

James Grimmelmann

New York Law School
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EDUCATION

Yale Law School, J.D., 2005
Yale Law Journal

Harvard College, A.B., *summa cum laude* in Computer Science, 1999
Phi Beta Kappa
Senior thesis: *Quantum Computation: An Introduction*

PROFESSIONAL

New York Law School
Associate Professor of Law (2007–present)
Adjunct Professor of Law (2006–07)

Information Society Project, Yale Law School
Affiliated Fellow (2007–present)
Resident Fellow (2006–07)

Hon. Marianne Trump Barry, United States Court of Appeals for the Third Circuit
Law Clerk (2005–06)

Harvard College
Special Assistant to the Dean (2001–02)

Microsoft Corporation
Software Design Engineer (1999–2001)

SCHOLARLY INTERESTS

I study how the law governing the creation and use of computer software affects individual freedom and the distribution of wealth and power in society. By giving close attention to both technical and social details, I hope to develop better legal conceptions of such technologies as search engines, social network sites, spyware, open source, spam, and virtual worlds. As a lawyer and technologist, I aim to help these two groups speak intelligibly to each other.

COURSES

Internet Law, Intellectual Property, Copyright, Property

WORKS IN PROGRESS

A Bridge Too Far: Future Conduct and the Limits of Class-Action Settlements

BOOKS AND CHAPTERS

INTERNET LAW: CASES AND PROBLEMS (Semaphore Press 2011) (with teachers' manual)

Some Skepticism About Search Neutrality, in THE NEXT DIGITAL DECADE: ESSAYS ON THE FUTURE OF THE INTERNET 435 (Berin Szoka & Adam Thierer eds., TechFreedom 2010)

The Privacy Virus, in FACEBOOK AND PHILOSOPHY 3 (Dylan Wittkower ed., Open Court 2010)

CYBERCRIME: DIGITAL COPS IN A NETWORKED ENVIRONMENT (Jack M. Balkin, James Grimmelmann, Eddan Katz, Nimrod Kozlovski, Shlomit Wagman & Tal Zarsky eds., N.Y.U. Press 2007)

Virtual World Law, in BUSINESS AND LEGAL PRIMER FOR GAME DEVELOPMENT (S. Gregory Boyd & Brian Green eds., Charles River Media 2006)

Virtual Power Politics, in THE STATE OF PLAY: LAW, GAMES, AND VIRTUAL WORLDS (Jack M. Balkin & Beth S. Noveck eds., N.Y.U. Press 2006)

ARTICLES

Sealand, HavenCo, and the Rule of Law, U. ILL. L. REV. (forthcoming 2012)

Saving Facebook, 94 IOWA L. REV. 1137 (2009)

The Structure of Search Engine Law, 93 IOWA L. REV. 1 (2007)

Note: *Regulation by Software*, 114 YALE L.J. 1719 (2005)

ESSAYS

Three Theories of Copyright in Ratings, 14 VAND. J. ENT. & TECH. L. (forthcoming 2012) (symposium)

The Elephantine Google Books Settlement, 58 J. COPYRIGHT SOC. U.S.A. 497 (2011)

First-Class Objects, 9 J. TELECOMM. & HIGH-TECH. L. 421 (2011) (symposium)

Known and Unknown, Property and Contract: Comments on Hoofnagle and Moringiello, 5 BROOK. J. CORP., FIN. & COMM. L. 85 (2011) (symposium)

D is for Digitize: An Introduction, 55 N.Y. L. SCH. L. REV. 11 (2010) (introduction to symposium issue)

James Grimmelmann and Paul Ohm, Book Review, *Dr. Generative or: How I Learned to Stop Worrying and Love the iPhone*, 69 MD. L. REV. 910 (2010) (reviewing JONATHAN ZITTRAIN, THE FUTURE OF THE INTERNET—AND HOW TO STOP IT (2008))

Privacy as Product Safety, 26 WIDENER L.J. 793 (2010) (symposium)

The Internet Is a Semicommons, 78 FORDHAM L. REV. 2799 (2010) (symposium)

The Google Dilemma, 53 N.Y. L. SCH. L. REV. 939 (2009) (symposium)

The Ethical Visions of Copyright Law, 77 FORDHAM L. REV. 2005 (2009) (symposium)

