



Media Law Workshop

Libel Law, Press Access and Reporter's Privilege

Who Should Attend

Media Professionals, including Reporters,
Editorial Managers, News Directors
and Senior Management

February 8, 2005

8:30 a.m. to 11:45 a.m.

**Holiday Inn Syracuse/Liverpool
411 Electronics Parkway
Liverpool, NY**

BOND, SCHOENECK & KING, PLLC
ATTORNEYS AT LAW • NEW YORK FLORIDA KANSAS



Program Summary

The public's right to know and the media's freedom to inform have faced serious challenges in recent years. The Media Law Group at Bond, Schoeneck & King, PLLC invites its clients and friends in the media industry to an interactive workshop on libel law, press access and the state of the reporter's privilege. This workshop will explore the current legal landscape through lively dialogue between our media law attorneys and our invited guests.

Agenda

8:30 a.m. - 9:00 a.m.

Registration and Continental Breakfast

9:00 a.m. - 9:45 a.m.

Libel Law

Jonathan B. Fellows

Richard L. Weber

A Practical Guide to Libel Law

- The elements of a libel action and defenses
- Recent developments
- Interactive discussion of libel hypotheticals

9:45 a.m. - 10:00 a.m.

Break

10:00 a.m. - 10:45 a.m.

“Access” In The Course Of Newsgathering

S. Paul Battaglia

Louis Orbach

Much of what we thought we knew before 9/11 about the public's right of access to judicial proceedings and related documents has turned out not to be true. Professional journalists need an accurate understanding of the new constraints being imposed on their newsgathering activities to make the most of every opportunity for access to proceedings and documents.

- Access to judicial proceedings
- Access to court dockets and government documents
- Wire tap issues

10:45 a.m. - 11:30 a.m.

Reporter's Privilege

Edward R. Conan

Lillian Abbott Pfohl

Protecting the Reporter:

How Far Does the Shield Law Reach?

- What Shield Laws Protect
- New York's Shield Law
- Status of Federal Law

11:30 a.m. - 11:45 a.m.

Full Panel Q&A

Speakers

S. PAUL BATTAGLIA is a graduate of Clarkson University (B.S., 1969) and Cornell University (J.D., 1972).

Mr. Battaglia is principally responsible for defense of defamation claims and has been actively involved in the defense of libel and slander, false light, invasion of privacy and related claims for the past twenty years. He has appeared before numerous state and federal courts at both the trial and appellate level in defense of various media as well as in support of media applications for access to judicial, quasi-judicial and other proceedings that implicate the public's right of access, including unemployment hearings, parole revocation hearings, suppression hearings, etc. Mr. Battaglia has been involved in matters concerning media rejection of advertising, appeared in defense of numerous journalists subpoenaed to divulge information contrary to their Shield Law privileges, compelled disclosure of documents under various Freedom of Information Acts, and challenged numerous municipalities with respect to such matters. He has successfully defended the media at the trial and appellate level, as well as by jury verdict, and has participated in numerous "fair trial-free press" seminars in the Central New York Area. Mr. Battaglia has been listed in The Best Lawyers in America for over 10 years.



EDWARD R. CONAN is a graduate of Colgate University (B.A., *cum laude*, 1972) and Yale Law School (J.D., 1979). Phi Beta Kappa. Mr. Conan served as Law Clerk to Chief Justice Robert Wilentz of the New Jersey Supreme Court, and as Law Clerk to Chief Judge Neal P. McCunn of the United States District Court for the Northern District of New York.



Mr. Conan has extensive experience in federal litigation, and has been actively involved for several years in media applications for access to judicial and other proceedings at both the trial and appellate level of state and federal courts. He has also represented media clients in matters involving copyright issues, New York Shield Law privileges, Freedom of Information Act petitions, and related First Amendment issues. Mr. Conan is principal author of the firm's Hotline Procedures Manual which is tailored to the needs of the firm's media clients who require a prompt response to courtroom closure motions and subpoenas addressed to journalists.

JONATHAN B. FELLOWS is a graduate of Hamilton College (A.B., *cum laude*, 1980) and Cornell University (J.D., *magna cum laude*, 1985). Order of the Coif. Editor-in-Chief, Cornell Law Review, 1984-1985. Law Clerk, Honorable Phyllis A. Kravitch, U.S. Court of Appeals, Eleventh Circuit, 1985-1986.



