The Women in Communications Law committee of the ABA Communications Law Forum has had an exciting year, with two significant new initiatives. First, after years of talking about developing a website, we finally have one, and it’s terrific. We invite you to go to www.abanet.org/forums/communication and click on Women in Communications Law. The website includes a Women to Watch section that features our own Guylyn Cummins, Susan Grogan Faller, Joyce Meyers, Lee Brooks Rivera, and Mary Snapp. The website also contains a Recent News and Accomplishments section, with info about our members such as recent successes, appointments, and published articles. For example, you’ll find a link to an article by Kelli Sager, “In Defense of Public Trials,” recently published in Litigation magazine. We invite you to send us news of your personal and professional triumphs to add to the website. You also can find the WICL directory online, along with back issues of the WICL newsletter.

Second, for the first time, WICL held a breakfast meeting in conjunction with the ABA Forum on Communications Law/National Association of Broadcasters legal seminar, “Representing Your Local Broadcaster,” held in Las Vegas in April. At the meeting we had a spirited discussion about marketing your legal practice and developing strong client relations. Frost Brown Todd and Covington & Burling sponsored the breakfast. (Thanks, Susan Faller and Jennifer Johnson!) We plan to meet for breakfast once again at the ABA/NAB seminar on Sunday, April 18, 2004, at The Bellagio in Las Vegas.

The Women in Communications Law committee holds its annual meeting at the upcoming ABA Forum on Communications Law conference in Boca Raton, Florida. The meeting will be held from 5:00 to 6:30 p.m. on Friday, January 23, 2004. At the meeting, we will have a roundtable discussion featuring the topic, “Balancing Life/Managing Time: How to Survive, and even Thrive, in the Law Firm and Corporate Counsel environments.” There will be a wine & cheese reception following the meeting, which is sponsored by Davis Wright Tremaine and First Media Insurance. (Thanks, Kelli Sager and Michelle Tilton!)

In November, WICL once again hosted a dinner and theater event during the PLI Communications Law seminar in New York. Pat Clark and Susan Grogan Faller organized the event again this year, which included dinner and tickets to the Broadway play, “Gypsy.”

Women continue to play a leading role in the Forum. The current Governing Committee of the Forum includes Paulette Dodson, Guylyn Cummins, Laura Lee Stapleton, and Nicole Wong. Amy Neuhardt and Deanne Maynard serve as co-editors of the Communications Lawyer. The Editorial Advisory Board of that journal includes Karlene Goller, Betsy Koch, Kelli Sager and Barbara Wall. Representing the Eastern Division in the Forum is Liz McNamara and from the Western Division, Kelli Sager and Mary Snapp. Jill Meyer Vollman and Pilar Keagy Johnson chair the Young Lawyers Division Law and Media Committee.

This issue of the WICL newsletter features a profile of Laura Handman, of Davis Wright Tremaine in Washington, D.C. Those who were there remember Laura breathlessly giving dramatic updates during the NAA/NAB/LDRC Libel Conference a few years ago regarding an important access case involving Business
W.I.C.L.

ABA Forum - Women in Communications Law Committee

Calendar of Events

January 22-24, 2004
9th Annual Conference
ABA Forum on Communications Law
Boca Raton Resort & Club
Boca Raton, FL

Friday, January 23, 2004
Women in Communications Law Meeting and Reception
5:00 - 6:30 p.m.
Boca Raton Resort & Club
Boca Raton, FL

Sunday, April 18, 2004
WICL Breakfast Meeting
Forum on Communications Law
Law/NAB/PCBA
“Representing Your Local Broadcaster”
The Bellagio
Las Vegas, NV

August 5 - 11, 2004
ABA Annual Meeting
Atlanta, GA

Thursday, September 30, 2004
NAA/NAB/MLRC Conference
WICL After-Dinner Get-Together
Alexandria, VA

