

David J. Ensign

CONTACT INFORMATION:

Louis D. Brandeis School of Law
University of Louisville
Louisville, Kentucky 40292

EDUCATION:

Juris Doctorate – Washburn University School of Law (1982)

Master of Library Science – Emporia State University (1976)

Bachelor of Arts – Political Science, University of Kansas (1972)

Associate of Arts – Cloud County Community Junior College (1970)

EXPERIENCE:

July 2005 – January, 2007 Acting Dean
Louis D. Brandeis School of Law
University of Louisville
Louisville, KY 40292

July 1996 – present Law Library Director and Professor of Law
Louis D. Brandeis School of Law

July 1992 – June 1996 Law Library Director and Associate Professor of Law
Louis D. Brandeis School of Law

January 1989 – June 1992 Law Library Director and Assistant Professor of Law
Louis D. Brandeis School of Law

January 1985 – December 1988 Associate Director and Head of Public Services
Washburn University School of Law Library
Topeka, Kansas 66621

January 1982 – December 1984 Assistant Librarian and Head of Technical Services
Washburn University School of Law Library

August 1980 – December 1981 Assistant Librarian, Reference
Washburn University School of Law Library

April 1973 – July 1980 Reader's Advisor
Topeka Public Library
Topeka, Kansas 66604

TEACHING ACTIVITIES:

Spring 1995 – Present Copyright Seminar
Brandeis School of Law

University of Louisville
Spring 1992 – 2003 Domestic Relations
Brandeis School of Law
Fall 1989 – 2014 Legal Research
Brandeis School of Law
Fall 1988 Law Librarianship
Emporia State University
Emporia, KS
Spring 1987 -- 88 Legal Research and Writing
Washburn University School of Law
Topeka, KS
Fall 1998 – 2012 Guest Lecturer, University of Kentucky MSLS Program
Topics Include: Issues in Librarianship and Copyright Law

PUBLICATIONS:

Books (Chapters) "Resource Sharing and Copyright Among Library Consortia Members," *Growing Pains: Adapting Copyright for Libraries, Education, and Society*, Chapter 8. Holmes Beach, FL: Gaunt, 1997.

Kentucky Legal Research. Durham, NC: Carolina Academic Press, 2012. (with Hilyerd and Metzmeier, co-authors).

Kentucky Legal Research. 2nd ed. Durham, NC: Carolina Academic Press, 2017. (with Hilyerd and Metzmeier, co-authors).

Articles

"Librarianship at the Dawn of Automation," to be published in a forthcoming issue of *Kentucky Libraries* (2017)

*Legal Liability for Linking," 5 Copyright & New Media Law Newsletter 3-5 (2001).

"West's Copyright Claim to Star Pagination Denied by Second Circuit," *AALL Spectrum* 3 (July, 1999): 12, 35.

"Distribution of Reproduced Copyrighted Information: *Hotaling v. Church of Jesus Christ of Latter Day Saints*," *Copyright and New Media Law* (1998)

"Who Killed Cock Robin?: The Internet and the Demise of Fair Use in Electronic Publication," *Kentucky Libraries* 59 (Summer, 1995): 18-22.

"Copyright and Photocopies in Library Reserve Practice: Fair Use and Recent Trends," *Kentucky Libraries* 58 (Winter, 1994): 11-18.

"FAX – A Special Case," *The Bookmark* 50 (Spring, 1992): 125 – 128.

Copyright and the Use of Telefacsimile Among Branch Library Facilities, 83 *Law Lib. J.* 451 – 461 (1991).

The Copyright Considerations for Telefacsimile Transmission of Documents in Interlibrary Loan Transactions, 81 *Law Lib. J.* 805 – 812 (1989).

Copyright Handbook for Videotapes and Microcomputer Software. Topeka, KS: State of Kansas Library Network Board, 1988. (with Janet Wilke and Rhonda Moeller).

