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National Law Journal Names Crowell & Moring Partner Daniel Wolff a Political Activism and First Amendment Rights Trailblazer

Washington – November 4, 2020: Daniel Wolff, chair of Crowell & Moring’s Administrative Law & Regulatory Practice, has been named to the *National Law Journal*’s 2020 list of Political Activism and First Amendment Rights Trailblazers. The list honors 19 “agents of change” from around the country who have made impacts on cases centered on First Amendment rights to cases involving political activists.

Wolff was honored for leading a groundbreaking First Amendment lawsuit challenging Baltimore’s use of non-disparagement clauses—essentially gag orders—in settlements of police misconduct cases.

“When news about police abuse of predominantly African American men came to the nation, it pulled at my heartstrings,” Wolff told the *NLJ*, “When I saw an opportunity for this to cross paths with a work opportunity, I jumped at it.”

In the matter, *Overbey v. Mayor of Baltimore*, Wolff advocated for the free speech rights of people who were abused by Baltimore police. When Ashley Overbey, a single black mother, called Baltimore Police to report a burglary in her home, she unexpectedly found herself a victim. Police officers arrived at the scene and beat and arrested her. Overbey sued the Baltimore Police Department for wrongful arrest and unwarranted physical abuse. The case settled, but Overbey was prohibited from discussing her account under a “gag order” provision in the settlement agreement. When *Baltimore Sun* ran an article that elicited hostile comments from readers, Overbey responded, prompting the city to assert that her response violated the agreement. They denied her half the settlement.

Wolff served as lead pro bono counsel and filed *Overbey v. Mayor of Baltimore* in June 2017, with the ACLU of Maryland. Overbey was joined as a co-plaintiff by the *Baltimore Brew*, a news organization that claimed the gag provision denied it the right to obtain public information from police abuse victims.

In 2019, the U.S. Court of Appeals for the Fourth Circuit ruled that these non-disparagement clauses—essentially gag orders—are tantamount to the payment of “hush money” to keep victims quiet, and are unconstitutional and unenforceable. The district court recently awarded Overbey the remainder of her original settlement.

“There are exceptions to the First Amendment for legitimate purposes, but simply avoiding criticism is not at that level,” Wolff told the *NLJ*. “It will be interesting to see how nondisclosure agreements put forth by the current administration will hold up.”

The complete list of Political Activism and First Amendment Rights Trailblazers can be viewed [here](#).

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