

W.I.C.L.S. Newsletter

ABA Forum - Women in Communications Law Subcommittee

Volume 1, Issue 1 July 1998

Report from Scottsdale: Subcommittee Meeting

By Amy Neuhardt

Sunny Scottsdale, Arizona was the site of the most recent gathering of the Women in Communications Law Subcommittee. Dozens of members, led by Subcommittee Co-Chairs Joyce Meyers and Michelle Worrall Tilton, met on January 23 at the Third Annual Conference of the Forum. The energetic and enthusiastic group generated a number of new ideas and initiatives. Meeting highlights include:

W.I.C.L.S. Newsletter. In an unsurprising move for communications law specialists, the Subcommittee approved the creation of this W.I.C.L.S. Newsletter. Cynthia Counts and Pilar Keagy agreed to coordinate the project, and Mary Ann Harrison generously volunteered to assist with the newsletter graphics. We hope that this issue is but the first of many future newsletters that will provide information about the activities of the Subcommittee and other topics of interest to women in the media law field.

Please feel free to contact either Cynthia Counts (ccounts@dlalaw.com) or Pilar Keagy (pilar.keagy@troutmansanders.com) with any suggestions regarding the content of future Newsletters. Additionally, volunteers to assist with production will be welcomed.

Directory of Women in Communications Law. Shortly before the Scottsdale meeting, the Subcommittee distributed its first Directory of Women in Communications Law. The directory was intended to enable members to keep in touch with each other and share information and expertise. Unfortunately, the directory did not include listings for the many members who did not return their directory questionnaires in time for printing. Because many suspect that the length of the questionnaire

is to blame for the disappointing response, the Subcommittee has streamlined the form and hopes to provide a more complete and useful directory later this year. The improved form is included in this newsletter. Please take a moment to complete the new form and fax it to Theresa Ucock at your earliest convenience.



Mentor Program. The Subcommittee overwhelmingly approved the creation of a mentor program that will provide new members of the Forum with assistance and advice from more experienced women in the media bar. Mary Ann Wymore agreed to coordinate the new program. Additional volunteers are needed.

Future Subcommittee Events. The Scottsdale meeting was such a success that the Subcommittee hopes to schedule similar opportunities to get together throughout the year. Currently, the Subcommittee plans to schedule a meeting or social hour at the PLI Communications Law Seminar and the ABA Annual Meeting. Be sure to look for information about W.I.C.L.S. activities if you attend either conference.

Officers

Barbara W. Wall.....	Chair of the Forum
Kelli L. Sager.....	Chair-Elect of the Forum
Michelle Worrall Tilton.....	Subcommittee Co-Chair
Joyce Meyers.....	Subcommittee Co-Chair
Cynthia L. Counts.....	Vice Chair, Newsletter
Pilar G. Keagy.....	Vice Chair, Newsletter
Amy Neuhardt.....	Communications
Carol V. Rose.....	Communications

Women to Watch



Carolyn Forrest

*Vice President Legal Affairs,
Fox Television Stations, Inc.,
Atlanta, Georgia*

By Carol V. Rose

Carolyn Forrest remembers the day she decided to become a media lawyer. It was 1989, and Forrest had been working for three years as a general litigator at the law firm of Skadden, Arps, Slate, Meagher & Flom.

"Terry Adamson [a First Amendment litigator who at the time was a partner with the Atlanta, Georgia law firm of Dow, Lohnes & Albertson] told me to go back and reread New York Times v. Sullivan," says Forrest. "He talked to me about the practice and made it sound meaningful. I wanted to work in an area of law where I could feel passionate. And after reading Sullivan, I knew that I felt passionate about protecting those rights."

Soon thereafter, Forrest started her journey from general litigation to her current position as one of the nation's leading in-house media law lawyers. Her first move was to the law firm of Dow, Lohnes, where she specialized in media law. Three years later, Forrest became the assistant general attorney at the National Broadcasting Company, Inc. (NBC), in New York, and soon thereafter was named Director of Station Relations at WNBC. In 1994, she became Vice President and General Counsel for New World Television, Inc. in Atlanta. Last year, Forrest was named Vice President Legal Affairs for Fox Television Stations, Inc., where she oversees the legal affairs for six of the company's 22 television stations nationwide.

