

FIRST AMENDMENT AND MEDIA

Williams & Connolly LLP has an extensive, nationwide First Amendment and media law practice. A dozen of the firm's partners devote a substantial portion of their practice to the defense of First Amendment rights and the representation of media entities.

Recently, the firm has been engaged in, among other things, the defense of libel suits for a number of clients, including a series of suits arising out of a retracted report that nerve gas was used in Vietnam; representing reporters subpoenaed to identify sources in two highly publicized cases challenging government leaks of criminal investigations; litigation over the ownership of the *Salt Lake Tribune*; preliminary injunction proceedings over defections from the *St. Paul Pioneer Press*; pursuit of copyright infringement cases against proprietors of internet web sites that offer film downloading; and the defense of intellectual property claims against a major cable system and programming.

The firm represented a major movie studio in an action seeking disgorgement of profits and damages under the California unfair business practices statute, based upon the allegation that the defendants had marketed R-rated films to children under 17. The firm secured an order striking the complaint under the somewhat unique terms of the California "anti-SLAPP" statute, on the ground that the defendants' advertising was in furtherance of their First Amendment rights and the plaintiff was unable to establish a likelihood of success.

Media Representation

The firm represents major newspapers, news magazines, book publishers, broadcast companies, motion picture studios, and individual journalists and artists in every variety of litigation. The firm's current and recent clients include The Washington Post, Newsweek, ABC, NBC, CBS, News Corp., Fox Television Stations, Inc., Twentieth Century Fox Film Corp., AOL, Time Warner Inc., CNN, Time, The Walt Disney Co., Universal City Studios, Paramount Pictures, MGM Studios, Sony Pictures Entertainment, Tribune Company, The National Enquirer, Simon & Schuster, Playboy, Woman's World, Beacon Communications LLC, the Motion Picture Association of America, and the Recording Industry Association of America.

Litigation is the principal focus of the firm's media work. At any given time, the firm may be involved in the defense of claims for

"WILLIAMS AND CONNOLLY
LIKES TO SAVE ITSELF FOR
CLIENTS IN MORTAL DANGER."

The American Lawyer

"THE POWERHOUSE WASHINGTON
LAW FIRM WITH A DEEP BENCH."

Wall Street Journal

"WILLIAMS & CONNOLLY, THE
WASHINGTON POWER LAW FIRM."

Washington Post

"A REPUTATION FOR FIERCE
REPRESENTATION OF ITS HIGH-
PROFILE CLIENTS."

National Law Journal

"ONE OF THE CITY'S MOST
PRESTIGIOUS AND FEARED LAW
FIRMS."

The New Republic

"TIGHTLY KNIT, HIGHLY TRAINED,
AND NOTORIOUSLY RELENTLESS."

Legal Times

"WASHINGTON D.C.'S WILLIAMS &
CONNOLLY IS ONE OF THE MOST
PRESTIGIOUS FIRMS IN THE
COUNTRY - AND ONE OF THE MOST
TIGHT-LIPPED."

Vault.com

defamation, invasion of privacy, and related torts for a dozen different clients. Our lawyers have tried numerous such cases.

The firm has also represented media organizations in copyright, employment, antitrust, and trade practices cases. It has been called upon to defend novel claims of copycat violence and police "ride-along" tort liability, and to challenge legislation that would impair the First Amendment rights of the media. In countless cases, the firm has resisted subpoenas to journalists, fought orders denying access to courtrooms and court records, and pursued claims under the Freedom of Information Act. In all of these activities, the firm is able to apply not only its varied background in First Amendment and media law, but also its extensive experience in the courtroom.

Williams & Connolly lawyers engage in pre-publication review of print and broadcast material on an ongoing basis. They are called upon to offer advice on the full range of issues that arise in major media and entertainment organizations (including, for example, copyright and internet policy, contract, and employment issues), as well as unusual issues (relating, for example, to national security) that arise in extraordinary circumstances.

Non-Media First Amendment Work

The firm represents individuals, universities, churches and other organizations in litigation raising issues under the free speech and religion clauses of the First Amendment. Amtrak, the U.S. Postal Service, and the Vietnam Veterans Memorial Committee have retained the firm to litigate or offer advice on matters involving the right of free speech in a public forum. Georgetown University and The Catholic University of America have sought the firm's advice and representation in matters relating to academic tenure, recognition of student organizations, and the relationship between universities and the church.

