

Message from the Co-Chairs

By Natalie Spears and Elizabeth Ritvo

At last January's annual WICL meeting during the Forum's Boca Raton conference, we filled our conference room to standing-room only with over 50 women. We had a wonderful and provocative conversation about "us" -- and "how do we all do it," balancing life and managing time given the extra demands on women practicing law. By the end of our hour-long conversation, which was at times sobering and at other times earsplitting with laughter, nearly everyone in the room had chipped in with a thought, piece of advice or humorous anecdote. The dialogue as well as the seemingly effortless ability of those in the room to share with each other was both affirming and empowering.

As the oft-quoted saying goes: "Remember, Ginger Roger did everything Fred Astaire did, but she did it backwards and in high heels." No doubt, our conversation confirmed that women practicing law can certainly identify with Ginger on that point. But whether it's backwards at times, or in heels, the take-away message was -- we are doing it successfully and can help each other along the way. Again, we want to thank the three women on our panel who so superbly led us through the dialogue: Susanna Lowy of Viacom, Susan Grogan Faller of Frost Brown Todd LLC, and Liz McNamara of Davis Wright Tremaine LLP.

Someone else bravely joined us at that meeting last January too -- Tom Kelley, then-Chair of the Forum. While we joke about his courage to stay in the room with 50 women on a collective rant, in truth Tom was there without hesitation because he values our Committee and wanted to see what the Forum could do to better assist us. We are pleased to report that as a result of Tom's leadership and that of Jerry Birenz, the Forum's current Chair, the Forum's Governing Committee recently voted to give WICL a seat at the table. The Governing Committee meets three times a year. Beginning with this past November's meeting in New York and now going forward, the WICL Co-chairs will attend those meetings. The Governing Committee's invitation, which was unsolicited and very welcomed, is a sign of its view that our Committee and its members are a valuable part of the Forum's team. We warmly thank the Governing Committee as well as Jerry and Tom for their leadership.

In other news, we have recently updated the "Women to Watch" section on our website, which now features the following members -- all of whom are outstanding lawyers and leaders in communications law:

- **Judy Endejan**, Partner, Graham & Dunn, P.C.
- **Carla Michelotti**, General Counsel & Executive VP, Leo Burnett Worldwide
- **Carol Rose**, Executive Director, ACLU of Massachusetts, and
- **Susan Weiner**, Executive VP & Deputy General Counsel, NBC Universal.

The link to the WICL website is:

<http://www.abanet.org/forums/communication/home>
Just click on WICL and check it out.

We have continued to add to WICL's meeting schedule to foster networking among our members. In April 2004, for the second time, WICL held a breakfast meeting in conjunction with the Forum/NAB legal seminar, "Representing Your Local Broadcaster," held in Las Vegas. In September 2004, for the first time, we organized an after-dinner get-together at the NAA/NAB/MLRC conference in Alexandria, Virginia. And, in November 2004, as we traditionally have for several years now, WICL held a dinner and theater event during the PLI Communications Law seminar week. Once again, Patricia Clark organized the dinner and theatre event (this year, *Hairspray*) with sup-
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W.I.C.L.

ABA Forum - Women in
Communications Law
Committee Newsletter

Calendar of Events

January 14, 2005

WICL Meeting

5:00 - 6:00 p.m.

10th Annual Conference

ABA Forum on

Communications Law

Boca Raton Resort & Club

Boca Raton, FL

Sunday, April 17, 2005

WICL Breakfast Meeting

Forum on Communications

Law/NAB/FCBA

"Representing Your Local

Broadcaster"