Mr. Fellows is a trial attorney with experience in both state and federal civil litigation. He has represented reporters in numerous access and subpoena matters. Mr. Fellows has provided pre-publication review of dozens of stories in connection with the firm's libel hotline and has represented defendants in numerous defamation actions.

LOUIS ORBACH is a graduate of the University of Illinois (B.S., 1990) and the University of Michigan Law School (J.D., *magna cum laude*, 1993). Order of the Coif.



Mr. Orbach is Chair of the firm's Media and Communications Law Practice Group. He is a trial attorney with a practice concentration on First Amendment and media law litigation, including the defense of defamation claims. Mr. Orbach regularly provides media clients with prepublication review and advice on libel issues.

Mr. Orbach has been a Guest Lecturer on First Amendment and the Press at Syracuse University's S.I. Newhouse School of Public Communications and at several annual conventions of the New York Press Association.

LILLIAN ABBOTT PFOHL is a graduate of Syracuse University (B.S.) and Syracuse University College of Law (J.D., *summa cum laude*, 1999). Justinian Honorary Law Society. Order of the Coif. Associate Editor, Syracuse University College of Law Journal of Legislation and Policy, 1997-1998. First prize, 1999 Nathan Burkan Memorial Competition at Syracuse University College of Law. Prior to joining the firm, Ms. Pfohl clerked for the Hon. Rosemary S. Pooler of the United States Court of Appeals for the Second Circuit, 2000-2002.



Ms. Pfohl worked as a reporter for the Syracuse Post-Standard for 10 years, giving her a unique perspective on media law issues. Ms. Pfohl published "Serif Wars: An Argument for the Protection of Typeface Design" in the Syracuse Law & Technology Journal. She often consults with newspapers on libel law issues on behalf of the New York Press Association. Ms. Pfohl works on a variety of matters, including challenging subpoenas issued to journalists.

RICHARD L. WEBER is a graduate of the State University of New York at Buffalo (B.A., *magna cum laude*, 1994) and the William and Mary School of Law (J.D., 1999), where he served as Articles Editor of the William and Mary Law Review (1998-1999). Mr. Weber is the author of "Riding on a Diamond in the Sky: The DBS Set Aside Provisions of the 1992 Cable Act," 40 Wm & Mary L. Rev. 1795 (1999).



Mr. Weber is a trial attorney who represents individuals and corporations in a wide variety of matters. He is frequently consulted by newspapers on libel law issues on behalf of the New York Press Association.

Directions

Holiday Inn Syracuse/Liverpool, 411 Electronics Parkway, Liverpool, NY 13088 315-457-1122

Traveling East or West: NY Thruway (I-90) Exit 37. The Holiday Inn is directly across from the toll booth.

Traveling North or South: Interstate 81 Exit 25. Turn right onto 7th North Street and follow one mile to the end.

BS&K Media Law Workshop: Libel Law, Press Access and Reporter's Privilege

February 8, 2005 Liverpool, New York

Registration Fee:

- \$15.00 – BS&K Clients / NY Press Association Members**
- \$25.00 – General Public**

RSVP Deadline: January 31, 2005

Register through our web site at www.bsk.com, Events Schedule, or using the form below.

Name: _____ Title: _____

Organization: _____

Address: _____

City: _____ State: _____ Zip: _____

E-Mail: _____ Telephone: _____ Fax: _____

The following people will also attend:

Name: _____ Title: _____ E-Mail: _____

Name: _____ Title: _____ E-Mail: _____

Refunds will only be made for cancellations received 5 business days before event.

Please make checks payable to Bond, Schoeneck & King, PLLC and return this form to:

Ms. Toko Moyo, Bond, Schoeneck & King, PLLC, One Lincoln Center, Syracuse, NY 13202

Telephone: 1-800-339-8897 Fax: 315-218-8100 E-mail: tmoyo@bsk.com or register online at www.bsk.com

This seminar is intended for the invited guests of Bond, Schoeneck & King, PLLC, who reserve the right to deny admission to any applicant.