

Steven D. Zansberg
Partner

zansbergs@ballardspahr.com
Tel 303.376.2409
Fax 303.296.3956
Denver



Areas of Focus

Litigation, Media and
Entertainment Law, Appellate,
Intellectual Property

Background & Experience

For more than two decades, Steven D. Zansberg has represented media companies, online publishers, and individuals in defending claims based on content, fighting subpoenas, and seeking access to government information and proceedings. He represented the national news media in connection with coverage of the Aurora theater shooting case, the Oklahoma City bombing trials, and the Kobe Bryant rape prosecution. He secured access to public records related to the murder of JonBenét Ramsey and the shooting at Columbine High School. Steve also litigates copyright and trademark matters. Steve has also defended dozens of defamation and invasion of privacy cases in both state and federal courts across the nation. He has successfully briefed and argued appeals to the Colorado Supreme Court and the U.S. Court of Appeals for the Ninth and 10th Circuits.

Steve is an active leader in the national media law bar. He is a past Chair of the American Bar Association's Forum on Communications Law, and has chaired several other committees within the ABA and the Media Law Resource Center. Steve also serves as the President of the Colorado Freedom of Information Coalition, which educates about and promotes greater transparency in state and local governments.

Steve has taught media law and internet law at the University of Colorado and at the University of Denver's Sturm College of Law.

Prior to becoming a lawyer, Steve was a freelance documentary producer at the public television station in San Francisco.

Steve was a partner at the highly regarded First Amendment boutique law firm Levine Sullivan Koch & Schulz, which merged with Ballard Spahr in October 2017.

Representative Experience

- Successfully defended *Westword* weekly newspaper in a defamation action brought by the former head of Emergency Medicine at Denver's Children's Hospital. The plaintiff claimed that *Westword* defamed him in two articles that reported a woman's allegations that he harassed her six years earlier. The court held that because the newspaper accurately reported the woman's allegations, the challenged articles were substantially true.
- Successfully defended the operator of an online news publication, Examiner.com, in obtaining dismissal under California's anti-SLAPP statute of libel claims brought by Hollywood celebrity Andrew Keegan. The court found that Keegan could not show that the news report at issue, which discussed a government raid on his Venice, California-based church, was published with actual malice.
- Successfully defended Clarity Digital Media Group, LLC, now known as AXS Digital Media Group, LLC, in obtaining an appellate decision affirming summary judgment on 75 copyright infringement claims brought by two photography licensing agencies. The claims were premised on celebrity photos that were posted to the Examiner.com website by paid third-party contributors. The 10th Circuit held that the photos had been "stored at the direction of users"

of the website, so Clarity was immune from all copyright infringement claims under the Digital Millennium Copyright Act.

- Successfully defended The Discovery Channel in a suit arising from an episode of the documentary TV program *Homicide Hunter*, which depicted the plaintiff's involvement in a gang-related altercation that resulted in a 14-year-old's death. The trial court dismissed all of the plaintiff's defamation, emotional distress, and invasion of privacy claims, finding that the program was substantially true.
- Successfully defended *The Denver Post* and its reporter in a libel case brought by a former City Council candidate based on a report that the candidate was "caught up in a plagiarism charge." Colorado's Court of Appeals affirmed the dismissal of all claims, ruling that the newspaper's report was both substantially true and not defamatory.
- Successfully represented A&E Television Networks in obtaining summary judgment on libel claims premised on the *Gangland: Aryan Brotherhood* program. On appeal, the 10th Circuit affirmed, ruling that calling the plaintiff a member of the Aryan Brotherhood prison gang when he "merely conspired with the Brotherhood in a criminal enterprise" is not actionable because it is substantially true.

Professional Highlights

Professional Activities

ABA Forum on Communications Law, past Chair

Colorado Freedom of Information Coalition,
President

ABA Section on Torts, Trial and Insurance
Practice, Media, Privacy and Defamation Law
Committee, past Chair

Media Law Resource Center, State Legislative Committee, Co-Chair; Newsgathering Committee, past Co-Chair; and Internet Law Committee, member

Colorado Broadcasters Association, past Board of Directors

Media Law Reporter, Editorial Board

Sturm College of Law, University of Denver, Adjunct Professor

ACLU of Colorado, Legal Panel

Recognition & Accomplishments

The Best Lawyers in America Denver First Amendment Litigation Lawyer of the Year, 2018; Denver First Amendment Lawyer of the Year, 2014 and 2016; top First Amendment, First Amendment litigation, and media lawyer, 2003-2018

Colorado Super Lawyers, media & advertising, 2009-2010, 2012-2017

Law Week Colorado 2011 Lawyer of the Year, 2015 Barrister's Best, and 2017 'People's Choice' for Colorado's Best Communications/Media Law Lawyer

Colorado Press Association "Friend of the First," 2014

ACLU of Colorado "Sherman Award," 2009

Colorado Lawyers Committee Lawyer of the Year Award

Martindale-Hubbell AV Preeminent rating

Publications

Co-author, "Federal Judge Refuses to Close Courtroom During Trade Secret Trial Between Silicon Valley Titans." Ballard Spahr alert, January

22, 2018

Author, "California Court of Appeals Affirms Dismissal Under Anti-SLAPP Statute of Defamation Claim Against Online Platform Hosting User-Generated Content," Ballard Spahr alert, December 13, 2017

"Recent High-profile Cases Highlight the Need for Greater Procedural Protections for Freedom of the Press," *Communications Lawyer*, Fall 2017

"Internet Law," *ABA Tort Trial & Insurance Practice Law Journal*, Winter 2017

"The Myth of Police Officer Privacy," *Communications Lawyer*, Summer 2017

"July 4, 1966: Birth of the FOIA – A Look Back," *Communications Lawyer*, Winter 2016

"As Body-Worn Cameras Proliferate, States' Access Restrictions Defeat Their Purpose," *Communications Lawyer*, Fall 2016

"Cloud-Based Public Records Pose New Challenges for Access," *Communications Lawyer*, Winter 2015

"A Little Birdie Told Me, 'You're a Crook': Libel in the Twittersphere and Beyond," *Communications Lawyer*, March 2014

Co-editor, "What Is Your Exposure for Information Posted to Your Website, Blog, or Social Media Page by Third Parties?" in *Internet Publishing: Perils and Practices*, 2013

"Privacy Expectations in Online Social Media—An Emerging Generational Divide?" *Communications Lawyer*, November 2011

"Expanded Media Coverage in Colorado Courts," *The Colorado Lawyer*, September 2011

"Survey of Colorado Defamation and Related

Claims Against the Media," *Annual Media Libel & Related Law Survey*

Education

Yale Law School (J.D. 1994)

Stanford University (B.A. 1982)

Admissions

Colorado

California

U.S. Supreme Court

U.S. Courts of Appeals for the Fourth, Ninth, and 10th Circuits

U.S. District Courts for the District of Colorado and the Northern District of California

U.S. District Court, Central District of California

U.S. District Court, Northern District of Illinois