IT'S OUR 25TH ANNUAL CONFERENCE, AND WE'RE PLANNING TO CELEBRATE!

I am excited to invite you to join us in Austin, Texas from February 6-8, 2020, for the Annual Conference of the ABA Forum on Communications Law. Austin, the capitol city of Texas, with its history and live entertainment, will serve as a wonderful place to acknowledge our past and focus on the future facing media and communications lawyers with an impressive roster of dynamic speakers and facilitators.

We will kick things off on Thursday, February 6th, with an opening night reception at Studio 6A, the original home studio for Austin City Limits. From the barbeque cookoff by three local restaurants to the live entertainment, Studio 6A will be a great place to reconnect with colleagues, make new acquaintances, and get a taste of what Austin has to offer.


As with last year’s conference, we have four rounds of Hot Issues workshops so folks can have an additional opportunity to discuss new developments in the various practice areas that comprise Communications Law. We’ve also added a new session addressing Hot Issues in FCC and Regulatory Matters to the roster, along with our 11 others: Newsgathering and Access; Advertising and Promotions, Anti-SLAPP and Other Legislation; Entertainment, Ethics, International and Cross-Border Vetting; 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.

On Friday afternoon this year we will continue with the “Cocktails, Conversations and Connections” sessions we debuted last conference. These are open to all attendees, providing an opportunity to informally discuss and debate hot topics 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 of this content, the annual dinner is Friday evening, there are several options to explore some of what Austin has to offer on Saturday afternoon, including a tour of the LBJ Presidential Library and Ladybird Johnson Wildflower Center. And, we invite you to bring your entire family. They can sign up for some of the fun tour options selected by our conference entertainment committee, led by Laura Prather. The weekend will end with the closing reception on 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 y'all in Austin!

DAVE GILES
Chair

Annual Conference Planning Committee

Dave Giles
Forum Chair
The E. W. Scripps Company
Cincinnati, OH

Lynn Carrillo
Forum Chair-Elect
NBC Universal News Group, Miami, FL

Carolyn Y. Forrest
Forum Immediate Past Chair
Fox Television Stations, LLC Atlanta, GA

Mark Bailen
Baker Hostetler
Washington, DC

Gregg Leslie
Sandra Day O’Connor College of Law Arizona State University, Phoenix, AZ

Laura Lee Prather
Haynes and Boone
Austin, TX

Charles D. Tobin
Ballard Spahr
Washington, D.C.

A Special Thank You From the Chair to Ballard Spahr and Maxwell S. Mishkin:

On behalf of the Forum and the Annual Conference Planning Committee, I would like to personally thank Ballard Spahr, and its associate Maxwell S. Mishkin, 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
THURSDAY, FEBRUARY 6
PRE-CONFERENCE EVENTS

8:00AM – 3:00PM - CONFERENCE REGISTRATION AND SPONSOR EXHIBITS

8:00AM – 9:00AM
JOINT BREAKFAST: MOOT COURT COMPETITION
AND MEDIA ADVOCACY WORKSHOP

9:00AM – 11:45AM
12th Annual First Amendment and Media Law Diversity Moot Court Competition
Semi-Final Rounds of Oral Arguments (NON CLE)
The Forum’s 12th 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.
Final Round of Oral Arguments on Friday, February 7

9:00AM – 10:45AM
23rd Annual Media Advocacy Workshop-Part 1
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.

Media Advocacy Workshop Faculty Members

Stephanie Abrutyn
WarnerMedia, New York, NY

Mark Bailen
BakerHostetler, Washington, D.C.

Steve Baron
Baron Harris Healey, Chicago, IL

Ed Birk
Marks Gray, Jacksonville, FL

Duffy Carolan
Jassy Vick Carolan, San Francisco, CA

Katie Fallow
Knight First Amendment Institute, Columbia University, New York, NY

Jon Fine
American Media, Inc., New York, NY

Jack Greiner
Graydon, Cincinnati, OH

Ed Larkin
GateHouse Media, Pittsford, NY

Tom Leatherbury
Vinson & Elkins, Dallas, TX
**10:40AM – 11:00AM - BREAK**

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**11:00AM - 12:15PM  
23rd Annual Media Advocacy Workshop-Part 2**

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**12:15PM – 12:45PM - LUNCHEON**

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**12:45PM – 1:45PM  
Media Advocacy Lunch Panel (NON CLE) ( moot court participants invited)**

The lunch panel features a discussion about the Texas Citizens Participation Act (TCPA), Texas’s anti-SLAPP statute. Our panel of media lawyers and Justice Jane Bland of the Supreme Court of Texas will discuss the difficult issues of interpretation that have faced litigators and the courts concerning the TCPA, including its extension to contexts outside of media and First Amendment litigation. Our media attorney panelists will also discuss the legislative processes that resulted in the TCPA and the 2019 amendments to the statute. They will share first-hand experience attempting to fashion and preserve protections against meritless lawsuits targeting the rights of free speech, association, and petition—while also attempting to avoid entanglement with run-of-the-mill commercial disputes.

