


LAURENCE H. WINER
Professor Emeritus
Sandra Day O'Connor College of Law
Arizona State University



EDUCATION:

YALE LAW SCHOOL, J.D. 1977.

BOSTON UNIVERSITY, Ph.D. in Mathematics, 1973; M.A. in Mathematics, 1970.

Recipient, National Science Foundation Fellowship - Summer Colloquium at Bowdoin College, 1970.

CORNELL UNIVERSITY, Graduate work in Mathematics, 1967 - 1968.

BOSTON UNIVERSITY, B.A. 1967.

Summa cum Laude with Distinction in Mathematics

Member, Phi Beta Kappa

Recipient, National Science Foundation Fellowship - Summer Colloquium at Case Institute of Technology, 1966.

CLARKSON UNIVERSITY, Summer 1987.

Institute for Retraining in Computer Science (computer science for college math professors).

LEGAL ACADEMIC
EMPLOYMENT:

ARIZONA STATE UNIVERSITY SANDRA DAY O'CONNOR
COLLEGE OF LAW
Tempe, Arizona 85287-7906.

Professor of Law, 1987 - 2017

Associate Professor of Law, 1983 - 1987.

Faculty Fellow, Center for Law, Science & Innovation.

Faculty Editor, JURIMETRICS JOURNAL OF LAW, SCIENCE AND TECHNOLOGY, 2008 - 2011 and 1988 - 1989; Member, Professional Editorial Board, 1989 - 2008.

Teaching Concentration: Law & Ethics of Lawyering (Professional Responsibility); Constitutional Law; Ideas of the First Amendment; Torts; Telecommunications/Media Law; Analytical Methods for Lawyers; Defamation & Privacy.

Major Administrative Experience: Chair of, and service on, virtually all law school committees over thirty plus years; developed “Project Excellence” with the undergraduate ASU Barrett Honors College to recruit outstanding students to the law school; instrumental in establishing Law, Science Center and Indian Law programs, including affiliation with American Bar Association’s Section of Science and Technology to assume the responsibility for editing the Section’s academic, peer-reviewed journal, JURIMETRICS; initiated, organized, planned and participated in numerous Center conferences. Faculty Coach, First Amendment Moot Court Team, 1997 - 2005.

ST. JOHN’S UNIVERSITY SCHOOL OF LAW
Queens, New York 11439.

Visiting Professor of Law, Spring, 2008.
Taught: Professional Responsibility.

BROOKLYN LAW SCHOOL
Brooklyn, New York 11201.

Visiting Professor of Law, 2002-2003.
Taught: Constitutional Law; Telecommunications Law and Policy;
Professional Responsibility.

THE MEDIA INSTITUTE
Washington, D.C.

Advisor/Consultant, 1991 - present.
Member of First Amendment Advisory Council to this non-profit research organization dedicated to vigorous First Amendment freedoms for all mass media; author of numerous pieces in Institute publications; organized and directed a Public Interest Council to monitor and critique media regulatory initiatives of the federal government; plan and participate in many Institute programs.

EMPLOYMENT PRIOR TO
ENTERING LEGAL ACADEMICS:

CSAPLAR & BOK
One Winthrop Square, Boston, Massachusetts 02110.

Litigation Associate, 1977 - 1983; law clerk, summer 1976.

Primary experience included securities investigation as SEC-approved independent special counsel; nationwide First Amendment litigation for public television station; antitrust advice for firms in both regulated and unregulated industries; substantial breach of warranty claim on behalf of a large public utility; successful challenge of improper election proceedings in a Massachusetts city; and representation of the Massachusetts Housing Finance Agency in numerous cases. Additional experience with commercial lease financings and general real estate and corporate matters.

CLENDENEN AND LESSER
New Haven, Connecticut 06510.

Part-time and summer law clerk, spring and summer, 1975.
Experience with Truth-in-Lending Act and state welfare benefits litigation.

BOSTON UNIVERSITY COLLEGE OF LIBERAL ARTS
Department of Mathematics
Boston, Massachusetts 02215.

Instructor, Department of Mathematics, 1969 - 1974.
Taught a variety of university-level mathematics courses ranging from large lectures in elementary subjects to small classes and seminars in more sophisticated areas.

BOSTON STATE COLLEGE
Department of Mathematics
Boston, Massachusetts.

Part-time Lecturer in Mathematics, 1973 - 1974.

CITY OF BEVERLY
Beverly, Massachusetts.

High-school mathematics teacher, 1968-1969.

PUBLICATIONS:

GOD, SCHOOLS AND GOVERNMENT FUNDING: FIRST AMENDMENT CONUNDRUMS (with Prof. Nina J. Crimm) (Ashgate Publishing Ltd., 2015).

