WICL Newsletter

November 2009

Volume 11

Number 2

CALENDAR OF EVENTS

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

WICL Meeting and Reception
Friday, January 29, 2010
5:00 – 6:30 p.m.
15th Annual Conference
ABA Forum on
Communications Law
Ocean Reef Club
Key Largo, Florida

WICL Breakfast Meeting
Sunday, April 11, 2010
7:30 – 8:30 a.m.
ABA Forum on Communications
Law/NAB/FCBA
30th Annual CLE Program
“Representing Your Local Broadcaster”
Las Vegas, Nevada

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ABA Forum
on Communications Law

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

Immediate Past Chair
Richard Goehler
Frost Brown Todd

Chair Elect
Charles D. Tobin
Holland & Knight LLP

Note From the Chair
By Ashley Kissinger

As 2009 draws to a close, WICL members have reason to celebrate the year’s accomplishments. We are surviving the dust bowl and have a great deal to look forward to in the continued growth of our organization and the opportunities it provides to its members.

We have updated and re-vamped our Women in Communications Law Directory, which you can find at: www.tinyurl.com/ABAWICL. ABA rules permit us to reveal only the name, organization, and city of each member on this publicly posted directory, so we will periodically send the updated full directory, complete with address and contact informa-

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WICL has re-initiated its dedication to subcommittees to better utilize the tremendous talent of our members and to enable us to continue expanding our group’s offerings. We have three subcommittees and are pleased to announce the wonderful folks who have volunteered to serve on them. We encourage others to volunteer as well! Please let Laura Lee Prather (laura.prather@sdma.com) or Ashley Kissinger (akissinger@lskslaw.com) know if you would like to be on one of these subcommittees.

Newsletter Subcommittee
This subcommittee is responsible for putting together two newsletters each year – a Winter and a Fall issue; the first in conjunction with the Forum’s Annual Conference and the second in conjunction with the MLRC Annual Dinner and Practising Law Institute on Communications Law. Committee members are:

Jeanette Melendez Bead
Ann West Bobeck
Karen Chesley
Cynthia Lynn Counts
Guyllyn R. Cummins
Erin L. Dozier
Sarah El Ebiary
Judith A. Endejan

Tyra Hughley
Sheri R. Hunter
Kathleen A. Kirby
Katharine Larsen
Lindsay H. LaVine
Jane E. Mago
Judith M. Mercier
Suzanna Morales

Sinead Murphy
Trisha Rich
Natalie G. Roisman
Joan Stewart
S. Jenell Trigg
Catherine Van Horn (Chair)

Website and Listserv Subcommittee – There are two main duties of this subcommittee: (1) maintain and update the content on the website (www.tinyurl.com/ABAWICL); and (2) draft and send out any listserv announcements from WICL. Committee member is: (we need more volunteers for this one!)

Sarah El Ebiary (Chair)

November Networking Events Subcommittee – There are two main duties of this subcommittee: (1) organize the annual networking lunch in New York and (2) organize the annual theater networking event in New York, both done in conjunction with the PLI Communications Law program in November. (Of course, we can always think of more networking events to pursue as well with this committee!). Committee members for the 2009 events are:

Rachel G. Balaban – Theater Chair
Susan Grogan Faller
Carolyn Foley – Luncheon Chair
Suzanna Morales
continued from cover

There is, to the WICL listerv. Like our first co-chair, Joyce Meyers, said ten years ago, we hope that you “get in the habit of turning to it first when you need a media lawyer to handle a case, answer a question, write an article, or participate in a seminar.” We are all our best resources for each other.

We have also restarted our Mentor Program this year, and it has been a resounding success, thanks to the dedicated efforts of our Mentor Coordinator, Martha Heller. Some of those involved in the program report on their experiences in this newsletter. We encourage all WICL members – from our most esteemed senior members, to junior level partners, associates, and law student members with a fledgling interest in this practice area – to participate in this valuable program. If you are not already signed up, you can find the guidelines and sign-up form at the end of this newsletter. We particularly wish to encourage partners and other more senior members of the bar to sign up as mentees to be mentored by members of the bar even more senior to them. I am a guinea pig in this experimental part of the program, along with my mentor Carol LoCicero, and as you’ll read inside, I highly recommend it.

The WICL Regional Meetings initiative launched under the leadership of my former WICL co-chair Carolyn Foley has continued to thrive this year, with inaugural meetings held in New York (led by Regional Representatives Amanda Leith and Amy Saginaw), Washington D.C. (led by Regional Representatives Erin Dozier and Kathy Kirby), and New England (led by Regional Representatives Samantha Gerlovin and Liz Ritvo). Read more about the initiative, these meetings, and upcoming meetings in “Report from the Hinterlands” inside these pages.

And we are very pleased to announce the formation (or re-formation, in some cases) of three new WICL Subcommittees and appointments of subcommittee chairs. Starting with the next newsletter, the Newsletter Subcommittee will be chaired by Catherine Van Horn, who has graciously served until now as the author of our relatively new “Heard Around Town” column. Our new Web-site and Listserv Subcommittee will be chaired by Sarah El Ebiary, a student member from Southwestern Law School. And a heap of thanks goes to the 2009 November Networking Events Subcommittee, chaired by Susan Grogan Faller and Carolyn Foley, which has organized our Networking Luncheon to be held on Friday, November 13 during PLI week and resuscitated our dormant Dinner and Theater Event, which is held the night before. We all owe these WICL members a great debt of gratitude for their hard work! If you would like to serve on any of these subcommittees, we will be happy to put you in touch with them. We especially need help with the Website and Listserv Subcommittee.

Inside these pages you’ll find profiles of three highly esteemed members of our bar and organization – Sandy Baron, Elizabeth Ritvo, and Barbara Wall. What? Those three have never been profiled in a WICL newsletter? Yes, we agree, it is ridiculous and high time. That is why we are profiling them now. You will also find:

• Reports on the Forum’s moot court competition and this year’s WICL meetings in Scottsdale in February and Las Vegas in April.

• An interview of Sherrese Smith about her new job as legal advisor to FCC Chairman Julius Genachowski, along with the hot topics currently facing the Commission.

• An article about the battle for passage of a reporter’s privilege in Texas this year, along with the Texas Association of Broadcasters’ commentary about and honor bestowed upon Laura Lee Prather for her key role in the successful passage of the law.

• A memorial to our beloved colleague Dave Kohler.

• Our regular Women on the Move and Heard Around Town columns and listing of Women in Leadership in Communications Law.

• An article about Women’s Initiatives in law firms.

• An article about the Seven Habits of Successful Rainmakers written by guest speaker Sara Holtz who appeared at our February meeting.

Please pass the newsletter along to others at your firms and organizations, and encourage men to read it, too! They will find that it contains a lot of information of interest to them as well.

As always, we welcome and encourage your comments, ideas and participation in this organization. Since its inception in 1997, WICL has continued to grow each year both in the size of its membership and the scope of services it provides. Your minds, hearts, voices and hands are integral to our collective success.

Best wishes to all for a personally and professionally rewarding 2010!

Ashley Kissing is a partner at Levine Sullivan Koch & Schulz, L.L.P. in Denver.
The Evolution of Women’s Initiatives
By Judith M. Mercier

Women’s Initiatives began appearing in law firms around the mid-1990s following the accounting firm Deloitte’s launch of corporate America’s first Initiative for the Advancement and Retention of Women. Women’s Initiatives have evolved and their prevalence has significantly increased over the last 15 years. Law firms may use different titles to refer to these formal women’s networks, such as “Women’s Initiative,” “Women’s Forum” or simply “Women of/at [law firm name],” yet most formal networks include both internal and external components.

Internally, firms use these networks to build supportive working environments, create opportunities for interaction among a firm’s women attorneys, provide mentoring and leadership training and address internal factors influencing the advancement and retention of women. A sampling of how firms use these formal networks internally include:

• Covington & Burling LLP’s Women’s Forum sponsors training programs featuring outside experts for its women lawyers.
• Frost Brown Todd LLC’s Women’s Initiative has an annual half-day program for all attorneys on issues of interest to women attorneys.
• Jenner & Block’s Women’s Forum has a two-night retreat for its women attorneys to come together for professional development and networking.
• Hogan & Hartson’s Women’s Initiative sponsors speakers on topics of interest to women attorneys.
• Holland & Knight’s Women’s Initiative sponsors Rising Stars, a dynamic and intensive program of leadership, marketing, management and professional skills development, professional mentoring and experiential learning. Each year, five women who are in at least their seventh year of practice are selected to participate in this year-long program.

Externally, firms use these networks to provide opportunities for their women lawyers to develop, expand and maintain client relationships, and increase their women attorneys’ visibility in their communities. Law firms with multiple offices frequently have networking events on two levels: firmwide and at the local office level. There may be a firmwide coordinator or committee in addition to local office coordinators or committees who are charged with developing programs for the firm as a whole or their particular office or community. Some examples of how firms use their formal networks externally include:

• Jackson Walker Women (jw2) hosts a weekend retreat for attorneys and clients that includes classes, networking and activities.
• Sedgwick, Detert, Moran & Arnold LLP’s Women’s Forum Events hosts programs for clients featuring inspirational stories from dynamic women such as Congresswoman Jackie Speier, New York Times Columnist Lisa Belkin, “20/20” News Anchor and Author Lynn Scherr, and Astronaut Sally Ride.
• Weil Gotshal’s Women@Weil have an annual “Makeup, Martinis and Must Haves” event at Neiman Marcus for their women attorneys and clients.
• Other types of programs include golf outings, cooking classes, wine tastings, poker night, shopping for a cause, breakfast briefings, private viewings of art or museum exhibits, community outreach events and speakers’ panels of women in-house counsel.

In only this sampling, it is clear that firms across the country are actively involved in diverse and creative Women’s Initiative programs. Finally, a key and presumably undisputed factor for the success of a law firm’s Women’s Initiative is the support of a firm’s leadership. Law firm leaders who understand the business case for why a formal women’s network is valuable to their firm are more likely to fully support a Women’s Initiative.

