FORUM ON COMMUNICATIONS LAW
24TH ANNUAL CONFERENCE
JANUARY 31 – FEBRUARY 2, 2019
EDENROC | MIAMI BEACH, FL

HAS THE SUN SET ON A FREE AND INDEPENDENT PRESS?
Dear Colleague,

With great pleasure, we invite you to join us January 31, 2019, at the 24th Annual Conference of the ABA Forum on Communications Law, which will be at the Eden Roc in Miami, Florida. The venue will provide a fabulous backdrop for exploring leading-edge legal issues facing media and communications lawyers with an impressive roster of dynamic and diverse speakers and facilitators.

As you leaf through the pages of this brochure, you will notice changes in both the substance and style of the brochure and, more importantly, the conference. While the essential structure of the 2019 Annual Conference remains the same as years past, valuable feedback from past attendees led us to make some tweaks such as more workshops, an additional opportunity to attend workshops and more opportunities to network with friends, colleagues and experts.

We will kick things off on Thursday, January 31st, with an opening night reception at Estefan Kitchen in the trendy Miami Design District. From the tasty and plentiful Cuban fare, to the stocked Mojito Bar to lively salsa music, it promises to be a great location for reconnecting with colleagues, making new acquaintances, and getting a taste of what Miami has to offer.

There are four Plenary sessions: “The Right to Privacy v. The First Amendment: A Current Look at Online Legal Protections,” moderated by Laura Prather of Haynes and Boone; “Treatment of Journalists: Friends, Enemies and the Erosion of Press Freedoms,” moderated by Natalie Spears of Dentons; “Fifty Years after Brandenburg v. Ohio,” moderated by Tom Leatherbury of Vinson & Elkins; and the “breaking news” panel discussing legal and ethical issues of the practice called “catch and kill” whereby a publisher secures exclusive rights to a person’s story and then declines to publish it, moderated by Len Niehoff of Honigman Miller.

For more learning opportunities, we have added a fourth round of workshops so folks can have another opportunity to discuss new developments in the various practice areas that comprise Communications Law. There are also additional sessions scheduled for Hot Issues workshops on Social Media Law, Entertainment Law and Ethics. We have divided the Data Privacy and Internet Law session into two separate workshops, with two sessions offered for each. As detailed in this brochure, the other Hot Issues workshops are: NewsGathering and Access; Advertising and Promotions, Anti-SLAPP and Other Legislation; International and Cross-Border Betting; Libel and Privacy; Reporter’s Privilege and Social Media. These workshops are open conversations to discuss, debate and learn the latest in key practice areas.

Friday afternoon will have a completely different feel. We are calling the afternoon’s events “Cocktails, Conversations and Connections,” which are open to all attendees, to sip beer and wine while participating in panel discussions and conversations led by the Forum’s committees: Insurance, Intellectual Property, Digital Communications, In-House Lawyers, Teach Media Law, Young Lawyers and Women in Communications Law. The detailed descriptions of the discussion topics are in this brochure.

In addition to the opening night reception and all this content, the annual dinner is Friday evening, there are several options to explore some of what Miami has to offer on Saturday afternoon, and the closing reception is Saturday evening.

The Planning Committee has been hard at work for months ensuring that your conference experience will be meaningful, educational and fun.

I look forward to seeing you in Miami!

DAVE GILES | Forum Chair

A Special Thank You From the Chair to Ballard Spahr and Adrianna Rodriguez:

On behalf of the Forum and the Annual Conference Planning Committee, I would like to personally thank Ballard Spahr, and its associate Adrianna Rodriguez, for agreeing to undertake the arduous task of designing and proofing this Annual Conference brochure. Many of you reading this brochure have no idea how many hours, emails and hard work it takes to create and finalize this brochure, which gets changed right up until the minute we finalize it. We could not be more appreciative of their efforts.

DAVE GILES | Forum Chair

ANNUAL CONFERENCE PLANNING COMMITTEE

Dave Giles
Program Co-Chair and Forum Chair
EW Scripps | Cincinnati, OH

Carolyn Y. Forrest
Program Co-Chair and Forum Immediate Past Chair
Haynes and Boone | Austin, TX

Thomas S. Leatherbury
Program Co-Chair
Vinson & Elkins | Dallas, TX

Laura Lee Prather
Program Co-Chair and Executive Director
Haynes and Boone | Austin, TX

Deanna Shullman
Program Co-Chair
Shullman Fugate | West Palm Beach, FL

Sherrese M. Smith
Program Co-Chair
Paul Hastings | Washington, D.C.

Charles D. Tobin
Program Co-Chair and Past Forum Chair
Ballard Spahr | Washington, D.C.
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<thead>
<tr>
<th>Start Time</th>
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<tr>
<td>8:00 AM</td>
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<td>Conference Registration and Sponsor Exhibits</td>
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<td>8:00 AM</td>
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<td><strong>Joint Breakfast:</strong> Moot Court Competition and Media Advocacy Workshop</td>
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<tr>
<td>9:00 AM</td>
<td>11:45 AM</td>
<td>11th Annual First Amendment and Media Law Diversity Moot Court Competition: Semi-Final Rounds of Oral Arguments <strong>(NON CLE)</strong></td>
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<td>9:00 AM</td>
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<td>22nd Annual Media Advocacy Workshop-Part 1</td>
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<td>10:45 AM</td>
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<td>22nd Annual Media Advocacy Workshop-Part 2</td>
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<td>Media Advocacy Luncheon</td>
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<td>Media Advocacy Lunch Panel: Public Records and the Parkland Shooting <strong>(NON CLE)</strong></td>
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<td>22nd Annual Media Advocacy Workshop-Part 3</td>
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<td>4:30 PM</td>
<td><strong>Joint Reception:</strong> Moot Court Competition and Media Advocacy Workshop</td>
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<td>4:00 PM</td>
<td>5:30 PM</td>
<td><strong>Governing Committee Meeting (by invitation only)</strong></td>
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<td>7:00 PM</td>
<td>10:00 PM</td>
<td><strong>Opening Night Reception:</strong> Estefan Kitchen, Miami Design District, 140 NE 39th Street, Miami, FL</td>
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# SCHEDULE OF EVENTS
Friday, February 1, 2019