**MODERATOR:** Megan Coker, Vinson & Elkins LLP, Dallas, TX

**FACILITATORS/PANELISTS:**

- Craig Linder, Dow Jones & Company, New York, NY
- Frank LoMonte, Brecher Center for Freedom of Information, University of Florida, Gainesville, FL
- Robin Luce-Herrmann, Butzel Long, Bloomfield Hills, MI
- Paul McAdoo, Adams and Reese, Nashville, TN
- James McGuire, Thomas & LoCicero, Tampa, FL
- Tenaya Rodewald, Sheppard Mullin, Palo Alto, CA / Brussels, BE
- Adrianna Rodriguez, Univision, Communications, Inc., Miami, FL
- Eric Schroeder, Bryan Cave, Atlanta, GA
- Deanna Shullman, Shullman Fugate, West Palm Beach, FL
- Rachel Strom, Davis Wright Tremaine, New York, NY
- Katie Townsend, Reporters Committee for Freedom of the Press, Washington, D.C.
- Leita Walker, Ballard Spahr, Minneapolis, MN

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**1:45PM – 3:30PM  
23rd Annual Media Advocacy Workshop-Part 3**

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**2:00PM – 5:00PM - OPTIONAL TOURS**

*(Transportation provided)*

**Tour of the State Capitol and the Governor’s Mansion | Cost: Free**

Take a guided tour of the Capitol of the State of Texas and explore the Capitol Extension, a four-level underground structure completed in 1993 and its open air rotunda. Learn about the history of the structure which has bragging rights of being taller than the U.S. Capitol. Then meander over to the Governor’s Mansion for a guided tour of the historic home that has served as the official residence of Texas governors and their families since 1856. It is the fourth oldest continuously occupied governor’s residence in the country and the oldest governor’s mansion west of the Mississippi River.

**Visit to the Lady Bird Johnson Wildflower Center | Cost: $36.00 per person**

Join us for a guided, Docent-led tour of the Lady Bird Johnson Wildflower Center. Founded in 1982 as the National Wildflower Research Center (and renamed for Mrs. Johnson in 1997), the Wildflower Center features more than 900 species of native Texas plants in both garden and natural settings on its 284 acre spread. Among other sites, the Wildflower Center has 9 acres of cultivated gardens (including the Family Garden and the Habitat Garden), a 16 acre Arboretum, miles of walking trails, exhibits, a gift store, and a café. After the tour, you will have time to wander the grounds and experience Texas’ natural beauty at its finest.

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**3:30PM – 4:30PM  
JOINT RECEPTION: MOOT COURT COMPETITION AND MEDIA ADVOCACY WORKSHOP**

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**4:00PM – 5:30PM  
GOVERNING COMMITTEE MEETING** *(by invitation only)*

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**7:00PM – 10:00PM  
OPENING NIGHT RECEPTION: BAR-B-E-CUE TASTE OFF AT STUDIO 6A-KLRU** *(transportation provided)*

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**12:15PM – 12:45PM - LUNCHEON**

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**11:00AM - 12:15PM  
23rd Annual Media Advocacy Workshop-Part 2**

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**2:00PM – 5:00PM - OPTIONAL TOURS** *(Transportation provided)*

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- James McGuire, Thomas & LoCicero, Tampa, FL
- Tenaya Rodewald, Sheppard Mullin, Palo Alto, CA / Brussels, BE
- Adrianna Rodriguez, Univision, Communications, Inc., Miami, FL
- Eric Schroeder, Bryan Cave, Atlanta, GA
- Deanna Shullman, Shullman Fugate, West Palm Beach, FL
- Rachel Strom, Davis Wright Tremaine, New York, NY
- Katie Townsend, Reporters Committee for Freedom of the Press, Washington, D.C.
- Leita Walker, Ballard Spahr, Minneapolis, MN
FRIDAY, FEBRUARY 7

7:30AM – 5:00PM - CONFERENCE REGISTRATION AND SPONSOR EXHIBITS

7:30AM – 9:00AM - CONTINENTAL BREAKFAST

8:00AM – 9:00AM - HOT ISSUES WORKSHOPS – SERIES 1

HOT ISSUES IN ACCESS AND NEWSGATHERING

Our panel will discuss several recent, sometimes challenging newsgathering issues, including: the rise of sweeping “ag-gag” laws, victim’s rights laws (e.g., Marsy’s Law), and similar statutory schemes aimed at preventing the investigation or disclosure of information; the adequacy of the DOJ search efforts in response to FOIA requests pertaining to the Mueller investigation; the implications of the Seventh Circuit’s decision to abstain from adjudicating a state court’s timeliness in making court records available; the indictment of Julian Assange; and the rise of “First Amendment” audits and citizen reporting.