Judith M. Mercier is a partner at Holland & Knight LLP in Orlando.

In Memoriam: Dave Kohler
By Kelli Sager

It was hard to imagine when I first saw news footage of a white Bronco leading a police chase that it would lead to a friendship that would last the next 15 years. I really got to know Dave Kohler during the O.J. Simpson criminal trial. I’d worked with Dave a few times before Ron Goldman and Nicole Brown Simpson were murdered in June 1994 - he had already been at CNN roughly three years at that point - but during the height of the Simpson media coverage, it seemed like we were talking to each other at least once a week, and sometimes every day. CNN was heavily engaged in covering the case from the outset, and as everyone knows, there were a lot of issues involving the media. I considered myself very fortunate to be representing the media coalition - I had joined Davis Wright only two months before the murders, and I knew that there were a lot of lawyers vying for the opportunity to be involved in such a high-profile case.

In fact, there initially was considerable pressure exerted on Dave and others to hire a more “experienced,” “greybeard” attorney to represent the media - in other words, an older man instead of a 34-year-old woman. I will always be grateful to Dave for his faith in me, and for the support he provided during a very intense and often stressful period. He demonstrated then, and in hiring decisions he made at CNN for more than a decade, that an attorney’s gender (and even relative youth) were irrelevant; he was interested only in his or her performance.

He carried this same gender-neutral attitude with him to the golf course. As any woman who has dared to pick up a golf club knows, there is still a lot of sexism that exists at golf courses (and among some golfers who don’t believe that women should be allowed to play at all). Not Dave. When he learned that I had used my middle name - Lee - to join the men’s club at a local golf course because the women’s club claimed to be “full,” he loved the story; he repeated it many times, expressing regret only that he had not been the one to “sponsor” my admission.

It is only appropriate that Dave’s memory is being honored by the Women In Communications Law. He was a great champion of women lawyers, including this one, and a great friend. He will be sorely missed.

Kelli Sager is a partner at Davis Wright Tremaine LLP in Los Angeles.
Seven Habits of Successful Rainmakers

By Sara Holtz, ClientFocus

What distinguishes lawyers who are very successful at business development from equally talented lawyers who are not as successful at business development? Seven habits.

A gregarious personality, a network of high net-worth individuals, or a competitive nature can all be assets in developing business. But not everyone has these assets.

However, cultivating these seven habits is well within the grasp of any successful lawyer with sufficient commitment.

Successful rainmakers treat their clients as the most valuable asset of their practice.

For most lawyers, the vast majority of new business derives, either directly or indirectly, from existing or past clients and referral sources. Past and current clients can be a source of new business by sending new matters. They also can be powerful referral sources.

Yet sometimes lawyers focus their marketing efforts on cultivating new relationships with people they have never done business with before. They ask these “strangers” out to lunch, invite them to firm seminars, and call and e-mail them. Meanwhile, their most valuable assets—their existing clients—are being neglected.

Successful rainmakers treat their current and former clients as well as, or better than they would treat a prospective client. They recognize that existing clients are the most important people in their marketing mix.

Successful rainmakers nurture their relationships with their clients by providing outstanding, not just good, service, staying in touch on a regular basis, seeking feedback, celebrating clients’ successes, and

The 7 Habits

- Treating clients as the most valuable asset of your practice.
- Making business development a priority.
- Having a plan.
- Focusing on high-potential marketing opportunities.
- Consistently following up.
- Listening more than you talk.
- Asking for business at the appropriate time.
showing appreciation by sending gifts or hosting special client-appreciation events.

Successful rainmakers make business development a priority.

Successful rainmakers recognize that to be successful at business development, they need to make it a priority and work at it on a consistent basis. They treat their business development activities with the same level of commitment that they bring to client service.

Making business development a priority is as much about mindset as it is about time management. There are opportunities to market each day. Throughout the day, lawyers talk to clients, opposing counsel, and consultants. Spending a few extra minutes deepening a relationship at the end of each of these conversations, whether on a professional or personal level, will dramatically increase the probability of being hired.

But mindset is not enough. Consistent business development requires a system. The approaches are limitless and highly personal. Some people spend the first ten minutes of each day involved in a business development activity. Some schedule business development on their calendars, just like client meetings or court appearances.

The important thing is that there is a structure in place that keeps marketing a consistent priority, as opposed to something that is done when there is a lull in a busy workload.

Successful rainmakers have a plan.

The people who are most successful at business development do not commit “random acts of lunch.” For example, less successful rainmakers, upon hearing that the best friend of their college roommate just became chief of litigation at a company, rush to have lunch with that person and “try to

drum up some business.” Successful rainmakers recognize that such “random acts of lunch” are not usually successful and therefore not a good use of limited marketing time. Successful rainmakers ask, “Where am I going to focus my marketing efforts this year?” and then translate their answers into a written plan.

Plans can take on many different forms. They may be strategic and detailed, based on a vision, goals, targets, strategies, and activities. Or a plan may be something as simple as consistently pursuing three marketing activities that have been successful in the past. One of the simplest plans consists of writing an annual goal (for example, get three referrals from the corporate department) on an index card and placing it in a pencil drawer. Every time the drawer is opened, the goal is there. Either consciously or subconsciously, that goal becomes a filtering device to determine what activities to engage in that day.

Successful rainmakers focus on high-potential marketing opportunities.

Lawyers are very busy people. Under the best of circumstances, they have a limited amount of time to invest in marketing.

Successful rainmakers focus their limited marketing time where they can get the biggest return on their investment: high-potential targets that are most likely to become clients or refer them to potential clients. Typically, these targets are existing or former clients or those who have referred in the past. These are people with whom the rainmaker has a relationship based on demonstrated trust and knowledge of capabilities.

Successful rainmakers do not market to people who don’t know them or their work until after they’ve mined their existing relationships.
Successful rainmakers invest their time in high-payoff marketing activities. These activities vary from person to person, depending on their practice, their personal strengths, and where they are in their careers. But the important thing is to focus on those activities that actually produce business or, at least, leads. Few marketing activities produce results immediately, but, if after a reasonable amount of time an activity is not generating new work, it is not a high-payoff activity.

For the vast majority of lawyers, the high-payoff activities are those that involve building personal relationships with clients and referral sources—taking people out to lunch, staying in touch on a regular basis, and asking clients about their kids or another personal or professional subject that is important to them.

Successful rainmakers follow up consistently.

The biggest marketing mistake that lawyers make is failing to follow up. Many embark on a marketing campaign by taking prospects out to lunch or giving a speech to a local industry group. Then, because of the demands of a busy practice, they fail to follow up. Eventually enough time passes that they then feel very uncomfortable about following up.

Statistics show that less than 3 percent of all sales—and, after all, pitching legal services is a form of sales—are made on the first attempt. It’s unlikely that the prospect who’s taken to lunch will make a hiring decision on the spot.

Hiring a lawyer is not like buying another pair of shoes. There are very few legal services that are discretionary. People only hire a lawyer when they actually have a need for their services—when they’ve been sued or when they want to make a deal. Successful rainmakers recognize that their marketing activities must coincide with the client’s need. And the only way to ensure that happens is to use consistent follow-up to stay on the client’s screen.

Many lawyers worry about being too intrusive in their marketing, and obviously nobody wants to do that. Successful rainmakers look at their marketing contacts from the client’s perspective rather than their own. They consider what the client wants to learn, not what they want to tell the client. With this mind-set, the client’s reaction is likely to be, “Thanks for sending this information. This is really useful,” not, “Quit bugging me!”

Successful rainmakers listen more than talk.

Listening can be a big challenge for lawyers who are used to being the ones with the answers. People come to them with problems, and they want advice on how to solve them. This leads lawyers to think people are looking for a persuasive argument as to why they should hire them. But nothing could be further from the truth!

Successful rainmakers recognize that before they can sell something, they need to know what the prospective client wants to buy. Even the most articulate marketing pitch will fail if the client does not need the services being marketed.

Successful rainmakers take time to understand what their clients’ needs are—not what they hope or think the clients’ needs are—but what their actual needs are. The only way to discover what clients require is to ask and then listen to their answers. Only after clarifying their clients’ needs do successful rainmakers try to sell their services.

Successful rainmakers ask for business at the appropriate time.

Once they are clear about a prospect’s needs and are confident they can help, successful rainmakers ask for business. This is perhaps
the most difficult of all habits to cultivate. Lawyers fear rejection and take it personally. But successful rainmakers realize that people can only hire them when they have a need. The probability is that there is nothing personal about not “making the sale.”

Successful rainmakers have figured out a way to comfortably ask for business. Some people bring a marketing lunch to a close by asking, “When do we get started?” Others might find that approach difficult. They may choose to ask, “So, what’s our next step?” or “You know, I’d really love to have an opportunity to work with you, because I think I can address your needs. I think you’d be a great client and I’d really enjoy working with you. How do we go about doing that?” No matter what approach is used, like the Nike ad says, eventually the time comes to “Just do it!”

With the other six habits firmly in place, asking for business may not be so daunting. Once a client’s needs are understood and a relationship is established, asking for business becomes an extension of the roles of counselor and problem-solver—familiar and comfortable roles for lawyers.

Successful rainmakers are made, not born.

Most successful business developers are not born that way. Consciously or unconsciously, they have adopted certain critical habits. Employing these habits consistently has given them confidence in their marketing abilities. It also has positioned them in their clients’ minds as a trusted advisor and a natural choice to handle pressing legal issues.

By incorporating these seven habits into your marketing approach, you too can become a successful business developer.

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**About Sara Holtz**

ClientFocus founder Sara Holtz helps successful lawyers become successful rainmakers. Since 1995, Sara has worked with hundreds of partners from the nation’s leading law firms to help them grow their practices. She is the creator of the well-received Women Rainmakers Roundtable. Prior to founding ClientFocus in 1995, Sara Holtz, a Harvard Law School graduate, practiced law in-house and was the first woman chairman of the Association of Corporate Counsel.

Sara Holtz has been featured in articles in The American Lawyer, ABA Journal, USA Today, the Los Angeles and San Francisco Daily Journals, California Lawyer, and other publications.