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<tr>
<th>Start Time</th>
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<td>7:30 AM</td>
<td>9:30 AM</td>
<td><strong>Continental Breakfast</strong></td>
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<tr>
<td>8:00 AM to 9:00 AM</td>
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<td>Workshop 1A: Hot Issues in Access and Newsgathering</td>
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<td>8:00 AM to 9:00 AM</td>
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<td>Workshop 1B: Hot Issues in Anti-SLAPP and Other Legislation</td>
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<td>8:00 AM to 9:00 AM</td>
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<td>Workshop 1C: Hot Issues in Data Privacy</td>
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<td>8:00 AM to 9:00 AM</td>
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<td>Workshop 1D: Hot Issues in Entertainment</td>
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<td>8:00 AM to 9:00 AM</td>
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<td>Workshop 1E: Hot Issues in Social Media</td>
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<td>9:15 AM</td>
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<td><strong>Plenary</strong>: The Right to Privacy v. The First Amendment: A Current Look at Online Legal Protections</td>
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<td>10:45 AM</td>
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<td>Break</td>
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<td>11:00 AM to 12:00 PM</td>
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<td>Workshop 2A: Hot Issues in Advertising and Promotions</td>
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<td>11:00 AM to 12:00 PM</td>
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<td>Workshop 2B: Hot Issues in Entertainment</td>
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<td>11:00 AM to 12:00 PM</td>
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<td>Workshop 2C: Hot Issues in Ethics</td>
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<td>11:00 AM to 12:00 PM</td>
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<td>Workshop 2D: Hot Issues on the Internet</td>
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<td>11:00 AM to 12:00 PM</td>
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<td>Workshop 2E: Hot Issues in Libel and Privacy</td>
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</table>
| 12:00 PM   | 12:30 PM  | **Luncheon** *(Ticketed)*  
Champion of Freedom Award presented to Tom Kelley |
| 12:30 PM   | 2:00 PM   | **Plenary**: Treatment of Journalists: Friends, Enemies and the Erosion of Press Freedoms |
| 2:00 PM    | 3:30 PM   | 11th Annual First Amendment and Media Law Diversity Moot Court Competition: Final Round of Oral Arguments *(NON CLE)* |
| 2:30 PM    | 3:30 PM   | Insurance Committee *(NON CLE)* |
| 2:30 PM    | 3:30 PM   | Intellectual Property Committee *(NON CLE)* |
| 3:30 PM    | 4:30 PM   | Digital Communications Committee *(NON CLE)* |
| 4:30 PM    | 5:30 PM   | In-House Counsel Committee *(in-house lawyers only) *(NON CLE)* |
| 4:30 PM    | 5:30 PM   | Teach Media Law Committee *(NON CLE)* |
| 4:30 PM    | 5:30 PM   | Young Lawyers Committee *(NON CLE)* |
| 5:30 PM    | 7:00 PM   | Women in Communications Law *(NON CLE)* |
| 7:00 PM    | 11:00 PM  | Conference Annual Dinner |
## SCHEDULE OF EVENTS

**Saturday, February 2, 2019**

<table>
<thead>
<tr>
<th>Start Time</th>
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<td>7:30 AM</td>
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<td>7:30 AM</td>
<td>9:30 AM</td>
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<td>8:30 AM to 9:30 AM</td>
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<td>Workshop 3A: Hot Issues in Ethics</td>
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<td>Workshop 3B: Hot Issues on the Internet</td>
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<td>Workshop 3D: Hot Issues in Reporter’s Privilege</td>
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<td>Workshop 3E: Hot Issues in Social Media</td>
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<tr>
<td>9:45 AM</td>
<td>11:15 AM</td>
<td><strong>Plenary:</strong> Fifty Years after Brandenburg v. Ohio</td>
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<td>11:15 AM</td>
<td>11:30 AM</td>
<td>Break</td>
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<tr>
<td>11:30 AM to 12:30 PM</td>
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<td>Workshop 4A: Hot Issues in Access and Newsgathering</td>
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<td></td>
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<td>Workshop 4B: Hot Issues in Data Privacy</td>
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<td>Workshop 4C: Hot Issues in Entertainment</td>
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<td>Workshop 4D: Hot Issues in International and Cross Border Vetting</td>
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<td>Workshop 4E: Hot Issues in Social Media</td>
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<tr>
<td>12:30 PM</td>
<td>1:00 PM</td>
<td><strong>Luncheon</strong></td>
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<td>1:00 PM</td>
<td>2:30 PM</td>
<td>Breaking News! A Forum Exclusive!</td>
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<tr>
<td>6:00 PM</td>
<td>7:00 PM</td>
<td><strong>Closing Reception</strong></td>
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PLENARY SESSIONS PROVIDING IN-DEPTH ANALYSIS

Each of the four plenary sessions is designed to take a deep dive into a seminal case that transformed an area of law critical to communications lawyers; an area of law that is evolving in a way that changes not only the way our clients do business, but how we represent their interests; and legislation that provides new challenges and opportunities.

FRIDAY • FEBRUARY 1, 2019

9:15 AM – 10:45 AM
THE RIGHT TO PRIVACY v. THE FIRST AMENDMENT: A CURRENT LOOK AT ONLINE LEGAL PROTECTIONS

Data privacy issues and legal protections online and on social media have been front-page news coverage. Recently enacted FOSTA threatens legal protections under Section 230. And, with the passage of the General Data Protection Regulation (GDPR) abroad, the differences between U.S. and European approaches to comprehensive digital privacy law have become more severe. This panel will discuss these issues as well as whether the California Privacy Act and the CLOUD Act will assist in leveling the playing field.

SPEAKERS
Robert Corn-Revere, Partner
Davis Wright Tremaine | Washington, D.C.
Zac Cox, Counsel
Reddit, Inc. | San Francisco, CA
Nora Puckett, Senior Litigation Counsel
Google LLC | San Francisco, CA
Dan Shefet, Individual Specialist to UNESCO
President of Association for Accountability and Internet Democracy | Paris, France

MODERATOR
Laura Lee Prather, Partner
Haynes and Boone | Austin, TX

12:30 PM – 2:00 PM
TREATMENT OF JOURNALISTS: FRIENDS, ENEMIES AND THE EROSION OF PRESS FREEDOMS

What is the impact of President Trump’s “Public Enemy No. 1” labelling? Is this rhetoric connected to the increase in arrests and detention of journalists and in physical violence against journalists we have seen globally and in the US in recent years? How can we better protect journalists -- as well as their sources and sensitive data? Are there new rules for covering protests, crossing borders and in general dealing with hostile environments when pursuing and reporting the truth? What about the increasing intimidation and threats journalists face on social media -- Where are the lines? When are they crossed? What can be done?

