

YOUNG LAWYERS COMMITTEE NEWSLETTER

ABA FORUM ON COMMUNICATIONS LAW

No. 5 April 20, 2020



From the Co-Editors of the Newsletter



By Andrew Pauwels and Brian Underwood
We're honored to be co-editors of the Young Lawyers Committee Newsletter for 2019-2020. We hope you will join us at the exciting events planned for this year. Please say hi if you see us!

TOP STORIES

A Note From The Young Lawyers' Committee

We know these are difficult times for many of us. We are adjusting to working from home, new work flows, and the general uncertainty of these times. Please don't forget that the ABA offers mental health resources for lawyers, including resources targeted specifically to dealing with COVID-19:

https://www.americanbar.org/groups/lawyer_assistance/resources/covid-19--mental-health-resources/.

And don't forget to check in on your friends and colleagues, including in this network—though we are saddened that we will not all be together in Las Vegas at the Representing Your Local Broadcaster event in April, we can still be a resource for each other.

Be well –

Sara, Adrianna, Wes, Brian, and Andy

A Message to New Litigators: Don't Just Wait by the Phone

By Chuck Tobin

(Chuck Tobin is a partner with Ballard Spahr LLP in Washington, D.C.)

Always—always—answer your phone. But never sit around waiting for it to ring.

Three distinct times in my so-called adult life, answering the phone has changed the trajectory of my career. And in between calls, I've looked for any way I could to keep moving forward on my own.

Exactly 30 years ago, on a Saturday during my last year of law school, the phone rang in my Gainesville, Florida, apartment. It was an obnoxiously early hour. I'd spent the night before at a watering hole with classmates, working out our frustrations over many pitchers of beer. My voice was all rasp.

The owner of the upbeat southern accent on the other end sounded as if he'd been up for hours. "Chuck, this is George Gabel in Jacksonville. I was just going through today's mail at the office. [Did I mention this was a Saturday?] I saw your nice letter and resume. Would you like to come over and visit with me tomorrow [on a Sunday]?"

That fateful call led to a lifelong mentorship and dozens of my first appearances in court. George, now retired after an epic career as rainmaker and kingmaker, was one of those lawyers who made success look absolutely effortless. Clients flocked to him, judges waited on his every word, jurors nodded like bobbleheads when he argued. He chaired every group that mattered—and many that didn't. Except to the participants. And that mattered to George. He was the perfect first role model for any young lawyer.

In my fourth year at George's firm, the phone rang again. "Chuck, this is Barbara Wall." I put down the accident-reconstruction report I had been studying. Barbara, now the chief legal officer for newspaper publishing company Gannett, at the time headed its in-house litigation group at the company's Northern Virginia headquarters. I was a summer intern there during law school, and Barbara and I had remained in close touch.

Gannett had just created a position for an in-house litigator, and it was exactly the type of First Amendment-focused work that I'd gone to law school for—defense of defamation and privacy cases in the dozens of states where Gannett's newspapers and TV stations operated. I knew I had to take the position.

Eight years and 23 states' worth of pro hac vice appearances later, I returned home after an eight-hour flight. Before I put my bags down, the phone rang, and I ran to answer. It was a partner at Holland & Knight who headed the firm's media practice in Tampa. He was in D.C. for the night. Would I like to have dinner?

I was totally spent, but we had known each other a long time. And being gracious to the outside counsel who served our company was one of the countless lessons that

Barbara—the second terrific role model I've had the incredible fortune to work for—had taught me.

So just an hour later, I found myself at the Palm in downtown Washington, D.C., enjoying cocktails with my Florida friend. He leaned in and said, "Well, are you ready to give up corporate life and come to work with our firm?" And so I did, setting off on 16 wonderful years at the firm's D.C. office, where I helped found its national media practice.

Each of these calls came after days, weeks, years of my concerted efforts to engage with our practice in any way I could. Student meets world. Lawyer meets world. Lawyer flings himself at the world with reckless abandon. CLE conference panels, speeches, committees, guest lectures, articles, lunches, dinners. You name it, I'd do it. I still do.