**About the Women Rainmakers Roundtable**

ClientFocus’ Women Rainmakers Roundtable brings together top women partners who are committed to building their practices. In a supportive atmosphere, members learn what works and what doesn’t when it comes to business development.

To learn more about the Women Rainmakers Roundtable or about Sara Holtz, visit [http://www.clientfocus.net](http://www.clientfocus.net) or call Sara Holtz at 916.797.1525.
Profile: Barbara W. Wall

By Elizabeth A. Allen, Esq.

Like the reporters and editors she advises across the Gannett Company, Barbara Wall is passionate about journalism, defending the First Amendment and just plain getting it right. As Vice President and Senior Associate General Counsel of Gannett, she has endless opportunities to demonstrate these passions. Gannett is the largest newspaper publisher in the United States (by circulation volume) with 84 daily newspapers, including USA Today, and operates 23 television stations and hundreds of websites domestically, in addition to its international operations through Newsquest (in the United Kingdom) and CareerBuilder.

On any given weekday, you can find Barbara in her office at Gannett’s headquarters in McLean, Virginia, with a line of people waiting for a few minutes of her time, whether it is by telephone, e-mail or literally standing at her door, and for good reason.

“Barbara is plugged into every major case and issue in the media law world,” said Lucy Dalglish, Executive Director of The Reporters Committee for Freedom of the Press. A founding member of the American Bar Association’s Forum on Communications Law, Barbara continues to organize and moderate the signature panel at the Forum’s annual conference; and, according to Kurt Wimmer of Covington & Burling (and a former General Counsel of Gannett), “it is known in our profession as Barbara’s panel, and no one would either miss it or consider anyone other than Barbara as its leader.”

“There is no one in the field who consistently gives on-the-ground, very practical advice as well as Barbara does,” commented George Freeman, Vice President and Assistant General Counsel, New York Times Company. Over the years of attending professional conferences with Barbara, he has observed “one often can hear a sigh of relief from audiences when rather than hear panelists eruditely talk about archaic Supreme Court opinions, Barbara, in a few sentences, actually tells new practitioners what they should do in very real circumstances.”

That no-nonsense approach has roots in Barbara’s first experience with libel law, which occurred while she was a Projects Editor for the University of Virginia’s Cavalier Daily. Barbara wrote an article about cohabitation, which was then paired with a photograph of a couple holding hands on campus. They were so upset at the possible suggestion that they were cohabitating, they threatened to sue the University.

Before leaving Charlottesville in 1979, she earned her bachelor’s degree in English and her juris doctorate degree. Her love of the written word and pursuit of a career in the law took her to New York City, where she was an associate for six years with Satterlee & Stephens. The firm specialized in representing publishing and media clients, such as Doubleday and CBS, and litigating newsroom (libel and copyright) matters. Much to her delight, upon arriving in her office on the first day, she was greeted with a stack of manuscripts that needed pre-publication review. Subsequently, Barbara was on the litigation team that defeated ABC’s efforts to prevent its then-employee, television sports journalist Warner Wolf, from moving to CBS. If ABC had won, Wolf would have been required to be off the air for two years. Gregory Saver of Satterlee, Stephens, Burke & Burke LLP (the successor firm) recalled this as an important case that is still taught in law school contracts courses today.

From there, Barbara moved in 1985 to Gannett as Assistant General Counsel, where over the years she has advised on a wide range of issues, such as intellectual property, ethics and Internet law, in addition to her libel and privacy practice. During her tenure at Gannett, she has amassed a treasure of experiences and expertise in the profession, so she regularly looks for opportunities to share the wealth.

She serves on the faculty for the Practising Law Institute’s annual Communications Law program, and on the National Advisory Council for the Reynolds National Center for Courts and Media at the University of Nevada. She chairs the Newspaper Association of America’s Legal Affairs Committee. For a second fall semester in a row, she is teaching media law as an adjunct professor at the American University School of Communication. She also taught media law last fall at the George Washington University School of Media and Public Affairs.

“Barbara has stayed at the forefront of new media issues, Internet law, intellectual property and other emerging digital issues, in addition to maintaining her longstanding leading expertise on the First Amendment and libel defense,” said Wimmer.

Sherrese Smith has said of Barbara “quite simply, when compiling the formal and informal lists of the great legal minds in the media, intellectual property and First Amendment areas, Barbara is always one of the top names on those lists.”

Smith, who was General Counsel for Washington Post Digital until earlier this year when she became Legal Advisor to Chairman Julius Genachowski for Media, Consumer and Enforcement Issues at the Federal Communications Commission, also considers Barbara a mentor who “consistently made it her mission to reach out to me and help promote me in my career, to ensure that I served on the major committees in the media law arena and to promote and recommend me as a speaker at several conferences.”

Barbara’s “door-opening for other women in the profession extends to women practicing in the more than 70 law firms that represent Gannett, in the legal departments of peers and competitors in the media business, and in the legal profession generally,” according to Wimmer.
When Dalglish started as a first-year associate at Dorsey & Whitney LLP in Minneapolis in 1996, Gannett was a client and she cut her teeth as a media lawyer working on cases for KARE-TV under Barbara’s supervision. “In addition to being tough and assertive, she took me under her wing,” Dalglish recalled.

Freeman wholeheartedly endorsed these views. “Barbara takes her role of mentoring and getting younger lawyers to participate in the ABA and other career-enhancing positions very seriously. Indeed, as she has with numerous women, including Kelli Sager who was appointed by Barbara to succeed her as chair of the Forum on Communications Law, Barbara introduced me to the ABA, and got me involved.” He noted that another example of Barbara’s commitment to the profession and mentoring was her support of Charles D. “Chuck” Tobin, who worked for her at Gannett before joining Holland & Knight LLP. As Freeman recalled, Chuck became involved in the ABA at Barbara’s prodding, has spent the last few years as a senior editor of the ABA’s Litigation magazine, and is the Chair Elect of the Forum on Communications Law.

Indeed, all WICL members owe a debt of gratitude to Barbara. She founded WICL back in the 90’s. Barbara’s commitment of time to mentoring emphasizes her generosity and selflessness given the unique time pressures associated with providing First Amendment counseling to a company that has 24/7 news operations across the country. So, when it comes to doing this work, the demands are not limited to the weekdays, or the office.

“During the course of a year, Barbara takes literally hundreds of calls from editors and news directors around the country seeking her advice on libel, access and other First Amendment issues,” said Phil Currie. He added, “many of those calls come late in the evening as editors are working on deadline.” Currie retired late last year after a distinguished 45-year career with Gannett, and had been Senior Vice President/News since 2005 with responsibility for all of the newsrooms in the newspaper division.

Based on those many years of working together, Currie described Barbara as the newsroom’s friend, adviser and counsel: “She is a full-fledged advocate of our First Amendment responsibilities ... she also helps us to determine how we can meet those requirements and still get an important story into print.” From Currie’s perspective, Barbara spends many hours helping Gannett’s newspapers and television stations try “to pry open closed doors” using the Freedom of Information Act and “defend themselves against subpoenas and other approaches that seek to pry information from sources or otherwise put the media into the law enforcement business when there are other ways to get the same information. An independent press is essential to serving as a watchdog press. Barbara understands that and helps Gannett maintain that independence.”

Currie’s appreciation of Barbara’s work is shared among those in Gannett’s news operations, and resulted in a singular honor being bestowed upon her. Each year, the Gannett newspaper President’s Rings division presents awards to the top performers in each discipline (News, Advertising, Circulation, etc.). Being outside the
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“During the course of a year, Barbara takes literally hundreds of calls from editors and news directors around the country seeking her advice on libel, access and other First Amendment issues,” said Phil Currie. He added, “many of those calls come late in the evening as editors are working on deadline.” Currie retired late last year after a distinguished 45-year career with Gannett, and had been Senior Vice President/News since 2005 with responsibility for all of the newsrooms in the newspaper division.

Based on those many years of working together, Currie described Barbara as the newsroom’s friend, adviser and counsel: “She is a full-fledged advocate of our First Amendment responsibilities ... she also helps us to determine how we can meet those requirements and still get an important story into print.” From Currie’s perspective, Barbara spends many hours helping Gannett’s newspapers and television stations try “to pry open closed doors” using the Freedom of Information Act and “defend themselves against subpoenas and other approaches that seek to pry information from sources or otherwise put the media into the law enforcement business when there are other ways to get the same information. An independent press is essential to serving as a watchdog press. Barbara understands that and helps Gannett maintain that independence.”

Currie’s appreciation of Barbara’s work is shared among those in Gannett’s news operations, and resulted in a singular honor being bestowed upon her. Each year, the Gannett newspaper President’s Rings division presents awards to the top performers in each discipline (News, Advertising, Circulation, etc.). Being outside the
Liz grew up in the Washington, D.C. area. A medieval and renaissance history major at Yale, Liz attended the University of Virginia Law School. She found both Yale and UVA “exciting intellectually” and feels that both schools taught her how to think critically and creatively.

Following law school, Liz worked for the U.S. Department of Transportation, where she focused primarily on environmental issues. At a time when environmental law was a developing area, Liz worked on the preparation of a programmatic environmental impact statement for the Northeast Corridor Project, an extensive railroad rehabilitation project. Liz then joined a private law firm in Washington that advised shipping industry clients in maritime and administrative law matters.

In 1980, when Liz and her husband moved to the Boston area, Liz joined the litigation department at Brown Rudnick. Liz’s first media matter involved representing a local television news station faced with an order restraining its broadcast that evening of an interview with a witness in an impending criminal trial. The state trial court judge issued the prior restraint. An appeal was immediately taken to a single justice of the appeals court, who reversed the district court’s decision and permitted the interview to air. Rather than deterring her, the “fire drill” aspect of the matter whetted her appetite for more media cases.

