



GEORGETOWN LAW
INSTITUTE FOR PUBLIC REPRESENTATION

FALL 2008

**STAFF ATTORNEY/GRADUATE TEACHING FELLOW
FIRST AMENDMENT AND MEDIA LAW**

The Institute for Public Representation invites applications for a two-year position starting in August 2009 as a Staff Attorney/Graduate Teaching Fellow in First Amendment and Media Law.

What is the Institute for Public Representation?

The Institute for Public Representation (IPR) is a public interest law firm and law school clinic that was founded by Georgetown University Law Center in 1971. IPR practices in three areas of public interest law: First Amendment and media law, civil rights and general public interest law, and environmental protection law.

IPR fellowships provide the opportunity to handle and take on substantial responsibility in cutting edge cases, to work closely with a mentor faculty director, and to teach law students. Third year law students take the clinic on a full-time basis for one semester. The students represent IPR clients and develop a wide range of lawyering skills by working on real cases under the supervision of IPR's three faculty directors and five staff attorneys/graduate teaching fellows.

IPR's work on free speech and media issues is an outgrowth of IPR's merger in 1981 with the Citizens Communications Center. Professor Angela J. Campbell has directed this work for almost twenty years.

What does IPR's First Amendment and Media Center Do?

The First Amendment and Media Center's cases involve a diverse range of media central to citizens' First Amendment rights and interests. Many of the projects involve important questions of how new and emerging media, such as the internet, affect the regulation of the more established media, or whether and how new media, such as digital television and radio, should be regulated. In these cases, the First Amendment and Media Center represents leading civil rights, children's, consumer, media advocacy, and other non-profit groups and organizations.

The First Amendment and Media Center's practice is primarily before the Federal Communications Commission (FCC) and federal appellate courts, but recent cases have also involved other administrative agencies and Congress. Through rulemakings, litigation, and legislative advocacy, the Center works to promote First Amendment's goal of "the widest possible dissemination of information from diverse and antagonistic sources."

Because media and communications law is dynamic, the nature of the cases changes over time. Over the past several years, the majority of cases have been intended to further one of the following public interest goals.

Promoting Diverse Viewpoints

One of the key means for ensuring that the public has access to diverse viewpoints is to diversify media ownership. IPR has had several cases designed to promote opportunities for minorities and women to own broadcast stations, and to generally prevent excessive consolidation of corporate control. For example:

- IPR filed a challenge in the US Court of Appeals for the Third Circuit of an FCC order relaxing broadcast ownership rules to allow major media companies to significantly increase their holdings. IPR won the case, known as *Prometheus Radio Project v. FCC*. The Third Circuit stayed the FCC decision and reversed and remanded it for further proceedings.
- IPR filed Comments and Reply Comments with the FCC in the remand of the *Prometheus* case. The Comments proposed expanding opportunities for underrepresented groups, such as women and minorities, to own television and radio outlets, and suggested ways that the ownership rules should be modified to better promote diversity.
- In 2007 the FCC issued a new Media Ownership Order in response to the *Prometheus* Court's remand. IPR is presently involved in litigation to ensure that the FCC's ownership rules promote access to diverse content and viewpoints.

Promoting a Healthy Media Environment for Children

IPR represents a number of organizations concerned with the effect of media on the health and well-being of children. IPR's advocacy has focused on the provision of quality children's programming, preventing unfair marketing to children, and examining the effect of media on childhood obesity. For example:

- IPR submitted a neutral *amicus curiae* brief in the Supreme Court case, *FCC v. FOX Television*, emphasizing the importance of the Court's continued recognition of the constitutionality of the FCC's statutory public interest oversight of television broadcasters, especially with regards to promoting informative and quality programming for children.
- After successfully persuading the FCC to adopt new rules to increase the amount of educational programming available to children when television stations broadcast in digital and to extend the protections against unfair and excessive advertising to digital

television, IPR had to defend these rules in court against industry challenges that they were unconstitutional and in excess of the FCC's statutory authority. Ultimately, IPR was able to negotiate a settlement, which was subsequently adopted by the FCC.

