

Media & Entertainment MVP: Gibson Dunn's Orin Snyder

By Daniel Siegal

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MVPs.

As the litigator whom Facebook Inc.'s and Twitter Inc.'s founders go to when they need to defend their stakes in major ventures, Gibson Dunn's Orin Snyder leads the pack where media and technology converge, earning him a spot on Law360's list of Media & Entertainment



Orin Snyder

Snyder, co-head of Gibson Dunn's media, entertainment and technology practice, told Law360 that the firm's decision to change the practice's name embodies the way the field and his work are evolving.

"The line between media and tech becomes so blurred I think that even the group or category media and entertainment is a little archaic," he said. "The traditional media companies, film, television, music publishing — to thrive and succeed, those companies have to also be technology companies."

Snyder said that with content providers and creators of technological platforms converging — such as Netflix's creating original series and HBO's building its own digital distribution platforms — it's a "brave new world" and a fun time to be practicing in this field of law.

Nowhere is this evolution more apparent than in the social media space, where Facebook is both a major digital technology platform and "probably the largest content company in the world," he said.

And it was Snyder whom Facebook founder Mark Zuckerberg called upon to defend a suit filed by businessman Paul Ceglia, who alleged Zuckerberg owed him a 50 percent stake in the social media giant per the terms of a 2003 contract.

In April 2011, after initially filing in state court, Ceglia lodged an amended complaint in New York federal court alleging the contract contained wording that promised him at least a 50 percent interest in the project that eventually became Facebook.

But the first page of the contract Ceglia entered as evidence with the court had been doctored, and a search of one of Ceglia's hard drives turned up the real version, which does not contain any language conferring Ceglia any stake in Facebook, Zuckerberg's attorneys and federal prosecutors have said.

A New York federal judge tossed Ceglia's suit in March, ruling that the purported 2003 contract granting him the 50 percent stake was a "fabrication," and also dismissed Ceglia's suit against the government seeking to enjoin its criminal proceeding against Ceglia for filing sham litigation.

Snyder is also representing Twitter founder Jack Dorsey in connection with claims that Dorsey breached an alleged oral agreement to form the digital payments startup Square Inc. That suit was consolidated in Missouri federal court, where a motion to dismiss is currently pending.

Snyder said that no matter the proceeding, he draws on a unique professional background for a media and technology litigator: the time he spent as an assistant U.S. attorney in New York's Southern District, where he prosecuted white collar and organized crime and served as the narcotics unit's chief.

"Whether I'm representing a plaintiff or a defendant, I always put my prosecutor hat on and figure out how to exploit my opponents' weakness, and define my client as the good guy and the other guy as the bad guy," he said.

In the past year, Snyder's aggressive advocacy bore fruit for another client straddling the media-technology divide, Polyvore. The Web-based social platform, which allows users to create and share fashion content, was hit with a trademark, trade dress and slogan infringement suit by actress Reese Witherspoon in July 2013, according to Gibson Dunn. Snyder and his team filed a key dispositive demurrer alleging Witherspoon's claims were barred by the Communications Decency Act, and shortly after the demurrer was filed, the actress voluntarily dismissed Polyvore from the suit.

But even if his time as a prosecutor isn't the most common way to end up a media law heavyweight, Snyder said that his current practice makes total sense when looking at his "DNA and internal makeup."

The son of an actress who grew up in Manhattan's Greenwich Village, Snyder said he has always had a passion for the arts. Before joining Gibson Dunn, he was a name partner at media litigation boutique firm Parcher Hayes & Snyder PC, where he first took on some of the media and entertainment clients he still represents — such as Bob Dylan.

Reflecting on all the turns his career has taken, Snyder said the way to build a successful practice isn't through gimmick, but by providing results.

"Fighting for the rights of artists, fighting for the rights of creative process was a cause that for me was not foreign from what I was doing as a prosecutor," he said. "All cases are about advocacy, about right and wrong, about principle, about protecting the rights of your client."

--Additional reporting by Max Stendhal and Aaron Vehling. Editing by Edrienne Su.