A devoted follower of the news, she notes that “it’s fascinating to watch how the issues of the day flow through our practice.” With the Boston Herald, a major daily newspaper, as a firm client, Liz has counseled the newspaper on its day-to-day legal matters, including pre-publication review, access matters, privacy issues, and defamation actions. Liz’s media practice developed in partnership with the late Bob Dushman, a highly respected media attorney at Brown Rudnick whose wisdom and insights perfectly complemented her own.

Media access matters are particularly important to Liz. “The First Amendment isn’t always convenient, and it can seem easier, even fairer at times, to a judge managing a high-profile case to close a courtroom or seal a docket. As I have heard judges say, ‘It’s just for one day or one week. What difference can that possibly make?’ Our job is to help the judge appreciate the importance of the First Amendment issues for the public and the press, even when ‘only’ one day or one week is at stake.”

Liz represented one of the newspapers seeking to unseal legal documents in the sexual abuse cases filed against priests in Boston. Ultimately, the court held that discovery in the cases should be made available to the public. Liz viewed this as an important victory for both the media and the public, as it permitted the public to understand the scope of the plaintiffs’ claims and the evidence that had been developed in the various cases.

In a case where Liz sought press access to an arraignment taking place in a hospital, the highest court in the state held that the public and the press have the same right of access to judicial proceedings whether held in traditional or non-traditional settings. In another case, that same court permitted Liz’s media client to access sealed documents in a divorce matter, holding that the public and the press have the same right of access to judicial records whether in civil or criminal cases.

In addition to access matters, Liz has handled numerous defamation actions. In one memorable case, her media client was among multiple defendants, including a citizen’s group and a terrorism expert, sued by a local Islamic society and some of its officers. Among other charges, the plaintiffs alleged they had been falsely accused of being associated with terrorist organizations. After a year of extensive discovery, the plaintiffs walked away, voluntarily dismissing all their claims against the defendants.

Over the course of her practice, the needs of Liz’s clients, both media and non-media, have been varied. Liz has worked on trademark and copyright matters and handled construction and complex civil litigation. She has also advised clients on Internet and data privacy issues.

Liz was the first woman to become a partner at Brown Rudnick. She notes that the head of her litigation department was supportive of women attorneys and played a critical role in assigning them to significant cases within the office and helping them develop professionally. Over the course of Liz’s career, the landscape has changed significantly for women in law. She feels that this is in part due to the numbers. Women are graduating from law school in equal proportion to men, and women are increasingly in positions of power within client organizations. She says law firms are now more engaged in the professional development of their women attorneys and, more generally, are looking at work-life balance issues for all their attorneys.

Outside of the office, Liz has enjoyed her professional involvement in organizations such as the American Bar Association’s Women in Communications Law Committee (of which she is a past co-chair), the Boston Bar Association, and the Media Law Resource Center (where she is on the executive committee of the Defense Counsel Section).

Liz’s husband, Bob Kunzendorf, is a cognitive psychologist and a professor at the University of Massachusetts at Lowell. They have two daughters: Jen, who works at Wellesley College as the coordinator for music and arts programming, and Becca, a second-year student at Boston College Law School. Since the children were babies, and often with grandparents along, Liz’s family has traveled each summer – often driving and hiking through Canada and Europe. This tradition has continued as their family has grown, and now Jen’s husband and Becca’s boyfriend have joined them on these trips. The family also enjoys time together at their place in southern Maine.

Samantha L. Gerlovin is an attorney at Brown Rudnick LLP in Boston. Ms. Ritvo and Ms. Gerlovin co-chair the New England region of WICL.
Profile:
Sandra S. Baron
By Katherine Vogele Griffin

With a lot of hard work, networking, and luck, Sandy Baron, the Executive Director of the Media Law Resource Center, has become one of the most well-known members of the media bar.

She has come a long way from her Ohio roots. After leaving Cleveland, her first stop was Brandeis University, where she concentrated on Sociology and American Civilization and dreamed of practing civil law like her role model, Bobby Kennedy. “Of course,” she laughs, “I went to law school during the Nixon administration, and the thought of going to the Justice Department or into government just wasn’t that appealing.”

When she graduated early from Brandeis, however, she had months to fill while she applied to law schools. She moved to New York and began looking for a job — any job! — to pay the bills, quickly finding an entry-level slot on the traffic desk at CBS News. “It was such fun,” she remembers with a smile. She spent six months there for her first stint, and then went to Columbia Law School; she was then hired back during her 1L year to be a pool coordinator when the traffic desk needed additional hands.

Fate threw her a loop at Columbia, however: After years of planning for law school, “I just wasn’t sure it was for me,” Sandy recalls. She was saved when she met an alumna in October of her first year, who suggested Sandy give her studies some perspective by taking a part-time job at her office, the Center for Constitutional Rights. “Ironically, I spent a huge amount of my time working on petitions to deny license renewals to local television stations based on the fairness doctrine,” Sandy says.

Sandy’s time on the traffic desk had helped focus her interest on news and the law; television news, particularly. “When I looked for a firm, [Cahill Gordon & Reindel LLP] was the obvious choice.” During her summer there, she remembers fondly, she and her three office-mates were “squeezed into what had been a filing room.” After a day or two, she “marched down the hall” and knocked on the door of Floyd Abrams, already a lion of the First Amendment bar. She worked with him throughout the summer and, thanks to him, secured an internship at the New York Times during her third year in law school. (Women were just starting to be a real presence during this time, and Sandy marveled at the high percentage of women in the legal department at the Times, then under the helm of Jim Goodale. “We were still an oddity, though,” she recalls. At Cahill, women had just won the battle to wear pantsuits to work.)

After graduation, Sandy had to make a decision. “I had really enjoyed my summer and my work at the New York Times, but I wasn’t sure about practicing law,” she says. With Cahill’s blessing (the firm held her offer open for a year), Sandy took a job on the news and public affairs desk at WNET, New York’s public broadcasting station. “Having gone to law school was very helpful in honing my skills as a journalist and interviewer — I had rigorous thinking skills and was used to having to defend everything I said.” Still, she became convinced she should attempt to practice law before she signed on to journalism full time, so she accepted the Cahill offer before it expired.

“I had been back minutes, it seemed, when I got a call from Floyd. I raced to his office and . . . “ she pauses for effect, “it was a securities fraud case. It did turn into the most fun SEC case ever; we had a great team and great issues.” Despite the securities fraud fun, the workload was an interesting mix to Sandy, particularly the broadcast media. Still, she remembers, “I was living on fumes. It was totally exhilarating and totally exhausting.”

Sandy began to think about an in-house move, particularly after her 3L internship with the New York Times and her friendships with the lawyers at WNET. “The lawyers there sought me out, wanted to meet me — I was a journalist but also a lawyer; I understood their relationship to the news and stories we were putting together.” She stayed in touch with the lawyers socially and got, she acknowledges, “really lucky” — after four years at Cahill, lawyer-friends from WNET called to tell her of a job opening. Sandy jumped at the chance.

While at WNET, Sandy had her first of two children. “There’s no question that it was an easier environment” at WNET, she observes. “The hours were easier; it let you have a little more balance in your life. It’s not that there weren’t emergencies, but they were ones that I could deal with at home. As long as I put in a very intense day, I could still show up for dinner at night — particularly important to me since my husband, a litigator, was traveling all the time.”

Juggling work and family was particularly difficult because Sandy had no other family in New York to rely on; housekeepers and au pairs helped the family manage. Rather than move to the suburbs, they stayed in Manhattan in order to be physically close to the boys’ schools and activities in case of emergencies. “Clients understood that I would drop almost anything if I needed to for my family,” Sandy notes. “Still, I have stories of me baking Christmas cookies with a very (very!) young son with one hand and trying to respond to an urgent legal question on the phone with the other. I realized much later that I should have wired my entire apartment with speaker phones so I could have two hands available at all times.”

When a position at NBC became available, old friends from Cahill recommended Sandy for the position. She made the move. “There were many weekends where my children would come in and watch ‘SNL’ rehearsals or incoming sports feeds while I
zipped around vetting and answering questions,” Sandy says. “I think they enjoyed it.”

Despite coming up the ranks in a trying era, Sandy does not really recall any discrimination against her as a woman manager. “There were some outside counsel who seemed genuinely surprised to be managed by a woman — and a relatively young one at that,” she says. “I got ‘honey’ed and ‘dear’ed more than once.” Her reaction speaks well of Sandy’s commitment to her client: “If I felt a lawyer was genuinely representing the corporation’s interest and was up to our very high standards, I let it go. But I often found that the same guys who were incredulous to be working with a young female also had an old-fashioned perspective on litigating claims.”

Sandy’s devotion to her clients extended into her second pregnancy. Her second son was born at 9 PM on a Sunday evening; by 8 AM on Monday morning a news executive was on the phone wondering where she was. She reminded him she had just had the baby and then said with a laugh, “Well, ask your question — the baby’s asleep; I’m not anymore, so go ahead!” Throughout her maternity leave, she says, “there was not a single day in which I did not conduct NBC business.” As this was the pre-Internet era, this meant Sandy was involved in a lot of speaker phone conversations and had bushels of documents sent by messenger. “It never crossed my mind that there was anything wrong with this,” she says.

Yearning to spend more time with her family, she started to think about entering academia. It was during this time that she had lunch with her friend Robert (“Bob”) D. Sack (now the Honorable Sack). He suggested that instead of going straight to academia, she coauthor the second edition of his book, the seminal treatise Sack on Defamation: Libel, Slander and Related Problems. She agreed. “It seemed like a good way to go from in-house to academia and take a break,” Sandy notes. In her time “off” she coauthored the book, did freelance legal work, and continued to attend bar events. Still, adjusting to life at home was a tremendous change. “I hadn’t appreciated quite acutely before how long I’d been operating on adrenaline,” Sandy says. She was enticed back to the workforce by her current position: Executive Director of the Media Law Resource Center (then the Libel Defense Resource Center), a job for which she had been recommended by former colleagues.

Looking back, Sandy recognizes that networking was critical to her success. “Particularly if you’re staying within a small community, networking is vital — you get friendship, collegiality, and, occasionally, job referrals.” She kept in touch with people more junior as well as more senior. “I tended to like a lot of the people that I worked with. I was really fortunate; it wasn’t hard to stay connected.”

