Eighteenth Annual Seminar

Media and the LAW 2005

Popular Culture and Media Law

Friday
APRIL 8
2005

Fairmont Kansas City
at the Plaza
Kansas City, Missouri

7 CLE hours
(including 1 hour of ethics)
Kansas & Missouri

Sponsors: The University of Kansas School of Law, the Kansas City Metropolitan Bar Association Media Law Committee, the ABA TIPS Media, Privacy and Defamation Law Committee (Risk Management Panel), and University of Kansas Continuing Education

Contributors: Media/Professional Insurance, The Kansas City Star, and First Media Insurance Specialists, Inc.

www.kuce.org/programs/ml
JOIN US

The media enjoy First Amendment protection as they cover the ups and downs of politicians, follies and fortunes of celebrities, wins and losses in sports, highs and lows of markets, and ins and outs of fashion. Yet, debate rages about how the media influence the nation's culture wars. Critics complain that the media are partisan or untrustworthy. Others say the media debase society by favoring the violent, frivolous, false, indecent, or deviant. The critics call for law to restrain the media.

This seminar brings media law experts together, on Friday, April 8, to discuss:

- Challenges of Celebrity Trials
- Broadcast Indecency—FCC Crackdown
- Parody, Satire and Humor—two “hot topic” sessions on defamation and intellectual property rights
- Risk Management (presented in collaboration with the ABA Tort Trial and Insurance Practice Section)
- Traditional Media and Freedoms in Danger

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, including 1 hour of ethics. The ethics CLE unit will comprise 5 discrete 10-minute segments. CLE Commission approval was given provided that each 10-minute segment be a clearly identified ethics discussion. Participants must attend all 5 10-minute segments to claim 1 ethics CLE credit.

OVERVIEW

Location and Fees

The Media and the Law seminar will be presented on Friday, April 8, at the Fairmont Kansas City at the Plaza, 401 Ward Parkway, Kansas City, Missouri. The registration fee includes panel instruction, materials, luncheon, and refreshments.

KCMBA Lawyers......................................................$275
Non-KCMBA Lawyers (registration by March 11).........$300
Non-KCMBA Lawyers (registration after March 11).....$350
Journalists .............................................................$100
Educators or members of the public ...........................$100
Full-time students ..................................................$45
Luncheon only (available after March 11; preference will be given to seminar registrants) .......................$40

A vegetarian option for lunch is available. Please indicate preference on the registration form.

Lodging

A block of rooms has been reserved at the Fairmont Kansas City at the Plaza, 401 Ward Parkway, Kansas City, Missouri, until 5:00 p.m. March 8, 2005. 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 $135, 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 those participants commuting to the seminar, day parking at the Fairmont is complimentary.

Easy Ways to Register

Mail The University of Kansas, Continuing Education, Registrations, 1515 St. Andrews Drive, Lawrence, KS 66047-1625
Phone Toll-free 877-404-KUCE (5823) or 785-864-KUCE (5823)
Fax 785-864-4871
TDD 800-766-3777
Web www.kuce.org/programs/ml

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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 full refund of registration fees, less a $50 administrative fee, will be available if requested in writing and received by April 1, 2005. No refunds will be made after that date. (Please note that if you don't cancel by the deadline and don't attend, you are still responsible for payment.) A $30 fee will be charged for all returned checks. 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.

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 any time. 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 DiSisti, Chair, Media & the Law Committee, Lawyer, Media/Professional Insurance, Kansas City, Missouri
Seminar Moderator: Mike Kautsch, Professor, Media, Law and Policy, Kansas University School of Law, Lawrence, Kansas

8:20 a.m. Panel 1. Celebrity Cases and the Law: What Makes Michael Jackson, Kobe, or O.J. Think They’re so Special?
Panelists will discuss issues related to celebrity cases.
• Do celebrities get more control over the media than other defendants?
• Do private persons in famous cases become public figures?
• What happens to reporting, editing and legal review when everybody already knows everything?
Thomas B. Kelley, Chair, Lawyer, Faegre & Benson, LLP, Denver, Colorado
Tony Frost, Editor in Chief, National Enquirer, International edition, and media consultant; former Editor in Chief, Star and Globe magazines, Boca Raton, Florida
Pamela Mackey, Lawyer, Haddon, Morgan, Mueller, Jordan, Mackey & Forman, Denver, Colorado
Carol McKinley, Reporter, Fox News Network, Denver, Colorado

9:10 a.m. Legal Ethics and Celebrity Cases*
Richard M. Goehler, Frost Brown Todd LLC, Cincinnati, Ohio

9:25 a.m. Panel 2. Broadcast Indecency—FCC Crackdown
Panelists will discuss the legal, practical and public policy issues presented by the aggressive enforcement policies currently being pursued in the Federal Communications Commission, and being examined in Congress, regarding:
• alleged “indecency” and “profanity” in over-the-air broadcasting,
• related pressures to regulate indecency in other media, such as cable, satellite and the Internet, and
• proposals to expand the concept of indecency to include excessive portrayals of violence in the media.
Henry R. Kaufman, Chair, Lawyer, New York, New York; Co-Chair, New York City Bar Association Subcommittee on Indecency; former General Counsel, Libel Defense Resource Center
Robert Corn-Revere, Partner, Davis Wright Tremaine LLP, Washington, D.C.; formerly Chief Counsel to James H. Quello, former Chairman of the Federal Communications Commission
David H. Solomon, Chief, Enforcement Bureau, Federal Communications Commission, Washington, DC

