

## Amy B. Ginensky

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## OVERVIEW

Amy is the president and CEO of The Pepper Center for Public Service. The Pepper Center draws on the talents of the firm's retired partners and senior attorneys to wrestle with tough problems facing our communities. Through the center, these attorneys study, analyze, and work to resolve problems that affect the lives of people in our communities.

## REPRESENTATIVE MATTERS

- *Greene v. Philadelphia Media Network*, 2014 Phila. Ct. Com. Pl. LEXIS 236 (Pa. Com. Pl. Aug. 1, 2014). The former head of the Philadelphia Housing Authority sued for defamation and false-light invasion of privacy based on more than 250 articles covering numerous issues. After a *Frye* hearing when plaintiff's linguistics expert was extensively cross-examined, the court disqualified the expert and granted summary judgment in defendant's favor. The Pennsylvania Superior Court dismissed the appeal.
- *Henderson v. Lancaster Newspapers, Inc.*, No. 2007-12003, 2011 Pa. Dist. & Cnty. Dec. LEXIS 542 (Pa. Com. Pl. Sept. 19, 2011), aff'd without opinion, 60 A.3d 863 (Pa. Super. Ct. 2012). A former county commissioner claimed that 19 articles and editorials published in three Lancaster newspapers defamed her and invaded her privacy. Corrections or clarifications had been published for five of the articles. The trial court granted summary judgment on actual malice and substantial truth grounds as to all of Henderson's claims, and the Pennsylvania Superior Court affirmed.
- *Sprague v. Porter*, 2013 Phila. Ct. Com. Pl. LEXIS 368 (Pa. Com. Pl. Nov. 1, 2013), aff'd 106 A. 3d. 175 (Pa. Super. Ct. 2014), pet. for allowance of appeal denied (Pa. May 1, 2015). Amy represented a Philadelphia Daily News columnist in a suit filed by a prominent attorney for defamation and invasion of privacy. The plaintiff alleged the columnist falsely called him a "liar" in her column. The trial court granted summary judgment on five separate grounds.
- *Tucker v. Philadelphia Daily News*, 848 A.2d 113 (Pa. 2004). The Pennsylvania Supreme Court, after argument, reversed the Superior Court and affirmed the trial court's dismissal of the complaint on preliminary objections on the grounds of actual malice. This decision in favor of the newspaper set a high bar for any actual malice case to proceed.
- *Lewis v. Philadelphia Newspapers, Inc.*, 833 A.2d 185 (Pa. Super. Ct. 2003), appeal denied, 844 A.2d 553 (Pa. 2004). Summary judgment granted against a state court judge with respect to a column in which she claimed a mistake was deliberately made. The decision was affirmed by the Superior Court, and a petition for allowance of appeal to the Pennsylvania Supreme Court was denied.

