



## Joel Kurtzberg

PARTNER

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### **Cahill Gordon & Reindel LLP**

Eighty Pine Street  
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#### **Practices:**

Antitrust & Trade Regulation  
Communications  
Environmental  
Insurance & Reinsurance  
Intellectual Property  
Litigation  
First Amendment & Media

#### **Education:**

Harvard University, A.B., 1991, *magna cum laude*, *phi beta kappa*  
Harvard Law School, J.D., 1996, *magna cum laude*

#### **Clerkships/Government Service:**

Honorable Sarah S. Vance, United States  
District Court, Eastern District of Louisiana,  
1996-1997

#### **Bar Admission:**

New York

Joel's practice is focused on general commercial litigation with extensive experience in First Amendment/media law, insurance/reinsurance, securities law, and antitrust. He frequently appears on behalf of newspapers, broadcasters, journalists, and others on First Amendment issues and other constitutional matters but has just as regularly appeared on behalf of insurance companies in large coverage and reinsurance disputes and leading companies (and their officers and directors) in securities and antitrust actions.

Joel is currently an Adjunct Professor at Fordham University School of Law, where he has co-taught a class about Internet Law that focuses on First Amendment, intellectual property, and privacy issues in cyberspace.

#### **SELECTED MATTERS:**

Selected First Amendment matters:

- Representation of newspaper reporter and book author in responding to grand jury and trial subpoenas seeking confidential source information.
- Representation of newspaper and magazine reporters in responding to third party subpoenas seeking confidential source information in a criminal investigations directed at the disclosure of Valerie Plame's identity as a CIA operative.
- Representation of newspaper reporters in responding to third party subpoenas seeking confidential source information as part of a civil Privacy Act case brought by Wen Ho Lee.
- Representation of a leading entertainment company in right of publicity, copyright, and First Amendment dispute over the use of robots alleged to look like actors who played characters of "Norm" and "Cliff" on TV show "Cheers."
- Representation of the Brooklyn Museum of Art in its legal battles with Mayor Rudolph Giuliani.
- Representation of leading record companies in wrongful death and unfair business practices dispute concerning whether teenage murder was caused by targeted sales of CDs of the death metal band Slayer to minors.
- Representation of songwriters guild in filing amicus brief in United States Supreme Court defending the constitutionality of the Copyright Term Extension Act.
- Representation of a leading bookseller in criminal prosecution for distribution of child pornography stemming from sale of photography books of renowned art photographers.

- Representation of international media *amici* in appeal of denial of motion to quash subpoena directed at former Washington Post journalist Jonathan Randal in case of first impression before International Criminal Tribunal for the Former Yugoslavia.
- Representation of a leading broadcasting company in its application for access to televise and/or get faster access to audio recordings of Supreme Court oral argument.
- Representation of a consortium of small business owners and advertising associations in challenging tobacco advertising restrictions imposed by the City of New York.

Selected Securities matters:

- Representation of Underwriter Defendants in Section 11 litigation concerning alleged misrepresentations and omissions in connection with IPO offering documents.
- Representation of individual officers and directors in financial services industry in Section 10(b)(5) litigation.

Selected Insurance and Reinsurance matters:

- Representation of a major insurance company in \$400 million contract dispute with reinsurers.
- Acted as coverage counsel to leading insurance company in \$100 million environmental insurance dispute.
- Representation of a leading insurance company in \$3 billion-plus fraud dispute concerning disclosure of available insurance in settlement of securities class actions.

Selected Antitrust matters:

- Defense counsel for an offshore marine contractor in bid-rigging claims in U.S. and Europe arising from indictments and guilty pleas of competitor.
- Defense counsel for pharmaceutical company in Hatch-Waxman antitrust litigation accusing company of illegally stalling generic competition for the drug Remeron®.
- Defense counsel for leading fax paper manufacturer in price fixing case in thermal fax paper industry.
- Defense counsel for a British holding company against antitrust conspiracy charges in multidistrict class action in the payment card industry.

**PROFESSIONAL ACTIVITIES:**

Joel was formerly the Chair of the Media Law Committee for the New York State Bar Association. He was also an editor of the American Bar Association's First Amendment and Media Litigation Committee Newsletter and has been an active member of the New York State Bar Association's Media Law Committee, the American Bar Association's First Amendment and Media Litigation Committee, and the Association of the Bar of the City of New York's Communications and Media Law

Committee. He was elected to be a member of The American Law Institute in 2007.

Joel has also worked for several years as a “coach” for the Brooklyn Tech High School’s mock trial team. He has also done a considerable amount of pro bono work with Sanctuary for Families, an organization dedicated to serving victims of domestic violence. In 2003, Joel received an award for Excellence in Pro Bono Advocacy from Sanctuary for Families’ Center for Battered Women’s Legal Services. He currently serves as a member of Sanctuary for Families' Legal Advisory Committee.

Between college and law school, Joel spent two years teaching junior high school students in inner city New Orleans through the Teach for America program. Joel joined the Firm in 1997, after completing his clerkship and became a partner in 2005.