



**MARTIN GARBUS**  
 Special Counsel, New York

**PRACTICE AREAS**

- Business Litigation
- Commercial Litigation

**PRACTICE FOCUS**

Martin Garbus has a diverse practice that consists of individuals and companies involved in politics, media, entertainment and the arts. His courtroom skills have earned him a distinguished reputation as a trial lawyer.

Martin is experienced in every aspect of litigation and trial, from jury selection to cross-examination to summation. He has argued cases throughout the country involving constitutional, criminal, copyright and intellectual property law. He has appeared before the United States Supreme Court, as well as trial and appellate courts throughout the United States. He has argued and written briefs that have been submitted to the United States Supreme Court; a number of which have resulted in changes in the law on a nationwide basis, including one described by Justice William Brennan as "probably the most important due process case in the Twentieth Century." An international observer in foreign elections, he was selected by President Jimmy Carter to observe and report on the elections in Venezuela and Nicaragua. Martin also participated in drafting several constitutions and foreign laws, including the Czechoslovak constitution. He also has been involved in prisoner exchange negotiations between governments. He is the author of six books and over 30 articles in *The New York Times*, *The Washington Post* and *The Los Angeles Times*. Martin is featured in *Shouting Fire*, an award-winning documentary film about his life and career. He received the Fulbright Award for his work on International Human Rights in 2010. In 2014, University College Dublin's Literary and Historical Society honored Martin with the James Joyce Award for Excellence in Law, which is also the same year Trinity College awarded him for his human rights and free speech work.

Martin has also taught trial practice at Yale Law School and Constitutional law at Columbia. He has also taught classes in Beijing, China, and Prague, Czech Republic. He has lived and practiced in China and Italy as well as the United States. He authored six books and numerous articles that have appeared in the *New York Times*, the *Washington Post*, the *Los Angeles Times* and numerous legal publications.

Martin has given many speeches on various aspects of law before Bar Associations, corporations, law schools and on CBS, NBC, ABC, CNN and other television and radio networks. Martin Garbus' devotion to ethics, justice, free speech and the law has garnered enormous respect within the legal community, commercial and corporate sectors, and beyond. His numerous honors include designation in *Who's Who in America*, a Profile in the *New York Times*, inclusion in *Who's Who in Best Lawyers in America*, awards from his law school and college and praise from his numerous high-profile clients.

*The Guardian* called Martin "one of the world's finest trial lawyers" and the "founding partner of one of America's most prestigious law firms." In 2007, *Business Week* called him "legendary", "a ferocious lawyer who has received numerous media citations as one of America's leading trial lawyers" and a "ferocious litigator." *Time Magazine* named him "legendary, one of the best trial lawyers in the country." *Fortune Magazine* called him, "One of the nation's premier First Amendment attorneys", and "legendary." *Reuters* called him a "famed lawyer" while other media have called him "America's most prominent First Amendment lawyer" with an "extraordinarily diverse practice" and "one of the country's top ten litigators." *Super Lawyers Magazine* designated him as a Super lawyer. *New York Magazine* and *Los Angeles Magazine* have named him both as one of America's best trial lawyers, and one of America's best intellectual property lawyers.

**REPRESENTATIVE MATTERS**

Martin was involved in the following notable cases:

- Argued in the Supreme Court after a trial in Alabama, Martin won, in *King v. Smith* (392 U.S. 309), a unanimous 9-0 decision striking down laws in 14 states on the grounds they violated the Constitution. These laws had disenfranchised over two million people
- Served as co-counsel in *Ashton v. Kentucky* (384 U.S. 195), and won a Supreme Court decision that effectively ended all criminal libel laws in the United States
- Served as co-counsel in *Jacobellis v. Ohio* (378 U.S. 184), and won where the Supreme Court held unconstitutional an Ohio statute seeking to regulate motion pictures and, for the first time, defined the term "national community standards" that led to the ending of prosecution of obscenity cases in the United States
- Served as co-counsel in *Goldberg v. Kelly*, 397 U.S. 254 (1970) New York, an entitlement case in the Supreme Court that Justice William Brennan called, "probably the most important due process case of the Twentieth Century," that he considered "the proudest achievement of his entire service on the

Court"

