



## Floyd Abrams

SENIOR COUNSEL

[fabrams@cahill.com](mailto:fabrams@cahill.com)

212.701.3621 Phone

Cahill Gordon & Reindel LLP

32 Old Slip

New York, NY 10005

Floyd Abrams is Senior Counsel in Cahill Gordon & Reindel LLP's litigation practice group.

Floyd has a national trial and appellate practice and extensive experience in high-visibility matters, often involving First Amendment, securities litigation, intellectual property, public policy and regulatory issues. He has argued frequently in the Supreme Court in cases raising issues as diverse as the scope of the First Amendment, the interpretation of ERISA, the nature of broadcast regulation, the impact of copyright law and the continuing viability of the Miranda rule. Most recently, Floyd prevailed in his argument before the Supreme Court on behalf of Senator Mitch McConnell as *amicus curiae*, defending the rights of corporations and unions to speak publicly about politics and elections in *Citizens United v. Federal Election Commission*. Floyd's clients have included The McGraw-Hill Companies in a large number of litigations around the country involving claims against its subsidiary, Standard & Poor's Financial Services LLC, *The New York Times* in the Pentagon Papers case and others, ABC, NBC, CBS, CNN, Time Magazine, Business Week, The Nation, Reader's Digest, Hearst, AIG, and others in trials, appeals and investigations.

Floyd has represented Standard & Poor's in litigations about its ratings; he defended the Brooklyn Museum of Art in its legal battles with Mayor Rudolph Giuliani; he represented two of the nation's largest insurers in litigation under Section 17200 in California and he has frequently testified before congressional committees and prepared clients to do so. In 1998, he represented CNN in investigating and issuing a report on its broadcast accusing the United States of using nerve gas on a military mission in Laos in 1970, and again in 1999 in seeking to persuade the United States Senate to permit the public to view its deliberations as it determined whether or not to convict President Clinton of alleged high crimes and misdemeanors. He represented Nina Totenberg and National Public Radio in the 1992 "leak" investigation conducted by the United States Senate arising out of the confirmation hearing of Justice Clarence Thomas and, in 2004 and 2005, Judith Miller and Matthew Cooper in their efforts to avoid revealing their confidential sources.

In 2006, Floyd was elected to the American Academy of Arts & Sciences, an independent research center that conducts multidisciplinary studies of complex and emerging problems advanced by its 4,600 elected members, who are leaders in the academic disciplines, the arts, business and public affairs from around the world. In 2015, Floyd was honored by Yale Law School with its prestigious Award of Merit. Also in 2015, Floyd received the Walter Cronkite Freedom of Information Award presented by the Connecticut Foundation for Open Government. In 2011, Floyd was awarded the CUNY Graduate School of Journalism's Lifetime Achievement Award. In 1998, Floyd was the recipient of the William J. Brennan, Jr. Award for outstanding contribution to public discourse; the Learned Hand Award of the American Jewish Committee; and the Thurgood Marshall Award of the Association of the Bar of the City of New York. In November, 1999, he received the William J. Brennan, Jr. award of the Libel Defense Resource Center. Floyd was awarded, in 1997, the Milton S. Gould Award for outstanding appellate advocacy by the Office of the Appellate Defender in New York. Previously he had been awarded the Ross Essay Prize of the American Bar Association for his study of the Ninth Amendment of the United States Constitution. He has also received awards from, among others, the American Jewish Congress, Catholic University, the New York and Philadelphia Chapters of the Society of Professional Journalists, Sigma Delta Chi, the New York Civil Liberties Union, the Association for Education in Journalism and Mass Communication, and the National Broadcast Editorial Association.

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In November, 2011, Yale Law School announced the formation of The Floyd Abrams Institute for Freedom of Expression, whose mission is to promote free speech, scholarship and law reform on emerging questions concerning traditional and new media. Developed in cooperation with Floyd, the Institute includes a clinic for Yale Law students to engage in litigation, draft model legislation, and advise lawmakers and policy makers on issues of media freedom and informational access.

The American Bar Association awarded Floyd its Certificate of Merit for his article published in *The New York Times Magazine* entitled "The New Effort to Control Information," which was described by the ABA as a "noteworthy contribution to public understanding of the American system of law and justice."

Described by Senator Daniel Patrick Moynihan as "the most significant First Amendment lawyer of our age," Floyd is top-ranked by *Chambers USA*. He is listed in *Who's Who Legal*, *Who's Who in American Law*, and has been awarded with Lifetime Achievement Awards by *The New York Law Journal* and *The American Lawyer* (2013).

Floyd, who served as chairman of Mayor Edward Koch's Committee on Appointments, New York City, served as the Chairman of the New York State Zenger Commemoration Planning Committee. Previously, he served as the Chairman of the Communications Committee of the Association of the Bar of the City of New York, as well as Chairman of the Committee on Freedom of Speech and of the Press of the Individual Rights Section of the American Bar Association and of the Committee on Freedom of Expression of the Litigation Section of the American Bar Association.

He has appeared frequently on television on *Nightline*, the *News Hour with Jim Lehrer*, *Charlie Rose* and other programs and has published articles and reviews in *The New York Times*, *The Washington Post*, *The Yale Law Journal*, *The Harvard Law Review*, and elsewhere.

Floyd served on the Technology and Privacy Advisory Committee of the U.S. Department of Defense in 2003-4 and as the Chair of the New York State Commission on Public Access to Court Records in 2004.

For fifteen years, Floyd was the William J. Brennan, Jr. Visiting Professor of First Amendment Law at the Columbia Graduate School of Journalism. He has, as well, been a Visiting Lecturer at Yale Law School and Columbia Law School and he is author of *Friend of the Court: On the Front Lines with the First Amendment*, published by Yale University Press (2013) and *Speaking Freely: Trials of the First Amendment*, published by Viking Press (2005).

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## Education

Yale Law School, J.D., 1960

Cornell University, B.A., 1956

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## Practices

First Amendment & Media Litigation

Commercial Litigation

Insurance and Reinsurance Litigation

Intellectual Property

Securities Litigation, Regulation & Enforcement

White Collar Defense & Investigations

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## Clerkship/Government Service

Honorable Paul Leahy, United States District Court, District of Delaware, 1961-1963

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## Admission

New York