



The American Lawyer Lauds David Halberstadter Among Its 2022 "West Trailblazers"

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The American Lawyer has named Litigation partner David Halberstadter in its 2022 edition of "West Trailblazers", which honors professionals in the region "who have moved the needle in the legal industry." The Trailblazer series, which was launched in 2021, spotlights individuals who are agents of change in their respective practice areas.

With more than three decades of experience in the entertainment and media industry, David has an established reputation as a go-to advisor and litigator in disputes involving major production companies, film and television studios, and new media companies. In a profile that touched on how he "unintentionally [became] a thought leader" in his field, David explained to *The American Lawyer* how his professional approach has produced precedent-setting changes in the law.

"My focus has always been representing my clients to the best of my ability, leveraging my deep experience with respect to issues that are at the forefront of entertainment, media and First Amendment law," he said. This approach has led to cases in which David has "established or solidified certain legal principles", such as his landmark [victory](#) in *The Hurt Locker* case. In a February 2016 decision that found *The Hurt Locker's* content was protected under the First Amendment, the US Court of Appeals for the Ninth Circuit determined that the creators had a First Amendment right to "take the raw materials" of real life and "transform them into art."

"These legal principles are still being discussed and relied on in subsequent lawsuits," David told *The American Lawyer*.

Regarding his relationship with entertainment clients, David discussed his dual role as a strategic advocate in litigation and a sage advisor in assessing legal risk – both of which require up-to-date familiarity with the most recent authority. "They look to me not only for how I might prosecute or defend against claims, but for my risk assessment with respect to their creative projects and guidance about how they can best avoid any legal entanglements," he said. "Being knowledgeable about

recent court rulings and opinions in an ever-changing media landscape allows me to effectively counsel my clients on key industry issues."

As for the outlook in the entertainment and media space, David noted that he increasingly is asked about the current state of the law and its potential future influence. He referred to several questions arising from recent rulings and impending decisions, including a question that reaches back to the issue in *The Hurt Locker* case – "How will judges handle the delicate balance between individuals who have a right not to be defamed and storytellers who take the raw materials of life – including stories of real individuals and transform them into fictional and protected works of art?"

"[West Trailblazers](#)", *The American Lawyer*, August/September 2022

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