

Samantha Barbas
University at Buffalo School of Law
sbarbas@buffalo.edu

ACADEMIC POSITIONS

University at Buffalo School of Law

Professor, 2016-present
Associate Professor, 2011-2015

University of California, Berkeley

Visiting Assistant Professor, History, 2006

Chapman University

Assistant Professor, History, 2002-2005

Arizona State University

Lecturer, Interdisciplinary Studies, 2000-2001

EDUCATION

Stanford Law School, J.D., 2010

University of California, Berkeley, Ph.D., History, 2000

Williams College, B.A., *magna cum laude*, Political Science, 1994

CLERKSHIP

Law Clerk to Judge Richard Clifton, United States Court of Appeals, Ninth Circuit, 2010-11

PUBLICATIONS

Books

Actual Malice: Civil Rights and Freedom of the Press in New York Times v. Sullivan (University of California Press, Feb. 2023). Received National Endowment for the Humanities Public Scholar Award. Highlighted on CNN and reviewed in *The New Yorker*, *New York Review of Books*, and *New York Times Book Review*. Listed in the *New Yorker's* "Best Books We've Read in 2023 So Far."

The Rise and Fall of Morris Ernst, Free Speech Renegade (University of Chicago Press, 2021)

Confidential Confidential: The Inside Story of Hollywood's Notorious Scandal Magazine (Chicago Review Press, 2018)

Newsworthy: The Supreme Court Battle Over Privacy and Press Freedom (Stanford University Press, 2017)

Laws of Image: Privacy and Publicity in America (Stanford University Press, 2015)

The First Lady of Hollywood: A Biography of Louella Parsons (University of California Press, 2005)

Movie Crazy: Fans, Stars and the Cult of Celebrity (Palgrave Macmillan, 2001)

Articles and Book Chapters

The Story of *Beauharnais v. Illinois*, *Journal of Free Speech Law* (March 2023)

New York Times v. Sullivan: Perspectives From History, *George Mason Law Review Forum* (June 2023)

The Rise and Fall of Group Libel: The Forgotten Campaign for Hate Speech Laws, *Loyola University Law Review* 54 (2023)

The Press and Libel Before *New York Times v. Sullivan*, *Columbia Journal of Law and the Arts* 44 (2021): 511-544.

The Esquire Case: A Lost Free Speech Landmark, *William and Mary Bill of Rights Journal* 27 (2019): 287-360

Privacy and the Right to One's Image: A Cultural and Legal History, in *Injury and Injustice: The Cultural Politics of Harm and Redress* (Cambridge Univ. Press, 2018)

The Most Loved, Most Hated Magazine in America: The Rise and Demise of *Confidential* Magazine, *William and Mary Bill of Rights Journal* 25 (2016): 121-193

When Privacy Almost Won: *Time, Inc. v. Hill* (1967), *University of Pennsylvania Journal of Constitutional Law* 18 (2015): 1-86

The Social Origins of the Personality Torts, *Rutgers Law Review* 67 (2015): 393-440

Gossip Law, in *When Private Talk Goes Public: Gossip in United States History*, Kathleen Feeley and Jennifer Frost, eds. (Palgrave Macmillan, 2014), 123-137

From Privacy to Publicity: The Tort of Appropriation in the Age of Mass Consumption, *Buffalo Law Review* 61 (2013): 1119-1190

The Laws of Image, *New England Law Review* 47 (2012): 23-92

The *Sidis* Case and the Origins of Modern Privacy Law, *Columbia Journal of Law and the Arts* 36 (2012): 21-70

Saving Privacy From History, *DePaul Law Review* 61 (2012): 973-1048

How the Movies Became Speech, *Rutgers Law Review* 64 (2012): 665-746

Creating the Public Forum, *Akron Law Review* 44 (2011): 809-866

The Death of the Public Disclosure Tort: A Historical Perspective, *Yale Journal of Law and the Humanities* 22 (2010): 171-216

SELECTED PRESENTATIONS

AALS New Books in Constitutional Law, July 20, 2023 (presenter)

“The Newly Told Story of the Life and Legacy of *New York Times v. Sullivan*,” First Amendment Salon, June 12, 2023 (book talk)

Freedom of Expression Scholars Conference, Yale Law School, April 28, 2023 (commentator)

“When The News Broke,” Washington History Seminar, Feb. 13, 2023 (commentator)

