

Co-Chair Column

By Carolyn Foley and Ashley Kissinger

In an effort to keep everyone up to date on all of our activities in 2008 and to encourage you to join our various activities, we are putting out a second issue of our newsletter this year. We also take the opportunity to bring you profiles of two impressive women in communications law, **Karlene Goller** of the *L.A. Times* and **Betsy Koch** of the D.C. office of Levine Sullivan Koch & Schulz, L.L.P.

First, though, we are proud to invite you to take a look at our website on which you'll find an updated directory of members. We hope the directory will allow our members to keep in touch, reach out to each other as resources and, of course, to make business referrals. Remember to consult this directory often – whether you need to hire a lawyer, have a question about the law in a particular state, or you need a speaker, panelist or someone to write an article. Our updated website also lists our upcoming events and has news of our members recent career moves and achievements. You can get to the website by googling “women in communications law,” but the official address is:

http://www.abanet.org/forums/communication/women_in_co_law/home.htm

Second, we are thrilled to announce that **Martha Heller**, a partner at Wiley Rein LLP in DC, has agreed to head WICL’s mentorship program. Martha is brimming with ideas and enthusiasm and we look forward to working with her to build a strong mentorship program.

Third, we have set into motion our latest initiative of having regional representatives host meetings in cities throughout the country. WICL members have volunteered to serve as regional representatives in Austin (**Catherine Robb, Laura Prather**), Chicago (**Debbie Berman**), Cincinnati (**Susan Grogan Faller**), Denver (**Ashley Kissinger**), Detroit (**Kristina Petzer**), Miami (**Catherine Van Horn**), New Orleans (**Mary Ellen Roy**), New York (**Amanda Leith, Aimee Saginaw**), Philadelphia (**Katherine Larsen**), Seattle (**Judy Endejan**), and Washington, DC (**Erin Dozier, Kathy Kirby**). (You’ll find all of their contact information in the directory.) The purpose of the regional meetings is to provide WICL members with an opportunity to get to know each other better, network with other women lawyers in our field, grow WICL’s membership, and gather information and ideas that can be shared at our annual meetings at the ABA Forum Conference. Our hope is that each region/city will hold its first such meeting by the time of the February conference in Scottsdale.

Finally, we’d like to congratulate **Guylyn Cummins** who took over as Chair of the ABA’s Forum on Communications Law this past August. We look forward to working with you, Guylyn! And we’d also like to thank **Dick Goehler**, Guylyn’s predecessor, for his support of WICL and our events and for doing a great job leading the Communications Forum.

ABA Forum – Women In
Communications Law

Committee Newsletter

Calendar of Events

November 14, 2008, 12:30-2:30
WICL Networking Luncheon
Natsumi, 226 West 50th Street
New York, New York

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

Sunday, April 19, 2009
WICL Breakfast Meeting
Forum on
Communications Law/NAB/FCBA
28th Annual CLE Program
“Representing Your Local
Broadcaster”
Las Vegas, Nevada

ABA Forum
on Communications Law

Chair
Guylyn Cummins
Sheppard Mullin Richter
& Hampton, LLP

Immediate Past Chair
Richard Goehler
Frost Brown Todd

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**Profile:****Karlene Goller, Esq.***By: Rochelle Wilcox*

Karlene Goller's parents told their girls they could be doctors, lawyers, or engineers. Those of us who have been fortunate enough to work with Karlene know she made

the right choice – though she would say her calculus and chemistry professors made it for her. We are thankful that her path brought her to media law and the *Los Angeles Times*, which Karlene has made her home for more than a decade.

As Karlene will tell you, hers has been a remarkably fulfilling career. She speaks with tremendous respect for the journalists she has supported and the work they do. Karlene is not one to take much (or any) credit for herself, although she certainly has had a significant role in many of the award-winning stories published by the Times over the past fifteen years.

