



2014 Media Law Conference

September 17-19, 2014

Reston, VA

Program (/program)

Program

Registration (/?option=com_eventreg)

2014 MLRC/NAA/NAB Media Law Conference September 17-19, 2014

Hotel (/hotel)

WEDNESDAY, SEPTEMBER 17, 2014

Logistics (/directions)

CLE Information (/cle-information)

9:00am	Registration Opens
Noon-2:30pm	Meetings of Breakout Chairs and Facilitators and Boutique Chairs
2:30-3:45pm	<p>Program</p> <p>The Architecture of Speech: The Risks of Operating on Multiple Platforms (and how to mitigate them)</p> <p>Content is increasingly on multiple platforms. What issues should be kept in mind when publishing or broadcasting on different platforms, especially given diverging approaches among the US, EU and elsewhere on issues such as the right to be forgotten? How can savvy media and technology lawyers help minimize the legal and non-legal risks from distributing content on multiple platforms and selectively display content on different platforms subject to different jurisdictions? Among many other issues, media lawyers should consider the impact of Europe's new "right to be forgotten" allowing individuals to remove Internet search results for their names, the interplay of user-generated content,</p>

third-party content and a publisher's own content, whether the content will be viewed by audiences in the United States or other countries, and whether it matters where a media company's servers are located. Top legal and technical experts will describe how to mitigate these risks and what to do when problems crop up.

Co-chairs:

Thomas R. Burke, Davis Wright Tremaine LLP
David C. Vigilante, Turner Broadcasting System, Inc.

Panelists:

Kelly O'Connor, AOL
Pia Sarma, Times Newspapers Limited
Mary Snapp, Microsoft Corporation

3:45-4:00pm

Coffee Break

4:00-5:30pm

Boutique Sessions A

Employment Law Issues for Media Employers

What to do as a media employer about hiring independent contractors; raising First Amendment defenses and anti-SLAPP defenses to discrimination litigation; including non-disparagement clauses in employment agreements; deploying non-compete agreements and alternatives to non-competes in the broadcast industry; using social media in employment litigation; and analyzing the protections given to employees' social media use by labor law.

Chairs:

David Jacobs, Epstein Becker Green
Thomas H. Wilson, Vinson & Elkins LLP

Ethics: Social Media for Media Lawyers

Lawyers must become well-versed in the rules governing their use of social media. Among other topics, the two sessions of this boutique will cover how the professional duties of diligence and competence require lawyers to understand how social media platforms operate and to understand how their clients are using social media; when social media activities become attorney advertising or solicitations; when the use of social media leads to the formation of attorney-client relationship; and how social media can be used in litigation.

Chairs:

Elizabeth A. Allen, Gannett Co., Inc.

Gerald F. Lutkus, Barnes & Thornburg LLP

Pre-Publication/Pre-Broadcast Review

The two sessions of this boutique will address what to look for when conducting pre-publication and pre-broadcast reviews of journalists' work product to address the legal pitfalls on issues like using footage shot with drones, accessing sealed criminal records, making secret recordings, and many more.

Chairs:

Edward Fenno, Fenno Law Firm, LLC

Nicholas Poser, CBS, Inc.

Vetting Materials Cross-Borders: Publication & Advertising

Issues

Navigating the choppy currents of UK and European libel and privacy law, including the impact of the new Defamation Act, the new "right to be forgotten," the perils of publishing photographs, libeling the dead, Twitter libel, liability for user-generated content. Use of mobile apps, geotargeted ads and new technologies may give rise to exposure in unexpected jurisdictions. International publication regulations for advertising and content-banned words, weather forecasts and more.

Chairs:

Adam Cannon, Telegraph Media Group

Andrew M. Mar, Microsoft Corporation

Timothy Pinto, Taylor Wessing LLP

6:00-7:00pm

Opening Reception

7:00-9:00pm

Dinner & Program

Award Presentation: MLRC First Amendment Leadership Award

Recipient:

Sandy Baron, Media Law Resource Center

Presenter:

Floyd Abrams, Cahill Gordon & Reindel LLP

Program: The Future of Privacy--and How to Get There

This panel of leading experts will consider future trends in privacy law and their impact on media companies. Changes in personal data use include Big Data, the Internet of Things, social media, and the Cloud. Challenges in the law begin with the complex task of deciding when data

are "personal information" and, hence, regulated by law. Important changes may also be ahead regarding how the law regulates cyber-stalking and harassment online. Other issues concern the major role of

the Federal Trade Commission as the "privacy cop" for the United States,

a new flood of state law, and the importance of international regulation,

in particular from the European Union.

