

# Laura W. Brill

*Partner*

*Certified Appellate Specialist*



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With a focus on complex civil litigation and appeals relating to media, entertainment, commercial, and regulatory disputes, founding partner Laura W. Brill has secured precedent-setting victories in numerous appearances before state and federal courts.

She is a certified appellate specialist who handles a broad array of high-profile business disputes involving contracts, torts, intellectual property, governance issues; First Amendment and other constitutional issues; fine art restitution; government contracting, and challenges to municipal regulation.

Recognized as among the top appellate and intellectual property litigators in California, Ms. Brill served as a law clerk to U.S. Supreme Court Justice Ruth Bader Ginsburg, with whom she has co-authored several articles, and has been a law school guest lecturer at Yale, Georgetown, UCLA, and USC.

She is a thought leader who publishes and speaks widely on legal issues, including the First Amendment, entertainment and copyright law, appellate practice, and the legal profession. Ms. Brill maintains an active *pro bono* docket, with a focus on equal rights, freedom of expression, and challenges to the use of the initiative process.

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## Education

### **Columbia University School of Law, J.D., 1994**

- First in class
- James Kent Scholar
- Harlan Fiske Stone Scholar
- John Ordronaux Prize
- Emil Schlesinger Labor Law Prize
- *Columbia Law Review*, Book Reviews Editor

**Brown University, A.B., American Civilization, 1987**

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## Clerkships

### **U.S. Supreme Court**

- Law Clerk, Hon. Ruth Bader Ginsburg

### **U.S. Court of Appeals for the Second Circuit**

- Law Clerk, Hon. Wilfred Feinberg

## Representative Matters

### Media and Entertainment

- Obtained a favorable bench trial ruling and appellate rulings for the heirs of the creator of “Hawaii Five-0” in a rights dispute with the creator’s former talent agent. The case ultimately settled during a jury trial on the heirs’ affirmative claims.
- Successfully represented outdoor advertising companies for more than a decade in a variety of major disputes, many of which involve First Amendment issues. Matters have addressed whether government regulations unconstitutionally discriminate based on content, whether fees affecting the industry are unconstitutionally excessive, whether tolling of penalties is constitutionally required when applied to speech activities, and the extent to which governments may treat government property differently than private property for purposes of outdoor advertising regulations.
- Successfully defended Current TV LLC and former Vice President Al Gore in district court and on appeal against claims brought by a consultant seeking a multi-million dollar “finder’s fee” in connection with the sale of Current to Al Jazeera.
- Successfully defended a media group and several of its executives, obtaining a dismissal that was affirmed on appeal, in a lawsuit filed by a former executive claiming fraud, legal malpractice, and an illegal dismissal.
- Representing heirs of a holocaust survivor in a federal court action against a Spanish state-owned museum for restitution of fine art looted by Nazis.
- Resolved on behalf of a media company a distribution fee audit and dispute concerning its fantasy titles.
- Successfully represented Outfront Media in defeating competitor’s challenge to major public transit contract.
- Represented cable TV stations, TV production companies, radio broadcasters, individuals, and high-tech companies in disputes concerning licensing, partnership and LLC obligations, royalty audits, finders’ fees, rights of first refusal, copyright termination, idea submission, defamation, and other business disputes.
- In the City of Los Angeles’ ongoing battles over billboards, defeated a competitor’s attempt at trial and on appeal to demolish the billboards of client, Outfront Media (formerly CBS Outdoor), and to force Outfront Media to pay millions of dollars in lawyer’s fees. Prevailed at trial and on appeal.
- Filed an *amicus* brief in the U.S. Court of Appeals for

the Second Circuit in the *Viacom v. YouTube* case on behalf of a group of legal and economics scholars from multiple universities, including Harvard, Yale, and Columbia in a Digital Millennium Copyright Case.

- Filed an *amicus* brief on behalf of Google, Yahoo!, and AltaVista to the U.S. Court of Appeals for the Ninth Circuit in a fair use doctrine case.

