

Legal Q&A With Clyde DeWitt



Clyde DeWitt has been defending the adult industry for nearly three decades, doing his job with aplomb and a great deal of personal relish, whether in court, at trade shows or other speaking events, in print, or while dealing with clients. DeWitt's been AVN's legal columnist for more than 15 years, and AVN Online's since its birth. His monthly columns not only educate; they entertain—and that's no small feat, considering the subject matter could be exceptionally arid

in less-capable hands.

Albeit the consummate professional, DeWitt still is passionate, especially about legal ethics and the right of adults to consume adult entertainment.

Tall, adroit, and urbane, DeWitt has been described as "the Will Rogers of porn." Those who've had the pleasure of knowing him outside the courtroom, though, say it's his homespun drollness, candor, and charm that make him most memorable.

You've often been mistaken for a Californian because you've been in California for so long. What's the real story?

Actually, I was raised in Chicago, and I'm still a die-hard Cubs and Bears fan. One of my pastimes is reading about 20th century Chicago. Anything you want to know about Sam Giancana or Richard J. Daley, just ask.

You spent some time early in your career in Texas, didn't you?

My law degree is from the University of Houston, and I also have a master's from the school of business there. After that, I was a prosecutor for seven years in the Harris County district attorney's office [in Houston].

What made you "switch sides"?

I was general counsel to the district attorney for my last couple of years there—the guy who defends the DA when he gets sued. Texas had a new obscenity statute in 1979, and an armada of attorneys filed lawsuits challenging it. I won and [adult industry attorney] John Weston lost, so he hired me.

You've been representing adult entertainment ever since?

I've been representing the adult entertainment industry since 1980, when I left the DA's office. Here's how long I've been doing this: I hired Greg Piccionelli in the early 1990s, when he was still in law school. That's how *he* got into this business.

What made you choose a career in law?

My grandfather was a lawyer in Chicago, but I never thought about being an attorney. I was always goofing around with electronics, and I assumed I would go into electrical engineering, which was my undergraduate major. Then I started working with engineers, and I was socially incompatible with them. They listened to Muzak, and I listened to Led Zeppelin; they spent their spare time at church socials, and I was out in Grant Park yelling, "The whole world's watching!" at the 1968 Democratic Convention. So, I went to law school to get away from engineers—but it turned out that my electrical engineering degree became useful when the computer age set in. I knew what a kilobyte was long before anyone had a personal computer.

How much of your practice is adult?

One hundred percent of my clients are in adult entertainment. I've defended obscenity cases, sued copyright infringers, drafted and negotiated contracts, corporate issues, leases, employment law—you name it.

As a former prosecutor, what surprised you the most about "the other side"?

I represented a guy who had a bunch of adult bookstores in Houston. He totally cured me of any misconceptions I might have had about the adult industry; he came from a good family—I even represented his mother. I since have met many genuinely good people in the industry—although, as the late Paul Wisner once said to me, "The industry is not without its scoundrels," and he was right. I've tried to avoid them.

What is most challenging about representing the adult industry?

Politicians, and local governments in particular, possess all the bad characteristics they ascribe to the adult industry. Although I have many more adjectives for them, "arrogant, self-righteous assholes" is a good start. I enjoy suing them.

What do you find most enjoyable about representing the adult industry?

The people—let's face it: They're having fun doing what they're doing, and it rubs off.

How will the Democratic takeover in Congress affect the adult industry?

George W. Bush now has Chief Justice John Roberts and Associate Justices Antonin Scalia, Clarence Thomas, and Samuel Alito. If Justice John P. Stevens retires or dies, and the Senate remains in the hands of the Democrats, it likely will prevent another Scalia on the bench, which is what Bush wants. However, I don't see too much impact on legislation. The addition of "obscenity" to the Racketeer Influenced and Corrupt Organizations Act, 2257, and the Child Protection and Obscenity Enforcement Act of 1988 all occurred under a Democratic Congress.

What current and future challenges face adult webmasters?

The biggest challenge is preventing underage users from consuming adult material. If the industry can't figure out a way to do it, the government is going to respond in its typically oversimplified way: throwing people in jail.

What advice would you give to the adult industry?

"Keep your ear to the ground, especially legally. The world is changing so fast that things can easily sneak up on you."

—KATHEE BREWER

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