Officers

Thomas B. Kelley
Chair of the ABA Forum
on Communications Law

George Freeman
Immediate Past Chair of the ABA
Forum on Communications Law

Mary Ellen Roy
Co-Chair of the Women in
Communications Law Committee

Natalie Spears
Co-Chair of the Women in
Communications Law Committee

Elizabeth Ritvo
Co-Chair-Elect of the Women in
Communications Law Committee

WICL Newsletter
Mary Ellen Roy, Editor

Woman to Watch
Laura R. Handman

By: Carolyn Foley, Partner, Davis Wright Tremaine

It was only natural for Laura Handman to end up as a First Amendment lawyer. First, she’s an admitted news-junkie, who loves words. Second, and just as important, she is the daughter of parents who have devoted a good portion of their careers to fighting to preserve the free expression rights guaranteed by the First Amendment (her mother, most recently, as the Senior Vice President of the New York Regional office of People for the American Way, and her father as the long-time artistic director of the American Place Theatre). And it didn’t take long, either. Having started her career as an Assistant U.S. Attorney, Laura went on to Coudert Brothers, where she began her career in media law and where she ultimately became a partner. Shortly after achieving this goal, however, another door opened: noted First Amendment attorney Victor A. Kovner made Laura an offer she couldn’t refuse. A partnership at Victor’s law firm, Lankenau Kovner & Bickford, had opened up and Laura seized the opportunity to further focus her career in media law and has never looked back.

Soon after joining Lankenau Kovner, Laura began to make her mark in the development of media law jurisprudence in New York. In 1990, she represented Omni Magazine in the landmark decision of Finger v. Omni Publications International, in which she persuaded New York’s highest court to affirm the dismissal of the civil rights lawsuit of a family whose photograph was used by Omni Magazine to illustrate a story titled, “Caffeine and Fast Sperm.” The decision was an important one both in terms of defining the scope of New York’s commercial misappropriation statute, but also in affirming the highest court’s commitment to the principal that “questions of newsworthiness” are better left to reasonable editorial judgment and discretion.” This representation was, predictably, followed by the successful defense of many other commercial misappropriation claims, among them, one brought against the playwright John Guare by a plaintiff who claimed that Guare’s play, Six Degrees of Separation, had been based on his life and had therefore violated his rights under New York’s commercial misappropriation statute. The impact of her work on the development of New York media law was more recently felt in the amicus effort she led in support of NBC’s position in Gonzalez v. NBC, in which NBC and the amici successfully persuaded a panel of the Second Circuit to reconsider and reverse its decision that had held there was no first amendment protection available to non-confidential newsgathering material.

As her career has developed, it has taken on a more national focus, and in 1994, Laura began to split her time between the two cities, becoming a regular Metroliner commuter between New York and Washington, D.C., and regularly representing clients in both jurisdictions. Since 1998, when the

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When Maya Windholz graduated from Penn in 1985 and moved to Michigan to start her legal career, she never dreamed she would be the “go to” lawyer for NBC’s Today Show. Due to the program’s early morning time slot and the myriad other needs of NBC newsrooms throughout the nation, Windholz’s hours are unpredictable at best, and sometimes punctuated with middle-of-the-night phone calls. However, this dynamic NBC Media Law Vice President still manages to have an extraordinary family - which includes an extremely supportive spouse and a very active and energetic five and six year old. Needless to say, Windholz thrives on being just a little busier than the rest of us.

Let’s go back to the beginning, within weeks of her arrival as a baby lawyer at Dickinson, Wright in Detroit, Windholz got her first taste of media law. There was no turning back. During the next eight years of her career, she and her colleagues worked on a number of First Amendment cases for a local television station in Detroit, and gave legal seminars to the journalists as well. When she decided to come back home to New York City, NBC was looking for a newsroom lawyer for their television stations – Windholz was a perfect fit.

During her tenure at NBC, Windholz has seen the media law group double in size to accommodate NBC’s dramatic increase in news production due to the company’s acquisitions of television stations as well as cable (MNSBC) and Spanish-language (Telemundo) broadcast operations. Together with her colleague David Sternlicht, Windholz supervises the NBC Media Law Group which focuses its efforts on pre-litigation news related issues, including supervising investigative and day-to-day reporting and newsgathering, conducting newsroom legal seminars, and handling subpoenas as well as complaints about NBC’s news reporting. For Windholz, this includes working directly with the Today show, MSNBC, CNBC, and the owned and operated stations. Windholz clearly loves what she does, including the variety of her work. While much of what she does depends on expertise relating to the things journalists do for a living on a daily basis (such as libel concerns, trespass issues, eavesdropping, and so forth), there are always issues that come up that are not exactly run of the mill. A recent example includes counseling the network and local California news journalists after learning that some NBC reporters’ calls to Scott Peterson had been recorded when Peterson’s phone had been tapped. NBC and other news organizations filed motions in the case to get access to those tapes, which were then made available, on a limited basis, only to the attorneys for the reporters whose calls had been intercepted. Windholz refers to being a news lawyer as the “ultimate backstage pass” which, for all of us interested in television journalism, it really is.