The United States Catholic Conference, the Archdiocese of Washington, the Society of Jesus, and the General Conference of Seventh Day Adventists have retained the firm to litigate Free Exercise and Establishment Clause cases involving aid to education and issues of church governance and teaching. Williams & Connolly has handled many of the leading Establishment Clause cases in the Supreme Court.

REPRESENTATIVE FIRST AMENDMENT AND MEDIA MATTERS

Defamation, Privacy and Related Claims

- ***Calder v. Jones*** - Litigation in Supreme Court of personal jurisdiction over journalist in libel suit.
- ***Wolston v. Reader's Digest Ass'n*** - Litigation of public figure issue in Supreme Court.
- ***In re CNN & Time Magazine "Operation Tailwind" Litigation*** - Successful defense of CNN, Time and AOL Time Warner in multidistrict libel litigation based on published and broadcast reports concerning a Vietnam-era Special Forces mission in Laos.
- ***Hornberger v. ABC*** - Successful defense of libel and wiretapping claims brought by New Jersey police officers based on a broadcast on "Driving While Black" that involved the use of hidden cameras.
- ***Tucker v. Fischbein*** - Successful defense of libel claim against Newsweek based on report of litigation between anti-rap activist and the estate of Tupac Shakur.
- ***Knickerbocker v. NBC*** - Successful defense of *Dateline* broadcast reporting on contested adoption proceeding in Detroit.
- ***Ovadia v. Bloom*** - Successful defense of Miami television station in libel suit over report on doctors.

- **Miles v. Ramsey** - Successful defense of libel claim arising out of Jon Benet Ramsey murder investigation.
- **Rogers v. Home Shopping Network, Inc.** - Decision denying discovery of newspaper's confidential sources in a libel action.
- **Cusack v. ABC** - Successful defense of libel action based on reporting of forgery of John F. Kennedy documents.
- **Baumbach v. ABC** - Successful defense of libel claim by Forest Service official based on news report concerning timber sales in national forest.
- **Moltz v. Simon & Schuster** - Successful defense of libel and false light claims based on publication of memoir.
- **Gilbert v. National Enquirer, Inc.** - Invalidation of prior restraint obtained by television actress against publication of interview with actress's ex-husband.
- **Fortensky v. National Enquirer, Inc.** - Successful defense of libel and commercial appropriation claims brought by movie star, resulting in attorney's fee award to the Enquirer.
- **Kendrick v. Fox Television** - Successful defense of Fox and NBC in libel suit based on reports of drug raid in plaintiff's apartment complex.
- **Chapin v. Knight-Ridder, Inc.** - Successful defense of libel claim against Knight-Ridder based on news report of charitable organization's fundraising activities.
- **Dorsey v. National Enquirer, Inc.** - Successful defense of libel claim brought by popular entertainer.
- **White v. Fraternal Order of Police** - Successful defense of libel suit by police officer against The Washington Post and NBC based on reports of drug testing.
- **Casper v. Washington Post Co.** - Successful defense at trial of libel suit by police officers reported to have beaten black man after traffic offense.
- **International Association of Machinists v. Walt Disney Co.** - Successful defense of libel suit based on the movie *Ransom*.
- **Davis v. Costa-Gavras** - Successful defense of libel suit based on the movie *Missing*.
- **Tate v. Bradley** - Successful defense of libel suit based on Washington Post article about Cajun Mardi Gras.
- **Tavoulaareas v. Piro** - Successful defense of libel suit brought against The Washington Post by Mobil President based on report of Mobil's business relationship with his son.
- **Wynberg v. National Enquirer, Inc.** - Successful defense of defamation claim and leading decision on "libel proof plaintiff" doctrine.
- **McLaughlin v. Washington Post Co.** - Successful jury defense of privacy, false imprisonment, malicious prosecution and related claims based on newsgathering activities.

Copyright and Intellectual Property

- **Metro-Goldwyn-Mayer Studios Inc., et al. v. Grokster, Ltd.** - Successful representation of motion picture studio plaintiffs in copyright infringement suit against Internet file-copying services Grokster, Kazaa, and Morpheus.
- **Columbia Pictures Industries, Inc. et al. v. Canadian Satellite Communications, Inc. et al.** - Successful representation of motion picture, network, and local television station plaintiffs in copyright piracy suit (and related torts) for theft and resale of over-the-air signals to Caribbean cable stations.
- **Twentieth Century Fox Film Corp., et al. v. Bermuda Cablevision, Ltd.** - Successful representation of motion picture studio plaintiffs in civil Communications Act suit against Bermuda cable company for illegal decryption and unauthorized distribution of HBO and Showtime premium cable channel signals.
- **A&M Records v. Napster, Inc.** - Successful representation of Warner Music Group in infringement action against Napster.