LEAD FACILITATOR: Eric Schroeder, Bryan Cave Leighton Paisner, Atlanta, GA

FACILITATORS:
- Mike Grygiel, Greenberg Traurig, Albany, NY
- Blaine Kimery, Vedder Price, Chicago, IL
- Jeremy Kutner, ProPublica, New York NY
- Wes Lewis, Haynes and Boone, Austin, TX
- Mickey H. Osterreicher, National Press Photographer’s Association, Buffalo, NY
- Tenaya Rodewald, Sheppard Mullin, Palo Alto, CA
- Kristen Rodriguez, Dentons, Chicago, IL
- Christine Walz, Holland & Knight, New York, NY

HOT ISSUES IN ANTI-SLAPP AND OTHER LEGISLATION

This session will discuss how long anti-SLAPP laws will remain viable as options in defending federal court lawsuits and consider what types of risk calculations litigators must make, in circuits that have rejected anti-SLAPP laws in federal court, when deciding whether to remove and thereby lose their state’s SLAPP remedies. Also, is there a model anti-SLAPP law that could be constructed that would protect the exercise of First Amendment rights in federal court lawsuits? Finally, we will review whether courts (state or federal) are receptive to non-forum SLAPP defenses through application of the dépeçage doctrine, and how to persuade judges to endorse its application.

LEAD FACILITATOR: Bruce Johnson, Davis Wright Tremaine, Seattle, WA

FACILITATORS:
- Andy Pauwels, Honigman, Detroit, MI
- Laura Prather, Haynes and Boone, Austin, TX
- Adrienne Fowler, Harris Wilsie & Grannis, Washington, D.C.
- Kristine Holm, Fox Corp, Beverly Hills, CA
- Melissa Kern, Frost Brown Todd, Cincinnati, OH
- S. Jenell Trigg, Lerman Senter, Washington, D.C.

HOT ISSUES IN DATA PRIVACY

One month after the CCPA effective date, a year and a half into the GDPR, and with state privacy laws proposed or under consideration in over 20 states, what do and will individual privacy rights look like – and how can companies address those rights and consumer expectations – now and over the next few years? We will discuss where the CCPA has ended up; what (if anything) we can expect to change in the CCPA; whether (and in what form) a federal privacy law might be passed; lessons from GDPR practices and enforcement; and what companies can do to try to future-proof their data and privacy practices given the uncertainty.

LEAD FACILITATOR: Doron Goldstein, Katten Muchin Rosenman, New York, NY

FACILITATORS:
- Adrienne Fowler, Harris Wilshire & Grannis, Washington, D.C.
- Kristine Holm, Fox Corp, Beverly Hills, CA
- Melissa Kern, Frost Brown Todd, Cincinnati, OH
- Kathleen Scott, Wiley Rein, Washington, D.C.
- S. Jenell Trigg, Lerman Senter, Washington, D.C.

HOT ISSUES IN ENTERTAINMENT

The past year has seen a number of groundbreaking decisions on entertainment issues. We discuss developments and trends in: Movies, Television, Celebrities and Games (libel, right of publicity and copyright challenges involving documentaries, paparazzi/Gigi Hadid, and Fortnight and suits filed by Ariana Grande & Kim Kardashian); Music (what will happen post-Stairway to Heaven and Blurred Lines to cases against performers/songwriters such as Ariana Grande, Ed Sheeran, Katy Perry); Politics (tuning up for the 2020 campaign season); and Graffiti cases.

LEAD FACILITATOR: Robb Harvey, Waller Landsen Dortch & Davis, Nashville, TN

FACILITATORS:
- Al-Amyn Sumar, Ballard Spahr, Washington, DC
- David Aronoff, Fox Rothschild, Los Angeles, CA
- Jonathan Anschell, CBS, Los Angeles, CA
- Lincoln Bandlow, The law Offices of Lincoln Bandlow, PC, Los Angeles, CA
- David Fink, Venable, Los Angeles, CA
- Dori Hanswirth, Arnold & Porter Kaye Scholer, New York, NY
- Leah Montesano, Discovery Inc., Bethesda, MD
- Joel Tantalo, Tantalo & Adler, Los Angeles, CA
HOT ISSUES IN SOCIAL MEDIA

Using social media to gather and disseminate news continues to pose specific challenges. In this workshop, we’ll discuss litigation concerns, including the intersection of tweets and personal jurisdiction; social media posts that cross the line into harassment; parody Twitter accounts; and discovery and preservation of social media evidence. We’ll discuss copyright concerns, including parody tweets and the Second Circuit’s denial of review of the Southern District of New York’s rejection of the server test in Goldman v. Breitbart News Network, LLC. We’ll also address advertising concerns, including Ariana Grande’s lawsuit against Forever 21 for allegedly posting photos of models that look like her in social media ads. Other topics include the continuing debate over what constitutes a public forum on social media in the wake of Knight First Amendment Institute at Columbia Univ. v. Trump; insurance issues; social media platforms’ ever-changing terms and conditions; legislation that may impact social media; and more.

