

David Kushner

Partner



CONTACT INFO

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OFFICE

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Raleigh, NC 27601

David Kushner has nearly 20 years of experience in media and communications law, focusing on broadcasting, media policy, First Amendment issues, and defamation. A trusted advisor, he is recognized as one of the nation's leading authorities on retransmission consent agreements.

MY PRACTICE

MEDIA AND COMMUNICATIONS LAW

David has extensive experience helping businesses navigate the dynamic media landscape and the unique legal challenges that they face in the digital age. His media and communications practice focuses on issues related to broadcasting, media policy, First Amendment matters, and defamation. One of the broadcast industry's leading attorneys, he has also guided some of the nation's largest media companies in creating new revenue sources and exploring new ways to deliver content.

From the technical details of signal compression and propagation to the broader politics of copyright and communications regulation, David brings an unparalleled depth of knowledge to his practice. Equally comfortable in conversation with a

PRACTICE AREAS

Administrative and Regulatory
Business and Corporate
› Mergers & Acquisitions
Intellectual Property
Litigation
› Appellate
› Complex Business Litigation
› IP Litigation
Media and Publishing
Telecommunications

INDUSTRIES

Film & Television
Media, Publishing, & Communications
Telecom

EDUCATION

Duke University School of Law
J.D., 1996, with high honors; Order of the Coif; B.S. Womble Scholar

Princeton University
Ph.D., 1990, National Science Foundation Fellowship; Mellon Fellowship in the Humanities

University of North Carolina at Chapel Hill

A.B., 1985, with honors; Morehead Scholar; Phi Beta Kappa

CLERKSHIP

Law Clerk to Judge Sam J. Ervin III,
U.S. Court of Appeals, Fourth Circuit,
1996-97

BAR & COURT ADMISSIONS

North Carolina
US Supreme Court
US Court of Appeals
2nd Circuit
4th Circuit
7th Circuit
11th Circuit
D.C. Circuit

company president or a broadcast engineer, David is able to serve as a comprehensive resource for clients.

US District Court - North Carolina
Western District
Middle District
Eastern District

RETRANSMISSION CONSENT AGREEMENTS

David is recognized as one of the nation's leading authorities on retransmission consent agreements, having successfully negotiated agreements with a total value in excess of \$5 billion.

COMMERCIAL LITIGATION

David has significant experience in commercial litigation, including a focus on intellectual property and copyright issues.

INTELLECTUAL PROPERTY

David represents businesses on a wide range of intellectual property issues, focusing on copyright and trademark matters.

HONORS

Selected by his peers for inclusion in *The Best Lawyers in America*® in Media Law (2013-2020)

COMMUNITY INVOLVEMENT

Member, Board of Directors, Raleigh-Durham Airport Authority (2019-present)

Chair (2007-08), Vice Chair (2006-07), Council Member (2003-06), Member (2003-present), [Constitutional Rights & Responsibilities Section, North Carolina Bar Association](#)

Editor, The Constitutionalist, Constitutional Rights & Responsibilities Section, [North Carolina Bar Association](#) (2003-2007)

Member, [North Carolina Bar Association](#) (1996-present)

Member, [Federal Communications Bar Association](#) (1994-present)

Member, [Intellectual Property Law Section, American Bar Association](#) (1997-present)

Member, [American Bar Association](#) (1993-present)

Member, [Wake County Bar Association](#) (1997-present)

Member, [History of Science Society](#) (1987-present)

Member, Board of Directors, [United Arts Council of Raleigh & Wake County](#) (2007-2014); Vice Chair, Administration (2008-11); Chair-Elect (2011-12), Chair (2012-2013)

PUBLICATIONS & MEDIA

Panelist, "It's 10:30 AM: Do You Know Where Your Broadcast Signal Is Being Carried?" National Association of Broadcasters Convention (2014)

Panelist, "Retransmission Consent: Will Pay TV Get Its Way or Will Market-Based Negotiations Carry the Day?" National Association of Broadcasters Convention (2011)

Panelist, "Extraordinary Measures: Legislative and Regulatory Gymnastics to Preserve Ownership Regulation and Next-Gen SHVERA," American Bar Association Forum on Communications Law, the National Association of Broadcasters and the Federal Communications Bar Association (2010)

Panelist, "Copyright Challenges: SHVERA, Streaming, and Making Sense (and \$\$) in Cyberspace," National Association of Broadcasters Convention (2007)

Panelist, "The FCC Roundtable," National Association of Broadcasters Convention (2006)

Co-Author, *Survey of North Carolina Privacy Law and Related Claims Against the Media*, Media Law Resource Center 50-State Survey, Media Privacy and Related Law (1998 -)

The Communications Decency Act and the Indecent Indecency Spectacle, 19 Hastings Comm. & Ent. L.J. 87 (1996)

Free Exercise, Fair Housing and Marital Status - Alaskan Style, 12 Alaska L. Rev. 335 (1995)

Brooks Pierce Partner Named to Raleigh-Durham Airport Authority Board, January 23, 2019

Brooks Pierce Media Attorneys Author Survey of North Carolina Privacy and Related Claims Against the Media, July 13, 2015