



# First Amendment Basics for Marketing

*Robert Nelon*

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About the eBook

I suppose a bit of a confession, or a disclaimer, is in order at the beginning. As a lawyer whose clients are predominantly media organizations, I find that giving advice isn't quite "preaching to the choir," but my audience is for the most part informed about the basic concepts of First Amendment law. The audience is made up mostly of reporters and editors, news managers, and sometimes general managers or CEOs. Most of them are trained as journalists, and they learned something about First Amendment law in school, on the street, or sometimes in the courtroom. Even though I'm a lawyer, my roughly 35 years of advising media clients has made me a bit of a journalist at heart. So when I talk with those reporters and editors, and news managers, and even general managers about First Amendment rights and responsibilities—what they need to know about the First Amendment—there is already some common ground between us. We talk the same language; sometimes we don't even need to talk something out to come to common understanding about what to do in a particular situation. The conversations are usually comfortable even when, as the lawyer, I'm recommending that the journalists not do something they'd planned to do, or encouraging them to do something they'd rather not do, or even telling them that they've screwed up and there's some legal risk to what they've published or broadcast. These conversations have become second nature to both advice-giver and advice-taker, and little effort is expended discussing the fundamentals of First Amendment law.

About the Author: Robert D. Nelon, Shareholder, Hall Estill Hardwick Gable Golden & Nelson P.C.

Robert D. Nelon is a shareholder with Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C. in Oklahoma City. He received a B.A. degree in 1968 from Northwestern University and a J.D. degree from the University of Oklahoma College of Law in 1971. After law school, he served three years as a JAG officer in the U.S. Marine Corps. Mr. Nelon practices primarily in the areas of media law, intellectual property, and business litigation. Licensed to practice in Oklahoma, he is admitted before several U.S. courts of appeals and the U.S. Supreme Court. His firm is a member of the Defense Counsel Section of the New York-based Media Law Resource Center, and Mr. Nelon is a Past President of the Section. Mr. Nelon is a member of the American, Oklahoma, and Oklahoma County Bar Associations and the American Judicature Society, and he is currently serving on the Governing Board of the ABA Forum on Communications Law. He is listed in *The Best Lawyers in America*, *Who's Who in America*, and *America's Registry of Outstanding Professionals*. He has been voted one of Oklahoma's Super Lawyers. He is a recipient of the Marian Opala First Amendment Award from FOI Oklahoma.

Mr. Nelon has represented various television and radio stations and newspapers in Oklahoma, as well as the Oklahoma Association of Broadcasters. National clients have included *The New York Times*, *Los Angeles Times*, *Dow Jones & Co.*, *Time*, *Condé Nast Publications*, *Random House*, *ABC*, *CBS*, *NBC Universal*, *A&E Television Networks*, *The Walt Disney Company*, and *John Grisham*.

Mr. Nelon is a past Chair of the Board of Directors of the American Red Cross of Central and Western Oklahoma and serves on the Advisory Board of Community Literacy Centers, Inc. He is a graduate of both *Leadership Oklahoma City* and *Leadership Oklahoma*.

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