



**70<sup>th</sup>** 1936-2006  
ANNIVERSARY  
Celebrating 70 years of service

**N E W S**

**January 2006**

Newsletter of the Federal Communications Bar Association



William Kennard



Michael Powell



James Quello



Alfred Sikes



Richard Wiley

## "Looking Forward, Looking Back" Luncheon to be held on January 20

On **Friday, January 20**, the **FCBA** will launch its celebration of **70 years of service** by presenting a luncheon panel featuring former FCC Chairmen **William Kennard**, **Michael Powell**, **James Quello**, **Alfred Sikes**, and **Richard Wiley**. The former Chairmen will discuss their perspectives on the evolution of the communications industry, the

Commission, and our bar association, under the theme "Looking Forward, Looking Back." The event, moderated by former FCBA President **Jonathan Blake** (1984-85) and current President **Michele Farquhar**, will be held at the J.W. Marriott Hotel, 1331 Pennsylvania Avenue, NW. Registration information is on page 20.

## CLE Tele-Seminar: Antitrust in the Broadband Communications World after Trinko

**Date:** Thursday, January 26, 2006  
**Time:** 2:00 to 4:00 p.m. EST

### SPONSORED BY:

*The Computers and Internet Committee and Communications Committee of the ABA Section of Antitrust Law*  
*The IP-Based Communications Practice and Wireless Practice Committees of the Federal Communications Bar Association*

This program will be presented by web-augmented teleconference. Learn about the latest developments from the comfort of your own office or home.

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## 2005 FCC Chairman's Dinner

The 19th Annual FCC Chairman's Dinner on December 8th, was Chairman Martin's first and the largest ever. Following the reception, which was held in a new and more spacious location within the hotel this year and the dinner, FCBA President **Michele Farquhar** opened the evening's program by acknowledging guests at the head table and in the audience, by introducing a video clip of some of the FCBA Foundation's 2005 Scholarship winners, and introduced guest of honor, **FCC Chairman Kevin Martin**.

Chairman Martin paid tribute to Commissioner, and former FCBA President, **Kathleen Abernathy** in his opening remarks and shared his spotlight with a video tribute to Commissioner Abernathy which featured

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## This Month's Key Events

### Wireless Luncheon

**Date/Time:** Friday, January 6, Noon

**Location:** Sidley Austin, 1501 K Street, 6th Floor

**Topic:** A debate over municipal WiFi networks

► SEE PAGE 11

### Transactional

#### Brown Bag

**Date/Time:** Wednesday, January 11, 12:15 p.m.

**Location:** Drinker Biddle & Reath, 1500 K Street, NW, Suite 1100

**Topic:** Implications of recent Media Bureau decisions

► SEE PAGE 11

### Legislation/IP-Based

#### Brown Bag

**Date/Time:** Friday, January 13, 12:15 p.m.

**Location:** Verizon Wireless, 1300 Eye Street

**Topic:** Legislative Reform Affecting IP-Based Services

► SEE PAGE 11

### Cable Brown Bag

**Date/Time:** Tuesday, January 17, 12:15 p.m.

**Location:** Willkie Farr & Gallagher, 1875 K Street

**Topic:** The Top Ten Technological Trends Everybody Should Know About

► SEE PAGE 11

### Common Carrier

#### Brown Bag

**Date/Time:** Tuesday, January 24, 12:15 p.m.

**Location:** Hogan & Hartson, 555 13th Street

**Topic:** Meet the Wireline Competition Bureau

► SEE PAGE 11

### International

#### Brown Bag

**Date/Time:** Wednesday, January 11, Noon to 1:15 p.m.

**Location:** Harris Wiltshire & Grannis 1200 18th Street, NW, 10th Floor

**Topic:** Europe's e-commerce i2010 and a debriefing of recent E.U. bilaterals

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## PRESIDENT'S Message

### DEAR MEMBERS:

Happy New Year! In 2006 the FCBA commemorates its 70th anniversary, as well as the 15th anniversary of the FCBA Foundation. This newsletter includes a historical perspective written by former FCBA President S. White Rhyne regarding the founding of the FCBA, highlighting the critical role of our first president, Louis Caldwell. Future newsletters will include similar pieces, and we would be interested in other historical features for upcoming issues this spring.



On January 20, the FCBA's celebration officially begins with a luncheon event featuring five former FCC Chairmen entitled "Looking Forward, Looking Back." Later this spring the FCBA will host a 70th Anniversary reception, coordinated by former FCBA President Peter Shields. Please contact Peter if you are interested in helping with this event.