SPEAKERS
Jason Conti, Executive Vice President and General Counsel
Dow Jones & Company | New York, NY
Runa Sandvik, Senior Director of Information Security
The New York Times | New York, NY
Frank Smyth, Executive Director,
Global Journalist Security and former
Senior Advisor, Journalist Security for the Committee to Protect Journalists | Washington, D.C.
Brian Stelter, Senior Media Correspondent for CNN and
Host of Reliable Sources | New York, NY

MODERATOR
Natalie Spears, Partner
Dentons | Chicago, IL
SATURDAY • FEBRUARY 2, 2019

9:45 AM – 11:15 AM
FIFTY YEARS AFTER BRANDENBURG V. OHIO

Fifty years ago, the Supreme Court reversed the criminal conviction of Ku Klux Klansman Clarence Brandenburg and struck down, on First Amendment grounds, the Ohio Criminal Syndicalism Statute that outlawed forms of advocacy and assembly. This panel will explore the legacy of Brandenburg’s standard of “incitement to imminent lawless action,” the challenges that journalists face in covering controversial speakers and groups, the treatment of these speakers and groups by public institutions post-Charlottesville, and the heightened tensions between the right to speak and social media platforms’ right to censor, limit, or ban these speakers.

SPEAKERS
Clay Calvert, Professor & Director of the Marion B. Brechner First Amendment Project
University of Florida | Gainesville, FL

Allie Conti, Senior Staff Writer
VICE | Brooklyn, NY

Erik Diehn, CEO
Midroll Media | New York, NY

RonNell Andersen Jones, Teitelbaum Endowed Professor of Law, University of Utah S.J. Quinney College of Law | Salt Lake City, UT

Marc J. Randazza, Managing Partner
Randazza Legal Group | Las Vegas, NV

MODERATOR
Thomas S. Leatherbury, Partner
Vinson & Elkins | Dallas, TX

1:00 PM – 2:30 PM
BREAKING NEWS! A FORUM EXCLUSIVE!

Usually, the media chases stories hard in order to publish them; but sometimes not so much. The practice called “catch and kill,” where a media entity secures rights to a story in order to suppress it, has recently come under scrutiny. Does the First Amendment protect it? If so, how is that consistent with the purpose of free speech? If not, how do we distinguish it from other editorial decisions to withhold publication? Can other laws—like campaign finance laws—criminalize it? Law aside, is the practice ethical? Or is this a case of “no ethics, no problem”?

SPEAKERS
Mary-Rose Papandrea,
Judge John J. Parker Distinguished Professor of Law,
Associate Dean for Academic Affairs,
University of North Carolina School of Law | Chapel Hill, NC

Jim Rutenberg, Media Columnist
The New York Times | New York, NY

Cameron Stracher
Stracher Law | New York, NY

Peter K. Stris, Founding Partner
Stris & Maher | Los Angeles, CA

MODERATOR
Len Niehoff, Professor from Practice, University of Michigan Law School, Of Counsel, Honigman Miller | Ann Arbor, MI
## HOT ISSUES WORKSHOPS

There are eleven different choices for Hot Issues Workshops. And, this year, you will be able to attend four sessions, rather than three. Each session is an interactive discussion designed for practitioners to learn from one another and discuss best practices. Sessions are led by experts in each area who are prepared to challenge what you think you know. New this year: a workshop focused on Data Privacy that is separate from the workshop focused on Internet issues.

### HOT ISSUES WORKSHOP COORDINATOR

Timothy Conner  
Holland & Knight | Jacksonville, FL

### HOT ISSUES IN ACCESS AND NEWSGATHERING – (SERIES 1 AND 4)

We will discuss the current, most troubling news gathering issues: challenging access and reporting issues arising out of mass violence like the Parkland shooting and criminal prosecution of Nikolas Cruz; access to the unredacted Pennslyvania priest abuse report; covering politicians and campaigns when you're blocked on social media; reporting on materials provided by hackers or via leaks; corroborating he said/she said stories; and techniques for dislodging public records quickly.

**LEAD FACILITATOR • Carol Jean LoCicero,**  
Thomas & LoCicero | Tampa, FL

**FACILITATORS**

<table>
<thead>
<tr>
<th>Brian Barrett</th>
<th>James McLaughlin</th>
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<td>The Associated Press</td>
<td>The Washington Post</td>
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<td>New York, NY</td>
<td>Washington, D.C.</td>
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<td>James Chadwick</td>
<td>Mickey H. Osterreicher</td>
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<td>Sheppard Mullin</td>
<td>National Press Photographers</td>
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<td>Palo Alto, CA</td>
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<td>Cynthia Counts</td>
<td>Eric Schroeder</td>
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<td>Duane Morris</td>
<td>Bryan Cave</td>
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<td>Atlanta, GA</td>
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<td>Jeff Glasser</td>
<td>Christine N. Walz</td>
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<td>Los Angeles Times</td>
<td>Holland &amp; Knight</td>
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<td>New York, NY</td>
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### HOT ISSUES IN ADVERTISING AND PROMOTIONS – (SERIES 2)

We will explore the minefield of issues in advertising and promotions law including: TCPA litigation in the post-ACA world; #Sweeps and the do's and don'ts of endorsements; the legal risks of emerging technology and much more.

**LEAD FACILITATOR • Natalie Harris,**  
Mandell Menkes | Chicago, IL

**FACILITATORS**

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<thead>
<tr>
<th>Sarah L. Cronin</th>
<th>Andrea Shandell</th>
<th>Susan Tillotson Bunch</th>
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<tr>
<td>Kelley Drye &amp; Warren</td>
<td>Garnett Co., Inc.</td>
<td>McLane, VA</td>
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<td>Los Angeles, CA</td>
<td>Thomas &amp; LoCicero</td>
<td>Tampa, FL</td>
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### HOT ISSUES IN ANTI-SLAPP AND OTHER LEGISLATION – (SERIES 1)

In 2018, state courts from Nevada to D.C. have continued to grant anti-SLAPP motions and dismiss defamation cases brought by plaintiffs from casino magnate Steve Wynn to businessmen named in the “Trump Dossier.” But some judges around the country (including Judge Kavanaugh) are declining to apply anti-SLAPP laws in federal court. This session will discuss the status of anti-SLAPP laws, their viability in federal court; practical tips when litigating SLAPP cases, and what lies ahead.

