

FIRST AMENDMENT COUNSEL IN HIGHER EDUCATION

Content—written and spoken—is everywhere on campus. From university publications, investigation reports, and student newspapers to lectures, guest speakers, protests, and community engagement, the open exchange of ideas is part of your mission.

Protecting free speech is crucial. So is helping the university, faculty, staff, and students to navigate issues that can derail learning, create an environment that is antithetical to an institution's culture, or open the door to legal action or a PR crisis.

A skilled and sophisticated First Amendment team with experience advising clients in higher education can help identify and mitigate risk, advise on potentially hot-button issues, and maintain an atmosphere conducive to the free exchange of thought.

WHO WE ARE

The Media and Entertainment Group at Ballard Spahr is roundly considered the finest in the nation. In addition to helping media companies grapple with some of the law's most challenging First Amendment issues, we advise clients across industries in content review, libel and defamation issues, content ownership fights, licensing matters, and labor disputes. We frequently leverage anti-SLAPP laws to defeat suits in the early stages and recover attorney fees for our clients.

The firm has 18 offices across the country. Our multi-practice, national platform means that our media lawyers can—if necessary—call upon colleagues with specific experience in areas such as labor and employment, white collar defense and internal investigations, intellectual property, or antitrust/competition.

WHAT WE DO FOR HIGHER EDUCATION CLIENTS

- We advise universities as **publishers** in prepublication review for university presses, news organizations, and in licensing or royalty disputes.
- We represent universities as **defendants** in defamation and invasion of privacy claims stemming from #metoo, misconduct, or Title IX allegations; faculty appointments and removals; and in internal investigations. We also advise on student or faculty speech cases.
- We counsel universities as **centers of research**, advising on the legal risk associated with acquisitions, faculty research, and emerging technologies.
- We represent universities as **journalism incubators**, defending student or faculty journalists and authors, and advising on subpoenas seeking news footage or university records. We also advise on issues involving social media.
- We represent colleges and universities across the country, from small liberal arts schools and Ivy League institutions to major state universities and research centers. Our work includes:
 - Defending an East Coast university against defamation claims made by a graduate school dean who alleged that he was unfairly blamed in a fraud investigation.
 - Representing a large state university that was sued after rescinding a job offer to a dean accused of racism and mistreatment.
 - Defending a university against defamation claims made by a newsroom executive who reportedly created a hostile work environment in a university-operated radio station. In addition to winning the case, we successfully used anti-SLAPP provisions to recover attorney fees.

- Representing a college that was sued by a local business following a student boycott.
- Representing a major urban university in all prepublication review by its university-owned press. Our work involves reviewing manuscripts to identify and mitigate potential areas of risk.
- Representing a university in a dispute with a literary trust over a collection of documents and correspondence by a well-known author. Our successful representation involved helping the university respond to efforts to curtail its use of the material.
- Representing a state university in a case involving a student’s claim that she had been retaliated against over a message she posted on social media.
- Representing a professor and doctoral team in a study into targeted ads on social media. Our work helped the university and research team ensure access to the ad information, respond to cease and desist demands from a major U.S. tech company, and carry out its academic mission.

CONTACTS

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