



# Brendan J. Healey

## Attorney

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**A former in-house counsel at two major media companies, Brendan Healey offers practical counsel in marketing and advertising law, media law, and litigation.**

## EXPERIENCE

Brendan Healey draws on his many years as in-house counsel to deliver for his media clients.

He has extensive experience advising clients on all aspects of marketing law, including sweepstakes, skill contests, loyalty programs, daily deals, sponsorships, advertising clearance, advertising terms and conditions, free offers, rebates, coupons, and premiums.

As a media lawyer, Brendan conducts pre-publication review of stories, books, and scripts, litigates media cases, and counsels clients on right-of-publicity issues as well as copyright and trademark issues. He has also handled numerous public records matters at the state and federal level throughout the administrative process and trial.

Brendan drafts and revises privacy policies to ensure compliance with national/state laws as well as other data governance issues. He has worked on numerous agreements relating to the operational aspects of a business, particularly in the digital space, including software-as-a service (SAAS) agreements, technology licensing agreements, technology consulting agreements, remnant advertising agreements, ad network agreements, e-commerce agreements, and content licensing. He has also counseled clients on various regulatory regimes, such as

CAN-SPAM, HIPAA, COPPA, CalOPPA, Shine the Light, and various FTC guidelines.

A member of the Trial Bar for the Northern District of Illinois, Brendan is an experienced litigator. He has defended media and non-media clients in defamation lawsuits, secured the dismissal of all claims in a defamation/false light case against a local newspaper, and won summary judgment on a separate defamation claim against the same newspaper. Earlier in his career, he litigated a multi-week defamation trial as well as a jury trial in which the client prevailed on the plaintiff's claim and upon its counterclaim. Brendan has also arbitrated a breach of contract case before the National Association of Securities Dealers and a breach of contract/fraud case before the American Arbitration Association.

Brendan previously worked for Tribune Company as Senior Counsel, Media & Promotions as well as at American Media, where he was Deputy General Counsel, Media.

For many years he was an Adjunct Professor of Advertising Law and Legal Writing for the IP Practice at The John Marshall Law School. In 2001, he was awarded Sidley Austin's 2001 Thomas H. Morsch Pro Bono Award.

## MEMBERSHIPS & AFFILIATIONS

- Media Law Resource Center
  - Member of the Media Law Resource Center Board of Directors
  - President of the Media Law Resource Center Defense Counsel Section Executive Committee
  - Former Co-Chair of the Media Law Resource Center's Advertising and Commercial Speech Committee
- American Bar Association Forum On Communications Law

## MEDIA PUBLICATIONS & PRESENTATIONS

- Speaker, *If the Singularity is Coming, Who Will Write About It: Newspapers in the Age of AI*, Newspaper Association Managers Legislative Conference (2023)
- Co-Presenter, *Defamation Trends & Tips for Keeping Your Publication Out of Court*, Association of Alternative Newsmedia Annual Conference (2022)
- Speaker, *Photo Copyright Infringement and Demands for Payment*, Newspaper Association Managers Legislative Conference (2021)
- Moderator, *Milk from Nuts. Burgers from Soybeans. Can the states regulate what you call them?* Commercial Speech and the First Amendment Conference– Yale Law School's Floyd Abrams Institute for Freedom of Expression (2020)

- Member of Planning Committee for Commercial Speech and the First Amendment Conference- Yale Law School's Floyd Abrams Institute for Freedom of Expression (2019)
- Faculty Member, ABA Forum on Communications Law Media Advocacy Workshops (2019, 2017, 2015, and 2008)
- *Speaker on "Free Speech in the Digital Age," at Free Speech and Peaceable Assembly Meet Hate Crimes, Demonstrations and Terrorism*, Chicago Bar Association (2018)
- Panelist, *Taking FOIA Requests to Court*, Chicago Headline Club FOIA Fest (2018)
- Speaker, *Freedom of Information & Illinois Public Records*, Media Law Resource Center, Media Law for Journalists (2017)
- Speaker, *Addressing Hot Topics in the Workplace & Newsroom*, Wisconsin Newspaper Association Annual Conference (2017)
- Speaker, *FOI and Open Records*, Investigative Reporters & Editors Chicago Watchdog Workshop (2015)
- Panelist, *Hot Issues in Libel and Privacy*, ABA Forum on Communications Law Annual Conference (2014)
- Co-author, *Illinois Chapter of the Media Law Resource Center's 50-State Survey of Media Privacy and Related Law* (2017-18, 2016-17, 2006-07, 2005-06, and 2004-05)
- Co-author, *Cameras in the Courts and Right to Privacy*, Chapters of the Illinois Press Association's Media Law Handbook
- Co-author, numerous articles in the Media Law Resource Center's Monthly MediaLawLetter
- Speaker, *Freedom of Information Act*, What You Need to Know About Public Records and Open Meetings Conference in Illinois (2008)
- Co-author, *Illinois Press Association's Illinois Media Law updates* (1999-2000, 1998, and 1997)