January also marks the start of the FCBA nominations cycle, and our first call for members interested in seeking elective office or officer positions. We are soliciting candidates for the Executive Committee, the Foundation, and the Nominations Committee, as noted in this newsletter. The FCBA needs your help to ensure that we have a committed and diverse slate of candidates for these important positions, reflecting all segments of the bar and the industries we represent. Please take a minute to contact former FCBA President Harry Martin, Chair of the Nominations Committee, if you have any recommendations for nominees or questions about the process.

**Michele C. Farquhar**

## Important FCBA Dates for 2006

**February 3-4, 2006** – National Telecommunications Moot Court Competition

**February 28, 2006** – Communications Law 101 CLE Seminar

**May 5-7, 2006** – Annual Seminar, The Greenbrier Resort, White Sulphur Springs, WV

**June 2006** – Annual Meeting and Luncheon

**June 2006** – FCBA 70th Anniversary Celebration

## Judges Needed for Moot Court Competition

The National Telecommunications Moot Court Competition Committee is seeking interested attorneys to serve as judges for the 2006 competition. Judges are needed to grade briefs and to judge oral arguments, which will be held at the Catholic University of America Columbus School of Law on **Friday, February 3, and Saturday, February 4, 2006**. If you can help, please email Mia Hayes at [nattel2006@gmail.com](mailto:nattel2006@gmail.com) indicating whether you would like to grade briefs, judge oral arguments, or both. Thank you in advance for your interest and participation in this season's competition.



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BAR ASSOCIATION

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Editor - Heidi M. Kurtz  
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Password as of January 10, 2006: 384

## AFTER TRINKO

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### PROGRAM DESCRIPTION:

This program will examine the likely role of antitrust law in the broadband communications world in the wake of *Trinko* and recent court of appeals decisions. It will also assess the impact that new technologies and the FCC's broadband deregulatory initiatives may have on the role of antitrust law in communications markets. Attend this program and get answers and guidance on the thorny issues that lawyers face when counseling their clients in this fast changing business environment.

### SPEAKERS:

*Moderator:*

**Sheba Chacko**, *BT Americas*, Reston, VA

*Presenters:*

**Phil Verveer**, *Willkie, Farr & Gallagher*, Washington, D.C.

**Jonathan Rubin**, *American Antitrust Institute*, Washington, D.C.

**David Saylor**, *Hogan & Hartson*, Washington D.C.

**Kyle Dixon**, *Progress and Freedom Foundation*, Washington, D.C.

\$ 85.00 - Section of Antitrust Law  
Members and FCBA Members

\$125.00 - ABA Members

\$150.00 - General Public

\$60.00 - Government Employees,  
Academics

\$60.00 - Additional registrants who use  
the same phone line.

\$25.00 – Students

**Register Now: Phone: 800.285.2221  
and Select Option "2", M-F 8:30 a.m. -  
6:30 p.m. Eastern or Online at  
[http://www.abanet.org/cle/programs/  
t06abc1.html](http://www.abanet.org/cle/programs/t06abc1.html), Event code: T06ABC1;  
Source Code: TCE6FABC1**

## The Telecom Act of 1996: Ten Years Later

*Columbia Institute for Tele-Information  
in association with the Federal  
Communications Bar Association*

*Present:*

The Telecommunications Act of 1996:  
*Ten Years Later* on February 6, 2006  
9:30am-5:00pm, Washington, DC.

The Telecommunications Act of 1996 became law on February 7, 1996. The following decade was a period of unprecedented change in the global information, computer and telecommunications (ICT) industry. The explosive growth of the Internet, the unprecedented "boom and bust" in telecom stocks, the collapse and restructuring of entire industry sectors, and the development of revolutionary new technologies are only a few of the changes that characterized the past ten years in telecom.

What was the relationship between the Telecom Act and the decade of change in the ICT industry? What was the Telecom Act supposed to do and did it accomplish those goals? Was it a success? A failure? Or a bit of each?

The Columbia Institute for Tele-Information (CITI) and the Federal Communications Law Journal (FCLJ) have organized a conference to explore these questions and the overall impact of the Telecommunications Act of 1996 on the ICT industry, the economy and society.

Conference speakers will include experts who have written articles on the Telecom Act's first decade which will appear in the June 2006 issue of the FCLJ. Other speakers are experts who have contributed to CITI's research, including the on-going "Remedies for Telecom Recovery" program which is exploring the causes and cures of the historic telecom "boom and bust."