The Bellagio

Las Vegas, NV

November 2005

PLI Conference

WICL Dinner and

Theater Event

New York City, NY

Officers

Jerry Birenz

Chair of the ABA Forum on
Communications Law

Thomas B. Kelley

Immediate Past Chair of the
ABA Forum on
Communications Law

Natalie J. Spears

Co-Chair of the Women in
Communications Law
Committee

Elizabeth A. Ritvo

Co-Chair of the Women in
Communications Law
Committee

Patricia Clark

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

WICL Newsletter

Natalie J. Spears, Editor

*Woman to Watch***Jan Constantine**

By: Kai Falkenberg, Davis Wright Tremaine LLP

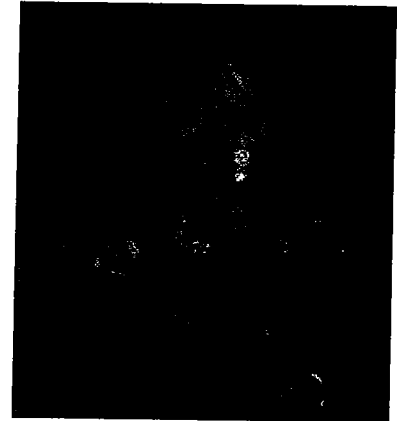
When Jan Constantine sits atop a piano at "Don't Tell Mama," belting out her favorite cabaret numbers, some may think this Executive Vice President and Senior Deputy General Counsel of News America Inc. is a long way from her "day job". Jan sees it differently. Being a litigator, she says, is similar to being an actress - you get stage fright, you have to think on your feet, you have to react to the audience (meaning, the judges), and you have to give a performance.

"Growing up, I'd always wanted to be a musical comedy actress," she recalls, "but I didn't think I'd be good enough." Instead, after Smith College and George Washington Law School, where she headed the consumer protection center and produced community service segments for the local TV station, Jan continued her consumer advocacy role as an attorney for the Federal Trade Commission. She then became an Assistant U.S. Attorney for the Eastern District of New York.

Among her more sensational cases was the government's suit to outlaw New York's nude beaches. The argument between "nude" vs. "lewd" was ultimately won by the government, but it was a pyrrhic victory, as Governor Cuomo soon after changed the state's law to ban nudity on public beaches. In another memorable case, Jan - at nine months pregnant - found herself arguing the government's right to search and seize a shipment of adulterated condoms at Kennedy airport.

After five years - and two children - Jan decided to move to the private sector. She joined Macmillan, Inc. as an in-house litigator, a job that transitioned into supervising people and handling primarily employment issues. In 1991, Jan joined News Corp. At that time, she relates, she considered herself more of an employment lawyer than a publishing lawyer, but her responsibilities gradually increased in scope. Today, in addition to being an Executive Vice President and Senior Deputy General Counsel of News America, Inc., she serves as Senior Vice President of News Corp. and General Counsel of the News America Marketing and Publishing Groups (which include HarperCollins, the New York Post and TV Guide).

Jan has found that working with journalists demands as much finesse and diplomacy as it does knowledge and expertise. She aims to be a facilitator, not a policeman, knowing that if her advice is purely negative ("You can't say that"), reporters won't seek it out. She quickly learned to use a positive approach ("Why not say it this way") and to teach reporters the language skills they need to be prudent. She feels that in order to be an effective pres-



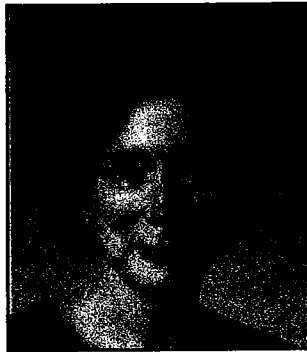
Jan performing her cabaret act.

Woman to Watch

Devereux Chatillon

By: Emily A. Poler, Sonnenschein Nath & Rosenthal LLP

Did you happen to watch Michael Moore's controversial film *Fahrenheit 9/11*? Ask Dev Chatillon how many times she did. Vetting the legal aspects of Moore's film is just one of the many fascinating projects Dev has worked on since she joined Sonnenschein Nath & Rosenthal LLP in New York City as a partner at the end of 2003. After spending almost fifteen years practicing in-house in a broad variety of settings, ranging from ABC to the *New Yorker*, where she was General Counsel, and most recently Miramax, where she was an Executive Vice President working in the books and films divisions, Dev jumped back into the world of private practice. So far, it's been an exciting ride. During this past year, she has been defending libel cases, including a New York case against Tribune Company's *Hoy!* newspaper and of Gary Condit's lawsuit against Dominick Dunne. In addition, a significant part of Dev's practice includes counseling clients on a variety of transactions and vetting books and movies (such as Moore's) for libel and copyright issues.



Dev's career has been on an interesting and winding path since she started out at Cahill Gordon & Reindel twenty-five years ago after graduating from NYU Law School following her undergraduate work at Harvard. At Cahill, Dev worked on a variety of matters, including libel cases brought by Wayne Newton against NBC and by Lyndon LaRouche against NBC. From Cahill, Dev went in-house at ABC - a change that was brought about in part, by the fact that she and her husband found themselves preparing cases in different parts of the country while their one-year old daughter was at home. As Dev says, they realized that something had to give. "He was already a partner. I was not. So I gave and I went in-house to a job that required a lot less travel."

