

CALENDAR OF EVENTS

WICL Meeting and Reception
Friday, February 6, 2009
5:00 – 6:30 p.m.
14th Annual Conference
ABA Forum on
Communications Law
Westin Kierland Resort & Spa
Scottsdale, Arizona

**Mindbugs: The Psychology of
Ordinary Prejudice**
February 13, 2009
10:00 a.m. - Noon
Hynes Convention Center, Boston
(Forum-sponsored event at ABA
Midyear Meeting)

WICL Breakfast Meeting
Sunday, April 19, 2009
7:30-8:30 a.m.
ABA Forum on Communications
Law/NAB/FCBA
29th Annual CLE Program
“Representing Your Local
Broadcaster”
Las Vegas, Nevada

WICL Networking Luncheon
Friday, November 13, 2009
12:30-2:30 p.m.
Practicing Law Institute
Communications Law
In the Digital Age 2009
New York, New York

**ABA Forum
on Communications Law**

Chair
Gylyn Cummins
Sheppard, Mullin, Richter
& Hampton, LLP

Immediate Past Chair
Richard Goehler
Frost Brown Todd

Chair Column

By Ashley Kissinger

Welcome to WICL in 2009! Unless you’ve been asleep under a rock, you have probably noticed that many changes are afoot in the United States. We hope to respond to those changes in our WICL newsletters and programs this year, and we are always looking for feedback so please let us know what else you would like to see our organization doing.

In the year we transition to DTV, it is only fitting that we profile WICL members **Kathleen Kirby** and **Jane Mago**, two women who have distinguished careers in the broadcasting industry. Jane was recently appointed to head up NAB’s Legal and Regulatory Affairs Department, and Kathy is a partner at communications law powerhouse Wiley Rein. We also profile **Sherrese Smith**, who recently moved up the ladder to become Vice President and General Counsel of Washington Post Digital. The profile authors have done a fantastic job of giving us a glimpse into the secrets of these women’s successes.

As acute economic challenges face our country and our industry, remember that mentors can help guide you through the storm. Our new Mentoring Coordinator, **Martha Heller** of Wiley Rein, has revamped WICL’s mentoring program to ensure it is useful and enriching while requiring only a limited amount of time from participants. See her article, newly drafted program guidelines, and sign-up form inside. We welcome and encourage even more senior lawyers to become mentees, as certainly we could all use a little guidance at each stage of the game from those who have gone before.

Inside you’ll also find excellent articles on the Forum’s Inaugural First Amendment and Media Law Moot Court Competition, President Obama’s FOIA directive, and a compilation of interesting items in our new Heard Around Town column. We have also included reprints of articles about **Stephanie Abrutyn**’s latest achievement and the new Center on Women in the Law.

Finally, in addition to the regular Women on the Move section, we have added columns identifying Women in Leadership in Communications Law and discussing the Regional Meetings initiative begun last year. Read on, and enjoy, and pass it around!

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The Year in Review

2008 was an exciting and busy year for our growing organization. At our annual meeting in February in Boca Raton, an outstanding panel of impressive WICL members kicked off the year sharing their thoughts on *Best Practices: Tips From Experience on How to Succeed as Outside or In-House Counsel*. The panelists – **Elizabeth Allen** of Gannett Co., **Eve Burton** of The Hearst Corporation, **Guylyn Cummins** of Sheppard Mullin Richter & Hampton, **Nancy Hamilton** of Jackson Walker, **Kelli Sager** of Davis Wright Tremaine, and **Nicole Wong** of Google, Inc. – offered invaluable insights and participants judged the panel a great success.

For the first time we announced a theme for the year – “Communication Differences Between Men and Women” – and we put it into action at our breakfast meeting at the Forum/NAB/FCBA Conference in Las Vegas in April. **Kathy Kirby** of Wiley Rein graciously helped me to moderate what turned out to be a fantastic (and hilarious) round table discussion on *Successful Communication Styles for Women*. Read all about it and the Boca meeting in the November 2008 newsletter, which you can find on our website (along with all past issues of the newsletter): www.tinyurl.com/ABAWICL.

Our final gathering was the Second Annual (can we call it that? I think we should!) WICL Networking Luncheon held in November in New York during the PLI Conference. Thirty-five WICL members dined on sushi and laughed with old friends and new at Natsumi. The breadth of this group was remarkable – attendees hailed from ABC; Cahill Gordon; Davis Wright Tremaine; Everitt Gaskins Hancock & Stevens; HBO; The Hearst Corporation; Levine Sullivan Koch & Schulz; LIN TV; NBC Universal; PR Newswire Association; Random House; Sabin, Bermant &

Gould; Scarola Ellis; Scholastic Inc.; Sheppard Mullin Richter & Hampton; Sedgwick, Detert, Moran & Arnold; Sonnenschein Nath & Rosenthal; Time Inc.; Tribune Company; The Walt Disney Company; Washington Post Digital; and Wenner Media. Many thanks to the sponsors of the popular event – **Davis Wright Tremaine; Levine Sullivan Koch & Schulz; Sedgwick Detert Moran & Arnold; Sonnenschein Nath & Rosenthal;** and **Thomas & LoCicero**. They take the work out of networking. (Yes, I’ll keep my day job, don’t worry.)

The Passing of the WICL Baton

As we ease into 2009, allow me to bid a fond adieu to **Carolyn Foley**, a partner in Davis Wright Tremaine’s New York office, who served as Co-Chair of WICL from 2007-2009. Carolyn has been a truly terrific partner, friend, guide and all-around wise sage throughout my year of service with her. With Carolyn at the helm, the WICL directory and website have been updated, the Regional Meetings initiative that she, **Stephanie Abrutyn** and others conceived is underway, and we are embarking on a revitalized mentoring program. And she did it with grace, laughter and unflappable good spirit. For those who do not know Carolyn, read a little more about her in the January 2007 newsletter. She is worth getting to know.

The loss marked by Carolyn’s departure is tempered by the arrival of a highly accomplished WICL member who has agreed to take her place. Join me in welcoming **Laura Lee Prather**, a partner at Sedgwick, Detert, Moran and Arnold in Austin, Texas, as WICL’s new co-chair for 2009-2011. Laura practices at the trial and appellate level in commercial and business litigation, First Amendment litigation, pre-publication review and clearance work, copyright and trademark litigation, open

government issues and privacy concerns. She began her career as a law clerk for U.S. District Judge Hayden Head, Jr. in Corpus Christi. (He's the author of several hilarious judicial opinions you may have seen, referencing "lectric plumbin'" and jackrabbits and such.) After her clerkship, Laura moved to Los Angeles and spent a year at O'Melveny & Myers before getting married and moving back to Austin, Texas. From 1993 to 1998, she worked at George, Donaldson & Ford where she became a partner. In 1998, when Jackson Walker opened an Austin office, she moved there to head up the firm's Central Texas media practice. Most recently, she opened Sedgwick, Detert, Moran and Arnold's Austin office in June 2006. Laura is a prolific writer and speaker on media law topics, and she has devoted countless hours to the work of many national and Texas professional associations. In September, *Texas Lawyer* named her one of thirty "Extraordinary Women in Texas Law." (see <http://www.sdma.com/09-30-20083/>) Oh, and did I mention that Laura has been a single mother of two throughout most of her career? Her daughters, Alex and Ella, are nine and seven respectively. I very much look forward to working with Laura this year. (And since she can apparently juggle spinning plates while riding a unicycle, I think I'll just sit back and have a margarita for the remainder of my term.)

What's to Come

This year we will hold our regular meetings at the ABA Forum on Communications Law Conference in Scottsdale, Arizona on February 6, and the NAA/NAB/MLRC Representing Your Local Broadcaster program in Las Vegas on April 19. Our plan is to hold another Networking Lunch during the PLI Conference, Communications Law in the Digital Age 2009, which is scheduled for November 12-13. If anyone would like to help us revive the beloved theater and dinner outing, too, please let us

know. Our new regional meetings will occur as frequently as local members would like.

Our theme for this year is "Surviving the Dustbowl," and our meeting in Scottsdale kicks it off with a bang. We are elated that **Sara Holtz**, Principal of ClientFocus, will give a presentation on *Building Strong Client Relationships: More Important Now Than Ever*. Sara is a highly accomplished former general counsel who now runs her own consulting business focused on helping women attorneys, and clients like **Laura Lee Prather** and **Natalie Spears** attest that she is a fantastic speaker and motivator. For those who will miss it, keep an eye out for the Fall newsletter where we will publish a summary.

In the past, WICL has not met during the annual NAA/NAB/MLRC Conference in the Fall given the number of other meetings held during that time period. We are exploring the possibility of arranging an informal gathering this year that will not conflict with other planned events at the conference in London.

We wish you a happy, healthy, peaceful and prosperous (...well, peaceful anyway...) 2009.