### SPEAKERS WILL INCLUDE:

**Patricia Aufderheide**, Director for the Center for Social Media at American University

**Michael Botein**, Director of the Media Center and Professor at New York Law School

**Gerald Brock**, Program Director at the Graduate Telecommunication Program

at The George Washington University  
**Angela Campbell**, Director of Georgetown Law Center's Institute for Public Representation

**Dirck Hargraves**, Counsel, Telecommunication Research and Action Center (TRAC) and General Counsel and Senior Consultant, Issue Dynamics, Inc.

**Thomas Hazlett**, George Mason University

**Eli Noam**, Director of the Columbia Institute for Tele-Information and Professor, Columbia Business School

**Daniel Phythyon**, Policy Director and General Counsel for the Alliance for Public Technology (APT)

**Larry Pressler**, United States Senator (retired) and a principal author of the Telecommunications Act of 1996

**Andrew Schwartzman**, President and CEO of Media Access Project

**Christopher Sterling**, Professor at the Graduate Telecommunication Program at The George Washington University

**Kathleen Wallman**, Senior Advisor to the Brattle Group and CEO of Wallman Consulting Group

**Steven Wildman**, Director of the Quello Center for Telecommunication Management and Law at Michigan State University

Additional speakers, including Keynote speakers will be announced soon.

### LOCATION

The all-day conference will be held in Washington DC at a convenient location that will announced by mid-January 2006.

### REGISTRATION

Early registration fees will be available until January 15, 2006; after that date, regular registration fees will apply. Corporate: early - \$200, regular - \$250; FCBA Members and CITI affiliates: early - \$100; regular - \$125; Government and academic: early - \$35; regular - \$50.

On-line registration is available at:  
<http://www.ersvp.com/reply/event12968>

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## TELECOM ACT

CONTINUED FROM PAGE 3

### ADDITIONAL INFORMATION

Please consult the conference website at: [http://www.citi.columbia.edu/telecom\\_at\\_10](http://www.citi.columbia.edu/telecom_at_10) for the latest information about the conference.

CITI contact: **Ben Bloom**, 212-854-4222, [bb2125@columbia.edu](mailto:bb2125@columbia.edu)

FCLJ contact: **Matt Warner**, (812) 855-5952, [fclj@indiana.edu](mailto:fclj@indiana.edu)

or follow this link:

<http://www.ersvp.com/reply/event12968>

## February 15 - Universal Service

The Common Carrier Practice Committee is putting together a CLE Seminar on Universal Service on Wednesday, February 15, from 6:00 to 8:15 p.m. Registration information will be forthcoming.

It is nearly universally agreed that the universal service system is in need of reform and widely expected that reform will be a hot issue at the FCC and on the Hill in 2006. This CLE will examine reform prospects, policy considerations, and the legal implications and justifications for reform on both the contribution and distribution side. More information to follow by email and in the February *FCBA News*.

## February 16 - FCC Regulation of New Technologies

The Engineering and Technical Practice Committee has put together a CLE Seminar to be held Thursday, February 16 from 6:00-8:15 p.m. at Dow Lohnes & Albertson, PLLC. Registration information is on page 20.

### SUMMARY:

Any new technology that uses radio

frequencies needs FCC approval. The more innovative the technology, however, the more likely it is to violate the current technical rules.

This session will explore the FCC's procedures for adjusting the rules to accommodate new technologies. What factors guide FCC decision-making? How can a proponent's lawyer help the FCC to reach the right result? Why do some rulemakings and waiver proceedings take so long? How can a spectrum incumbent ensure that its interests remain protected?

### SPEAKERS:

*Moderator:*

**Henry Goldberg**, Partner, Goldberg, Godles, Wiener & Wright

*Panelists:*

**Mitchell Lazarus**, Member, Fletcher, Heald & Hildreth, PLC

**Julius Knapp**, Deputy Chief, Office of Engineering and Technology, FCC

**Dr. Rashmi Doshi**, Chief, Laboratory Division, Office of Engineering and Technology, FCC

**Karl Nebbia**, Deputy Associate Administrator for Domestic Spectrum Management, National Telecommunications Information Administration, U.S. Dept. of Commerce

**Barry Ohlson**, Senior Legal Advisor, Office of Commissioner Adelstein, FCC

**Jay Birnbaum**, Vice President and General Counsel at CURRENT Communications Group, LLC, and CURRENT Technologies, LLC

## February 19-20, 2006 - The Digital Broadband Migration Confronting the New Regulatory Frontiers

The transformation of telecommunications from an analog, narrowband network optimized for voice to a digital, broadband network optimized for data traffic has created a myriad of challenges for businesses, policymakers,

and academics alike. The questions range from those involving what institutions—courts, agencies, standard setting bodies, or international treaty organizations—can address technology policy questions to those involving the emerging structure of the telecommunications industry and whether it is an effective response to or possible barrier to continued innovation. Similarly, the development of video content over the Internet is emerging as a challenge that will potentially transform the video programming industry, both respect to the re-thinking of regulatory strategies and the role of digital rights management systems.

