

Samantha Barbas
University of Iowa College of Law
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ACADEMIC POSITIONS

University of Iowa College of Law

Professor, Aliber Family Chair in Law, 2024-

University at Buffalo School of Law

Professor, 2016-2024

Director, Baldy Center for Law and Social Policy, 2018-2024

Associate Professor, 2011-2016

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

PUBLICATIONS

Books

Actual Malice: Civil Rights and Freedom of the Press in New York Times v. Sullivan (University of California Press, 2023).

Received National Endowment for the Humanities Public Scholar Award. Highlighted on CNN and in the *New York Times Magazine*. One of the *New Yorker's* "Best Books of 2023." Paperback ed. Aug. 2024. Optioned for documentary film. Listed on Green Bag's list of Exemplary Legal Writing for 2023. Finalist, Order of the Coif Book Award. Presented at 2023 Constitution Day Lecture, Library of Congress.

Reviewed in *The New Yorker*, *New York Review of Books*, *New York Times Book Review*, *Los Angeles Review of Books*, *Law and Liberty*, *Law and Politics Book Review*, *Michigan Law Review*, *American Historical Review*, *Poynter*, and *Law and History Review*

The Rise and Fall of Morris Ernst, Free Speech Renegade (University of Chicago Press, 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 (Chicago Review Press, 2018)

Reviewed in *Wall Street Journal*, *Booklist*, *Film Quarterly*, *Kirkus Reviews*, *Library Journal*

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

Reviewed in *Library Journal*, *Journal of American History*, *Inside Higher Ed*, *Los Angeles Review of Books*, *SCOTUS blog*. Received Independent Publisher Book Award for U.S. History, Silver Medal.

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

Reviewed in *Journal of American History*, *Jotwell*, *Journalism and Mass Communication Quarterly*

The First Lady of Hollywood: A Biography of Louella Parsons (University of California Press, 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 (Palgrave Macmillan, 2001)

Reviewed in *Library Journal*, *Publishers' Weekly*, *Journal of American Studies*, *Journal of American History*

Books in Progress

Into the Vortex: Public Figures and the Making of the Free Press

Hate Speech: An American Dilemma (under contract, University of California Press)

Articles and Book Chapters

The Emergence of First Amendment Originalism, *Texas A&M Law Review* (forthcoming, 2025)

The Enduring Significance of *New York Times v. Sullivan*, in the *Future of Press Freedom* (Andersen and Jones, eds., Cambridge University Press, 2025)

How the Civil Rights Movement Rewrote Freedom of the Press, *Humanities: The Magazine of the National Endowment for the Humanities* (Fall 2024)

New York Times v. Sullivan: A Civil Rights Story, *Texas A&M Law Review* (Dec. 2024)

The Story of *New York Times v. Sullivan*, *ConLaw NOW* (2024)

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

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

Keynote lectures

"New York Times v. Sullivan," Kirwan Lecture, University of Nebraska, Omaha, May 20, 2024

"New York Times v. Sullivan at 60," University of Illinois College of Law, April 8, 2024

"Civil Rights and Freedom of the Press in *New York Times v. Sullivan*," New York Historical Society, March 13, 2024 (with Randall Kennedy)

“Actual Malice: Civil Rights and Freedom of the Press in New York Times v. Sullivan,” Constitution Day Lecture, Law Library of Congress, Sept. 14, 2023

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

“Privacy and Freedom of the Press,” Allegheny College, March 2018

Other presentations and lectures

Guest presenter, “First Amendment Values” class, Barnard College, March 24, 2025.

“The Emergence of First Amendment Originalism,” symposium on “History and Memory in Constitutional Interpretation,” Texas A&M Law School, Feb. 28, 2025

“New York Times v. Sullivan,” symposium on “Journalism at a Crossroads,” Villanova Law School, Feb. 21, 2025

“Actual Malice,” Flaschner Judicial Institute, December 4, 2023

“Hate Speech Laws in America,” Constitutional Law Colloquium, Loyola Law School, Nov. 2023

“The War on New York Times v. Sullivan,” Beverly Hills Bar Association, Oct. 21, 2023

“Freedom of the Press in New York Times v. Sullivan,” Global Seminar on the Freedom to Speak, Columbia University, Sept. 21, 2023

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)

“New York Times v. Sullivan,” Media Ethics course, NYU School of Journalism, Oct. 25, 2021 (lecture)

Freedom of Expression Scholars Conference, Yale Law School, May 1, 2021 (commentator)

Freedom of Expression Scholars Conference, Yale Law School, October 24, 2020 (commentator)

“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

“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.

