



## Bernard J. Rhodes

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### KANSAS CITY

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### Assistant

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### PRACTICE AREAS

Appellate Practice

Litigation

Class Action Defense

General Business & Complex  
Commercial Litigation

Non-Compete, Non-Solicit,  
Trade Secrets & Other  
Restrictive Covenants

Intellectual Property

### INDUSTRIES

Media & Entertainment

### COURT MEMBERSHIPS

- Missouri
- Kansas
- New York
- U.S. Supreme Court
- U.S. Courts of Appeals for the  
Second, Seventh, Eighth, and  
Tenth Circuits

With more than 30 years of experience, Bernie Rhodes is a proven litigator with a national trial and appellate practice, appearing as counsel in more than 100 reported decisions. He also leads a national team of attorneys who represent a variety of print, film, television and online media companies in First Amendment, intellectual property, and other matters. Given his breadth of experience, Bernie is frequently called upon to conduct internal corporate investigations. Bernie has been selected as one of The Best Lawyers in America® each of the last twelve years.

### Representative Experience

#### *Complex Commercial, Business and Appellate Litigation*

- Obtained favorable settlement of class-action lawsuit brought against Fortune 500 company over allegedly defective computer product
- Won appellate court victory on behalf of property owner who sued the county for violation of his due process rights, along with award of attorney's fees
- Won favorable ruling on behalf of *New York Times* best-selling author who was sued by his former agent, following two-week trial
- Won \$4.12 million jury verdict in test case as part of multi-party franchise dispute with national tax preparation firm; eventually collected \$270 million on behalf of 16 clients
- Successfully represented owner of professional football team against claim by former professional athlete who claimed an ownership interest in the team;
- Obtained permanent injunction and substantial monetary judgment on behalf of national cable company against seller of "hacked" cable modems

- U.S. District Court for the Southern District of New York
- U.S. District Courts for the Western and Eastern Districts of Missouri
- U.S. District Court for the District of Kansas
- U.S. District Court for the Central and Northern Districts of Illinois

## **EDUCATION**

Fordham University School of Law, J.D., 1981

University of Missouri-Kansas City, B.A., *with honors*, 1978

- Won summary judgment dismissing bank's \$7.5 million claim against cattle owner
- Obtained Section 1983 civil rights judgment against county, including award of attorney fees
- Successfully represented international financier against claim brought by trading firm
- Collected \$4.5 million jury verdict for national candy manufacturer for loss of customer goodwill and related damage to registered trademarks
- Obtained jury verdict on behalf of owners of a \$12 million business jet allowing them to return the plane to the manufacturer due to electrical defects
- Recovered \$1.7 million from national health insurance company in ERISA lawsuit brought on behalf of local non-profit research corporation
- Won \$1.3 million arbitration award for client in breach of contract and fraud case resulting from failed acquisition of business
- Obtained \$1 million jury verdict on behalf of national manufacturer against customer for damages caused by "bust-out" scheme

## **Media**

- Successfully represented national advertiser and advertising agency against claims by stock photo model who alleged the ad defamed them and put them in false light
- Obtained dismissal of lawsuit alleging violation of Antiterrorism Act against director, producer and distributor of *Academy Award*-winning documentary
- Won Missouri Supreme Court appeal dismissing defamation and invasion of privacy lawsuit brought against leading national animal advocacy group based on group's public advocacy in support of statewide public referendum
- Obtained dismissal of civil rights lawsuit against local radio station owner based on decision to not accept local political advertising, and awarded sanctions against plaintiff and plaintiff's attorney
- Received summary judgment award dismissing defamation and invasion of privacy lawsuit against leading national sports publication over article which referred to plaintiff as "Vlad the Impaler"

