

## First Amendment and Media

Williams & Connolly has a well-established, nationwide First Amendment and media law practice. The firm's practice includes not only issues of freedom of speech and of the press, but also issues of religious freedom. The firm has represented many of the major media, film and broadcasting companies, and it has been involved in many of the country's major libel cases over the past forty years. The firm has also represented numerous churches, religious organizations and individuals in decisive Free Exercise and Establishment Clause cases.

### Media Representation

Although litigation is the principal focus of our media work, firm lawyers are also called upon to provide a range of other related services. For example, the firm has been engaged for pre-publication review of print and broadcast material and to offer advice on the full range of issues that arise in major media and entertainment organizations. Such issues include: matters of potential libel and invasion of privacy, copyright, contract and internet policy that arise with some frequency, as well as issues of national security that arise in extraordinary circumstances.

Williams & Connolly represents major newspapers, news magazines, book publishers, broadcast companies, motion picture studios, and individual journalists and artists in every type of litigation. Our current and recent clients include: The Washington Post, ABC, NBC, News Corp., Fox Television Stations, Inc., 21st Century Fox, AOL, Time Warner Inc., CNN, Time, HBO, The Walt Disney Co., Universal City Studios, Paramount Pictures, MGM Studios, Sony Pictures Entertainment, MediaNews Group, Tribune Company, Simon & Schuster, Beacon Communications, the Motion Picture Association of America, and the Recording Industry Association of America.

The firm has defended hundreds of cases involving the defense of claims for libel, invasion of privacy, and related torts. We have also represented media organizations in numerous copyright, employment, antitrust, and trade practices cases. It has been enlisted 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 ("FOIA"). In each engagement, Williams & Connolly is able to apply not only its comprehensive background in First Amendment and media law, but its extensive experience in the courtroom.

### Non-Media First Amendment Work

Williams & Connolly represents individuals, universities, churches and other non-media organizations in litigation arising 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 advise on the right of free speech in a public forum. Georgetown University, The Catholic University of America and other educational institutions have sought our representation and advice on issues of academic freedom, tenure, accreditation, recognition of student organizations and the relationship between religiously affiliated universities and the church.

The firm has litigated cases presenting issues of religious freedom throughout the nation, and has handled many of the landmark Establishment Clause cases in the Supreme Court. Among our many clients have been The United States Conference of Catholic Bishops, the Archdiocese of Washington, the Society of Jesus, the Presiding Bishop of the Episcopal Church, the Union of Orthodox Jewish Congregations, the Church of Jesus Christ of Latter-Day Saints, the United Methodist Church, the General Conference of Seventh Day Adventists and the Rocky Mountain Christian Church.

Among Williams & Connolly's notable engagements have been:

## 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 *The Washington Post* article about Cajun Mardi Gras.
- **Tavoulares 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.
- **21st Century Fox, 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.
- **21st Century Fox 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. 21st 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

- ***Peckinpaugh 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.