After ABC, Dev moved to the *New Yorker*, where she became General Counsel and worked with the "justly famed fact checking department of the *New Yorker*, which simply was and is the most fabulous group of people." Plus, as Dev is quick to add, "I got paid to read the *New Yorker*!" After the *New Yorker*, she went to *Talk Magazine* and Talk Miramax Books, and then Miramax itself, where she was Executive Vice President, Business & Legal Affairs, for Miramax Books & Miramax Film Corporation. In that role, she tackled many cutting-edge copyright and transactional issues, including, for example, optioning the movie rights to books in situations where the same company is buying both the book and movie rights to develop them simultaneously. As noted above, after Miramax, Dev landed at Sonnenschein.

Needless to say, and as Dev points out, there also have been a lot of learning experiences along the way. One such learning experience came in 1984 when she found herself sitting between Mel Nimmer and Floyd Abrams at the counsel table in the United States Supreme Court for the argument of *Harper & Row Publishers, Inc., v. Nation Enterprises*. Despite the fact the Supreme Court ultimately found against their client - *The Nation* - Dev notes that taking the case all the way from the trial through its ultimate resolution in the Supreme Court revealed "the entire panoply of litigation experience you can have in the federal courts" and gave her a background from which she still draws today. This kind of litigation experience helps enormously in figuring out "from the very beginning where you want the case to go, how you want to start strategizing, keeping in mind all the time the various layers it can go through and weighing the costs and benefits of the immediate goals against the long term need to position the case for appellate review, heaven forbid, if one has to get there."

The *Harper & Row Publishers, Inc.* case also fueled her fascination for and total immersion in copyright law, including its complex historical aspects. Dev's passion for copyright law continued in her role as General Counsel at the *New Yorker*. There, she handled some of the first termination questions from the magazine's earliest contributors arising out of the 1978 Copyright Act, the then imminent (and since deferred) lapse into the public

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Devereux Chatillon

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domain of the magazine's first issues published in 1925, and the transition provisions between the 1909 Act and the 1978 Act. These days, her expertise in the area is serving her well in private practice, as she finds herself frequently counseling clients on complicated copyright problems such as "how to structure the copyright parts of an acquisition of the movie rights for a property that started out life as a short story in the 1920s, became a theatrical property and then a movie (and what about England?)."

The learning experiences in Dev's career have not been limited to the law itself. Dev says she discovered one night "that one can write an opposition to a certiorari petition between ten and midnight after your year-old baby has gone to bed and before she wakes up for her midnight feeding." While she admits that there are times when it is hard to be both a good mother and a good lawyer, "most of the time it's perfectly doable." And, technology helps. "I was one of the early Palm Pilot adoptees way back when," she notes. "There is a certain amount of juggling and organization that's required. But, I love doing both and wouldn't give up either."

Importantly, she says that her daughters are proud of what she does. Dev recalls being on vacation when one of her daughters -- who was ten years old at the time -- told her "you know I keep getting mad when you get interrupted by phone calls but then I remember that's what is paying for this." In general, Dev says "I think that they are both kind of proud of what I do, and the fact that I do it on my own and am independent, and can, you know, pay the mortgage."

According to Dev, she has generally found being a woman to be an advantage in solving problems for clients. "I think women have slightly different ways, sort of naturally, of approaching prob-

lems than men do. Women tend to build consensus a bit more. Men tend to go charging in and knocking people out of the way a little bit more. That's not true necessarily on an individual basis or in every transaction. I think that I, as most lawyers I know of any scope and imagination, have a variety of styles. And some are conciliatory, 'let's get along,' 'let's work together.' And some of them are 'I will eat your head off for breakfast in the morning,' depending on what's useful. We all develop different styles."

Most recently, Dev has been working with her partner Paul Licalsi on defending Dominick Dunne in the defamation lawsuit brought against him by Gary Condit. They recently won a significant decision from Judge Peter Leisure in the Southern District of New York that Condit cannot claim a privacy privilege under the California Constitution to block questioning into the specifics of his relationship with Chandra Levy. The Court rejected Condit's argument that the Court should draw the line "at the bedroom door." The Court reasoned that "Unfortunately for plaintiff, he opened that door himself by filing this lawsuit, the Court cannot allow plaintiff to walk through freely while holding defendant in check at the gate." Discovery is proceeding. And, Dev is looking forward to the litigation ahead.

