

Kevin T. Baine

Senior Counsel

Kevin Baine has represented many of the country's major media organizations, as well as major universities, churches and other for-profit and nonprofit entities. Kevin has litigated cases raising issues of freedom of speech, freedom of the press, and freedom of religion in state and federal courts throughout the country, including the United States Supreme Court. He has also handled a wide variety of commercial, regulatory and investigative matters involving issues of contract, copyright and trademark infringement, unfair competition, employment and labor law, education law and securities fraud.

Kevin began his legal career as a law clerk for Judge Edward Weinfeld of the United States District Court for the Southern District of New York and for Associate Justice Thurgood Marshall of the United States Supreme Court.

Born in New York City, Kevin received his A.B., *cum laude*, from Princeton University's Woodrow Wilson School of Public and International Affairs and his J.D., *magna cum laude*, from the University of Pennsylvania Law School.

Kevin is a member of the Board of Overseers of the University of Pennsylvania Law School. He is an Emeritus Director and a former Chairman of the Board of Directors of the Cristo Rey Network, a national network of urban secondary schools serving low-income families. He is a Consultant to the Ad Hoc Committee on Religious Liberty of the U.S. Conference of Catholic Bishops. He has served as Co-Chair of the First Amendment and Media Litigation Committee of the ABA's Section of Litigation. He has also been a member of the Board of Governors of St. Albans School, Chairman of the Board of the St. Albans School of Public Service, and Chairman of the Board of Beauvoir School.

Representative Experience

Though all cases vary and none is predictive, Kevin's experience includes:

- Ongoing defense of libel and related tort suits by Rep. Devin Nunes, Trump Campaign, Covington, Kentucky high school students, West Virginia coal executive, parents of Democrat National Committee staffer
- Successful defense of libel suit by gun rights group
- Representation of major public university in connection with free



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Education

University of Pennsylvania Law School, J.D., magna cum laude, 1974
Woodrow Wilson School of Public and International Affairs, Princeton University, A.B., cum laude, 1971

Practice Focus

First Amendment and Media
Civil Litigation and Trial Practice
Commercial Litigation
Supreme Court and Appellate
Litigation
Trademark and Copyright

Recognitions

"Star Individual (Nationwide) in First Amendment Litigation," *Chambers USA*, 2017-2020

"Media & Entertainment (D.C.)," *Chambers USA*, 2017-2020

"Washington's Top Lawyers," in the category of First Amendment & Media, *Washingtonian* magazine, 2017-2018, 2020

speech policies

- Successful defense at trial of a libel suit against HBO by a major soccer ball company based on a report of child labor in India
- Representation of the Baltimore Ravens in a grievance proceeding over the termination of a player for domestic violence
- Successful defense of libel suit brought by son of President of Palestinian Authority
- Successful defense of securities fraud case against owner of for-profit education business
- Representation of the owner of *The Salt Lake Tribune* in a dispute over the management and future ownership of the newspaper
- Successful defense of The Catholic University of America at trial against a breach of tenure claim by theologian Charles Curran
- Successful defense against First Amendment challenge to Amtrak's refusal to display political ad in New York's Penn Station
- Successful defense in the Supreme Court against an Establishment Clause challenge to the provision of remedial educational services on the premises of church-related schools

Additional Media Litigation Experience

- Pursuit of copyright infringement claims against Napster and a major satellite television provider
- Defense of a series of multi-district libel suits arising out of news reports concerning "Operation Tailwind" in Laos in 1970
- Defense against claims that movie depictions of violence caused the school shootings in Paducah, Kentucky and Columbine, Colorado
- Defense of a television news organization's use of hidden cameras in a report on racial profiling by the police
- Defense of libel suits brought against *The Washington Post* by Bebe Rebozo and Mobil President William Tavoulareas

Arbitration and Investigation Experience

- Represented a governmental authority in arbitration with the developer of a major real estate project in New York City
- Represented a major for-profit education company in an investigation by the U.S. Senate Committee on Health, Education, Labor & Pensions

"Legal Lion," *Law360*, March 2019

Recognized as one of *The Best Lawyers in America*® for Bet-The-Company, Commercial Litigation, First Amendment and Media Law, 1991-2021

Recognized among "Hollywood's Top 100 Attorneys," *The Hollywood Reporter*, 2018

"Washington's Best Lawyers," *Washingtonian* magazine, 2015

"Washington, D.C. Media Law Lawyer of the Year," *The Best Lawyers in America*®, 2011

Admissions

District of Columbia

New York

Maryland

United States Supreme Court

United States Court of Appeals for the District of Columbia, First, Second, Third, Fourth, Fifth, Sixth, Eighth, Ninth, Tenth and Eleventh Circuits

United States District Court for the District of Columbia, Southern District of New York, District of Maryland, and Eastern District of Michigan

- Conducted internal investigation of misconduct allegations against college football coach

Free Exercise and Establishment Clause Experience

- Legal counsel to the Archdiocese of Washington on a variety of matters
- Advised the United States Conference of Catholic Bishops on the development of their national policy dealing with claims of sexual abuse of minors
- Successful defense of The Catholic University of America at trial against a breach of tenure claim by theologian Charles Curran
- Defended a series of Establishment Clause challenges to the provision of Title I remedial instruction to children in church-related schools throughout the country—work that culminated in the U.S. Supreme Court's decision in *Agostini v. Felton*, 521 U.S. 203 (1997), upholding the provision of Title I services on the premises of church-related schools and overruling (for the first time in the Court's history) a prior decision in the same case, *Aguilar v. Felton*, 473 U.S. 400 (1985).
- *Amicus curiae* briefs in *Hosanna-Tabor Evangelical Lutheran Church v. EEOC*, 565 U.S. 171 (2012); *Sebelius v. Hobby Lobby Stores, Inc.*, 134 S. Ct. 678 (2014).

Supreme Court Experience

- *Agostini v. Felton*, 521 U.S. 203 (1997)
- *Lebron v. Nat'l R.R. Passenger Corp.*, 513 U.S. 374 (1995), *on remand*, 69 F.3d 650 and 89 F.3d 39 (2d Cir. 1995)
- *U.S. Dep't of Justice v. Reporters Committee for Freedom of the Press*, 489 U.S. 749 (1989)
- *U.S. Catholic Conference v. Abortion Rights Mobilization, Inc.*, 487 U.S. 72 (1988), *on remand*, 885 F.2d 1020 (2d Cir. 1989)
- *Amicus curiae* briefs in a number of First Amendment cases

Resources

Presentations

- *Practicing Law Institute's Communications Law in the Digital Age 2015 Seminar*, November 2015