- Obtained dismissal of lawsuit brought by former reporter for daily newspaper who alleged news reports of his dismissal were false and defamatory
- Obtained sanctions order dismissing defamation lawsuit brought by suspended lawyer over publication of news report in daily newspaper
- Obtained dismissal of defamation lawsuit brought by mother of U.S. Congressman against national advocacy organization
- Obtained appellate court reversal of \$1.1 million jury verdict against network-affiliate TV station obtained by subject of police investigation into serial killer
- Won dismissal of defamation case brought by national plastic surgery chain against out of state TV station over multi-part series exposing questionable practices
- Obtained dismissal of defamation action brought by suspended attorney as a sanction for discovery abuses
- Coordinated response of local media to law enforcement request for information concerning nationwide search for missing baby
- Won state sunshine law suit brought against state university by non-partisan, non-profit research organization
- Successfully defended local television station in lawsuit resulting from undercover "sting" operation conducted by station
- Won defense jury verdict in defamation action brought by school principal against local television station over false broadcast
- Obtained reversal of prior restraint order against local television station prohibiting broadcast of internet sex predator investigation
- Won summary judgment for national documentary producer in defamation case brought by local business owner over broadcast of footage showing anti-drug protest
- Achieved dismissal of false light action resulting from broadcast of wrong mug shot
- Obtained state supreme court ruling allowing media outlets to object to closure of proceeding in high-profile murder trial
- Obtained summary judgment in defamation/false light action by dentist over broadcast concerning allegation that dentist violated state dental act

***Intellectual Property***

- Successfully represented national cable channel and independent production company against claim of copyright infringement over video used in reality show segment
- Successfully defended national tax preparation software company against false advertising and Lanham Act claim brought by major national competitor
- Successfully resisted effort by major college football conference to require local TV station to change name of post-game sports program
- Obtained injunction against political campaign which was using name of local hospital in "caller id" for political campaign calls
- Successfully prosecuted copyright infringement claim on behalf of national news program against U.S. Senate campaign based on improper usage of news footage
- Obtained dismissal of copyright infringement lawsuit brought against national television network by two brothers who claimed the network stole the idea for a popular television drama series from their unpublished manuscript
- Successfully defended copyright infringement claim brought by alleged copyright owner against distributor of national reality show
- Successfully represented a major defense contractor in jury trial against a trademark claim brought by local competitor over the name of client's gunpowder

### ***Corporate Investigations***

- Conducted wide-ranging internal corporate investigation on behalf of major public corporation into alleged obstruction of justice; successfully handled federal grand jury investigation into matter
- Successfully defended big three automaker against claim of "covering up" alleged product defect in lawsuit brought by two so-called "whistle-blowers"
- Conducted investigation into missing premium money on behalf of insurance company and obtained contempt violation against former agent, resulting in his imprisonment
- Led internal investigation into activities of division manager of national company, leading to his termination
- Conducted investigation on behalf of U.S. subsidiary of international corporation into alleged kickbacks paid by overseas contractor

## Events

- 2018 Kansas City State of Litigation  
June 12, 2018

## Presentations

- Podcast Guest, "Up To Date," *Kansas City Public Radio (KCUR 89.3)*, March 25, 2024
- Panelist, "Sunshine Amid the Storms," The League of Women Voters of Kansas City/Jackson-Clay-Platte Counties, March 11, 2024
- Moderator, "Defamation 101: Back to the Basics," KCMBA Media and the Law Seminar, April 14, 2021
- Panelist, *Spotlight Corporate Ethics: Identifying and Understanding Blind Spots and What Can Be Done About Them*, UMKC School of Law, May 15, 2019
- Speaker, *The News Media's Role in Police Accountability, pre-and post-Ferguson*, "Access and Accountability: A Conference for Government Transparency Advocates, Yale Law School, October 2017.

