The Ever-Shrinking First Amendment
Is free speech being held hostage?

Friday May 6, 2011
8:00 a.m.–4:15 p.m.
InterContinental Kansas City at the Plaza
Kansas City, Missouri

Schedule Includes:

► When does the First Amendment protect anonymous speakers?
► What are the ethical perils of anonymous speech for lawyers?
► Does privacy outweigh the First Amendment on campus?
► What does Net Neutrality mean for free speech?
► When does the irreverent speaker become a true threat?

Luncheon Speaker

► Morgan Spurlock, filmmaker
Super Size Me, Where In The World Is Osama Bin Laden? and
The Greatest Movie Ever Sold

Bonus Program on May 5

► I Lost My Data And I Can’t Get Up!
How to avoid regulatory and class action quicksand when sensitive
data is lost

Sponsors: The Kansas City Metropolitan Bar Association Media Law Committee and University of Kansas School of Law

Contributors: ABA TIPS Media, Privacy and Defamation Law Committee; AXIS PRO; CNA; Larry Worrall and Michelle Tilton; Landon Rowland, Lead Bank; Lathrop & Gage; OneBeacon Professional Insurance; and ThinkRisk

Coordinated by: University of Kansas Continuing Education
irreverent speaker be treated under the First Amendment? Neutrality a First Amendment question? Finally, how should the campus between the First Amendment and privacy rights? Is Net be protected by the First Amendment. Also, is there a clash on considered include the extent to which anonymous speech should victim of intolerance? each other and the rest of the world? Have our own social norms changing because of our increasing inter-connectedness with First Amendment. Have we entered an age where the rules are approach to extremist speech. Furthermore, the United States First Amendment jurisprudence, generally, takes a hands-off All media attorneys are familiar with the First Amendment Again to present a free CLE on Privacy and Defamation Law Committee are teaming up once The KCMBA Media Law Committee and the ABA TIPS Media, Privacy and Defamation Law Committee are teaming up once again to present a free CLE on Thursday, May 5, from 4–5 p.m. Last year, a large national healthcare company incurred costs exceeding $7 million investigating the circumstances surrounding a missing portable disk drive, notifying its members, and offering credit monitoring and identity theft insurance. One step could have saved it millions of dollars: encryption of the data. This is a reality that applies not only to health care information, but also to personal information of all sorts. Do your clients encrypt personal data? Are there additional privacy issues for media companies? What other steps should you and your clients take to avoid previously unforeseen risks arising from swiftly changing technologies? A panel of industry professionals, legal experts and insurance claims counsel will address these questions, including the mechanics of data breach and response, the resulting legal and insurance issues, and the coverage available to lessen the pain of a convoluted and often conflicting legal patchwork of state and federal requirements.


PROGRAM OVERVIEW
All media attorneys are familiar with the First Amendment theory that the best cure for objectionable speech is more speech. First Amendment jurisprudence, generally, takes a hands-off approach to extremist speech. Furthermore, the United States has a rich history of protecting anonymous speech under the First Amendment. Have we entered an age where the rules are changing because of our increasing inter-connectedness with each other and the rest of the world? Have our own social norms changed to the point that the First Amendment could become a victim of intolerance? This conference will explore the various ways the First Amendment may be losing ground. Some questions that will be considered include the extent to which anonymous speech should be protected by the First Amendment. Also, is there a clash on campus between the First Amendment and privacy rights? Is Net Neutrality a First Amendment question? Finally, how should the irreverent speaker be treated under the First Amendment?

LUNCHEON SPEAKER: MORGAN SPURLOCK

Morgan Spurlock is a New York-based writer, director and producer. His first film, Super Size Me, premiered at the Sundance Film Festival in 2004 and won him Best Director honors. The film went on to win the inaugural Writers Guild of America Best Documentary Screenplay Award as well as garner an Academy Award nomination for Best Feature Documentary. Since then, he has directed, produced and distributed multiple film and television projects, including the critically acclaimed FX television series 30 Days, and the films Where in the World is Osama bin Laden?, Confessions of a Superhero, Czech Dream, Chalk, The Future of Food, What Would Jesus Buy?, and Freakonomics. He was most recently nominated for a primetime Emmy Award as well as a Writer’s Guild Award for The Simpsons 20th Anniversary Special in 3-D on Ice! and is currently in post-production on his next feature documentary Comic-Con Episode Four: A Fan’s Hope.

CLE CREDIT
A total of 8 CLE credit hours, including one hour of ethics, has been approved by the Kansas CLE Commission, as well as in Missouri, New York and California. CLE credit is pending in Illinois.

The seminar support staff will provide assistance on-site to attendees who plan to apply for CLE credit from other jurisdictions.

REGISTRATION & FEES
The registration fee includes panel instruction, materials, luncheon and refreshments.

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<tr>
<th>Category</th>
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<tr>
<td>KCMB lawyer</td>
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<tr>
<td>Non-KCMB lawyer (registration after April 8)</td>
<td>$350</td>
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<td>Non-KCMB lawyer (registration after April 8)</td>
<td>$400</td>
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<tr>
<td>Journalist/media</td>
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<td>Educator</td>
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<td>(Preference will be given to seminar registrants)</td>
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LOCATION & PARKING
InterContinental Kansas City at the Plaza
401 Ward Parkway, Kansas City, Missouri

Hotel guest valet parking is $17 a day or self-park for $11 a day. Participants commuting to the seminar can park during the day at the InterContinental at no cost.