Raised in the Washington D.C. area, Karlene learned the ideals and values that have been so important in her career from her parents. Her father was with the nuclear regulatory commission and Karlene went to school with other children whose parents were journalists, federal employees or worked in foreign embassies. Karlene's mother instilled in her two daughters her own love of news and current events, which was enriched by the history that surrounded them in the D.C. area (and which they visited on family outings).

Given this, it was perhaps inevitable that Karlene became so interested in the operations of the federal government and the significance of foreign affairs. And perhaps just as importantly, she lived through the Watergate years in Washington, which had a key role in

developing her appreciation for the watchdog role of journalism.

Karlene attended Middlebury College in Vermont, where she received her Bachelor's Degree in American Studies, with a focus on American History. Determined to go to law school in Boston, she attended Suffolk University Law School, and received her J.D. in 1986. She returned to Washington for her final year of law school, where she was a visiting-transfer student at Georgetown University Law Center.

While in law school, she began working with Cole, Raywid & Braverman, and joined the firm after graduation. Karlene found she loved practicing law (certainly more than she had enjoyed law school). At Cole, Raywid, she primarily practiced communications law, including the first must-carry arguments in which Cole, Raywid played a leading role.

Karlene soon discovered that she preferred litigation, finding tremendous satisfaction in a church property dispute case in which a minority group within the church sought to keep women from serving as ministers. The dispute implicated the First Amendment establishment and free exercise clauses, specifically the constitutional limitations on judicial involvement and inquiry in church property cases.

After only a few years with Cole, Raywid, Karlene was recruited by The Times Mirror Co. to be in-house counsel for their cable subsidiary. Ready to leave the D.C. area and private practice, she jumped at the opportunity.

At first, Karlene lived in Orange County, where the Los Angeles Times had a robust Orange County edition. She offered her services to the newspaper and they quickly took her up on it.

Her first access matter was a juvenile proceeding involving a foster child who was

Karlene Goller, Esq. — (continued)

alleged to be torturing animals and hurting herself. Karlene was faxed the governing statute and a couple of cases and, she said, went “barreling down there knowing nothing.”

By the time she emerged from court, she was hooked, discovering how fulfilling – and fun – it is to provide support to a journalist trying to do her job, reporting on the government and the court system. Karlene had found a calling.

While she continued to enjoy the cable work, she realized “it didn’t have the drama, the public service aspects and the substance of the newspaper work that really thrilled me.”

In 1993 Karlene officially moved to the Times, accepting an offer to serve as newsroom counsel. She has remained there ever since. (Currently Karlene is Vice President, Legal, and Deputy General Counsel for the Times and Senior Counsel/West Coast Media for Tribune Company.)

Initially, she continued to handle many of the Times’ access matters, working on one high profile case after another – the second Menendez trial, the Heidi Fleiss case and the first Michael Jackson criminal matter, among others. With the demands of the O.J. Simpson trial, Karlene realized her obligations to the Times did not leave her enough time for access matters, and she began working more regularly with outside counsel.

By 1998, following a management change at the Times and a resulting reduction in the Legal Department, Karlene was forced to give up handling arguments. She now relies almost exclusively on outside counsel.

As much as she misses that aspect of her practice, she still loves her role at the Times.

Chief among her current duties is her work as counselor to the exceptional journalists who

continue to break stories for the Times. Indeed, Karlene says she has been “extraordinarily lucky” to have served as counselor to the paper during such exciting and challenging times.

Under Karlene’s watch, the public interest – and therefore the primary focus of the Times – has moved from the high profile court cases of the 1990s to government access, enabling journalists to report on the government without concern for retaliation. In the past eight years, Karlene has faced challenges that were both frustrating and exciting as the Times – along with other media organizations – struggled to extract information from an intensely secretive administration.

She has worked through the intricacies of reporting on classified information, learning the fine points of the Espionage Act (and wishing fervently that she had never heard of it) and using her resources to protect reporters in war zones, sometimes facing more risk from their own government than from anyone else.

