Seventeenth Annual Seminar

Media and the LAW

2004

Reporters under Fire

Friday
APRIL 30
2004

Fairmont Kansas City
at the Plaza
Kansas City, Missouri

7 CLE hours
Kansas & Missouri

Gerald Boyd
Former New York Times managing editor, principal in Pulitzer Prize-winning news coverage, and recognized leader in journalism

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Sponsors: The University of Kansas, the Kansas City Metropolitan Bar Association Media Law Committee, and the ABA TIPS Media Law Committee (Media Liability Panel)
Contributors: Media/Professional Insurance, The Kansas City Star, and First Media Insurance Specialists, Inc.

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The media maintain a critical role during times of national crisis, bringing to the fore issues concerning access, privacy, and the public’s right to know. Nonetheless, traditional subjects such as news gathering, defamation, and privacy continue to be the focus of most day-to-day media activities and areas of significant new developments.

This seminar will bring media law experts together to discuss legal, practical, and nuts-and-bolts issues that remain preeminent, focusing on recent developments. The program, on Friday, April 30, will focus on substantive content, procedural issues, and practical concerns in the following areas:

- Reporter misconduct
- Prepublication review
- Litigation and problem employees
- Media access to combat operations
- Reporter misconduct and insurance issues

**LUNCHEON SPEAKER: GERALD BOYD**

Former *New York Times* managing editor, principal in Pulitzer Prize-winning news coverage, and recognized leader in journalism


**CLE CREDIT**

The Missouri CLE Commission has approved 7 hours of continuing legal education credit.

Subject to Supreme Court Rule 803, this course has been approved by the Kansas Continuing Legal Education Commission for a maximum of 7 CLE credit hours.

**EASY WAYS TO REGISTER**

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**GENERAL INFORMATION**

**Location & Fees**

The Media and the Law Seminar will be presented on Friday, April 30, at the Fairmont Kansas City at the Plaza, 401 Ward Parkway, Kansas City, Missouri. The registration fee includes panel instruction, materials, luncheon, and refreshments.

| KCMA Lawyers | $275 |
| Non-KCMA Lawyers (registration by March 31) | $300 |
| Non-KCMA Lawyers (registration after March 31) | $350 |
| Journalists | $100 |
| Educators or members of the public | $100 |
| Full-time students | $45 |
| Luncheon only (available after March 31; preference will be given to seminar registrants) | $40 |

**Lodging**

A block of rooms has been reserved at the Fairmont Kansas City at the Plaza until 5:00 p.m. March 29, 2004. After that date, room availability and rate cannot be guaranteed. Please make your own reservations by calling 816-756-1500 or toll free 800-441-1414. To receive the special seminar rate of $129, mention that you will be attending the University of Kansas Media and the Law Seminar.

**Parking**

The Fairmont Kansas City at the Plaza offers valet parking for $15 per day or self-parking for $8 per day to hotel guests. For participants commuting to the seminar, day parking at the Fairmont is complimentary.

**Privacy Policy.** KU Continuing Education does not share, sell, or rent its mailing lists. You have our assurance that any information you provide will be held in confidence by KU Continuing Education.

We occasionally use mailing lists that we have leased. If you receive unwanted communication from KUCE, it is because your name appears on a list we have acquired from another source. In this case, please accept our apologies.

KU Continuing Education typically releases directory information in the form of a participant roster unless written notification to withhold this information is received at least one week before the program.

**Program Accessibility.** We accommodate persons with disabilities. Please call 785-864-5823 or mark the space on the registration form and a KU Continuing Education representative will contact you to discuss your needs. To ensure accommodation, please register at least two weeks before the start of the Media and the Law Seminar.

The University of Kansas is committed to providing programs and activities to all persons, regardless of race, religion, color, national origin, ancestry, sex, age, disability, and veteran status. In addition, university policies prohibit discrimination on the basis of sexual orientation, marital status, and parental status.

**Refund/Cancellation Policy.** A refund of registration fees, less a $50 cancellation fee, will be available if requested in writing and received by April 23, 2004. No refunds will be made after that date. KU Continuing Education reserves the right to cancel the Media and the Law Seminar and return all fees in the event of insufficient registration. The liability of the University of Kansas is limited to the registration fee. The University of Kansas will not be responsible for any losses incurred by registrants, including but not limited to airline cancellation charges or hotel deposits.

**SSN and FEIN.** Requested under the Taxpayer Relief Act of 1997 and KSA 75-3707 for account servicing and for Hope Scholarship and Lifelong Learning tax credit reporting.