Forrest feels passionately about media law. "I enjoy my work," she says. "I think media law is an exciting and difficult area of law because you test results every day. Did we get the story? Did we get a lawsuit? Did we win the lawsuit? You have to live with every decision you make on behalf of your client."

She also thinks that being an in-house media lawyer poses unique challenges. "As in-house counsel, you often represent competing interests within the company; the producer, reporter, news director or station manager, on one side, and the corporation, on the other.

"You also have to become proficient in more than one area of law," says Forrest. Her duties at Fox Television Stations, Inc., for example, include issues involving First Amendment law, negotiating programming contracts, tracking FCC regulations, and dealing with various aspects of employment law.

Alongside the challenges, however, Forrest says that being in-house has many rewards: "You have a stake in the client, so how the client does is how you do. If you are proud of your client, then you can be proud that you are a part of the company.

"Not only that," she adds, "the industry is so small that you get to know a lot of the players. It is a lot like being in a family."



Kelli L. Sager

*Partner, Davis Wright Tremaine
Los Angeles, California*

By Carol V. Rose

"The newsgathering area is the hottest area in media law today," says Kelli L. Sager. She should know. As one of the country's hottest media lawyers, Sager is usually at the center of the action. Sager burst onto the national scene during her stunning representation of the media in the O.J. Simpson criminal trial, where, among other things, Sager convinced Judge Lance Ito to reverse his previous ruling and allow cameras in the courtroom.

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"The biggest benefit of having cameras in the courtroom was that it got non-lawyers interested in what was going on in the courts," says Sager, a partner at the Los Angeles office of the Seattle-based Davis Wright Tremaine. "We now have a lot more public focus on what is going on in the courts, more shows devoted to talking about the important court cases, and a lot more coverage of the court system."

Sager, who joined Davis Wright Tremaine in 1994, just two months before the murders of Nicole Brown Simpson and Ronald Goldman, also has found that having cameras in the courtroom is good for business.

"It was a big boon to our practice, because people who had never worked with us had a chance to see us in action," she says. "It has given Davis Wright Tremaine's Los Angeles office a lot of credibility in the field."

Having cameras in the courtroom also gave Sager a lot of credibility. *The American Lawyer*, for example, called her a "media law star" and detailed -- in a 1995 article entitled "Sweet Revenge" -- how Sager moved to Davis Wright Tremaine only after being passed over for partnership at Gibson, Dunn & Crutcher -- a competing Los Angeles media law firm.

Sager acknowledges that "in some respects, it is hard for women in law because some traditional law firms and judges hold women to a higher standard than their male counterparts. It is often evidence that we fight an uphill battle."

Nonetheless, says Sager, "it probably evens out in the end. One of the big benefits for women in the media law field is that many in-house lawyers are women who generally are comfortable dealing with female outside counsel and who haven't always been treated well by male outside counsel. Of the in-house counsel I deal with day-to-day, well over 50 percent are women."

Now that the Simpson trial is over, Sager is busier than ever. "As a result of my exposure in the Simpson trial, I've had lots of opportunities to speak, write and travel."

Sager also is the chair-elect of the ABA Forum on Communications Law and has a thriving media law practice. Her current clients include CBS, CNN, *The Los Angeles Times*, Copley Newspapers, E! Entertainment Television and Paramount Pictures. She has worked on behalf of media law clients covering the Menendez brothers murder trial, the trial of the alleged murderer of Ennis Cosby, the Oklahoma City bombing trial, and a case involving the right of media access to a civil trial in which one of the parties is the actor Clint Eastwood.

Most recently, she argued a case before the California Supreme Court dealing with the question of whether reporters can ride along in helicopters covering accident scenes.

"Creative plaintiffs, like *Food Lion*, who cannot survive libel claims, are now looking at the ways that news is gathered," says Sager. "Courts are trying to draw some lines for future newsgathering conduct."

