



## PRESIDENT'S SHOWCASE

The Florida Bar Continuing Legal Education Committee  
and the Media & Communications Law Committee present

# Fake News, the First Amendment and Defamation – The Power of the Pen

Thursday, June 27, 2019, 8:00 a.m. - 11:00 a.m.

**COURSE CLASSIFICATION: BASIC**

Course 3208

[jkrelldavis@floridabar.org](mailto:jkrelldavis@floridabar.org)

### AGENDA

- 8:00 am - 8:15 a.m. **Breakfast Social with Panelists & Conference Attendees and Introduction**
- 8:15 a.m. - 9:00 a.m. **Keynote Address – An Engaging Q&A session**  
**Mindy Marqués González, Publisher and Executive Editor, *Miami Herald***  
**Paul Tash, Chairman and CEO, *Tampa Bay Times***  
*Moderated by Thomas Julin, Gunster Law Firm, Miami*
- 9:10 a.m. - 10:00 a.m. **Topic: Defamation and Its Rise to Fame**
- 10:10 a.m. - 11:00 a.m. **Topic: First Amendment, Censorship and Fake News**  
*\*Special Skype Introduction with Martin Baron, Executive Editor of the Washington Post*

### The Panels, Topics and Panelists

#### Opening Remarks and Introductions

Media and Communications Law Committee Chair, Mamie C. Joeveer, The Ferraro Law Firm  
Media and Communications Law Committee Vice-Chair Dwayne Robinson, Kozyak Tropin &  
Throckmorton

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**Keynote Address – A proactive Q & A session with Mindy Marques, Paul Tash and Tom Julin, longtime Media and Communications Law Committee Member”**

### SPEAKERS



**AMINDA (MINDY) MARQUÉS GONZÁLEZ** is President and Publisher/Executive Editor of the Miami Herald Media Company. Marqués began her career as an intern at the Miami Herald and rose through the ranks to become the paper’s first Hispanic and second female editor in 2010. Her career has included assignments as a metro reporter, assistant city editor and deputy metro editor, directing the Miami Herald’s local, state and community news operations, as well as serving as Miami bureau chief for People magazine. During her tenure as managing editor, the Miami Herald has been a Pulitzer Prize finalist three times for its 2010 coverage of the earthquake in Haiti, for an investigative series detailing Florida’s systemic failures in regulating assisted-living facilities and for a series that detailed a local drug sting operation that cost millions but yielded no arrests. Marqués is a 1986 graduate of the University of Florida, where she was honored as an Alumni of Distinction by the College of Journalism and Communications in 2012.



**PAUL C. TASH** is the chairman and CEO of the Times Publishing Company. A native of South Bend, Indiana, Tash graduated summa cum laude in 1976 from Indiana University. He received a Marshall Scholarship and graduated magna cum laude with a bachelor of laws degree from Edinburgh University in Scotland in 1978. He started with the Times that fall as a local news reporter and worked his way through various news jobs – including Washington bureau chief – to become the editor of the Tampa Bay Times and chief executive of the company. Tash is chairman of the Poynter Institute for Media Studies, a school for journalists and media leaders, which owns Times Publishing. He has served on the boards of America’s leading journalism organizations, including the Associated Press, the Committee to Protect Journalists, and the Pulitzer Prizes, where he was the chairman. In 2012, Tash received the Distinguished Alumni Service Award from Indiana University, and he was inducted to the Indiana Journalism Hall of Fame the following year.



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### Defamation and its Rise to Fame

In the aftermath of the #MeToo Movement, “fake news” and computer hacking allegations, defamation claims have risen to the spotlight. Join us for a discussion with media lawyers, media professionals, and judiciary regarding the recent high-profile defamation cases, including the McKee v. Cosby matter pending in the United States Supreme Court and the BuzzFeed Dossier case concerning allegations of computer hacking by Russian officials.

### Panelists:

- **Rachel Fugate** is an experienced litigator and appellate lawyer who has represented national media companies, local and regional newspapers and television stations, book publishers, film producers, reality television programs, artists, universities, and non-profit corporations. Rachel litigates with an emphasis on media, internet and First Amendment disputes. She defends publishers and broadcasters in complex defamation, invasion of privacy, and other content-related claims and prosecutes actions for access to government information. She also provides publishers and broadcasters daily advice on a variety of content related issues, including newsgathering advice, responses to retraction demands and subpoenas, pre-broadcast and pre-publication review, and advice concerning protection and use of intellectual property, internet content and publication practices.
- **Nathan Siegel** represents media clients in First Amendment, intellectual property, and entertainment law cases in trial and appellate courts throughout the country. Additionally, he provides pre-broadcast and pre-publication counseling to a wide range of print and web publishers, television networks, and film producers. Over the past decade, Nathan has represented either the broadcast media or the video game industry in every major case that tests the publicity rights of athletes in video games and television sports broadcasts. He has successfully represented multiple major media clients such as ABC News, CBS News, and ESPN in defamation lawsuits, often brought by celebrity or political personalities.
- **Pat Beall – Palm Beach Post.** Pat is an investigative reporter who has done in-depth investigations into the opioid crisis, patient exploitation and addiction treatment fraud, private prisons, inmate abuse and police shootings. Her stories have triggered change and garnered state, regional and national awards.