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Profile:
Jane E. Mago

*By Erin Dozier and
Scott Goodwin*

It's less than a month before the scheduled February "hard date" of the DTV transition and the Washington, DC office of the National Association of Broadcasters (NAB) is humming with activity. Congress is considering pushing the date back until June and delaying the final transition from older analog technology to the new world of digital television. Inside NAB's Dupont Circle building, nearly all 130 employees of the association have worked on the DTV transition in some way over the past few years. A 20-foot banner hangs across the front of the NAB building that reminds employees and anyone else who walks by on DC's busy streets that the end of analog is coming. And now, as the countdown nears its final days, the building, the Association and the entire broadcast television industry wait with bated breath for Congress's next move.

In the center of the rotating storm sits Jane Mago, NAB's recently appointed Executive Vice President of Legal and Regulatory Affairs and General Counsel. A 26-year veteran of the Federal Communications Commission (FCC), Mago knows something about government mandates and the finicky ways of Washington.

"DC can be a quirky place to work," says Mago with a laugh. "Sometimes it seems that we are in a perpetual 'Groundhog Day' addressing issues with just a little twist."

But even a veteran like Mago admits she has never seen a regulatory orchestra like this. "The DTV Transition involves so many moving pieces – legal, technical, social, political. Just

when you think you have one thing nailed down, another thing pops up, often from the most unlikely of sources. It's a remarkable effort to be a part of."

If "Mother Mago," as she is affectionately known around NAB's legal office, seems unfazed by the surrounding maelstrom, colleagues say that's just her nature. "Jane can get stressed like the rest of us," says Jerianne Timmerman, Senior Vice President and Deputy General Counsel at NAB. "But even when things are at their most intense, she never loses the ability to approach a problem rationally and carefully. She brings a real calm to the office."

Mago came to the NAB in 2004, wooed away from the safe confines of government service by her friend and former FCC colleague Marsha MacBride. Incorporated in 1927, the NAB has been the principle voice for broadcasters since the dawn of radio and has had a hand in most laws and regulations that affect broadcasting. Today, the association represents more than 8,300 local radio and television stations and several national networks. But in the last 20 years, like the industry it represents, the NAB has been fending off shark bites from aggressive competitors, including organizations that represent cable companies, satellite television, low-power FM stations and Internet interests, each hoping to dethrone broadcasters as the most important media voice in town.

"I cannot think of a better place to work," says Mago. "I truly believe in broadcasting and I know that the broadcasters we represent at NAB make important contributions to their communities every day. My job is to help Washington policymakers understand that."

Mago's family background gives some clues about her personality. "I am the third of seven children in a military family. We lived all over the country until my dad retired from the Navy. I learned how to adapt to new situations and

Jane E. Mago — (continued)

how to get attention when I need it.” By the time Mago was a teenager, her family had settled in a small town near Buffalo, New York. From there, Mago took advantage of the excellent state college system in New York and garnered a BA, MA and JD from SUNY Buffalo.

Mago often laughs about the peculiar path of her career. “I was able to pay for law school by convincing the Communications Department to allow me to design a dual-degree program with the law school. I taught communications classes while going to law school and taking the classes for my master’s degree.” When a very bad blizzard buried Buffalo in 1977, Mago decided it was time to head south. Trying to capitalize on her academic background in mass communications and political science, she applied to the honors hiring program at the FCC. She got the job, but government logic intervened and she was assigned to telephone regulation. “Even though it had nothing to do with what I had studied, my early assignments in the Common Carrier bureau gave me a perspective on communication regulation that helped me understand the bigger picture of communication policy.”

Another important feature in Mago’s career path was the time she spent defending FCC decisions from the Litigation Division of the General Counsel’s office. “You get a unique perspective on communications policymaking when you have to convince skeptical appellate judges that the decisions make sense. After you take a few beatings during an oral argument, you can spot decisions that are going to run into trouble.”

Mago is often asked how she balanced her challenging career with raising a family. “I never know how to answer that question,” she says. “I grew up just as the women’s movement was taking hold and I entered law school and the workforce at a time when women were very much in the minority. In that kind of

environment you learn to do everything and do your best to make it look easy.”

Today, Mago’s office on the 6th floor of NAB’s building looks just as it might if she were still at the FCC, adorned with service plaques, photos of her three children and a collection of industry-themed knickknacks that one inevitably collects over a long career in the same business. There’s the stuffed television character on top of her real television (not digital), the plastic FCC Enforcement Bureau slinky, and, behind her desk, the literal and proverbial “Big Stick” (Mago prefers, she says, to speak softly).

On most days, her brightly lit corner den is the hub of working activity in NAB’s 10-attorney office. As attorneys and other NAB staff stream in and out, Mago switches hats by the hour. One minute she is changing sentences in an appellate brief, the next she is deciding who should be speaking on the intellectual property panel at NAB’s annual Las Vegas convention. Like most major trade associations, NAB is more than a collection of lobbyists and attorneys, and the organic interplay between all facets of NAB business – from satisfying radio members to approving the scripts of public service announcements – often flows through Mago’s office.

“It seems cliché,” says Mago, “but it’s true with this job that each day is a unique adventure. Rarely, if ever, does a day go exactly as I planned. And frankly, I wouldn’t have it any other way.”

In the end, her decision to come to the NAB instead of a large Washington law firm has as much to do with the type of work as it does with the group NAB represents. “One of the real benefits of this job is that I get to meet a lot of great people – not that I didn’t meet and work with a lot of great people at the FCC. But at the convention, at board meetings, and here in the office, the broadcasters I meet are fiercely

Jane E. Mago — (continued)

passionate about their business. That may surprise a lot of people given the shifting focus to the Internet and other media. Broadcasters have a great entrepreneurial spirit. There's still a lot of excitement about the industry."

If Mago seems like just a cheerleader for the industry she represents, she nonetheless maintains a sense of humor about the common views on media. A framed quote in her office confirms as much. It's by noted Gonzo journalist Hunter S. Thompson. "The TV business . . . is a cruel and shallow money trench," it says, "a long plastic hallway where thieves and pimps run free and weak men die like dogs."

Can the same thing be said for Washington?

"I wouldn't say that's true," Mago says. "The hallways are mostly made of stone."

Erin L. Dozier is Associate General Counsel and Scott Goodwin is a Staff Attorney at the National Association of Broadcasters in Washington, D.C.

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## *The Inaugural First Amendment and Media Law Moot Court Competition: The Forum's New Diversity Initiative*

*By Jeanette Melendez Bead*

Each year, members of the Forum gather at the annual conference to discuss thought-provoking issues faced by media and communications law practitioners. A continuing topic of discussion is the diversity of the Forum itself, and this year the Forum embarks on a new endeavor aimed at increasing the diversity of its membership and exposing minority law students to all that the Forum and the practice of communications law have to offer.

The First Amendment and Media Law Moot Court Competition is designed primarily to expose minority law students to the Forum and the practice of media law and offers law students a unique opportunity to apply their writing and advocacy skills to issues relevant to the media bar. The Competition is administered by the Forum and is co-sponsored by the National Black Law Students' Association (BLSA), the National Latino/a Law Student Association (NLLSA), the National Native American Law Students Association (NNALSA), and the National Asian Pacific American Law Student Association (NAPALSA). In addition, a number of firms graciously signed on as financial sponsors: Brown Rudnick; Davis Wright Tremaine; Frost Brown Todd; Holland & Knight; Jackson Walker; Levine Sullivan Koch & Schulz; Mandell Menkes; Sonnenschein Nath & Rosenthal; and Vinson & Elkins.

The Competition is by invitation only, and five teams will compete in the inaugural competition during the 14th Annual Conference in Scottsdale, Arizona. Participants will brief and argue a hypothetical appeal to the United States Court of Appeals for the Twelfth Circuit. The Forum has assembled a distinguished group of judges for the preliminary rounds: **Jonathan Avila**, Vice President - Counsel, Chief Privacy Officer, The Walt Disney Co.; **Jay Ward Brown**, Senior Claims Counsel for North America, Hiscox Global Markets; **Guylyn Cummins**, Forum Chair and Partner, Sheppard Mullin Richter & Hampton; **Leslie Machado**, Partner, Nixon Peabody; **Laurie Michelson**, Shareholder, Butzel Long; **Paul Smith**, Partner and Co-Chair, Appellate and Supreme Court Practice, Jenner & Block; **Sherrese Smith**, Vice President and General Counsel, Washington Post Digital; **Jenell Trigg**, Member, Lerman Senter; and **Steven Zansberg**, Partner, Levine Sullivan Koch & Schulz.

This year's hypothetical focuses on Internet speech, with participants preparing appellate briefs and participating in oral argument on (1) whether a trial court may enjoin a website from publishing information obtained from an anonymous poster that is thought to contain personal medical information about a Congressman's daughter, and (2) whether and under what circumstances the court may order the website to disclose the identity of the anonymous poster. **Steve Zansberg** drafted the district court opinion appealed from, and the Forum is grateful to The Honorable Steve for his significant assistance in drafting the materials relating to the hypothetical.

The Final Round will be judged by **Justice Andrew D. Hurwitz** of the Arizona Supreme Court; **Judge Pierre N. Leval** of the United States Court of Appeals for the Second Circuit; and **Judge Peter B. Swann** of the Arizona Court of Appeals. Our esteemed Final Round judges will also provide tips on effective oral advocacy and answer questions from the audience, which will include the participants of this year's Media Advocacy Workshop.