Karlene’s successes have been many. Among the most satisfying was helping Paul Watson as he courageously reported from Afghanistan. For one story, he bought flash drives containing raw U.S. military intelligence from a bazaar 100 feet from the center of the U.S. military intelligence in Afghanistan. (Even before the military became aware of it, Watson learned that people were stealing the flash drives from laptops at the Air Force base and selling them to merchants at the bazaar.)

“You can’t ask for more when you’re a media lawyer,” Karlene said. “There’s nothing more important than supporting journalists reporting during a time of war.”

Karlene also has assisted reporters in other stories of national interest, such as the 2000 election, and efforts to punish the media for their reporting on the Iraqi War Plans, Wen Ho

Karlene Goller, Esq. — (continued)

Lee, and Steven Hatfill. She has helped on issues that are uniquely local, such as battling in the courts and legislature to provide greater public access to law enforcement, police personnel and juvenile dependency records in California. She even has helped ensure reporters can enter off-limits areas devastated by the wildfires that so frequently burn in California.

Ultimately, Karlene believes that there is nothing more fulfilling than helping good reporters do their job – whether it is helping them obtain information before publication or protecting them and the paper from leak investigations and subpoenas or libel and privacy actions afterwards.

By teaching them how to get the information they need and assuring them they will be protected in their efforts, Karlene continually makes it easier for reporters to practice the good journalism that has been the hallmark of the Times for years.

In the more than 15 years she has been with the paper, she has worked with eight publishers and six editors. As a result, Karlene has a unique value to the Times. She understands how the enterprise works, both on paper and on-line, and what values remain beyond compromise.

Karlene's personal life is equally fulfilling. She is married to Jim Newton, editor of the Times editorial pages and an accomplished author who recently published the best seller "Justice for All: Earl Warren and the Nation He Made." (15 of the 18 reviews on Amazon.com gave Jim's book an impressive 5 stars, and the other 3 reviews were only a bit more stingy, at 4 stars.)

Karlene also is mom to Jim's son Jack, facing the challenges that sometimes come with the pre-teen years. She devotes what spare time she has to organizations in the Los Angeles area such as the Public Counsel Law Center (the

nation's largest pro bono organization) and the teen newspaper, LA Youth. She also maintains a strong commitment to media support organizations such as the California Newspapers Publishers Association, the ABA Forum on Communications Law and the Media Law Resource Center, among others.

It has been, and will continue to be, a good life. As Karlene would say, "What more can you ask?"

Rochelle Wilcox is a partner in the Los Angeles office of Davis Wright Tremaine LLP.

Women on the Move

Sherrese M. Smith has been promoted to Vice President and General Counsel of Washingtonpost.Newsweek Interactive, LLC.

In May 2008, *Heather J. Windt* joined MTV Networks as Senior Counsel for Intellectual Property and Litigation.

In September 2008, *Laura Lee Prather*, a partner at Sedgwick Detert Moran & Arnold, was named by Texas Lawyer as one of the "Extraordinary Women in Texas Law."

Gail Gove, formerly of Hogan & Hartson, has become Assistant General Counsel of Dow Jones Company, Inc.

In June 2008, *Gayle C. Sproul*, a partner with Levine Sullivan Koch & Schulz, L.L.P., was appointed to serve on the Legal Advisory Committee of the [Student Press Law Center](#).

Corinna Ulrich has become Senior Corporate Counsel at Expedia, Inc. in Dallas Texas.