In another recent project Dev vetted *Clare Longrigg's* book, *No Questions Asked: The Secret Life of Women in the Mob*, published in 2004 by Miramax. She also reviewed *Ronnie & Nancy* by Bob Colacello for TimeWarner Books, and *Courting Justice* by David Boies for Miramax.

When you talk to Dev it is clear -- she loves the work she is doing (always has) and loves to win. So be on the look out for Dev's work in 2005, which is sure to be coming soon to a theatre, book store or courthouse near you soon!

Jan Constantine

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ence, you need the trust of your "client" – the journalist. Jan enjoys the immediacy of working in this environment, considering herself more of a practical, pragmatic, "seat of the pants" attorney than a scholarly academic or an intellectual.

As in-house counsel defending a case brought by Howard Stern, Jan had the opportunity to set precedent in the first case involving advertising and the Internet. The cover photo from Stern's autobiography "Private Parts" appeared in an advertisement for an online Internet service owned by News Corp. The advertisement invited readers to opine on Stern's candidacy for governor on its electronic bulletin board. In a seminal opinion, a New York court held that the electronic bulletin board was analogous to a news vendor, bookstore or letter to the editor, warranting the same First Amendment protections as distributors of any other publication.

Despite her demanding workload, Jan continues to find time for a busy and varied extracurricular schedule, in addition to being a wife and mom to three children. She has made several cabaret appearances since taking her first class in music performance a few years ago. Jan relishes the dressing up and wearing dramatic make-up and particularly enjoys bringing

together her friends from diverse walks of life to attend her performances.

In addition to singing cabaret, Jan sings with the City Bar Chorus – a group funded by the New York City Bar Association to sing at nursing homes, children's hospitals and similar venues. Other community involvements include "Children for Children," an organization of which Jan was a founding member that provides library books and other resources to city schools. She also serves on the board of Legal Momentum, NOW's Legal Advisory Board.

Jan's interests, enthusiasm and energy are boundless. She is committed to giving back to her community and to leading a varied and creative life. She believes that women can have successful careers and also be good mothers. One secret, she says, is not to marry a "male chauvinist pig," but rather a partner who will help with domestic chores. Another is to be accessible to your children when they need you and to really listen to them when they speak.

Jan likes the idea of juggling many aspects in her life, and she has proven to be adept at doing so. From courtroom to cabaret, she conveys the assured presence of a woman who has found the perfect balance.

Teaching Committee Update

As some of you will recall, at our meeting in Boca last year, Barbara Morgenstern of the journalism program at Miami University, Oxford, Ohio presented her idea about a "teaching subcommittee" of WICL. The idea for this subcommittee caught the attention and enthusiastic support of the Forum's leadership, who thought it was such a good idea (and we agree!) that it is now being launched as its own committee under the Forum. The Committee, which

Barbara will chair, is open to all Forum members who teach full- or part-time at undergraduate, graduate or law schools, and to Forum members who are interested in teaching. Initial activities will include sharing syllabi via the Forum website, exchanging teaching materials and resources, and forming a list-serve to discuss ideas, approaches, problems and other matters. To join or for more information, contact Barbara at morgenbl@muohio.edu.

**Special thanks to Sonnenschein Nath & Rosenthal LLP
for providing layout and design assistance
for this issue of the WICL newsletter.**

Words of Wisdom:**Resolutions We Recommend
for Outside Counsel**

By Linda Reisner

The Best Relationships Take Hard Work.

Think of our relationship as just that, a relationship. Call me often and keep in touch. Better yet, call me for no reason at all. (But don't bill me!) Make sure I know how to find you at all times. Otherwise, that big new lawsuit might go elsewhere.

Invite Me to My Party.

Please make sure that you keep me apprised of the calendar. Invite me to my own party — I want the opportunity to attend depositions, hearings, settlement conferences, etc. I may not be able to go, but everyone wants to feel included. Moreover, chances are if I sit through a deposition, I know more about the company than you do and I can be of great help.

Introduce Me to Your Team.

Introduce me to anyone new you want to use to staff a case. It's always good to know a little bit about who you are dealing with. I think my mother taught me that a polite introduction is part of basic manners.

Know My Style.