**LEAD FACILITATOR • Connie Pendleton,**  
Davis Wright Tremaine | Washington, DC

**FACILITATORS**

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<tr>
<th>Craig Linder</th>
<th>Vivian Lee</th>
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<td>Dow Jones &amp; Company</td>
<td>Twenty-First Century Fox, Inc.</td>
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<td>Los Angeles, CA</td>
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<td>Brandie Lustbader</td>
<td>Katie Townsend</td>
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<td>A+E Networks</td>
<td>Reporters Committee for Freedom</td>
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<td>New York, NY</td>
<td>of the Press</td>
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HOT ISSUES WORKSHOPS (CONTINUED)

### HOT ISSUES IN DATA PRIVACY – (SERIES 1 AND 4)

**Tell Me, Give Me, Protect Me, Forget Me: Relating to Customers in the Age of Consumer (Data Subject) Privacy Rights.** The EU’s GDPR has been in effect for almost a year, and California passed the California Consumer Privacy Act (CCPA) over the summer (which will come into effect - in some form - in 2020), both of which give new and significant rights to consumers in terms of how their data can be used. What does that mean to us, how do we operationalize it those requirements, particularly since we still don’t know exactly what the CCPA will end up requiring? What does that mean to all our cool new projects that rely on creative uses of customer data? Should we expect this to spread, or is it limited to California? Do these new laws make data breaches more or less problematic for us? And how do Internet of Things (IoT) devices and biometric identification fit in?

**LEAD FACILITATOR • Doron Goldstein, Katten Muchin Rosenman | New York, NY**

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<th>FACILITATORS</th>
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<tr>
<td>Jadzia Pierce</td>
<td>Covington &amp; Burling</td>
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<tr>
<td>Kathleen Scott</td>
<td>Wiley Rein</td>
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<tr>
<td>Sherrese Smith</td>
<td>Paul Hastings</td>
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<td>S. Jenell Trigg</td>
<td>Lerman Senter</td>
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### HOT ISSUES IN ENTERTAINMENT – (SERIES 1, 2 AND 4)

The past year has seen a number of groundbreaking decisions on entertainment issues. We discuss developments and trends in: Music (status of the Music Modernization Act, trends post-Stairway to Heaven and Blurred Lines, pre-1972 works including the Ninth Circuit’s reversal in CBS Radio), Television, Movies, and Games (right of publicity issues post- O. de Havilland and M. Ali; names/Empire; NFL and NCAA cases); Politics (songwriters versus political campaigns, and updates on Trump cases); and Graffiti cases.

**LEAD FACILITATOR • Robb Harvey, Waller Lansden Dortch & Davis | Nashville, TN**

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<tr>
<td>Jonathan Anschell</td>
<td>CBS, Inc.</td>
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<td>Lincoln Bandlow</td>
<td>Fox Rothschild</td>
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<td>Scott Edelman</td>
<td>Gibson Dunn</td>
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<tr>
<td>David Fink</td>
<td>Kelley Drye &amp; Warren</td>
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<tr>
<td>Gloria Franke Shaw</td>
<td>Katten Muchin and Rosenman</td>
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<td>Leah Monsanto</td>
<td>Discovery, Inc.</td>
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<td>Joel M. Tantalo</td>
<td>Tantalo &amp; Adler</td>
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<tr>
<td>Dori Hanswirth</td>
<td>Arnold &amp; Porter Kaye Scholer LLP</td>
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### HOT ISSUES IN ETHICS – (SERIES 2 AND 3)

We will discuss current developments in client confidentiality and the attorney-client privilege; issues that can arise when lawyers make public statements, including through social media; challenges when lawyers travel internationally; the duty to inform clients of lawyer mistakes; and the disciplining and sanctioning of lawyers for “uncivil” behavior.

**LEAD FACILITATOR • Bruce Johnson, Davis Wright Tremaine | Seattle, WA**

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<tr>
<td>Susan Grogan Faller</td>
<td>Frost Brown Todd</td>
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<tr>
<td>Jan L. Jacobowitz, Director</td>
<td>Professional Responsibility and Ethics Program &amp; Lecturer in Law</td>
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<tr>
<td>Lyrissa Lidsky</td>
<td>Dean and Judge C.A. Leedy Professor of Law</td>
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<td>Ashley Messenger</td>
<td>National Public Radio</td>
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### HOT ISSUES IN INTERNATIONAL AND CROSS BORDER VETTING – (SERIES 4)

This workshop will compare and contrast defamation, privacy, copyright and other newsgathering and publication laws around the world. How is the #metoo movement being handled in various jurisdictions? Do you need to consider the GDPR in the newsgathering context? Are there Bartnicki-type protections abroad for receipt of leaked materials and, if so, what is their scope? What is happening with the Right to Be Forgotten and do US publications available outside the US have to respond to takedown requests? How are national security and other laws being used to target or retaliate against reporting, and what risks you should be aware of for your local and international reporters abroad.

**LEAD FACILITATOR • Dana Green, Ballard Spahr | Washington, D.C.**

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<tr>
<th>FACILITATORS</th>
<th>Los Angeles, CA</th>
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<tbody>
<tr>
<td>Lynn Carrillo</td>
<td>NBCUniversal</td>
</tr>
<tr>
<td>Lee Rivera Williams</td>
<td>Cable News Network</td>
</tr>
<tr>
<td>Katharine Larsen</td>
<td>Thomson Reuters</td>
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HOT ISSUES WORKSHOPS (CONTINUED)

HOT ISSUES ON THE INTERNET – (SERIES 2 AND 3)
Rapid social and technological changes brought about by the internet force us to wrestle with managing questionable content, bioprivacy, copyright infringement, hacking, access and data sharing. This workshop will examine: developments in net neutrality; experiences complying with the EU’s General Data Protection Regulation; preparing for California’s upcoming data protection law; standing in hacking and data collection cases; adapting to changes in online behavioral tracking; balancing privacy rights and data monetization in devices and websites; trends in scraping and aggregating; the rise of hacking by individuals and nation states; the application of artificial intelligence and blockchain; and efforts to create internet trustworthiness ratings.