This is, Sandy acknowledges, “the most challenging time in my years in business,” and like many, she worries who will fight the First Amendment battles of the future. “Nothing is ever won forever. If you don’t keep pushing against the forces that will always be there, seeking to reduce a free press and free speech rights, then society is at the risk of losing them altogether. Who will the players be on that battlefield? At the end of the day someone has to step up and fight the good fight.”

Still, she has faith in her good friends. “The media bar tends to be made up of people who are deeply committed to journalism, the free press, and – because they’re smart and well-read and sophisticated people – clever enough to find ways to modify their practices to account for the realities of both legacy media and new media. I trust in their intelligence, sophistication and instincts to continue to stay in the fray and promote the free press.”

Katherine Vogele Griffin is a Staff Attorney at the Media Law Resource Center.

## Report from the Hinterlands

We are thrilled to report that the WICL Regional Meetings initiative has continued to thrive this year. Inaugural meetings were held in New York (led by Regional Representatives Amanda Leith and Amy Saginaw), Washington, D.C. (led by Regional Representatives Erin Dozier and Kathy Kirby), and New England (led by Regional Representatives Samantha Gerlovin and Liz Ritvo). Amanda and Kathy report on their meetings below, and Samantha and Liz will report on the New England meeting, which was held just recently, in the next newsletter. The inaugural meeting of the South Florida group, led by Regional Representatives Deanna Schullman and Catherine Van Horn, was also in the works at press time, so look for their report in the next newsletter as well.

The New York and DC Regional Representatives anticipate holding their next meetings this winter, and notices of those meetings will be sent to the WICL listserv.

We also have Regional Representatives for the following places:

- **Chicago** – Debbie Berman
- **Cincinnati** – Susan Grogan Faller
- **Denver** – Ashley Kissinger
- **Detroit** – Laurie Michelson
- **Kansas City** – Michelle Tilton
- **New Orleans** – Mary Ellen Roy
- **Pacific Northwest** – Judy Endejan
- **Philadelphia** – Katharine Larsen
- **Phoenix** – Karen Hartman-Tellez
- **San Francisco** – Duffy Carolan
- **Tampa** – Rachel Fugate
- **Texas** – Laura Lee Prather and Catherine Robb

Chicago and the Pacific Northwest have already held their inaugural meetings. The rest of us will make it a New Year’s resolution to hold ours in 2010! If you would like to assist any of
the current regional representatives, or start a WICL group in another city, please let Ashley or Laura know.

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### Women in Communications Law — D.C. Regional Meeting

**By Kathleen Kirby**

Women in Communications Law’s inaugural Washington, D.C. regional event in May, a brown bag lunch discussion of “Work/Work Balance,” drew a wide range of participants—from law students to partners with many years of experience, and lawyers with FCC-centric backgrounds to women who focus on transactional and litigation matters. Coordinated by Washington, D.C. Regional Representatives Erin Dozier of the National Association of Broadcasters and Kathleen Kirby, partner at communications firm Wiley Rein LLP, the panel sought to complement the many sessions offered on work/life balance with a give and take about work-related endeavors women engage in outside of their “day jobs” to enhance their professional development, promote the practice of communications law, and foster the career growth of law students, young lawyers, and their peers.

Four incredible women, each of whom has succeeded not only in the practice of communications law but also in work-related pursuits outside of the office, headlined the event and shared pearls of wisdom about their unique experiences. One of the featured panelists was Jennifer Manner, the Founder of ZComm Strategies, a telecommunications consulting firm, where she focuses on telecommunications policy, spectrum management and international issues for a diverse range of clients. Formerly Senior Counsel to FCC Commissioner Kathleen Abernathy, among other things, Jennifer focused primarily on writing, as she is the author of numerous articles and books, including *International Market Access and Spectrum Wars*. Deborah Robinson, a former prosecutor who is now Regional Counsel in the Anti-Piracy Legal Affairs Department of the Recording Industry Association of America, described her journey to becoming a legal analyst on television and radio. Deborah is a regular guest on ESPN and Court TV, and has been featured on CNN Headline News, Nancy Grace and Comcast CN8. Natalie Roisman, a partner at Wilkinson Barker Knauer, LLP who advises clients on a wide variety of policy and regulatory issues related to the media and telecommunications fields, discussed her work as an adjunct faculty member of The George Washington University Law School. Finally, Margaret Tobey, Vice President, Regulatory Affairs, at NBC Universal, Inc. and a former partner in private practice, shared how her dedication to the work of the Federal Communications Bar Association (FCBA), including as Chair of the Association’s Foundation and ultimately as its President, has been enriching both personally and professionally.

In addition to describing their individual career paths, the panelists addressed how these outside pursuits led to advancement (or not), expanded their client base, honed their substantive knowledge, broadened their perspectives or even perhaps set them up for their next job. Each stressed that there are myriad options available, and that it is wise to take the time to hone in on a particular endeavor that suits your personality. They advised that sometimes you must decide to say “no” so as to avoid being stretched too thin. The panel also emphasized that affirmatively cultivating support from full-time employers and “selling” them on the benefits of outside pursuits may be necessary to ensure the flexibility to create a work/work balance as well as a work/life balance.

More specifically, Jennifer offered that in this Internet era, sources are hungry for content, so writing opportunities abound. She underscored the need for discipline if you intend to be a writer, and explained how she drew upon her various experiences “on the job” for background and material for her writing; e.g., the idea for her book *Spectrum Wars* came from a project on which she was working at the FCC. Younger lawyers in the audience commented particularly that they benefited from Jennifer’s candid story about how, shortly after taking on a new job, she realized this was the wrong path for her, and that it is entirely possible to get yourself back on the right career track after making a wrong decision.

Deborah’s lively and entertaining presentation made clear to all why she is well-suited to appear in front of the camera or behind the microphone. She described how, when she first was approached with the opportunity to do television commentary, she was hesitant to seize the day and passed it by. She was fortunate enough to have a second bite at the apple, but advised the audience that when a door opens for you, walk in!

Natalie’s students at GW Law surely benefit from her wisdom and nurturing personality. She indicated that, perhaps unlike some others, her firm actively encourages such pursuits and recognizes the importance of cultivating personal and professional satisfaction in its employees as well as the benefit to the firm’s reputation. Natalie suggested that, given the juggling act many women perform to balance work, family, and outside pursuits, a good way to break into teaching and to maintain that commitment is to share responsibility with another person.

Margaret, of course, has served as a role model and indeed is an icon for many women who practice FCC regulatory law in Washington, D.C., so the audience hung on the details of her storied career. She emphasized that young lawyers should be active in not only participating in an organization like the FCBA, but also volunteering for significant responsibility (and follow through) right from the get go. Margaret also volunteered that positions related to the interests you have outside of work (e.g., serving on the board for an arts organization) are enriching personally and often result in business development or new job opportunities.
Feedback from the event was extremely positive. As a practical matter, a number of women commented that they had become less active in the Forum because of travel limitations, and welcomed regional events with open arms. We’re planning our next one!

Women in Communications Law — NY Regional Meeting
By Amanda Leith

The inaugural New York regional Women in Communications Law meeting was held earlier this year. Members from across the practice attended, including those who work in law firms, in-house corporate and nonprofit attorneys, and a law student member.

We discussed rainmaking generally and focused on one of the keys of rainmaking explored in the article by Sara Holtz of ClientFocus, Seven Habits of Successful Rainmakers, which discusses treating your clients as a valuable asset. Attendees with in-house experience shared some valuable tips along those lines, including:

1. In-house counsel often need quick, practical answers. There is no need to draft a memo when someone has a quick question.

2. If you cannot answer a question off the top of your head, it is acceptable to say so, research it, and respond with a prompt answer (i.e., “Let me check with my colleagues and I’ll get back to you this afternoon”). Keep in mind that in-house counsel hire law firms for the collaborative knowledge and experience they provide, so it is also reasonable, and even expected, that you might consult with your colleagues if you don’t know an answer immediately.

3. If you do prepare a memo, it is a good idea to summarize it in the email that you attach the memo to, for example, with bullet points.

4. Also, remember, there are times in-house counsel are simply calling to bounce ideas off of others or get a second opinion. In that case, they likely are not expecting to receive a bill for that three-minute conversation.

The group also spent some time getting to know each other, exploring the purpose of having a regional WICL group and discussing potential topics for future meetings. Members contributed excellent ideas, including inviting guest speakers (ideally women in the field) to discuss, among other topics: career paths in (and out of) the law; networking; rainmaking; practical tips for dealing with on-the-job issues affecting women; negotiation techniques for women; public speaking; and substantive and hot topics related to media and intellectual property law. Another suggestion was that meetings should be held at varied times (i.e., breakfast, lunch and evening) to give everyone an improved opportunity to attend, and that locations be alternated between east and west sides of the city. These suggestions are being implemented in plans for the next meeting, which will be held this winter. For more information, or if you would like to share other ideas, members in the New York area should get in touch with the regional representatives: Amanda Leith (aleith@lskslaw.com) or Aimee Saginaw (asaginaw@mclaughlinstern.com).

Amanda Leith is an associate at Levine Sullivan Koch & Schulz, L.L.P. in New York.

Heard Around Town
By Catherine Van Horn

Ms. JD Conference on Women in the Law: On November 20-21, 2009, Ms. JD will present its Third Annual Conference on “Women in the Law: Avenues to Advancement,” at Northwestern University law School in Chicago. The conference, which is co-sponsored by the National Association of Women Lawyers, the ABA Commission on Women in the Profession, the ABA Young Lawyers Division, and the Chicago Bar Association, will highlight the different careers paths available to women in the legal profession, the changing professional environment, and the personal and professional infrastructure that best enables women to excel. Ms. JD is an organization originally formed by a coalition of women law students from around the country who became concerned by the low rate of retention of women in the legal profession generally and decided to do something about it. In addition to sponsoring an annual conference and periodic seminars, the organization, which now includes women in all aspects of the legal profession in addition to law students, maintains a dynamic and highly interesting website called “Ms. JD: Changing the Face of the Legal Profession,” which includes everything from serious articles about women in the profession and interviews with high-profile professional women such as former Supreme Court Justice Sandra Day O’Connor, to insightful discussions about current events and a fun weekly summary of the new Julianna Margolis television series “The Good Wife.” For additional information about the Conference or Ms. JD, contact kornberg@ms-jd.org or visit the organization’s website at www.ms-jd.org.