“Personal Identity in the Modern World,” celebration of Professor Lawrence Friedman, Stanford Law School, Jan. 13, 2023 (commentator)

“Civil Rights and Freedom of the Press in *New York Times v. Sullivan*,” Kormendy Lecture, Ohio Northern University, March 23, 2022 (keynote lecture)

“How the Movies Became Speech,” Robert Penn Warren Center for the Humanities, Vanderbilt University, January 25, 2019 (lecture)

“Morris Ernst and the Freeing of *Ulysses*,” UCLA Faculty Colloquium, August 24, 2018 (lecture)

“Privacy and Freedom of the Press,” Allegheny College, March 2018 (keynote lecture)

“Free Expression & The Scope of the First Amendment: A Conversation with Floyd Abrams,” Robert H. Jackson Center, Jamestown, NY, October 11, 2017 (lecture)

“Histories of Privacy in Modern America,” Organization of American Historians Conference, New Orleans, April 7, 2017 (paper presentation). Broadcast on CSPAN, May 2017.

“*Time v. Hill* and the Transformation of American Privacy Law,” American Society for Legal History Conference, Toronto, October 30, 2016 (paper presentation)

“Laws of Image: Privacy and Publicity in America,” Boston College Legal History Roundtable, October 15, 2015 (lecture)

“Privacy and the Right to One’s Image: A Cultural and Legal History,” Privacy Law Scholars Conference, Berkeley, June 4, 2015 (paper presentation)

“The Laws of Image: Privacy, Publicity, and Visions of Self in American Law and History,” Law and Society Association Conference, Seattle, May 29, 2015 (paper presentation)

“Privacy in an Image Society,” American Society for Legal History Conference, St. Louis, November 10, 2012 (paper presentation)

SERVICE TO THE PROFESSION

Director, Baldy Center for Law and Social Policy, University at Buffalo (2019-present)

Adviser to the American Law Institute for its *Restatement (Third) of Torts: Defamation and Privacy*

Executive Committee, Communication, Media & Information Law Section, American Association of Law Schools

Manuscript Reviewer, Harvard University Press, University of Chicago Press, Duke University Press, University of California Press, University of Kansas Press, *Yale Law Review*, *Law and Society Review*, *Journal of American History*

PODCASTS

“Actual Malice,” ABA Journal’s Modern Law Library Podcast, March 2023

“Actual Malice,” Letters and Politics Show, KPFA radio, March 14, 2023

“Actual Malice,” Leonard Lopate Show, WBAI radio, Feb. 24, 2023

“Actual Malice,” Keen On podcast (Literary Hub), Feb. 21, 2023

“The Rise and Fall of Morris Ernst,” Talking Legal History Podcast, November 2021

“The Rise and Fall of Morris Ernst,” New Books Network Podcast, August 2021

“The Rise and Fall of Morris Ernst, Free Speech Renegade,” So to Speak Podcast, July 2021

“Fame: A New Breed of Celebrity,” Trailblazers with Walter Isaacson, Sept. 2019

“Laws of Image,” Talking Legal History Podcast, August 2016

SELECTED BOOK REVIEWS

Actual Malice: Civil Rights and Freedom of the Press in New York Times v. Sullivan (2023) reviewed in *The New Yorker*, *New York Review of Books*, *New York Times Book Review*, *Los Angeles Review of Books*

The Rise and Fall of Morris Ernst: Free Speech Renegade (2021) reviewed in *American Historical Review*, *James Joyce Quarterly*, *History: Reviews of New Books*, *Los Angeles Review of Books*, *Journal of American History*

Confidential Confidential: The Inside Story of Hollywood’s Notorious Scandal Magazine (2018) reviewed in *Wall Street Journal*, *Booklist*, *Film Quarterly*, *Kirkus Reviews*, *Library Journal*

Newsworthy: The Supreme Court Battle Over Privacy and Press Freedom (2017) reviewed in *Library Journal*, *Journal of American History*, *Inside Higher Ed*, *Los Angeles Review of Books*, *SCOTUS blog*

Laws of Image: Privacy and Publicity in America (2015) reviewed in *Journal of American History*, *Jotwell*, *Journalism and Mass Communication Quarterly*

The First Lady of Hollywood: A Biography of Louella Parsons (2005) reviewed in *Publishers' Weekly* (Starred Review), *Wall Street Journal*, *New York Times Book Review*, *Los Angeles Magazine*, *Variety*, *Journal of American History*, *Los Angeles Times*

Movie Crazy: Fans, Stars, and the Cult of Celebrity (2001) reviewed in *Library Journal*, *Publishers' Weekly*, *Journal of American Studies*, *Journal of American History*

SELECTED MEDIA MENTIONS AND APPEARANCES

"Will the Supreme Court Revisit *New York Times v. Sullivan*," *National Law Journal*, May 22, 2023.