Freedom of Expression Scholars Conference, Yale Law School, May 1, 2016 (commentator)

“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 (2019-2024)

Directed independent institute at the University at Buffalo Law School dedicated to law and social policy research. Responsible for overseeing financial and academic aspects of the institute, including administering research grants and postdoctoral fellowships, programming events, supervising staff, and maintaining an international presence for the center through strategic publicity and outreach.

Distinguished Lecturer, Organization of American Historians (appointed Sept. 2023)

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

Editorial Board, *Journal of American Constitutional History*

Manuscript Reviewer, Harvard University Press, Oxford University Press, University of Chicago Press, Stanford University Press, Duke University Press, University of California Press, University of Kansas Press, Cornell University Press, Supreme Court Historical Society, *Yale Law Review*, *Law and Society Review*, *Journal of American Constitutional History*, *Journal of American History*, *American Journal of Legal History*

PODCASTS

“What if the Press Couldn’t Tell the Truth,” Civics 101 Podcast, New Hampshire Public Radio, March 2025

“Free Speech and the Supreme Court,” UB Driven to Discover Podcast, Sept. 2023

“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 MEDIA MENTIONS AND APPEARANCES

“Powerful Forces Want to Dismantle Libel Protections,” *Poynter*, March 11, 2025.

“Can the Media’s Right to Pursue the Powerful Survive Trump’s Second Term,” *New York Times Magazine*, March 3, 2025.

“The Right is Hell-Bent on Weaponizing Libel Law,” *The New Republic*, March 4, 2025.

“Trump is on a Winning Streak Against the Press,” *Variety*, Feb. 6, 2025.

“With Drake Lawsuit Looming, Can Kendrick Lamar Play ‘Not Like Us’ at the Super Bowl?,” *Billboard*, Feb. 2, 2025.

“Iowa Lawmaker Continues to Push Legislation to Limit Lawsuits Targeting Free Speech,” Iowa Public Radio, Jan. 22, 2025.

“Legal Scholar Samantha Barbas on Press Freedom Under Trump,” *First Amendment Watch*, Jan. 15, 2025.

“Trump Steps Up His Attacks on a Weakened Press,” *El Pais*, Dec. 28, 2024.

“Trump’s Use of Consumer Fraud Law to Sue Des Moines Register Unlikely to Succeed,” *Des Moines Register/ USA Today*, Dec. 24, 2024

“Trump is Waging a Legal War Against Press Freedom,” *The Hill*, Dec. 24, 2024.

“How Might Trump’s Second Term Affect the Free Press,” *The Week*, Dec. 23, 2024.

“Law professor analyzes Trump lawsuit over 2024 Iowa Poll,” *We Are Iowa (ABC)*, Dec. 20, 2024.

“Trump’s Media Lawsuits Could Do Serious Damage to America’s Free Press,” *Vox*, Dec. 18, 2024.

“Trump Sues the Des Moines Register, Escalating Threats Against the Media,” *New York Times*, Dec. 17, 2024.

“Trump Sues Iowa Pollster,” *Cedar Rapids Gazette*, Dec. 17, 2024.

“Libel Warfare: ABC’s Payout to Donald Trump Sends a Chill Across U.S. Media,” *Financial Times*, Dec. 17, 2024.

“Conversation with University of Iowa Professor Samantha Barbas,” *KCRG*, Dec. 17, 2024.

“Donald Trump files lawsuit against pollster behind 2024 Iowa poll,” *KCCI*, Dec. 17, 2024.

“Legal Expert Explains Threats to Landmark Decision,” *Iowa Public Radio*, Nov. 21, 2024

“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*, 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,” *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

CLERKSHIP

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

AWARDS

Finalist, Order of the Coif Book Award, 2024

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