- *Blackwell v. Eskin, et al.*, 80 Pa. D. & C. 4th 284 (C.P. Philadelphia, 2006), aff'd, 916 A.2d 1123 (Pa. Super. Ct. 2007). In January 2007, the Pennsylvania Superior Court affirmed the trial court's grant of summary judgment in favor of sportscaster Howard Eskin and NBC, rejecting the libel claim brought by a former assistant coach and past star of the Temple University basketball team. The Superior Court's opinion is important in holding that even if the defendants had failed to investigate, either by obtaining independent confirmation of a single source's story or consulting other more reliable sources, which was what the plaintiff argued and defendants denied, that finding would be insufficient to demonstrate actual malice.
- *Savitt v. Fraternal Order of Police, et al.*, No. 00567, 2005 WL 5006127 (C.P. Philadelphia, Oct 13, 2005), aff'd, 915 A.2d 159 (Pa. Super. Ct. 2006). In November 2006, a member of the Philadelphia Police Advisory Commission's libel suit ended when the Pennsylvania Superior Court affirmed the grant of summary judgment in favor of the defendants. The plaintiff had sought to hold the newspaper responsible for reporting a critical statement by the head of the Fraternal Order of Police.
- *Norton v. Glenn, et al.*, 860 A.2d 48 (Pa. 2004). Represented West Chester's Daily Local News and its reporter and editors in this case where the Mayor and President of Parkesburg, Pa., City Council claimed that the defendants libeled them when reporting outlandish charges by another council member, which the reporter had admitted during a first trial he thought were untrue. The first trial in favor of defendants had been reversed on the grounds that the Pennsylvania appellate courts found no neutral reportage privilege. Amy retried the case to a jury until it was resolved prior to closing.
- *Merriweather v. Philadelphia Newspapers, Inc.*, 61 Pa. D. & C.4th 423 (C.P. Philadelphia, 2002), aff'd, 835 A.2d 842 (Pa. Super. Ct. 2003), appeal denied, 842 A.2d 407 (Pa. 2004). Representation led to a JNOV being granted from a jury verdict in favor of a popular Philadelphia judge. This decision was affirmed by Pennsylvania Superior Court and the 20 year-old case was finally concluded with the denial of a petition for allowance of appeal to the Pennsylvania Supreme Court.
- *Rush v. Philadelphia Newspapers, Inc.*, 732 A.2d 648 (Pa. Super. Ct. 1999). In this appeal from a grant of summary judgment in favor of the defendants, the Pennsylvania Superior Court affirmed the trial court's decision and established law on right to privacy claims in Pennsylvania.
- *Honorable Justice James McDermott v. Biddle*, 674 A.2d 665 (Pa. 1995). Pennsylvania Supreme Court Justice James McDermott sued The Philadelphia Inquirer in 1983 contending that a series, which was highly critical of practices by the Supreme Court of Pennsylvania, had defamed him. Another law firm tried the case in 1990, where there was a \$6 million verdict against the defendants. After a number of appeals and motions before the trial court, Amy and her team convinced the trial court to dismiss all but one claim. In 2006, the parties agreed to dismiss the case, without any payment and with each side to bear its own costs.
- *State of New Jersey v. Neulander*, 801 A.2d 255 (N.J. 2002), *denied sub nom., Philadelphia Newspapers, Inc. v. New Jersey*, 537 U.S. 1192 (2003). Successfully represented a reporter in a contempt proceeding relating to the trial of Rabbi Neulander in New Jersey for the murder of his wife. The reporter was charged with violating a court order prohibiting contacting jurors after a mistrial and publishing jurors' names. At trial, the client was found guilty (though given only a fine); the appellate court reversed, lifting the finding of contempt.
- *Publicker v. Cohen*, 733 F.2d 1059 (3d Cir. 1984). Successfully represented newspaper in an appeal to the U.S. Court of Appeals for the Third Circuit, where the court issued a precedent-setting decision regarding access to civil proceedings, recognizing First Amendment and common law concerns.

## AWARDS

- Pennsylvania Super Lawyers (2008-2021); "Top 50 Women" (2018)
- Best Lawyers in America®: "Lawyer of the Year" in Litigation – First Amendment (2021)
- Best Lawyers in America®: Litigation – First Amendment (2011-2025)
- Fellow, American College of Trial Lawyers
- Listed in *Benchmark Litigation* as a local litigation star in Pennsylvania and named to *Benchmark: Top 250 Women in Litigation* (2012-2017)
- Selected as Philadelphia "Lawyer of the Year" in First Amendment Litigation by Best Lawyers in America® (2018 and 2013)
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Highly ranked by *Chambers USA: America's Leading Lawyers for Business* in commercial litigation and First Amendment matters

- Recognized as a “Best of the Bar” honoree by the *Philadelphia Business Journal* (2017)

## PROFESSIONAL/COMMUNITY INVOLVEMENT

- Advisory Board, Healthy NewsWorks

## EDUCATION AND CERTIFICATIONS

### EDUCATION

- University of Virginia School of Law, J.D., 1977, member, *University of Virginia Law Review*; Order of the Coif
- Mount Holyoke College, A.B., *magna cum laude*, 1974, Phi Beta Kappa

### BAR ADMISSIONS

- Pennsylvania

### CLERKSHIPS

- Hon. Clarence C. Newcomer, U.S. District Court, Eastern District of Pennsylvania, 1977-1979

## SPEAKING ENGAGEMENTS

- Panelist, “[The Pepper Center for Public Service Panel](#),” Troutman Pepper, October 25, 2022.

## MEDIA COMMENTARY

- Profiled, “[Impact: Amy Ginensky](#),” *Celebrating 10 Years of Impact*, July 27, 2023.
- Featured, “[Law + Justice Program Featured in Philadelphia Bar Foundation Video](#),” October 24, 2022.