Ask me our communication style preference — e-mail, phone, letter, in person. Each of us has these preferences. Ask me how much paper I want to receive — am I a packrat or a paper minimizer? Do I live in the electronic age or can I barely turn on the computer? In general, more information is better. Let me know what we can do to make each other's lives easier.

Know My Company.

Look at our Web page from time to time. Review our annual report. Read the newspaper. Make sure you are dealing with the right legal entity when you are responding to pleadings or filing a lawsuit for us. Ask questions about the company and its products. Become one of our customers. Your behavior as our outside counsel reflects on our company's image. Don't behave in a way that may harm our reputation with judges, opposing counsel or third parties.

The Best Laid Plans.

Please provide me a litigation plan earlier rather than later. You can't succeed without a good plan. I understand that the plan will change from time to time. Update the plan and give me periodic assessments of liability and potential damage exposure.

Don't Procrastinate.

Please, please, please give me enough time to review drafts of significant pleadings. Start your fact finding early. Witnesses leave the company, memories fade, and interest wanes over time. Thus, get the facts up front and in writing; that way we avoid burdening witnesses by having to talk to them multiple times. If I call you, return my call within 24 hours.

Feel Free to Track me Down.

I will be happy to help whenever you have a question or need some guidance, but sometimes I can be hard to reach because of the many demands of my job. If you want some undivided attention on a serious matter, it always helps to make an appointment so that we have guaranteed relatively uninterrupted (I hope) time.

Do Your Homework.

Don't call me and ask me to do your homework. If you need documents or access to witnesses, I will facilitate that, but I need you to spend time at the company, making sure it's right. If I had time to handle the lawsuit myself, I would. Be prepared for a hearing or a meeting with my business clients. They are very busy people. Have an agenda for each meeting, have a purpose for the meeting and get it done in a reasonable amount of time.

Be Honest About Conflicts.

Not taking conflicts of interest seriously or failing to deal with them honestly is the surest way to end our relationship.

**We Read Your Bills, Maybe You
Should Too.**

You would be amazed how many lawyers don't read their own bills before they send them. It is not unusual to find other client's matters on our bills. Don't let this happen to you. As a corollary, there is nothing worse than finding out what you have been doing for the last month by my reading your bills.

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Resolutions We Recommend

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Make sure you are talking to me if you are doing significant work on a matter in a month. Don't use your bills as a status report!

Ask Before You Research.

Don't have significant amounts of research done without asking permission. We may have had the same issue researched before in another matter, or we may choose not to spend our money that way in a particular case.

Be Good to My Co-Workers and My Team.

Treat my co-workers, especially my administrative assistant and my paralegals with kindness and respect. Be aware that they can help get you almost anything you need to help with the case (i.e., - documents, access to witnesses). I listen to what they say and what they think of you.

Be Creative.

Litigation is only one way to solve a dispute. Keep in

mind that there are other strategies, priorities and ways to contain costs of litigation.

Play Well in the Sandbox.

I often need to use several firms when handling complex litigation because of different areas of expertise. Almost across the board those firms do a terrible job of working with each other. Folks, there is plenty of work to go around and we don't have time to arbitrate fighting among firms which are supposed to be working for our common interest.

No Surprises.

I love surprise parties. I love surprise presents. I hate surprises in litigation.

Reprinted by permission. At the time this article was published, Linda Reisner was Vice President and Senior Counsel for Charter Communications in St. Louis, Missouri. Linda's "Words of Wisdom" first appeared in the Summer 2003 issue of The WOMAN Advocate Newsletter of the ABA Section of Litigation's Woman Advocate Committee.

W O M E N O N T H E M O V E !

- **Guylyn Cummins** has joined Sheppard Mullin Richter & Hampton LLP in San Diego, a full service firm of over 425 attorneys, with 40 media and entertainment lawyers who do everything from financing and selling movies to vetting content and clearing intellectual property rights. Guylyn's new contact information is in the WICL online directory and her new email is gcummins@sheppardmullin.com.
- **Kai Falkenberg** spent a few months this Fall on leave from Davis Wright Tremaine to work for NBC Universal on the Jane Pauley Show. Kai is now back at DWT.
- **Pilar Keagy Johnson** has moved within Turner Broadcasting from CNN to the Cartoon Network, where she is the attorney for the popular new adult late-night block of cartoon programming called *Adult Swim*.
- **Deanne Maynard** left Jenner & Block in Washington D.C. to join the Solicitor General's Office in the U.S. Department of Justice in Washington, D.C.
- **Catherine Van Horn**, after taking some time off to spend with her family, joined the Miami firm of Nagin Gallop Figueredo, where she is doing intellectual property work (even some patent litigation) and hoping to expand the firm's media law practice. Catherine's new contact information is in the WICL online directory and her new email address is cvanhorn@ngf-law.com.
- **Maya Winholz**, who was featured in WICL's 2004 Newsletter, has since moved within NBC Universal from New York to Universal City, California, where she is Vice President of Legal Affairs & Media Law, and working on entertainment programming.