Many individuals helped to get the Competition underway, and I would be remiss if I did not mention some of them here. First, the members of the Competition Steering Committee, including **Seth Berlin, Judith Bonilla, Dale Cohen, Karen Henry, Dave Kohler, Natalie Spears, Jenell Trigg, Maya Windholz** and **Steve Zansberg**, worked for months on various aspects of the Competition. (Indeed, we learned that Maya is an especially gifted taskmaster.) The Forum could not have embarked on this endeavor without them. Second, the Forum is indebted to **David Bodney** for securing two outstanding Arizona jurists for the Final Round. David approached the task with enthusiasm, and we cannot thank him enough for his help. Finally, as usual, Teresa Ucok provided invaluable support along the way.

This is an exciting endeavor, and our hope is that the Competition will continue in future years. The Final Round, by the way, will take place on Thursday, February 5, 2009, from 3:15 p.m. to 4:45 p.m. in Herberger Ballroom 5, Lower Level, at the Westin Kierland Resort & Spa in Scottsdale, Arizona. Everyone is welcome to attend. We hope to see you there.

*Jeanette Melendez Bead, a partner in Levine Sullivan Koch & Schulz, L.L.P.'s Washington, D.C. office, is the Chair of the Competition Steering Committee.*

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Report From the Hinterlands: Regional Meetings of WICL

WICL's new initiative, to have regional meetings where WICL members can socialize and network on a more regular and geographically localized basis, is well underway. **Chicago** and the **Pacific Northwest** have held their inaugural meetings; see below for reports by the WICL regional representatives for those regions. **New York** has tentative plans to hold its first meeting on February 26 at McLaughlin & Stern, LLP, 260 Madison Avenue. **Washington, D.C.** plans to hold its inaugural meeting in March after the tumult of the administration change and the DTV transition have passed (although it looks like the latter may be postponed to June). **Denver** and **Miami** are both aiming to hold their inaugural meetings in February or March. The planning process for Austin, Cincinnati, and New Orleans is still early in the game. Please make sure you are listed in the WICL directory and signed up for the WICL listserv to ensure that you receive notice of meetings in your region.

If you would like to assist with planning any of the anticipated regional meetings, please contact one of the regional representatives listed below. If you would like to serve as a WICL regional

(Continued on page 11)



Profile:
Sherrese M. Smith

*By Natalie Spears and
Meghan Norton*

“You look gorgeous!”
Now, every woman likes
to hear those words – but
when they are coming
from famed fashion

designer Diane Von Furstenberg, reacting to your emerald green Inauguration ball gown, as they were for Sherrese Smith a few weeks ago, well then, you have truly arrived. To us, that sums up where Sherrese Smith, the recently named Vice President and General Counsel of Washington Post Digital, finds herself these days – having arrived and riding high at this pivotal time in our nation’s history and in her own life. But the best story is how she got there – by being herself, taking risks and working hard to make things happen for her clients.



Goli Sheikholeslami
(the CEO/General
Manager of
Washington Post
Digital), Sherrese
Smith, Samuel L.
Jackson, and
Whitney Patton (of
The Washington
Post)

When we spoke with Sherrese less than twenty-four hours after President Obama’s Inauguration, her voice still resonated with the excitement of the preceding days. From attending the Inauguration itself, to rubbing elbows with the likes of Oprah Winfrey (o.k., we’re jealous) and Samuel L. Jackson at the Inaugural Ball hosted by *The Root*, the Post’s daily online magazine devoted to African-American interests, to dancing the night away at the Biden Home States Inaugural Ball, Sherrese’s week had been perhaps even more

eventful than usual. But even a brief conversation with Sherrese reveals her focus is far less on the glitz and glamour that her job as top legal chief for the Washington Post’s online businesses sometimes affords, than the hard work, determination, and responsibility it never ceases to require.

Sherrese also is very cognizant of the responsibility that comes along with achieving such success as an African American woman, and now as one of only a handful of female African American general counsels. She knows that, like it or not, on a daily basis she is leading by example – her successes make it more likely for other black women to succeed; and any failures on her part might have the opposite effect. “I have been very fortunate to have had people in my life who were very invested in my growth as a lawyer and as a person. If I can act in that capacity for others and especially for women and minorities who may look to me as a mentor, I am happy to take on that responsibility.” But Sherrese does not view this added pressure as a burden; she sees it more as a source of strength. And drawing from this internal well, she demands excellence of herself and makes a relentless effort to shine in all ways and at all times in everything she does. The good news is, shine she does.

“Sherrese is a super star,” says Cliff Sloan, the previous General Counsel of Washington Post Digital (formerly Washingtonpost.Newsweek Interactive). “She has great judgment on issues large and small – with practical insight and a sense of priority and perspective. And, she’s an authentic person, which always comes through.”

Sherrese also is quick to credit a number of sources with her continued success and drive for excellence. She recalls Northwestern University School of Law as initially having exposed her to a diversity of backgrounds while instilling in her a sense of confidence in who she was as an individual. Having grown up in a relatively

Sherrese M. Smith — (continued)

small community in South Carolina, completing her undergraduate work there, and then taking the courageous step of leaving the only state and region she had ever known, Sherrese remembers arriving at Northwestern and wondering if she could compete amidst such an accomplished and eclectic group of law students. Instead of focusing on feeling alienated or intimidated, however, Sherrese found energy in the realization that there was so much she could learn from so many different people with such diverse backgrounds. And embrace these things, she did. “I worked really hard to learn as much about the law as I could and it was important to me to learn how to think and act as a lawyer. However, I also viewed my law school years as a huge chance to learn about my classmates, my new environment and the culture and excitement that was Chicago!” When she received her first set of grades, her confidence was solidified and she had an important “A-ha moment” – realizing she could count on herself and needed only to be herself to succeed. In fact, Sherrese believes that the best advice can be found in that familiar and simple adage: “Be yourself. Believe in yourself.”

Sherrese credits this advice as partially responsible for her success because she has never tried to be anyone other than who she is, which, in turn, puts others at ease and enables her to form strong interpersonal connections. According to Jon Hart, a partner at Dow Lohnes who has worked with Sherrese for years as outside counsel, “Sherrese is completely unflappable – she has an abiding sense of calm no matter how many crises she is juggling – and she never loses her sense of humor.”

Sherrese also credits her advancement to having been fortunate enough to have had people in her life who were fully invested in her development as a lawyer and as a person. For example, Cliff Sloan, her former boss at Washingtonpost.Newsweek Interactive,

consistently encouraged her to take on new challenges and become an expert in the field while helping her establish a name for herself within the company and increasing her visibility. Sherrese stresses the importance of young lawyers finding a mentor: “Young lawyers MUST find someone, either within the company or outside of the company, that he or she can depend on to give honest advice and to support his or her career goals.”

The path of her legal career also demonstrates Sherrese is willing to take risks – another factor in her success. When Sherrese left Northwestern, she worked as an associate at a law firm for two years and then took an opportunity with an in-house IP position at Office Max in Cleveland. Moving in-house at such a junior stage in her career was a risk, but enabled Sherrese to prove early on that she could handle a great deal of responsibility – and she learned a tremendous amount about the business side of practicing law. Ultimately though, Sherrese was lured away by new opportunities and the excitement and bustle of Washington, D.C. In the Capital city, Sherrese returned to law firm life, joining Arnold & Porter, where she remained until she received the opportunity to move to what is now Washington Post Digital. Accepting a position in an online division at the Post was a much riskier proposition seven years ago than it would be today – Sherrese remembers people warning her that online divisions might not be around in the future, including one person who predicted her new division would be gone in two years! Sherrese, however, had the foresight and courage to take a risk that has now placed her in the enviable position of being perpetually on the forefront of new ideas and the new frontier of communication and news.

When speaking about the continued growth of online media, Sherrese is acutely aware that the industry must continually find new business

Sherrese M. Smith — (continued)

models in an age when so many competing sources for news exist. Sherrese identifies the importance of seeing and feeling actual events – such as the photos and footage that told the true and horrific story of Hurricane Katrina – combined with the equal importance of disseminating such news in a way that people want to receive it. As an example, Sherrese points to her younger brother, a 2003 grad working in finance, whom Sherrese looks to as a trusty source of trends for the Post’s future demographic – “he is not inclined to sit down and flip through a paper; instead, he loves the Post’s mobile alerts and news alerts and wants to get information in real time as it is happening.” “For our business, to succeed, we have to understand and capture the trends of the future. As lawyers who work in the media business, we have to understand the current and emerging business models, become creative strategists and partners to our business colleagues and truly act as business lawyers, not just lawyers. I spend a lot of time ‘on the ground’ with our business colleagues to understand what they are trying to accomplish. For me or any other lawyer to succeed, you MUST understand your business and take the time to talk to your people.” When Sherrese speaks to younger lawyers, she impresses upon them the importance of being an expert in their field, both from a business and legal perspective: “This is key to their future success. Further, I truly feel that the best way that I can serve my company is to help move it into the future while appreciating the strengths of our strong brands, content and loyal readership.”