LEAD FACILITATOR • Jennifer Dukarski, Butzel Long | Ann Arbor, MI
FACILITATORS
Anette Beebe
Beebe Law | Phoenix, AZ
Patrick J. Carome
WilmerHale | Washington, D.C.
Jeremy Chase
Davis Wright Tremaine | New York, NY
Judy Endejan
Law Office of Judy Endejan | Seattle, WA
Jeremy Feigelson
Debevoise & Plimpton | New York, NY
David Wittenstein
Cooley LLP | Washington, D.C.

HOT ISSUES IN LIBEL AND PRIVACY – (SERIES 2 AND 3)
Panelists will lead you through an examination of recent high-profile trials, settlements, and appeals. We will review the current state of the law regarding opinion, libel-by-implication, and the reporting of third-party allegations; libel and the right of publicity in fiction and docudrama; how the internet and social media are affecting courts’ analysis of public figure status, defamatory meaning, and other elements of libel law; and the increase in politically-charged defamation cases.

LEAD FACILITATOR • Marc Fuller, Vinson & Elkins | Dallas, TX
FACILITATORS
Stephanie Abrutyn
Home Box Office, Inc. | New York, NY
Chadwick James
Sheppard Mullin | Palo Alto, CA
Herschel Fink
Jaffe Raitt Heuer & Weiss | Detroit, MI
John C. Greiner
Graydon | Cincinnati, OH
Robert P. Latham
Jackson Walker | Dallas, TX
Stephen Schaefer
Mutual Insurance | Columbia, MD
Tami Sims
Katten Muchin Rosenman | Los Angeles, CA
Leita Walker
Faegre Baker Daniels | Minneapolis, MN

HOT ISSUES IN REPORTER’S PRIVILEGE – (SERIES 3)
Is the Trump administration’s crackdown on government leaks poking holes in the reporter’s privilege? Tracking and hacking: Is technology jeopardizing the professional source relationship? What she said: Are subpoenas to journalists covering #metoo movement the latest means of silencing victims? Is there hope for the reporter’s privilege after the “Baby Hope” case? Does the privilege provide a shield in defamation cases in the “fake news” era? Join us for an interactive roundtable discussion of these and other hot issues in reporter’s privilege.

LEAD FACILITATOR • Deanna Shullman, Shullman Fugate | West Palm Beach, FL
FACILITATORS
Derek Bauer
BakerHostetler | Atlanta, GA
Joel Glover
Jackson Walker | Houston, TX
Chris Moeser
TEGNA Inc. | Washington, D.C.

HOT ISSUES IN SOCIAL MEDIA – (SERIES 1, 3 AND 4)
This workshop will discuss the challenges posed by social media platforms and practices. We’ll discuss litigation concerns, including preservation, authentication and admissibility of social media posts; the right of access to, and the right to comment on, social media sites of public officials and public figures; copyright concerns, including the fallout of the embedding decision in Goldman v. Breitbart News Network; social media platforms’ terms and conditions; the tension between free speech and social media platforms blocking certain speakers; and newsroom responses to harassment or threats to employees via social media and other newsroom employer-employee issues.

LEAD FACILITATOR • Monica Dias, Frost Brown Todd | Cincinnati, OH
FACILITATORS
Jerry Birenz
Sabin Bermant & Gould | New York, NY
Katie Fallow
Knight First Amendment Institute at Columbia University | New York, NY
Mara Gassmann
Ballard Spahr | Washington, D.C.
Patrick Groshong
AXIS PRO | Kansas City, MO
Lo-Mae Lai
Airbnb, Inc. | Los Angeles, CA
Gregg Leslie
Arizona State University LawSchool First Amendment Clinic | Phoenix, AZ
Andy Mar
Facebook, Inc.
Matthew Schafer
BuzzFeed, Inc.
Regina Thomas
OathInc. | Dulles, VA

HOT ISSUES IN REPORTER’S PRIVILEGE – (SERIES 3)
Is the Trump administration’s crackdown on government leaks poking holes in the reporter’s privilege? Tracking and hacking: Is technology jeopardizing the professional source relationship? What she said: Are subpoenas to journalists covering #metoo movement the latest means of silencing victims? Is there hope for the reporter’s privilege after the “Baby Hope” case? Does the privilege provide a shield in defamation cases in the “fake news” era? Join us for an interactive roundtable discussion of these and other hot issues in reporter’s privilege.

LEAD FACILITATOR • Deanna Shullman, Shullman Fugate | West Palm Beach, FL
FACILITATORS
Derek Bauer
BakerHostetler | Atlanta, GA
Joel Glover
Jackson Walker | Houston, TX
Chris Moeser
TEGNA Inc. | Washington, D.C.
THURSDAY, JANUARY 31, 2019 | 7PM – 10 PM

The Forum is kicking off the 24th Annual Conference at

ESTEFAN KITCHEN, Miami Design District
140 NE 39th Street, Suite 133
Miami, FL

...We're serving up all of your Cuban favorites, like arroz con pollo. There will be a mojito bar, along with a full bar. And, the salsa band will be ready for our salsa competition!
## FRIDAY • FEBRUARY 1, 2019

### 2:30 PM – 3:30 PM  
**INSURANCE COMMITTEE (NON CLE)**

Insuring media and entertainment risks presents a number of ever changing and newly emerging challenges. We will discuss covering content for Facebook Live; the adequacy of limits in the age of mega verdicts and combined coverage packages; issues involving interwoven covered and uncovered claims arising from the #metoo movement and massive discovery requests in scorched earth media litigation; cyber liability coverage; and the GDPR and privilege concerns over communications requests from those within the tripartite relationship.

**COMMITTEE CO-CHAIRS**  
Jim Borelli  
Nations Media Partners | Kansas City, MO  
Michelle Worral Tilton  
Media Risk Consultants | Prairie Village, KS

**PROGRAM FACILITATORS**  
Eyunne Grover  
QBE Insurance | New York, NY  
Blaine Kimrey  
VedderPrice | Chicago, Illinois  
Edward Copeland  
D’Amato & Lynch, LLP | New York, NY

### 2:30 PM – 3:30 PM  
**INTELLECTUAL PROPERTY COMMITTEE (NON CLE)**

Fair Use, First Amendment & Formalities: We will discuss recent fair use decisions; the interplay between the First Amendment and infringement litigation; whether formalities such as registration or application are needed to file suit; and the new Supreme Court standard for the award of fees in copyright cases.