When asked how she does it all, Windholz very frankly admits that she doesn’t. She also says she thinks it’s hard to find a working mom who does. “There is a reason for the cliché about the frazzled woman who feels like she doesn’t give enough at home or at work. Who has that kind of time?” She considers herself to be extremely fortunate because she has the loving support of a spouse whose office is in their home and who makes it a priority to have a flexible work schedule. Another plus is the fact that she has an almost unheard of fifteen-minute commute in the City. Windholz also highlights the importance of taking vacations to re-charge the batteries. The fact that folks in her department respect this philosophy for their colleagues and themselves is a bonus. She explains, “Being a news attorney is a twenty-four hour job, so you lose some control over your schedule, but, at the same time, my job is flexible enough so that I can go on class field trips with my children from time to time.” Active in her children’s school, it is with a poignant smile that Windholz recalls that the first phone call she ever received directly from the President of NBC News was while she was at the circus with her son on a school field trip. Helene Godin, a former NBC lawyer who considers Windholz her mentor, admiringly describes the way in which Windholz juggles, “She has a laser focus while at work, but when she’s home she’s really home. She knows how to turn work off.”

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Lankenau Kovner firm merged with Davis Wright Tremaine, Laura’s practice has become a truly national practice. Laura has recently represented clients in Nevada, Texas, Florida, Tennessee, Virginia, Maryland, New York and Washington, D.C. The roster of her recent clients includes magazines, publishing houses, newspapers, cable channels, the owner of a football team and many other notable individuals. For example, she is representing Dominick Dunne in the libel suit brought by Gary Condit arising out of statements Dunne made on Laura Ingraham’s radio talk show and on Larry King Live, regarding the Chandra Levy murder investigation. In Texarkana she is representing the Discovery Channel in a commercial misappropriation and Lanham Act case brought by former Air Force pilot Scott O’Grady, who was downed behind enemy lines in Serbian-controlled Bosnia and whose story has been the subject of a Discovery Channel documentary. Laura is also defending George Stephanopoulos and Little Brown in a libel suit brought by Gennifer Flowers in federal court in Las Vegas, Nevada. (James Carville and Hillary Clinton, among others, are co-defendants in that case). She has recently successfully defended the owner of the Washington Redskins in a libel claim brought by groundskeepers who sued for libel based on statements attributed to the football team owner in Sports Illustrated. She also successfully defended a libel by implication claim brought by gold-trader Robert Rubin against U.S. News & World Report and won the dismissal of a process-server’s libel claim against the New York Times.

One of the cases that remains particularly close to Laura’s heart, however, is a case in which she successfully obtained access, on behalf of the Village Voice, to the transcript of the prosecution of Kelli Michaels, a 26 year old woman who had been convicted of sexually assaulting 19 children at a day care facility in New Jersey. The subsequent articles about the case in The Village Voice raised significant concerns about the fairness of the trial and the manipulation of testimony of the children. The Voice coverage generated further attention to the case and the conviction was ultimately set aside. In a similar vein, Laura is currently preparing a petition for certiorari to the Supreme Court, on behalf of a group of leading news organizations in Center for National Securities Studies et al. v. Department of Justice, seeking to force the federal government to release the names of the hundreds of persons it has detained in its terrorism investigations since September 11, 2001 on the grounds that the First Amendment prohibits the government from keeping this historically available information secret.

According to Victor Kovner, her long-time law partner, “few lawyers have shaped the law of free expression more directly than Laura. And her impact has not been confined to the United States. As a result of two of her major victories, in which American courts declined to enforce libel judgments obtained in England, which had a relatively antiquated libel law, the English courts have modified their view of libel and accorded significant protections to the press.”