- IPR has worked with churches around the country to assess whether television stations are complying with their obligations to provide educational programming specifically designed for children. IPR has filed license renewal challenges against stations that have not provided adequate children's programming. In one case, the network was fined \$24 million for claiming that a soap opera was a children's educational program.
- IPR filed a complaint with the Federal Trade Commission on behalf of the Center for Commercial Free Childhood alleging that companies marketing baby videos were engaging in deceptive practices.
- IPR filed comments with the FTC on the issue of online behavioral marketing. Online behavioral marketing is the practice of tracking consumers' activities online in order to gather information and target advertisements to them. Although behavioral advertising raises privacy and security issues for all consumers, those concerns intensify when advertisers gather data on minors. IPR's comments urged the FTC to issue industry guidelines protecting children and teens from such practices.

Ensuring New Technologies Serve the Public Interest

The US is undergoing an important transition from analog to digital technologies. IPR was worked to ensure that the public benefits from this technological innovation. For example:

- IPR represents a coalition of public interest groups urging the FCC to adopt specific public interest obligations for digital television. By broadcasting in digital, a single television station may broadcast multiple program streams. IPR's clients want to ensure that some of this capacity is used for the discussion of local and political issues and for increased public access.
- IPR was successful in persuading the FCC to require digital television stations to post detailed information on their websites about how they are serving local communities. IPR is presently defending those rules in court from industry attack
- IPR has filed comments with the FCC proposing public interest requirements for digital radio.

More information about IPR's First Amendment and Media Center is available at <http://www.law.georgetown.edu/clinics/ipr/index.html>.

What do the Fellows/Staff Attorneys do?

The staff attorneys work closely with Professor Campbell to select cases and rulemakings and to supervise the students working on those projects. The staff attorneys work with the students on improving their lawyering skills, especially legal writing. Much of the staff attorneys' time is spent guiding students in conducting legal and factual research, reviewing student drafts, making suggestions for improvement, and preparing the students for oral presentations. The staff attorneys have opportunities to engage in oral and written advocacy on their projects and will have significant interactions with clients, FCC Commissioners and staff,

and other policy makers. They also take an active role in planning and teaching the classroom components of the clinic.

The staff attorney position offers valuable experience for both recent law school graduates and those with clerkship or other work experience. First, staff attorneys get the opportunity to work on complex and cutting-edge communications law cases. Because all projects are *pro bono*, IPR has leeway to choose only those projects that present significant legal and policy questions while presenting educational opportunities. The projects almost invariably involve First Amendment challenges or defenses, as well as other constitutional issues.

Second, staff attorneys assume a great deal of responsibility at an early stage of their careers, generally playing a far more important role in decision-making than those in other types of law practice. They work on a variety of different types of cases (rulemakings, appeals, complaints, etc.) and learn how administrative agencies such as the FCC function, and see first-hand the interplay between Congress, federal agencies, and federal courts. They also work closely with a broad range of public interest organizations.

Third, staff attorneys gain valuable teaching experience. They receive training in clinical teaching and spend much of their time teaching students in a one-on-one setting. They also have the opportunity to participate in and teach seminars. IPR's seminar program covers skills, such as negotiation and complaint drafting, administrative and appellate practice, and professional responsibility issues.

Finally, staff attorneys have many opportunities to expand their own knowledge of the practice of law generally. Within the IPR clinic, staff attorneys will gain exposure to the other practice areas as well as issues of professional responsibility. As part of the Georgetown Law community, staff attorneys have opportunities to attend seminars and programs, to get to know other faculty and graduate fellows, and to participate in a variety of on and off-campus activities.

What qualifications are we looking for?

We are looking for applicants who demonstrate the following characteristics:

- a interest and background, either through courses or work experience, in communications law, media law, freedom of speech, or related fields,
- a commitment to doing work in the public interest,
- strong legal writing and communication skills, and
- an interest in teaching law students in a clinical setting (past teaching or clinical experience is especially valuable).

The position will start in mid-August 2009 and end in August 2011. It pays an annual stipend of at least \$50,520. Graduate fellows/staff attorneys are awarded an LL.M in Advocacy upon completion of the two-year term.

How to apply?

Persons interested in applying should submit the following:

- résumé,
- law school transcript,
- two letters of recommendation from law school teachers or attorneys who are familiar with the candidate's work,
- a statement (not longer than two pages double-spaced) setting forth the reasons for their interest in the position, and
- a writing sample.

Applications must be *postmarked* no later than December 1, 2008. Send all materials to:

Angela J. Campbell
Institute for Public Representation
Georgetown Law
600 New Jersey Avenue, N.W.
Washington, D.C. 20001

Re: Fellowship Program

After reviewing the application materials, we will select candidates to be interviewed at our office. While IPR cannot pay candidates' travel expenses, we will try to arrange interviews at a time convenient for candidates' schedules.