**COMMITTEE CO-CHAIRS**  
Lincoln Bandlow  
Fox Rothschild | Los Angeles, CA

**COMMITTEE CO-CHAIRS**  
Lo-Mae Lai  
Airbnb, Inc. | Los Angeles, CA

### 3:30 PM – 4:30 PM  
**DIGITAL COMMUNICATIONS COMMITTEE (NON CLE)**

The ability to communicate online has brought about an increase of content that some claim is completely unflattering, unfair and/or flat out libelous to individuals or businesses. This has resulted in a whole new industry: online reputation management. Sadly, not all reputation management companies are equal and the methods some companies (and connected counsel) use to remove or de-index content has (and should) raise an eyebrow for free speech advocates and others. We’ll discuss bogus court orders and DMCA schemes, point out the “red flags,” and examine what can be done to combat these improper practices. Come to share your experiences, or to hear what others have to say.

**COMMITTEE CO-CHAIRS**  
Anette J. Beebe  
Beebe Law | Phoenix, AZ  
Elisa D'Amico  
K&L Gates | Miami, FL

**CO-CHAIR-ELECT**  
Andrew Rossow  
Gregory M. Gantt Co. | Dayton, OH
4:30 PM – 5:30 PM
**IN-HOUSE COUNSEL COMMITTEE (open only to in-house lawyers) (NON CLE)**

Security and Access in an Anti-Media Age: Let’s discuss what in-house attorneys should be doing now. Safety and security measures for journalists, in light of violence and other threats to news organizations; ongoing issues with access, including FOIA, access to juror names, and filming law enforcement; and other ways in which the current environment affects our work.

**COMMITTEE CO-CHAIRS**

Nabiba B. Syed  
BuzzFeed, Inc. | New York, NY

James McLaughlin  
The Washington Post | Washington, D.C.

4:30 PM – 5:30 PM
**TEACH MEDIA LAW COMMITTEE (NON CLE)**

What You Need to Consider If You’re Teaching Media Law: This session is for attendees who teach, or are interested in teaching, in the broad field of media law or First Amendment law. We will discuss pedagogical tools and strategies, teaching resources, syllabi and course requirements, and some of the challenges we currently face as instructors as universities address their own on-campus First Amendment issues.

**COMMITTEE CHAIR**

Len Niehoff, Professor from Practice, University of Michigan Law School  
Of Counsel, Honigman Miller | Ann Arbor, MI

4:30 PM – 5:30 PM
**YOUNG LAWYERS COMMITTEE (NON CLE)**

Join us for an in-depth, peer-to-peer roundtable on the challenges and opportunities that young lawyers face today. Let’s share experiences and discuss topics such as creative networking and job hunting, how to build your career towards the jobs you want, managing non-work challenges like parenthood and caring for elderly parents, and developing and sustaining meaningful mentoring relationships. Whether you are a first-time attendee, law student or a familiar face, please attend.

**COMMITTEE CO-CHAIRS**

Sara Bell  
PBS | Arlington, VA

Dana Green  
Ballard Spahr | Washington, D.C.

**CO-CHAIR-ELECT**

Adrianna Rodriguez  
Ballard Spahr | Washington, D.C.

**LIAISON TO ABA YOUNG LAWYERS DIVISION**

Megan Coker  
Vinson & Elkins | Dallas, TX

**LIAISON TO ABA LAW STUDENTS DIVISION**

Jasmine Bell  
Emory University Law School | Atlanta, GA

5:30 PM – 7:00 PM
**WOMEN IN COMMUNICATIONS LAW (NON CLE)**

We are doing something a little different this year by encouraging everyone to read, #NeverAgain—A New Generation Draws the Line, prior to the annual conference. Then, even if you’re unable to finish the book, join us for a lively conversation guaranteed to get you thinking. Lauren Hogg, one of the survivors of the Parkland shooting and an active participant in the #NeverAgain movement, will be speaking with us about her book, #NeverAgain—A New Generation Draws the Line, and her experiences facing the media as a young woman thrust into the spotlight by virtue of a tragedy. You can find the book at https://www.amazon.com/NeverAgain-New-Generation-Draws-Line/dp/198480183X. We encourage you to read the book ahead of the meeting so we can discuss the book and Lauren’s experiences on that day—and beyond—as she dealt with the tragedy and her own life unfolding on the public stage.

**COMMITTEE CO-CHAIRS**

Jennifer Dukarski  
Butzel Long | Ann Arbor, MI

Catherine Robb  
Haynes and Boone | Austin, TX

**CO-CHAIR-ELECT**

Kristen Rodriguez  
Dentons | Chicago, IL

The Forum would like to extend a special thank you to QBE North America for serving as the Women in Communications Law 2018-2019 Conference Year Presenting Sponsor.
The Forum on Communications Law would like to acknowledge our appreciation for the generous support of our sponsors. The Forum would be unable to function without the financial support of its PASSPORT SPONSORS that fund all of the Forum’s activities, including the 24th Annual Conference, 39th Annual Representing Your Local Broadcaster Conference, 14th Annual Data Privacy Symposium, the 22nd Annual Media Advocacy Workshop, 12th Annual First Amendment and Media Law Diversity Moot Court Competition, and all Women In Communications Law activities throughout the 2018-19 Conference Year. Thank you Passport Sponsors.

PASSPORT SPONSORS

Thank you to our ANNUAL CONFERENCE SPONSORS for helping to fund this 24th Annual Conference.

ANNUAL CONFERENCE SPONSORS

Thank you to those sponsors who contribute to the funding for the 11th Annual First Amendment and Media Law Diversity Moot Court Competition.

First Amendment and Media Law Diversity Moot Court Competition Sponsors

Thank you to our 22nd Annual Media Advocacy Workshop Sponsors for helping the Forum to provide training to young lawyers and law students.

MEDIA ADVOCACY WORKSHOP FOR YOUNG LAWYERS SPONSORS

Thank you to our sponsors for funding the activities of the Women in Communications Law

WOMEN IN COMMUNICATIONS LAW SPONSORS

The Forum would like to extend a special thank you to QBE North America for serving as the Women in Communications Law 2018-2019 Conference Year Presenting Sponsor.
THURSDAY • JANUARY 31, 2019 | 9AM-3:30PM

Part 1 – 9:00AM-10:45AM

Part 2 – 11:00AM-12:15PM

Break – 10:45AM-11:00AM

Part 3 – 1:45PM-3:30PM

22ND ANNUAL MEDIA ADVOCACY WORKSHOP

Participants will break into small group sessions to focus on three different media law problems. One oral argument involves analysis of the Espionage Act and the First Amendment as it relates to the press. Another oral argument explores the intersection between copyright law and free speech in a digital media context. Finally, participants will engage in a pre-publication review exercise to develop their legal vetting skills.