LEAD FACILITATOR: Monica Dias, Frost Brown Todd, Cincinnati, OH

FACILITATORS:
- Katie Fallow, Knight First Amendment Institute at Columbia Univ.
  New York, NY
- Patrick Groshong, Axis Pro
  Kansas City, MO
- Michael Lambert
  Prince Label
- Steve Mandell, Mandell Menkes
  Chicago, IL
- JT Morris, JT Morris Law
  Austin, TX
- Lo-Mae Lai, Paramount
  San Francisco, CA
- Matthew Shafer, CBS
  New York, NY
- Regina Thomas, Verizon Media
  Washington, D.C.

PLENARY | 9:15AM – 10:45AM

Twenty-Five Years Later: McIntyre v. Ohio Elections Commission. A quarter century ago, the Supreme Court upheld the First Amendment rights of activist Margaret McIntyre, charged with a crime, to distribute anonymous political leaflets at a public meeting. Since then, a lot of important journalism – and a lot of really hateful speech, much of it online – has rested on the same rights of anonymity that Ms. McIntyre won for all of us. Panelists will explore whether, in today’s venomous political environment, the Court would decide her case the same way – and should it?

LEAD FACILITATOR: Chuck Tobin, Ballard Spahr, Washington, D.C.

PANELISTS:
- James Dao, Op-ed Editor
  New York Times
  New York, NY
- David A. Goldberger, Professor Emeritus of Law
  Moritz College of Law, The Ohio State University
  Columbus, OH
- Beth Littrell, Senior Staff Attorney
  Special Litigation
  Southern Poverty Law Center
  Montgomery, AL
- Alissa Starzak, Head of Public Policy
  Cloudflare, Inc
- Stephen Vladeck, University of Texas
  Austin, TX

10:45AM – 11:00AM - BREAK

11:00AM – 12:00PM - HOT ISSUES WORKSHOPS – SERIES 2

HOT ISSUES IN ADVERTISING AND PROMOTIONS

You bet your life this will be the highlight of the conference workshops. The Supreme Court ponted on whether the FCC’s interpretation of the TCPA binds federal district courts. In related (for pun purposes) news, more and more states are taking a gamble on legalized sports betting. The proliferation of cannabidiol (CBD) infused edibles, cosmetics and supplements is all the buzz and expanding recreational cannabis creates plenty of issues to hash out. Join us for a lively discussion about these recent legal developments and their impact on the world of advertising and promotions law.

LEAD FACILITATOR: Natalie Harris, Baron Harris Healey, Chicago, IL

FACILITATORS:
- Susan Tillotson Bunch
  Thomas & Locicero, Tampa, FL
- Andy Siegel, CBS
  New York, NY
- Bryan Clark, Vedder Price
  Chicago, IL

HOT ISSUES IN ENTERTAINMENT

For workshop description and speakers, see page 5, series 1.
HOT ISSUES IN ETHICS
This session will discuss a wide range of ethics issues, including attorney-client confidentiality, conflicts of interest, and candor toward tribunals. It will also discuss recent ABA formal opinions on the ethical obligations that arise when a law office or law firm has suffered a data breach or when a natural or other disaster affects a lawyer’s provision of services. As always, participants are invited to bring their own ethical questions to the discussion.

LEAD FACILITATOR: Len Niehoff, Honigman, Ann Arbor, MI
FACILITATORS:
Heather Goldman
Bryan Cave Leighton Paisner
Washington, D.C.
Lyris Lidsky, Dean Univ. of Missouri Columbia, MO
Tom Williams, Haynes and Boone Fort Worth, TX

HOT ISSUES IN THE INTERNET
There is one constant in the world of the internet: change. From antitrust investigations of technology companies to new laws and regulations in privacy and cybersecurity, issues in the internet are always in flux. New technologies promise to provide deeper insights into our behavior while adding layers of security through blockchain. Meanwhile, in the area of internet-based content, individuals are left questioning what reality is and how to use and interpret the information they find. This workshop will dive into several hot topics including: the state of net neutrality, updates in online trustworthiness ratings and deepfakes, the state of CDA Section 230, emerging copyright issues, trends in scraping and aggregating, the state of net neutrality, updates in online trustworthiness ratings and deepfakes, the state of the law on the fair report privilege and the reporting of third-party allegations; public figure and actual malice; defamatory meaning and opinion; libel by implication; and politically-charged defamation cases.

LEAD FACILITATOR: Jennifer Dukarski, Butzel Long, Ann Arbor, MI
FACILITATORS:
Anette Beebe, Beebe Law Phoenix, AZ
Patrick Carome, WilmerHale Washington, D.C.
Brendan Charney, Davis Wright Tremaine Los Angeles, CA
Judy Endejan, Offices of Judy Endejan Seattle, WA

HOT ISSUES IN LIBEL AND PRIVACY
Panelists will lead you through an examination of important developments and high-profile cases. Plus, the state of the law on the fair report privilege and the reporting of third-party allegations; public figure and actual malice; defamatory meaning and opinion; libel by implication; and politically-charged defamation cases.