Chair:

Scott Dailard, Cooley LLP

Moderator:

Paul M. Schwartz, Berkeley Center for Law & Technology/
Paul Hastings LLP

Panelists:

Julie Brill, Federal Trade Commission

Chris Calabrese, American Civil Liberties Union

David Lieber, Google

David Medine, Privacy and Civil Liberties Oversight Board

Barbara Wall, Gannett Co., Inc.

THURSDAY, SEPTEMBER 18, 2014

8:00-9:00am

Breakfast

Introductions and Announcements

Chairs:

John C. Greiner, Graydon Head & Ritchey LLP

Peter Rienecker, Home Box Office, Inc.

Sherrese M. Smith, Paul Hastings LLP

Daniel M. Waggoner, Davis Wright Tremaine LLP, Emeritus

9:15-10:45am

First Breakout Session*

10:45-11:00am

Break

11:00-12:30pm

Boutique Sessions B

Advertising & Commercial Speech: Native Advertising

Many issues are being raised by native advertising as online publishers widely adopt it. Is content generated or sponsored by advertisers commercial speech subject to advertising regulations? What will regulators require of disclosures made to audiences about native advertising? Do sponsors have to vet all claims and clear all third-party rights implicated in native-advertising

content? This panel will cover recent regulatory actions and the application of legal precedent to native advertising.

Chairs:

Salvador Karotki, Tribune Media Company

Allison Lucas, BuzzFeed, Inc.

Terri Seligman, Frankfurt Kurnit Klein & Selz, PC

Steven Weissman, Time Inc.

Ethics: Social Media for Media Lawyers

Lawyers must become well-versed in the rules governing their use of social media. Among other topics, the two sessions of this boutique will cover how the professional duties of diligence and competence require lawyers to understand how social media platforms operate and to understand how their clients are using social media; when social media activities become attorney advertising or solicitations; when the use of social media leads to the formation of attorney-client relationship; and how social media can be used in litigation.

Chair:

Theresa M. House, Hogan Lovells

The FCC and the 21st Century Media Marketplace

Regulations by the Federal Communications Commission affect the ownership arrangements of media outlets and the lay of the land for media operations. Current issues include whether Internet Service Providers are entitled to First Amendment protections as speakers; the future, if any, of net neutrality regulation by the FCC; how the FCC will regulate arrangements among TV broadcast stations, without common owners, to share resources; and if the FCC has enough evidence that joint TV advertising sales agreements, when reaching 15 percent of a station's advertising time, incentivize ad brokers to influence station programming and operations or lead stations to coordinate, rather than compete, for advertising.

Chairs:

Erin Dozier, National Association of Broadcasters

Peter Karanjia, Davis Wright Tremaine LLP

Newsgathering

A discussion of cutting-edge legal issues in newsgathering: the

legal
 problems from relying on social media in newsgathering and
 practical tips on how to verify and vet information; the current
 state
 of the First Amendment right to be free from punishment for
 recording a police officer's public performance of his or her
 duties;
 the erection of paywalls that impede the public's online access to
 public records; and the Federal Aviation Administration's
 regulation
 of drones for use in newsgathering.

Chairs:

Karen Kaiser, Associated Press

David Marburger, Baker & Hostetler LLP

Vetting Material Cross Borders: International Copyright

This session will explore the common themes and problems with
 efforts around the world to modernize copyright for the digital

age.
 Making available/distributing copies to the public: challenges
 posed
 by streaming content, linking, and framing. Format shifting and
 fair
 dealing. Combating privacy: copyright injunctions and blocking
 orders.

Chairs:

Paul Joseph, RPC

Jens van den Brink, Kennedy Van der Laan

Nancy E. Wolff, Cowan DeBaets Abrahams & Sheppard LLP

12:30-2:30pm

Lunch and Program

The Media Lawyer of the Future

The future is here. Whether you are a young lawyer seeking to
 grow
 your own book of business or seasoned outside counsel looking to
 keep pace with client needs, this panel of in-house lawyers will
 discuss what to do to stay relevant for the legal needs of new
 media
 companies where in-house counsel have to give rapid-fire
 advice
 on the risks of new content and new products. The panel also will
 look at what risks are on the horizon from copyright law for
 Internet
 business models.