## Client Alerts And Blog Posts

- A Win for Open and Transparent Government in Missouri  
June 30, 2021
- No Choice in the Matter – Recent Victory for Lathrop GPM Client to Have Significant Impact on Government Disclosure of Coronavirus-Related Data  
April 27, 2020
- Litigation Alert: Tell Me More – Compliance with Open Records Laws Amidst the Coronavirus  
March 27, 2020

## In The News

- The Platte County Landmark Features Bernie Rhodes on Missouri's Sunshine Law  
April 5, 2024
- Media Outlets Cover Settlement On Behalf of Journalists, Represented by Bernard Rhodes, Tear-Gassed by SWAT Team  
June 2021
- KSHB-TV Interviews Bernie Rhodes on Release of Police Records  
January 19, 2021

- National Press Club Journalism Institute Speaks with Bernie Rhodes on First Amendment Rights  
June 2, 2020
- Kansas City Fox Affiliate Interviews Bernard Rhodes on First Amendment Issue  
July 31, 2019
- KCUR-FM Speaks to Bernard Rhodes on The Kansas City Star Defamation Lawsuit  
July 31, 2019
- The Kansas City Star quotes Bernie Rhodes in Defamation Lawsuit  
July 2, 2019
- Bernie Rhodes Interviewed by Missouri Lawyers Weekly on Why Lawyers Ignore the Media at Their Clients' Peril  
August 6, 2018
- Bernie Rhodes Interviewed by Kansas City's NBC Station on Expectations of Privacy  
April 13, 2018
- Bernie Rhodes Interviewed by St. Louis Post-Dispatch on Missouri Sunshine Law  
January 22, 2018
- Bernie Rhodes on Town Hall Panel hosted by Kansas City Star  
January 19, 2018
- Bernie Rhodes Interviewed by Kansas City's Fox Station on Net Neutrality  
December 8, 2017
- Bernie Rhodes Speaks with Flatland About MO Lethal Injection Drug Source Fight  
March 3, 2017
- KCUR: Missouri Sunshine Law Request Yields \$1.5 Million Tab, Then \$5,000, Then Outright Refusal  
December 6, 2016
- Bernie Rhodes Involved in Kansas City-based Sports Technology Law Suit  
August 5, 2015
- Bernie Rhodes Represents News Outlets to Discover Source of Lethal Injection Drugs  
July 17, 2015
- LJWorld: Bernie Rhodes on Issue of Sealed Court Documents in Kansas Murders Case  
April 8, 2015

- Hollywood Reporter: Bernie Rhodes Defends Harvey Weinstein's Edward Snowden Film  
February 11, 2015
- The Daily Beast: Bernie Rhodes in Ongoing Suit for Disclosure of Execution Drug  
January 22, 2015
- Columbia Journalism Review: Bernie Rhodes Quoted on Missouri Department of Corrections Lawsuit  
May 28, 2014
- Bernie Rhodes Leads First Amendment Suit Over Execution Drug Disclosure  
May 20, 2014
- Bloomberg: Bernie Rhodes Leads Lawsuit over Campaign Commercial  
September 16, 2010
- St. Louis Post-Dispatch: Lathrop Gage Represents News Outlet in Suit over Robin Carnahan Campaign Commercial  
September 16, 2010
- Kansas City Business Journal: Lathrop Lawyer Wins Big BTK-Related Case  
April 30, 2010
- Wichita ABC (KAKE): Supreme Court Reverses Jury Verdict in Suit Against Local TV Station  
April 30, 2010
- Wichita Eagle: State Supreme Court Reverses Award Against KSN in BTK Case  
April 30, 2010
- Firm Files Brief in Appellate Matter over TV Station's Coverage of BTK Serial Murders  
April 11, 2008

## News Releases

- Lathrop GPM's Matthew Jacober, Alana McMullin, Alex Brown and Bernie Rhodes Honored as Legal Champions at Missouri Lawyers Awards  
February 16, 2024
- Lathrop GPM's Bernie Rhodes Presented with the Above and Beyond Award from Kansas Sunshine Coalition for Open Government  
November 20, 2023