## ADVERTISING & MARKETING PUBLICATIONS & PRESENTATIONS

- Panelist, *Social Media and Advertising*, ABA Forum on Communications Law Annual Conference (2024 (upcoming) and 2023)
- Panelist, *Hot Issues in Advertising and Promotions*, ABA Forum on Communications Law Annual Conference (2021, 2013, 2012)
- Speaker, PLI Advertising Law Institute (2024 (upcoming); 2022, *Everything You Always Wanted to Know About Promotions But Were Afraid to Ask*; 2021, *Publisher Liability, DMCA & CDA Issues: A Cinematic Tour*; 2020, *The Good, the Bad, and the Ugly: Case Studies of Three Promotions*; 2019, *Best Practices for Running Contests and Sweepstakes*; 2018, *Best Practices for Running Contests and Sweepstakes*; 2017, *Best Practices for Running Contests and Sweepstakes*; 2016, *Publisher Liability and 'Different' Ads*; 2015, *Marketing in a Digital World: Structuring Rebates, Coupons and other Pricing Offers*; 2014, *Have I Got a Deal for You: Structuring Rebates, Coupons and other Pricing Offers*; 2013, *Let's Make a Deal: Effectively Structuring Rebates, Coupons and other Pricing Offers*; 2012, *Priced to Sell: Structuring Rebates, Coupons and other Price Offers*)

- Panelist, *Advertising & Commercial Speech*, MLRC Media Law Conference (2023, 2020, 2018)
- Speaker, *Promotions 101*, Media Law Resource Center (2023)
- Speaker, Wisconsin Newspaper Association Annual Conference (2019, *Publisher Liability for Advertising*; 2018, *Don't Shoot the Messenger: Publisher Liability for Advertising*)
- Panelist, *General Session on Legal Issues*, Newspaper Association Managers Legislative Conference (2018)
- Speaker, *Navigating Through the Smoke: Cannabis, Gambling, and Publisher Liability*, Association of Alternative Newsmedia Winter Conference (2019)
- Speaker, *Results May Vary: Publisher Liability for Problematic Advertising*, Newspaper Association Managers Legislative Conference (2018)
- Speaker, *Navigating the Legal Landscape*, 4As (American Association of Advertising Agencies) Chicago Diamond Forum (2018)
- Speaker, *Social Risk Management for Communicators: Protecting Staff and Reputations, Minimizing Social Media Risk*, Ragan Communications Webinar (2018)
- Panelist, *First Amendment, IP & The Right of Publicity*, John Marshall Law School Annual Intellectual Property Law Conference (2017)
- Speaker, *The First Amendment and the Right of Publicity*, Defense Research Institute, Intellectual Property Litigation Seminar (2017)
- Panelist, *Privacy Best Practices for Mobile App Marketing*, Media Advertising Technology: Chicago (2013)
- Panelist, *Emerging Technology & the Impact on Marketing and Promotions Roundtable*, ABA Section of Intellectual Property Law, Committee on Promotion & Marketing Law (2012)
- Panelist, *Social Media, Data Privacy, Online Gambling and Other Hot Topics in Advertising & Promotions*, ABA Webinar (2012)
- Speaker, *Identifying the Legal Risks of Sweepstakes, Contests and Promotions and the Effects they have on Social Media Platforms*, Legal Risks in Emerging Technologies Conference (2012)
- Panelist & Chairperson, *When Good Ideas Go Wrong: Sharing War Stories and Sweepstakes Disasters*, ACI Focus on Sweepstakes, Contests & Promotions (2011)
- Panelist, *Social Networking Roundtable*, ABA Section of Intellectual Property Law, Committee on Promotion & Marketing Law (2010)
- Author, *Gasoline Promotion Laws*, Published in the Promotion Marketing Association's Law and Forms Guidebook (2008)
- Co-Author, *Protection for Minors or Minor Protection? An Update on Utah and Michigan's New Child Protection Registries*, Published in the Promotion Marketing Association's Law and Forms Guidebook (2006)
- Author, *Chapters of Promotion Marketing Law*, Published by the Promotion Marketing Association, New York, New Jersey, New Mexico and North Dakota

# EDUCATION

- J.D., New York University School of Law – 1997
  - Articles Editor, *New York University Law Review*
- A.M. in English, Stanford University – 1989
- A.B. in American Studies, Stanford University – 1988
  - Graduated with Honors and Distinction
- Judicial Clerk for the Honorable Boyce F. Martin, II Chief Judge of the United States Court of Appeals for the Sixth Circuit

# ADMISSIONS

- Illinois, 1997
- Admitted in the United States District Courts for the Northern and Central Districts of Illinois and member of the Northern District of Illinois Trial Bar
- Admitted in the United States Court of Appeals for the Sixth Circuit and the United States Court of Appeals for the Seventh Circuit