

## Bruce Rosen Quoted in The New Yorker Discussing First Amendment Rights In Connection with Docudramas

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Bruce Rosen, partner at Pashman Stein Walder Hayden, was quoted in *The New Yorker* article “Could Jerry West Topple the Docudrama.” The article discusses the former N.B.A. coach and player Jerry West, who has demanded a retraction, damages, and an apology over his portrayal in the TV show “Winning Time,” which he claims bears no resemblance to the real man and fabricates events that never happened.

*As Bruce Rosen, another First Amendment lawyer, explained, defamation plaintiffs who are public figures have to prove not only falsehood but “actual malice,” which is “a subjective state of mind of the writer, the broadcaster, whoever, that tells you that they knew or should have known that what they were publishing was false.”*

The article notes that West’s lawyers wrote that the show’s “misrepresentations are not a matter of slight inaccuracies, as was the case in *De Havilland v. FX Networks, LLC*.”

*“If they made him into a stone-cold killer and say that he buried all these bodies under the Forum, I guess that might take you there,” Rosen said.*

The article further notes that whether West sues or not (his lawyer did not respond to a request for comment), he joins a long line of people who have felt wronged by Hollywood adaptations.

*Rosen, the lawyer, said, of West’s campaign against “Winning Time,” “If you’re putting them on trial, you’re putting a hundred years of Hollywood on trial.” He added that his son Jesse Rosen had made a movie called “The Jazz Funeral,” inspired by a road trip they took together, and “he made me into a monster at the beginning.” Did he*

*consider suing? "I paid for part of the [movie]!"*

To view the full article, [click here](#).