As many of us who provide legal advice to online businesses know, this “instant” culture we now live in – from instant news to instant messaging – can also produce “instant problems.” In this regard, Sherrese believes that good judgment has been critical to her success in dealing with the sometimes uneasy dichotomy, especially online, between the need

for snap decisions and the thoughtfulness often required for good legal advice. As she sees it, whether you are in-house or outside counsel (although perhaps even more acutely in the in-house world), you have to possess the confidence to make a quick decision on less than perfect information when needed, but even more so have the wherewithal to know when it is too early to make an immediate decision because the issue requires more substantial thought and research – and also have the respect of your client to make that call. This is one of those areas where being herself has paid off. As noted by Goli Sheikholeslami, the CEO/General Manager of Washington Post Digital, with whom Sherrese now works very closely, “Sherrese is an incredible partner in the sense that she is very thoughtful and methodical” when necessary, and she relies on Sherrese’s “good legal sense but also her good business sense – she understands this industry better than almost anyone.”

Sherrese is a “do-er” and anyone who knows her knows she is as down-to-earth and direct as it gets. Sherrese has found that over the years she earned her business people’s trust and put them at ease by passionately getting work done no matter what the constraints or deadlines were, and making things happen – rather than just saying “no” off the bat because the alternatives were complicated or required too much effort with too little time. As she puts it, “they know if they give me something, it will get done; they never have to worry.”

Meeting those business challenges, of course, takes a lot of energy and time. And, as is the case with so many successful and high achieving professionals, Sherrese cites maintaining a balance as her biggest challenge. She often works until late at night and is on-call seven days a week. However, she manages to fit in personal things that are very important to her.

ABA Forum on Communications Law - Women in Communications Law Committee

Sherrese M. Smith — (continued)

She sits on the board of Family and Child Services of DC, volunteers for the Street Law program in DC and tutors at Glen Haven Elementary School. She also sits on the board of the MLRC Institute, is a speaker at various media and Internet conferences, and just recently stepped down as Co-Chair of the Copyright Committee of the ABA. She always make time to exercise and loves the gym, as one look at her chiseled arms indicates (Madonna, eat your heart out!). Another outlet for Sherrese is live sporting events – and, for example, she can be found at Washington Wizards games when they are playing at home in D.C. She also admits to unwinding with her “one guilty pleasure”: celebrity gossip magazines. (Admit it...we all love them too.) Finally, Sherrese gives a lot of credit to her family for helping her achieve the right life-work balance – as she quickly points out “they have always been a priority in my life.” And similarly, as a newlywed, she notes that her recent success has been all the sweeter because she has shared it with her husband and best friend, Adé Heyliger, a former SEC attorney now with Weil Gotshal in D.C. “He is simply wonderful. He understands the pressures that I am under and is always 150% supportive of everything I do. I could not ask for a better partner in life.”

There is no question Sherrese is finding that winning combination and shining in her moment – with a light that will enable and inspire other women to do the same for years to come.

Natalie J. Spears is a partner and Meghan E. Norton is an associate in Sonnenschein Nath & Rosenthal’s Chicago office.



Write for the Newsletter
We welcome suggestions for the newsletters and volunteer authors. Let Ashley or Laura know of your interest.

**Report From the Hinterlands:
Regional Meetings of WICL**

(Continued from page 7)

one of the regional representatives listed below. If you would like to serve as a WICL regional representative for another city/region, please let Ashley Kissinger (akissinger@lkslaw.com) or Laura Lee Prather (laura.prather@sdma.com) know.

CHICAGO, by Debbie Berman

On Thursday, January 29, eight women braved the Chicago cold and snow (which has been about every day this winter) for the inaugural Chicago regional WICL event. The participants included associates and partners from law firms and some in-house attorneys as well: **Debbie Berman** of Jenner & Block LLP; **Leah Bruno, Meghan Norton, Natalie Spears** and **Tiffany Wohlfeil** of Sonnenschein Nath & Rosenthal LLP; **Karen Flax** and **Lisa Washburn** of Tribune Company; and **Lindsay LaVine** of Mandell Menkes LLC. Over lunch, we introduced ourselves, described our practices and shared war stories and recent case developments. We all agreed these gatherings are a great idea so we will be meeting on a fairly regular basis to further develop our relationships with each other and continue to exchange ideas about hot topics. We also identified additional women who work in communications law to invite to future events.

Debbie L. Berman, WICL’s Regional Representative for Chicago, is a partner in Jenner & Block’s Chicago office.

PACIFIC NORTHWEST, by Judy Endejan

The core group of Pacific Northwest WICL members – **Judy Endejan** of Graham & Dunn PC, **Jessica Goldman** of Summit Law Group, PLLC, and **Michele Earl-Hubbard** of Allied

Law Group LLC – met for their inaugural lunch meeting on January 21, 2009 in Seattle. We agreed to make a concerted effort to locate more women who practice in communications law in our three western states (Washington, Oregon and Idaho) and contact them to advise them about WICL and the benefits it provides. We plan to schedule a lunch again in the next quarter, hopefully with a few more attendees.

Judith A. Endejan, WICL's Regional Representative for the Pacific Northwest, is a partner at Graham & Dunn PC in Seattle.

WICL Regional Representatives:

Austin	Laura Lee Prather (laura.prather@sdma.com) Catherine Robb (catherine.robbs@sdma.com)
Chicago	Debbie Berman (dberman@jenner.com)
Cincinnati	Susan Grogan Fallner (sfallner@fbtlaw.com)
Denver	Ashley Kissinger (akissinger@lskslaw.com)
Miami	Catherine Van Horn (cvanhorn@gjb-law.com)
New Orleans	Mary Ellen Roy (roym@phelps.com)
New York	Amanda Leith (aleith@lskslaw.com) Aimee Saginaw (asaginaw@mclaughlinstern.com)
Pacific Northwest	Judy Endejan (jendejan@grahamdunn.com)
Washington, D.C.	Erin Dozier (edozier@nab.org) Kathy Kirby (kkirby@wileyrein.com)



Heard Around Town

By Catherine Van Horn

Ground-Breaking Part-Time Partnership Study: In response to recommendations from

prior studies confirming ongoing gender-based disparity in compensation, attrition and job satisfaction, as well as unacceptably low percentages of women law firm partners, The Project for Attorney Retention (“PAR”) is spearheading a ground-breaking study of part-time partnership. The study – which will include a special focus on part-time partners in Denver, due to the participation and support of the Colorado Women’s Bar Association Foundation – will involve in-depth, confidential interviews with male and female part-time partners, covering the details of and their satisfaction with their reduced-hours arrangements, compensation and evaluation methods, business generation, and their service to their firms. The goal of the study is to develop a best-practices model and report that can be used nationwide, similar to their previously-developed best-practices Model Policy on Balanced Hours already in use by many East Coast firms to stem attrition of associates. If you are a part-time partner or know of a part-time partner who would like to be contacted for this study, e-mail LindaChanow@pardc.org at PAR or Colorado Women’s Bar Association members Beth Doherty Quinn (bdq@bairdkiovsky.com) or Connie Talmage (CTalmage@coloradolawyerscommittee.org). Additional information on PAR and its other current and previous projects is available at www.pardc.org.

Become an Op-Ed Writer: The Op-Ed Project is conducting a series of seminars for women entitled *How to Write to Change the World*. The Project is an initiative to expand public debate – currently dominated by a very narrow range of mostly white, mostly privileged, male voices – by enlarging the pool of women experts accessing the nation’s key opinion forums, based on the belief that public debate needs women’s voices. The seminar teaches women how to generate winning ideas, craft a powerful

(Continued on page 16)



Profile:
Kathleen A. Kirby

By Martha Heller

Those of us who have had the privilege of working with Kathy Kirby are very glad that her early interactions with broadcasting ultimately led her to a career in media law. Today, as a partner in the Media Group at Wiley Rein LLP, Kathy draws on her deep-rooted love and knowledge of the broadcasting industry through a practice that combines a wide variety of FCC regulatory, transactional, and First Amendment work.

While she was an undergraduate student at the University of Virginia, Kathy began working at the college radio station. Among many other roles, Kathy was involved in the effort to obtain a broadcast license for the station (which originally was piped into the college dorms rather than broadcast over-the-air) and thus had her first exposure to the FCC comparative hearing process. These efforts ultimately were successful, and the station became one of the nation's first college radio outlets to be licensed as a commercial station. Kathy also played many other roles at the station, including hosting a music program, reporting the news, and selling advertising. Eventually, she became the station's General Manager and spent her last summer before graduation rotating through six-hour on-air shifts along with a staff of only four other students.

Kathy's college radio experience put the broadcasting bug in her, causing her to scrap her original plan of going to law school or working at a major accounting firm after graduation and instead to pursue a career in broadcasting. She soon landed a job at a small radio station on Long Island's Hamptons, where she initially sold advertising. The station later was sold to

Lorne Michaels and Paul Simon, after which Kathy once again became a radio jane-of-all-trades: she covered local politics, anchored the morning news, kept the books, and worked on marketing promotions.