LEAD FACILITATOR: Marc Fuller, Vinson & Elkins, Dallas, TX
FACILITATORS:
Stephanie Abrutyn
Time Warner Company
New York, NY
Rob Bertsche, Prince Lobel Tye Boston, MA
Cynthia Counts, Duane Morris Atlanta, GA
Herschel Fink, Jaffe Raitt Heuer & Weiss Detroit, MI
Tom Hentoff, Williams & Connolly Washington, DC

12:00PM – 12:30PM – LUNCHEON (Ticketed)
Preventing for the Future, Celebrating the Past. Twenty-Five years ago, a small group of attorneys launched the first conference of the Forum on Communications Law, providing the relaxed environment where outside counsel could enhance their relationships with in-house counsel, who, in turn, could pick the brains of their law firm colleagues and discuss best practices with other in-house counsel. After paying tribute to the past leaders of the Forum, prominent in-house counsel will discuss (i) what they see as the challenges for their respective industries in the near and distant future; (ii) what they expect from outside counsel; and (iii) what organizations, such as the Forum, can and should do to help young (and senior) practitioners prepare for the challenges ahead in the rapidly evolving media law practice.

LEAD FACILITATORS:
Lynn Carrillo, Vice President, Legal NBCUniversal News Group
Miami, FL

PANELISTS:
Lauren Fisher, Chief Legal Officer Vox Media
Washington, D.C.
Andy Mar
Director & Associate General Counsel
Facebook
Menlo Park, CA

2:00PM – 3:30PM: 12th Annual First Amendment and Media Law Diversity Moot Court Competition: Final Round of Oral Arguments (NON-CLE)

FINAL ROUND JUDGES:
U.S. District Judge Carlton Wayne Reeves
Southern District of Mississippi
Justice Eva Martinez Guzman
Texas Supreme Court

James A. McLaughlin
Deputy General Counsel & Director of Government Affairs
The Washington Post
Washington, D.C.

Carolyn Forrest, Vice President Legal Affairs Fox Television Stations, LLC
Atlanta, Georgia

Randy Shapiro, Global Media Counsel
Bloomberg, LP (invited)
New York, NY

Savalle Sims, General Counsel Discovery, Inc.
New York, NY

2:30PM – 3:30PM | Insurance Committee (NON-CLE)
Insurance Discuss choice of counsel, insurer billing and defense guidelines, insuring music risks, media liability coverage in package policies, and the GDPR and EU free speech regulations impacting media risks and coverage.

2:30PM – 3:30PM | Intellectual Property Committee (NON-CLE)
The discussion will focus on fair use, the interplay between trademark and the First Amendment, and other copyright decisions.

3:30PM – 4:30PM | Digital Communications Committee (NON-CLE)
The Twitterverse never ceases to provide the public with an abundance of entertainment…and interesting repercussions to go with it. From Chris Cuomo #FREDO and beyond what key tweets made waves.

4:30PM – 5:30PM | In-House Counsel Committee (in-house lawyers only) (NON-CLE)
In-House Counsel (in-house lawyers only) Candid conversation on elections, whether media companies should be doing more to fight against reputational attacks (“doxing,” false claims of fact about reporters, online harassment campaigns), as well as the 2020 Election and other pressing issues.

4:30PM – 5:30PM | Teach Media Law Committee (NON-CLE)
Join fellow teachers of media law, First Amendment, or related subjects, and anyone interested in doing so, for an informal conversation about issues of shared interests, such as textbooks and casebooks, audiovisual aids, supplementary materials, syllabi, and pedagogy.

4:30PM – 5:30PM | Young Lawyers Committee (NON-CLE)
Spend time with Terry Luckona, longtime Executive Producer of the Austin City Limits television series and Co-Producer of the Grammy Awards, as well as Amy Mitchell, lawyer for Austin City Limits.

5:30PM – 7:00PM | Women in Communications Law (NON-CLE)
We hope that you will join the WICL session this year as we welcome Kristin Grady Gilger and Julia Wallace authors of the newly released There’s No Crying in Newsrooms. This leadership book tells the stories of remarkable women who pushed through barrier after barrier at media organizations around the country. It documents the journey of women who called in news stories while in labor and fought for advancement while being called “pushy” and even worse. We will discuss the lessons learned from these pioneers and what it takes to succeed in the media and other male-dominated industries. There’s No Crying in Newsrooms: What Women Have Learned about What It Takes to Lead is available at https://www.nocryinginnewsrooms.com/ and on Amazon.

3:00PM – 6:00PM: Annual Tennis Tournament (transportation provided)

7:00PM – 11:00PM: Conference Annual Dinner
SATURDAY, FEBRUARY 8

7:30AM – 3:00PM - CONFERENCE REGISTRATION AND SPONSOR EXHIBITS

7:30AM – 9:00AM - FULL BREAKFAST

8:30AM – 9:30AM - HOT ISSUES WORKSHOPS – SERIES 3

HOT ISSUES IN ETHICS
For workshop description and speakers, see page 8, series 2

HOT ISSUES ON THE INTERNET
For workshop description and speakers, see page 8, series 2.

