

FROM THE CHAIR

RICHARD M. GOEHLER

As I mentioned in my last column, the Forum intended to finish up its 2007 ABA year with some new substantive CLE programs. I am thrilled that we were able to meet our goal and present two lively teleseminars to further enhance our CLE offerings and programs for our membership.



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In August, Cori Ulrich moderated our first ever 90-minute teleconference and live audio webcast, *Communications Decency Act Section 230 Update: Recent Cases and Interpretive Developments*. Cori led an outstanding panel, which included Pat Carome of Wilmer Hale, Johnita Due of CNN, and Andy Mar of Microsoft Corporation. They discussed several very timely issues involving CDA § 230, which provides immunity from liability to interactive service providers for distribution of content provided by third parties. There have been several recent court decisions interpreting § 230 and the scope of its protections. Cori and the panel walked through these case developments and provided practical advice for Internet hosts and content providers in interpreting the act, and discussed trends for the continuing development of the law.

This first successful venture into teleseminar/live audio webcast CLE programming was then followed up in October with a program entitled, *Free Expression and the Roberts Court*. Chuck Tobin moderated a panel consisting of Lee Levine, Tony Mauro, and Kathleen Sullivan. This October teleconference and live audio webcast was very timely as Chief Justice John Roberts Jr. began his third term on the U.S. Supreme Court, having

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already made significant contributions to the laws on free speech. In his first term, Justice Roberts provided a crucial fifth vote to a landmark decision restricting public employees' speech. In the Court's most recent term, Justice Roberts crafted two watershed decisions that impacted students' rights of expression, teachers' authority to punish, political candi-

dates' ability to collect money, and everyone's right to participate in the political process. Chuck and his panel analyzed these free expression decisions of the Roberts Court, the methodologies the justices are employing, and the cases working their way to the Court in the coming terms. For those of you who were able to participate, you heard this panel expertly deal with questions such as: Has the Court altered its approach to this area of First Amendment law? Are the traditional tests for free expression being reinforced, or rejected under Chief Justice Roberts' administration? What do the labels "liberal" and "conservative" mean in describing judicial approaches to these types of cases? The 90-minute program was outstanding.

We expect to build on the success of our first two teleseminars and planning is underway by the Governing Committee for next year's teleseminar programs. If you would like to get involved in planning and participating in next year's teleseminars, please let us know.

Speaking of next year, our 13th Annual Conference returns to the Boca Raton Resort & Club on February 14–16, 2008. All of our past meetings have been tremendously successful, and we believe that Boca '08 will be especially exciting and thought-provoking. We have gathered an extremely impressive array of experts and participants to discuss some of the most timely and interesting issues faced by communications law practitioners.

As with past annual conferences, we will feature three plenary sessions,

which promise to be extremely informative, interesting, and practical. Our opening panel Friday morning will be *Forty Years After Nixon's Election: His Crises and Relations with the Press*. George Freeman will be moderating this plenary session, which includes an impressive lineup of key figures from the Nixon era, including John Dean, former White House counsel; Max Frankel, former *New York Times* executive editor; Dan Rather, former CBS White House correspondent; William Safire, former Nixon speechwriter; and Dan Schorr, former CBS Watergate correspondent.

Following that historical retrospective plenary, our second plenary session on Friday morning of the conference will focus on new media and address the impact of new media on traditional media. Former Forum Chair Jerry Birenz will lead an expert group of panelists from both the traditional media and the new interactive and social networking media. Then, on Saturday morning, our final plenary session will start with a look back to the *FCC v. Pacifica* case (Seven Dirty Words) and deal with whether wardrobe malfunctions and F-words are sanctionable.

Of course, supplementing the plenary programs at our annual conference will be the small group workshops part of our program. These

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workshops are specifically designed to facilitate discussion on key issues by all of our attendees and has been one of the highlights and one of the reasons lawyers find our conference to be so useful to them in their everyday practices. As in the past, our workshops will cover hot topics in libel and privacy, newsgathering, the Internet, and insurance. This year, we are bringing back a session on ethics and also including individual workshop sessions dealing with the issues of advertising and promotions, e-discovery, and entertainment.

In March 2008, the Forum will be sponsoring and presenting our Third Annual Data Privacy Conference in Washington, D.C. with our co-sponsor, the Federal Communications Bar Association. Planning is well underway for next year's conference, which will surely be as outstanding as our first two programs.

Our 27th Annual *Representing Your Local Broadcaster* program will be

held next year in Las Vegas at the Bellagio in April. Guylyn Cummins, the chair-elect of the Forum Governing Committee, will again be leading the Forum's participation and planning for this annual event. As I have mentioned before in this column, if you have not been a regular attendee to our Las Vegas program in the past, I would strongly encourage you and your colleagues to consider attending next year. The program is always held on the Sunday immediately preceding the National Association of Broadcasters Annual Convention. The Forum continues to value and benefit from its co-sponsorship of this annual program with our partners, the NAB and the FCBA.

My encouragement to each of you is to make your Forum membership as worthwhile as possible. Take advantage of the benefits of Forum membership. Our *Communications Lawyer* and *Journal* editors are always looking for content and articles for our publications,

and the planning committee for our programs and conferences are always happy to receive feedback and input. The lineup of articles in this edition of *Communications Lawyer*, including excellent pieces on citizen journalism, key word advertising, and disclosure of e-mails of public officials, shows that we are responding to the input from our membership and providing substantive content on current topics of interest.

Finally, in terms of the ongoing business of the Forum, our Nominating Committee, consisting of Jerry Birenz, Landis Best, Jerry Fritz, Kelli Sager, and David Kohler, will be presenting its slate of Governing Board nominations to the membership for approval at our annual conference in Boca in February. We will e-mail the report of the Nominating Committee and post it on our website as soon as the committee completes its work.

Feel free to contact me at any time if I can be of assistance to you on Forum matters. 