In the mid-1980s, Kathy was offered a job at Eastern Broadcasting (then considered a "large" radio group because it held more than a dozen radio stations) and moved to New Haven, Connecticut. She quickly moved up the ranks in sales and marketing. While Kathy missed the news and content issues she had worked on at her previous job (particularly beat reporting), she very much enjoyed the creative side of advertising, which she experienced by producing localized promotional campaigns for the station's larger advertisers.

Eastern was sold to another owner in the late 1980s and Kathy became a VP of Sales and Marketing. Around that time, however, she began to re-evaluate whether a career in broadcasting was the best option for her long term and decided to take the LSAT. She subsequently was offered a full scholarship at Catholic University's Institute for Communications Law Studies, a perfect fit for her previous experience and interests. Kathy thrived in law school, where she was the executive editor of the law review and one of her professors remarked that students as outstanding as Kathy come along only once in a decade.

After clerking for a small firm in Washington D.C. that did the FCC regulatory work for her previous employer, Kathy took a job upon graduation from Catholic at Reed Smith LLP, which recently had merged with a communications law boutique. There, Kathy's practice combined FCC regulatory work for broadcasters, cable companies, satellite companies, and other communications entities with First Amendment issues. She loved the work, which allowed her to maintain close ties

to the broadcast and media business and to draw on her extensive knowledge of the inner workings of the industry.

When she gave birth to her daughter in 1993, Kathy decided to quit her job at Reed Smith because she felt that the long hours were not conducive to raising a child. But it wasn't long before one of the firm's major clients called up Pete O'Connell, a senior partner in the communications practice, and essentially told him to "get her back." And so he did, by working out a part-time and flexible work schedule with Kathy, a somewhat unusual arrangement at the time. Pete was not surprised by the client's strong desire to have Kathy on board. Pete says that, from the beginning, he had been highly impressed by her remarkably "quick grasp" of new issues and the "speed and depth of her analyses." In his experience, there are "not many people" who can take command of new subject matter as quickly and effectively as Kathy.

In 1997, Pete and Kathy, along with their colleague Marnie Sarver, joined the communications law practice at Wiley Rein LLP. Today, Kathy's practice at Wiley Rein involves a wide range of day-to-day regulatory advice for radio and TV stations, media-related transactional work, FCC policy issues, and First Amendment issues. Into the last category, among many other issues, fall recent lobbying efforts on the federal shield law and the OPEN Government Act of 2007 (which strengthens the Freedom of Information Act), pre-broadcast review of newscasts, and reporter access issues.

As a young associate at Reed Smith, Kathy began working with the Radio-Television News Directors Association ("RTNDA"), a relationship that quickly flourished and continues today. Kathy has represented RTNDA for approximately 14 years and during many of those years has served as the organization's General Counsel. In that

capacity, Kathy has become a leading expert on cameras and microphones in court, and she frequently advises RTNDA members who are trying to open their state courts to electronic coverage. She also has been deeply involved in efforts to have such rights extended to the federal courts. In fact, Kathy was instrumental in crafting RTNDA's arguments to persuade the Supreme Court to release audio tape of the 2000 presidential election case, the first time in history that the court took that action.

In addition, Kathy frequently defends the rights of electronic journalists at the FCC on behalf of RTNDA and keeps tabs on legislation that is of interest to its members. Lately, Kathy has led RTNDA's fight on access and online rights to coverage of sports events. She has won some concessions from both the National Football League and Major League Baseball, although the battle continues over who gets to control the online use of video and audio from lucrative sports franchises. Notably, Kathy does not limit her advice to Washington issues. Countless RTNDA members have benefited from her guidance on everything from what to do when you get a subpoena to how to prevent the local police from cutting off communications with the news media.

Over the past decade, Kathy has developed a close working relationship with RTNDA President Barbara Cochran, who says that Kathy "has done a superb job" on behalf of the organization. Barbara notes that, "in her own quiet way, Kathy is one of the most passionate advocates for the First Amendment that I know":

She is quick to spot the potential dangers in new regulations or legislation that would interfere with editorial independence. She knows how to marshal the most effective arguments against intrusions on free speech and free press rights and she is just as quick to spot moves that are positive. She is a

firm believer that broadcasters should have the same First Amendment rights that all other Americans enjoy.

Last year, RTNDA presented Kathy with the Rob Downey Citation for service at its annual meeting. The award “meant the world” to Kathy, both because prior recipients have included people that she greatly admires and respects and because RTNDA’s Board of Directors selected her for the honor. In addition, Kathy was inducted into the National Freedom of Information Hall of Fame in 2006 for her efforts to create more government transparency. She also has served on the Board of the Student Press Law Center, a role that has enabled her to work with young people, one of her passions, by assisting and educating high school and college students about their rights and responsibilities.

Perhaps equally important as the recognition that she has received on a professional level is the fact that Kathy is counted as a close friend by many of her clients and co-workers. Barbara Cochran says that “it is a joy to work with” Kathy because she is “a great listener, with a wicked sense of humor,” and “she is always responsive and gives your problem her full attention, no matter how busy she is.” She also is “thoughtful and caring in good times and bad. Kathy is simply the best!”

Her longtime colleague and friend Marnie Sarver echoes these sentiments, describing Kathy as “the perfect combination of superior intellect, moral and ethical integrity, unfailing good judgment, and the heart and soul of the best friend you could ever want to have. Nothing has added more to my enjoyment of media law for the past 18 years than the opportunity to practice with Kathy. And no client could ever be better served than to have her fighting for their cause.”

While Kathy’s love for the media business continues to make her law practice exciting and rewarding, she has been fulfilled by these relationships. When she received the RTNDA award last year, Kathy was struck by the fact that she has developed not only professional, but also close personal bonds through her work with the RTNDA. She also feels privileged to witness and support journalists’ dedication to their communities and commitment to excellence. And she is grateful for the support that many of her clients and colleagues offered when she went through several personal trials over the past couple of years—including the sudden death of her mother and her husband’s heart attack and open heart surgery. As Kathy put it, “work that is interesting and intellectually challenging is wonderful, but having clients like this is sustaining.” Kathy also says that she has been blessed to have unwavering support from a loving husband and child, a close-knit extended family that grounds her, and the privilege to work with exceptionally talented people at Wiley Rein, from whom she’s learned so much.

Kathy stresses the importance of living a balanced life, taking care of yourself, and appreciating the important things. She has become very involved in many of her daughter’s (who is now a sophomore in high school) activities. For the past 10 years, Kathy has been a Girl Scout Leader. While she has always loved outdoor activities, she did shock her family of hard-core New Yorkers with her newfound ability to pitch a tent. She currently is having an “absolutely marvelous time” being the photographer for her daughter’s high school marching band.

Kathy plans to retire to the beach someday. While that sounds awfully inviting, we all hope that she sticks it out in the practice of law for quite awhile longer.

Martha E. Heller is a partner at Wiley Rein LLP.



Heard Around Town

(Continued from page 12)

argument, use news hooks, address potential critics, pitch an idea, and preach beyond the choir, as well as how to think bigger and make a participants have recently had pieces published in major national newspapers such as *The Washington Post* and *The Christian Science Monitor* as well as top items on Google news and other Internet sites. Upcoming seminars include New York on Sunday, February 22, 2009, and Washington, D.C. on Saturday, April 18, 2009, and additional university seminars are being scheduled for this Spring. To register for a seminar, find out about additional locations, or obtain additional information about the Project, go to www.theopedproject.org. For questions, contact Liz Davis at liz@theopedproject.org.

Yes, It's True, a Magazine Named Sue: A new magazine for female litigators launched in January 2009. Cleverly named *Sue*, the inaugural edition of this online-only publication includes how-to articles of interest to all litigators, such as confronting your case's weaknesses, as well as articles of special interest to women, including how to walk the "thin pink line" between being "too aggressive" and "too girlish" (by Lois Frankel, the author of *Nice Girls Don't Get the Corner Office*), an examination of why there aren't more female litigation blawggers, and profiles of top female litigators. The bimonthly magazine has attracted top contributors, as demonstrated by the cover story on "If Women Wrote the Laws," by noted Loyola Law School Professor Laurie Levenson, who is a regular contributor to CNN, MSNBC, NBC and *The National Law Journal*. Publisher Chere Estrin, who also publishes a magazine for paralegals entitled *Know*, said the mission of the new magazine is to abolish stereotypes and acknowledge the strengths of female litigators. For a summary of the inaugural issue or to subscribe (\$49 for the

domestic edition, \$98 for the international edition), go to www.magazinenamedsue.com.

"Embrace Your Femininity": A renowned London-based international law firm reportedly has advised its women lawyers and other female staffers to "embrace their femininity" by wearing skirts and stilettos rather than pantsuits. Fashion magazine *Marie Claire* reported in its December 23, 2008 issue that Freshfields Bruckhaus Deringer, a 2,400-lawyer member of London's elite "magic circle," felt compelled to hire image consultants to conduct sessions on how to project a professional image in the workplace. Former lawyer Lucina Slater, who runs the image consulting firm Best Foot Forward, explained that high heels helps women "stand better and gives them height." Another source from the firm suggested that developing a "Freshfields look" helped the staff stand out from the sea of grey suits. Interestingly, while "accentuating your leg length" is highly recommended, according to the magazine, "necklaces are to be avoided for fear of drawing attention to the bustline; yes, really."