KANSAS CITY ATTRACTIONS
Thinking of enjoying the weekend in Kansas City after the seminar? Attractions include:

Country Club Plaza—Across the street from the InterContinental Kansas City at the Plaza, the 15-block district is one of Kansas City’s popular retail, dining and entertainment destinations. Visit www.countryclubplaza.com.

For additional information on Kansas City events, visit www.kansascity.com.

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Refund and Cancellation Policy: A full refund of registration fees, less a $50 administrative fee, will be available if requested in writing and received by April 29, 2011. No refunds will be made after that date. A $30 fee will also be charged for returned checks. (Please note that if you fail to cancel by the deadline and do not attend, you are still responsible for payment.) KU Continuing Education reserves the right to cancel the 24th Annual Media and the Law Seminar and return all fees in the event of insufficiency 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.
Thursday, May 5

4–5:00 p.m. **Bonus Program** (free CLE)

**I Lost My Data And I Can’t Get Up!**
How to avoid regulatory and class action quicksand when sensitive data is lost

Friday, May 6

7:00 a.m. Registration & Continental Breakfast

8:00 a.m. **Welcome**

**Blaine Kimrey**, Co-Chair, Media & the Law Committee, Partner, Lathrop & Gage, Chicago, Ill.

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

8:10 a.m. **PANEL 1. What’s In A Name? The First Amendment and the Right to Speak Anonymously**


**Patrick Carone**, Partner, WilmerHale, Washington, D.C.

**Amanda Martin**, Partner, Stevens Martin Vaughan & Tadych, Raleigh, N.C.


9:10 a.m. **Q & A**

9:25 a.m. **PANEL 2. Ethics In Anonymity**

The Ethical Traps of Anonymizing Technologies


**John Koski**, Partner and General Counsel, SNR Denton, Chicago, Ill.

**Ronald Minkoff**, Partner, Frankfurt Kurnit Klein & Selz, New York, N.Y.

**Bruce Johnson**, Partner, Davis Wright Tremaine, Seattle, Wash.

10:25 a.m. **Q & A**

10:35 a.m. **Break**

10:50 a.m. **PANEL 3. Confidential Public Information**

When FERPA and the First Amendment Clash on Campus

*Moderator: Frank LoMonte*, Executive Director, Student Press Law Center, Arlington, Va.

**Dr. John Miller**, President, Central Connecticut State University, New Britain, Conn.

**Carol LoCicero**, Partner, Thomas & LoCicero, Tampa, Fla.

11:50 a.m. **Q & A**

12:00 p.m. **Luncheon Address**: Morgan Spurlock

1:30 p.m. **PANEL 4. One For All Or All For A Few?**

Net Neutrality, the First Amendment and the FCC

*Moderator: Robert Corn-Revere*, Partner, Davis Wright Tremaine, Washington, D.C.

**Peter Karanjia**, Deputy General Counsel, Federal Communications Commission, Washington, D.C.

**Andrew Jay Schwartzman**, Senior Vice President and Policy Director, Media Access Project, Washington, D.C.

**Berin Szoka**, President and Founder, Tech Freedom, Washington, D.C.

2:30 p.m. **Q & A**

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

3:00 p.m. **PANEL 5. When The Sword Is Mightier Than The Pen**

The Irreverent Speaker, Free Speech and True Threats


**Thomas Burke**, Partner, Davis Wright Tremaine, San Francisco, Calif.

**Jeff Lanza**, past-FBI Special Agent and Spokesman, Kansas City, Mo.

**David Sternbach**, Litigation & Intellectual Property Counsel, A&E Television Networks, New York, N.Y.

4:00 p.m. **Q & A**

4:10 p.m. **Closing Remarks**

4:20 p.m. **Adjourn**

4:30 p.m. Cocktails and Hors d’Oeuvres Reception at the InterContinental Rooftop Lounge sponsored by AXIS PRO, CNA, and ThinkRisk
MEDIA and the LAW 2011
May 6, 2011 • InterContinental Kansas City at the Plaza, Kansas City, Missouri

REGISTER NOW!

“Great speakers, timely and interesting topics and a gathering of the most experienced and knowledgeable media law minds makes for an outstanding conference.”
—Lincoln Bandlow, Los Angeles, Calif.

“Timely, substantive, and hands-on. Information from real experts in the field.”
—Robb Harvey, Nashville, Tenn.

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MEDIA and the LAW 2011
May 6, 2011

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   - Please include my information on the participant roster. Please do not include my information on the participant roster.

2. Fees
   - May 5—Pre-Conference CLE
     - “I Lost My Data and I Can’t Get Up!” ........................................................................................... $0
   - May 6
     - KCMB lawyer ........................................................................................................................... $325
     - Non-KCMB lawyer registered by April 8, 2011 ....................................................................... $350
     - Non-KCMB lawyer registered after April 8, 2011 ................................................................. $400
     - Journalist/media ..................................................................................................................... $60
     - Educator ................................................................................................................................... $60
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     - Vegetarian lunch option
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