

Contact

Charles S. Sims

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Chuck Sims joined Proskauer after nine years of service as national staff counsel to the American Civil Liberties Union. At the ACLU, Chuck litigated First Amendment and national security cases, oversaw the ACLU's Supreme Court docket, and argued two cases in the Supreme Court as well as appeals in the Second and District of Columbia Circuits.

Since joining Proskauer, Chuck has concentrated on copyright, First Amendment, defamation law, and complex federal appellate and trial matters.He obtained a unanimous victory representing the petitioners in *Reed Elsevier Inc. v. Muchnick*, a class action copyright case argued in the Supreme Court in the fall of 2009. After serving as trial counsel, he argued the Second Circuit appeal for the motion picture studios in their groundbreaking and successful litigation, under the Digital Millennium Copyright Act, against hackers who were publicly providing illegal software for decrypting DVDs. He represented Lexis-Nexis in its victory against an Internet start-up which had attempted to steal the entire Lexis database for uploading onto the Web. Chuck has worked on numerous other copyright matters for clients such as the Association of American Publishers (representing eight leading publishers of trade, professional, and educational books in a groundbreaking and successful suit against a national copyshop chain, gaining one of the largest statutory damage awards at that time and an injunction against further unconsented anthologizing of the publishers' copyrighted works); Houghton Mifflin; and England's Royal Court

Theatre.

In the First Amendment field, Chuck has represented *The New York Times* and The Discovery Channel in class action litigation testing the right to engage in newsgathering, and obtained an order quashing an unprecedented subpoena seeking copies of “any and all” copies of a classified document that had been leaked to the ACLU. He has litigated challenges to content-based federal restrictions of cable television programming, which the Supreme Court largely invalidated in *Denver Area Educational Television Consortium v. FCC*; and he has handled (with Ron Rauchberg) a facial First Amendment challenge to New York’s Son of Sam law for Simon & Schuster, which the Supreme Court unanimously invalidated. In addition to counseling leading cultural institutions in New York City on First Amendment issues, he has handled major libel actions (for clients including Prudential Equities Group, the Philadelphia Eagles, Multimedia Entertainment, Phil Donahue, NBC, and a major shipping company), with none decided adversely. For many years Chuck organized Proskauer’s pro bono activities.

Chambers USA calls him “one of the foremost IP media lawyers, particularly for his knowledge of copyright issues,” and described him as “that rare lawyer who has strengths both in theoretical and practical understanding” and as having a “strong talent for oral arguments.”

Practices

Litigation

Education

Yale Law School, J.D.
Amherst College, B.A.
magna cum laude
Phi Beta Kappa

Admissions & Qualifications

New York

Clerkships

U.S. District Court, Rhode Island - Hon. Raymond J. Pettine

Court Admissions

U.S. Court of Appeals, Federal Circuit

U.S. Court of Appeals, Tenth Circuit

U.S. Court of Appeals, Eleventh Circuit

U.S. Court of Appeals, Second Circuit

U.S. Court of Appeals, Fourth Circuit

U.S. Court of Appeals, Fifth Circuit

U.S. Court of Appeals, Seventh Circuit

U.S. Court of Appeals, District of Columbia Circuit

U.S. District Court, New York, Eastern District

U.S. District Court, New York, Southern District

Supreme Court of the United States

Memberships

New York City Bar (Chair of Joint Subcommittee on Rights and Technologies, Committee on Communications and Media Law)

New York State Bar Association (Committee on Media Law)

Volunteer Lawyers for the Arts (Executive Committee)

Awards & Recognition

Chambers USA: New York: Media & Entertainment: Copyright & Contract Disputes 2003-2018

The Legal 500 United States: Intellectual Property: Copyright 2012-2017

The Legal 500 United States: Litigation: Supreme Court & Appellate 2011, 2013

Best Lawyers in America Lawyer of the Year 2018

Best Lawyers in America 2007-2027

Best Lawyers "New York City Litigation - First Amendment Lawyer of the Year" 2013

New York Super Lawyers 2010-2022

Managing Intellectual Property IP STARS – New York 2013, 2017, 2020-2021

The Legal Aid Society's 2016 Pro Bono Publico Award