"Legal Scholars Weigh in on the Lasting Significance of *Dominion v. Fox*," *First Amendment Watch*, April 20, 2023

"As Fox News case heads to trial, St. Louis site faces its own defamation suit," *Missouri Independent*, April 17, 2023

"Inside the Republican playbook for crushing press freedoms," *Raw Story*, March 28, 2023

"What Happens if *NYT v. Sullivan* Falls," interview on Poynter.org, March 14, 2023, reprinted in *Seattle Times*, March 19, 2023

"Targeting the Press," *The Week*, March 26, 2023

"Inside Politics with John King," CNN (interviewed on *New York Times v. Sullivan*), Feb. 20, 2023

"Free Press Advocates Alarmed by Buffalo Judge's Ruling," *Buffalo News*, Oct. 31, 2022

"Suing Carlsen and Others for 1 Billion. But Can He Win?" *Aftenposten* (Norway), Oct. 21, 2022

"Palin's New York Times Spat Tees Up Wider Press Freedom Face-Off," *Bloomberg Law*, Feb. 14, 2022

"Sarah Palin Casts Herself as Goliath Against New York Times at Trial," *Huffington Post*, Feb. 10, 2022

"A Major Supreme Court First Amendment Decision Could Be At Risk," op-ed, *Washington Post*, July 13, 2021

"Lenny Dykstra's Loss Portends the Future of Defamation Cases," *Bloomberg Law*, Jun. 4, 2020

"Morris Ernst, Bennett Cerf, and Ulysses," *New York Review of Books*, Oct. 24, 2019

"Catch and Kill: Can Tabloids Hide Behind the First Amendment," *ABA Journal*, April 1, 2019

"It's a Tense Environment: Media Braced for Further Hostility Fueled by Trump," *The Guardian*, June 29, 2017

“Richard Simmons Says ‘Tabloids Defamed Him by Saying He Had a Sex Change,’” *New York Times*, May 8, 2017

“Rolling Stone’s Rape Story Highlights a Hardening Attitude Towards the Media,” *The Guardian*, Nov. 5, 2016

“Why There’s Never Been a Better Time to Sue a Journalist,” *Washington Post*, Nov. 5, 2016

“For Rolling Stone, Worst Nightmare Continues,” Associated Press, Nov. 5, 2016

“A Trump Libel Suit Against the Times? Don’t Count on It,” *Washington Post*, Oct. 13, 2016

“Gawker Files for Chapter 11 Bankruptcy Protection,” *Washington Post*, June 10, 2016

“Gawker Files Bankruptcy After Hogan Lawsuit,” *USA Today*, June 10, 2016

“Billionaire Says He Helped Finance Hulk Hogan Lawsuit,” *Wall Street Journal*, May 26, 2016

“Hulk Hogan’s \$140.1 Million KO in Courtroom Could Have Chilling Effect on the Media,” *Washington Post*, March 21, 2016

“Could Hulk Hogan’s \$115m Win Against Gawker Destroy the Gossip Site Forever,” *The Guardian*, March 19, 2016

“Next in Hulk Hogan Sex Tape Suit: Punitive Damages, Appeals,” Associated Press, March 2016

“Hulk Hogan Awarded \$115 Million in Libel Suit Against Gawker,” *New York Times*, March 2016

“Jury Awards Hulk Hogan \$115 Million in Gawker Sex Tape Suit,” Associated Press, March 2016

AWARDS

Public Scholar Award, National Endowment for the Humanities, 2020

Harry Ransom Research Fellowship, University of Texas, 2019

American Philosophical Society Franklin Research Grant, 2019

Independent Publisher Book Award for U.S. History, Silver Medal, 2017

University at Buffalo Exceptional Scholar Award, 2016

Samuel I. Golieb Fellowship in Legal History, NYU, 2011 (declined)

Steven Block Civil Liberties Essay Prize, Stanford Law School, 2009

Chapman University Faculty Award for Excellence in Scholarly Activity, 2005