How does Laura balance this list of high profile cases and clients with the rest of her life? “It’s not easy,” she says frankly. “In a two career household, balancing the careers of both parents with raising children is a tricky thing. It’s a delicate balance. You never know if you ended up striking the right balance.” Even as Laura’s daughter is now in high school and making her own claims to independence, Laura admits that she constantly re-evaluates and questions the balance she has struck. Ultimately, however, Laura believes that she has found the mix of the personal and professional that has been most satisfactory to her. The ultimate sacrifice, she notes, has been to her own free time.

And how has she developed such a diverse client base? “Well,” she says, “you never know where your next client is going to come from.” As examples, Laura noted that the mother of a girl in her daughter’s class at school recently referred her business and that she was ultimately referred to Dominick Dunne by a friend in a Yoga class. Pat Clark, a partner at Sabin Bermant & Gould, who has retained Laura to represent Advance Publications in several matters, adds further insight: “Laura is extremely responsive to clients. She immediately identifies and focuses on the core of a problem and she relates to journalists well — she really respects their work and they appreciate that.”

What advice does Laura have for young women...
The Newsgathering Committee of the Media Law Resource Center is compiling a nationwide list of criminal attorneys and bail bondsmen who would be willing to accept referrals for media-related criminal cases. These cases might include contempt, trespass, disorderly conduct, simple battery, or a myriad of other criminal charges that reporters and photographers sometimes face in the course of their jobs. Because these circumstances often come up with no warning, and often when the journalists are covering events in another jurisdiction, the Newsgathering Committee is gathering a list of references to assist in these situations.

If you know any criminal attorneys or bondsmen you would recommend for such cases, please respond to referrals@lawcounts.com with their name(s) and any contact information you can provide. Cynthia L. Counts and Kelli L. Sager of the MLRC Newsgathering Committee thank you in advance for your help.

Message from the Co-Chairs
Continued from Page 1

Week (McGraw-Hill) that was unfolding in real time. Laura continues to inspire with her exciting practice and impressive client roster.

We also feature Maya Windholz of NBC in this issue. Maya supervises the NBC Media Law Group where she vets The Today Show, among other things. When she’s not advising Katie Couric on First Amendment law, Maya is raising two young sons and trying to convince them that boys can grow up to be lawyers, too.

Don’t forget our “Women on the Move” section of this newsletter. You may find that you have to revise your electronic rolodex!

WICL continues to publish the Women in Communications Law Directory, providing a handy listing of women communications lawyers across the United States, Canada and England. The 2004 edition should be arriving in your mailboxes any day now. Please use the directory to refer business to your colleagues! If you have not received your copy of the directory, contact Teresa Ucok at tucock@staff.abanet.org or download it from the WICL website.

Also in this edition of the newsletter is a reprint of an article about mentoring from a sister publication, Perspectives, published by the ABA Commission on Women in the Profession.

This coming September, for the first time, WICL is planning a meeting at the NAA/NAB/MLRC Conference in Alexandria, Virginia. Current plans are for an after-dinner get-together the Thursday night of the conference, September 30, 2004.

With this newsletter, Co-Chair Mary Ellen Roy ends her tenure and we welcome as incoming Co-Chair-Elect Elizabeth Ritvo, a partner at Brown Rudnick Berlack Israels LLP in Boston. Liz authors the First Circuit outline on media privacy law in the MLRC 50-State Survey, the Massachusetts outline on employment privacy law in the 50-State Survey and the Massachusetts section of the Reporter’s Privilege Compendium for the Reporter’s Committee for Freedom of the Press. She is a graduate of Yale College and the University of Virginia law school.

See you in Boca!

Mary Ellen Roy
Phelps Dunbar LLP
Natalie J. Spears
Sonnenschein Nath & Rosenthal

Special thanks to Phelps Dunbar LLP for providing layout and design assistance for this issue of the WICL newsletter.
Debunking the Myths
Women and Mentoring
By Ida O. Abbott

Mentoring plays a key role in women’s professional advancement, but many women lack the mentors they want and need. Some difficulty finding mentors is caused by myths that surround the mentoring process. Debunking those myths, and clearing up the misunderstandings they create, makes it easier for women to find the mentoring relationships, so important for their careers. Ten of those myths are set out—and set straight—here.