Study Offers Tips for Succeeding as a Part-Time Partner: A report issued last month by the Project for Attorney Retention debunks the conventional wisdom that lawyers who cut back on their hours at work reduce their opportunities to succeed as partners. On the contrary, the study, which was based on in-depth interviews with more than 100 lawyers, 53 of whom were equity partners who work reduced hours, showed that the part-timers had substantial books of business, brought in significant revenue and often held leadership positions in their firms. The single most important tip offered by the report based on that study is that current and future part-timers need to develop a support team. In particular, it is important to take time to develop and train
associates who can act as backup when you are out of the office, such as by handling client phone calls and e-mails.

Women Trailblazers in the Law Project: In 2004, the ABA Commission on Women in the Profession initiated the Women Trailblazers in the Law Project (WTP), which prepares oral histories of women pioneers in the profession. Although there were previously some oral histories in repositories scattered across the country, the WTP, which is now sponsored by the ABA’s Senior Lawyers Division, is the only comprehensive, nationwide program devoted exclusively to capturing, recording and preserving the histories of pioneering women in their own voices. Specially trained lawyer volunteers record the histories, each of which includes pre-interview research on the interviewee, a series of audiotaped interviews, a transcription of the interviews, and, where possible, a short videotaped interview. The existing oral histories can be accessed at www.abanet.org/srlawyers/oralhistory. For information on becoming a volunteer historian, contact Project Director Linda Ferren via the website.

Want to Be a Judge? Adopt a Masculine-Sounding Name: Sadly, some stereotypes are still with us, at least in South Carolina. A study conducted by two economics researchers found that, in South Carolina, women lawyers with masculine-sounding names have a better chance of becoming a judge than their counterparts with feminine names. Even gender-ambiguous names fared better than truly feminine names. Specifically, the study, published in the American Law and Economics Review, determined that changing a woman’s name from something feminine, such as Sue, to a gender-ambiguous name such as Kelly increased the odds of becoming a South Carolina judge by about 5 percent, while changing the name Sue to a predominantly male name such as Cameron tripled the odds, and changing it to an overtly masculine name such as Bruce increased the odds by a factor of five. The researchers, economics professor Bentley Coffey of Clemson University and research fellow Patrick McLaughlin of George Mason University, suggested that the reason for the results may be the “Portia hypothesis,” named for the Shakespeare character who disguised herself as a man to argue a case in court, which theorizes that females with male-sounding names are more successful in legal careers than females with feminine-sounding names. Coffey said he and his wife, who are lawyers, were so swayed by the study findings that they named their daughter Collins. On a brighter note, Legal Blog Watch pointed out that the theory does not appear to hold true for U.S. Supreme Court justices, as all of the women who have been Supreme Court Justices – current Justices Ruth Bader Ginsburg and Sonia Sotomayor and retired Justice Sandra Day O’Connor – all have feminine-sounding names.

Want to Be happy? Sleep More and Join a Group: When asked to identify the one secret that, above all others, was the key to happiness, the author of a new book due to be published in December, The Happiness Project, said that getting enough sleep and meeting with a social group every six weeks or so are the biggest drivers of happiness. Gretchen Rubin, a Harvard trained lawyer who clerked for former Supreme Court Justice O’Connor and worked for the Federal Communications Commission, spent a year testing the advice of experts from Aristotle to Martin Seligman to Thoreau to Oprah on how to be happy. She began by blogging about her observations, and then summarized her findings in her book. She cited studies showing that two of the top reasons people are unhappy at work are tight deadlines and lack of sleep, especially lawyers, who, she said, get used to the feeling of being tired all the time. As for the group, she said it can be anything from a book group to a regular poker game.

Best Law Firms for Women and Families: Three listings of the best law firms for women attorneys, released within a few weeks of each other, did not entirely agree with each other. In early August, Working Mother magazine released its list of the 50 best law firms for women. In late August, the Yale Law Women released its list of the top 10 family-friendly law firms. Then, in mid-September, Working Mother issued its list of the 100 best companies for working women, which included four law firms. The four law firms on Working Mother’s 100 best companies list are Arnold & Porter and Covington & Burling, both based in Washington, D.C.; Katten Muchin Rosenman, based in Chicago; and New York’s Pillsbury Winthrop Shaw Pittman. Arnold & Porter was not on Working Mother’s list of the best 50 law firms, but did make the Yale Law Women top-10 list, as did Covington and Katten. However, Pillsbury did not make the Yale top-10 list, despite making both Working Women lists. Three other firms on the Yale Law Women top-10 list were not included in Working Mother’s top 50 law firms: Mayer Brown; Patton Boggs; and Cleary Gottlieb Steen & Hamilton. The other four firms on the Yale Law Women list, which were included in Working Mother’s top-50 list, were: Jenner & Block; Munger, Tolles & Olson; Sidley Austin; and WilmerHale. Both Working Mother lists are available at www.workingmother.com/BestCompanies. The Yale Law Women list is available at www.law.yale.edu/stuorgs/topten.htm. Each list includes a discussion of the factors considered in selecting the firms listed.

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

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).
2009 Associate of the Year

Laura Lee Prather, Sedgwick Detert Moran & Arnold LLP

TAB’s Associate of the Year has established a reputation as a fierce advocate for broadcasters in the legal arena.

Laura Lee Prather, a partner with TAB Associate Member law firm Sedgwick, Detert, Moran & Arnold, has been a longtime leader on TAB’s Open Government Task Force. In addition to representing television and radio stations in a wide variety of court cases, Laura is an avid supporter of TAB programs and events that foster greater understanding of issues confronting broadcasters. This year, she was especially instrumental in the passage of the Texas Free Flow of Information Act.

Fighting for the First Amendment

Laura was born in Norwalk, Conn. and grew up in New Orleans and Houston. During a 10th grade class project focusing on free speech, she decided not only did she want to be an attorney, she also wanted to specialize in First Amendment law.

Laura graduated from the University of Texas in 1988 with highest honors. She received her J.D. from UT-Austin three years later. Following graduation, she clerked for U.S. District Judge Hayden W. Head, Jr. in Corpus Christi and then joined a Los Angeles law firm. She joined George, Donaldson and Ford in 1993.

Five years later, she joined the Central Texas Media practice of Jackson Walker, another longtime TAB Associate Member.

In June 2006, Laura joined SDMA and opened their Austin office. SDMA’s clients include Fox Broadcasting, 20th Century Fox, Gannett Broadcasting, USA Today, CBS, Emmis Communications and Nexstar Broadcasting.

In 2008, Texas Lawyer named her one of the “Extraordinary Women in Texas Law,” a recognition of the state’s top 30 leading women lawyers. Laura also serves on the Legislative Advisory Committees of the Texas Daily Newspaper and Texas Press Associations. She previously served on the board of directors for public television station KLRU-TV and on the advisory board for the Center for Child Protection.

She continues to share her commitment to the First Amendment with future leaders as an adjunct professor at the University of Texas School of Law in Media & Entertainment Law.

This year, her peers elected her president of the Freedom of Information Foundation of Texas.

The Free Flow Battle


On the House side, the effort was launched by Rep. Trey Martinez-Fischer, D-San Antonio, whose can-do attitude made a world of difference in the media’s efforts.

The new HB 670 (the Texas Free Flow of Information Act) was heard by the House Judiciary and Civil Jurisprudence committee this time around, and there were only three returning members of the committee who had heard the issue in previous sessions.

From the beginning, Chairman Todd Hunter, R-Corpus Christi, worked to have the bill heard early and he put tremendous pressure on the prosecutorial community to sit down and have a meaningful discussion and negotiate with the media on the bill.

Laura and Chairman Hunter led four different negotiation sessions with the prosecutors – the final one lasting more than 13 hours. Thanks to their dedication and tenacity, Texas now has a law on the books to protect whistleblowers and newsrooms alike.

“I saw her out think, out maneuver, outwit, out flank and out negotiate four District Attorneys. It was this final marathon negotiation session that was the final piece which made the bill one which was adopted unanimously in both the House and Senate,” said Retired Senator Don Adams. “She was stellar and there is no way to calculate her value and importance to the Free Flow effort.”

Laura knows that not only is the Free Flow bill the “right thing” to have fought for, but the new law will save tremendous time and exposure for Texas broadcasters and all Texas media.

Working for Texas Broadcasters

Laura has served on the TAB Board of Directors since 2006 and her firm – SDMA – is a frequent sponsor of TAB events. She received TAB’s Special President’s Award in 2005 for her work on Open Government.

She has devoted countless hours opposing bills which seek to close school records or criminal background checks, bills which expunge criminal records – the list goes on and on. She has been a member of TAB’s Open Government Task Force since 1999 and is a frequent speaker at TAB’s Legislative Day and Newsroom Workshops.

Laura believes that Open Government laws are the key to a free society and democracy will cease to exist without checks and balances.

TAB salutes Laura Lee Prather as a true hero for Texas broadcasters and the First Amendment.
By Laura Lee Prather

On May 13, 2009, Texas became the thirty-seventh state to enact a reporter’s privilege. The law was signed by Governor Rick Perry that day and became effective immediately. Texans have tried for decades to get a law like this on the books. In recent history, legislation was proposed during the last three sessions.

In 2005, the major accomplishment was getting the broadcast and the print media to speak with one voice on the issue and to both support the measure. In 2007, the bill would have passed but for a last minute point of order killing the bill on a technicality. The 2009 session, however, proved that the third time was indeed a charm.