HOT ISSUES IN LIBEL AND PRIVACY
For workshop description and speakers, see page 9, series 2.

HOT ISSUES IN REPORTER’S PRIVILEGE
Can/should Julian Assange claim a reporter’s privilege in the face of a House request for Wikileaks records? Is the raid on freelance journalist Bryan Carmody by San Francisco police an outlier or a harbinger? Is the anonymous Op-Ed writer/Trump insider a “source”? We’ll talk about these and other questions at our Workshop on Reporter’s Privilege.

LEAD FACILITATOR: Jack Greiner, Graydon, Cincinnati, OH
FACILITATORS:
Derek Bauer, Baker Hostetler
Atlanta, GA

Jean Paul Jassy, Jassy Vick and Carolan
Los Angeles, CA

Chris Moeser, TEGNA
Tysons Corner, VA

HOT ISSUES IN FCC AND REGULATORY MATTERS
The FCC workshop will cover current hot topics at the FCC and will discuss compliance issues created by recent FCC Report & Orders as well as look at likely FCC policy and rulemaking items for the coming year.

LEAD FACILITATOR: Ann West Bobeck, Fox Corp, Washington, DC
FACILITATORS:
Henry Gola, Wiley Rein
Washington, D.C.

Umair Javed, Federal Communications Commission
Washington, D.C.

Margaret Tobey, NBC Universal
Washington, D.C.

PLENARY | 9:45AM – 11:15AM

In Harm’s Aftermath: Covering the News in Violent Times.
Mass shootings are (unfortunately) the new status quo – examining the media’s role in the aftermath of these tragic events. What is the media’s role in covering mass shootings and their aftermath? How does the interplay among journalists, law enforcement, the judiciary, and social media impact the public’s understanding of these events? State laws vary on the type of information that can be publicly disclosed and when it can be disclosed. What is the impact of the different state public records laws? Should more information be provided to the public at large or at least to victims and their families? Through discussion of recent mass shootings in Texas and Florida the panel will address the balance between the public’s right to know and states’ interest in prosecuting the offender and protecting the privacy of victims and their families.

LEAD FACILITATOR: Mark Bailen, BakerHostetler, Washington, D.C.
PANELISTS:
Judge Andre Davis, Ret. 4th Cir. Judge
Baltimore City Solicitor
Baltimore, MD

Deanna Shullman, Shullman Fugate
West Palm Beach, FL

Seth Shullman, Shullman Fugate
West Palm Beach, FL

Shelby Webb, Reporter, Houston Chronicle
Houston, TX

Joe Moody, Speaker Pro Tempore
Texas House of Representatives
Austin, TX

11:15AM – 11:30AM: BREAK
HOT ISSUES WORKSHOPS – SERIES 4

11:30AM – 12:30PM - HOT ISSUES WORKSHOPS – SERIES 4

HOT ISSUES IN ACCESS AND NEYGATHERING

Our panel will discuss several recent, sometimes challenging newsgathering issues, including: the rise of sweeping “ag-gag” laws, victim’s rights laws (e.g., Marsy’s Law), and similar statutory schemes aimed at preventing the investigation or disclosure of information; the adequacy of the DOJ search efforts in response to FOIA requests pertaining to the Mueller investigation; the implications of the Seventh Circuit’s decision to abstain from adjudicating a state court’s timeliness in making court records available; the indictment of Julian Assange; and the rise of “First Amendment” audits and citizen reporting.

LEAD FACILITATOR: Eric Schroeder, Bryan Cave Leighton Paisner, Atlanta, GA

FACILITATORS:
- Mike Grygiel, Greenberg Traurig, Albany, NY
- Blaine Kimery, Vedder Price, Chicago, IL
- Jeremy Kutner, ProPublica, New York, NY
- Wes Lewis, Haynes and Boone, Austin, TX
- Mickey H. Osterreicher, National Press Photographer’s Association, Buffalo, NY

HOT ISSUES IN DATA PRIVACY

One month after the CCPA effective date, a year and a half into the GDPR, and with state privacy laws proposed or under consideration in over 20 states, what do and will individual privacy rights look like – and how can companies address those rights and consumer expectations – now and over the next few years? We will discuss where the CCPA has ended up; what (if anything) we can expect to change in the CCPA; whether (and in what form) a federal privacy law might be passed; lessons from GDPR practices and enforcement; and what companies can do to try to future-proof their data and privacy practices given the uncertainty.