Myth # 1. A mentor ensures career success. A devoted mentor can be a huge help, but it is unlikely that one mentor will be the ticket to success. Career-making mentors are—and always have been—extremely rare. Especially in today’s fast-paced and highly mobile workforce, it is difficult to form the kind of long-term, intense mentoring relationship with a powerful individual that is necessary to guarantee professional advancement. Even if a woman is lucky enough to find a single mentor who champions her promotion, it is risky to rely on one person for career progress. Being known as someone’s protégé can be exhilarating—but it can also be stifling. A better approach would be to cultivate a network of mentors who are interested in career development and can help in different ways. Having several advisers and supporters to call upon as needed allows a woman to get the guidance she needs, while leaving control in her hands.

Myth # 2. A mentor must be a woman. Many women believe that the only worthwhile mentor is someone whose older, life choices, and lifestyle align with their own. This myopic perspective restricts the pool of potential mentors and limits the diverse offerings of the mentors they find. It is true that a female mentor may share gender-based experiences, including work-life conflicts, discrimination, harassment, and day-to-day problems in workplace relations with men. However, a woman can learn a great deal from a male mentor or a woman whose life choices and style differ from her own. Remember that mentors do not just support choices; they also illuminate the negative aspects of those choices. They do not always agree with a position but challenge the status quo and provide perspectives that might not have been considered. So, yes, look for women mentors who can be supportive and make good role models, but expand the pool to include a variety of perspectives.

Myth # 3. Do good work, and a mentor will find you. Women must take the initiative to find a mentor. It is true that outstanding performers are more likely to attract mentors, but too many hard-working, high-powered women go without mentors. Some women work so hard that they don’t leave themselves open to mentoring. They may appear so self-sufficient and self-confident that potential mentors are intimidated or assume they do not need or want mentors, and turn away. To attract mentors, be receptive to others who want to help - and let them know how they can.

Myth # 4. Mentors should also be friends. Women often confuse mentoring with friendship. Mentoring and friendship are not mutually exclusive, and many personal relationships do embrace both, but friends are sometimes ineffective as mentors. They may lack the professional insights necessary for mentoring, may be too close to see what is needed in a professional context, or may not want to jeopardize a friendship by giving feedback or advice that is critical. Likewise, mentors may be excellent at guiding and supporting a career but be unable or unwilling to deal with personal dilemmas. Workplace mentors, after all, assist with career development; they are not expected to socialize.

Myth # 5. Mentoring programs don’t work. Mentor-mentee pairings assigned in structured mentoring programs often are compared to arranged marriages and given little likelihood of success. This comparison reflects a fundamental misunderstanding of the purpose or mentoring programs and often leads to disappointment. Unlike marriage, a mentoring program does not imply a lifetime commitment; it does not even require that the mentor and mentee become personal friends. It simply pairs two people for a limited period of time to work toward the program’s stated objectives. If those people share a mutual commitment to the mentoring goals, the relationship can work. Even if the mentor and mentee lack the professional chemistry necessary to develop a deeper relationship, the mentoring process can still be worthwhile. It can provide valuable insights and knowledge that enhance professional development and a better understanding of what to look for in future mentors or mentees.

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Mentoring

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Myth # 6. The best role models make the best mentors. A role model is someone who possesses a characteristic, quality, or style an individual admires and wants to emulate. Role modeling is based on observation and study of someone else in action; it does not require a personal relationship. A woman may never interact directly with many of the role models she admires. In contrast, mentoring is based on a personal and mutually respectful relationship. A mentor fosters career development - in large part through interaction. There are many role models, but only a few of them would be good mentors.

Myth # 7. Good mentors are hard to find. Potential mentors are all around, but finding them requires being alert and prepared. Quite often, a person at work will casually offer advice, insights, or information that can benefit a woman’s development or advancement. This individual may be making mentoring overtures. Alternatively, a woman can make the first move, but she should have an action plan that clarifies why she wants a mentor and how a mentor can help her. The plan should be very specific: the kind of help the woman is seeking; the traits, qualities, or connections a mentor ideally would have to provide it. This kind of information is valuable in identifying prospective candidates both inside and outside the firm.

