

Attorney Fights for First Amendment Right

According to [ABC News](#) the first individual to purchase an iPhone in Australia, dropped it on the ground as he was interviewed on live TV.

The man, named Jack, and a Channel 9 reporter tried to cut the plastic encasing the box. As he eagerly removed it, the phone fell out and hit the concrete.

Fortunately, for one of the first attorneys to bring a First Amendment infringement case regarding the Internet, fared better.

When Richard Steiner developed lung cancer from exposure to asbestos from work, he didn't think it would become a federal case and heard at the [U.S. Supreme Court](#).

Steiner, along with his wife Christie, filed a suit citing personal injury against the Volkswagen Group of America and others. Volkswagen presented a motion early requesting the court order [Simona Farrise](#), the Steiner's [attorney](#), to remove two pages of her website. Volkswagen claimed the pages advertised her victory over Ford in a similar case.

Volkswagen's lawyers told the judge the two pages were provocative and prejudicial. The defense attorneys tried to convince the court that their clients' cases would be affected if a juror happened upon them.

The Steiners' attorney countered with the concept of [Freedom of Speech](#). Their lawyer claimed that any order requiring removal of the two pages would walk all over Farrise's Constitutionally projected right of freedom of speech. The Steiners' and their attorney suggested the proper solution was merely to instruct the jury not to research the case online.

The Court of Appeals kicked the issue upstairs to the Supreme Court and issued an order to show cause. By then, the point was moot. The trial was over, and the Court of Appeal reviewed the order to remove the pages.

The Court of Appeal concluded the lower court's order amounted to a gag order and put an unfair restraint on Farrise's first amendment right.

Not to be outdone, Volkswagen's lawyers claimed the law should be looked at under the less restrictive filter of commercial speech. The court ruled that the order of the trial court didn't pass the

"smell test" under the commercial speech argument and found the order would not pass an even more strict analysis.

Trial courts have struggled with the problem presented by tech-savvy jurors. Numerous and vigorous debates on the subject have been conducted, but the instructions of the trial court were sufficient to protect both parties' right to a fair trial.

UPDATE:

The Steiners' won their case for an undisclosed amount, Farrise was able to keep her web pages in place, and Volkswagen would go on to be fined millions of dollars for falsifying smog tests on their new models.

All's well that ends well.