POLITICS, TAXES, AND THE PULPIT: PROVOCATIVE FIRST AMENDMENT CONFLICTS (with Prof. Nina J. Crimm) (Oxford University Press, 2011).

A Perspective on Suitable Latitude for Religious Establishments: Lessons From Contrasting the Student Educational Arena with the Adult Political Square (with Prof. Nina J. Crimm), 49 *Ariz. St. L.J.* (2017).

Sacralité du Premier amendement et droit fiscal aux États-Unis (with Prof. Nina J. Crimm), in, *LA POLITISATION DU RELIGIEUX EN MODERNITÉ* (Presses Universitaires de Rennes, 2015)

Dilemmas in Regulating Electoral Speech of Nonprofit Organizations (with Prof. Nina J. Crimm) in *NOT-FOR-PROFIT LAW: THEORETICAL AND COMPARATIVE PERSPECTIVES* (Matthew Harding, Ann O'Connell and Miranda Stewart (eds.)) (Cambridge University Press, 2014).

Tax Laws Ban on Political Campaign Speech by Houses of Worship: Inappropriate Government Censorship and Intrusion on Religion (with Prof. Nina J. Crimm), *Bar Ilan University Journal of Law, Religion & State* 2 (2013) 101.

Don't Bogart That Witness: The Caine Mutiny and Trial by Jury, Chapter in *SCREENING JUSTICE: THE CINEMA OF LAW* (Strickland, et al., eds., 2006).

Review/Essay of *MEDIA AND SOVEREIGNTY: THE GLOBAL INFORMATION REVOLUTION AND ITS CHALLENGE TO STATE POWER*, by Monroe E. Price, 45 *JURIMETRICS JOURNAL* 333 (Spring 2005).

The Soul of the Censor: The FCC Attacks Television Violence, The Media Institute, Perspectives Series (November, 2004).

The Constitutional Case Against "Free" Air Time (Cato Institute, September, 2003).

Essays on Internet access via cable modem and Supreme Court invalidation of the Child Pornography Prevention Act of 1996 for FIRST AMENDMENT AND THE

MEDIA, 2003, an annual survey of government activities affecting the media (March, 2003).

Telephone Companies Have First Amendment Rights Too: The Constitutional Case for Entry Into Cable, 8 Cardozo Arts & Ent. L.J. 257 (1990), included in 20th Anniversary Issue, A CORNUCOPIA OF INTELLECTUAL PROPERTY: TWENTY YEARS OF THE CARDOZO ARTS & ENTERTAINMENT LAW JOURNAL (Peter K. Yu, ed.) (2002).

Essays on satellite carriage of local television signals, cable carriage of digital television signals, and constitutionality of “virtual” child pornography for FIRST AMENDMENT AND THE MEDIA, 2002, an annual survey of government activities affecting the media (April, 2002).

Essays for FIRST AMENDMENT AND THE MEDIA, 2001, an annual survey of government activities affecting the media (April, 2001).

United States v. Playboy Entertainment Group, Inc., 120 S.Ct. 1878 (2000), *Brief of The Media Institute as Amicus Curiae in Support of Appellee* (arguing for strict scrutiny of federal statute regulating indecency on certain cable television channels and invalidation of statute under the First Amendment).

FCC Notice of Inquiry, *Public Interest Obligations of TV Broadcasters* (MM Docket No. 99-360), *Public Comments* (March 27, 2000) (arguing that Notice of Inquiry that proposes additional “public interest” regulation of television broadcasters in fact should consider and implement substantial deregulation of the commercial television broadcast industry).

Essays for FIRST AMENDMENT AND THE MEDIA, 2000, an annual survey of government activities affecting the media (March, 2000).

Thinking Outside the Regulatory Box, Paper No. 4 in the Series ISSUES IN BROADCASTING AND THE PUBLIC INTEREST (September, 1998).

Deficiencies of the “Aspen Matrix”, Paper No. 3 in the Series ISSUES IN BROADCASTING AND THE PUBLIC INTEREST (April, 1998).

Public Interest Obligations and First Principles, Paper No. 1 in the Series ISSUES IN BROADCASTING AND THE PUBLIC INTEREST (March, 1998).

Jury Finds ABC Liable for Fraud and Trespass in Tort Action That May Affect Newsgathering, in THE FIRST AMENDMENT AND THE MEDIA (1998).

The Red Lion of Cable, and Beyond? - *Turner Broadcasting v. FCC*,

15 *Cardozo Arts & Ent. L. J.* 1 (1997).

Children Are Not a Constitutional Blank Check, chapter in *RATIONALES AND RATIONALIZATIONS: REGULATING THE ELECTRONIC MEDIA* (Robert Corn-Revere, ed., 1997).

