

LEGAL BENEFITS: AMICUS BRIEFS

Media Coalition members frequently submit amicus briefs in First Amendment cases that affect their interests. Drafts of an amicus brief are circulated to members and supporters, who then choose whether or not to sign the brief.

In recent years, Media Coalition has submitted numerous briefs in support of its members in a broad range of cases, such as:

- *Schwarzenegger v. EMA*, 130 S. Ct. 2398 (2010) The Supreme Court granted certiorari in April of 2010, and Media Coalition filed an amicus brief on behalf of some of its members in support of member-plaintiffs EMA and ESA. The brief argued that the state may not bar minors from accessing video games with violent themes nor require producers to label such video games with an “18.” The Court is expected to decide the case by the end of its current term.
- *U.S. v. Stevens*, 130 S. Ct. 1577 (2010) Media Coalition submitted an amicus brief on behalf of its members, independent and documentary filmmakers, and other groups arguing that a federal law banning depictions of intentional harm to animals would create a new class of speech exempt from First Amendment protection. The brief also refuted the government’s assertion that it could ban speech it determines has “low value” and causes social harm. In an 8-1 ruling, the Supreme Court struck down the law in April of 2010, rejecting the government’s argument that speech could be subjected to a “balancing test” and refusing to create a violence exception to the First Amendment.
- *ACLU v. Mukasey*, 534 F.3d 181 (3d Cir. 2008), cert. denied 129 Sup. Ct. 1032 (2009) Media Coalition submitted a brief to the Third Circuit Court of Appeals agreeing with the District Court that the Child Online Protection Act was overbroad and that there were less restrictive means available to parents to prevent minors from accessing content on the Internet. Media Coalition offered amicus support at each stage of the litigation, from the trial court to two arguments before the Supreme Court and three hearings before the Third Circuit.
- *ESA v. Swanson*, 519 F.3d 768 (8th Cir. 2007) Media Coalition submitted an amicus brief to the Eighth Circuit Court of Appeals on behalf of some of its members. The brief argued that the state may not restrict the sale or rental of video games based on violent content, nor can a state enforce a voluntary ratings system. The Eighth Circuit affirmed the lower court’s ruling that the law was unconstitutional.
- *Lyle v. Warner Brothers*, 94 P.3d 476 (Cal. 2004) In response to a sexual harassment suit brought by Amaani Lyle, a writers’ assistant for the television show *Friends*, Warner Brothers argued that sexually explicit jokes and discussion were a necessary part of the creative process of the show. In a lengthy decision, the California Supreme Court dismissed the portion of the lawsuit addressed by Media Coalition’s amicus brief.