

MEDIA

FOX'S OWN LAWYER MIGHT HAVE MADE ITS LEGAL WOES MUCH WORSE

Fox Corp.'s top lawyer didn't have a license to practice law in California until June, Semafor reports, which could potentially make otherwise privileged conversations he may have had with top Fox executives fair game for the voting companies—Smartmatic and Dominion—suing Fox for defamation.



BY CHARLOTTE KLEIN

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Two different voting systems companies, Dominion and Smartmatic, are currently in the midst of billion-dollar **lawsuits** against Fox for airing unsubstantiated claims about both companies' voting machines stealing votes away from **Donald Trump**. Despite Fox's best efforts to keep internal conversations private and limit the lawsuit, the media company has faced blow after blow in court; last week, the *New York Times* **reported** that a judge had granted Dominion access to some of Fox News Media CEO **Suzanne Scott**'s emails and text messages and more has **trickled out** about what was going on behind the scenes at media company in the weeks after the election. On Sunday, Fox's legal woes may have become even more complicated by the fact, first **reported by Semafor**, that Fox Corp.'s top lawyer **Viet Dinh** only became licensed to practice law in California in June—despite becoming the company's chief legal officer in September 2018.

Dinh, Fox Corp.'s chief legal and policy officer, is licensed to practice law in Washington, DC, but when the issue of his law license in California —where he is based—first came to Fox's attention internally, in 2018, the lawyer dismissed the concern, according to Semafor. "More recently, however, he has scrambled to quietly fix his licensing issue, which could open up otherwise privileged, and potentially sensitive or embarrassing, communications with Murdoch to discovery because they don't qualify for attorney-client privilege," the outlet reported. (**Irena Briganti**, a Fox news spokeswoman, said in a statement to Semafor that Dinh's law license has "no bearing on any pending litigation or matter of privilege." An anonymous Fox News spokesperson claimed that Dinh's application had been delayed first by the State Bar of California losing Dinh's application and then by COVID-19; however, the State Bar of California's executive director rejected both of those claims.)

The licensing issue only adds to the headache Fox is facing with these cases. Fox claims it is protected by the First Amendment and that the outlet was covering newsworthy allegations. The \$1.6 billion Dominion case is in discovery, and some of Fox's biggest stars, like **Sean Hannity** and **Tucker Carlson** are being deposed (Scott, reportedly, is also expected to be deposed soon). Meanwhile, Fox's efforts to "limit what internal communications it is required to hand over to Dominion," per the *Times*, hasn't been going so well. Last month, a Manhattan judge

ordered Fox News to start turning over documents to Smartmatic, which is suing Fox for \$2.7 billion. Per Semafor, Smartmatic lawyer **J. Erik Connolly** is already eying the possibility of accessing Dinh's communications with Fox executives. “That is something Smartmatic will be asking for as we move forward with discovery,” Connolly told the outlet.

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Meanwhile, Dominion’s CEO **John Polous** is beginning to speak out about the damage he claims Fox has done to his company. “People have been put into danger,” Polous **told Anderson Cooper** on *60 Minutes* Sunday night of the continued repercussions his employees have felt from Fox's reports. (Current and former Fox hosts including **Maria Bartiromo** and **Lou Dobbs** allegedly amplified discredited **claims** about Dominion such as that Dominion had, among other things, paid “kickbacks” to government officials who use its services and committed election fraud.) “Their families have been put into danger,” said Polous. “Their lives have been upended and all because of lies.”

“My kids still are not allowed to get any package from the front door until we verify that it's actually from a trusted sender,” Polous said.

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The voting systems company, which has accused Fox of defamation in a \$1.7 billion suit, is reportedly soon expected to depose Fox News Media CEO Suzanne Scott, as the media company fights to keep its internal communications private.

BY CHARLOTTE KLEIN

MEDIA

DOMINION'S LAWSUIT IS NO SLAM DUNK—BUT NEITHER IS FOX NEWS' DEFENSE

The voting-systems company has deposed Sean Hannity, Tucker Carlson, and more, raising the stakes in its sprawling \$1.7 billion defamation lawsuit. Could Dominion's litigation reshape the conservative-media landscape?

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