- ***Columbia Pictures Industries, Inc. v. Deep*** - Ongoing representation of major motion picture companies in infringement action against Aimster internet file-swapping service.
- ***Twentieth Century Fox Film Corp. v. Scour, Inc.*** - Successful representation of major motion picture and record companies in infringement action against internet file-swapping service.
- ***Whitehead v. Paramount Pictures Corp.*** - Successful defense of infringement claim based on the movie *Mission Impossible*.
- ***Globe International, Inc. v. National Enquirer, Inc.*** - Successful defense of claim by one newspaper for copyright-based prior restraint against another newspaper.
- ***Best of the 20th Century, Inc. v. Fox Broadcasting Co.*** - Successful defense of breach of contract, unfair competition and related business torts arising out the cancellation of a television production and marketing deal.
- ***Educational Testing Service v. Stanley H. Kaplan Educational Center, Ltd.*** - Fair use defense of infringement action.
- ***Suid v. Newsweek Magazine*** - Successful defense of infringement action.

Right of Access and FOIA

- ***In re Citizens for Fair Treatment v. Twentieth Century Fox*** and other major studios - Successfully represented Fox in obtaining the dismissal of this class action brought under California's Fair Trade Act that challenged the studios marketing of R-rated films to children under 17.
- ***United States Department of Justice v. Reporters Committee for Freedom of Press*** - FOIA case seeking criminal history information.
- ***Saxbe v. Washington Post Co.*** - First Amendment challenge to Bureau of Prison's policy restricting news interviews of inmates.
- ***Chicago Tribune Co. v. Bridgestone/Firestone, Inc.*** - Ongoing litigation of right of access to documents relating to alleged defects in Firestone tires.
- ***NBC Subsidiary (KNBC-TV), Inc. v. Superior Court*** - Establishing right of access to civil trials in California.
- ***CNN v. United States*** - Successful challenge of exclusion of press from jury selection in criminal trial.
- ***United States v. Edwards*** - Establishing right of access to preventive detention hearing.

Tort Litigation

- ***James v. Meow Media, Inc.; Sanders v. Meow Media, Inc.*** - Ongoing defense against claims that school shootings in Paducah, Kentucky and Columbine, Colorado were inspired by the movie *Basketball Diaries*.

Contracts and Property

- ***Salt Lake Tribune Publishing Co. v. AT&T Corp.*** - Ongoing representation of newspaper owner in dispute with management group over management and future ownership of newspaper.
- ***Kindler v. Newsweek, Inc.*** - Successful defense of breach of contract action over alleged agreement to produce special advertising sections.
- ***Clay Properties, Inc. v. Washington Post Co.*** - Successful jury defense of commercial property dispute.

Employment and Discrimination

- ***Peckinpugh v. Post-Newsweek Stations Connecticut, Inc.*** - Representation of television station on appeal of news anchor's case of alleged gender discrimination.

- **Ruf v. ABC** - Successful defense of sexual harassment, libel, fraud and related claims by ABC employees.
- **Hudson v. Fox Television** - Successful defense of claim of discrimination based on television station's refusal to accept paid infomercial.

Non-Media First Amendment Cases

- **Clark v. Klein** - Successful motion to quash deposition subpoena issued to former President Clinton in libel suit arising out of the novel "Primary Colors."
- **Agostini v. Felton** - Successful defense of Establishment Clause challenge to federal funding of on-premises remedial instructional services to students in parochial schools (the only case in history in which the Supreme Court overruled an earlier decision in the same case, *Aguilar v. Felton*, 473 U.S. 402 (1985)).
- **Board of County Commissioners v. Umbehr** - Establishing that government contractors are protected by the First Amendment against retaliation based on the content of their speech.
- **Roemer v. Board of Public Works** - Successful defense of Establishment Clause challenge to noncategorical state grants to church-related colleges.
- **Tilton v. Richardson** - Successful defense of Establishment Clause challenge to federal construction grants to church-related colleges and universities.
- **Johnson v. Economic Development Corp.** - Successful defense of constitutionality of using tax-exempt municipal bonds to finance construction of addition to parochial school.
- **Walker v. San Francisco Unified School District** - Successful defense of federal program loaning instructional materials to parochial schools.
- **Blount v. SEC** - Representation of state party chairman challenging constitutionality of SEC rule limiting fundraising activities of municipal bond dealers.
- **Curran v. Catholic University of America** - Successful defense of university at trial raising issues of academic and religious freedom.