

Theodore J. Boutrous, Jr.



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Representative Media Cases

- Representing “Tonight Show” host Jay Leno, several fellow comedians and NBC Studios in a federal copyright infringement lawsuit against author and comedy teacher Judy Brown, who published jokes of Jay Leno and the other comedians without their permission. The case was successfully settled with Brown and her publishers agreeing to pay an undisclosed amount of damages, halt production of the joke books and make efforts to pull existing copies from stores, and Brown apologizing.
- Representing major media organizations (including NBC, CBS, ABC, CNN, Fox, *The New York Times*, *Los Angeles Times*, *USA Today*, the Associated Press, and *The Washington Post*) in seeking public access to secret judicial proceedings and records in the California criminal trial against Michael Jackson.
- Representing Martin Bashir, British journalist and current Nightline co-anchor, in seeking to quash a subpoena and sharply limiting trial testimony regarding his documentary “Living with Michael Jackson,” in the Michael Jackson criminal trial. (Also represented Tonight Show Host Jay Leno when he was called as a witness.)
- Representing Time Inc. and its reporter Matthew Cooper in Supreme Court and contempt proceedings arising from their refusal to reveal confidential source information in response to subpoenas from Special Counsel Patrick Fitzgerald in his investigation regarding whether White House officials illegally leaked the name of CIA official Valerie Plame to the press. (Earlier in the case, filed *amicus* briefs for 25 news organizations and reporters and editors groups in both the district court and in the District of Columbia Circuit Court of Appeals in support of Time, Cooper and New York Times reporter Judith Miller.)

- Representing former CNN (now ABC) reporter Pierre Thomas in connection with Supreme Court and contempt proceedings arising from his refusal to divulge confidential source information sought by nuclear scientist Wen Ho Lee in his Privacy Act litigation against the United States for allegedly leaking claims he was a spy.
- Representing the Reporter's Committee for Freedom of the Press and other journalists' organizations as *amicus curiae* urging the Ninth Circuit to reverse a district court's contempt order and imprisonment of freelance videographer and blogger Joshua Wolf based on his refusal to produce unaired video footage of a July 2005 demonstration in San Francisco.
- Representing *Newsday* and its reporter Tim Phelps in defending against and quashing a subpoena from the U.S. Senate during its investigation of who "leaked" allegations by Anita Hill during the confirmation hearings of Supreme Court Justice Clarence Thomas to Mr. Phelps, who broke the story.
- Representing five major media organizations (*The Washington Post*, *The New York Times*, Gannett Company, the *National Law Journal*, and National Public Radio) in defending against and quashing multiple subpoenas in jurisdictions around the country from the Brown & Williamson Tobacco Company seeking to determine who leaked to the press highly confidential and sensitive internal company documents concerning the health hazards of tobacco.
- Persuading a federal district court, on behalf of *The Wall Street Journal*, to overturn the largest libel verdict in history (\$222 million) based on lack of evidence and "serious misconduct" of the plaintiff during discovery and trial and devising a strategy that caused the plaintiff to dismiss its case entirely.
- Representing thirteen major media organizations (including NBC, CBS, ABC, CNN, Fox, *The Wall Street Journal*, *The New York Times*, *The Washington Post*, the *Los Angeles Times* and Time Inc.) in obtaining public access to secret judicial proceedings and records throughout the grand jury investigation conducted by Independent Counsel Kenneth W. Starr concerning the conduct of President Clinton and Monica Lewinsky.
- Representing Dow Jones & Company, CNN, The Associated Press, *The New York Times*, and many other newspapers, television networks and media groups as *amicus curiae* in an important First Amendment case pending before the D.C. Circuit involving an effort by one congressman to use the federal wiretapping laws to punish another congressman for having disclosed to the public truthful information on a matter of public importance that had been unlawfully obtained and disclosed by a third party.