NAWL Releases Results of 2008 Study on Women in Law Firms: The National Association of Women Lawyers recently released the results of its 2008 *Survey on Retention and Promotion of Women in Law Firms*. Available online at www.nawl.org, the organization's third annual study reports that, although women have been graduating from law school at the same rate as men for nearly two decades, less than 16% of equity partners are women, only 15% of the members of firms' highest governing committees are women, and 15% of the top law firms have no women at all on their governing committees. Moreover, as bleak as those figures are for women attorneys generally, women of color, who are hired at roughly the same rate at they graduate from law school, are even less likely to reach the management level, accounting for only 1.4% of

equity partners and 3% of non-equity partners. And male attorneys are better compensated than female attorneys at every stage of practice. While there is some good news – more recent graduates do seem to be being promoted to equity partner at a faster rate than older graduates – the survey seems to demonstrate the existence of an unbreakable circle – disparities in promotion and compensation contribute to job dissatisfaction and higher attrition rates, which in turn contribute to lower compensation and promotion rates for women. The other interesting finding is that those women who do make it to the upper echelons are more likely to do so through lateral moves than by staying with the firm that hired them out of law school.

Catherine Van Horn is of counsel to Genovese Joblove & Battista P.A. in Miami, Florida.



President Obama Issues Directive on FOIA

By Judy Mercier

In his first full day in office, President Barack Obama came through on his campaign promises of change and transparency. On January 21, 2009, quoting Justice Louis Brandeis that “sunlight is said to be the best of disinfectants,” and acknowledging that accountability and transparency are essential in a democracy, President Obama issued a directive that the Freedom of Information Act (FOIA) be administered with a clear presumption of openness. “In the face of doubt, openness prevails.” This is a stark contrast to the post-911 directive issued by then Attorney General Ashcroft, which stressed that agencies should “carefully consider the protection” of various interests such as personal privacy, national security, business information, and enhancing the effectiveness of law enforcement agencies when making disclosure determinations under FOIA.

In the Memorandum sent to the heads of Executive Departments and Agencies, President Obama ordered that “[a]ll agencies should adopt a presumption in favor of disclosure, in order to renew their commitment to the principles embodied in FOIA, and to usher in a new era of open Government. The presumption of disclosure should be applied to all decisions involving FOIA.”

The directive, which rescinds the previous Administration’s policy set forth in the Ashcroft memorandum, directs agencies to take affirmative steps to make information public on a timely basis, rather than wait for a specific request. It also directs agencies, which are servants of the public, to promptly respond to all FOIA requests with a spirit of cooperation. “The Government should not keep information confidential merely because public officials might be embarrassed by disclosure, because errors and failures might be revealed, or because of speculative or abstract fears.”

In the Memorandum, the President ordered the Attorney General to issue new FOIA guidelines and directed the Director of the Office of Management and Budget to update guidance to the agencies on using new technologies to increase and improve information dissemination to the public.

If you currently have a FOIA action pending in the courts, or a request pending with an agency, you may want to consider whether it would be appropriate and helpful to bring this directive to the court or agency’s attention.

Judith M. (“Judy”) Mercier is a partner in Holland & Knight LLP’s Orlando, Florida office.



Add yourself to the WICL Directory
WICL has a comprehensive, up-to-date directory of women communications lawyers in private practice, government, non-profit organizations and corporations. To be added to the directory, please send your name, title, company, address, fax, phone and email address to Laura Lee Prather (laura.prather@sdma.com).

10 Women to Watch in 5769

A couple generations ago, heroines seemed in short supply. Sure, as women we admired Golda or Eleanor Roosevelt and maybe a beloved grandmother who had soldiered on despite personal hardship. For the most part, however, we simply didn't hear much about heroic women. Today, to find our heroines we need simply to look around us. That's what we did to identify the 10 Women to Watch for 5769. To find them, we needed to look no further than our favorite pair of jeans or the nail polishes with ingenious names that we love to wear. We found them on Broadway, covering sports on ESPN and developing quality media for our pre-teen daughters. We found them working to prevent global warming, to improve women's health and to engage disconnected Jews. They are creative, energetic and driven to succeed, but, like earlier generations of heroines, they care about their communities, their families and about making the world around them a better, more humane place. Meet them on the pages ahead and join us for lunch on December 9 in Washington, D.C. when we celebrate their remarkable lives.

Susan Josephs is a freelance writer based in Venice, Calif.

By Susan Josephs


 W Stephanie Abrutyn

Defending Quality Programs for HBO

When law students ask Stephanie Abrutyn for career advice, she tells them “to find something else you’re interested in and match that up with being a lawyer. So many lawyers wind up hating what they do,” she says. “I love what I do.”

As vice president and senior counsel of litigation for HBO, Abrutyn has successfully married her expertise in communications law with her passion for high-quality entertainment and political television programs. “What I do is often not all that different from a lawyer working in banking or any other field,” she says. “I just happen to be genuinely interested in the business I represent and believe in the products I’m defending.”

Abrutyn, 41, spends her days as a watchdog for the storied cable network’s intellectual property and its vulnerability to lawsuits. This might involve writing cease-and-desist letters, negotiating with people who threaten to sue or vetting pages of political jokes for the talk show *Real Time with Bill Maher* for any legally problematic material. Satisfaction on the job happens “when I figure out a solution to a problem with a show pre-broadcast. Then I can help get the show on the air without the risk of a lawsuit seeking millions of dollars,” she says.

Raised in Potomac, Md., Abrutyn grew up fascinated by television and politics and says she can’t remember a time when she didn’t want to be a lawyer. Her father was also an attorney, and “my personality is similar to his,” she says. “I’m very capable of being rational in any given situation.”

Abrutyn credits her mother, a tireless volunteer in a number of Jewish organizations, for imprinting her “with feeling a responsibility to the Jewish community. This definitely shaped the adult I turned into,” she says, adding that she still attends her childhood synagogue in Rockville, Md., for High Holiday

services. “I’m still very much connected to the Jewish community I grew up with.”

After completing a double major in political science and economics at Colgate University, Abrutyn attended law school at the University of Pennsylvania. She first worked at a Washington, D.C.-based law firm specializing in First Amendment cases before moving to New York City and onto various in-house counsel positions at several high-profile media outlets, including ABC and the Tribune Company. Her professional success, she observes, stems from a mixture of luck, great mentors, a refusal to be intimidated in high-pressure situations and “not taking things personally.”

“I’ve always been able to separate my emotions in the workplace, but I have seen other women suffer,” she says of corporate environments where men still inhabit the majority of

“ I just happen to be genuinely interested in the business I represent and believe in the products I’m defending. ”

senior management positions. “And as an attorney, I will say there are certain behaviors of my job where men are perceived as go-getters and women as overly aggressive.”

Making it a priority to “have a life outside the office,” Abrutyn has served in a variety of leadership roles, which have included co-chairing the Women in Communications Law division of the American Bar Association’s Communications Law Forum. She’s also a marathon runner, an amateur photographer and an intrepid traveler who has visited every continent except Antarctica. “I’ve had the opportunity to do amazing things in my life,” she says. “My colleagues and I like to joke that we’re among the luckiest people in the world, working in this area of the law where it’s possible to be on the right side of it and still get paid well.”

THE CENTER for WOMEN in LAW

by DIANA SMITH



Front row (left to right) Cathy Lambolely, '79, Nina Cortell, '76, Linda Addison, '76, Claudia Frost, Vicki Land, '76; middle row (left to right) Diana Marshall, '73, Linda Brooks, '78, Martha Smiley, '72; top row (left to right) Gail Watkins, '76, Jane Macon, '70, and Executive Director Hannah Brenner, gather at their annual retreat to discuss plans for the Center for Women in Law.

This article originally appeared in the Winter 2008 issue of UT Law magazine. It is reprinted with permission from the University of Texas School of Law; Catherine Lambolely, Shell Oil Company (ret.); Nina Cortell, Haynes & Boone, Linda Addison, Fulbright & Jaworski; Claudia Frost, Pillsbury; Vicki Land, Brown Winfield Canzoneri Abram; Diana Marshall, Marshall & Lewis; Linda Brooks, Ogden, Gibson, Brooks & Longoria; Martha Smiley, Winstead; Gail Watkins, Fulbright & Jaworski; Jane Macon, Fulbright & Jaworski. Hannah Brenner, Executive Director, Center for Women in Law.

As career advancement and work-life balance continue to be elusive for women in the profession of law, a group of attorneys have undertaken a new venture. The Center for Women in Law at the University of Texas School of Law will identify and address persistent issues facing women in the legal profession by advocating for significant and lasting change. The Center's ambition is to become a nationally acclaimed institution dedicated to improving the status of all women in law.

THE CENTER for WOMEN in LAW

by DIANA SMITH

SINCE WOMEN ATTORNEYS first cracked the “glass ceiling” decades ago, they have made great strides, some ascending to the highest levels in the profession. Along the way, however, many still find that they face pervasive limitations of opportunity or encounter obstacles in their chosen profession. Some leave the practice of law altogether, or seek other career avenues. This reality has been the subject of casual conversations among women in

the profession for many years. A group of pioneering women who graduated from the University of Texas School of Law in an era when it wasn't common for women to pursue law as a career began talking about this dilemma in a much different, more purposeful way, fueled by a real determination to fully understand and effectively address the underlying causes of the issues faced by women lawyers. These early conversations ultimately led to the creation

of the Center for Women in Law at the University of Texas School of Law.