Introduction for *CROSS OWNERSHIP AT THE CROSSROADS: THE CASE FOR REPEALING THE FCC'S NEWSPAPER/BROADCAST CROSS OWNERSHIP BAN* (by Richard T. Kaplar, 1997).

The Unsettled Status of Lawyer Advertising and Soliciting After Went For It, *COMMERCIAL SPEECH DIGEST* (Summer, 1997).

Must Cable Operators Carry Local Broadcast Stations?, *WEST'S LEGAL NEWS* (September, 1996).

Court May Decide Whether First Amendment Gives Phone Companies Right To Sell Cable TV to Local Customers, *WEST'S LEGAL NEWS*, (January, 1996).

Medical Liberalism's Past and Future (review of *THE ENDS OF HUMAN LIFE: MEDICAL ETHICS IN A LIBERAL POLITY* by Ezekiel J. Emanuel, 34 *Jurimetrics J.* 235 (1994) (co-author).

State Bar of Arizona Advertising Committee, Opinion No. 01-93 (December, 1993).

Lawyer Advertising in Arizona: The State Bar Run Amok, 23 *Ariz. State L.J.* 741 (1991).

State Bar of Arizona Rules of Professional Conduct Committee, Opinion No. 90-13 (October, 1990).

The New Media Technologies and the Old Public Interest Standard, 29 *Jurimetrics Journal* 377 (1989), excerpted in 7 *Cable T.V. and New Media* 8 (October 1989).

Failure to Prepare: Who's Liable in a Computer Disaster?, (with Dan L. Burk), 5 *Santa Clara Computer and High Technology Law Journal* 19 (1989).

The Signal Cable Sends, II - Interference From The Indecency Cases?, 55 *Fordham Law Rev.* 459 (1987).

The Signal Cable Sends, I - Why Can't Cable Be More Like Broadcasting?, 46 *Maryland Law Rev.* 212 (1987).

RECENT
PRESENTATIONS
AND CONFERENCES:

Invited participant in selective Federalist Society colloquium on *Liberty of Conscience and the Law*, January 20-21, 2017, Dallas, TX.

A Perspective on Suitable Latitude for Religious Establishments: Contrasting the Student Educational Arena with the Adult Political Square invited presentation (with Prof. Nina J. Crimm) at international conference on "The Legitimate Scope of Religious Establishment" held at the Fondazione Marcianum in Venice, Italy, in March, 2016.

Government Tuition Subsidies and Religious Nondiscrimination in Admissions, invited presentation (with Prof. Nina J. Crimm) at 4th International Conference on School Choice & Reform, "Worlds of School Choice: Connecting Research and Practice," January, 2015, Ft. Lauderdale, FL.

Invited participant in selective Federalist Society colloquium on *Freedom of Assembly and Religious Liberty*, March 22-23, 2013, Charlotte, NC.

Dilemmas in Regulating Electoral Speech of Nonprofit Organizations, invited presentation (with Prof. Nina J. Crimm) at conference, "Defining, Taxing and Regulating the Not-for-Profit Sector in the 21st Century", held in July, 2012, at the Melbourne Law School at the University of Melbourne, Australia.

Tax Ban on House of Worship Partisan Electoral Speech Inhibits Democratic Participation and Discriminates Against Some Religions and Minorities: Hallowed First Amendment Protections Be damned, invited presentation (with Prof. Nina J. Crimm) at 2012 International Conference on Law & Society, Honolulu, June 2012.

Invited, co-principal participant in conference on co-authored book *POLITICS, TAXES, AND THE PULPIT: PROVOCATIVE FIRST AMENDMENT CONFLICTS* (with Prof. Nina J. Crimm) (Oxford University Press, 2011) held at the University of Kentucky College of Law, October, 2011.

Hallowed First Amendment Freedoms Inhibited by Profanely Anomalous Federal Tax Laws (with Prof. Nina J. Crimm), Invited paper presentation, International Conference on "Profane Imprints on the Sacred: What Religion Owes to Politics," Université Paris-Est, Paris, France, June, 2011.

The United States Tax Law Ban on Political Campaign Speech by Houses of Worship: Inappropriate Government Censorship and Intrusion on Religion (with Prof. Nina J. Crimm), Invited paper presentation, International Conference on “Religious Law and State’s Affairs,” Bar-Ilan University, Faculty of Law, Israel, May, 2011.

Electoral Speech and Church-State Relations: Laws Must Foster Neutrality, Tolerance, Pluralism and Diversity (with Prof. Nina J. Crimm), Invited paper presentation, International Conference on “Recognition and the Politics of Identity and Inclusion in the 21st Century: Managing Diversity in Plural Societies,” University of Hong Kong, Centre for Comparative and Public Law, Faculty of Law, April, 2011.

