

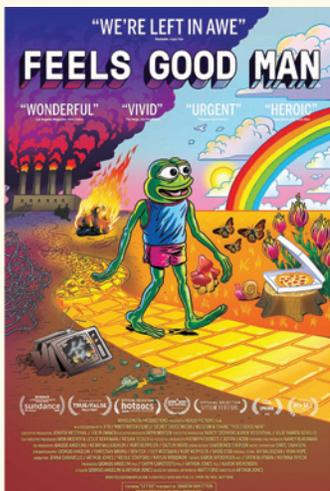
'Feels Good Man': Wilmer Lawyers Play Key Supporting Role in New Doc About the Travails of Pepe the Frog Creator

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By Ross Todd
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Lawyers from Wilmer Cutler Pickering Hale and Dorr don't appear on screen in the new feature-length documentary "Feels Good Man" until about 72 minutes in. But boy, by the time they arrive are you glad to see them.

"Feels Good Man," which is set to hit streaming services on Friday, tells the story of Matt Furie, the wide-eyed, lovable slacker cartoonist who created Pepe the Frog. For those unfamiliar, Pepe was a character in Furie's "Boy's Club" comic books which featured a quartet of wide-eyed, lovable slacker animals and heavy doses of jokes about drinking, partying, and flatulence. It's perfectly understandable if "Boy's Club" wasn't exactly on the average Lit Daily reader's radar.



It's less understandable, however, if you somehow avoided Pepe's image over the past few years. Peeps exploded all over the internet, eventually being adopted as something of a mascot for the users of the internet message board 4Chan and certain elements of the alt-right. The appropriation of the character so dismayed Furie that he eventually killed Pepe off in his own comic in 2017.

So where do the Wilmer lawyers come into all of this?

At a decidedly low point in the roller coaster ride of Furie's saga: Just as he finds out that a children's book called "The Adventures of Pepe and Pede" is about to hit Amazon



(Photo: Courtesy Photo)

(L to R) Stephanie Lin of Wilmer, Director Arthur Jones, Pepe the Frog creator Matt Furie, Louis Tompros of Wilmer and Aiyana Udesen at Sundance, for the premiere of 'Feels Good Man.'

and be released as an ebook. The book, written by a Texas middle school vice principal, used Pepe as a title character to illustrate thinly-veiled Islamophobic themes.

Cue the dramatic music.

Wilmer partner Louis Tompros, senior associate Stephanie Lin and Will Kinder, a former Wilmer associate (now at Morvillo Abramowitz Grand Iason & Anello), appear on screen walking in slo-mo down an office hallway at the firm. Think white collar Reservoir Dogs. Seriously. (Check it out for yourself around the 1:38 mark in the trailer viewable here.)

"It's not very often that nerdy intellectual property lawyers get asked to fight the alt-right," says Wilmer partner Louis Tompros in the film. "But when we do, we're ready."

Says Furie: "I'm a compassionate guy and I'm a sensitive guy, but being able to work with a team of lawyers has given me the strength to shut these assholes up."

It may sound corny, but it makes for a nice little bit of cinema. Tompros told me Tuesday that when he and Lin attended the world premiere of the film at the Sundance Film Festival earlier this year with Furie and the filmmakers, the crowd actually broke into cheers when he and his colleagues hit the screen. “I thought: Wait: Are they cheering for me?” Tompros said.

It makes sense. Furie to that point in the film had watched as his character—a frog who says “feels good man” to explain why he pees standing up with his pants around his ankles—morphed into a hate symbol registered in the Anti-Defamation League’s database. The Wilmer lawyers represent the first ray of hope after an hour-plus spiral down the darkest, most chaotic corners of the internet.

Tompros spent some time with me Tuesday explaining Wilmer’s multi-pronged effort on Furie’s behalf. With the “Pepe and Pede” book, the team prepared a temporary restraining order and reached out to the publisher. But with a clearcut instance of copyright infringement, they never ended up having to file suit. As part of the settlement, the defendant agreed to cease publication and hand over about \$1,500 in profits from earlier sales of the book to the Council on American-Islamic Relations (CAIR), the nation’s largest Muslim civil rights and advocacy organization.

Seeing that check go to CAIR helped nudge Furie off his couch, Tompros said. The team continued working pro bono to harness the legal system in disputes with more than 60 others using Pepe images. While the film itself focuses most of its attention on the legal showdown with Infowars founder Alex Jones, the firm has dedicated 3,217.1 hours to all of Furie’s cases as of August 28. A total of 66 people at the firm, including 21 lawyers, 15 summer associates and 30 staffers, have worked on the effort, with the firm’s IP chair **Donald Steinberg** handling technical issues with the copyright office.

But it is the Infowars dispute, which involved depositions of Jones and Furie and dueling motions for summary judgment, that provided the most drama for the film and prompted a decision that gave some new clarity on copyright law in the age of memes. The film includes excerpts from both depositions. Footage of Furie’s depo is highlighted by him correcting Infowars’ lawyer pointing out that he’s accusing a Furie character of copying Mayor McCheese rather than the Hamburglar. The artist also cops to the fact that he didn’t attempt to

procure a license to doodle a character from Calvin & Hobbes as a sixth-grader. Jones, meanwhile, says that he’s grown to hate Pepe and that “the frog is triggering for me now.”

Tompros, who says the Jones deposition was done at the Infowars headquarters at the defendants’ insistence, explains the whole scenario was “surreal.” He said Jones, who had said on his own broadcasts that the lawsuit was being backed by people from the Clinton campaign, greeted him with a handshake and said, “Hi. How’s Hillary?” He also said that after Jones talked about his voice acting background during a break, he answered the first question back on the record with a non-sequitur in the voice of Darth Vader. Ultimately, however, Tompros did get Jones to concede that people would buy a poster that was available in the Infowars store because it had Pepe on it.

U.S. District Judge Michael Fitzgerald in Los Angeles rejected Infowars argument that Pepe’s ubiquity meant the character was not protected by copyright. Indeed, in a May 2019 decision ruling on the summary judgment motions, the judge found that the defendants had “not pointed to any authority for the proposition that ‘meme-ification’ of an image or character destroys or diminishes the original author’s copyright interest.” The suit settled just a month later with Infowars agreeing to stop selling the poster and to pay \$15,000, a sum Furie says in the film is more than he ever made selling “Boy’s Club.”

Tompros says the case stands for the principle that “even in the world of the internet and memes, copyrighted materials don’t come into the public domain just because they’re popular.”

Tompros also added that the film has an important message for lawyers: You don’t have to work in Constitutional law, immigration or civil rights to make a difference.

“It shows what can happen when you are willing to exercise your abilities to try to do just a little bit of good.” Tompros says. “You can be part of making the world a better place even if these fields don’t automatically seem like they are going to be world-changing.”

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