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- **Jennifer Mansfield** practices in the area of commercial litigation, with extensive experience in insurance defense, media law and ERISA litigation. Her media law practice includes representing newspapers and television stations in defense of defamation claims, courtroom access, Florida's Sunshine Law and for access to public records under the Freedom of Information Act and Florida's public records law.

### Moderator

- **Edward Birk** is a News Media & First Amendment attorney. In addition, he represents clients in Labor and employment compliance and disputes, Fair Labor Standards Act; and Products Liability. Before entering the practice of law in 1995, he worked as a reporter and editor for The Associated Press in Boston, Miami and Tallahassee. He attended the University of Massachusetts-Amherst where he received his B.A. in Journalism in 1983. He earned his J.D. with honors in 1995 from Florida State University College of Law. He was the Editor-in-Chief of Florida State University Law Review.

### First Amendment, Censorship and Fake News

The panel will take a case study approach to discussing the current frontlines in the battle to retain press freedom and examine the prevalence and effect of the term "Fake News" in public discourse. People use the term to mean different things: highly partisan news, internet clickbait, satire, plain old sloppy reporting, foreign propaganda seeking to destabilize our society, and news exposing official misconduct. Find out if the fundamentals of journalism and freedom of press still apply.

### Introductory Speaker via Skype

**Hosted by new committee member Mary Nguyen-Nodelman, Assistant Public Defender, 13th Judicial Circuit of Florida:**



**Martin Baron** is executive editor of The Washington Post, overseeing more than 800 journalists. News organizations under his leadership have won 14 Pulitzer Prizes, including seven at The Post, six at The Boston Globe and one at The Miami Herald. In Boston, he launched an investigation of the Catholic Church's coverup of clergy sexual abuse that won the Pulitzer Prize for public service and was portrayed in the movie "Spotlight," which won the Academy Award for best picture in 2016. He also held top posts at The New York Times and Los Angeles Times.



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### Panelists:

- **The Honorable Jose M. Rodriguez** has served as county and circuit judge since 1994. Judge Rodriguez is an adjunct professor at the Florida International University, College of law since 2011 and teaches "Florida Civil Procedure" and "Law, Science and Technology." Judge Rodriguez is a published author. His works include "Florida Civil Procedure- Cases and Materials, Second Edition," a text book, Carolina Academic Press, and two practice treatises, "Florida Civil Procedure" and "Florida Evidence" with publisher Mathew Bender/Lexis Nexis.
- **Richard Ovelmen** has, for more than 30 years, practiced law with a particular concentration on First Amendment, defamation, trademark and copyright litigation, litigation regarding access to government held information, privacy, as well as antitrust and trade secret claims. His name is synonymous in Florida with the First Amendment and a free press.
- **Paul Wright** is the founder and executive director of the Human Rights Defense Center. He is also editor of Prison Legal News (PLN), the longest-running independent prisoner rights publication in U.S. history. He has co-authored three PLN anthologies: *The Ceiling of America: An Inside Look at the U.S. Prison Industry* (Common Courage, 1998); *Prison Nation: The Warehousing of America's Poor* (Routledge, 2003); and *Prison Profiteers: Who Makes Money from Mass Imprisonment* (New Press, 2008). His articles have appeared in over 80 publications, ranging from *Counterpunch* to *USA Today*.
- **The Honorable Meenu Sasser** is a Circuit Judge in the Fifteenth Judicial Circuit. Appointed to the bench in 2009 by Gov. Charlie Crist, Sasser has long been known as an innovative and hard-working jurist. She embraced online technology when most judges were still prioritizing paper. She endeared herself to fellow jurists by volunteering to handle hundreds of lawsuits smokers and their families filed against cigarette-makers. She was dubbed "the rocket" by court watchers for her break-neck speed in dispensing with foreclosure cases in the wake of the housing crisis.
- **Dana McElroy** practices at the trial and appellate levels, handling a wide range of matters involving media and communications law, including defending libel and invasion of privacy suites pursuing access to judicial proceedings and public records, resisting subpoenas for verbiage and reporter's testimony and conducting pre-publication review of television broadcasts and news articles.



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**Moderator:**

- **Masimba Mutamba** is HRDC's inaugural William A. Trine fellow and an HRDC staff attorney who litigates prisoner rights cases. He regularly represents HRDC's publishing project in free speech and press freedom cases against federal, state, and municipal prison and jail officials. Additionally, he litigates cases with HRDC's FOIA project to enforce government transparency under state public records statutes and the Freedom of Information Act. Masimba also engages in impact litigation representing individual and class prisoner plaintiffs under the Civil Rights Act. Masimba graduated *magna cum laude* from the University of Miami School of Law, where he was an associate editor of the *University of Miami International & Comparative Law Review*, and obtained a Master of Laws (LLM), with distinction, from the University of Glasgow in Scotland.

### CLE Credit

General: 3.0 hours

