

**IN THE CIRCUIT COURT FOR THE STATE OF OREGON
COUNTY OF MULTNOMAH**

**JERROLD R. DARM,
M.D., an individual,**

Plaintiff,

v.

**TIFFANY CRAIG, an
individual,**

Defendant.

Case No. 1107-08823

DECLARATION OF BRIAN ROWE

I, Brian Rowe, make the following Declaration in support of Defendant's pending Special Motion to Strike:

1. I am an adjunct professor at Seattle University Law School, where I teach Information Privacy Law. I also teach at University of Washington's Information School, including "Social Use of Information" (LIS 550) and "Policy, Law, and Ethics in Information Management" (IMT550), graduate level course for librarians and information management professionals, respectively. I also coordinate the National Technology Assistance Project (NTAP), housed at Northwest Justice Project; and consult on Social Media projects with various nonprofits, most recently with Disability Rights of Washington on the creation of a Disability Rights Galaxy which includes several blogs, Facebook and Twitter integration.

2. Previously, I worked with Public Knowledge in Washington D.C. as a Google Public Policy Fellow, and with Creative Commons as a legal intern. I am also an active member of the Access to Justice community and have served on the Washington State Access to Justice Boards Technology Committee for 5 years, which I currently chair.

3. I am also an active blogger at BrianRowe.org, a Twitter user @sarterus and a social media consultant for non profits. I make this declaration on the basis of my background, experience and expertise.

4. Twitter is a publicly available website where users can share short updates about almost any topic. Any person can sign up to use Twitter. Any member of the public can read posts

on Twitter. The default mode of Twitter posts is that they are available to any member of the public. Readers of posts do not need to have a user account to read posts. Twitter users need to go through extra steps if they wish to post privately or if they wish to limit the distribution of their messages.

5. Twitter allows users to create short posts of 140 characters or less in length and post them online for followers or for members of the general public to view. The exact number of Twitter users is unknown, but is estimated at more than 200 million. (See, <http://www.bbc.co.uk/news/business-12889048>).

6. Twitter is a form of social media that is easily shared with other social media such as Facebook. Often posts are created on Twitter that are then shared in Facebook and commented on in other venues online. Twitter is used by general members of the public and by public figures including Lady Gaga, Oprah Winfrey and Barack Obama.

7. Twitter is an engaging public forum of conversation and dialogue. Users of Twitter often distribute other members' posts through a function called re-Tweeting. Members of Twitter can also comment to other members creating a public dialogue over a series of tweets. Other users can then search Twitter on Twitter's site or they can use other search tools to find information about a particular topic using key words. Users are aware that their posts can be viewed and searched by others. Users often include a hashtag (#) to make it easier for other users to find posts using Twitter's search function.

8. As I mentioned, by default Twitter posts are also open to be copied and redistributed by other computers, search engines and archives. Private companies, nonprofit digital libraries and the copyright office have been copying, sharing and archiving Twitter posts. Examples of private companies redistributing open public Twitter posts include Google and Microsoft. Microsoft's search service Bing copies small parts of Twitter posts and displays them as part of search results. Google has the same practice of copying small portions to display with search results and also copies whole Twitter pages to use with their cache option. These search engines make content on Twitter available to a larger public audience.

9. It is my opinion that users of Twitter understand the interactive, but concise nature of such postings, and most users of social media further understand that they must take Tweets and comments within the context of the medium. In my experience, users of social media further understand that hyperlinks are integrally related to posted text and follow embedded links for information to other sources much in the same way a reader of a printed article comprehends footnotes and appendices, but with greater immediacy. Much more supplemental or source material can be provided through hyperlink than could possibly be added in a hardcopy footnote or endnote.


10. Internet archive is a non-profit that copies and shares Twitter posts in a permanent archive. Internet Archive is a digital library with the stated mission of "universal access to all knowledge." Internet Archive has been archiving posts on Twitter since late 2006, See <http://web.archive.org/web/20070206163932/http://Twitter.com/ribot> for an example. Posts archived on Internet archive have the potential to stay available to the general public for many years to come.

11. The Library of Congress started archiving the public Twitter posts in 2010 (with account information redacted). The Library of Congress worked to obtain an archive of all public post made since 2006. At this point the Library's archive of Twitter will not be reposted directly online, but is available through the library and may be used to create public collections related to particular topics. This is part of the Libraries National Digital Information Infrastructure and Preservation Program, a congressionally mandated program that works to collect and preserves significant digital content and gives future generations access to the content. (NDIIP)(P.L. 106-554)

12. I include the following information about my educational background:
B.S. in Informatics from University of Washington
B.A. in Political Science from University of Washington's Information School
Juris Doctor from Seattle University

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand that it is made for use as evidence in court and is subject to penalty for perjury.

Dated: August 11th, 2011



Brian Rowe

Signed in Seattle, WA

City, State