The bill that was proposed the last three sessions is a qualified privilege patterned in large part after the Department of Justice Guidelines. In 2007, there were two chief opponents to the legislation—law enforcement and the business community. During the last session, we were able to negotiate with the business community to alleviate their concerns about disclosure of trade secrets and other information they deemed to be “private” or “proprietary” in nature.

Ultimately the business community groups signed a letter to the Legislature indicating they no longer opposed the bill. Unfortunately, despite repeated efforts, there were no fruitful negotiations with the prosecutors last session. Indeed, it was the former District Attorney from Houston (who was since been indicted) who actually supplied prosecutors last session. Indeed, it was the former District Attorney from Houston (who was since been indicted) who actually supplied the point of order that killed the bill in 2007.

The 2009 legislative session proved to be different. During the interim, we suffered some setbacks, with our House sponsor being defeated in a primary election and the uncertainty of who would carry the legislation in the House this time. Luckily, our long-time sponsors in the Senate—Senator Rodney Ellis (D-Houston) and Senator Robert Duncan (R-Lubbock) remained steadfast supporters of the legislation and agreed to sponsor the bill again in 2009.

Chairman Hunter’s tenacity and dedication, we had four different negotiation sessions with the prosecutors—the final one lasting more than thirteen hours. In the end, we had a bill that everyone could agree upon, and the bill sailed through the House and the Senate with unanimous votes on third reading.

The bill is a qualified privilege, and during the negotiations with the prosecutors, we separated it into two different sections. The civil section has a three prong test one must overcome in order to require a reporter to testify or produce materials. The party who issues the subpoena must establish by clear and convincing evidence that: (1) they exhausted all reasonable efforts to get the information elsewhere, (2) the information is relevant and material to the proper administration of justice, and (3) the information sought is essential to the maintenance of the claim or defense of the person asking for it. In the civil arena, the same test applies whether one is seeking confidential or nonconfidential information or published or unpublished information.

The criminal section, on the other hand, is separated into three parts with different tests applying to different matters. The first part deals with confidential sources, the next with work product and nonconfidential sources, and the third with published information. When a confidential source is involved, there is an
Texas Becomes Number 37 in States That Have a Reporter’s Privilege

As we saw in the last Women in Communications Law newsletter, Sherrese Smith is a force to be reckoned with. She has seemingly accomplished it all in the field of communications law and done so all before her 40th birthday. For those of us who have passed that milestone (this author being one in that group), we are amazed at her stamina, wit, poise and intellect. Sherrese has just been tapped as the Legal Advisor, with particular responsibility for media, consumer and enforcement issues, to the new FCC Chairman Julius Genachowski. I had the pleasure of interviewing Sherrese about her new position and her transition from Vice President and General Counsel of Washington Post Digital recently and here are some of her latest pearls of wisdom.¹

**Laura:** Why did you decide to leave the Post and go to work at the FCC?

**Sherrese:** With this latest appointment, I feel as though I’ve checked off everything on my wish list of things I was interested in doing with my law degree. I had the pleasure of working in private practice for six years, in-house for ten years, and now just a few months in the government. It was difficult leaving the Post because I loved being in the news media space; however, I feel like I have been given a very rare opportunity to work for an administration so committed to innovation and technology. I have the opportunity to help develop policy issues and determine what can be done to move our country forward with new technology. I wanted to use my career to make a difference, and I feel like this position will give me the opportunity to do so. The country is in a state of huge transformation right now due to new media and digital technology. We have the opportunity to better educate rural areas and provide access to information to so many that would otherwise not have it.

**Laura:** Now that you’ve had the opportunity to work in what some would see as the full range of positions for a practicing lawyer – private practice, in-house attorney, and government attorney – what can you tell us about the pros and cons of each position?

**Sherrese:** The best part about private practice was working with exceptionally bright people all in one place. There was so much talent under one roof to pull from when questions arose. The downside of private practice was the billable hours requirement and trying to balance the cost of effective representation with thoughtful consideration of the legal issues presented. In-house at the Post, I loved doing deals. I enjoyed working with the technology people, the engineers, the marketing, and the business personnel to understand the products and services we

¹Author’s Note: This interview is paraphrased because I was having so much fun talking with Sherrese that I mainly jotted down flow charts of pros/cons and insights as we went. It is no wonder that she captivated the attention of the Obama Administration and Chairman Genachowski.
offered and to make deals that would enable them to accomplish company objectives like launching new products. The downside to being in-house was that I had to be “on” all the time. It is a constant juggling of many different constituents where, because of the digital nature, there is a sense of urgency to everything. There is also a great deal of pressure on the company to make money and do more with fewer resources. Although my tenure at the FCC has been short by comparison, I feel that there is a tremendous advantage to being in a position where one can make a difference to our country. We are at a moment in time when communications lawyers can make a difference because of the evolving landscape of the media industry, and I hope to be able use my new position to contribute to helping make things better for everyone. Twenty years ago there was no cable, no digital and no closed captioning, for instance, and now we can provide so much more to those who have had so little. The downside to working for the government is that there are so many great outcomes I can envision, but I realize that the FCC is one group in a larger eco-system and things move more slowly to resolution than I experienced at the Post and in private practice. Change cannot be effectuated as rapidly.

Laura: Is the perception that government employees work 9-5 a myth or reality?

Sherrese: It’s a myth. I work as much as I did before. Now, my days are just structured a bit differently. I have internal and constituent meetings in the mornings and early afternoon and then at about 3:00 p.m. I start working on handling things that need to be done. There are many late nights in this position.

Laura: What advice would you give young lawyers about how to accomplish their goal in the media law industry – whether it is to become a partner at a law firm, general counsel of a media organization, or Legal Adviser to the FCC Chairman?

Sherrese: Talk at the meetings. The most important trait a young lawyer can have is taking the initiative. The FCC gets thousands of applications online. Young lawyers must be able to show that they stand out – that translates to the candidate being able to bring more to the table. Spend the time to do your homework (and be willing to do that on your own time) so that you are in a position to stand out in the meetings and the interviews that follow.

Laura: How have you managed to juggle having a rewarding professional life and personal life at the same time?

Sherrese: My husband is also a lawyer and works at a law firm, but we both believe that family and personal life are very important. Every Friday at 6 p.m., we both leave the office. We stop what we are doing and this is our guaranteed piece of time together. We also take long weekends away to spend together every few months and make that a priority.

Laura Lee Prather is a partner at Sedgwick, Detert, Moran & Arnold LLP in Austin.
WOMEN IN LEADERSHIP IN COMMUNICATIONS LAW

This 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 (MLRC). Please send us any additional information you may have about women serving in such leadership positions so that we may update this column for the next newsletter.

Stephanie Abrutyn                                      Chair, Board of Trustees of MLRC Institute
                                                      Co-Editor of the Forum’s Communications Lawyer
Jeanette Melendez Bead                                  Chair of the Forum Moot Court Competition Steering Committee
Landis Best                                           Division Chair, ABA Section of Litigation
Robin Bierstedt                                       Co-Chair of MLRC New Legal Developments Committee
Katherine Bolger                                      Vice Chair of MLRC Entertainment Committee
Susan Buckley                                         Member of the Forum Governing Committee
Alicia Wagner Calzada                                  ABA Law Student Division Liaison to the Forum
Guylyn Cummins                                        Chair of the Forum
                                                      Co-Chair of MLRC Membership Committee
Lucy Dalglish                                         Member of the Forum Governing Committee
Jennifer Dominitz                                      Co-Chair of MLRC California Chapter
Johnita Due                                           Member of the Forum Governing Committee
Kai Falkenberg                                        Co-Chair of MLRC Prepublication/Prebroadcast Committee
Nancy Felsten                                         Co-Chair of MLRC Advertising/Commercial Speech Committee
Pilar Johnson                                         Member of the Forum Governing Committee
Kathleen Kirby                                       Co-Chair of MLRC Legislative Affairs Committee
Ashley Kissinger                                      Co-Chair of the First Amendment and Media Litigation Committee of the ABA
                                                      Section of Litigation
                                                      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
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 Shallman                                       Co-Chair of the Forum Training & Development Committee
Sherrese Smith                                        Chair of the Forum Diversity Committee
                                                      ABA Committee on Racial & Ethnic Diversity in the Profession Liaison to the Forum
Natalie Spears                                        Co-Chair of Planning Committee, NAA/NAB/MLRC Media Law Conference 2010
Corinna Ulrich                                        Internet Coordinator of the Forum
Barbara Wall                                           Chair of the Legal Affairs Committee of the Newspaper Association of America
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

Get our Updated Women in Communications Law Directory
Find out how to get in touch with your fellow Women in Communications Law Committee Members. Go to http://www.abanet.org/forums/communication/women_in_co_law/home.html or www.tinyurl.com/ABAWICL
The First Amendment and Media Law Diversity Moot Court Competition: The Forum’s Diversity Initiative Kicks Into Its Second Year
By Jeanette Melendez Bead

In February 2009, the Forum hosted its inaugural First Amendment and Media Law Diversity Moot Court Competition – a diversity initiative focused on exposing minority law students to the media bar and the practice of media law. I am delighted to report that the inaugural competition in Scottsdale, Arizona was a great success. The Committee is hard at work planning the second annual competition, which will culminate in semifinal and final rounds at the Forum’s 15th Annual Conference in Key Largo, Florida.

Inaugural Competition Highlights

Teams from four law schools competed in the inaugural competition. The preliminary rounds were held on February 5, the morning of the finals, and were judged by experienced members of the Forum: Jonathan Avila, Partner - Counsel, Chief Privacy Officer, The Walt Disney Co.; Jay Ward Brown, Senior Claims Counsel for North America, Hiscox Global Markets; Guslyn 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; Sherreese Smith, then-Vice President and General Counsel, Washington Post Digital; S. Jenell Trigg, Member, Lerman Senter; and Steve Zansberg, Partner, Levine Sullivan Koch & Schulz. In addition to serving as a judge for oral argument, Steve Zansberg spearheaded the team that drafted the written materials related to the hypothetical.