How to Fix the Google Book Search Settlement, J. INTERNET L., April 2009, at 1

Information Policy for the Library of Babel, 3 J. BUS. & TECH. L. 29 (2008) (symposium)

Accidental Privacy Spills, J. INTERNET L. July 2008, at 3

Virtual Borders: The Interdependence of Real and Virtual Worlds, FIRST MONDAY (Feb. 2006)

Donald Braman, Dan M. Kahan & James Grimmelman, *Modeling Facts, Culture, and Cognition in the Gun Debate*, 18 SOCIAL JUSTICE RESEARCH 283 (2005)

Virtual Worlds as Comparative Law, 49 N.Y. L. SCH. L. REV. 147 (2005) (symposium)

WHITE PAPERS

Objections to the Google Books Settlement and Responses in the Amended Settlement: A Report (New York Law School 2009–10) (with seven NYLS students)

The Google Book Search Settlement: Ends, Means, and the Future of Books (American Constitution Society 2009)

Copyright, Technology, and Access to the Law: An Opinionated Primer (New York Law School 2008)

James Grimmelman & Rebecca Bolin, *Policy Responses to Spam* (Yale ISP-PORTIA Reading Group 2005)

Contract, Copyright, Free Expression, Property, & Trademark Law Primers (2004–09) (for State of Play conferences)

SHORT ESSAYS

Undiplomatic Immunity, JOTWELL: CYBERLAW (Nov. 2011) (reviewing Felix T. Wu., *Collateral Censorship and the Limits of Intermediary Immunity*, 87 NOTRE DAME. L. REV. 101 (2011))

Good Faith Scholarship, JOTWELL: CYBERLAW (Oct. 2010) (reviewing JOSEPH MICHAEL REAGLE JR., GOOD FAITH COLLABORATION: THE CULTURE OF WIKIPEDIA (Oct. 2010))

The Amended Google Books Settlement Is Still Exclusive, CPI ANTITRUST CHRONICLE (Jan. 2010)

The Unmasking Option, 87 DENV. U. L. ONLINE 29 (2010)

Third Parties to the Rescue, JOTWELL: CYBERLAW (Nov. 2009) (reviewing Michael Risch, *Virtual Third Parties*, 25 SANTA CLARA COMPUTER & HIGH TECH. LJ. 416 (2009))

Saving Facebook: A Response to Professor Freivald, 95 IOWA L. REV. BULL. 13 (2009)

Virtual World Feudalism, 118 YALE L.J. POCKET PART 126 (2009)

Don't Censor Search, 117 YALE L.J. POCKET PART 48 (2007)

GENERAL-AUDIENCE ESSAYS

The Orphan Wars, EDUCAUSE REVIEW Jan./Feb. 2011, at 48

Owning the Stack: The Legal War to Control the Smartphone Platform, ARS TECHNICA (Sept. 11, 2011)

The Google Settlement: Why It Matters, PUBLISHERS WEEKLY 20 (Nov. 23, 2009)

Koans of Equity, 58 J. LEG. EDUC. 472 (2008)

Total Information Awareness, THE NEW REPUBLIC (online ed.) (Dec. 11, 2008)

Cindy Cohn & James Grimmelman, *Seven Ways in Which Code Equals Law*, in CODE: THE LANGUAGE OF OUR TIME (Christine Schöpf et al. eds., Hatje Cantz 2003)

Ducks, Bunnies, and One Great Dane, KILLING THE BUDDHA (Jan. 2002)

Peer-to-Peer Terrorism, SALON (Sept. 26, 2001)

From Each According to His IPO, SALON (Apr. 25, 2001)

WEBLOGGING

The Laboratorium (author 2000–)

LawMeme (author 2002–05, editor-in-chief 2003–05)

Guest at *Concurring Opinions*, *PranfsBlawg*, and *The Volokh Conspiracy*

SELECTED TALKS

“A Bridge Too Far? The Google Books Settlement, Future-Conduct Claims, and the Limits of Class Action Law,” Florida State University College of Law Faculty Workshop (Oct. 26, 2011)

“A Bridge Too Far? The Google Books Settlement, Future-Conduct Claims, and the Limits of Class Action Law,” Elon University School of Law Faculty Workshop (Oct. 24, 2011)