Chair & Moderator:

Charles D. Tobin, Holland & Knight LLP

Panelists:

Lauren Fisher, Vox Media

David Giles, The E.W. Scripps Company
 Bob Gurwin, AOL
 Andrea Shandell, Gannett Co., Inc.

- 2:45-4:15pm** **Second Breakout Session***
- 4:00-6:00pm** **Next Generation Media Lawyer Committee Social Hour**
- 4:30-5:30pm** **London Conference 2015 Open Planning Meeting**
- 6:00-7:00pm** **Reception**
- 7:00-9:00pm** **Outdoor Dinner Buffet**

FRIDAY, SEPTEMBER 19, 2014

- 7:45-9:15am** **Breakfast and Program**
Drones and Devices: The Tech Generation of Newsgathering
 New technologies like drones, sensors and devices are changing newsgathering. New bodies of law aren't being created to go with these new technologies, so how does traditional media law apply to these new technologies? What positions should the media industry take on the Federal Aviation Administration's regulation of unmanned aircraft systems? And what cool things can you do with all these new technologies? This session will not only feature leading legal experts on technology but demonstrations of some of these new technologies.
- Chairs:*
 Peter Rienecker, Home Box Office, Inc.
 Daniel Waggoner, Davis Wright Tremaine LLP
- Moderator:*
 Peter Rienecker, Home Box Office, Inc.
- Panelists:*
 Fergus Pitt, Tow Center for Digital Journalism
 Nabiha Syed, Levine Sullivan Koch & Schulz, LLP
 Lee Williams, CNN
- 9:15-10:45am** **Third Breakout Session***
- 10:45-11:00am** **Break**
- 11:00-12:30pm** **Boutique Sessions C**
Advertising & Commercial Speech: The Other Issues

This session will cover several topics beyond native advertising:

- the new Federal Communications Commission rule requiring that prior express written consent be given before telemarketing calls are made to consumers;
- the implications for advertisers and social media networks from online sports betting, social games and fantasy sports leagues, including media companies forfeiting ad revenue earned for publishing ads for allegedly illegal internet gambling businesses;
- what impact the Seventh Circuit's ruling in *Jordan v. Jewel* will have on whether there is any corporate commercial speech that does not consist of brand promotion and does not run into right of publicity problems when making corporate tributes to celebrities;
- and what media lawyers need to consider when examining insurance coverage for advertising claims under media liability policies.

Chairs:

Steven L. Baron, Mandell Menkes LLC
Behnam Dayanim, Paul Hastings LLP

Entertainment Law

Ripped From The Headlines: Legal Risk Avoidance & Entertainment Works Derived From

Real Events

What to do to avoid the legal risks stemming from entertainment works based on real events, including the affirmative defenses to raise, deciding if the acquisition of "exclusive" life story rights is really necessary, the non-legal reasons to acquire life story rights, and the steps to take to legally vet screenplays for TV programs and motion pictures against potential legal claims.

Chairs:

David Halberstadter, Katten Muchin Rosenman LLP
Steve Rogers, Showtime Networks

Pre-Publication/Pre-Broadcast Review

The two sessions of this boutique will address what to look for when conducting pre-publication and pre-broadcast reviews of journalists' work product to address the legal pitfalls on issues like using footage shot with drones, accessing sealed criminal records, making secret recordings, and many more.

Chairs:

Jacob P. Goldstein, Dow Jones & Company, Inc.
Natalie A. Harris, Mandell Menkes LLC

Trial Tales

A panel of trial lawyers dissect media cases tried over the past two years -- with lessons from the frontlines and analysis of trends and common factors -- as reported in the biennial research survey of trials involving publication and newsgathering torts against media defendants.

Chair:

Thomas B. Kelley, Levine Sullivan Koch & Schulz, LLP

Panelists:

Peter A. Biagetti, Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.
Craig T. Merritt, Christian & Barton, LLP
Marcia B. Paul, Davis Wright Tremaine LLP
Robert Penchina, Levine Sullivan Koch & Schulz, LLP
Leita Walker, Faegre Baker Daniels LLP

Vetting Material Cross Borders: Information Gathering

A discussion of the practical and legal concerns when deploying journalists into hostile environments - from physical security and risk of kidnapping to protection of sources and editorial materials in countries opposed to press freedom and personal liberty. How news organizations operating overseas contend with the vagaries of U.S. law and figure out if their activities may run afoul of the Foreign Corrupt Practices Act or other statutes.

