First Amendment & Media Communications Litigation

Overview

Archer's First Amendment, Media, & Communications Litigation Group provides representation to both media and non-media clients on a broad variety of communications law issues, essentially anyone who produces content for publication. We provide solutions for clients in the print and electronic media, publishing, and telecommunications fields, as they operate in a technologically complex, and profoundly changing information environment. Utilizing a multi-disciplinary approach, we draw upon the experience of attorneys in several areas, including litigation, business counseling, tax, intellectual property, labor and employment, environmental, land use and zoning, and commercial law. Our attorneys represent clients in proceedings in both State and federal administrative, trial, and appellate courts in New Jersey, Pennsylvania, and Delaware, including emergent applications, motion practice, jury and bench trials, and appeals.

Our services include:

- Defamation and privacy counseling relating to all aspects of communications issues
- Shield law and the newsperson's privilege
- The Open Public Records Act, common law public records access, courtroom access, cameras in the courtroom, electronic media courtroom coverage, and the Open Public Meetings Act
- Cable law, FCC Law, Telecommunications Act, cellular telephone towers
- Domestic and international merchandising and licensing matters
- Transactional matters
- Finance issues

Representative Experience

- Before the United States Supreme Court, successfully obtained an 8-0 decision that the United States Patent and Trademark Office's denial of a trademark registration, under the disparagement clause of §2(a)

of the Lanham Act, was unconstitutional as viewpoint discrimination in violation of the First Amendment.

- In U.S. District Court, successfully obtained a ruling, affirming dismissal of defamation action based on fair report privilege.
- In New Jersey Supreme Court, successfully obtained reversal of denial of summary judgment for defense in defamation action, extending fair report privilege to non-media publications.
- In New Jersey Superior Court, Appellate Division, successfully obtained affirmance of summary judgment in OPRA action.
- In New Jersey Superior Court, Appellate Division, in a case of first impression, obtained affirmance of OPRA fee application.
- In Pennsylvania Common Pleas Court, following discovery, successfully obtained voluntary dismissal of defamation action.

Primary Contacts

John C. Connell

Partner

jconnell@archerlaw.com

856.354.3074

Patrick J. Doran

Partner

pdoran@archerlaw.com

215.246.3175

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