10:15 a.m. Legal Ethics and Broadcast Indecency*
J. Charles Mokris, Day, Berry & Howard, Boston, Massachusetts

10:25 a.m. Break

10:35 a.m. Panel 3. Are You Kidding Me? Defamation Issues in Humor, Parody and Satire
Panelists will discuss issues related to defamation and the right to engage in parody, satire and commentary.
• How does humor mesh with traditional libel law?
• Does the humorist have to make sure everyone is in on the joke?
• Does the recent media victory in Texas (Texas Observer) create an “Only Kidding” defense?
Jim Hemphill, Chair, Lawyer, Graves Dougherty Hearon & Moody, Austin, Texas
David Sedman, Associate Professor and Director of Technology, Meadows School of the Arts, Southern Methodist University, Dallas, Texas
Steve Suskin, Lawyer, general outside counsel for New Times, Phoenix, Arizona

11:25 a.m. Legal Ethics and Defamation Issues in Humor, Parody and Satire*
Bruce Johnson, Davis Wright Tremaine LLP, Seattle, Washington

11:45 a.m. Lunch
Luncheon Address

Panelists will discuss issues related to intellectual property enforcement and the right to engage in parody, satire and commentary.
• Creative parodies and adaptations of commercial works
• The Tony Twist/Spawn case: judicial skepticism toward use of the names and images of popular culture
• How aggressive can we be with copyright fair use?
Mark Sableman, Chair, Lawyer, Thompson Coburn LLP, St. Louis, Missouri
Michael A. Kahn, Lawyer, Blackwell Sanders Peper Martin, St. Louis, Missouri
Fred Von Lehmann, Lawyer, Electronic Frontier Foundation, San Francisco, California

2:05 p.m. Legal Ethics and Intellectual Property Rights*
Bruce Johnson, Davis Wright Tremaine LLP, Seattle, Washington

2:15 p.m. Break

2:30 p.m. Panel 5. Managing and Insuring Risks Associated with Controversial Content
So you represent the push-the-envelope shock-jock, the spicy reality show or the controversial blogger. This discussion will focus on strategies you can use to cope with the risk.
• Where do you draw the line between take-off and rip-off? Will raunchy humor cause you emotional distress?
• How do you maintain your loyalty to the client and your relationship with the carrier?
• How do you secure appropriate insurance coverage, minimize the risk of an adverse outcome and avoid conflicts with your carrier?
Megan Gray, Chair, Lawyer, Roylance, Abrams, Berdo & Goodman, Washington, D.C.
Richard Goehler, Lawyer, Frost Brown Todd LLC, Cincinnati, Ohio
Steven Mandell, Lawyer, Mandell Menkes & Surdyk, Chicago, Illinois
Michelle Tilton, President, First Media Insurance, Fairway, Kansas

3:20 p.m. Legal Ethics and Risk Management*
J. Charles Mokris, Day, Berry & Howard, Boston, Massachusetts

3:35 p.m. Panel 6. Changing Media and the Fate of Press Freedom
In 1974, Supreme Court Justice Potter Stewart said the First Amendment protected the “organized press”—“daily newspapers and other established media”—as an institutionalized check on government. But now:
• Is the press being eclipsed by new media and weakened by claims of bias and even journalistic fraud?
• Is the press a toothless watchdog because of expanding official secrecy and national security laws?
• Is constitutionally protected press freedom at risk in a chaotic news and opinion universe dominated by marketing and entertainment?
Mike Kautsch, Chair, Professor, Media, Law and Policy, Kansas University School of Law, Lawrence, Kansas
Rebecca Blood, Author, Blogger, Rebecca’s Pocket, San Francisco, California
Robert R. Brackman, Newsroom and First Amendment Counsel, Minneapolis, Minnesota
Brooks Jackson, Director, Annenberg Political Fact Check, Washington, D.C.

4:25 p.m. Closing Remarks
4:30 p.m. Adjourn

* The ethicist for each ethics session will identify and analyze ethical issues that emerge from the just-completed panel discussion.
**Fees**

- KCMB Lawyer (registration by March 11) $275
- Non-KCMB Lawyer (registration after March 11) $300
- Non-KCMB Lawyer (registration after March 11) $350
- Journalist $100
- Educator or member of the public $100
- Full-time student $45
- Luncheon only (available after March 11; preference will be given to seminar registrants) $40

**Total due $**

- Luncheon vegetarian option

**Payment**

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  Name on card (print) ________________

- Bill company. **FEIN (required for billing)**
  
  PO# ________________

  Billing address (if different from above) ________________

**Register Now!**

“As a veteran journalist and lawyer I would highly recommend the program to anyone in the practice of media law or interested in freedom of speech issues.”

**J. Brind Brady, St. Louis, Missouri**

“Each year, the seminar gets more cutting-edge and interactive. No one serious about media law and policy should miss it.”

**Kevin D. Szczepanski, New York, New York**

“How any communications or media professional can be within driving distance of this terrific annual seminar and not attend mystifies me. It’s almost professional malpractice!”

**Richard B. Barger, Kansas City, Missouri**

“An excellent seminar. Very topical; knowledgeable and well-prepared panelists.”

**James E. Daniels, New York, New York**