



Cultural/Media Policy Forum
September 13, 2006

American Participants



MARTIN GARBUS

Partner, Litigation, Davis & Gilbert LLP

Martin Garbus is a partner in the law firm of Davis & Gilbert LLP and one of the country's leading trial lawyers. Mr. Garbus aims to aggressively represent his clients in both the courts and the public media and when asked, make the law and his opinions accessible. He has appeared before the United States Supreme Court as well as the highest state and federal courts in the nation. His devotion to ethics, justice and the law has garnered respect among the legal community and beyond. Time Magazine has named him "legendary... one of the best trial lawyers in the country," while Newsweek, the National Law Journal and other media agree that Mr. Garbus is America's "most prominent First Amendment lawyer" with an

"extraordinarily diverse practice." The National Law Journal named him one of the country's top ten litigators.

Mr. Garbus has earned his distinguished reputation as a result of his unique and aggressive approach in the courtroom. He is a master at every aspect of trial, from jury selection to cross-examination to summation. His cases have established new legal precedents in the Supreme Court and courts throughout the country. Mr. Garbus has tried many high-profile criminal complex commercial litigations and "celebrity" cases. He has tried twelve murder trials including the two-month long "French Connection" case and a triple homicide in New York. Mr. Garbus has also defended and sued adversaries' clients in RICO claims. His versatility as a litigator is apparent from his work in the realm of commercial litigation, a niche traditionally inhabited by specialists. In addition to appearing in commercial arbitrations throughout the country, he won a four-month securities fraud suit, successfully represented plaintiffs in a class action fraud suit against BarChris and Britain's Channel 4 over a claim that they used obscene photographs, and won a jury trial in a Mississippi Federal Court.

Currently, Mr. Garbus represents employees in a class action employment discrimination suit against President Bush's "faith based" initiative and also represents flight attendants in a labor dispute against their union and American Airlines. Both cases are to be tried in Federal Court before the end of 2004. In a personal injury suit against American Airlines, he won a jury award of \$26,000,000, one of the largest awards at that time.

At present, Mr. Garbus is preparing to go before the jury in federal court in a copyright infringement suit against infamous hip-hop and rap star, Eminem (also known as Marshall Mathers). Mr. Garbus represents a composer whose music was copied without authorization and used in the song Kill You, the first track on The Marshall MathersLP. That album, Eminem's second, enjoyed sales of over 16,000,000 CDs.

Mr. Garbus's passion for protecting the interests of his clients has been widely recognized. He was appointed to serve as the lawyer and/or executor and/or trustee of numerous estates, including those of Marilyn Monroe, Igor Stravinsky, John Cheever and Margaret Mitchell. Assuming an active role as guardian, he successfully represented the Stravinsky Estate in a precedent-setting suit contesting the late author's will, and the Mitchell Estate in the case regarding a parody of "Gone With the Wind." He also successfully represented Pia Pera, author of "Lo's Diary," in a suit brought by the Estate of Vladimir Nabokov to block publication of her novel and through his former firm defended Scholastic Books, the publisher of the "Harry Potter" series.

Mr. Garbus has won freedom of speech suits against the U.S. government and defended authors and publishers charged with defamation and libel. In addition to winning a lengthy copyright case on behalf of performance artists suing music giant Motown Records, he successfully defended an injunction suit filed against Spike Lee to prevent the release of "Malcolm X," and filed a suit against a trustee of the Martha Graham Center of Contemporary Dance involving copyright infringement of choreographed work.



In the 1990s, Mr. Garbus was confronted by yet another challenge from a then-unfamiliar source, the Internet. Pioneering the legal future of the digital age, Mr. Garbus represented Eric Corley and 2600.com in a landmark case, the first copyright case to be tried under the new Digital Millennium Copyright Act. That case, involving the Motion Picture Association of America, became a battle where First Amendment and copyright values clashed, permanently affecting the entire movie and DVD industry.

During his legal career, Mr. Garbus has represented and advocated on behalf of political dissidents such as Nelson Mandela, Vaclav Havel, Daniel Ellsberg and Andrei Sakharov. His diverse practice consists of individuals and companies involved in media, entertainment and the arts. This clientele includes:

- Authors: David Halberstam, Philip Roth, Tom Brokaw, Amy Tan, Terry McMillan, Peter Matthiessen, Nancy Reagan, and Alger Hiss.
- Actors, Playwrights, Directors, & Producers: Al Pacino, Lauren Bacall, Martin Lawrence, Sean Connery, Michael Caine, Richard Gere, Robert Redford, Penny Marshall, Spike Lee, Michael Moore, Garry Marshall, Sidney Lumet, Samuel Beckett and Peter Stone.
- Publishers: Penguin-Putnam Books, Farrar, Straus & Giroux, Random House, Alfred A. Knopf, Pantheon, Ballantine Books, Grove Press and Scholastic Books.
- Artists, Photographers & Galleries: Agnes Martin, Tom Wesselman, Sally Mann, Bert Stern, Richard Avedon, Robert Frank and The Pace Gallery.
- Motion Picture Studios, Media & Corporate Entities: Twentieth Century Fox, Warner Brothers, Miramax, LucasFilms, Paramount, Michael Bloomberg and Bloomberg, L.P.