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*Report: Reception and Meeting
Boca Raton, February 2008*

The Secrets of Success: Think Creatively, “Own” Your Client’s Issues, Set Priorities and Have a Strategy (Not Necessarily a Plan)

By: Carolyn Foley

At our February meeting and reception in conjunction with the ABA Forum on Communications Law Conference in Boca Raton, Florida, we hosted a discussion of best practices for success. Our panelists spoke from their experiences at law firms and as in-house lawyers. The panelists included **Elizabeth Allen**, Assistant General Counsel of Gannett Co., Inc., **Eve Burton**, Vice President & General Counsel of The Hearst Corporation, **Guylyn Cummins**, a partner at Sheppard Mullin Richter & Hampton LLP and the chair-elect of the Communications Forum, **Nancy Hamilton**, a partner at Jackson Walker LLP, **Kelli Sager**, a partner at Davis Wright Tremaine and **Nicole Wong**, Deputy General Counsel at Google, Inc.

Each of our panelists had a unique approach to achieving success in their respective roles. For example, **Eve Burton** described how thinking creatively has helped her achieve concrete results. She told an interesting story of how reaching out to an adversary, “woman-to-woman,” allowed her to finally settle a long-running and acrimonious dispute. **Nicole Wong** explained the importance of thinking like a business person, not a lawyer because, as she observed, lawyers tend not to be invited to meetings. Nicole also emphasized how important it is for outside counsel to “own” their client’s issues and to take the time to understand their client’s business and culture.

Kelli Sager emphasized the importance of setting priorities and, specifically, of making sure that the client is the top priority. She also

pointed out that there is no substitute for good work – doing something quickly is no good if it is not good. **Nancy Hamilton** described the importance of both perseverance and tenacity. She recommended a strategy of making oneself indispensable, both in the quality of your work and service. She also emphasized the importance of treating everyone equally. **Guylyn Cummins** raised the importance of participating in bar associations and other activities outside of one’s firm in order to build one’s practice and career. And, of course, hand in hand with that, Guylyn noted, comes the importance of effective time management.

Elizabeth Allen spoke of the importance of remaining open to opportunities as they might present themselves. To do that, she recommended having a strategy, rather than a plan, for one’s career.

After the panelists spoke, the discussion was open to all. Much of that conversation focused on alternative billing arrangements – a topic that some regional representatives may wish to make the subject of local meetings. (Our February 2008 newsletter included an article by **Aimee Saginaw** about the alternative work/fee arrangements proposal floated by Deborah Epstein Henry which might provide a useful launching point for such a discussion.)

Women on the Move

(Continued from p. 4)

In May 2008, **Katharine Larsen** joined Levine Sullivan Koch & Schulz, L.L.P. as an associate in the firm’s Philadelphia office.

In November 2008, **Joanna Summerscales** joined Davis Wright Tremaine as an associate in the firm’s New York office.

Stephanie Shaffer, a 2008 Brooklyn Law School graduate, has become an MLRC fellow.

*Profile:**Betsy Koch, Esq.**By: Michelle Worrall
Tilton*

Elizabeth “Betsy” Koch has always been more inspired by the journey than the destination – a philosophy that has served her well. Her independent thinking and spirit were cultivated by her close-knit New England family. “My parents always taught me to think for myself,” she says, “and encouraged me to challenge all kinds of conventions.”

The small beach community of Niantic, Connecticut, which is on the north side of Long Island Sound, is where Betsy and her two brothers and sister grew up. Nestled along the shore between New York City and Boston, the population tripled in size when city folks vacationed there in the summer. Because of its proximity to Electric Boat, which designs and builds nuclear submarines, and a Pfizer central research community, the small town had more than its share of PhDs.

Betsy grew up in the 1970’s, and the emergence of women in the workforce made a lasting impression on this young woman who would later become one of the few women nationwide to be a named partner in a law firm – Levine Sullivan Koch & Schulz, L.L.P. But that’s her destination, and Betsy’s story is always about the ride.

Citing the need for an environment that fostered independent thought and where she would feel comfortable as a woman, Betsy attended Vassar College where she was “inspired by its history and culture of critical thinking.” Throughout college, Betsy thought about being an attorney – and even took the LSAT her junior year – but it was only a distant thought. “At college, I was more focused on enjoying learning than on

where my degree would ultimately take me,” she says.