### Constitutional Litigation, Appeals, and Advice

- Successfully defended a law firm on appeal against a defamation and trade libel lawsuit concerning a law firm press release.
- Representing Los Angeles County in a lawsuit seeking to invalidate a new state law that puts the redrawing of county supervisors’ districts in the hands of a 14-member citizens committee.
- Represent neighborhood associations and hotel industry group in *amicus* brief addressing zoning issues and opposing Airbnb’s claim of immunity under Communications Decency Act..
- Represented Greenpeace USA in Ninth Circuit appeal of injunction against protest activity relating to Arctic drilling.
- Won summary judgment and Supreme Court affirmance for the California State Senate, in a redistricting challenge.
- Served as special outside counsel to Los Angeles County in connection with County redistricting following 2010 census.
- As *amicus curiae*, successfully represented the League of California Cities and a major outdoor advertising company in obtaining a Ninth Circuit appellate victory holding that a city contract allowing outdoor advertising in connection with mass transit did not invalidate a ban on new off-site signs on private property. Argued the appeal against constitutional law scholar Laurence Tribe.

### Commercial Litigation and Appeals

- Successfully defended attorneys and law firms against malpractice claims.
- Represented North County Communications Corp., a leading cell phone service provider, in an appellate matter regarding private rights of action to enforce compensation provisions of the Federal Communications Act.
- Argued successfully before the California Court of Appeal to uphold dismissal of tort claims in an appeal arising from the sale of semiconductor processing equipment that was the source of a patent infringement claim.

- Reached a mutually beneficial resolution in litigation concerning allegations of misappropriation of trade secrets for an online content network in its claims against a competitor after taking over the matter from another firm weeks before trial.
  - Obtained *forum non conveniens* dismissal for a French high-tech company during a technology licensing dispute.
  - Represented a leading securities industry trade group in the filing of an *amicus* brief in the Fifth Circuit regarding third-party liability for securities violations in civil litigation arising out of the Enron scandal.
  - Represented a leading DVR manufacturer in defending a \$94 million judgment for patent infringement and to enforce an injunction.
  - Represented a non-profit research organization in a complex patent licensing dispute before the U.S. Supreme Court and a district court.
  - Filed an *amicus* brief in the U.S. Supreme Court concerning the exhaustion of method patent claims.
  - Filed an *amicus* brief on behalf of the American Association of Universities and the National Association of State Universities and Land-Grant Colleges in a U.S. Supreme Court case regarding injunctions in patent infringement cases.
- Pro Bono Litigation**
- In a landmark case, serving as co-counsel with Lambda Legal and People for the American Way Foundation, secured rights for Orange County high school students in a gay-straight alliance to be able to meet on the same terms as other student groups. Today, there are 4,000 such groups in the U.S.
  - Represent civil rights and pro-democracy organizations in filing *amicus* briefs challenging partisan gerrymandering before the U.S. Supreme Court and Pennsylvania Supreme Court.
  - Served as lead counsel and argued *pro bono* before the U.S. Supreme Court in *Pasquantino v. U.S.* Following the Court's ruling, the client's 21-month sentence was vacated.
  - Represented then-Assembly Speaker John Pérez, a group of leading scholars, and national and local women's rights organizations in *amicus* briefs in the U.S. Supreme Court, the California Supreme Court, and other appellate courts, defending the constitutional right for same-sex couples to marry and challenging California's Proposition 8, which was ultimately overturned.
  - Represented the NOW Legal Defense and Education Fund as an *amicus curiae* in a successful U.S. Supreme Court challenge to a Texas criminal law that punished same-sex sexual conduct.
  - Co-authored an *amicus brief* on behalf of the Brennan Center of Justice that challenged partisan gerrymandering in a Pennsylvania redistricting case, *League of Women Voters v. Pennsylvania General Assembly*. The Pennsylvania Supreme Court recently found the state's congressional district maps are a partisan gerrymander and ordered the General Assembly to develop new maps.
  - Co-authored an *amicus* brief on behalf of the NAACP Legal Defense and Educational Fund, Inc. that challenged partisan redistricting in *Gill v. Whitford*, a case pending before the U.S. Supreme Court.

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## Recognition and Affiliations

- *Chambers USA*, Leading Lawyer in Litigation: Appellate – California, 2019 – present
- People for the American Way Foundation's Defenders of Democracy Award honoring free speech and equal rights
- Equality California's Good Neighbor Award
- *Daily Journal's* Top 100 Lawyers in California, 2017
- *Daily Journal's* Top Women Lawyers in California, most years, 2006–present
- *Lawdragon's* 500 Leading Lawyers in the U.S., 2017, 2019
- California Academy of Appellate Lawyers, elected to membership, 2017
- *The Best Lawyers in America* "Lawyer of the Year," Media Law, 2021
- *The Best Lawyers in America*, "Lawyer of the Year," First Amendment Litigation, 2020
- *Benchmark Litigation*, Litigation Star, 2021
- *The Best Lawyers in America*, Appellate Law, 2007–present
- *Southern California Super Lawyer*, 2006–present, Including: Top 100, 2014, 2015; Top 50 Women, 2008, 2013–2017
- Founder, The Civics Center
- *California Women Lawyers*, Judith Soley Lawyer as Citizen Award, 2020
- Cedars-Sinai Medical Center Board of Directors, currently