Chairs:

David E. McCraw, The New York Times Company
Gillian Phillips, The Guardian
David N. Sternlicht, NBCUniversal

12:45-2:30pm

Lunch and Program**Panel: The Next Big Thing: The Hottest Trends in Media Law***Chair:*

Jonathan H. Ansell, CBS Television

Panelists:

James M. Chadwick, Sheppard, Mullin, Richter & Hampton LLP
Gillian Phillips, Guardian News & Media Limited
Nathan Siegel, Levine Sullivan Koch & Schulz, LLP
Mary Snapp, Microsoft Corporation
Naomi Waltman, CBS, Inc.
Kurt Wimmer, Covington & Burling LLP

***Concurrent Breakout Sessions:**

Each registrant will be assigned to one breakout group of approximately 50 individuals for purposes of participating in each of the breakout topics, and will move to a different room for each breakout session. Breakout faculty will remain in the same room for each of their sessions.

Breakout: Privacy*Chairs:*

Jon Hart, National Public Radio
Blaine Kimrey, Vedder Price P.C.

Facilitators:

Ian C. Ballon, Greenberg Traurig, LLP
Andrew P. Bridges, Fenwick & West LLP
Mary Ellen Callahan, Jenner & Block LLP
Patrick J. Carome, Wilmer Cutler Pickering Hale and Dorr LLP
Yaron Dori, Covington & Burling LLP
Jeremy Feigelson, Debevoise & Plimpton LLP
Matthew Fischer, Sedgwick LLP
Norbert W. Kaut, Meredith Corporation
Blaine Kimrey, Vedder Price P.C.
Joshua N. Pila, LIN Media
Andy Roth, Dentons LLP
Richard Sheridan, AXIS Pro

Breakout: Publication Torts*Chairs:*

Robb S. Harvey, Waller Lansden Dortch & Davis, LLP
Beth R. Lobel, NBCUniversal Media, LLC

Facilitators:

Darci J. Bailey, A&E Television Networks, LLC
Thomas M. Clyde, Kilpatrick Townsend & Stockton LLP
Frank Dehn, SmithDehn LLP
Samuel Fifer, Dentons US LLP
Melissa Georges, Frankfurt Kurnit Klein & Selz PC
Jonathan Little, Lightfoot Franklin & White, LLP
Dana J. Rosen, Wenner Media
Mary Ellen Roy, Phelps Dunbar, LLP
Randy L. Shapiro, Bloomberg L.P.
Drew Shenkman, CNN
Linda Steinman, Davis Wright Tremaine LLP
Stephen H. Yuhan, The Hearst Corporation

Breakout: Intellectual Property*Chairs:*

Rachel E. Matteo-Boehm, Bryan Cave LLP
Ravi V. Sitwala, The Hearst Corporation

Facilitators:

Stephanie S. Abrutyn, Home Box Office, Inc.
Erik Bierbauer, NBCUniversal

Emily R. Caron, Lathrop & Gage LLP
Jeff Grossman, AOL/Huffington Post
J. Michael Huget, Honigman Miller Schwartz and Cohn LLP
Lo-Mae Lai, American Media, Inc.
Dana J. McElroy, Thomas & LoCicero PL
Richard Samson, The New York Times Company
Joel McCabe Smith, Leopold, Petrich & Smith PC
Andrew J. Thomas, Jenner & Block, LLP
Joel R. Weiner, Katten Muchin Rosenman LLP

Planning Committee:

Sandra S. Baron, Media Law Resource Center, Inc.
Amaris Elliott-Engel, Media Law Resource Center, Inc.
John C. Greiner, Graydon Head & Ritchey LLP
Robert P. Latham, Jackson Walker L.L.P.
Thomas S. Leatherbury, Vinson & Elkins LLP
Peter Rienecker, Home Box Office, Inc.
Sherrese M. Smith, Paul Hastings LLP
Natalie J. Spears, Dentons US LLP
Jerianne Timmerman, National Association of Broadcasters
Daniel M. Waggoner, Davis Wright Tremaine LLP

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