"Copyright Corner" columns
for Kentucky Libraries "Copyright and Social Media" (Winter, 2016)
"Copyright and the Crafts" (Spring, 2016)
"Attorney's Fees" (Fall, 2016)
"What is Kirtsaeng and Why You Should Care" (Summer, 2016)
"Can I Plagiarize Myself?" (Winter, 2015)
"Moral Rights and Art Affixed to Buildings" (Summer, 2014)
"Copyright of Utilitarian Objects" (Spring, 2014)
"How Much Taking Constitutes Infringement?" (Winter, 2014)
"The Internet and Public Domain" (Fall, 2014)
"Personal Liability for Work-Related Copyright Infringement" (Summer, 2013)
"Copyright and Collection Control" (Spring, 2013)
"Classroom Guidelines as Addressed in the Georgia State University Case" (Winter, 2013)
"Licensing Public Performance of Motion Pictures" (Fall, 2012)
"Common Law Copyright in Kentucky" (2012)
"Copyright of Photographs" (2012)
"Termination of Transfers" (2011)
"Copyright Restoration" (2011)
"Moral Rights" (2011)
[Licensing e-books and the First Sale Doctrine] (Spring, 2010)
"More About Public Performance of Music" (Summer, 2010)
"Public Performance of Popular Music" (Winter, 2010)
"The Demise of Google Book Search?" (Winter, 2009)
"Public Performance of Sound Recordings" (Spring, 2009)
"Why Should We Care About Copyright?" (Summer, 2009)
"Public Domain" (Winter, 2008)
"Copyright for Proprietary Colleges and Universities" (Summer, 2008)
"Religious and Educational Use of Copyrighted Works" (Spring, 2008)
"Distributing Copyrighted Text Online" (2001)
"Public Performances" (2001)
"Self-Service Photocopiers" (2001)
"Unpublished Works" (2001)
"Causes of Action Related to Copyright" (2000)
"International Copyright Issues" (Summer, 2000)
"Sonny Bono Copyright Term Extension Act" (Winter, 2000)
"Subject Matter of Copyright" (Spring, 2000)
"Digital Millennium Copyright Act" (Winter, 1999)
"Compilations and Collective Works, Part II" (Fall, 1998)
"First Sale Doctrine" (Summer, 1998)
"Permission to Use Photographs" (Spring, 1998)
"Works Published Under the 1909 Act" (Winter, 1998)
"Broadcast of Copyrighted Videotapes in an Educational Setting" (Winter, 1997)
"Compilations and Collective Works" (Spring, 1997)
"Copyright on the World Wide Web" (Summer, 1997)
"Unauthorized Copies Made by Libraries" (Fall, 1997)
"Copyright Update" (Summer, 1996)
"Coursepacks" (Spring, 1996)

"Duration of Copyright" (Fall, 1996)
"Library Exemptions" (Winter, 1996)
"Infringement" (Winter, 1995)
"Intra-System Lending" (Spring, 1995)
"Parties to Infringement" (Fall, 1995)
"School Copyright Policies" (Summer, 1995)
"Copyright Notices and Warnings" (Summer, 1994)
"Obtaining Permission" (Fall, 1994)
"School Videotape Collections" (Spring, 1994)

SERVICE:

Louis D. Brandeis School of Law Dean's Advisory Committee, 2004 -- 2014
Faculty Senate Rep., 1993 – 2013 (chair 2002 – 04, vice chair 2000 – 02)
Library Committee, 1989 - present (chair 1990-91, 1996- present)
Library Personnel Committee, 1991 – present (chair)
Economic Welfare Committee, 1991 – present
Technology Committee, 1991 – 2005 (chair 2000 – 2005)
Law School Personnel Committee, 1996 – present
Redbook Committee, 2001 – 2005 (chair 2001-02)
Student Grievance Committee, 1993 – 2001 (chair 1997 – 99)
Decanal Search Committee, 1990, 1999 – 2000
Project Planning for the Women's History Month Exhibit, 1997 – 98
Documents Committee for the Law School Enabling Plan, 1997 – 98
Academic Advisor Search Committee, 1997, 2008
Ad Hoc Accreditation Self Study Committee, 1989, 1997
Decanal Review Committee, 1994 – 95, 2004 – 05, 2012
CLE Committee, 1991 – 93
Ad Hoc Strategic Planning Committee, 1989

University of Louisville Faculty Senate, 1993 – 2012 (chair 2002 – 04, vice chair 2000 – 02)
U of L Board of Trustees, 2002 – 2004
Search Committee for University Provost (chair), 2003
Faculty Senate Executive Committee, 1997 – 2005 (chair, 2000 – 02)
Planning and Budget Advisory Committee, 2002 – 03
Coalition of Senate and Faculty Leadership, 2000 – 2004
Professional Development Small Grant Review Committee, 2002 – present
Advisory Board, U of L Paralegal Program, 1998 – present
Tuition and Fee Setting Advisory Committee, 2005 - 2012
Faculty Senate Planning and Budget Committee, 1998 – 2000 (chair 1998 – 2000, *ex officio* 2000 – 2002)
Faculty Advisory Committee to Presidential Search Committee, 2002
Ad Hoc Committee on Phased Retirement, 2002
Task Force on Institutional Environment, 2001
Ad Hoc Committee on Mediation, 2001
University-wide Budget Advisory Committee, 1999 – 2001 (co-chair, 2001)
University Fringe Benefits Committee, 1998 - 2000
Faculty Senate Committee on Committees and Credentials, 1995 – 2001, 2008 - (chair 1997 – 99)
AATC, spring and summer, 2000
Ad Hoc Survey Committee, 2000
Task Force on Distance Education, 1998 – 1999

Faculty Senate Ad Hoc Committee on Intellectual Property, 1997 – 98
Faculty Advisory Committee, Academic Computing and IT, 1992 – 98
Faculty Senate Committee on Libraries, 1989, 1995-97
Ad Hoc Committee on Librarian Status, 1993 – 95
Library Issues Committee, 1990 – 92
Library Academic Advisory Committee, 1990 – 97
Bicentennial Committee for the Bill of Rights, 1989

