

Female Powerbrokers Q&A: Davis Wright's Kelli Sager



Law360, New York (June 18, 2014, 10:58 AM ET) -- Kelli L. Sager is a partner in Davis Wright Tremaine LLP's Los Angeles office. She has spent more than 29 years representing media and entertainment companies. She represented the media during O.J. Simpson's murder trial, and argued before the California Supreme Court in *NBC Subsidiary v. Superior Court*, which resulted in a precedential decision affirming the public's rights to attend civil court proceedings.

Her practice encompasses all areas of media/entertainment litigation, including defending against claims for defamation, invasion of privacy, and so-called "idea theft," as well as copyright and trademark law, and Internet law. In addition to many appearances before the California Supreme Court, she appears regularly before the Ninth Circuit; recent reported decisions include *Brown v. Electronic Arts*, and *Keller v. Electronic Arts*.

Sager is the former chairwoman of the American Bar Association's Forum on Communications Law, and is on its governing board. She chaired the International Bar Association's Media Committee, and served as president of the Media Law Resource Center's Defense Counsel Section. She has been included in The Hollywood Reporter's Power Lawyer List since 2007, has been named as one of Lawdragon's 500 Leading Lawyers in America since 2005, and was recently ranked by Chambers USA for the sixth consecutive year in its top tier of media attorneys in the country.

Q: How did you break into what many consider to be an old boys' network?

A: I was fortunate from a very early age to be told by my parents repeatedly that there were no artificial limits on what profession I could choose, or what my aspirations for success could be. I have always believed that there is no substitute for hard work and dedication to doing one's best, and I have been extremely fortunate to have had clients who were more focused on how well an outside lawyer would represent them than in the counsel's gender.

I also have had very good luck with timing: I started at my first law firm in the summer of 1985, just when they needed an associate who could work full-time on a bunch of lawsuits for McClatchy

Newspapers. When the partner in charge called me a few days before I took the bar exam to ask me when I was going to start work, and explained why he was asking, I responded, “Monday.” As a result, I was able to spend all of my time working on media cases immediately, and I continued to spend virtually all of my time working for media/entertainment companies ever since.

I changed firms in April 1994 to become a partner at Davis Wright Tremaine, and the murders of Nicole Brown Simpson and Ron Goldman happened two months later. I was hired to represent all of the media in the criminal case against O.J. Simpson, which gave me the opportunity to be the lead counsel representing a wide variety of media companies in a very high-profile and demanding case.

Q: What are the challenges of being a woman at a senior level within a law firm?

A: I tend to be very direct in my communications, and appreciate candor and directness in others, but I think women often are held to a different standard than male colleagues in their manner of communicating. I find it challenging sometimes to express my views honestly without being viewed as too harsh or domineering — even when a male colleague who says the same thing (or worse) would be heralded.

Q: Describe a time you encountered sexism in your career and tell us how you handled it.

A: When I was a junior associate, an opposing lawyer (who was in his early 40s) kept referring to me as “young lady,” commenting on my (lack) of experience, and otherwise treating me in a very patronizing manner. I ignored the barbs, and instead began treating him very solicitously; I asked if he would like documents sent to him in larger print, since “it’s sometimes hard for people your age to read small print,” I offered him a chair near the door “so you won’t have to walk so far,” and so forth. He quickly stopped commenting on my age.

Q: What advice would you give to an aspiring female attorney?

A: Don’t view your gender as a handicap; just as often, it can be an advantage. I have had some great successes when opposing counsel underestimated me. And if you are interested in an activity that you can enjoy with male colleagues or clients, try golf — I started playing for completely different reasons, but discovered that it provides a great opportunity to spend several hours with someone without the awkwardness that might come from a young woman inviting a male client to have a drink or go to dinner. (And you can find out a lot about someone by the way they play golf!)

Q: What advice would you give to a law firm looking to increase the number of women in its partner ranks?

A: There are so many talented women coming out of law schools, that I have a hard time seeing the reason why so few of them become partners — it certainly isn’t a matter of finding candidates with the requisite talent or skills. As long as women remain the primary caregivers (which is still the case), flexibility in hours and commuting are going to be a significant issue for firms interested in retaining

women long enough for them to become partners. But I think mentoring is equally important.

Q: Outside your firm, name an attorney you admire and tell us why.

A: Lee Levine of Levine Sullivan Koch & Schulz. Lee not only is a smart, talented attorney, he also is a very nice guy.

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