- Bernie Rhodes Named to 2023 Missouri Power List for Sports and Entertainment Law  
September 26, 2023
- Eight Lathrop GPM Attorneys Named Lawyer of the Year, 89 Ranked as The Best Lawyers in America®  
August 17, 2023
- Lathrop GPM Represents Endpoints News in Its Partnership With the Financial Times  
April 27, 2023
- Six Lathrop GPM Attorneys Named Lawyer of the Year, 95 Ranked as The Best Lawyers in America®  
August 18, 2022
- Seven Lathrop GPM Attorneys Named Lawyer of the Year, 100 Ranked as The Best Lawyers in America®  
August 19, 2021
- Police Misconduct Case Brought by Three Journalists Settles for More Than a Quarter Million Dollars  
June 23, 2021
- Partner Bernie Rhodes Fights for Health Records Transparency in Wake of COVID-19 Crisis, Named National Law Journal Trailblazer  
November 2, 2020
- Lathrop GPM Attorneys Named to The Best Lawyers in America®, Lawyer of the Year, and Ones to Watch for 2021  
August 20, 2020
- Best Lawyers in America 2020 Names 72 Lathrop Gage Attorneys; 13 Lawyers of the Year  
August 15, 2019
- Best Lawyers in America Recognizes 70 Lathrop Gage Attorneys  
August 15, 2018
- Best Lawyers in America Recognizes 78 Lathrop Gage Attorneys  
August 15, 2017
- Best Lawyers in America Recognizes 78 Lathrop Gage Attorneys  
August 16, 2016
- 81 Lathrop Gage Attorneys Named “Best Lawyers in America”  
August 15, 2013
- 80 Lathrop Gage Attorneys Named “Best Lawyers in America”  
August 22, 2012
- 59 Lathrop Gage Attorneys Named Best Lawyers in America  
August 6, 2010



- Kansas Supreme Court Reverses Judgment in First Amendment Case as Lathrop Gage Obtains Total Success for News Outlet in BTK Media Dispute  
April 30, 2010
- Lathrop Gage Files Complaint Pro Bono on Behalf of Missouri News Outlets Regarding State Supreme Court Operating Rule  
April 23, 2010
- Bernie Rhodes Speaks at Regional Symposia on Sports & Entertainment, Media Law  
March 24, 2010
- 10 Lathrop Gage Attorneys Named National Finalists for Lawdragon 500 Leading Lawyers in America  
February 12, 2010
- 56 Lathrop Gage Attorneys Named Best Lawyers in America  
August 3, 2009
- Sports Law Symposium Features Bernie Rhodes on Recent Court IP and Sports Decisions  
April 14, 2009
- Kansas Supreme Court Schedules Oral Arguments for BTK Media Case  
December 10, 2008
- Bernie Rhodes Leads “Reporters and the Law”  
October 13, 2008
- Firm Obtains Dismissal of Claims Brought Against Newspaper  
October 7, 2008
- Bernie Rhodes Serves as Panelist on Online Journalism and the Law  
March 28, 2008

### Professional Affiliations

- American Bar Association, Tort Trial and Insurance Practice Section; Forum on Communications Law
- Kansas Bar Association
- Kansas City Metropolitan Bar Association, Media Law Committee
- Media Law Resource Center, New Developments Committee
- The Missouri Bar, Media Law Committee

## Honors

- Selected among *The Best Lawyers in America*®, 2003-2024
  - Litigation - First Amendment "Lawyer of the Year," 2020-2021
- Kansas Coalition for Open Government, "Above and Beyond Awards," 2023
- *Missouri Lawyers Media*, THE POWER LIST, Sports and Entertainment Law, 2023
- *Missouri Lawyers Media*, "Legal Champion Award," 2024
- Political Activism/1st Amendment Rights Trailblazer, *The National Law Journal*, 2020
- Selected as a *Lawyer of the Year*, by *The Best Lawyers in America*®, 2015-2018
- Martindale-Hubbell® "AV" Rating