Mr. Garbus has participated in lectures and debates before the American Bar Association, the Bar Associations of New York, Washington and Los Angeles, Federal and State judges, and law schools such as Harvard, Yale, Columbia and Stanford. In addition to the books mentioned below, he is a frequent contributor to major newspapers, national magazines and scholarly journals, including the New York Times, Washington Post, Los Angeles Times, Slate and The American Prospect. Mr. Garbus has appeared on “60 Minutes,” “Dateline,” “Good Morning America”, and “Charlie Rose,” and served as a commentator for NBC, ABC, CBS, PBS, CNN, Fox NewsChannel, Court TV, Time and Newsweek on issues ranging from politics to law.

Furthermore, as the country became witness to the egregious conduct of the federal government’s legal investigation of the Clinton Presidency, Mr. Garbus debated former independent prosecutor Kenneth Starr at venues across the country.

The international community has recognized the importance of Mr. Garbus’s work and seized upon its value. Canada, England, Australia, the former Soviet Union, Czechoslovakia, Poland, China and Hungary have selected him to serve as a consultant on media and communications. Recently, the government of China called on Mr. Garbus and his intellectual property expertise to remedy the problems posed by digital piracy that have come to plague the nation over the past decade. In 2004, he was appointed advisor to the Chinese team responsible for the creation of effective Intellectual Property laws. While these innovative legal developments were staggering, Mr. Garbus realized that proper implementation was a necessity. To fulfill this assignment, he assumed a teaching role at Tsinghua University in Beijing where he instructed graduate law students, Master of Law candidates, as well as the judges of the Chinese Intellectual Property Court on the enforceability of the country’s new intellectual property, copyright, patent and trademark laws.

Authorship

- Ready for the Defense (1971), described by the New York Times as “a gripping account of five of Martin Garbus’ dramatic trials [with] all the suspense and excitement of first-rate courtroom dramas.” A New York Times Notable Book, it covers trials ranging from the criminal defense of Lenny Bruce to copyright and murder cases.



- *Traitors and Heroes* (1987), called “a forthright, impassioned, informative and chilling memoir” by the *New York Times*. A *Los Angeles Times* Notable Book, it describes Mr. Garbus’s legal work in the Soviet Union, Chile and South Africa.
- *Tough Talk: How I Fought For Writers, Comics, Bigots, and the American Way* (1998), a First Amendment book that deals with media problems on the Internet, including copyright, trademark and libel, as well as prominent cases, including Robert Redford’s case against the tobacco industry.
- *Courting Disaster: The Supreme Court and the Unmaking of America Law* (2002), described by the *Washington Post* as “a vigorous book, full of passion.” Senator Edward M. Kennedy, commenting on *Courting Disaster*, said: “An ardent defender of our freedom, Martin Garbus reminds us that the Supreme Court directly affects the lives of all Americans.”

Honors & Awards

Mr. Garbus has been the recipient of numerous honors. Among them are:

- Election to the Hunter College Hall of Fame in 1996
- The Alumni Achievement Awards: NYU Law School and Hunter College
- The First Amendment Defense Committee’s Lifetime Achievement Award in 2003
- The Lifetime Achievement Award from New York University Law School in 2004

Mr. Garbus serves on several boards, including the American Advisory Board of the London Academy of Music and Dramatic Arts and The Creative Coalition. He has been a member of Bar Association Committees dealing with Civil and Criminal Law, Trademark, Intellectual Property, Estates, and the Media.

Education

Columbia University, Master’s Degree Candidate in Economics
New York University School of Law, J.D., magna cum laude, 1959
New York University, LLM Candidate in Tax Law
New School of Social Research, Master’s Degree Candidate in English
Hunter College, B.A., magna cum laude, 1955



BRUCE JUDSON
Senior Faculty Fellow, The Yale School of Management

Bruce Judson is one of the nation’s leading experts on using the web for business, and was named by *Advertising Age* as one of the leading interactive marketers, where he was described as a “marketer’s marketer.” He is also the author of the nationwide bestseller *NetMarketing and HyperWars* (with Kate Kelley). As the former general manager of Time Inc. New Media, Judson was one of the founders of Time Warner’s pioneering Internet initiatives. Over the past five years, he has served as a member of the board of directors, or on the advisory board, of several major internet start-ups. He is frequently quoted for his views on business on the web in the national media, including *The Wall Street Journal*, *The New York Times*, *Advertising Age*, and *Business Week*.