Sager, a former college debating champion, readily frames the argument along First Amendment lines: "You have to give leeway to the media in reporting on matters of public interest," she says. "When you are dealing with newsworthy or important matters, and not trespassing or committing illegal acts, then you have to presume that the First Amendment supports lawful gathering of information about matters of public interest."

Sager's advice to young media lawyers is: "Don't give up. It takes a while to get into this work, but persistence pays off. Get to know the junior in-house counsel; someday they will be the general counsel. Many of my friends are clients, with whom I have developed a personal relationship. You can learn a lot from each other."

"Most important," Sager adds, "always do good work." Sager clearly has followed that advice.



Are you included in the Directory of Women Communications Lawyers?

If you have not already done so, please take a moment to fill out the attached questionnaire on page 5 and return it by August 31, 1998 to Theresa Ucock (see bottom of questionnaire for address).

Thank you.

A Letter from Our Co-Chair: A Vision for Our Future

By Michelle Worrall Tilton



As I write this column, I am not technically "in communications." In fact, I have been out of touch, much to the chagrin of our Newsletter Editors. I recently resigned from my job of approximately ten years as in-house counsel for a large media underwriting and claims administrator and walked away from all of things familiar, comfortable, and convenient. I had hoped that my home office would allow me to keep pace on the information highway with nary a stutter. Unfortunately, my cordless phones have the tendency to disappear under piles of laundry, and the geriatric electrical outlets in my home are not safe for anything but parlor lamps. My electrician has assured me that I will be up and running in no time, and I suspect that we will become quite close.

Significant changes rarely take place without experiencing powerful and conflicting emotions. I know that I am not alone when I examine what it means to be a wife, daughter, mother, and an attorney in a demanding profession. Like one of those water filled plastic-encased souvenirs that when shaken causes snow or glitter to obscure the quiet landscape -- such is my life. I am optimistic that the many pieces will softly fall into place and I will ultimately remain in the communications industry, which is so inspiring, invigorating, and quite addictive. It is often said that the law is a jealous mistress. With a media practice, she is rarely neglected as First Amendment lawyers, many of whom wear beepers, dedicate their lives to this industry.

Because I have been closely examining these issues for quite a while I feel qualified and privileged to articulate our mission statement. Like the First Amendment, our vision for this organization must be elastic so it may bend and expand with the needs and growth of our young organization. Likewise, it must neither limit nor hinder our boundless enthusiasm and creativity. We must have parameters, however, to allow us to maximize our resources and productivity. The threads of these ideals woven into the fabric of our profession, create a vision that our organization recognize, promote, and embrace women in communications.

Recognition is key to high self-esteem and confidence. Nothing feels better than to be recognized by one's colleagues, employer, or clients for a job well done. Unfortunately, successes are sometimes overlooked. As professionals and over-achievers, we are expected -- and paid -- to consistently perform at a high level. While

financial rewards are important to the pocketbook, sincere words of appreciation heal the soul. To this end, our organization should tout the many accomplishments of its members. I have been fortunate to work with many of the women who attended our meeting in Scottsdale. Looking around the room, I reflected upon the enthusiasm, dedication, and determination of Hollinger Bernard and the tenacity of co-chair, Joyce Meyers. These women are top-notch lawyers and have achieved excellent results in difficult cases. We are a talented group, and our praises should be sung far and wide. Short of a mountaintop, our newsletter must do. In fact, this newsletter has done that in the profiles of two fine media lawyers, Carolyn Forrest and Kelli Sager. This newsletter will profile our members as a regular feature.

Our organization must promote women media lawyers. Through our directory, we hope to identify members from across the country and assist them in generating media business. Through social activities held at annual media law conferences sponsored by the Libel Defense Resource Center, the American Bar Association, and the Practicing Law Institute, we will have opportunities to network and enjoy each other's company. Those of us in leadership positions should look to our members when seeking qualified speakers and contributors for media seminars and publications.

