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### Kernochan Center News - Spring 2004

Kernochan Center for Law, Media and the Arts

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## “Alumni with Careers in Media and Entertainment” Panel

On January 26th, the Kernochan Center hosted a panel discussion entitled “Alumni in the Spotlight: Alumni with Careers in Media and Entertainment,” focusing on the career paths of CLS alumni in the area of entertainment and media law. Panelists included: Rosalind Lawton '96 (LLM), Vice President of Business & Legal Affairs at Miramax Films, Richard Elbaum '93, Director of Legal & Business Affairs at A&E Television, Elliott Peters '95, Vice President and Associate Counsel at Warner Music Group, Jennifer Bernheim '94, Assistant General Counsel at Hachette Filipacchi Media US, Inc., Matthew Leish '97, Associate at Davis Wright Tremaine, and moderator Margo E. Crespin, Esq., Assistant Director of the Kernochan Center for Law, Media and the Arts.

Panelists discussed their individual career paths following law school and explained the types of issues and projects they work on in their current positions. In addition, the panelists described what they enjoy most about their work. Each of the speakers gave advice to students and fellow alumni interested in pursuing careers in media and entertainment law.

A cocktail reception followed the event and enabled students and alumni to network with one another. The panelists graciously continued to answer questions and provide insight during the reception.



Dustin Ross

From left to right: Margo Crespin, Esq., Richard Elbaum '93, Rosalind Lawton '96 (LLM), Jennifer Bernheim '94, Matthew Leish '97, and Elliott Peters '95.

## Columbia's Associate General Counsel Speaks on Peer-to-Peer



Beryl Abrams, Esq., '73, Associate General Counsel of Columbia University.

On March 2nd, Beryl Abrams '73, Associate General Counsel of Columbia University, spoke on “Peer-to-Peer File Sharing and Copyright Infringement: The University Perspective.” Ms. Abrams discussed Columbia University's policy with regard to students who have infringed copyright, particularly through the use of peer-to-peer file sharing programs. Not surprisingly, Ms. Abrams' lecture was extremely well attended, reflecting student interest in this area.

Ms. Abrams explained that the University regularly receives notices from representatives of the Recording Industry Association of America and the motion picture industry, complaining of students who have allegedly infringed their copyrights through peer-to-peer file sharing. Ms. Abrams said that the University had received over 100 such notices since the beginning of this year (in the span of just 2 months). She explained that the University notifies students of such complaints

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## Lecture on Emerging Privacy and Civil Liberties Issues

Marc Rotenberg, President of the Electronic Privacy Information Center (EPIC), delivered a lecture to the law school community on “Emerging Privacy and Civil Liberties Issues” on Wednesday, October 29th. Rotenberg described the dramatic expansion in government surveillance initiatives since September 11th—including the employment of new surveillance techniques—and the implications for personal privacy and civil liberties. Rotenberg spoke about privacy developments and the articulation of standards for permitting the government to obtain warrants and conduct wiretapping, e-mail and electronic surveillance.

Rotenberg discussed the legislation passed by Congress in 1968 allowing the government to intercept wire communications assuming certain requirements were met. He explained that in 1986, the Electronic Communications and Privacy Act established standards regarding interception of e-mail and electronic communication. Rotenberg also described the Foreign Intelligence Surveillance Act, passed in 1978, which established procedures for requesting judicial authorization to

investigate spies of foreign governments in the U.S. He discussed the increase in government secrecy post September 11<sup>th</sup>, the U.S. Patriot Act, and its approach, which allows for more surveillance technology use with limited judicial review. In addition, Rotenberg spoke of the potential threats to individual privacy posed by current surveillance technology and identification systems which use biometric information.