Today, the women who founded the Center are giving back to the Law School and leaving a legacy for women with law degrees and for generations of women who are just beginning their path in law—by creating an initiative devoted to success across the entire spectrum of women in law.

“Most of us—the women who came out of the Law School in the seventies—

found ourselves being the first at almost anything we did," said Nina Cortell, '76, a partner with Haynes and Boone, LLP, in Dallas. Cortell has been widely recognized for her expertise in handling complex appeals during her thirty-year career, and she is a founding member of the Center for Women in Law. "Often we were the first women in our firms. We were the first to seek certain policies such as maternity leave and to deal with the issue of balancing our legal practices with raising our children. We also led the way in working with a judiciary that wasn't always used to women in the courtroom and corporations that weren't used to women in the boardroom." Cortell and the Center's founders are trailblazers who truly paved the way for the generations that followed.

profession remains challenging "We know that women now enter the legal profession in equal proportion to men, and some have ascended to the highest positions in the field: Supreme Court justice, law school dean, attorney general, managing partner, general counsel, senator, governor, and presidential candidate," Brenner said. "More and more are leaving practice—or exiting the workforce entirely—as career advancement opportunities and work-life balance continue to be elusive. Those who stay are finding fewer opportunities for advancement. The percentage of women in leadership positions has plateaued far below the point of gender parity."

"This is an issue that has been important to me for a really long time," said Sylvia de Leon, '76, the first woman

Addressing These Dilemmas

"We envision the Center serving women in several ways," Cortell explained. "It will be a resource for women who are law students or who have graduated and are in the profession. We will also work with law firms, businesses, and academia to help assess and encourage the advancement of women in whatever paths they choose after they graduate from law school."

With its doors now open at the Law School and its first executive director in place, the Center has recently unveiled plans for its inaugural Women's Power Summit on Law and Leadership, a gathering of the country's top lawyers, scheduled for the spring of 2009. The Summit will be a historic gathering of leading women in the law, anchored by

The Center's ambition is to become a nationally acclaimed institution dedicated to improving the status of all women in law.

Cathy Lamboley, '79, spent three decades in the legal department at Shell Oil headquarters in Houston, eventually advancing to vice president and general counsel—the first woman to achieve this distinction at Shell. Now retired, Lamboley is also a founding member of the Center. For a woman in a predominantly male industry, the path was not easy. She played an integral role in changing the culture at Shell, contributing to the company's diversity and inclusiveness initiatives in the 1990s. Lamboley emphasizes that there are still gains to be made: "The numbers for women in the profession as a whole have remained pretty static, if not gotten worse. And there is a real shortage of women advancing to leadership positions."

Attorney Hannah Brenner, the Center's first executive director, confirms that the path for women in the legal

partner at Akin, Gump, Strauss, Hauer & Feld, LLP, in the Washington, D.C., office, and a founding member of the Center. "We need to recognize the costs to institutions, firms, and companies in terms of lost productivity when women drop out of the workforce. I think this is a cost that society simply can't continue to afford. There are enormous numbers of women coming out of law school. We've reached the fifty percent mark in the top twenty law schools in the country. But the percentage of those women who remain in the career of law is significantly lower. The easy answer has always been that women leave because they want to pursue having a family, or a different area of interest, but if you really talk to the women who have left the profession, many of them describe the hurdles they faced or the lack of opportunity."

the Honorable Sandra Day O'Connor and convened by a distinguished Advisory Board comprising the top lawyers in America, from eminent scholars whose research focuses on issues like gender equity and work-life balance to managing partners at large law firms to high-ranking women in politics and the judiciary. The Summit will be chaired by Diane Yu, former Chair of the ABA Commission on Women.

"The Summit will bring together women lawyers at the highest levels within the various sectors of the profession, to gain access to the most cutting-edge research, share strategies, and develop solutions, culminating in the drafting of a platform—the Austin Manifesto—that calls for specific, concrete steps to tackle the stubborn obstacles facing women in the legal profession today," Yu said.

Brenner added that Summit participants will be encouraged to continue their association with the Center, returning as leaders-in-residence and serving as faculty for an ongoing leadership academy.

In conjunction with this historic event, the Center has taken on a major research project, gathering data, articles, and other scholarly work on the issues facing women in the profession for what will be the most comprehensive collection of its kind. The Center will work with law students and practicing lawyers, with the goal of addressing inequalities and securing meaningful opportunities for women in law.

The Role of Philanthropy—Leaving a Legacy

A senior partner in the litigation department of Fulbright & Jaworski, LLP, in Houston, Linda Addison, '76, has enjoyed a longtime relationship with UT Law and is a Trustee Emeritus of the University of Texas Law School Foundation. She has been a true catalyst in conceiving and implementing the Center and in recruiting other founders. "It became clear to me after speaking with women early on who supported the law school and had a relationship with it that rather than simply write a check, they really wanted to leave a legacy for those who followed," she said. "The Center's concept really resonated with the women I talked to."

In an evolution of traditional philanthropy, the idea for the Center started with only a few women, among them Addison, Cortell, de Leon, and Laura Hagen, '76, but that initial group has today grown to include more than thirty founders from across the country, all of whom have contributed personally and financially to make the Center a reality. "Our first core group of about five or six founders were all from the Law School Class of 1976," de Leon said.

In one of his last acts as Dean, Bill Powers gave the green light to the Center, and the Center gathered momentum under the leadership of Dean Larry Sager. "When I was first introduced to twenty-five or so of the founders of the Center at lunch one afternoon, I realized that they constituted an extraordinary group of talented, successful, and generous women," Sager said. "They are a remarkable resource for a community of ideas and constructive projects like UT Law, and their Center is going to be a remarkable resource for the diverse enterprise we call the legal profession. I am a great fan and supporter of the Center."

Addison added that once word got out about the Center, the phone started ringing. "People heard what we were doing and called and said, 'I really want to be a part of this, and more than that, I want to help. This included women lawyers who were not even UT Law graduates.'"

"The Center's founders have each made a significant financial contribution to turn the concept into a reality," said de Leon. "I think that's very important—when we announced the Center, we could say that it was built on the financial contributions of women."

Supporting the Center isn't just about giving money to the Law School. It is also about giving time and expertise to the project. "One of the remarkable things about this undertaking is the level of donor involvement," said Carla Cooper, the Law School's assistant dean for alumni relations and development.

"We have worked to build consensus around how to move forward with planning the Center from the first day. This new model of philanthropy is not, perhaps, the most conventional," Cooper said. "It's unique and it is the one we're committed to."

Changing the World

"You reach a point in your life when it's time to share the lessons you've learned in meaningful ways that can, hopefully, impact a broader group—perhaps even a whole generation," Addison said. "I not only hope but expect that the Center will level the playing field for women who choose to use their law degrees both inside the profession and in other ways. I—we—expect it to change the world."

Founders

The Center for Women in Law

represents the vision and commitment of its founders, a dedicated group of alumnae and friends from across the United States who conceived of the Center and provided initial funding for its endowment.

Linda Addison '76
 Marcia Backus '83
 Melanie Barnes '81
 Laura Beckworth '83
 Linda Brooks '78
 Dori Budd '83
 Katy Civins '75
 Nina Cortell '76
 Franci Crane '78
 Sylvia de Leon '76
 Claudia Frost
 Michelle Goolbsy '83
 Laura Hagen '76
 Peggy Heeg
 Karen Hirschman '83
 Norma Fink Huffaker '88
(in memoriam)
 Tracey Kennedy '90
 Chris LaFollette
 Cathy Lamboley '79
 Vicki Land '76
 Ann Lents '74
 Janiece Longoria '79
 Jane Macon '70
 Diana Marshall '73
 Carrin Patman '82
 Lauren Eaton Prescott '75
 Martha Smiley '72
 Jan Summer '76
 Tammy Tran '86
 Gail Watkins '76
 Anonymous

Women In Leadership In Communications Law

This new column will regularly appear in WICL newsletters. The column identifies women who are serving in leadership positions in communications law professional organizations such as the ABA Forum on Communications Law (the Forum) and the Media Law Resource Center. It's an impressive list, indeed. This first effort may be incomplete, and we apologize if we have missed anyone. Please send us any additional information you may have about women serving in such leadership positions.