Message from the Co-Chairs

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port from Susan Grogan Faller. Sonnenschein Nath & Rosenthal LLP also contributed financially to the event.

We plan to meet at these same conferences in 2005 and to hold a meeting for the first time during a Federal Communications Bar Association conference as well.

In 2003, we overhauled the WICL Directory, which is a comprehensive, annually published directory of women practicing communications law. We also now post the Directory online in a searchable format at www.abanet.org/forums/communication under the WICL link, making it a useful resource for referrals to your WICL colleagues in different cities. Please send any updates or new additions for the Directory to Teresa Ucok at tucok@staff.abanet.org. We will publish the 2005 edition of the Directory in hard copy during the first quarter of 2005.

This issue of the WICL Newsletter features profiles of members Jan Constantine and Devereux ("Dev") Chatillon. Jan is the Executive Vice President and Senior Deputy General Counsel of News America, Inc., where she has risen through the ranks since 1991. Whether she is defending lawsuits brought against the company by Howard Stern, performing cabaret or sitting on NOW's legal advisory board, Jan is always tapping into her creative energy. As proof of her verve and nerve, look no further than the three photos of Jan we had to choose from for this Newsletter -- one of Jan as "Spongebob captain" in this past Macy's Day Parade, one of Jan when she was principal for a day last April, and one of Jan doing her cabaret act (the last of which you'll see on page 2).

Our other featured WICL member, Dev Chatillon, rang in the 2004 New Year with a move -- from Miramax Corporation, where she was an Executive Vice President working in the book and film divisions, to Sonnenschein Nath & Rosenthal, where she is a partner in the firm's New York office. Dev's first year back in private practice has been chock-full with excitement, defending libel cases, such as Gary Condit's lawsuit against Dominick Dunne, and vetting films and books, including Michael Moore's *Fahrenheit 9/11* and Clare Longrigg's book, *No Questions Asked:*

The Secret Life of Women in the Mob, published in 2004 by Miramax. As you will see from the profile on Dev, her keen sense of judgment and quick wit come through in both her work and her role as mom to her two daughters.

Also in this Newsletter is a reprint of an article on client relations for outside counsel, entitled "Words of Wisdom." According to studies, as recently as 2001, at a time when 50% of law school graduates were women, only 15.8% of partners in private practice law firms nationwide were women. It's gone up since then, but not by much. The ability of women to succeed at the partner level in the law firm setting and to play a role in firm management depends in large part on their ability to make rain. Is it raining for you? The article we've reprinted in this Newsletter has some common-sense tips for keeping your current clients happy, which naturally leads to more work and often referrals as well -- all steps in that wet weather process.

On a final note, we want to welcome our new WICL Co-chair-elect Patricia Clark, who will be joining Liz Ritvo, as Natalie Spears ends her two-year tenure as Co-Chair. Patricia is a partner at Sabin, Bermant & Gould LLP in New York City, where her practice has exclusively focused on representing media clients, primarily the newspaper, magazine and cable interests of Advance Publications. She has been active with WICL for several years now and largely responsible for WICL's past NYC dinner and theatre events to The Producers, Urinetown, Forbidden Broadway, and Gypsy. Welcome aboard, Patricia.

We hope you will join us in Boca on January 14th from 5:00-6:30 p.m. for our annual WICL meeting. A little preview: we will have a very interesting discussion, leading off with a report Guylyn Cummins brought to our attention about a recent jury research study which asks questions such as: Does gender play a role in the courtroom? And, are pants suits really o.k. for women? Come and find out the answers. (In the meantime so as not to tease too much -- yes, of course, pants suits are o.k. Thankfully, the survey confirms this absurd (but sometimes lingering) question.)

See you in Boca!