Established in 1994, EPIC is a public interest research center designed to protect privacy, the First Amendment, and constitutional values and to focus public attention on emerging civil liberties issues. Mr. Rotenberg, an expert on privacy and civil liberties issues, has testified before Congress on many subjects, including communications privacy, access to information, computer security, and encryption policy. He teaches information privacy law at Georgetown University Law Center. Rotenberg is editor of *The Privacy Law Sourcebook* and co-editor (with Daniel J. Solove) of *Information Privacy Law: Cases and Materials* (forthcoming Aspen Publishing).

## Kernochan Center Hosts IP Speaker Series

The Kernochan Center IP Speaker Series, sponsored by the Horace S. Manges Lecture and Conference Fund, has featured a number of speakers during the Spring semester.

Professor Roberta Kwall, Raymond P. Niro Professor of Intellectual Property Law at DePaul University College of Law discussed “Moral Rights under U.S. Law” on January 27th. Professor Kwall explained various conceptions of authors' moral rights, their current status in the U.S., and how moral rights in the U.S. compare with those provided for in other countries.

Bruce Joseph, Esq., a Partner at Wiley Rein & Fielding and Henry Horbaczewski, Esq., General Counsel of Reed Elsevier, Inc. debated “Legal Protection for Databases” on February 10th.

Andrew Bridges, Esq., Partner at Wilson Sonsini Goodrich & Rosati and Thomas Hentoff, Esq., '91, a Partner at Williams & Connolly shared diverging perspectives on “Secondary Liability Under Copyright and Peer to Peer File Sharing” on February 24th. Bridges and Hentoff have worked on opposing sides in the Grokster litigation.

Beryl Abrams, Esq. '73, Associate General Counsel of Columbia University, spoke on “Peer-to-Peer File Sharing and Copyright Infringement: The University Perspective” on March 2nd. See the article on page 1.



Dustin Ross

Thomas Hentoff, Esq., '91.

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 KERNOCHAN CENTER FOR LAW,  
 MEDIA AND THE ARTS  
 COLUMBIA LAW SCHOOL  
 435 WEST 116TH STREET, BOX A-17  
 NEW YORK, NEW YORK 10027  
 PHONE: (212) 854-7424  
 FAX: (212) 854-9111

## Center Hosts Panel on the Portrayal of Lawyers in the Media

On November 3rd, the Kernochan Center presented a panel discussion entitled, "The Portrayal of Lawyers in the Media." Panelists included Rene Balcer, Screenwriter for and Executive Producer of "Law and Order: Criminal Intent," Bill Fordes, Screenwriter for "Law and Order," Richard Sweren, Screenwriter for "Law and Order," Cheryl Mendelson, author of *Morningside Heights: A Novel*, and David Margolick, author of numerous books and articles including *At the Bar: The Passions and Peccadilloes of American Lawyers*, and *Undue Influence: The Epic Battle for the Johnson and Johnson Fortune*. Professor Jane Ginsburg, Morton L. Janklow Professor of Literary and Artistic Property Law, moderated the discussion.

The panel addressed the fictional and non-fictional portrayal of lawyers in both television and books. From *The Firm* to "Law and Order" to "Legally Blonde," lawyers play a prominent role in the print and audiovisual media today—that of featured character. Television programs, such as "Law and Order," and televised trials on Court TV, offer conflicting images of

lawyers to audiences who may be uninformed as to whether these portrayals of lawyers are accurate depic-

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Rene Balcer, Screenwriter for and Executive Producer of "Law and Order: Criminal Intent," and Richard Sweren, Screenwriter for "Law and Order."

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### Columbia's Associate General Counsel Speaks on Peer-to-Peer File

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and requests that the students remove the infringing material.

Repeat offenders are asked to submit statements to the University acknowledging that they have committed the illegal activity and promising not to do it again. Ultimately, if a student continues to infringe copyright, the University may terminate the student's Internet account. Ms. Abrams also discussed the issue of requests to reveal the identities of students who have been accused of copyright infringement.