KATE D. LEVIN
Commissioner, New York City Department of Cultural Affairs

It is a privilege to serve the City of New York as Commissioner of the Department of Cultural Affairs.

This administration is acutely aware of the significant role that government can play in helping to sustain, promote and advocate for the City's cultural community. In an enormously challenging fiscal environment, Mayor Bloomberg has sustained New York's commitment to government support for the arts.

Today, DCA is the largest government funder of the arts in this country. The scope of the community we serve is dazzling, not only because of its quality, but also because of the diversity of artistic discipline and scale. For example, we fund the world's largest zoological society and some of the smallest startup dance companies in New York City.

The agency provides operating and energy support to 34 institutions owned by the City, and funds programs at another 600 organizations every year from an expense budget that, this fiscal year 2006, is \$131 million. The City also has an extensive capital program. The fiscal 2006 budget provides capital funds in the amount of \$803 million over the next four years to support projects -- ranging from roof replacement to new construction -- at 161 cultural organizations throughout the City. It is worth noting that this is the largest capital budget in the agency's history.

Over the last several years, this agency has also undertaken a number of innovative approaches to improve how government responds to the needs of the cultural community. Our major investment of time and money in revitalizing neighborhoods recognizes the intertwined roles of culture and economic development, and sets an enormously important precedent for government's role in both. Currently, this agency is partnering with various cultural, business, and community organizations to catalyze revitalization and help create vibrant communities across the City.

In addition, the Department has stepped up its marketing and outreach efforts on behalf of the cultural community. Cool New York, DCA's annual initiative to promote the City's cultural attractions during the winter months, has succeeded in boosting attendance at participating cultural organizations throughout the five boroughs, and has proven particularly meaningful for smaller and mid-sized cultural attractions.

Moreover, DCA is fortunate to have the leadership and expertise of the distinguished Cultural Affairs Advisory Commission. Since its appointment two years ago, the Commission has spearheaded a number of important projects and offered guidance on issues relating to the City's cultural life, including marketing, arts education, capital financing, and management and board development.

These are just a handful of the ways in which this administration is working to support and nourish the City's cultural life. Our major investment of time and money not only acknowledges the intertwined roles of culture, economic development, education and almost every other facet of City life, it also sets an enormously important precedent for government's role in making New York a better place for everyone.



ANDREW RASIEJ

Founder and Chief Executive Officer, Personal Democracy Forum; Founder and Producer, DCN/eMusicLive

Andrew Rasiej is the Founder of the Personal Democracy Forum (www.personaldemocracy.com) and has served as an advisor to Senators and Congressman and political candidates on the use of Information Technology for campaign and policy purposes since 1999. Among those he has worked with are Senator Hillary Clinton, Senator Tom Daschle, Congressman Dick Gephardt, the Democratic Senatorial Campaign Committee and the Democratic Congressional Campaign Committee. In 2001, he addressed the United States Senate Democratic Caucus in the US Capital Building on the “Digital Divides Facing Democratic Party” and has been actively involved in the campaigns of many Senators and Congressmen. For the 2004 Presidential race he served as Chairman of the Howard Dean Technology Advisory Council. He recently ran a highly visible campaign for Public Advocate of New York City, running in the Democratic primary on a platform to bring low cost wireless access to all New Yorkers. In the aftermath of the September 11th tragedy, Mr. Rasiej helped organize hundreds of local technology professionals to provide relief and recovery to small businesses and schools in lower Manhattan. From this experience, he proposed the creation of a National Tech Corps that would act similarly to the National Guard and provide emergency technical, communication, and database support in the event of a natural disaster or terrorist strike. This idea, now called NetGuard, was approved in a bill by the US Senate by a vote of 97 to 0 within four weeks from inception and was integrated into the Homeland Security Act and is currently being built by the US Department of Homeland Security.

Mr. Rasiej is the founder and Chairman of MOUSE (Making Opportunities for Upgrading Schools and Education), an educational non-profit organization started in 1997 focused on providing technology support to public schools. Originally a volunteer organization MOUSE currently runs a program called MOUSE Squad which trains students to run their school’s computer systems and thereby helping them not only to learn lifelong skills but also empowering them to expanding their schools capacity in the use of technology for education. Mouse is active in 100 public schools in New York City and over 90 percent of the students in its programs graduate and go to college. Mouse has also expanded to over 20 countries around the world. Mr. Rasiej has served on the 2001 New York City Board of Education’s task force on technology and has spearheaded several other innovative projects that support efforts to bridge the “Digital Divide” in public education.