After graduating early from Vassar, Betsy interned a semester in Washington, D.C. for the National Abortion Rights Action League. From there, graduate studies took her “out West” to law school at the University of Michigan in Ann Arbor where she was introduced to Big Ten football, but fell in love with the First Amendment. “I decided that I loved media law, but didn’t think I would be able to make a living from it as a profession,” she says. “The First Amendment was interesting, and I believed in it, but this interest was more theoretical at the time.”

At Michigan, Betsy was recruited by Ross, Dixon and Masback (now Ross, Dixon & Bell), a small, young firm of eight litigators. Her interest was piqued by the firm’s youth and size, and its location in Washington, D.C., where she had enjoyed working before. In 1985, Betsy became the firm’s first summer associate, and she later accepted an offer as an associate.

Betsy enjoyed the people at the firm, but was never completely satisfied with the practice, which was primarily insurance coverage defense. But as luck would have it, a nascent First Amendment practice found Betsy when Lee Levine and Jim Grossberg joined the firm, bringing with them their media contacts – and expertise. Betsy, who still had the media bug from law school, was delighted with this development. With renewed energy, she poured her heart and soul into the Ross Dixon practice and became the firm’s first “home grown” partner.

In 1997, Betsy’s journey took an abrupt twist when she and her media colleagues left Ross Dixon and formed their own firm. The new firm provided a seamless transition for their media clients. “Our goal was that no one on the outside would see a difference, except for the name of the firm,” Betsy recalls of the early days. “We would practice law during the day and take care

ABA Forum - Women in Communications Law Committee

Betsy Koch, Esq. — (continued)

of the business side in the early morning, at night and on weekends.”

Almost immediately, the firm became involved in one prominent media case after another. One such case was Religious Technology Center v. Lerma, a pioneering Internet infringement suit. The RTC, which is an arm of the controversial Church of Scientology, tenaciously fought to prevent the public release of church doctrine over the Internet. Betsy and her colleagues also represented the Center for Public Integrity in a defamation suit brought by two Russian oligarchs, Alfa Bank v. Center for Public Integrity. These tough cases – taking on well-financed plaintiffs – defined the firm and strengthened the resolve of its attorneys. “The firm makes me proud,” Betsy says. “It is ‘us’ fighting the bad guys, who are trying to stifle free speech.”

And the cases keep on coming. The firm has grown to twenty-five attorneys with offices in D.C., New York City, Philadelphia and Denver. It is a preeminent firm in media and entertainment law. Betsy is especially proud of the firm’s commitment to diversity recruitment, which she believes is crucial to the media industry and to the practice of law because of the media’s global reach and influence. “Diversity is so important,” she says. “People with different ideas, backgrounds, history and cultural experiences; coming together, and sharing their ideas with each other.”

As is her way, Betsy rarely looks back. She has greatly enjoyed the adventure, challenge and freedom of starting a law practice, which neither she nor her partners had done before. “I never

thought of myself as an entrepreneur,” she says, “but I have loved the freedom to decide what the firm was going to be. We have been able to develop a culture, choose our colleagues. It’s been very important to us.”

Celeste Phillips, a partner in the firm who has known Betsy for almost 20 years, praises her business acumen. “She comes to it honestly and naturally.” Celeste says that “Betsy brings a practical, down to earth approach to running a business and to practicing law. She is our very own ‘Connecticut Yankee.’”

Betsy maintains balance by staying grounded at work and at home. She confesses – without a trace of guilt – that she is not addicted to her Blackberry (but perhaps to Sudoku!). “I love to play and love to be with my family,” she says. Betsy and her husband, Lex Gillespie, have been together since 2000 and enjoy the outdoors, traveling, and their numerous godchildren. The year after they met, the couple traveled the world, which was made possible by the firm’s sabbatical program.

Family brings Betsy’s journey full circle. Her parents recently moved from the old family home to Washington D.C. Celeste says that Betsy has the best of both worlds: “She has a family that teaches the value of being close, but also to stand on your own two feet and to make your way in the world.”