The winning team of Jeremy Licht and Nathaniel Gleicher, from Yale Law School, competed in the final round against the Southwestern Law School team of Derek George Turner and Sarah El Ebiary. The final oral argument – conducted before an audience of more than 100 media lawyers – was heard by an esteemed panel: 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. Following oral argument, the judges offered feedback to the law student participants and then opened the floor to questions and discussion about effective appellate advocacy.

In addition to the finalists, the following law students competed: Sherrice Perry and Christopher Armstead of the University of Wisconsin School of Law; Chee-Yuen Hung and Deidra Renee Squire of George Washington University Law School; and Daniel David Lewerenz and Nadia Alyedin Elnagdy of the University of Wisconsin School of Law. The students were excellent advocates, and the judges were very impressed with their performances.

Importantly, the students reported that they enjoyed participating in the competition and attending the conference events. For some, participation in the competition sparked or confirmed their interest in media law. Following his participation in the competition, Derek Turner, a finalist from Southwestern, secured an externship for class credit with Levine Sullivan Koch & Schulz. Finalist Sarah El Ebiary has become the Website and Listserv Chair of the Forum’s Women in Communications Law (WICL) Committee and is participating in WICL’s mentor program.

Second Annual Competition

Planning for the second annual competition is well underway. At press time, teams from George Washington, Georgetown, American and Syracuse have registered to participate, and the Committee hopes that more registrations will be coming in soon.

Our goal is to administer regional competitions and to invite the winners of each regional competition to participate in the semifinal and final rounds in Key Largo, Florida. This year’s hypothetical, which was drafted by Nathan Siegel of Levine Sullivan Koch & Schulz and Tom Leatherbury of Vinson & Elkins, with the assistance of 2009 competition finalist Derek Turner, focuses on misappropriation in the context of a reality television show. The district court opinion appealed from is available on the Forum’s competition web page at http://www.abanet.org/forums/communication/moot_competition.html.

I am delighted to report that the Scripps Howard Foundation has generously contributed to the competition, and the following firms already have signed on to sponsor the competition in 2010: Brown Rudnick, Davis Wright Tremaine, Jackson Walker, and Levine Sullivan Koch & Schulz. In addition, Judge Julio M. Fuentes of the Third Circuit Court of Appeals and Judge Joseph W. Hatchett, former Chief Judge of the 11th Circuit Court of Appeals and Chair of the Appellate Practice Group at Akerman Senterfitt, have accepted the Forum’s invitation to judge the final round in Key Largo.

Stay tuned for more news about the competition in future issues of the WICL newsletter.

At press time, we learned the sad news that our friend and colleague Dave Kohler had died of complications from cancer. Dave was a member of the Competition Steering Committee and was one of its most outspoken supporters. I often consulted with Dave about the competition; he was always encouraging and gave sound advice. The success of this endeavor certainly bears his imprint. And like many of you who were fortunate enough to know and work with Dave, I will miss him.

Jeanette Melendez Bead is a partner at Levine Sullivan Koch & Schulz, L.L.P. in Washington, D.C.
**Vegas Report: Surviving the Dust Bowl**

*By Judy Endejan*

Twenty-four hardy Women in Communications Law (WICL) souls met for breakfast at the unconscionable (for Las Vegas) hour of 7:30 a.m. before the annual Representing Your Local Broadcaster program on August 19, 2009. The topic du jour for WICL members was “Surviving the Dust Bowl” to discuss the unique business challenges women practitioners have faced this year. Group members discussed practical ways to grow their practice and better serve their clients, drawing from the “Seven Habits of Successful Rainmakers” article by Sara Holtz that was predistributed to WICL members. Sara made a fabulous presentation to WICL members at the February Scottsdale meeting, and the Las Vegas meeting provided a chance for WICL members to discuss her ideas in greater detail. A copy of Sara’s article is reprinted in this newsletter, which is also posted to the WICL website: www.tinyurl.com/ABAWICL.

Members shared various techniques used to maintain and nurture client relationships. These include:

- Drop clients short, pertinent emails regularly;
- Hook up your clients with potential business opportunities, whether with other clients or others you know;
- Send out email newsletters that provide “free” legal advice on hot topics of interest [the in-house lawyers present said they love these!];
- Send small but thoughtful client appreciation gifts such as Laura Lee Prather’s famous handmade Christmas toffee; and
- Pick up the phone and call your clients every so often (but don’t stalk them).

Members then shared systems that they have used to make client development routine and successful. Sinead Murphy from the Hiscox Insurance Company described her company’s system of maintaining an internal database of all client/customer contacts. This internal database is accessible by all Hiscox representatives, who can make entries of client interactions or special client interests. According to Sinead, the idea is to create a shared system of easily available information regarding all client interactions.

Another system used by many is to have firm librarians flag articles about clients. Clips are pulled and attorneys use them to expand their “client intelligence.” Where appropriate, some send them to clients with a short note.

One firm recommended developing a marketing plan for junior associates. In this firm, each junior associate is tasked with developing a checklist of business development activities that she would be comfortable undertaking. Mentors meets quarterly with the junior associates to follow up on their progress.

Many present recommended staying in touch with attorneys who leave their firms by inviting them to alumni receptions or other firm events. Finally, one of the best ways to work on business development is to help people looking for jobs find jobs. [Yes, payback is a beautiful thing.]

Other business development tips:

- Write down three business development activities on an index card and leave it in a desk drawer, where it will be seen regularly. This will remind you to keep working toward your annual goals.

- Join women’s networking organizations. Judy Endejan described an organization in the Northwest, the Association of Women Attorneys with Real Experience (AWARE), which meets quarterly for brunch on an informal basis. Many general counsel and in-house counsel attend these AWARE meetings to network and interact with other women attorneys.

The group spent a lot of time discussing “the ASK.” Women seem to be reticent about asking clients for business, unlike their male counterparts. The best way to ask for a client’s business is to first do due diligence and research the potential client’s issues or needs. Then, come up with a specific plan for providing value to that client. This will allow you to be clear about exactly what sort of business you are asking for from the client. If the client declines, ask how you can follow up and remain in touch even if you don’t get the business.

The discussion at the breakfast meeting was lively, frequently funny and invariably practical. Of the 24 women present, half were from private practice, 4 were from the National Association of Broadcasters, 4 from universities, 3 from in-house positions and 1 from the insurance industry.

Despite the challenging hour, these meetings are invaluable and not to be missed.

*Judy Endejan is a shareholder at Graham & Dunn in Seattle.*
Scottsdale Report: WICL Meeting with Sara Holtz
By Karen White

We held our annual meeting on February 6, 2009, at the Westin Kierland Resort & Spa in Scottsdale, Arizona. We had an excellent turnout of great diversity, including in-house counsel from a variety of media companies, private attorneys from both large and small firms, as well as university professors and law students – in all, nearly 40 women lawyers from all walks of practice attended. Our featured speaker was Sara Holtz, author of Bringin’ in the Rain: A Woman Lawyer’s Guide to Business Development. Sara is a very energetic and engaging speaker. She shared wonderful anecdotes and very solid advice concerning business development and career building. Her talk reminded us all of the importance of taking the time and effort to nurture our business relationships, since it is those relationships that will be the building blocks from which we create our futures. Especially in these turbulent times, Sara reminded us that our most valuable assets may just be the ones we passed by on our way to the next marketing opportunity – namely, our current business relationships. When properly cultivated, our current clients and contacts are our greatest fans, and they can be instrumental to expanding our book of business and enhancing our careers. We’re all aware that our success in these volatile times will depend in part on how we direct our marketing efforts, and Sara helped us refocus on making sure we never lose sight of the long-term benefits to be gained from nurturing our current clients and contacts, even as we also reach out to seek new ones.

Karen White is an associate at Sedgwick, Detert, Moran & Arnold LLP.

Women On The Move
By Laura Prather

Devereux Chatillon, formerly Senior Vice President and General Counsel of Scholastic Inc., has rejoined the New York office of Sonnenschein Nath & Rosenthal LLP, as Partner focusing on media and general commercial litigation and IP matters relating to content and the internet.

Ashley Kissinger, Partner at Levine Sullivan Koch & Schulz, L.L.P. in Denver, Colorado, is the new Co-Chair of the ABA First Amendment & Media Litigation Committee.

Laura Leitner, formerly an Associate with Hogan & Hartson LLP, has joined the New York office of Levine Sullivan Koch & Schulz, L.L.P.

Jill Meyer has been promoted to Member-in-Charge of the Cincinnati office of Frost Brown Todd. In the capacity of Member-in-Charge of Frost Brown Todd’s largest office, Jill will be responsible for client development initiatives, civic and charitable involvement, and community outreach in Cincinnati.

Cristina M. Pierson has become a named Partner in the law firm of Hargrove, Pierson & Brown, P.A. in Boca Raton, Florida.

Stephanie Podey, formerly with Wilkie Farr & Gallagher, has joined the National Cable & Telecommunications Association (NCTA) as its Associate General Counsel. The NCTA Legal Department monitors and participates in all relevant FCC and Copyright Office proceedings; participates in litigation affecting the cable industry; responds to other federal regulatory agencies when cable-related issues are involved; monitors state regulatory actions; assists NCTA members with cable-related questions; and participates in academic and research activities involving cable.

Laura Lee Prather, Partner at Sedgwick, Detert, Moran & Arnold, L.L.P. in Austin, Texas, was named Associate of the Year by the Texas Association of Broadcasters. Read the article about Laura in this newsletter, which is also posted at www.tinyurl.com/abawicl.

Sherrese Smith, formerly Vice President and General Counsel of Washington Post Digital, has been appointed Legal Adviser to FCC Chair Julius Genachowski. Sherrese will be responsible for advising on media, consumer and enforcement issues.

Lisa Washburn has been promoted to Assistant General Counsel of the Tribune Company.

Laura Lee Prather is a partner at Sedgwick, Detert, Moran & Arnold LLP in Austin.
WICL 2009 Mentoring Program Guidelines
By Martha E. Heller, WICL Mentor Coordinator

• 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 program 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.

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:
Martha Heller
Wiley Rein LLP
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Washington, DC  20006
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Fax: (202) 719-7049
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