In addition to work in bringing technology innovation to public schools, Mr. Rasiej is a co-founder of www.mideastwire.com, which is a Beirut based news service which translates opinion pieces from newspapers in all 22 Arab countries, Iran, and the Arab media Diaspora and makes them available to English speaking governments, corporations, media, and educational institutions.

Mr. Rasiej is the former chairman and co-founder of the Digital Club Network (DCN) now called eMusic Live, the Internet’s largest live music channel which broadcasts concerts of established and emerging artists from premier music venues around the world and makes archive recordings of these performances available for free over the Internet. In 1996, concurrent with his involvement in music and technology, Mr. Rasiej co-founded the world’s largest annual digital music conference, “Plug In,” which is attended by executives from major record labels and technology companies.

In 1990 Mr. Rasiej founded Irving Plaza, an internationally known concert venue located in New York City and produced concerts by well-known artists such as Bob Dylan, Eric Clapton, and Dave Matthews Band. Mr. Rasiej is also the Founder and President Emeritus of the New York Nightlife Association, a business trade group representing major New York City nightclubs and bars. NYNA works to create strong neighborhood relationships through community oriented programs and outreach.



Previous to his work in technology and the music industry, Mr. Rasiej had a successful career working in the real estate development working on several high profile projects in New York City including World Financial Center and South Street Seaport. He also started a successful consulting firm giving real estate advice to not for profit organizations.

Mr. Rasiej is a member of the Board of Trustees of the New School Jazz and Contemporary Music program and is a member of the Cooper Union Alumni Association. He is a past recipient of the prestigious David Rockefeller Fellowship administered by the New York City Partnership.



LAURA WALKER
President & Chief Executive Officer of WNYC Radio

Laura Walker has been president and chief executive officer of New York public radio stations WNYC AM 820 and 93.9 FM since December 1995. As the first non-mayoral appointee in WNYC's 77-year history, Ms. Walker has led WNYC Radio into a new era of autonomy, transforming the organization from a City agency into a not-for-profit public broadcaster and raising the \$20 million necessary to purchase WNYC's AM and FM radio licenses from the City of New York. During her tenure, she has spearheaded many new programming initiatives, including the expansion of WNYC's news and documentary units, extended live concert programming, the introduction of American standards host Jonathan Schwartz, and the creation of new national programs Studio 360, The Next Big Thing, and Satellite Sisters. She was recently awarded the 2002 Public Radio International Award for Innovation and Entrepreneurship.

Ms. Walker began her professional career as a journalist and producer at National Public Radio, where she received a prestigious Peabody Award for Broadcast Excellence. She later joined the staff of Carnegie Hall where she launched the award winning series, At&T Presents Carnegie Hall Tonight. She spent eight years at Sesame Workshop (formerly Children's Television Workshop) where she headed the development department and later led the organization's efforts to establish a cable television channel, now Noggin. She sits on the boards of Public Radio International, the Brooklyn Philharmonic and the Educational Development center.

Ms. Walker holds an MBA from Yale University School of Management and a B.A. in History from Wesleyan University. She resides in Brooklyn with her husband and young son and daughter.



TIMOTHY WU
Professor of Law, Columbia Law School

Office of Legal Counsel, United States Department of Justice, 1998. Law clerk for Judge Richard Posner, 7th Circuit Court of Appeals, 1998-99, and Justice Stephen Breyer, United States Supreme Court, 1999-2000. Director, Corporate Marketing Strategy, Riverstone Networks, Inc., 2000-02. Associate Professor of Law, University of Virginia, 2002-04. Visiting Professor, Columbia Law School, 2004.

Visiting Professor, Chicago Law School, 2005, Visiting Professor, Stanford Law School, 2005

Publications include "The Copyright Paradox," 2005 Supreme Court Review, "Intellectual Property, Innovation, and Decision Architectures," Virginia Law Review (2005), "Copyright's Communications Policy," Michigan Law Review (2005); "The International Privacy Regime," Securing Privacy in the Internet Age (2005); "The Broadband



Debate, a User's Guide," *Journal of Telecommunications & High Tech. Law* (2004); "When Code Isn't Law," *Virginia Law Review* (2003); "Network Neutrality, Broadband Discrimination," *Journal of Telecommunications and High Tech. Law* (2003); "When Law & the Internet First Met," *Green Bag* (2000); "Application Centered Internet Analysis," *Virginia Law Review* (1999); "Cyberspace Sovereignty?—The Internet and the International System," *Harvard Journal of Law and Technology* (1997); "Criminal Liability For the Actions of Subordinates—The Doctrine of Command Responsibility and Its Analogues in United States," *Harvard International Law Journal* (1997).

Courses / Current Research

International Trade

Copyright

Telecommunications Law

Law and Technology

Education

J.D., Harvard, 1998

B.sc., McGill, 1995