And that, she does very well.

Michelle Worrall Tilton is President and Claims Counsel at First Media.



Report: WICL Breakfast Meeting
Las Vegas, April 2008

A Pit Bull in a Cocktail Dress and Heels

by Ashley Kissinger

No, that's not a description of Sarah Palin. That's what **Jenell Trigg's** colleague blurted when asked what kind of animal Jenell's communications style evokes. Jenell and others had us howling at the April 13 breakfast meeting at the Bellagio in Las Vegas. The topic on the table was "Successful Communication Styles for Women," and WICL members were passionate and engaged in talking about it. The group shared insights, personal histories, hearty laughs, and suggestions during the roundtable discussion, and we hope the conversation will continue.

Much of the discussion centered on "Men are From Mars, Women are From Venus"-type observations of differences between the traditional communications styles of men and women lawyers. In some respects, the group concluded, the "male style" may be more effective in the legal profession. For example, many members suggested that women drop certain "buzz" phrases when communicating. We too often preface remarks with "I think that . . .," even if in reality we "know that . . ." There is a tendency to use the phrase "I'm sorry" even when we aren't apologizing for anything. These phrases can effectively diminish the message conveyed or, worse, the messenger, in the minds of male listeners. But, some noted, we should preserve these communication styles when we are working with women, or with men who themselves use this deferential style of communication. So audience is important.

Certain other aspects of women's "traditional" communication style seem universally

appropriate. Women are often courteous and prod the conversation along – techniques that others appreciate in any communicator.

Several members offered helpful suggestions for working alongside men. One observed that men use humor well, and that she has worked to incorporate the use of humor in her own style. Others have adopted cussing, sports talk, playing in the NCAA pool, playing poker, and engaging in other traditional male activities to make men feel more comfortable with them. Men "have no hidden agendas," one member noted. "They want facts," so she gets right to business when speaking with male colleagues and only chats about personal matters when the business is out of the way.

We addressed some trickier issues as well. For example, one member said, just your mere "femaleness" can interrupt the normal flow of supervisor/supervisee communications. Critiquing even a younger male lawyer can be difficult, particularly when you, yourself, are not exactly graying. And double standards continue to dog female professionals. Men interrupt each other all the time in the ordinary course of conversation and it is not perceived as rude, but when women interrupt, we are "interrupting."

Ultimately, one member noted, different styles can work effectively for different women, and the trick is just finding the style that suits you. One member said she alters her style depending on her audience's status, gender, and age. Although most agreed with the effectiveness of this approach, there was some disagreement when the topic turned to clothing. Some feel the use of attractive, even sexy, clothing, can have a helpfully disarming effect, depending on the audience, while others feel it distracts and thus detracts from the substantive message they are trying to convey. "At the end of the day," one person put it, "I'd rather be *respected* than *liked*."

Dick Goehler, the ex-officio ABA Forum President joined us for our entire discussion – and seemed to genuinely enjoy it. Thanks for your support, Dick!

This is not an easy issue to tackle, and we encourage members to continue the discussion on an informal basis. Regional Representatives, consider focusing on this topic at your regional meetings. Mentors and mentees, discuss these issues frankly with each other. Send us whatever wisdom you glean and we will share it with the group.

For now, here are some ideas that came out of the meeting:

- When going to a meeting with new people, come prepared with insightful questions and points to make.
- Work to create a physical “presence,” particularly if you are of diminutive size. Stand tall and project your voice when speaking to a group.
- Speak up for yourself within your organization, whether a correction needs to be made to salary, case assignments, schedules, or anything else that affects your day-to-day life and the development of your career.
- Avoid hedging.
- Conduct business first, chat later.
- Bear in mind your audience. What works well when speaking to a male opposing counsel might be off-putting when your opponent is a woman.

