

## *10 Questions to a Media Lawyer*

# **Dori Hanswirth**

*Dori Hanswirth is a partner at Arnold & Porter, where she co-leads the firm's Technology, Media, and Telecommunications industry group.*

### **1. How'd you get into media law? What was your first job?**

My first job out of law school was as a Motions Clerk for the US Court of Appeals for the Second Circuit. A few months into that job, I started clerking for Judge Edward Weinfeld of the Southern District of New York. It was 1987. Judge Weinfeld, appointed to the bench by President Eisenhower, was a living legend at the time. I never worked harder and learned more than in that year. Judge Weinfeld's stories and lessons laid the foundation for my entire career.

After the clerkship, I joined what was then considered a medium-sized New York City law firm, where I was the 44<sup>th</sup> lawyer. All of our names were on the letterhead at Squadron Ellenoff. I chose that firm in part because it had a First Amendment practice.

My first media case came about a year into the job. We represented a photography magazine. The magazine published an advertisers' index at the back of each issue. One of the advertisers was the Giftime Camera shop, but somehow the index referred to them as "Giftime Idiots" - the handiwork of a disgruntled soon-to-be former employee! Hence a defamation lawsuit. Pretty quickly after that, I started working on many defamation cases. I also started working on trademark and copyright issues. I've been practicing law in these areas ever since.



### **2. What do you like most about your job? What do you like least?**

I feel an enormous sense of gratitude around my career. I believe in what I do. Defending free speech and upholding the rule of law are bedrock American principles. My work contributes to these ideals and for that reason, it is a pleasure to come to work every day.

But doing what I love is only the second best thing about my work. What I value most about my career are the people. I've been honored to work with some of the most talented and dedicated lawyers and businesspeople – who are not only fine professionals, but more importantly are fine people – and I admire each and every one of them. Some are partners practicing media law at the highest levels at other firms; others are the head lawyers and in-house counsel at major news and publishing companies; some work at tech companies; others in entertainment; others are clerking for federal judges. And of course, some work with me at

*(Continued on page 73)*

(Continued from page 72)

Arnold & Porter.

What do I like least? Timesheets and billing.

### 3. What's the biggest blunder you've committed on the job?

I waited too long to change law firms. I wish I had done that years before I actually made the move. If you think there's a better place for you to be, you're probably right.

### 4. Highest court you've argued in or most high profile case?

*Matter of James Holmes v Jana Winter*, where the New York Court of Appeals held that it was a violation of public policy to force a New York-based journalist to travel to a different state, where she could be subpoenaed to provide confidential newsgathering information or be jailed for contempt. The Court held that Jana's "reporter's shield" went with her as she covered news outside of New York. Thus, she could not be forced to testify in a state that provided lesser protection to her source relationships.



Hanswirth, right, with her client, journalist Jana Winter

This case required multiple court appearances in Colorado and New York, including being face-to-face with Batman movie theater killer James Holmes four times, in a very small courtroom. There's a picture of Jana and me walking into the New York Court of Appeals, grim-faced, and another one of Jana the day we won the case. We bought her a reporter's shield of her very own!

### 5. What's a surprising object in your office?

People who know me would hardly be surprised to see just about anything in my office. It's known affectionately as the First Amendment room. I guess you wouldn't think that I have a Rambo First Blood action figure in its original packaging; a set of opera glasses from Judge Preska; a prize from a King Cake; the original cover print from an issue of the New York Review of Books depicting Vladimir Nabokov in a butterfly net; a poster of the characters from Family Guy, signed by the show's animators; or a magnet in the shape of a ticket for Phish's

(Continued on page 74)

*(Continued from page 73)*

2018 Halloween run in Las Vegas – but I do. I also have some cool pro bono awards, including one from WBGO jazz radio, and some of my favorite books. I’ve included a couple of pictures of things in my office.

My favorite office object is a print by Robert Rauschenberg called *Washing the Flag*. It depicts the Stars and Stripes like a bedsheet going through a washing machine. This work of art speaks to me every day.



## 6. Favorite sources for news – legal or otherwise?

My industry friends and colleagues are my favorite news sources – they know a lot of stuff and nothing’s better than hearing what they have to say. For legal news - the MLRC Daily! Someone recently recommended the podcast 1A with Joshua Johnson. I think that’s really good. We get *The Wall Street Journal* at work so I look at that every day on my computer. I also listen to the POTUS, Bloomberg, and NPR satellite radio stations. And I try to read two or three *New Yorker* articles each week. I have a television in my office and it’s usually tuned into cable news or business news – I look at all of them. For breaking news, it’s always Fox for me.

## 7. It’s almost a cliché for lawyers to tell those contemplating law school: “Don’t go.” What do you think?

If you want to go to law school, by all means go! But really want it.

## 8. Favorite fictional lawyer?

[Barry Zuckerkorn](#) – I hear he’s very good.

## 9. What issue keeps you up at night?

I usually sleep pretty well. But when I’m in the middle of a case, it’s always on my mind.

## 10. What would you have done if you hadn’t been a lawyer?

Either gone for a Ph.D. in English literature or become a DJ. Recently I’ve been trying my hand at wedding planning (for my son). But I’m only going to do that one more time (for my other son, if and when asked).