

THE RECORDER

TUESDAY, FEBRUARY 15, 2000

O'Melveny attorney honored by SPJ

David Newdorf, an associate in O'Melveny & Myers' San Francisco office, will receive the James Madison Freedom of Information Award from the Northern California chapter of the Society of Professional Journalists.

The award, which will be given March 23 at Fort Mason in San Francisco, honors those who have shown dedication to protecting and promoting free speech and public access to government information.

Newdorf represented an inmate from the California Men's Colony in San Luis Obispo in a First Amendment case.

The prisoner, Robert Woodard, was disciplined under an unwritten policy of the California Department of Corrections forbidding one-on-one interviews between inmates and journalists.

Woodard had been accused of circumventing the department's policies because he wrote a letter to a reporter explaining how to set up an interview with an inmate. The letter resulted in a reprimand from the

department. Woodard lost his position as editor of the prison's newspaper and was barred from holding any other clerical positions at the prison.

Newdorf took up the case after hearing about it from a newspaper reporter and successfully argued that an unwritten policy could not be used to discipline Woodard. Newdorf was

able to overcome a series of procedural maneuvers by the state attorney general's office: "The attorney general's office left no procedural move undone; they took every possible motion to thwart our case," said Newdorf.

In August, U.S. District Judge Audrey Collins denied the states' motion for summary judgment, ruling that a prisoner could not be punished for violating an unwritten interview ban. The case settled in October. California has since added a written policy forbidding journalists one-on-one interviews with inmates. The rule is supported by the U.S. Supreme Court's decision in *Pell v. Procunier*, 417 U.S. 817 (1974).

— Michael Breen

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