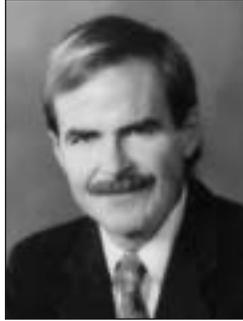


FROM THE CHAIR

This is my first column as your first Chair from the nation's Rocky Mountains hinterland. Actually, I am something of a fraud as a representative of the West, since I was raised in Chicago, have a life-threatening allergy to horses, and do not handle firearms. One thing fits: I write like a cowboy. The editors will back me up on this.



Thomas B. Kelley

It is de rigueur for a new Chair's first column to fete the retiring Chair and to mention what the Forum will be doing during the two-year term that the Chair serves. I approach both tasks with enthusiasm.

I am indebted to my predecessor, George Freeman, for many things, not the least of which his recommendation of me to be his successor. We owe George for the two years that he served as Chair of the Forum, but that doesn't begin to cover it. George, you see, is one of a small group of leaders that has guided this organization and shaped its Annual Conference since it was first convened in Boca Raton, Florida, in 1996. The Annual Conference has always had George Freeman's fingerprints all over it, because he is a person who does not believe that anything is worth doing unless you can find a way to have fun doing it. Take the newsroom seminars—difficult to present without calling to mind the word “boring”—that he presents at *The New York Times*. In his discussion of significant court cases, he uses visuals such as a postcard that he found in a San Francisco novelty shop bearing a photo of “Ralph the Diving Pig,” and a snapshot of himself personally inspecting the bar in West Palm Beach, Florida, where William Kennedy Smith met the woman whom he allegedly assaulted.

George's inspiration for creating an annual event in which educational sessions take a back seat to social and family events was a reaction to the enlightening but relentless intellectual rigor of biennial conferences of the Libel Defense Resource Center in the 1980s. George was always a valuable contributor to those

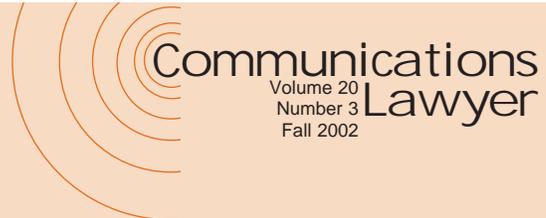
symposia, offering amusing hypotheticals for dissection and legal analysis, a pedagogical style that has become a Freeman trademark. In planning one LDRC conference, George insisted that the schedule include a break for a game that he dubbed “wallyball,” for which George rented a gym. Only a brief period between the last session of the day and the dinner was allowed for George's recreational

respite, so few people showed up and the event had to be cancelled. George had all of this that he could take. He could never understand why, when such a witty and affable group of people convene, there

shouldn't be ample opportunity for fun and laughter. Fortunately, George's frustration became the engine that drives our Annual Conference, with its athletic tournaments and such Freeman inventions (now traditions) as “Moot Court for Kids” and “Journalism Jeopardy.”

George's leadership style is unique, with his booming baritone voice and opinions on virtually every subject. At our meetings, George will often preface his remarks by saying “I don't have an opinion on this, but . . .” Those of us who know him are too overcome with laughter to hear the thinly disguised opinion that follows. Perhaps the most inspiring aspect of George's tenure as Chair has been his

(Continued on page 17)



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Thomas B. Kelley (tkelley@faegre.com) will serve as chair of the Forum on Communications Law until August 2004.

From the Chair

(Continued from page 2)

willingness to “stir the pot” on almost any issue in the quarterly Chair’s Column, challenging the work of the U.S. Supreme Court in *Bush v. Gore*, and taking on the tough questions that we face in our efforts to diversify our profession. But there is an equanimity to George that is his most endearing quality. Opinionated as he may be, George is never self-satisfied, and he is always sensitive to practical considerations that lie below the surface. As his long-time colleague Adam Liptak told me, “it’s his light touch, intellectual honesty, and common sense” that make George both an effective lawyer and an effective leader, and “a blast to be around.” Even those who might struggle a bit in appreciating the “light touch” have no trouble with the notion that George is a “blast to be around.” That leadership, plus his immeasurable contributions to the vitality of the Forum, make him a hard act to follow.

Does George have the typical New Yorker’s geographical myopia? Well, of course. He will tell you that he regularly “explores” the western states with his family during the summers, and could give you good directions to Bozeman, Montana, or Roswell, New Mexico. But I have no doubt that George regards the western states much as did Frederick Jackson Turner: as a wonderful place to be for releasing pent-up frustrations, but not as a venue for experiencing inspired and informed thinking of the higher mind. To his credit, George has begrudgingly acquiesced in our decision to convene the Annual Conference in a western state every third year.

This brings me to what we will be doing over the next two years. We are busy planning the Annual Conference that will be held in Scottsdale, Arizona, from February 14–16, 2003. We expect this conference and the 2004 conference in Boca Raton to be every bit as enjoyable and educational as any in the past. Under the leadership of Jerry Fritz, the April NAB convention in Las Vegas will include the continually improving “Representing Your Local Broadcaster”

program. We also plan to appear at the ABA Annual Meeting in August. In the Freeman tradition, good fun will be had and good ideas exchanged along the way.

Our most important project, however, will be an initiative to diversify the people who practice in our specialty of representing media organizations. Diversity is a moral imperative for all of us, but it also has become a business imperative for our clients, with the result that there is now more diversity in most of their in-house legal departments. In our bar, diversity is most noticeably lacking in private law firms that represent the media. This is not overly surprising, since private law firms have, for decades, found the process of diversification to be a perplexing challenge. As a bar organization and as advocates we need to meet this challenge. Success will make us better, stronger, and more credible.

Over the years, I have found only one reliable generalization about the lawyers who succeed in our field of law—we are passionate about journalism or about the free speech/free press issues that we address. More often than not, those who have that intensity succeed; those who lack it move on to something else. But why are we failing to attract minority lawyers in proportionate numbers with a passion for the work? Is there any shortage among minority lawyers of persons who possess it? Also, why is it that minority lawyers who have become mid- and senior-level partners in private law firms are so rare?

To address such questions and to propose practical solutions, George Freeman asked me to establish a diversity initiative that will explore practical solutions to the problem of diversity in our profession and practice area. Since becoming Chair of the Forum, I have appointed Paulette Dodson of the Tribune Company to chair the diversity committee, which now includes Jon Avila of Walt Disney Company, Mary Snapp of Microsoft, and Andrew Mar of Davis Wright Tremaine. We have prepared a mailing to in-house counsel seeking their help in encouraging diversity in the law firms that represent them. We will organize a breakout session on diversity at the Annual Conference, a Conference scholarship for a minority

lawyer, a mentoring program, and initiatives for reaching out to law students and entry-level lawyers. Others who are interested in this issue and willing to make a commitment of time and energy should contact Paulette at pdodson@tribune.com.

Finally, I have appointed a committee consisting of Kelli Sager (Davis Wright Tremaine LLP in Los Angeles), Peter Canfield (Dow, Lohnes, & Albertson in Atlanta), and George Freeman (New York Times Co.) to consider nominations for the Chair Elect and four Governing Board seats that will be voted on at our annual meeting on February 15, 2003. In my next column, I will report the results of their work. 