LEAD FACILITATOR: Doron Goldstein, Katten Muchin Rosenman, New York, NY

FACILITATORS:
- Adrienne Fowler, Harris Wiltshire & Grannis, Washington, D.C.
- Kristine Holm, Fox Corp, Beverly Hills, CA
- Melissa Kern, Frost Brown Todd, Cincinnati, OH
- Kathleen Scott, Wiley Rein, Washington, D.C.
- S. Jenell Trigg, Lerman Senter, Washington, D.C.
- Tenaya Rodewald, Sheppard Mullin, Palo Alto, CA
- Kristen Rodriguez, Dentons, Chicago, IL
- Christine Walz, Holland & Knight, New York, NY

HOT ISSUES IN ENTERTAINMENT

The past year has seen a number of groundbreaking decisions on entertainment issues. We discuss developments and trends in: Movies, Television, Celebrities and Games (libel, right of publicity and copyright challenges involving documentaries, paparazzi/Gigi Hadid, and Fortnite and suits filed by Ariana Grande & Kim Kardashian); Music (what will happen post-Stairway to Heaven and Blurred Lines to cases against performers/songwriters such as Ariana Grande, Ed Sheeran, Katy Perry); Politics (tuning up for the 2020 campaign season); and Graffiti cases.

LEAD FACILITATOR: Robb Harvey, Waller Lansden Dortch & Davis, Nashville, TN

FACILITATORS:
- Al-Amy Sumar, Ballard Spahr, Washington, D.C.
- David Aronoff, Fox Rothschild, Los Angeles, CA
- Jonathan Anschell, CBS, Los Angeles, CA
- Lincoln Bandlow, The law Offices of Lincoln Bandlow, PC, Los Angeles, CA
- David Fink, Venable, Los Angeles, CA
- Adrianna Rodriguez, Univision Miami, FL
- Dori Hanswirth, Arnold & Porter Kaye Scholer New York, NY
- Gloria Franke Shaw, Katten Muchen and Rosenman, Los Angeles, CA
- Leah Montesano, Discovery Inc. Bethesda, MD
- Joel Tantalo, Tantalo & Adler, Los Angeles, CA

HOT ISSUES IN INTERNATIONAL AND CROSS BORDER VETTING

Around the globe, the challenges facing journalists – and their lawyers – have exploded. This panel will discuss recent events and cases, including newsroom raids in Australia, injunctions against publication in England, and growing copyright challenges in across Europe, and will provide practical guidance for identifying and minimizing legal risks when newsgathering and publishing outside the United States.

LEAD FACILITATOR: Katharine Larsen, Reuters, New York, NY

FACILITATORS:
- Brian Barrett, The Associated Press New York, NY
- Lee Williams, CNN Atlanta, GA
- Adriana Rodríguez, Univision Miami, FL
HOT ISSUES IN SOCIAL MEDIA

Using social media to gather and disseminate news continues to pose specific challenges. In this workshop, we’ll discuss litigation concerns, including the intersection of tweets and personal jurisdiction; social media posts that cross the line into harassment; parody Twitter accounts; and discovery and preservation of social media evidence. We’ll discuss copyright concerns, including parody tweets and the Second Circuit’s denial of review of the Southern District of New York’s rejection of the server test in Goldman v. Breitbart News Network, LLC. We’ll also address advertising concerns, including Ariana Grande’s lawsuit against Forever 21 for allegedly posting photos of models that look like her in social media ads. Other topics include the continuing debate over what constitutes a public forum on social media in the wake of Knight First Amendment Institute at Columbia Univ. v. Trump; insurance issues; social media platforms’ ever-changing terms and conditions; legislation that may impact social media; and more.

LEAD FACILITATOR: Monica Dias, Frost Brown Todd, Cincinnati, OH
FACILITATORS:
Katie Fallow, Knight First Amendment Institute at Columbia Univ.
New York, NY
Patrick Groshong, AXIS PRO
Kansas City, MO
Michael Lambert, Prince Lobel
Steve Mandell, Mandell Menkes
Chicago, IL
JT Morris, JT Morris Law
Austin, TX
Lo-Mae Lai, Paramount
San Francisco, CA
Matthew Shafer, CBS
New York, NY
Regina Thomas, Verizon Media
Washington, D.C.

12:30PM – 1:00PM - LUNCHEON

PLENARY | 1:00PM – 2:00PM

Breaking News! Fake News and Deep Fakes and Their Impact on American Democracy. What technological developments are enabling a proliferation of fake news and deep fakes? Left unchecked, how will current technology impact the media? Do these developments have the potential to disrupt our democracy? And, are current legislative proposals attempting to address these developments a possible solution? Please join us as we discuss what happens when you combine the perfect storm of sophisticated technology, social media platforms and media conglomerates working to provide news content and the upcoming 2020 Election!

LEAD FACILITATOR: Sherrese Smith, Paul Hastings, Washington, D.C.

