

## Letter to a Young Media Lawyer



**Munford in the 1980s when Gannett came to Mississippi**

**By Luther T. Munford**

The representation of news media interests in legal disputes has changed over the past 40 years, especially outside the major cities. The role of local counsel now dominates. This series of letters has not yet covered that topic.

Outside of the major cities, the independent representation of clients has declined. In recent years the internet has not only destroyed the advertising base that once supported local media, and their litigious impulses, but it also appears to have had the odd effect of so coarsening public dialogue that fewer disputes produce lawsuits. At the same time, globalization has turned local clients into national or even international clients, and their national law firms have become more confident of their ability to practice around the country on behalf of those clients.

The day when Charles Overby, the editor of my local newspaper, had the budget to file an open meetings suit against the state college board because ‘otherwise we will never know if the law means anything’ is long gone. Not only is there less litigation, but fewer stories need prepublication review, and the review, if any, is seldom done locally, in part because the editing and even writing is no longer done locally.

All of this means that the principal role of the media lawyer outside the major cities has become the role of local counsel. There are, of course, some lawyers outside the major cities who

develop a national practice. Tom Kelley in Denver long ago earned a reputation for his skill as a trial lawyer that has taken him around the country. But he is the exception, not the rule.

Over the past 10 years, my principal engagements have joined me to lawyers with a national practice who needed local counsel in Mississippi. Lee Levine in D.C. hired me to represent CBS when it was sued for a story about tort litigation in one of our “magic” counties where large verdicts are frequent. Gregg Thomas in Tampa asked me to defend a local television station that, thanks to a mistake in the sheriff’s office, erroneously identified an innocent man as a criminal. Linda Steinman in New York had me represent the publisher of a Sweet Potato Queen book in a copyright dispute with a photographer. Al Wickers in Los Angeles got me to defend a website that had uncovered political shenanigans in the financing of a car plant project in north Mississippi. Julie Ford in Austin asked me to help her vet a book about a Mississippi coroner whose unfounded testimony about “bite marks” had put people on death row. In each of these cases, the lawyer who associated me remained involved, at least to some extent.



**Munford in 2016 at Butler Snow LLP**

It is no accident that all of these lawyers are active in the defense counsel section of the Media Law Resource Center, and my participation in MLRC no doubt played a role in their decision to recommend me to their clients. So, the first piece of advice to a young lawyer interested in media work is to be active in the MLRC, go to its meetings, participate in its committees, and write for its publications. But presumably that is a lesson that has already been learned by anyone reading this letter in an MLRC publication.

Some more general admonitions apply to service as local counsel, and that is a subject I have seen from both sides. My media work is service as local counsel but, because our Mississippi-based firm serves as national counsel to drug and device companies in product liability litigation around the country, I have seen the other side as well.

To begin with, you will be hired for your knowledge of local practice. That means local law, local rules, and local judges. So you have to have that knowledge and the only way to get it is to have a litigation practice of some variety. Pro bono work in criminal cases can expand your local contact network and may even improve your knowledge of constitutional law. Other things can also help. Early in my career I wrote a book about practice in the Mississippi appellate courts that introduced me to other lawyers in the state and, I hope, helped me acquire

some level of expertise. I also clerked for federal judges, taught law school courses, and served on rules committees. I did pro bono work for the Mississippi Press Association. I helped write the Mississippi Public Records law. And I joined firms that included lawyers with litigation experience who were willing to share what they had learned.

Perhaps just as important is the need to be a team player. It is important to clarify the role you are being asked to play. That role may surprise you, as I was surprised when I was once told by referring counsel that I was not supposed to do any research into Mississippi law. Referring counsel may have assumed I knew the law already, but I strongly suspect the instruction was intended to prevent a duplication of work.

In that regard, local counsel needs to discuss what the deadlines are, both internal and external, and to scrupulously meet them. Do not let the perfect be the enemy of the good. Respect time zone differences, if they exist. And the discussion of deadlines should include a candid review of your firm's resources. While you will certainly be willing to "take a message to Garcia" if last minute work is required, and it is true that you go to church with the court clerk, national counsel may need to be reminded that your firm does not have a 24-hour secretarial service and that the time your staff needs to collate exhibits may be longer if your paralegal has to juggle child care responsibilities.

Also, remember that the lawyer who associates you is your connection to the client. Respect that connection and do your best not to undermine it. If the job requires a critical evaluation of work product, do it professionally. If problems arise, work them out with the lawyer who has associated you. You can rest assured that the client does not want to hear about them.

Finally, make sure that the next time you go to an MLRC event, you have enough money in your pocket to buy drinks for the lawyers who associate you. And if you are asked to write for an MLRC publication, give them a shout-out. If they worked with you, they earned it.

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**Julie Ford, MLRC media law veteran in Austin. And Charles Overby, Mississippi editor in 1980s who became CEO of Freedom Forum**