Interview (with Prof. Nina J. Crimm) regarding POLITICS, TAXES, AND THE PULPIT: PROVOCATIVE FIRST AMENDMENT CONFLICTS, on the radio program, *Culture Shocks*, by Barry Lynn, Executive Director of Americans United for Separation of Church and State, November, 2010.

Commentator on panel *Proposals for Reform*, Conference on *Reclaiming the First Amendment: Constitutional Theories of Media Reform*, sponsored by the Brennan Center for Justice at NYU School of Law and Hofstra Law School, January 19, 2007.

Organized and participated on panel on *Free Press and National Security: What Is the Role of a Free Press in a Time of War?*, program in celebration of National Freedom of Speech Week, Arizona State University Sandra Day O’Connor College of Law, October 19, 2006

Faculty Seminar, Brooklyn Law School, on constitutionality of proposals for free broadcast airtime for political candidates, April, 2003.

Digital Television: Fact or Fiction (or a Fuzzy Picture)?, panel participant in Howard M. Squadron Program in Law, Media and Society, Benjamin N. Cardozo School of Law, Yeshiva University, New York City, November, 2002.

The First Amendment: New Challenges for a Changed World (National Symposium on the Future of the First Amendment), participant on panel on “The First Amendment and Speech Diversity”, Washington, D.C., November, 2001.

Faculty Seminar for the Law Faculty at the University of New South Wales, Sydney, Australia, on Children and the Mass Media, July, 2001.

Conference on Law, Behavioral Biology and Economics, sponsored jointly by the ASU Law School’s Center for the Study of Law, Science, and Technology and the Gruter Institute for Law and Behavioral Biology, November, 2000.

Legal Liabilities at the Frontier of Predictive Genetic Testing, second annual symposium on emerging issues in genetics, law and public policy hosted by the ASU Law School's Center for the Study of Law, Science, and Technology with the support of SmithKline Beecham Corporation, April, 2000.

Private conference at the Freedom Forum in Washington, D.C., to discuss developing governmental efforts to control media depictions of violence available to children in the wake of Littleton, CO, and other incidents, June, 1999.

Respecting Genetic Privacy, the first in a series of annual symposia on emerging issues in genetics, law and public policy hosted by the ASU Law School's Center for the Study of Law, Science, and Technology with the support of SmithKline Beecham Corporation, March, 1999.

Roundtable Discussion of the Public Interest and Community Obligations of Digital Broadcasters, Annual Conference of the American Political Science Association, moderated by Marvin Kalb and jointly sponsored by Harvard University's Shorenstein Center on Press, Politics and Public Policy, Boston, September, 1998.

Aspen Institute's Working Group on Digital Broadcasting and the Public Interest, conference at the Institute's Wye River Conference Center on Maryland's Eastern Shore, June 17-19, 1998.

Colloquium on Biology and Sexual Aggression: Investigating Theories, Data, and Implications for Law, Center for the Study of Law, Science and Technology at Arizona State University College of Law, May 22-23, 1998.

Television Programming Issues Forum, November 21, 1997, Wichita State University, organized and moderated by U.S. Senator Sam Brownback (R., Kan.).

Law & the Internet - Privacy, Jurisdiction & the Regulation of Free Expression, Center for the Study of Law, Science and Technology at Arizona State University College of Law, panels on Privacy and on the Internet and Freedom of Expression, November 7-8, 1997.

Economics Institute for Law Professors, Law & Economics Center of George Mason University School of Law, Dartmouth College, July, 1997.

Sixth Annual Seminar on Frontiers in Law and Biology of the Gruter Institute for Law and Behavioral Research, Squaw Valley, California, June, 1997.

**PROFESSIONAL
ORGANIZATIONS
and ACTIVITIES:**

Yale Law School Association Executive Committee, Regional Representative for Massachusetts, 2017-2020.

Member, Rules of Professional Conduct Committee, State Bar of Arizona, 1987-1992 (worked with Arizona judges and leading practitioners to further professionalize the Committee's work in drafting and issuing formal opinions interpreting the State Bar's code of conduct for lawyers).

Member, Legal Panel, Arizona Civil Liberties Union, 1999-2005.

Member, American Bar Association -- Forum Committee on Communications Law.

Member, Mathematical Association of America, 1967-2016.

Member, Committee on Lawyer Advertising, State Bar of Arizona, 1992-1994.

Member, Steering Committee, Maricopa County Bar Association Annual Law-Media Seminar, 1987-1994.

Member, Board of Directors of Camp Bauercrest in Amesbury, Massachusetts, 1980 - 1983.

BAR ADMISSIONS:

Commonwealth of Massachusetts; Supreme Court of the United States; United States Court of Appeals for the Ninth Circuit; and United States District Courts for the Districts of Massachusetts and Arizona.