lives*. Charles Scribner's Sons, 2002.

Epstein, Michael M. "Go Westinghouse, Young Man!" 31:1 *Television Quarterly* 41, 2000.

Epstein, Michael M. "Spaced Out: The *Star Trek* Literary Phenomenon: Boldly Going Where No Series Has Gone Before." 28:1 *Television Quarterly* 47, 1996.

SELECTED SYMPOSIA CONCEPT STATEMENTS

In the Shadow of Territorial Conflict: Artsakh and Other Legacies of Soviet-era Media Control and Speech Norm, Journal of International Media & Entertainment Law, 2023.

Fake News and "Weaponized Defamation": Global Perspectives, Southwestern Law Review, Southwestern Law Journal, Journal of International Media & Entertainment Law, 2018.

Freedom of Information Law on the Global Stage: Past, Present and Future, Journal of International Media & Entertainment Law, Southwestern Law Journal, 2016.

DISSERTATION

"Detectives, Therapists, Fathers and Hired Guns: A Cross-Examination of Lawyer Images on American Television." Rackham School of Graduate Studies, University of Michigan.

Director: Prof. Conrad P. Kottak, Chair, Department of Anthropology, University of Michigan.

Readers: Prof. Leo Katz, University of Pennsylvania Law School, Prof. Richard Campbell, University of Michigan, Prof. Jimmie Reeves, University of Michigan.

LEGAL EXPERIENCE

STROOCK & STROOCK & LAVAN, New York.
Associate Attorney

DEWEY, BALLANTINE, BUSHBY, PALMER & WOOD, New York.
Associate Attorney; Law Clerk; Summer Associate

MEDIA ACCESS PROJECT, Washington, D.C.
Law Student Intern

MEDIA AND SOCIETY SEMINARS OF COLUMBIA UNIVERSITY
Legal Researcher, *The Constitution: That Delicate Balance* Series and Companion Text

PUBLIC BROADCASTING SERVICE
Academic Consultant, Educational Television Division

BAR ADMISSIONS

State admissions:
New York, New Jersey, and Michigan (inactive).

Federal admissions:
Supreme Court of the United States; and the United States Courts of Appeals for the Third Circuit, the Ninth Circuit, and the First Circuit.