

LARRY WALTERS

He Might Not Always Like What His Clients Have to Say, But He Defends Their Right to Say It



Orlando attorney Larry Walters is not one to back down from a fight—especially when the First Amendment is at stake. One of the nation’s most respected defenders of free speech and an “ace” at censorship law, he chooses battles that usually are public, emotional and divisive.

And while some people don’t like the fact that he represents major providers of adult entertainment, online gambling, online dating and Internet pharmaceuticals, one thing is certain—his clients love him. As well they should. On their behalf, he has initiated more than 100 federal lawsuits and successfully defended more than 25 criminal obscenity cases, many of which involved racketeering charges.

Webmaster Chris Wilson was quoted in the *Lakeland Ledger* as saying of Walters, “I love my lawyer,” as he was led away in handcuffs by Polk County sheriff’s deputies after being arrested for 301 obscenity charges relating to a site depicting Iraqi war dead.

“This man’s belief in the law and constitution make him the lawyer of choice, in my opinion,” said adult-film actress Britni in a recent Web posting. “He does not simply defend clients; he defends his very own ideals. This approach has made him a gallant and spirited foe of prosecutors all over the United States.”

Those reporting on industries that depend on the defense of free speech also sing his praises.

“...Lawrence Walters has assumed the role as online gambling’s preeminent industry attorney,” said columnist Christopher Costigan on Gambling911.com. And Joseph Ditzler of the *Daytona Beach News Journal* wrote: “Larry Walters has

undertaken unpopular cases to defend the right to free speech and expression.”

Walters has appeared as a national expert on free speech and the Internet, on NBC, ABC, Fox News Channel, MSNBC, CNBC and CNN. His Web site, www.FirstAmendment.com, receives more than 2 million hits per month.

The 1988 College of Law graduate and partner in the national law firm of Weston, Garrou, DeWitt & Walters, acknowledges the stigma attached to defending the types of clients he does. And he still is trying to figure out why First Amendment lawyers are treated differently from lawyers whose clients are accused of horrendous crimes, and yet are often seen as heroes.

“Defense lawyers are not saying that it’s okay to murder, or that it’s okay to rape or commit crimes,” Walters explains. “They’re trying to defend an individual in a particular case based on reasonable doubt. But First Amendment lawyers advocate for their clients right to engage in certain types of speech, and that makes some people and groups crazy. They don’t like the fact that we’re not just saying that our client is innocent. They don’t like the fact that we’re saying our client has the *right* to engage in certain types of conduct.”

That’s not to say that engaging in the kinds of activities his clients take part in does not involve risks, he says.

“Our clients often operate in a gray area of the law, and that makes for a challenging practice, because the rules have not been written for our client base,” he said. “As lawyers in this field, we are helping write the rules and make the law and interpret what little law is out there.

“Because my clients operate in a field where there is risk, we need to help them understand what the real risks are, how to operate within the bounds of the law—to the extent that it can be discerned or interpreted—and give them some assurance that they have a trained legal mind looking over their shoulders so they don’t wander off into a problem territory.”

If his clients do make a mistake, he says, it tends to be a serious mistake—racketeering or some other federal felony.

“The stakes are tremendously high,”

Walters said. “If it weren’t so personally fulfilling, the stress would really get to me, because you have people coming to you with questions for which there are generally no answers, and that makes lawyers nervous. We want to guide our clients with certainty and point them in the right direction.”

Walters says he recognizes the dangers associated with his practice and is careful to safeguard his reputation by keeping all his client relationships professional.

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“Some First Amendment attorneys have gotten sucked into the world of their clients, but I have always tried to draw a very clear line between lawyer and client,” he said. “I do not go into business with my clients, nor do I take a percentage of their business in return for legal fees. Frankly, I don’t often socialize with my clients. We live in very different worlds. I don’t approve of some of my clients’ messages, but I would fight to the court of last resort to defend their right to publish those messages. It’s a very different thing to be part of an industry than to defend an industry.”

Walters, whose offices are in Orlando, says his passion for First Amendment law came about in 1989 when he was practicing business litigation and banking law in Daytona Beach.

“The state attorney started prosecuting local video store owners and dragging them in front of news cameras for renting out movies that he didn’t like,” Walters said. “He was threatening to prosecute these guys if they did not take certain movies off their shelves. One was Pink Floyd’s ‘The Wall,’ which happened to be one of my favorite movies.”

Walters says he was amazed that no one questioned the arrests.

“I didn’t know anything about obscenity or criminal defense at that point, but I asked my bosses if they’d mind if I helped these guys out,” Walters said. “It just didn’t seem right. So I did what I could, bumbling my way through representing these ‘Mom

and Pop’ video stores, and ended up getting dismissals—or acquittals—on all of the charges.”

With the increased popularity of the Internet as a source of entertainment—and resultant legal issues—Walters’ familiarity with the movie industry and interest in computers provided a natural foray for his practice.

“The first thing the government did when the Internet hit was try and censor it

with the Communications Decency Act, one of the worst pieces of legislation ever written,” he said. The law was later overturned unanimously by the U.S. Supreme Court.

The battle to overturn that legislation allowed Walters to entrench himself as a defender of individuals and businesses whose online presence would be targeted. He began marketing his services via an online banner advertisement—one of the first of its kind in the Internet law industry. The banner, he says, was popular and recognizable in the early days of the Internet.

The Internet boom may have created an incentive for him to practice First Amendment Law, but Walters is confident he would have found his way to the practice one way or another.

“If you’re doing what you love and what means the most to you as a lawyer and a person, things are going to fall into place,” he said. “I don’t think I would be practicing law today if it weren’t for the free speech practice. Ever since I started doing this kind of work, it has really felt effortless from a practice perspective. It is really a different life since I have discovered what fulfills me intellectually and emotionally as a lawyer.” ✱