Myth # 8. Mentoring is controlled by mentors for the benefit of mentees. This myth misinterprets two important points about mentoring. In truth, good mentoring relationships are partnerships, with both parties sharing the relationship and enjoying its benefits. Although the mentee’s needs drive the mentoring agenda, both mentor and mentee can learn, develop, and derive satisfaction from working together. The second misconception is that, because mentoring focuses on the mentee’s development, the mentor is the active teacher and the mentee is the passive student who only watches and listens. Passivity does not work in today’s law firm. Mentees must be proactive in the mentoring process, by initiating contacts with the mentor, setting goals, asking questions, soliciting feedback, and inviting themselves along to meetings and professional events.

Myth # 9. A mentor must be older. This is not necessarily the case. Mentors can be any age, even quite a bit younger - so long as they are interested in helping others learn and advance and can move people toward their professional goals. The biggest source of mentors is in fact a woman’s peer group - peer mentoring is the most common type.

Myth # 10. Mentoring takes more time than busy lawyers can afford. Given the important role mentoring plays in women’s career advancement, busy lawyers cannot afford not to engage in mentoring. Mentoring is essential to develop and retain capable women. It does take time, but less than many people imagine. Mentoring does not always require a lunch or scheduled meeting; it can occur in any encounter that offers the potential for learning. Lessons can develop over a period of months or in just a few moments. To maximize a limited amount of a mentor’s time, a woman can define the scope of a mentoring relationship, set specific goals, and monitor progress toward those goals.

Laura R. Handman

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pursuing careers in media law? She advises all young lawyers to take charge of their career, to pick the direction which they want their career to take and then take the steps necessary to make it happen, from networking and seeking out the appropriate employment and experiences. Remaining flexible, however, is also important. “If one avenue is not working,” Laura advises, “don’t beat a dead horse. Find another way in. It is important to remain both alert and open to the unexpected opportunities and paths that may suddenly open up.”
When asked what the most unexpected part of her job has been while at NBC, Windholz responded that she never anticipated that she would get involved with an undecided presidential election. Preparing NBC executives to testify before Congress during the post-mortem to the 2000 presidential election was a tad daunting, but also one of the most interesting projects she has handled while at NBC.

Although Windholz eschews any kudos for her many accomplishments, she describes one of the most important parts of her legal career as being an integral part of the Michigan Coalition to End Legalized Rape. Through the tireless efforts of Windholz and others, the spousal exclusion to rape in Michigan was done away with by the Legislature. This grassroots campaign has been mirrored by other states in accomplishing the same goals in several other jurisdictions throughout the nation. In addition to all of her intellectual savvy and commitment to human interests, Windholz is also quite talented. In earlier years her creative outlet was through singing; today she is interested in jewelry making and already has quite a collection of stones and beads to put to use. Although it is hard to fathom where she will find the time to make these accessories, if Windholz makes jewelry with the same focus and passion as she leads the rest of her life, these items will surely be a hit.

When Windholz is not advising the journalists of the Today show, making a difference in spousal abuse victims’ lives or volunteering at her children’s school, she has been explaining to her son Ethan that “Yes, Daddies can be lawyers, too!” Windholz is an inspiration to all of us.

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Maya Windholz

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Women On The Move!

- **Devereux Chatillon** has moved from Miramax Corporation, where she was an Executive Vice President working with the book and film divisions, to Sonnenschein Nath & Rosenthal, where she is a partner in the firm’s New York office, focusing on media law, including libel, privacy and related litigation.

- **Johnita Due** moved from McGraw-Hill in New York to become Senior Counsel at CNN in Atlanta, GA, and also had a baby.

- **Anne Egerton**, formerly of NBC, is now a Superior Court judge in Los Angeles.

- **Jessica Goldman** moved from Davis Wright Tremaine to Summit Law Group in Seattle, WA.

- **Davida Grant** left Wiley Rein & Fielding to join telecom company SBC in Washington, D.C.

- **Anne Hoge** moved from Wiley Rein & Fielding to go inhouse at Yahoo in Sunnyvale, California.

- **Jane R. Levine** has left Sherman & Howard in Denver for Cooley Godward LLP in Broomfield, CO.

- **Amy Neuhardt** left Gibson Dunn & Crutcher to join Shearman & Sterling in New York.

- **Dana Scherer** moved from the Los Angeles office of Univision to the New York office.

- **Jeannie Su** moved from the FCC to California and is now with the Orange County Counsel’s office.

- **Jennifer Falk Weiss** has left CNN in Atlanta to become a stay-at-home mom.