“Sealand, HavenCo, and the Rule of Law” Fordham Law School Faculty Workshop (Apr. 14, 2011)

Evil Twin Debate, University of Richmond School of Law (Nov. 5, 2010) (with Jonathan Band)

“A Bridge Too Far? The Google Books Settlement and the Limits of Class Action Law,” ITS Colloquium, Information Law Institute, New York University (Sept. 20, 2010)

“Saving Facebook,” 5th Internet, Law, & Politics Congress, Open University of Catalonia (July 6–7, 2009) (keynote)

“Google and the Zombie Army of Orphans,” 8th Scholarly Communications Symposium, Georgetown University Library (Feb. 27, 2009)

“Copyright, Technology, and Access to the Law,” Center for Information Technology Policy, Princeton University (Oct. 1, 2008)

SELECTED PANELS

“The Google Review: Regulation of Search Results and More,” Federalist Society, Washington D.C. (Sept. 19, 2011)

“A Bridge Too Far: Google Books, Future-Conduct Releases, and the Limits of Class-Action Settlements,” IP Scholars, DePaul University College of Law (Aug. 11, 2011) (plenary session)

“The First Amendment Online: Search, Privacy, and Personalization,” Federalist Society, Chicago (June 9, 2011)

“First-Class Objects,” Privacy and Innovation Symposium, Yale Law School (Oct. 29, 2010)

“Behavioral Patterns Emerging from Social Networking,” The Effects of New Communication Technologies Upon Information, Milan (Oct. 23, 2010)

“The Google Books Settlement: Class Actions, Copyright, Antitrust—Or All of the Above?” The Challenge of Building a Digital Library That Benefits All, Facultés Universitaires St Louis, Brussels (Feb. 12, 2010)

“The Future of Books and Digital Publishing: The Google Book Search and Beyond,” American Bar Association Annual Meeting (Aug. 7, 2010)

“ALA Task Force on Google Books,” American Library Association Annual Meeting (June 26, 2010)

“The Google Book Settlement: Implications for Scholarship,” American Council of Learned Societies Annual Meeting (May 7, 2010)

“Fusion Centers and Beyond: New Challenges to Privacy,” American Association of Law Schools Annual Meeting (Jan. 8, 2010)

Over fifty other panel presentations and discussions since 2005.

PRO BONO AND AMICUS WORK

OpenMind Solutions, Inc. v. Does 1–2925 (S.D. Ill 2011–)

Authors Guild v. Google Inc. (S.D.N.Y. 2009–)

CONFERENCE ORGANIZATION

D is for Digitize, New York Law School (October 8–10, 2009)

Regulating Search?, Yale Law School (Dec. 3, 2005)

MEDIA

Regularly quoted in publications including *The New York Times*, *Wall Street Journal*, *Philadelphia Inquirer*, *L.A. Times*, *Financial Times*, *On the Media* (NPR), *Publishers Weekly*, *Times (London)*, *CNN.com*, *PC World*, and *MediaPost*.

PROJECTS

The Public Index, <http://thepublicindex.org> (clearinghouse for study and discussion of Google Books settlement) (2009–)

SERVICE

Values-in-Design Council, NSF Early Concept Grant for Exploratory Research, to support NSF Future Internet Architecture projects

Member (2010–)

Jotwell (The Journal of Things We Like Lots)

Co-editor, Cyberlaw Section (2009–)

New York Law School

Self-Assessment Group (co-chair) (2010–)

Committee on Committees (2011)

Curriculum Committee (2010–11)

Grade Curve Committee (2008–10)

Faculty IT Liaison (2008–09)

Columbia University

Ad Hoc Committee on Research Misconduct (2009)

American Association of Law Schools, Law and Computers Section

Executive Committee (2010)

Nominating Committee (2009)

BAR ADMISSIONS

State of New Jersey

United States District Court for the District of New Jersey

HONORS

Otto L. Walter Distinguished Writing Award (2011), for *The Internet Is a Semicommons*

Michael Egger Prize (2005), for *Regulation by Software*

Barry M. Goldwater Scholar (1998)

Presidential Scholar (1995)

Bronze Medal, 26th International Chemistry Olympiad (1994)