**Distance Education.** Did you know that KU offers more than 160 graduate, undergraduate, and professional development courses through distance education? KU courses, KU credit, and KU quality—enroll and begin anytime. For more information, visit www.kuce.org/isc or call toll free 877-404-KUCE (5823).
PROGRAM

7:30 a.m.  **Registration**

8:15 a.m.  **Welcome**

*Mike DiSilvestro*, Chair, Media and the Law Committee, Lawyer, Media/Professional Insurance, Kansas City, Missouri

*Seminar Moderator: Mike Kautsch*, Professor, Media, Law, and Policy, University of Kansas School of Law, Lawrence, Kansas

8:20 a.m.  **Panel 1. Reporter Misconduct**

Panelists will discuss liability risks that news media face if reporters fabricate news or commit plagiarism, deceiving both their editors and their audiences. Discussion will include whether or how media lawyers should be prepared to help editors and news directors spot or anticipate deliberate falsification and willful breaches of guidelines for gathering and reporting news. Attention will be given to First Amendment implications of deceptive reporting and to the role of media lawyers in counseling news managers about the legal and practical consequences of journalistic fraud.

*Charles V. Ford*, Professor, University of Alabama, Birmingham, Alabama

*Chet Fuller*, Journalist, Conyers, Georgia

*Mike Kautsch*, Professor, Media, Law, and Policy, University of Kansas School of Law, Lawrence, Kansas

*Andrew H. Marks*, Lawyer, Crowell & Moring LLP, Washington, D.C.

*Kelli L. Sager*, Lawyer, Davis Wright Tremaine LLP, Los Angeles, California

9:30 a.m.  **Panel 2. Prepublication Review**

Panelists will discuss how attorneys, editors, and producers can identify and address potential fabrication, plagiarism, staging, and related issues before publication or broadcast.

*Roger Myers*, Lawyer, Piper Rudnick LLP, San Francisco, California

*Bernie Rhodes*, Lawyer, Lathrop & Gage, Kansas City, Missouri

*Sharon Rosenthal*, Managing Editor, South Florida Sun-Sentinel, Fort Lauderdale, Florida


Noon  **Lunch**

**Luncheon Address and Audience Dialogue:**

Gerald Boyd, Former *New York Times* Managing Editor, Principal in Pulitzer Prize-Winning News Coverage, Recognized Leader in Journalism

1:30 p.m.  **Panel 4. Media Access to Combat Operations**

Panelists will discuss legal, journalism, and public-policy issues presented by the “embedding” of reporters with U.S. troops during the war in Iraq in relation to the treatment of media access in past conflicts and to the future of embedding and war zone access in light of the Iraq experience.

*Townsend Davis*, Executive Counsel–Law and Regulation, ABC, Inc., New York, New York


*Bryan G. Whitman*, Deputy Assistant Secretary of Defense for Public Affairs, Department of Defense, Washington, D.C.

2:40 p.m.  **Break**

3:00 p.m.  **Panel 5. Reporter Misconduct: Insurance Issues**

Reporter misconduct can create problems with insurance coverage. This panel will examine insurance policy exclusions and public policy considerations that can affect coverage, and explore risk management solutions. The panel is presented in collaboration with the ABA Tort Trial and Insurance Practice Section, Media, Privacy and Defamation Law Committee, Steven Zansberg (Faegre & Benson, Denver), Chair.

*Jim Borelli*, Lawyer, Vice President–Claims, Media/Professional Insurance, Kansas City, Missouri

*Chad E. Milton*, National Practice Leader–Media and Intellectual Property, Marsh, Kansas City, Missouri

*Lisa A. Ryder*, Lawyer, Senior Claims Officer, Supervisor, Professional Firms Team, Chubb Specialty Insurance, Simsbury, Connecticut

*David B. Smallman*, Lawyer, Piper Rudnick LLP, New York, New York

4:10 p.m.  **Adjournment**
REGISTER NOW!

“This outstanding conference gets better every year. Attendance is now mandatory for each member of my media law team.”
John R. Hargrove, Fort Lauderdale, Florida

“Anyone concerned with the First Amendment should attend these conferences.”
Robert Popper, Kansas City, Missouri

“The seminar was very informative on many levels. The information and material provided was widely applicable to media law practices throughout the country and for a variety of media clients.”
Alisa Wright, Akron, Ohio

“This is the finest seminar on media law in the country. I wouldn’t miss it.”
Ron Ohren, Chicago, Illinois