This conference will examine the above set of pressing regulatory challenges that policymakers have yet to fully grapple with. With a thoughtful array of leaders from academic, industry, and governmental circles, we believe that this conference will continue the Silicon Flatirons' tradition of encouraging "bolder thinking" in Boulder. Like its predecessors, the proceedings from this conference will be published in the third volume of the *Journal on Telecommunications and High Technology Law*.

## Schedule of Events: Sunday, Feb. 19th

### LINDSLEY MEMORIAL COURTROOM

9:15-9:30

### WELCOME

**Phil Weiser**

*Executive Director, Silicon Flatirons  
Telecommunications Program*

9:30-11:30

### OVERVIEW PANEL: THE INSTITUTIONAL CHALLENGES OF TECHNOLOGY POLICY

**Phil Weiser** (Moderator)

*Executive Director, Silicon Flatirons  
Telecommunications Program*



**Ray Gifford**

President, Progress and Freedom Foundation

**Dale Hatfield**

Univ. of Colorado, former FCC Chief Engineer

**Howard Shelanski**

Univ. of California, Berkeley, former FCC Chief Economist

**Steven F. Williams**

Judge, D.C. Circuit Court of Appeals

**Jon Nuechterlein**

Partner, Wilmer Cutler, former FCC Deputy General Counsel

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**11:30-1:00****Lunch**

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**1:00-3:00****VIDEO OVER INTERNET PROTOCOL**

**Peter Rohrbach** (Moderator)

Partner, Hogan and Hartson

**Susan Crawford** (Presenter)

Cardozo Univ.

**Robert Pepper** (Presenter)

Cisco Systems

**Timothy Wu** (Presenter)

Univ. of Virginia

**Dorothy Atwood** (Discussant)

Sr. VP, SBC, Regulatory Planning and Policy

**Paul Glist** (Discussant)

Partner, Cole Raywid

**Stephan Shelanski** (Discussant)

Sr. VP, Starz Entertainment Group

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**3:00-3:15****BREAK**

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**3:15-5:00****DIGITAL RIGHTS MANAGEMENT**

**Natalie Hanlon-Leh** (Moderator)

Partner, Faegre & Benson

**Tom Lookabaugh** (Presenter)

Univ. of Colorado

**Randy Picker** (Presenter)

Univ. of Chicago

**Chris Sprigman** (Presenter)

Univ. of Virginia

**Richard Green** (Discussant)

CEO, Cablelabs

**Preston Padden** (Discussant)

Exec VP, Disney

**Gigi Sohn** (Discussant)

Public Knowledge

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**5:15-6:15****KEYNOTE ADDRESS**

Bob Kahn

Internet Pioneer

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**6:15-7:15****RECEPTION**

(Sponsored by Perkins Coie)

## Schedule of Events: Monday, Feb. 20th

**UNIVERSITY MEMORIAL CENTER**

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**9:00-10:00****CLOSING SPEAKER**

**Michael K. Powell**

former Chairman, Federal Communications Commission

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**10:00-12:00****INDUSTRY STRUCTURE**

**Sean Lindsay** (Moderator)

VP and Deputy Gen Counsel, Qwest

**Antoinette Cook Bush** (Presenter)

Partner, Skadden Arps

**Mark Cooper** (Presenter)

Director of Research, Consum Fed. Of America

**Aaron Edlin** (Presenter)

Univ. of California, Berkeley

**Fred Kahn** (Presenter)

former CAB Head

**Douglas Melamed** (Presenter)

former Antitrust Chief

**F.M. Scherer** (Presenter)

former Chief Economist, FTC

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**12:00-1:30****LUNCH/LUNCHEON SPEAKER**

**Jim Crowe**

President and CEO, Level 3 Communications

**More information and registration opportunities are available at**  
<http://www.silicon-flatirons.org/conferences/20060219dbm.asp>.