Stephanie Abrutyn	Co-Editor of the Forum's <i>Communications Lawyer</i>
Jeanette Melendez Bead	Chair of the Steering Committee of the Forum First Amendment and Media Law Moot Court Competition
Robin Bierstedt	Co-Chair of MLRC New Legal Developments Committee
Katherine Bolger	Co-Chair of MLRC Entertainment Committee Membership Chair of the First Amendment and Media Litigation Committee of the ABA Section of Litigation
Susan Buckley	Member of the Forum Governing Committee
Guylyn Cummins	Forum Chair Co-Chair of MLRC Membership Committee
Lucy Dalglish	Nominee to Forum Governing Committee
Jennifer Dornitz	Co-Chair of MLRC California Chapter
Johnita Due	Nominee to Forum Governing Committee
Kai Falkenberg	Co-Chair of MLRC Prepublication/Prebroadcast Review Committee
Nancy Felsten	Co-Chair of MLRC Advertising/Commercial Speech Committee
Jennifer Johnson	Co-Chair of the Eastern Division of the Forum
Pilar Keagy Johnson	Member of the Forum Governing Committee
Kathleen Kirby	Co-Chair of MLRC Legislative Affairs Committee
Ashley Kissinger	Co-Chair of the Forum Women In Communications Law Committee
Lindsay LaVine	ABA Young Lawyers Division Liaison to the Forum
Laurie Michelson	Co-Chair of the Central Division of the Forum

Karole Morgan-Prager	Member of MLRC Board of Directors
Barbara Morgenstern	Co-Chair of the Central Division of the Forum
Laura Lee Prather	Co-Chair of the Forum Women In Communications Law Committee Co-Chair of the First Amendment and Media Litigation Committee of the ABA Section of Litigation
Elizabeth Ritvo	Treasurer of MLRC Defense Counsel Section
Elisa Rivlin	Member of MLRC Board of Directors
Kelli Sager	President of MLRC Defense Counsel Section Co-Chair of the Western Division of the Forum
Deanna Shullman	Co-Chair of the Forum Training & Development Committee
Natalie Spears	Member of the Forum Governing Committee
Jenell Trigg	Member of the Forum Governing Committee
Susan Weiner	Member of MLRC Board of Directors
Maya Windholz	Member of the Forum Governing Committee
Nicole Wong	Co-Chair of the Western Division of the Forum

In addition, **Mary Ellen Roy** just stepped down as Co-Chair of the MLRC Education & Conference Committee, which chairs the annual NAA/NAB/MLRC Conference, and **Jan Constantine** just stepped down as Co-Chair of the MLRC International Committee.

Women on the Move

Stephanie S. Abrutyn, Vice President and Senior Counsel, Litigation for HBO, was named as one of “10 Women to Watch in 5769” in the Fall 2008 issue of *Jewish Woman* magazine, which is published by Jewish Women International. Read the article about Stephanie at www.tinyurl.com/StephanieA.

Rachel G. Balaban, formerly a partner at Sonnenschein Nath & Rosenthal, LLP, has become a partner at Scarola Ellis LLP in New York City.

Trina Hunn has been named assistant general counsel in the HarperCollins legal department. Hunn arrives from Hearst, where she held the same title.

Karen Kaiser, formerly Senior Counsel, East Coast Media at Tribune Company, has become Assistant General Counsel for The Associated Press, where she will focus primarily on access and litigation.

Jane E. Mago has been appointed to Executive Vice President of Legal and Regulatory Affairs and General Counsel at the National Association of Broadcasters (NAB).

Fort Lauderdale’s media boutique, Gordon, Hargrove & James, has recently merged with the San Francisco-based law firm of Sedgwick, Detert, Moran & Arnold LLP. Included in this merger were WICL members **Dana J. McElroy** and **Cristina M. Pierson** who now help to spearhead Sedgwick’s Florida operation and Southeast media practice.

Jennifer Peterson, formerly an attorney at Godfrey & Kahn, is now Media Counsel and Deputy General Counsel at Journal Communications, Inc. in Milwaukee, Wisconsin.

Laura Lee Prather, a partner at Sedgwick, Detert, Moran & Arnold LLP in Austin, Texas, is the new Co-Chair of the Women in Communications Law Committee of the ABA Forum on Communications Law.

Elizabeth A. Ritvo, a partner at Brown Rudnick LLP in Boston, has been elected to Treasurer of the Defense Counsel Section of the Media Law Resource Center.

Kelli L. Sager, a partner in Davis Wright Tremaine LLP’s Los Angeles office and formerly the Vice President of the Defense Counsel Section of the Media Law Resource Center, has assumed the presidency of the Section.



Join our Listserv

The ABA Forum on Communications Law has a listserv of all of its members. WICL also has a separate listserv, where we sometimes (very infrequently) send messages to our members. Unlike the Forum listserv, the WICL listserv is “opt in” only. If you are not on the WICL listserv and would like to be, please let Laura Lee Prather know (laura.prather@sdma.com).

Seeking Information About Women’s Initiatives at Law Firms

We understand that many of the Forum’s firms have special initiatives supporting women attorneys. Please send us any information you may have – we will compile it and publish it in the Fall newsletter.

Join The WICL Mentoring Program

By Martha Heller

The Women in Communications Law Mentoring Program has something useful to offer WICL members at all levels of experience. One of our goals in 2009 is to expand the program, which has been in existence for more than a decade and has proven to be a valuable resource to many of our members over the years. Knowing how busy we all are and how precious our "extra-curricular" time is, we also are instituting some new guidelines this year to help ensure that the program continues to be constructive and enriching, while also involving a limited time commitment. We are still in the process of putting together matches for the 2009 program, so please consider signing up!

For junior attorneys, law students, or those with a relatively new interest in communications law, the program offers a great opportunity to gain insight from and get to know more experienced attorneys. And more senior attorneys can always benefit from the wisdom and experience of those who have gone before them. So we welcome both junior and more senior members to sign up as mentees. On the flip side, serving as a mentor is an excellent way to build new relationships in our relatively small bar in a relaxed, one-on-one setting. In fact, given the unique benefits of each role, we hope that some of you will sign up to be both mentors and mentees. That is what both of our co-chairs are planning to do, as am I.

In the interest of giving people the flexibility to change up their mentoring relationships, which can be beneficial for a number of reasons, the program will be conducted on an annual basis. Those interested in participating will be matched with a mentor and/or mentee for the remainder of the calendar year. At the end of the year, participants can choose to continue their existing match, to sign up for a new match,

or to stop participating in the program. In addition, we are recommending that mentors and mentees plan to get together approximately once per quarter. Ideally, these meetings will be face-to-face, but can be done by phone if necessary. We feel that this guideline represents a reasonable compromise between enabling participants to get to know each other and keeping the time commitment involved in the program in check.

We already have 20 mentors/mentees signed up as of this writing and are hoping to get many more participants. If you would like to join us, please see the sign up sheet and guidelines in this newsletter, and thanks for your interest.



Stay Informed

Did you know WICL has its own website?
The website contains:

- Upcoming events
- Recent news and announcements about our members
- Directory of members
- Newsletter archive
- Women to Watch (links to all of the profiles of members published in our newsletters)
- Mentoring Program information
- Job Announcements

Check it out: www.tinyurl.com/ABAWICL

Thank You, Jessica!

Many thanks to Jessica Carlsen of Levine Sullivan Koch & Schulz, L.L.P. for her invaluable assistance in publishing this newsletter.

WOMEN IN COMMUNICATIONS LAW

2009 Mentoring Program Guidelines

- The goal of the program is to match law students, junior and senior attorneys interested in communications law with more experienced mentors. Participants may serve as a mentor, mentee, or both.
- The program will be conducted on an annual basis. Those interested in participating will be matched with a mentor or mentee for the remainder of the calendar year. There can be many salutary reasons for changing up mentoring relationships, so **the obligation extends no longer than one year**. At the end of the year, participants can choose to continue their existing match, to sign up for a new match, or to stop participating in the program.
- Mentors and mentees should plan to get together approximately once per quarter.
- In addition to one-on-one meetings, mentors are encouraged to look for opportunities to invite mentees to bar association or other networking and/or educational events.
- Whenever possible, mentors and mentees will be matched based on geographic area. In some instances, however, we may suggest matches between mentors and mentees located in different cities (in which case meetings may be held by phone).
- To the extent possible, mentors and mentees also will be matched according to their practice area or other common interests noted on the sign-up form.

Thank you for your interest!

We look forward to having you participate in the program.

Mentoring Coordinator

Martha E. Heller
Wiley Rein LLP
1776 K Street NW
Washington, DC 20006
(202) 719-3234
(202) 719-7049 (fax)
mheller@wileyrein.com

WOMEN IN COMMUNICATIONS LAW
MENTOR/MENTEE REGISTRATION FORM

I am applying to be a Mentor ___ Mentee ___ Both ___ Today's Date: _____

Name _____

Organization _____

Address _____

Phone _____ Fax _____ Email _____

Years of Practice in Communications Law: _____

Practice Areas: _____

Please list your law school, undergraduate and graduate education including school, degree, and graduation dates _____

What are your hobbies and interests? _____

Please list any other details that you think would help WICL match you with a compatible mentor/mentee

(For Mentors Only) Are you willing to mentor more than one mentee at a time?

Yes ___ No ___

(For Mentees Only) Please list your primary goal(s) or reason(s) for participating in the mentorship program.

THANK YOU FOR PARTICIPATING IN WICL'S MENTORING PROGRAM!

PLEASE RETURN THIS FORM BY EMAIL, MAIL OR FAX TO:

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Washington, D.C. 20006
Phone: (202) 719-3234
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