Professional Community Memberships & Associations

American Association of Law Libraries: Member, Copyright Committee, 1988-89, 1990-91, 1992-95, 1997-98
(chair, 1994-95); Member, electronic Fair Use Committee, 1994 – 97
Secretary, Consortium of Southeast Law Libraries, 1992 – 94

Professional Community Lectures & Presentations

“Copyright and Proprietary Schools,” Sullivan College (June, 2008)
“Copyright and Librarianship,” Paducah Community College (May 2004)
“Copyright and Higher Education,” Sullivan College faculty (July 2003)
“Copyright and the Internet,” Paducah Community College (May 2003)
“Copyright in the Online Environment,” Kentucky Library Association (Oct. 2002)
“Current Developments in Copyright Law,” Madisonville Comm. Coll. (June 2001)
“Relationship Issues,” Office of Minority Affairs, University of Louisville (Mar. 2001)
“Copyright in Education,” School of Nursing, University of Louisville (Nov. 2000)
“Copyright and the Internet,” Kentucky School Media Association (Oct. 2000)
“International Copyright Issues” Louisville Bar Association CLE (May 2000)
“Copyright and Church Music,” Louisville Holy Trinity Church (Apr. 1999)
“Current Developments in Copyright Law,” Kentucky School Media Association (Oct. 1998)
“Developments in Copyright,” Kentucky Library Association (Apr. 1998)
“Copyright and Church Music,” Taylorsville, Kentucky (Apr. 1998)
“Current Copyright Issues in the Practice of Law,” Lexington Association of Law Librarians (Apr. 1998)
“Copyright and Fair Use in Technology,” University of Louisville Libraries (Nov. 1997)
“Copyright and Church Music,” American Guild of Organists, Louisville Baptist Seminary (Aug. 1997)
“Copyright and the Practice of Law,” State Government Bar Association CLE, Kentucky (Apr. 1997)

- "Copyright in Public Schools," Fern Creek Elementary School, Louisville (Feb. 1997)
- "Copyright for Public Librarians," Paintsville, Kentucky (Jan. 1997)
- "Copyright in Schools," Ashland Independent Schools in-service, Kentucky (Nov. 1996)
- "Copyright and Media," Kentucky Library Association (Oct. 1996)
- "Copyright Policy," Kentucky School Media Association (Sep. 1996)
- "Public Libraries and Copyright Law," Bardstown, Kentucky (Jul. 1996)
- "New Copyright Issues," Bluegrass Medical Librarians, Kentucky (Jul. 1996)
- "Copyright and Law Review Publication on the Internet," National Conference of Law Reviews, Kentucky (Mar. 1996)
- "Legal Research on the Internet," Louis D. Brandeis School of Law (Oct. 1995)
- "Recent Advances in Legal Research," The Law Firm of Woodward, Hobson & Fulton, Kentucky (Aug. 1995)
- "Copyright and Schools," Oldham County Middle School in-service, Kentucky (Aug. 1995)
- "Fair Use and the National Information Infrastructure: Proposed Amendments to the 1976 Copyright Act," Program Chair, American Association of Law Libraries Conference, Pittsburgh, Pennsylvania (Jul. 1995)
- "Speedy Delivery?: Copyright and Library Document Delivery Services," Program Chair, American Association of Law Libraries Conference, Seattle, Washington (Jul. 1994)
- "Copyright and Interlibrary Loan," Kentucky Library Association (Sep. 1994)
- July 12, 1993 – "Copyright in Primary Legal Materials: A Taxpayer's Perspective," AALL Conference, Boston, Massachusetts (Jul. 1993)
- "Issues in Child Advocacy," Coordinator, Petrilli Seminar, Kentucky (Mar. 1993)
- "Copyright and Libraries," American Association of Law Libraries Conference, San Francisco, California (Jul. 1992)
- "Copyright Laws and Librarians," Kentucky Library Association (Oct. 1991)
- "Annual Legislative Update: Copyright," American Association of Law Libraries Conference in New Orleans, Louisiana (Jul. 1991)
- "Copyright and Library Practice," University of Kentucky Library Staff Association, (Jul. 1991)
- "Copyright and Libraries," South Eastern Association of Law Libraries Institute, Tuscaloosa, Alabama (Mar. 1991)
- "Legal Research in Depth," Kentucky Academy of Trial Attorneys (Oct. 1990)
- "A Practical Course for the Law Office Team," Kentucky Academy of Trial Attorneys (Oct. 1989)

"Copyright Issues: Downloading Data and Video Usage," American Association of Law Libraries Conference, Reno, Nevada (Jun. 1989)

Consultantships

Gray v. Javius, 2014

Consultant, Kentucky Educational Television, 2007

Expert witness, Holden v. Brown (W.D. Ky.) 1998-99

Consultant, American Institute of Steel Construction, Inc. 1995

Awards & Honors:

Judge Allen Fellowship, 2004, 2007, 2008- 2015

University Distinguished Service Award, 2004

Kentucky Libraries Award, Best Feature Article of the Year, 1996

KLA Award, Best Feature Article of the Year, Kentucky Libraries, 1995

Outstanding Performance for Affirmative Action (University of Louisville), 1990

Beta Phi Mu Honor Society