PANELISTS:
Michael Gottlieb, Willkie Farr & Gallagher
Donie O’Sullivan, Reporter, CNN
Atlanta, GA
Ben Sheffner, Senior Vice President & Associate General Counsel, Copyright & Legal Affairs, Motion Picture Association of America, Inc.
Los Angeles, CA
Charlyn Stanberry, Chief of Staff for Congresswoman Yvette Clarke (D-NY)
Washington, DC
Drew Shenkman, Senior Counsel, CNN
Atlanta, GA

2:30PM – 5:30PM - OPTIONAL TOURS

(*transportation provided)

Austin Art Walk | Cost: $25 per person
Just Named One of the top 25 Coolest Neighborhoods in the World! This tour will show you why this district earned such a prestigious award. Discover parts of East Austin that never made it into a guidebook on the ever changing street art scene in Austin. Head to murals by popular artists, including Blek le Rat, JonOne and Meres1 while getting the chance to take a photo in front of your favorites. Plus, get a local perspective on Austin sights and travel tips from your guide along the way. Note: the tour will end at 2211 Cesar Chavez which is 1.5 miles from our hotel; so, you will need to be prepared call a ride or walk back to the hotel.

Tour of Lyndon Baines Johnson Presidential Library | Cost: $32.00 per person
Join us for a self-guided tour of the Lyndon Baines Johnson Presidential Library and Museum on the University of Texas campus. The museum collection on display includes the clothing worn by the 36th President and First Lady at the 1964 inauguration, pens, paper, and chairs used in the Oval Office, the desk used for the signing of the 1965 Voting Rights Act, and thousands of objects related to their daily lives, official duties, and political events. You can also listen to dozens of LBJ’s historic phone conversations, step into a replica of the Oval Office, experience the President’s decision making process in interactive displays about the Six-Day War and the Vietnam War, view (and experience) exhibits on the history and landmark legislation of that time, and learn about Lady Bird Johnson’s environmental efforts. The Library also houses 45 million pages of historical documents, 650,000 photos and 5,000 hours of recordings from President Johnson’s political career, including about 643 hours of his recorded telephone conversations.

Brewery Tour at Jester King in the Texas Hill Country | Cost: $45.00 per person
Come experience some Texas hospitality and spirit with a trip to Dripping Springs (about 30 minutes from downtown, in the Texas Hill Country) and visit either Treaty Oak Distilling or Jester King Brewery. The bus will drive you out to Dripping Springs and drop you off for a tour of either Treaty Oak or Jester King. At Treaty Oak (which specializes in whisky, but also has gin and other spirits), you will have an opportunity to tour the distillery (with a full size cocktail) and then enjoy a tasting afterwards! At Jester King Brewery, an authentic Farmhouse Brewery, you will enjoy a tour and tasting and then have an opportunity to roam around the farm, restaurant, event hall, and 165 acres of preserved land (where you can purchase additional beers from Jester King and other breweries).

Tour of Treaty Oaks Distillery in the Texas Hill Country | Cost: $45.00 per person

6:00PM – 7:00PM - CLOSING RECEPTION

The museum collection on display includes the clothing worn by the 36th President and First Lady at the 1964 inauguration, pens, paper, and chairs used in the Oval Office, the desk used for the signing of the 1965 Voting Rights Act, and thousands of objects related to their daily lives, official duties, and political events. You can also listen to dozens of LBJ’s historic phone conversations, step into a replica of the Oval Office, experience the President’s decision making process in interactive displays about the Six-Day War and the Vietnam War, view (and experience) exhibits on the history and landmark legislation of that time, and learn about Lady Bird Johnson’s environmental efforts. The Library also houses 45 million pages of historical documents, 650,000 photos and 5,000 hours of recordings from President Johnson’s political career, including about 643 hours of his recorded telephone conversations.

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6:00PM – 7:00PM - CLOSING RECEPTION
CONFERENCE INFORMATION

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 January 10, 2020. 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 17, 2020 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. 988.5678 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 October 31, 2019. 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 fees. 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 October 31, 2019 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 January 10, 2020. 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 will seek 15.00 hours of CLE credit in 60-minute states, and 18.00 hours of CLE credit for this program in 50-minute states 1.5 hours of ethics credit in 60-minute states and 1.80 hours of ethics credit in 50-minute states. Credit hours are estimated and are subject to each state's approval and credit rounding rules. Please visit americanbar.org/mcle for general information on CLE at the ABA.

HOTEL RESERVATIONS: Deadline: January 14, 2020, 5:00 pm (CST) The Conference, the Media Advocacy Workshop, and the Moot Court Competition will take place at the Hilton Austin, 500 E. 4th Street, Austin, Texas. The hotel has reserved a block of rooms for Conference registrants who make their reservations no later than Tuesday, January 14, 2020, 5:00 pm (CST). The ABA Forum on Communications Law has negotiated a room rate of $254 plus applicable taxes per night. Please visit the URL at https://www.americanbar.org/groups/communications_law.html and click Hotel Reservations or call 512.482.8000. Please note the room block will sell out quickly, therefore, we recommend you make your reservations early.

AIR TRAVEL/GROUND TRANSPORTATION/PARKING: The Austin-Bergstrom International Airport is 5.5 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 $30-$35. The hotel only provides self-parking at $32 per day plus tax and valet parking at 41.00 per day plus tax.

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 10, 2020.
The Forum on Communications Law would like to acknowledge our appreciation for the generous support of our sponsors.

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