Ms. Abrams described the University's efforts to educate students with regard to unauthorized downloading of copyrighted music. The University has sent letters to students informing them of the illegality of file sharing copyrighted music using software or other services which do not obtain permission from the copyright owners. In addition, the Deans of each of the schools within Columbia, including the Dean of the Law School, have sent an e-mail to students informing them of the University's position in this area and warning against students' illegal downloading of copyrighted material. Ms. Abrams stated that Columbia plans to continue its efforts to raise awareness of the risks of illegal file sharing.

### New Copyright Seminar

This semester, for the first time, Professor Jane Ginsburg, Morton L. Janklow Professor of Literary and Artistic Property Law and June Besek, Executive Director of the Kernochan Center are teaching a seminar entitled, "Advanced Topics in Copyright."

The seminar covers a variety of issues including moral rights, copyright and contracts, database protection, derivative liability issues, peer-to-peer file sharing, copyright and Constitutional preemption, the anti-circumvention provisions of 17 U.S.C. §1201, new business models, current international copyright issues, the public domain and current initiatives to facilitate copyright licensing.

The seminar was organized in conjunction with the Kernochan Center IP Speaker Series (see "Kernochan Center Hosts IP Speaker Series" on page 2), and gives students the opportunity to hear diverging perspectives on hot topics in copyright law. The class has featured a number of guest speakers and often paired those with opposing viewpoints on a particular issue. In addition to the guests who also participated in the IP Speaker Series, seminar speakers included David Goodman of the Library School at Long Island University and Shira Perlmutter, Associate General Counsel for Intellectual Property Policy at Time Warner.

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COLUMBIA UNIVERSITY SCHOOL OF LAW  
435 WEST 116TH STREET, BOX A-17  
NEW YORK, NEW YORK 10027

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## The Portrayal of Lawyers in the Media

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tions. Similarly, legal thrillers and non-fiction books featuring lawyers continue to capture readers' attention. What images of lawyers do fiction and non-fiction media convey? How close to or far from reality are these presentations? The panel discussed how and why the media depict attorneys as they do—their ethics (or lack thereof), their demeanor in the courtroom and in the boardroom, their interaction with clients, and their roles as advocate, adversary, and negotiator—and speculated as to how these portrayals influence the viewer/reader's impression of lawyers in today's society.

The panelists from "Law and Order" screened several clips from the television series, and commented on the depiction of the attorneys in each clip. They also discussed the process of writing an episode and the behind-the-scenes debates regarding the behavior of the attorney characters. Richard Sweren, a former defense attorney and Bill Fordes, a former prosecutor, both writers for "Law and Order," discussed how their divergent perspectives influence the creation of an episode. Ms. Mendelson read from her novel which features several attorney characters, including the villain. Mr. Margolick read passages from his columns and shed light on the portrayal of lawyers in non-fiction.

## Upcoming Center Events

- March 29th, 6:00 p.m., Columbia Law School, JGH, Room 103. The Seventeenth Horace S. Manges Lecture will take place. **Diane Zimmerman '76**, Samuel Tilden Professor of Law, NYU Law School will lecture on "It's an Original!(!?): In Pursuit of Copyright's Elusive Essence." The lecture will be published in the *Columbia Journal of Law & the Arts*. Last year's Manges Lecture by Judge Pierre Leval was published in the *Columbia Journal of Law & the Arts*, Vol. 27, No. 2, Winter 2004.
- March 30th, 12:30-1:20, JGH, Room 103. **David Carson**, General Counsel of the U.S. Copyright Office will discuss "The Anti-Circumvention Provisions in 17 U.S.C. §1201."
- April 6th, 12:30-1:30, JGH, Room 103. **Fred von Lohmann** of the Electronic Frontier Foundation and **Jeffrey Cunard** of Debevoise & Plimpton, will discuss "New Business Models: the role of DRM, copyright education, and new marketing strategies."
- April 13th, 12:30-1:30, JGH, Room 103. The Center will host a discussion on "Current Topics in International Copyright." Guest speakers to be announced.