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CURRENT POSITION

Professor of Law, Beasley School of Law, Temple University

PRIOR EMPLOYMENT

1994 - 1997	Visiting Associate Professor of Law, Georgetown University Law Center
1993 - 1994	Law Clerk, Justice Ruth B. Ginsburg, U.S. Supreme Court
1987 - 1993	Associate, Wilmer, Cutler & Pickering
1986 - 1987	Law Clerk, Judge Ruth B. Ginsburg, U.S. Court of Appeals
1981 - 1983	Director of Programs, American Anthropological Association
1976 - 1981	Assistant Professor of Anthropology, Columbia University

EDUCATION

J.D. 1986	Georgetown University Law Center, <u>summa cum laude</u> , Order of the Coif
Ph.D. 1978	Yale University (Anthropology) (with honors)
B.A. 1972	Yale College, <u>cum laude</u>

PUBLICATIONS

[Copies of all papers are available at www.davidpost.com or www.ssrn.com/author=537]

BOOKS

In Search of Jefferson's Moose: Notes on the State of Cyberspace (Oxford University Press, 2009)

Cyberlaw: Problems of Jurisprudence and Policy in the Information Age (with Paul Schiff Berman and Patricia Bellia) (West Publishing, 2003; Fourth Edition, 2011)

SCHOLARLY PAPERS

The Theory of Generativity
78 Fordham L Rev 2755 (2010)

Sending out an SOS (with Duncan Hollis)
National Law Journal, April 26 2010, available at
<http://tinyurl.com/SOSforCyberspace>

- Governing Cyberspace: Law
24 Santa Clara High Tech. L.J. 883 (2008)
- The Great Debate: Law in the Virtual World (with David R. Johnson)
"First Monday," vol. 11 number 2 (Feb. 2006)
URL: http://www.firstmonday.org/issues/issue11_2/post/index.html
- 'Nice Questions' Unanswered: *Grokster*, *Sony's* Staple Article of Commerce Doctrine, and the Deferred Verdict on Internet File Sharing (with Timothy Sandefur and Annemarie Bridy)
2004-05 Cato Supreme Court Review (2005)
URL: <http://www.cato.org/pubs/scr/2005/grokstersonyfilesharing.pdf>
- ICANN Governance: A Commentary on the ICANN 'Blueprint' for Reform (with Susan R. Crawford and David R. Johnson)
36 Loy. L.A. L Rev. 1127 (2003)
- Against 'Against Cyberanarchy'
17 Berkeley Technology Law Journal 1363 (2002)
reprinted in "Who Rules the Net?," W. Crews and A. Thierer, eds (Cato Institute, 2003)
- His Napster's Voice
20 Temple Env. & Tech. L.J. 35 (2002).
reprinted in "Copy Fights: The Future of Intellectual Property in an Information Age," W. Crews and A. Thierer, eds (Cato Institute, 2002)
Reprinted in *Mots Pluriels*, special edition ("The Net: New Apprentices and Old Masters") No 18 (August 2001)
URL: <http://www.arts.uwa.edu.au/MotsPluriels/MP1801index.html>
- 'The Free Use of Our Faculties': Jefferson, Cyberspace, and the Languages of Social Life
49 Drake L. Rev. 407 (2001)
- What Larry Doesn't Get: Code, Law, and Liberty in Cyberspace
52 Stan. L. Rev. 1439 (2000)
- How Long is the Coastline of the Law? Thoughts on the Fractal Nature of Legal Systems (with Michael B. Eisen)
29 Journal of Legal Studies 545 (2000)
- Of Horses, Black Holes, and Decentralized Law-Making in Cyberspace
2 Vanderbilt Journal of Entertainment Law and Practice 70 (2000)
- Anonymous Political Speech (with Dawn C. Nunziato)
Encyclopedia of the American Constitution (1999)
- Symposium: The Internet and Legal Theory (Co-Editor with Lisa Bernstein)
73 Chicago-Kent Law Review No. 4 (1998)

'Chaos Prevailing on Every Continent': a New Theory of Decentralized Decision-making in Complex Systems (with David R. Johnson)
73 Chicago-Kent Law Review 1055 (1998)

The 'Unsettled Paradox': the Internet, the State, and the Consent of the Governed
5 Indiana J. Global Leg. Stud. 521 (1998)

The New Civic Virtue of the Internet: Lessons from a Model of Complex Systems for the Governance of Cyberspace (with David R. Johnson)
In *The Emerging Internet* (1998 Annual Review of the Institute for Information Studies) (C. Firestone, ed. 1998)

Governing Cyberspace
43 Wayne L. Rev. 155 (1997)

Law & Borders: The Rise of Law in Cyberspace
48 Stanford L. Rev. 1367 (1996) (with David R. Johnson)
Version published as "Law & Borders," Esther Dyson's Release 1.0, June, 19, 1996

Version published as "The Rise of Law in Cyberspace," in *Borders in Cyberspace*, Brian Kahin and Charles Nesson, eds., MIT Press, 1997

[Winner of the 1997 McGannon Center Award for Social and Ethical Relevance in Communication Policy Research]

And How Shall the Net Be Governed? A Meditation on the Relative Virtues of Decentralized, Emergent Law
In *Coordinating the Internet*, Brian Kahin and James Keller (eds.), MIT Press, 1997

Issues, Outcomes, Guidance, and Indeterminacy: A Reply to Professor Rogers
49 Vand. L. Rev 1069 (1996) (with Steven C. Salop)

Pooling Intellectual Capital: Anonymity, Pseudonymity, and Contingent Identity in Electronic Communities
1996 University of Chicago Legal Forum 139

