

FROM THE CHAIR

I just returned from a vacation in the Rockies, covering Banff (for an ABA meeting), Glacier National Park, and the Grand Tetons. When we weren't doing what for New Yorkers passed as outdoor activities—short hikes, boating, whitewater rafting, and so on—we read.

My son was into Harry Potter, my daughter reread John Grisham, and my wife was engrossed in short stories. I, on the other hand, read newspapers, from the Great Falls (Montana) *Tribune* to the Laramie (Wyoming) *Boomerang*. When we defected from national park lodges to actual hotels with televisions, I watched CNN and MSNBC—and, of course, ESPN.

With the fresh perspective of the clear Rocky Mountain air and a healthy distance from my desk, I was again able to appreciate just how good our media are. Even the small papers gave their readers a reasonable account of national events, local news they need as well as information that could be useful to them in a variety of ways—financial, health, travel, etc.

As I reflected on this from my perch looking upon the majestic Tetons, it made me again appreciate how fortunate we in this bar are. We lawyers work for a product that gives all Americans important information every single day, information that enriches their lives, causes them to think and question, and allows them to perform more effectively in our society and more responsibly in our democracy. Working as a lawyer for a financial institution or shirt or soda company doesn't come close to doing any of that.

So I ruminated that even though from time to time we all get annoyed at clients who use us to cover their behinds, or make us do their work; while we may get disappointed by a lack of recognition or a deserved promotion; or while we resent an editor dumping a bunch of articles on us for vetting at deadline just as we are about to walk out for the weekend, we should, at the same time, think of how fortunate we are to be lawyers in this industry.

This applies to outside counsel as well, even when they are asked to give a client immediate attention and full re-



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sources, despite the fact that the client might not be a particularly high billing one; or are asked Friday night for a Monday morning memo for no other reason than a publisher demands it. Outside counsel in this area too ought to count their blessings: After all, these questions involve constitutional issues relating to the news of the day as opposed to lots of other areas of the law too depressing to mention.

We should never forget what a privilege and honor it is to work with clients in the communications industry and in this section of the bar. Other areas, such as financial services, may pay more, but at the end of the day, or more specifically at the beginning of the day when we wake up, my guess is that as a group we look forward to going to work more than perhaps any other sector of the bar. In my last Chair's Column, and with the benefit of a two-week hiatus from my office, I would submit that we should never lose sight of these facts.

At this point, it is customary to thank all the people who've helped me during my two years as chair. However, before doing that, it seems as appropriate to note the extraordinary two years we have just been through. I have always felt that I was extraordinarily lucky to have attended college in those four apocalyptic years from 1967–1971. Similarly, events of the last two years have given us no shortage of topics to write or confer about.

Lawyers of all ideologies were shocked by the hypocritical and unprincipled Supreme Court ruling in *Bush v. Gore*, which truly seemed to abandon the tenets inherent in our rule of law. The War on Terrorism and the Catholic Church pedophilia fiasco, both had direct implications on First Amendment practice. And *Bartnicki*, *Tasini*, and *The Wind Done Gone* all made writing this column and planning conferences that much easier.

On a more personal note, I must, of course, first thank Kelli Sager for having recommended me for this post. In addition, Kelli's spontaneous memo e-mailed to this publication's editorial

board quelled the misguided attempt to censor or alter my column on *Bush v. Gore* last year.

Barbara Wall's guidance on matters political and diplomatic has constantly been on target and much appreciated. Special thanks go to Lee Levine, who really is the heart, soul, and backbone of the Forum and has always been there to help me with knotty problems and details from contractual disputes with our hotels to using his skills as a gourmet and gourmand to pick menus.

While these three past chairs have been my kitchen cabinet, current Forum Board members have also been extremely helpful. Jim Borelli has been a rock solid CFO. Jerry Birenz has spent hours working on our Internet site and, more important, our superb listserv, which whisks news in the First Amendment area to Forum members within minutes. I have been helped immeasurably on the planing and presentation of our Las Vegas program, in conjunction with National Association of Broadcasters and Federal Communications Bar Association, itself an interesting political thicket, by Jerry Fritz and this past year Guylyn Cummins, who have helped put on superb shows.

The editors of this excellent publication also deserve appreciation and praise, particularly Laura Stapleton who gracefully shepherded my copy through the editorial process. And, of course, many thanks go to Teresa Ucock and ABA staff in Chicago who behind the scenes do much of the work of the Forum.

Finally, a word on my successor, Tom Kelley, who already shows signs of being far more industrious than me. Though we both are mustachioed graduates of Amherst College (I'm happy to say that Tom graduated a year or two before me), one of the nice things about this succession is that practicewise he is quite different—outside, not inside, counsel; and from the West, not the East. Tom has done a great job with the Forum both as its membership chair and, more recently, as the point person for our diversity initiative.

I am confident the next two years will be as informative to Forum members and as successful for the organization as the last two. I just hope Tom's successes won't end up embarrassing me by comparison.