I don't care how busy a day I've already had or how crummy I feel that day. If a client needs my ear, I will make time to listen. If a colleague shows up at my door with a problem, I will make time to work through it. If a professional association asks me to participate in a program, I will make time to participate. If the editor in chief of LITIGATION asks me to write a column, I will make time to write it.

A client and good friend, CNN's lead inhouse lawyer David Vigilante, recently put words to it in a way I've never been able to: The label "work-life balance" sets up an artificial contest between two concepts that do not belong separated. Especially for litigators who want to stay busy. We need to accept that our whole life is happening all the time.

Compartmentalize? Forget it—that's just not me.

Indeed, I have never missed one of my kids' soccer matches, school plays, debate tournaments, or honor society inductions. I've dropped everything to run them to the emergency room, and I've stepped out of meetings for calls any time they've just needed a minute with their dad.

But my BlackBerry or iPhone has always been within quick reach. And at almost each event, I've responded to a client or firm colleague who needed something quickly. I have even stepped out into the hallway at two different Bruce Springsteen concerts to conduct last-minute legal reviews of scripts for evening news broadcasts. I know: Crazy, right?

I look at it this way: People honor me when they ask me to do stuff. They trust me with their worries. I should honor them back by responding when it's important to them, not just when it's convenient for me.

And I continue to get so much more than a career out of this line of work: I have made some of the most fabulous friends anyone could ever have. Real friends. Lifelong friends. Not simply "work" friends.

As I labored in Jacksonville to overprepare for my earliest court appearances, Tim

Conner, now with Holland & Knight and still one of my closest pals, sat right next to me. When I wanted to do something completely different for my 50th birthday, I reached out to my longtime buddy Dave Giles at EW. Scripps, and we traipsed across Europe to see Springsteen in Prague. Carolyn Forrest at Fox Television and I have mentored each other through our terms as chairs of the ABA Forum on Communications Law; I will never attend a media bar gathering, or spend time in Atlanta, without trying to see her and her lovely husband, Tim. At pivotal moments when I need fresh perspective and superb judgment, Kelli Sager at Davis Wright Tremaine has always been my trusted big sister in our bar. For years, my kid sister in the bar, Laura Prather at Haynes & Boone, and I have found shared work and social opportunities, and we regularly text with relish about each of our kids' milestones.

Answering my phone also has helped me spot the best emerging talent. I make time for law students whenever I can— you should too; we all remember what that insecure time was like. Responding to their calls, getting to know them, and ultimately introducing them to my partners led to the brilliant hirings of associates Drew Shenkman (now in-house at CNN) and Adrianna Rodriguez (now inhouse at Univision). Both are steadily becoming known as energetic and superbly creative leaders of the next generation of First Amendment lawyers while ensuring that the press remains free in this time of enormous challenges.

Just look at where answering my phone has gotten me now. Phoenix-based superstar litigator David Bodney, whom I've known for decades, called five years ago to invite me to an evening of jazz in New York City before a CLE event. That began an annual ritual and an even closer bond that led me to call David in 2017 and ask about combining practices. We are in our second year as co-leaders of Ballard Spahr's Media and Entertainment Law Group—and now neither of our phones ever stops ringing.

If you want to succeed as a litigator, don't artificially separate your "work" from your "life." Let them intertwine instead.

Just be sure that when I call, you answer the phone!

Opportunities in Media Law

Click on the hyperlinked location to take you directly to the posting.

Counsel, Advertising & Media, Dentsu Aegis Network (Los Angeles, CA)

Dentsu Aegis Network is hiring counsel to assist on copyright, trademark, and media-related matters, including privacy and data protection. In addition to providing advice on such matters, the position involves drafting, reviewing, and negotiating contracts on a variety of subject matters.

Director of First Amendment Clinic, Duke University (Durham, NC)

Duke University is seeking a director for its First Amendment Clinic. The position involves responsibility for all clinic-related activities.

