

LSKS

LEVINE SULLIVAN  
KOCH & SCHULZ, LLP  
Content Matters.

## MICHAEL BERRY



### Education

- University of North Carolina School of Law (J.D., with highest honors, 2000)  
Editor in Chief, *North Carolina Law Review*
- Duke University (M.P.P. 2000)
- Emory University (B.A., Phi Beta Kappa, 1994)

### Memberships & Affiliations

- Pennsylvania Freedom of Information Coalition (Founding Member and Vice President)
- Pennsylvania Bar Association (Co-Chair, Bar-Press Committee)
- Media Law Resource Center (Co-Chair, MediaLawLetter Committee)

### Honors & Distinctions

- Recognized by Best Lawyers as one of the top Media Law attorneys in Pennsylvania
- Named as a Lawyer on the Fast Track by *The Legal Intelligencer* and *Pennsylvania Law Weekly* for being one of the top 35 attorneys in Pennsylvania under the age of 40
- Recognized as a Rising Star by Pennsylvania Super Lawyers in the area of First Amendment law

### Selected Publications

- The State Office of Open Records Must Remain Independent*, The Patriot-News (Jan. 30, 2015)
- Journo-Drones: A Flight Over the Legal Landscape*, Communications Lawyer (June 2014) (with N. Syed)
- The Drones Are Coming ... And for Now We Should Get Out of Their Way*, The Pennsylvania Lawyer (Mar./Apr. 2014)
- Pennsylvania's Right to Know Law Protects the Crooks, Not the People*, Pittsburgh Post-Gazette (Mar. 11, 2012)
- Paterno's Legacy also Includes Being a Lightning Rod for Government Transparency*, The Patriot-News (Nov. 20, 2011)
- Sunshine Act Is Clear, Philadelphia Inquirer (Nov. 2, 2008)
- Libby's Legacy: The Conservative Case for a National Shield Law*, First Amendment Center Online (Jan. 18, 2008)

For over a decade, Mike has represented news, entertainment, and other media clients in defamation and privacy suits, fought for the right of the press and public to access government and court records, defended reporters who are subpoenaed, and advised clients on newsgathering and other First Amendment matters. He has litigated cases for media clients in federal and state courts throughout the country. For example, in recent years, Mike successfully defended two newspapers at trial, advocated for the media's right to tweet from court, and defeated an effort to subpoena reporters' sources as part of an inquiry into alleged grand jury leaks.



Mike previously served as a law clerk to the Honorable David B. Sentelle on the U.S. Court of Appeals for the District of Columbia Circuit and worked on Capitol Hill for the late Senator Paul D. Coverdell (R. Ga.). Mike joined LSKS when the firm opened its Philadelphia office in 2005. He previously practiced law at Dechert LLP, where he was a member of the firm's media law and white collar criminal defense practice groups.

### Notable Matters

**Gordon v. CBS Broadcasting, Inc. (Pa. Super. Ct. 2014).** Mike successfully defended CBS's television station against a lawsuit brought by a New Jersey church and pastor who claimed they were defamed by a news report describing the arrest of one of the church's preachers on child molestation charges. After CBS won summary judgment, the ruling was affirmed on appeal.

**Kendall v. Daily News Publishing Co., 716 F.3d 82 (3d Cir. 2013).** Mike, Michael Sullivan, and Celeste Phillips successfully represented the *Virgin Islands Daily News* in a defamation suit by a local judge. Following a two-week jury trial, the trial court entered judgment in the newspaper's favor. That decision was affirmed by the Virgin Islands Supreme Court and the United States Court of Appeals for the Third Circuit, which issued a significant ruling detailing the requirements public officials must meet when they claim to be defamed by alleged implications.

**Raintree Homes, Inc. v. Birkbeck (Pa. Super. Ct. 2013).** Mike and Gayle Sproul successfully defended *The Pocono Record* (a Dow Jones publication) in a defamation trial in which the plaintiffs claimed that the newspaper falsely accused them of selling homes at inflated prices using inflated appraisals, often leading buyers into foreclosure. After a nine-day trial in which the plaintiffs were seeking over \$27 million in damages, the jury unanimously decided in under two hours that the articles were true. The verdict subsequently was affirmed on appeal.

**Cholowsky v. Civiletti, 887 N.Y.S.2d 592 (N.Y. App. Div. 2009).** Mike worked with Dave Schulz to successfully defend a New York newspaper in a libel case arising from its reporting on a permit application. The court dismissed the claims against the newspaper because the reports were fair and accurate summaries of official proceedings, and that ruling was affirmed on appeal.

**Anderson v. Suiters, 499 F.3d 1228 (10th Cir. 2007).** Mike and Dave Schulz won dismissal of intrusion, publication of private facts, and constitutional invasion of privacy claims brought against an Oklahoma-based television station after a police officer allowed a reporter to copy portions of videotape evidence of a rape, and the station subsequently broadcast excerpts from the tape in a news report.

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### Bar & Court Admissions

- Pennsylvania
- New Jersey
- New York
- U.S. Courts of Appeals for the Third, Fifth, Ninth, and Tenth Circuits
- U.S. District Courts for the Eastern and Middle Districts of Pennsylvania, the District of New Jersey, and the Southern District of New York