Finally, we must embrace women. With the exception of the Forum Annual Meeting, media conferences are not always the friendliest places. The pace is often frantic as lawyers court clients, attend meetings, scramble for pay phones, relive First Amendment war stories, and plan power lunches and dinners. We must take the time to reach out to women attendees -- especially first timers -- and make them feel welcome. From New York to Des Moines to Los Angeles, each member has a unique perspective to share with our organization. I suspect that we will find that we share much more in common than our gender and our love for the media. Over time, we will bask in the comforting glow of friendship.

This is your newsletter and your mission statement. I hope that you embrace both. If you have any questions or suggestions regarding our mission statement, newsletter features, up-coming events, or would like to suggest a member for recognition in the newsletter, please let me or Joyce Meyers know. I can be reached at 913-432-2692 or via e-mail at m_tilton@yahoo.com. Joyce can be reached at 215-772-7452 or at jmeyers@mmwr.com. We look forward to hearing from you.

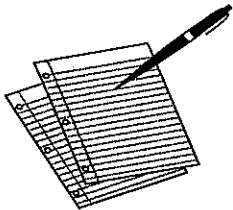


Calendar of Media Programs

- For those of you planning to attend the ABA Annual Meeting in beautiful Toronto the first week of August, don't forget to attend the many wonderful media programs!
 - **Sunday, August 2nd from 2 - 5 p.m.** - The Forum will sponsor *Covering Washington Scandals: Sealed Documents, Subpoenas and Special Prosecutors*. The panelists include Kenneth Starr; in-coming ABA President, Philip Anderson and former White House Press Secretary Dee Dee Myers. **Immediately following this program, Women in Communications will sponsor an hour-long reception.**
 - **Monday, August 3rd from 2 - 5 p.m.** - The Tort and Insurance Practice Section's Media and Defamation Torts and Automobile Litigation Committees will sponsor *Mass Torts, Mass Media and Mass Hysteria: Another Version of the Chicken and Egg Problem?* Well-respected panelists, such as Chip Babcock, who successfully defended Oprah Winfrey in her beef disparagement suit, and George Freeman, Associate Counsel for *The New York Times*, will discuss whether lawyers and the media - intentionally or otherwise - turn an issue into one that generates mass litigation and hysteria.
 - **Tuesday, August 4th at 3:30 p.m.** - The Litigation Section's First Amendment Committee will sponsor *Free Speech North and South of the Border*, which will focus on the differences between Canadian and U.S. law on defamation and press coverage of criminal trials. The panel of media law experts include Gannett Vice President and Forum Chair, Barbara Wall; Lee Stapleton from the U.S. Department of Justice and Canadian media law attorney, Brian McLeod Rogers.

Also remember to mark your calendars for the following:

- **November 12 - 13** - PLI Annual Communications Law Program, New York. Please call the PLI at 800-260-4PLI for more information.
- **February 11 - 13, 1999** - Fourth Annual Forum on Communications Law Conference, at the beautiful Boca Raton Resort and Club on Boca Raton, FL.



ABA FORUM - WOMEN IN COMMUNICATIONS LAW SUBCOMMITTEE Questionnaire for 1998-99 Directory

Please fill out the questionnaire below to be included in a directory of women communication lawyers.

() _____

Name _____	Business Phone _____		
Title/Position _____	Business Fax _____		
Firm/Company _____	E-mail Address _____		
Address _____	Areas of Concentration/Expertise _____		
City, State & Zip Code _____			
Firm Practice Areas: <i>(Please check all that apply)</i>			
<input type="checkbox"/> Media Law	<input type="checkbox"/> Real Estate	<input type="checkbox"/> Intellectual Property	<input type="checkbox"/> Trusts and Estates
<input type="checkbox"/> General Litigation	<input type="checkbox"/> Health Care	<input type="checkbox"/> Environmental Law	<input type="checkbox"/> Business
<input type="checkbox"/> Governmental Regulation	<input type="checkbox"/> Insurance	<input type="checkbox"/> Antitrust	<input type="checkbox"/> Other: _____

Firm Size: _____ Location of Other Offices: *(City and State only)*: _____

Please return completed questionnaire by August 31, 1998 to: Theresa Ucok, ABA Forum on Communications Law, 750 N. Lakeshore Drive, Chicago, IL. 60611, Fax: (312) 988-5677.