Faculty Position for Entertainment & New Media/Intellectual Property Attorney, Northeastern University School of Law (Boston, MA)

Northeastern University School of Law is seeking applications from entertainment, new media, and intellectual property attorneys for a faculty position. The position has both teaching and research responsibilities.

Counsel, CNN Transactions, Warner Media (Atlanta, GA)

Warner Media has opened a position in the Turn Legal Department focusing on technology transactions. The position primarily involves drafting and negotiating vendor, technology, and services agreements, but also includes support for content distribution agreements, counseling on business development, technology, content rights, privacy, and promotional matters.

Entertainment & New Media Attorney, Warner Music (Nashville, TN)

Warner Music is seeking candidates with five to seven years of experience to fill a position that focuses on negotiating and drafting a variety of complex music industry agreements. Such agreements include, among others, recording agreements, merchandizing agreements, fan club agreements, and others. The position also involves assessing potential risks and claims from artwork, video, and audio.

Entertainment Attorney, Weintraub Tobin Chediak Coleman Grodin (Sacramento, CA)

Weintraub Tobin Chediak Coleman Grodin is hiring entertainment lawyers. Assigned practice areas will depend upon applicants' backgrounds and previous work.

Counsel, Vox Media (Washington, D.C.)

Vox Media is hiring for an in-house position dealing with the drafting and negotiation of commercial agreements. The position involves providing guidance and support on day-to-day matters related Vox Media's vendor contracts across the company's core services and business units.

Past Fun: Rock 'n' Roll and the Law in Austin



By Andy Pauwels

What do pop-sensation Billie Eilish, the multi-faceted Gary Clark, Jr., up-and-coming Flamenco star Rosalia, and me, your humble co-editor of this newsletter, have in common? We all attended the Young Lawyers Committee Cocktails and Conversation at the ABA Forum on Communications Law Annual Conference in Austin, Texas on Friday, February 7, 2020. Ok – none of those musical superstars actually attended our networking event in Austin. But, thanks to our actual special guests, Terry Lickona (Executive Producer of the *Austin City Limits* television series) and Amy Mitchell (lawyer for *Austin City Limits*), we were given a brief showcase of those musical talents as part of a fascinating hour spent discussing music, television, Austin, and (occasionally) the law.

Terry Lickona has served as the Executive Producer of the *Austin City Limits* television series for decades. Terry shared with us a number of stories about the musicians and bands he has booked for the program over the years. He also discussed how his love of music and his passion for what he does—sharing live music with the world—drives him to continue to find new music in Austin and around the world. Other than the envy I felt listening to Terry describe his life spent attending concerts, that is what will stick with me about our conversation with Terry: the importance of finding your passion and pursuing it.

Amy Mitchell is an entertainment lawyer with her own solo shop in Austin. Amy described her fascinating and inspirational career trajectory as a solo practitioner from Texas in an industry dominated by large firms on the coasts. As a young lawyer (and a musician herself), Amy often made connections with bands back stage after gigs at bars and clubs. Amy described how, through tireless networking and hard work, she established herself as a leading practitioner and developed a client base that now includes *Austin City Limits*. Amy also spoke about the legal challenges facing a program like *Austin City Limits* in a challenging media landscape, where artists are now expected to engage fans across multiple platforms. Amy offered great advice for young media lawyers looking to build their network and expertise.

Thank you to everyone who joined us in Austin. We look forward to seeing you next year in San Diego!



Helpful Links

- [ABA Forum on Communications Law](#)

We want to hear from you! Please send us your comments, thoughts, and suggestions (none too small) for our newsletter, as well as general comments and suggestions on how the Young Lawyers Committee can better serve you.

Young Lawyers Committee Co-Chairs:

-
[Sara Bell](#)
sabell@pbs.org

-
[Adrianna Rodriguez](#)
adrodriguez@univision.net

Co-Chair Elect:

-
Wesley Lewis
Wesley.Lewis@haynesboone.com

Young Lawyers Committee Newsletter Co-Editors:

-
[Andrew Pauwels](#)
APauwels@honigman.com

-
[Brian Underwood](#)
brian.underwood@bclplaw.com