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Lawyer draws bead on Metroplex

Atlanta attorney tussles with cities over constitutional right to erect billboards

Dallas Business Journal - February 18, 2005 by [Chad Eric Watt](#) Staff Writer

An Atlanta attorney who's made his living battling local billboard laws has brought his business to North Texas.

Separate but practically identical lawsuits against the Dallas County cities of Cedar Hill and Mesquite argue that their sign regulations restrict free speech.

The two cities face a well-practiced opponent.

Over the last eight years attorney E. Adam Webb has sued at least 97 times to get billboards constructed where local governments have banned them.

Most of his suits are against small suburban towns. Hoover, Ala., Buford, Ga., Plant City, Fla., and South Holland, Ill., have all been targets of the billboard suits. They all share some common features: They're near major highways and big cities in prime territory for billboards.

Court records show that it's rare that the lawsuits produce outright wins for Webb. But in this line of work, a settlement can be as good as a win.

Webb couldn't say how many billboard suits he has filed or how often he had won a billboard suit, but he said that his clients are usually satisfied with the result.

"We've obtained a satisfactory resolution in the vast majority of cases," he said.

Darrell Noga, a Dallas attorney representing Mesquite and Cedar Hill, declined to comment on the pending litigation.

Thus far, the cities have no plans to settle.

Once in place, billboards become cash machines. They make so much money that a single win or settlement that allows a new billboard more than pays for other losing efforts. Billboards generate more than \$5 billion annually in advertising revenue, according to industry figures.

The revenue generated by a single billboard varies widely, depending on size, location, traffic and other factors, but a single billboard can easily bring in \$1,000 to \$5,000 a month.

Cities that fight a billboard suit can win, said Bill Brinton, a Jacksonville, Fla., attorney who has defeneded dozens of cities in the billboard suits.

"This is less a case about speech and more about structures on the landscape," he said.

The formula

While new to Texas, Webb's billboard suits follow a standard formula.

The first step in his lawsuit is to get denied a sign permit. That leads to a federal lawsuit arguing for constitutional rights to put up the signs.

In September 2004, both Cedar Hill and Mesquite denied sign-building requests from Covenant Media of Texas L.L.C., a company founded five months earlier and based in the Atlanta suburb of Alpharetta.

The owners of Covenant Media of Texas, Daniel Cowart and Morgan Hudgens, also own at least six other billboard companies represented by Webb.

Webb filed suit against the two cities in October. (Other Covenant Media operations sharing the same address have filed five lawsuits in North Carolina, South Carolina, Illinois and California in the last 90 days.)

Both Texas cases include local plaintiffs, typically landowners who agreed to allow the sign company to lease space on their land.

Ernest Roberts of DeSoto received an offer of \$6,000 a year to lease a spot for an 18-inch pole on land he owns in Cedar Hill.

Roberts said he agreed to that, and found out later that he was named in a lawsuit.

"I don't want to be involved in any lawsuit," he said. "I pulled myself out."

Similarly, Mesquite business owner Johnny Belshe said he was mostly interested in the rental income he had been offered to put a sign on his prop.

"I didn't intend to be in a lawsuit with the city of Mesquite," Belshe said.

But if the lawsuit means he can get some income from a billboard, then it could be worth it, Belshe said.

Radio giant Clear Channel Communications Inc. and entertainment conglomerate Viacom Inc. also are two of the largest players in the outdoor advertising business.

By comparison, most of Webb's clients are very small players in the industry.

Webb said he hit upon the framework for his suits after having a billboard case dumped on him at Dow, Lohnes & Albertson, the Atlanta law firm he once worked for.

"It wasn't that sexy," Webb recalled.

So it was handed to him, in his first year out of school.

That case led to a full-time business for Webb, who departed that firm in 2002 for his own practice suing cities on behalf of billboard companies.

That's the year Webb-filed billboard suits exploded, up from seven in 2001 to 23 in 2002. He filed 28 federal cases in 2003 and 26 in 2004.

As the volume of cities sued increased, cities started fighting back.

In the past year, two of Webb's Florida cases made it to the 11th Circuit Court of Appeals before the U.S. Supreme Court denied to hear them.

In both instances, the court decisions favored the cities and limited the grounds available for billboard companies to make a Constitutional argument for their signs.

Florida and Georgia have by far been the biggest targets for the Webb lawsuits. Billboard companies represented by Webb have sued Florida governments 19 times in the past four years and filed against Georgia governments 42 times since 1997.

But since August 2004, Webb's attention has turned to other states, including Texas.

Fighting back and winning

The billboard suits have stretched from coast to coast.

One of the earliest target-states, Connecticut, hasn't been sued in four years. That's because towns there fought back and secured a circuit court precedent quickly.

When Granite State Outdoor Advertising Inc., a billboard company represented by Webb, came to Connecticut, they expected towns there to settle, recalled Cynthia Anger, the assistant city attorney for the city of Milford.

"When they came here, they said we should roll over because everyone else had," she said.

Milford and several other cities did not.

An appeals court there affirmed a decision for the city of Stamford, further limiting the concept of constitutional rights for billboards. Other appeals cases are pending in Tennessee and Maryland.

Appellate decisions in Florida and New England don't necessarily govern lawsuits in Texas.

Florida attorney Brinton said that by standing their ground, towns like Cedar Hill and Mesquite can stave off a spate of similar suits in Texas.

"These cases will dry up," Brinton said, "if local government have the spine to not be victimized by this."

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