TRAINING & DEVELOPMENT COMMITTEE

CO-CHAIRS

Sarah Cronin
Kelley Drye & Warren | Los Angeles, CA

Joseph Tomain, Lecturer in Law at Indiana University Maurer School of Law
America Media/RadarOnline | Bloomington, IN

COMMITTEE MEMBERS

Keith Allen
Mandell Menkes | Chicago, IL

Mark Caramanica
Thomas & LoCicero | Tampa, FL

Mara Gassmann
Ballard Spahr | Washington, D.C.

Giselle Girones
Shullman Fugate | Jacksonville, FL

Kimberly McCoy
Vinson & Elkins | Texas, TX

Joseph Richotte
Butzel Long | Bloomfield Hills, MI

Christina Salvato
Sheppard Mullin | Century City, CA

Allison Schary
Davis Wright Tremaine | Washington, D.C.

FACULTY OF THE 2019 MEDIA ADVOCACY WORKSHOP

Stephanie Abrutyn, Senior Vice President & Chief Counsel, Litigation, HBO | New York, NY

Derek Bauer, Partner
BakerHostetler | Atlanta, GA

Michael Berry, Partner
Ballard Spahr | Philadelphia, PA

Edward Birk
Marks Gray | Jacksonville, FL

Heather Dietrick, CEO
Daily Beast | New York, NY

David Fink, Partner
Kelley, Drye & Warren | Los Angeles, CA

Marc Fuller, Counsel
Vinson & Elkins | Dallas, TX

Jack Greiner, Partner
Graydon Head | Cincinnati, OH

Brendan Healey, Partner
Mandell Menkes | Chicago, IL

James Lake, Partner
Thomas & LoCicero | Tampa, FL

Amanda Leith, Senior Counsel
NBCUniversal News Group | New York, NY

Craig Linder, Associate General Counsel, Dow Jones & Company | New York, NY

Frank LoMonte, Director
Brechtner Center for Freedom of Information, University of Florida | Gainesville, FL

Allison Lovelady, Partner
Shullman Fugate | West Palm Beach, FL

Drew Shenkman, Partner
Ballard Spahr | West Palm Beach, FL

Nathan Siegel, Partner
Davis Wright Tremaine | Washington, D.C.

Nabiha Syed, Vice President and Associate General Counsel
BuzzFeed, Inc. | New York, NY

Katie Townsend, Legal Director
Reporters Committee for Freedom of the Press | Washington, D.C.

Kevin Vick, Partner
Vassnick Carolan | Los Angeles, CA

Shaina Ward, Associate General Counsel
CARFAX | Centreville, VA

Corinna Zarek, Adjunct Faculty
San Francisco State University | San Francisco, CA

PUBLIC RECORDS AND THE PARKLAND SHOOTING (NON CLE)

The luncheon will feature a panel discussion about the variety of public records access laws that led to the mass shooting at Marjory Stoneman Douglas High School and issues regarding the right to publish information about the shooter, Nikolas Cruz. Our panel of media lawyers and journalists involved in these public records issues will share their experiences in reporting on this tragedy.

MODERATOR

Joseph Tomain, Lecturer in Law
Indiana University Maurer School of Law, American Media Radar Online | Bloomington, IN

FACILITATORS

Dana Banker, Managing Editor
South Florida Sun Sentinel | Fort Lauderdale, FL

Dawn Clapperton
Managing Editor
South Florida Sun Sentinel

Allison Lovelady, Partner
Shullman Fugate | West Palm Beach, FL

Dana McElroy, Partner
Thomas & LoCicero | Fort Lauderdale, FL

Amanda Leith, Managing Editor
NBCUniversal News Group | New York, NY

Craig Linder, Associate General Counsel, Dow Jones & Company | New York, NY

Frank LoMonte, Director
Brechtner Center for Freedom of Information, University of Florida | Gainesville, FL

Allison Lovelady, Partner
Shullman Fugate | West Palm Beach, FL

Drew Shenkman, Partner
Ballard Spahr | West Palm Beach, FL

Nathan Siegel, Partner
Davis Wright Tremaine | Washington, D.C.

Nabiha Syed, Vice President and Associate General Counsel
BuzzFeed, Inc. | New York, NY

Katie Townsend, Legal Director
Reporters Committee for Freedom of the Press | Washington, D.C.

Kevin Vick, Partner
Vassnick Carolan | Los Angeles, CA

Shaina Ward, Associate General Counsel
CARFAX | Centreville, VA

Corinna Zarek, Adjunct Faculty
San Francisco State University | San Francisco, CA

MEDI AADVOCACY LUNCH PANEL (MOOT COURT PARTICIPANTS INVITED)
The Forum’s 11th Annual First Amendment and Media Law Diversity Moot Court Competition is designed primarily to expose minority law students to the Forum on Communications Law and the practice of media law. Two semi-final rounds, with students arguing on and off brief, will be conducted on Thursday, January 31, 2019 before senior members of our bar. The four students with the highest semi-final round oral argument scores will form two new teams and present arguments in the final round before a distinguished panel of sitting judges on Friday, February 1, 2019, from 2:00 p.m. until 3:30 p.m. We ask everyone not otherwise engaged to attend the oral arguments to support the potential, future members of the Forum.

COMMITTEE CO-CHAIRS

Rachel E. Fugate
Shullman Fugate | Tampa, FL

Frank LoMonte, Professor and Director
The Brechner Center for Freedom of Information | University of Florida

James C. McFall, Associate
Bryan Cave | San Francisco, CA

(OC-CHAIR-ELECT)

Esther D. Clovis, Associate
Holland & Knight | New York, NY

The Committee would like to thank Frank LoMonte for drafting the hypothetical for the 2018–19 Competition.
ADVANCE REGISTRATION
Visit the Communications Law website to register https://www.americanbar.org/groups/communications_law.html or complete the registration form included in this brochure. Discounts for early-bird registration are available through December 8, 2018. The registration fee includes admission to all Conference workshops/sessions, continental breakfasts, coffee breaks, admission to the Thursday reception, Friday luncheon and dinner, the Saturday luncheon and reception, and Conference materials. You can also purchase tickets for your spouse/guest/child for the luncheons and dinner, as well as the recreational events.