- Marlborough School Board of Trustees, currently
- Los Angeles Copyright Society Board of Trustees, currently
- Lambda Legal National Leadership Council, 2015–present; Los Angeles Leadership Council, 2007–present; Lambda Legal Board of Directors 2009–2015; also co-chaired its development committee
- Los Angeles County Bar Association, State Appellate Judicial Evaluation Committee
- Columbia Law School Board of Visitors
- Los Angeles County State Appellate Judicial Evaluations Committee Member
- California State Bar Committee on Appellate Courts, Past Member

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## Publications and Appearances

- “A Lawyer’s Guide to Voter Registration,” *Daily Journal*.
- “California Schools are Supposed to Promote Voter Registration. Why isn’t that Happening?” *Sacramento Bee*.
- “OC High Schools: Nowhere to Go but Up on Voter Registration,” *Voice of OC*.
- “Soap Box: California’s initiative system is broken,” *Sacramento Bee*.
- “In Memoriam: The Optimistic Jurist,” *Los Angeles Review of Books*.
- “Freelance Constitutionalism: Akhil Amar and the History that Shadows Us,” *Los Angeles Review of Books*.
- “The Purpose of Odd Numbers and the Obligation to Appoint Judges,” *Los Angeles Jewish Journal*.
- “Three Questions New Lawyers Should (But Don’t) Ask in Job Interviews,” *The Recorder*.
- “Reflections on LGBT pride,” *California Lawyer*.
- “Cover Story: How evidence became the winning argument,” *Los Angeles Jewish Journal*.
- “A Valentine for a Justice,” *Los Angeles Review of Books*.
- “Appeals in Multi-Party Cases: Are the Federal and State Systems Really so Different?” *ABTL Reports*, Association of Business Trial Lawyers.
- “Keeping Women in Civil Litigation Practice: Making it More Civilized,” *California Litigation: The Journal of the Litigation Section*, State Bar of California.
- “A Letter to My Children about The Supreme Court’s Ruling on Obamacare,” *Public Books*.
- “A Lesson for California: Bad Initiatives Make Bad Law,” *Los Angeles Times*.
- “Prop 8 Ruling a Step Toward Democracy,” *San Diego Union-Tribune*.
- “A Letter to My Children about The Supreme Court’s Ruling on Marriage Equality,” *Public Books*.
- “Do copyright licensees have independent standing to sue?” *Los Angeles Daily Journal*.
- “Remembering Great Ladies: Supreme Court Wives’ Stories,” co-authored with U.S. Supreme Court Justice Ruth Bader Ginsburg, *24 J. Sup. Ct. Hist.* 255 (1999).
- “Women in the Federal Judiciary: Three Way Pavers and the Exhilarating Change President Carter Wrought,” co-authored with U.S. Supreme Court Justice Ruth Bader Ginsburg, *64 Fordham L. Rev.* 281 (1995).
- “The Woman Advocate Inside and Out,” a book chapter.
- “The First Amendment and the Power of Suggestion: Protecting ‘Negligent’ Speakers in Cases of Imitative Harm,” *Columbia Law Review*.
- Additional articles in the *Los Angeles Times*, *Orange County Register*, *Sacramento Bee*, *San Diego Tribune*, *San Francisco Chronicle*, *Los Angeles Daily Journal*, and *Chicago Daily Bulletin*.
- USC entertainment law and business.
- Yale Law School, guest lecturer.
- Georgetown Law School, guest lecturer.
- UCLA School of Law, guest lecturer.
- Moot Court advocate in ABA Section of Litigation annual conference.
- Moot Court panelist UCLA appellate clinic.

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## Prior to Kendall Brill & Kelly

- Irell & Manella LLP, 1997–2009

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## Bar and Court Admissions

- California, 1998
- New York, 1995
- U.S. District Courts
  - Central, Northern, and Southern Districts of California
  - Southern and Eastern Districts of New York
- U.S. Court of Appeals for the Second Circuit
- U.S. Court of Appeals for the Third Circuit
- U.S. Court of Appeals for the Fifth Circuit
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals for the Federal Circuit
- U.S. Supreme Court

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