

SPOTLIGHT

TRUMP'S LEAST FAVORITE FIRM

From the Steele dossier to defending 'Fake News CNN,' Davis Wright Tremaine is fighting on the front line of the president's media war **BY ERIQ GARDNER**

Enemy of the people!" goes the rallying cry from the leader of the supposedly free world. President Trump hasn't yet lived up to his campaign pledge to make it easier to sue the media, but emboldened by his war on "fake news," some of Trump's followers are trying anyway. When these individuals get to the courtroom, they often find one particular law firm on the other side.

Davis Wright Tremaine is hardly universally known, but as media finds itself increasingly under attack in the Trump age, this firm has become its best line of defense. Its fingerprints are present across the media spectrum. Jokes told by late-night comedians? Often vetted by its lawyers. #MeToo stories published over the past 18 months? Quite frequently, a DWT attorney responds to threatening letters from the alleged perpetrators. And in court, the firm is tackling huge First Amendment cases, representing the likes of CNN, *The New York Times* and *The Washington Post* in everything from defending defamation claims to securing access to critical documents and regaining access after being exiled from the White House. Simply put: This Seattle-based firm has outsize influence on media at a particularly critical moment. (DWT counsels *THR* too.)

Take the defamation suit from Russian tech entrepreneur Aleksey Gubarev over BuzzFeed News' January 2017 publication of the full "Trump Dossier," the report about Russia-Trump ties prepared by former British spy Christopher Steele.

"There were lot of firms pitching us, and many had strong thoughts," says Nabiha Syed, vp and associate general counsel at BuzzFeed. "Some believed it was a big mistake to publish. It was a scary thing to choose counsel, to place trust with a bet-the-company case." DWT's Katherine Bolger and Nathan Siegel took charge of defeating the suit.

"Our course was set by what [BuzzFeed News editor] Ben [Smith] said, that this was an intentional act to inform the public," says Bolger. "It was a defense that

ultimately won, and it was a case heavily influenced by what was in the news."

Bolger describes litigating such a high-profile case as "trippy, that's a legal term," and, with a nod to the political dialogue around the Trump Dossier, adds that she couldn't avoid thoughts about the consequences. "Every day we were buffeted by what is in the news, and holy cow if we lose the case," she says. "It was really exhilarating." Soon, pending an appeal over what should remain sealed, the public could learn more about the firm's work in the case, as BuzzFeed's attorneys also investigated the "truth" of the Trump Dossier by taking depositions of Steele and others.

In the Trump era, DWT lawyers are often popping up in fights for the free flow of information. For example, Rachel Strom, one of the firm's youngest partners, had just watched Bolger argue in a New York federal courthouse last April when she got a text about something significant happening a few doors down. The offices of Trump attorney Michael Cohen had been raided by the FBI, and Cohen was appearing at the courthouse to stop prosecutors from looking at material he said was protected by attorney-client privilege. "I ran over," says Strom. "That moment, I was representing ABC, but as the day went on, I started representing other media clients too."



At the beginning of that proceeding, U.S. District Court Judge Kimba Wood expressed an inclination to hold the hearing behind closed doors. It was Strom, without any invitation, who stood up from the benches in the public gallery to argue that there was a First Amendment right to access the courtroom and that the "cat was out of the bag" with respect to the Cohen raid. Not only did she sway the judge, but as the hearing turned to questions about what would be publicly filed — including whether the names of Cohen's clients would be released — Strom persuaded the judge to defer to a presumption of openness. It eventually resulted in Cohen's admission that he had advised Fox News host Sean Hannity.

When it comes to DWT attorneys, the Trump era has meant business. The

THE CONSERVATIVE CRUSADER

On the other side of the battle over free speech is a man who's suing media titans on behalf of clients who say they've been harmed by the irresponsibility of the press **BY PAUL BOND**

Larry Klayman has been called a right-wing activist by Wikipedia, a conspiracy theorist by *Politico* and a pathologically litigious attorney and professional gadfly by the Southern Poverty Law Center. They're meant as pejoratives, but the former U.S. Department of Justice prosecutor has no problem with the descriptors.

The 67-year-old attorney has filed countless lawsuits against politicians through Freedom Watch and, before that, Judicial Watch (a name Klayman copied from the *West Wing* character Harry Claypool, who's reportedly based on him) — and now he has the media in his crosshairs.

He's suing Sacha Baron Cohen, Showtime and CBS over an interview with former Alabama Supreme Court Chief Justice Roy Moore on *Who Is America?*; he's trying

to stop Blumhouse from portraying former Fox News executive Laurie Luhn as a "pimp" for Roger Ailes in *The Loudest Voice*; and he's suing multiple media outlets, including CNN and *Rolling Stone*, on behalf of Joe Arpaio for calling the former sheriff of Arizona's Maricopa County a "felon" when he was guilty only of misdemeanors. Klayman also has his sights set on big tech. Freedom Watch in August filed a \$1 billion class-action complaint against Google, Facebook, Twitter and Apple over their alleged "illegal suppression" of conservative media.

"Conspiracies do happen," says Klayman. "It's just two actors agreeing to act in concert to commit illegalities. I am a proud conspiracy theorist."



Klayman

Illustration by Taylor Callery