- Unindicted co-conspirator in the criminal prosecution of Daniel Ellsberg
- Represented Lenny Bruce in a criminal case in New York, successfully asserting a First Amendment defense against an obscenity charge
- Represented Don Imus when he was fired by CBS by asserting a First Amendment defense
- Represented Viking Press and Peter Matthiessen in one of the longest and most bitterly fought libel cases in American history that led to the development of libel precedent favoring journalists and publishers. Governor William Janklow filed a libel suit in South Dakota and FBI agents filed suit in Minnesota claiming they were libeled by the book *In the Spirit of Crazy Horse* (see Peter Matthiessen#Crazy Horse lawsuits). The South Dakota court rejected Governor Janklow's attempt to stop Penguin from publishing the book. The Sixth Circuit Court of Appeals affirmed the dismissal of the \$450 million case and the Supreme Court refused to reverse it
- Represented sixteen defendants in murder cases, stopping executions, while chairing the Committee to Abolish Capital Punishment
- Represented Leonard Peltier in a clemency petition to President Obama
- Represented civil rights leader Cesar Chavez in free speech, commercial and criminal cases and the boycott in California and elsewhere in the United States, all in support of the United Farm Workers.
- Represented criminal defendants in the French Connection criminal cases in New York Federal Court
- Sued Eminem and Dr. Dre in copyright suit on behalf of French composer Jacques Loussier under New York Federal Court
- Represented author Pia Pera in a copyright dispute over "Lolita" with the estate of Vladimir Nabokov
- Represented author Terry McMillan in commercial suit in San Francisco Federal Court to set aside a settlement agreement
- Garbus represented songwriter and pianist, Oksana Grigorieva against actor Mel Gibson. Grigorieva alleges that Gibson beat her during their relationship and then defamed her in the media
- Defended Chief Justices of the Indian Supreme Court during "The Emergency"
- Defended the Cuban Five, accused of murder in the Florida Federal Courts before the United Nations and in their application for clemency to President Obama
- Defended Sikh nationalists before the Punjab Court and in the United Nations
- Defended media defendants and investors in libel and other commercial cases brought by fraudulent Chinese reverse merger corporations in the New York State courts
- Defended Chinese dissidents in Beijing and Shanghai
- Sued by South African government for disbarment due to articles Garbus wrote in *The New York Times* and *The New York Review of Books* criticizing South Africa's legal process. The case was dismissed on First Amendment grounds
- International elections observer with President Jimmy Carter's commission
- Represented Jane Doe in a libel suit against *The New York Daily News* and Mike McAlary
- Represented *The Metropolitan Opera* against attempts at censorship of *The Death of Klinghoffer*. Other clients include Nelson Mandela, Andrei Sakharov, Václav Havel, Samuel Beckett, Al Pacino, Daniel Ellsberg, Philip Roth, Michael Moore, Sean Connery, Michael Caine, Michael York, Lauren Bacall, Agnes Martin, Pace Gallery, Estate of Mark Rothko, Robert Maplethorpe, Cincinnati Museum of Fine Art, Robert Redford, Spike Lee, Sally Mann, Allen Ginsberg, Kathy Boudin, Garry Marshall, Marilyn Monroe, Igor Stravinsky, Nora Ephron, Salman Rushdie, Simon & Schuster, Random House, Bertelsmann, Penguin Books, Putnam,[2] Grove Press and *The Sundance Film Festival*

## **PUBLICATIONS**

- *North of Havana* published June 2019 Set in Miami and Havana, *North of Havana* is a mesmerizing tale of international intrigue, espionage, and political gamesmanship (*The New Press* 2019)
- *An Unruly Life*, to be published on September 1, 2018
- *The Next 25 Years: How the Supreme Court Will Make You Forget the Meaning of Words Like Privacy, Equality and Freedom* (Seven Stories Press 2007)
- *Courting Disaster: The Supreme Court and the Unmaking of America Law* (Times Books, New York, 2002; Times Books softcover, 2003)
- *Tough Talk: How I Fought For Writers, Comics, Bigots, and the American Way*, introduction by David Halberstam (Random House-Times Books, 1998, Times Books softcover, 1999)
- *Traitors and Heroes* (Athenaeum, 1987; Random House softcover, 1988)
- *Ready for the Defense* (Farrar Straus & Giroux, 1971; Avon softcover, 1972, and Carroll & Graf reprint, 1995)
- *China Journal: China 1972-2013*
- "The Roberts Court's Dramatic Rightward Shift" - *New York Times* - July 10, 2006
- "China: A Consistent Commitment To The Rule Of Intellectual Property and Corporate Law" - China

Corporate Counsel- Part I, Page 1, June 2006

- “China: A Consistent Commitment To The Rule Of Intellectual Property and Corporate Law” – China Corporate Counsel- Part II, Page 8, July 2006
- The Barry Bonds Case from the New York Times, The Inquirer, Los Angeles Times, Washington Post, and other papers, 2006
- “A Hostile Takeover,” The American Prospect, March 1, 2003
- “Lolita and the Lawyers,” Bookend: The New York Times Sunday Book Review, November 4, 2002
- “The Integrity of Copyright,” Media Law & Policy (New York Law School), Spring 2002
- “I’m Proud to be a Lawyer! The Legal Issues in The Attempt to Impeach Clinton,” My Observer, December 11, 2000
- “Supreme Court to Press: Drop Dead,” Washington Post, July 12, 2000

#### **RECOGNITIONS**

- PEN USA First Amendment Award of Honor, 2007
- New York University Law Alumni Achievement Award, 2004
- Hunter College Law Alumni Achievement Award, 2005
- Hunter College Hall of Fame, 2005
- Marquis Who's Who in America, 2017 and prior years
- Marquis Who's Who in American Law, 2017 and prior years
- Civil Liberties Union Award, 2007
- Senator William Fulbright Award for global leadership in International Law, 2012
- James Joyce Award from the University of Dublin for Excellence in Law, 2014
- Trinity College Award for defending First Amendment cases, 2014
- Member of Bar Association Committees dealing with Civil and Criminal Law, Trademark, Intellectual Property, Estates, and the Media
- New York Magazine, Best Lawyers in New York, 2000-2011
- Super Lawyers, Multimedia Inc., 2006, 2010, 2016-17
- Claremont University Award for one of the year’s best non-fiction articles appearing in American Prospect 2004

#### **ADMISSIONS**

- U.S. Supreme Court
- U.S. Court of Appeals for the Second, Sixth, and Ninth Circuits
- U.S. District Court, Southern and Eastern Districts of New York
- Courts of the State of New York