All registrations must be paid in full at the time of registration. You may register online, by fax, phone or mail. Complete details are found on the registration form near the back of this brochure. Attendees who register after Friday, January 18, 2019 will not have pre-printed name badges but will have their badges printed on-site.

ON-SITE REGISTRATION
On-site registration will be accepted if space is available. If you plan to register on-site, you must call 312-986-5678 at least 72 hours before the Conference to confirm that space is still available. Failure to call in advance may result in not being admitted to a sold-out program. On-site registrants are required to pay the registration fees by check, Visa, MasterCard, Discover, or American Express. No registrations will be accepted without payment.

SCHOLARSHIPS FOR LAW STUDENTS
Scholarship applications are due by November 30, 2018. Each year, the ABA Forum on Communications Law awards two or three full-ride scholarships to law students to attend the Annual Conference on Communications Law. One scholarship is for an international student (an American taxpayer ID number is required for international applicants) and one scholarship is for a minority student. Hotel, lodging, airfare/transportation and registration fees (including meals) for both the Media Advocacy Workshop and the Forum Conference are all included in the scholarship. Applications can be found at http://ambar.org/co-amscholarship.

SCHOLARSHIPS
A limited number of scholarships to defray tuition expenses are available for this program. For attorneys who qualify will receive a 50% reduction in the course fee(s). This does not include any reduction in meals, lodging, or travel costs associated with the course. To request an application or receive additional information, please contact Bernadette Steele at Bernadette.Steele@americanbar.org. Scholarship applications must be received by the ABA no later than December 8, 2018 prior to the program presentation.

CANCELLATION POLICY
Registrants who are unable to attend the program will receive a refund of the registration fee less a $50.00 administrative fee if a written cancellation is received by December 21, 2018. After December 21, no refunds will be granted. Substitutions are permitted. Cancellations may be sent by email to the Forum on Communications Law at Bernadette.Steele@americanbar.org. The ABA reserves the right to cancel any program and assumes no responsibility for personal expenses.

CLE CREDIT
The ABA directly applies for and ordinarily receives CLE credit for ABA programs in AK, AL, AR, AZ, CA, CO, CT, DE, GA, GU, HI, IA, IL, IN, KS, KY, LA, ME, MN, MS, MO, MP, MT, NH, NJ, NM, NV, NY, NC, ND, OH, OK, OR, PA, SC, TN, TX, UT, VT, VA, WI, WA, WI, and WV. These states sometimes do not approve a program for credit before the program occurs. This course is expected to qualify for 15.00 CLE credit hours (including 1.0 ethics hours) in 60-minute states, and 18.00 credit (including 1.2 ethics hours) in 50-minute states. This transitional program is approved for both newly admitted and experienced attorneys in NY. Attorneys may be eligible to receive CLE credit through reciprocity or attorney self-submission in other states. For more information about CLE accreditation in your state, visit https://www.americanbar.org/groups/communications_law.html.

HOTEL RESERVATIONS | DEADLINE: JANUARY 8, 2019, 5:00 PM (CST)
The Conference, the Media Advocacy Workshop, and the Moot Court Competition will take place at Eden Roc Hotel, 4525 Collins Avenue, Miami, FL 33140. The hotel has reserved a block of rooms for Conference registrants who make their reservations no later than Tuesday, January 8, 2019, 5:00 pm (CST). The ABA Forum on Communications Law has negotiated a room rate of $339 plus applicable taxes per night. Please visit the URL at https://www.americanbar.org/groups/communications_law.html and click Hotel Reservations or call 844.455.6628 and reference Group Code: 190130Forum to make your hotel reservations and receive the ABA negotiated rate. Please note the room block will sell out quickly, therefore, we recommend you make your reservations early.

AIR TRAVEL/GROUND TRANSPORTATION/PARKING
The Miami International Airport is 12 miles from the hotel. With ABA Egencia, you can automatically obtain ABA negotiated airfare discounts for travel to the ABA Meetings. Reservations with ABA Egencia can be made online or offline at www.Egencia.com or www.americanbar.org/travel or (877) 833-6285. The estimated cost of a taxi is $35-$45. The hotel only provides valet parking at $47 per day.

PERSONS WITH DISABILITIES
If special arrangements are required for individuals with disabilities to attend this program, please contact the ABA Forum on Communications Law at Bernadette.Steele@americanbar.org by January 2, 2019.
# ANNUAL CONFERENCE

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# MEDIA ADVOCACY WORKSHOP

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# TICKETED EVENTS

(Free to Registrants, Guests must purchase a ticket.)

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# TOTAL CONFERENCE FEES: $0

# JOIN THE FORUM*

- **Lawyers** $55
- **Associates** $55
- **Law Students** $0 (comp)

*You must be a member of the American Bar Association to join the Forum on Communications Law. To join the ABA and the Forum, please visit [http://ambar.org/join](http://ambar.org/join). As a member, you are eligible for the Forum Member pricing.
REGISTRATION

WAYS TO REGISTER

1 Register online at www.americanbar.org/groups/communications_law.html
2 Fax your registration from with credit card information to our secure fax line: 312.988.5850
3 Call the ABA Service Center: 800.285.2221 and mention CO1901
4 Mail your registration form to:
   American Bar Association
   Attn: Service Center-Meeting/Event Registration
   Attn: CO1901
   321 North Clark Street
   Chicago, IL 60654

Early-Bird conference registration deadline: December 8, 2018 at 5:00 pm CST
Housing Deadline: January 8, 2019 at 5:00 pm CST

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NAME TO BE PRINTED ON BADGE

EMAIL ADDRESS

NAME OF FIRM/COMPANY/AGENCY

ADDRESS (firm, company or agency)

CITY STATE ZIP

BUSINESS PHONE BUSINESS FAX

NAME OF GUEST (first, middle initial, last)

DIETARY RESTRICTIONS

YOU ○ Vegetarian ○ Vegan ○ No shellfish ○ Allergies/Other

GUEST ○ Vegetarian ○ Vegan ○ No shellfish ○ Allergies/Other

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○ Mastercard ○ American Express ○ VISA ○ Discover

CARD NUMBER EXPIRATION

CARDHOLDER’S NAME (please print) SIGNATURE

CHECK

○ My check made payable to the American Bar Association is enclosed.