Anarchy, State, and the Internet
Journal of Online Law, vol. 1 issue 1 (1995)

Rowing against the Tidewater: A Theory of Judging for Multi-Judge Panels (with Steven Salop)
80 Georgetown Law Journal 743 (1992)

OTHER PUBLICATIONS

The Continuing Saga of Thomas Jefferson and the Net
<http://cdt.org/blogs/continuing-saga-thomas-jefferson-and-net> [Feb. 2011]

- Flame On: The State of Nature and the First Internet War
Reason, April 1996, pp. 28-33
- Privacy, Technology, Law (review of Technology and Privacy: The New Landscape
(Philip E. Agre and Marc Rotenberg, eds.)
Jurist Books-on-Law vol 1 no.3 (June 1998)
URL: <http://jurist.law.pitt.edu/lawbooks/archive.htm>
- The Impact of 'Grokster'
National Law Journal August 3, 2005, p. 10.
- Free Culture vs. Big Media (review of Lawrence Lessig's 'Free Culture')
Reason (Nov. 2004)
URL: <http://www.reason.com/0411/cr.dp.free.shtml>
- Jefferson Ascendant
URL:
http://www.eff.org/pub/Infrastructure/jefferson_ascendant_post_eff.article
- Comments on Uniform Dispute Resolution Policies and Rules
URL: <http://www.icannwatch.org/archives/essays/939754407.shtml>
- When Cheating Is Cause for Celebration
The Washington Post, November 24, 1997 p. A25
- Computer Viruses: Legal and Policy Issues Facing Colleges and Universities (with David Johnson and Thomas P. Olson)
Educ. L. Rep., Sept 14, 1989 and J. Prop. Rights, Feb. 1990
- Decision Analysis: Using Risk Analysis in Litigation (with Ron Friedmann)
Legal Technology Newsletter, Dec 1990
- Colleagues Exchange: An Electronic Marketplace for Legal Services (with David Johnson & Ron Friedmann)
Corporate Legal Times March 1992
- Overdue Process (Review of Richard Posner's 'Overcoming Law')
Reason, July 1995, pp. 65-67.
- "On the Horizon" - a monthly column in InformationWeek (with Bradford Brown)
- Peer Production (Jan 7, 2002)
 - The New Old Thing (January 14, 2002)
 - Who Controls Internet Content, Anyway? (Feb 25, 2002)
 - Cyber-Protection's Murky Waters Run Deep (March 18, 2002)
 - Thorny Issues Surround Hyperlink Ownership (April 22, 2002)
 - When Do Cyber-Crooks Become Terrorists (May 13, 2002)
 - Confusion Reigns Where Law Meets Cyberspace (June 24, 2002)
 - Companies Must Protect Their Employees' Info, Too (July 29, 2002)
 - Let's Get Going with Simple and Affordable Broadband [September 2, 2002]
 - Just who Benefits from 20 More Years? [October 7, 2002]
 - The Internet and the 21st Amendment [November 25, 2002]

Your Right to Remain Anonymous is Eroding [December 9, 2002]
Your Computer Could Help Fight Terrorism [March 10, 2003]
The Next Small Thing? No, in a Word [April 14, 2003]
The Slingshot of Information Freedom [June 9, 2003]
Let's Talk Jump-Starts, Not Caution [July 7, 2003]
No Cyber-Trespassing Here [Sept. 8, 2003]
When a Service is More than a Service [Oct. 27, 2003]
It's A Matter of Faith [Nov. 2003]
Outsourcing Deserves Policy Discussion [November 17, 2003]
Three Cheers for Free Trade [Dec. 2, 2003]
Who's Best to Manage Internet Plumbing? [Feb. 9, 2004]

"Plugging In" - a monthly column on law and technology, The American Lawyer

Demystifying the Internet (October 1994)
Ode to the 'Virtual Water Cooler' (November 1994)
Encryption: It's Not Just for Spies Anymore (December 1994)
Encryption vs. the Alligator Clip (January 1995)
E-Cash: Can't Live With It, Can't Live Without It (March 1995)
The Technology Trap (April 1995)
New Wine, Old Bottles: The Case of the Evanescent Copy (May 1995)
New Age Networking (June 1995)
New Rules for the Net? (July 1995)
Online Libel (September 1995)
Hansel and Gretel in Cyberspace (October 1995)
Technology and the Meaning of Life (November 1995)
'Knock, Knock: Who's There?' Anonymity and Pseudonymity in Cyberspace (December 1995)
Copyright and Free Expression: Battle or Dance? (January 1996)
The Law is Where You Find It (March 1996)
'Clarifying' the Law of Cyberspace (April 1996)
A Domain by Any Other Name (May 1996)
Virtual Magistrates, Virtual Law (July 1996)
Understanding the Techno Evolution (September 1996)
How Shall the Net be Governed? (October 1996)
The Case of Virtual Junk Mail (November 1996)
A Net Squeeze on the Middleman (December 1996)
Staking a Claim on Information (January 1997)
The Taxman Cometh (March 1997)
Drawing the Line of Jurisdiction (May 1997)
Betting on Cyberspace (June 1997)
The Link to Liability (July-August 1997)
Who Has Dominion over Domain Names? (September 1997)
Privacy, Property, Cyberspace (November 1997)
Brave New Classrooms (Jan-Feb 1998)
Has Cyberspace Law Come of Age? (April 1998)
Opening Up Windows (June 1998)
Gambling on Internet Laws (September 1998)
Cyberspace's Constitutional Moment (November 1998)
Napster, Jefferson's Moose, and the Law of Cyberspace (May 2000)

Juries and the New Common Law of Cyberspace (Sept. 2000)