Of Interest:

The Sexual Paradox

Extreme Men, Gifted Women and the Real Gender Gap

by *Susan Pinker*

Some of you may have noted the publication in March of this year of *The Sexual Paradox* by Susan Pinker. The book takes on the question whether biology is destiny or whether other factors account for the gender gap that can still be observed in the workplace. Below are links to several reviews of the book. If anyone is interested in reviewing the book for this newsletter, please let us know.

The Times Higher Education, June 26, 2008
<http://www.timeshighereducation.co.uk/story.asp?storyCode=402528§ioncode=26>

The London Times, April 28, 2008
http://www.timesonline.co.uk/tol/comment/columnists/camilla_cavendish/article3889912.ece

The Financial Times, April 28, 2008
http://www.susanpinker.com/docs/financial_times_april28_2008.pdf

The Economist, April 17, 2008
http://www.economist.com/books/displaystory.cfm?story_id=11043802

Daily Mail, April 22, 2008
http://www.susanpinker.com/docs/daily_mail_april22.pdf

Washington Post, April 13, 2008
<http://www.washingtonpost.com/wp-dyn/content/article/2008/04/10/AR2008041003102.html>

The New York Post, March 30, 2008
http://www.susanpinker.com/docs/new_york_post_march30_2008.pdf

Telegraph, March 28, 2008
<http://www.telegraph.co.uk/education/main.jhtml?xml=/education/2008/03/28/faboys128.xml>

The New York Times Book Review, March 09, 2008
http://www.nytimes.com/2008/03/09/books/review/Bazon-t.html?_r=1&oref=slogin

Report: *Media Advocacy Workshop*
 Boca Raton, February 2008

Tips From In-House Counsel

by *Ashley Kissinger*

Several in-house counsel offered tips to outside counsel during a panel presentation at the Media Advocacy Workshop sponsored by the Training and Development Committee of the ABA Forum conference in Boca Raton this year. As a judge for the workshop I had access to this exclusive event, which was moderated by Peter Kozinets and Deanna Shullman, and I, like every other law firm lawyer in the room, hung on every word.

Here are some tips offered by *Jonathan Anshell*, Executive Vice President and General Counsel of CBS Television, *George Freeman*, Vice President and Assistant General Counsel of the New York Times Company, *Bob Lystad*, Vice President-Claims for Media/Professional Insurance, and *Mike Antonello*, Acting General Counsel for American Media, Inc.

- In-house and outside counsel should have specific discussions about expectations – e.g., Do we want this brief to be a Toyota Tercel or a Cadillac? How many lawyers should we staff this case with? Is there prior work product we can use?
- When asked for an estimate of the odds of victory, give a specific answer (i.e., a specific percentage).
- Set appropriate budget expectations. Don't make your initial budget too rosy; it's always better to have been honest up front. (This is critically important for the client's insurer, as well, as it has to post reserves for the case.)
- Figure out how the in-house lawyer likes to communicate, and then communicate with him or her that way. If he seems to like talking through issues by phone, call him, don't e-mail him. If he talks to you via e-mail, update him via e-mail rather than by calling.
- Be efficient.
- Analyze the value of any given task in terms of the amount it increases your odds of victory.
- Don't wait for in-house counsel to ask for an update. Inform in-house counsel of every development in the case. Err on the side of giving too much information.
- Consider the use of mock jury exercises if the case is going to trial. They are often worth the money.
- If you find you are spending a lot on the case, update in-house counsel midstream. Don't let your client learn of it only by reading that month's bill.
- Collaborate with in-house counsel. Don't just unveil things to her and, conversely, don't just "suck up" and adopt her ideas. Work together to find the best solution.
- View your client's insurer as a partner on strategy. Media insurers have a tremendous amount of experience in this area of the law and can offer valuable insights.
- Explore whether another rate structure might work for both you and your client, and then initiate a conversation about it with in-house counsel.
- Think creatively.

See you in February in Scottsdale, Arizona!