## Communications Law 101 to be Held on February 28

The FCBA will be hosting its annual **Communications Law 101** seminar on the afternoon of **Tuesday, February 28** at the offices of Wiley Rein & Fielding, LLP. This program is designed to give communications attorneys a practical introduction to a variety of legal issues facing practitioners and communications companies. The half-day program will include panels and presentations from a wide range of industry experts and seasoned attorneys from both the private and public sector. More information to follow by email and in the February issue of the FCBA News.

**SAVE THE DATES! MORE CLE PROGRAMS COMING IN MARCH:**

## March 15, 2006 – Economic Analysis and FCC Decisionmaking

*Presented by the FCBA and the Stanford Institute for Economic Policy Research (SIEPR)*

The FCC relies heavily on economic analysis in addressing public policy issues. Economic analysis is particularly important in determining the “public interest” in FCC decisions that shape the structure of the marketplace, policies to facilitate efficient market entry and exit, and decisions on when and how to eliminate regulation and rely on market-driven competition.

This conference will examine how the FCC utilizes economic analysis, with a focus on major merger decisions and the “net neutrality” debate. We will consider how the FCC ought to

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## ECONOMIC ANALYSIS

CONTINUED FROM PAGE 5

approach important short-term and long-term economic issues, and how it should choose between competing economic models and approaches presented by opposing parties.

### Schedule of Events:

**8:45 – 9:00**

#### REGISTRATION AND BREAKFAST RECEPTION

**9:00 – 9:10**

#### WELCOME

**Greg Rosston**, Stanford Institute for Economic Policy Research

**David Sieradzki**, Hogan & Hartson LLP  
Conference Co-Chairs

**9:10 – 9:30**

#### KEYNOTE ADDRESS

**Leslie Marx**, FCC Chief Economist

**9:30-11:00**

#### ECONOMIC ANALYSIS IN FCC MERGER PROCEEDINGS

*Moderator:*

**Walt Strack**, Wireless  
Telecommunications Bureau, FCC

*Panelists:*

**Debra Aron**, Northwestern  
University/LECG

**Doug Bernheim**, Stanford University  
**Michael Katz**, University of California,  
Berkeley (former FCC Chief Economist  
and former Deputy Assistant Attorney  
General for Economic Analysis,  
Antitrust Division, DOJ)

**Donald Stockdale**, Wireline  
Competition Bureau, FCC

**11:10-12:15**

#### THE ECONOMICS OF "NET NEUTRALITY" AND FACILITIES- BASED COMPETITION

*Moderator:*

**David Sieradzki**, Hogan & Hartson LLP  
*Panelists:*

**Kyle Dixon**, Progress and Freedom  
Foundation

**Greg Rosston**, Stanford Institute for  
Economic Policy Research

**Kevin Werbach**, University of  
Pennsylvania, Wharton School of  
Business

#### LOCATION:

Hogan & Hartson LLP, 555 - 13th St.,  
NW, Washington, DC, 13th Floor

#### DATE AND TIME:

Wednesday, March 15, 2006, 8:45 am –  
12:15 pm

**More information on registration and  
pricing to follow in the February  
FCBA News.**

## March 28, 2006 - Privacy & Data Security CLE

*Presented by the FCBA and the ABA  
Forum on Communications Law*

#### TITLE:

Privacy & Data Security Compliance for  
Communications & Media Companies

#### DATE AND TIME:

Tuesday, March 28, 2006  
8:30 a.m. -12:30 p.m.

#### LOCATION:

Covington & Burling Conference  
Center, 1201 Pennsylvania Ave., N.W.,  
Washington, DC 20004-2401

#### DESCRIPTION:

This seminar will cover everything you  
wanted to know about the fast changing  
landscape of privacy and data security  
law, but were afraid to ask.

This seminar will focus on the practical  
implementation of various domestic  
state and federal laws and regulations  
that impact the business operations,  
regulatory compliance and marketing  
efforts of communications and media  
companies, as well as provide a brief  
overview of international requirements  
for foreign operations of U.S.  
companies, including foreign news  
bureaus. It will also address the  
interface and potential conflicts between  
the new privacy laws and other  
regulatory requirements, such as  
Sarbanes-Oxley and various FCC

regulations for broadcast, cable, and  
telecommunications companies.

Seminar speakers will include  
representatives from state and federal  
agencies, including the FCC, FTC, and  
the California Office of Privacy  
Protection, as well as distinguished  
practitioners in this field. The seminar  
will focus on the latest developments  
and changes in the laws and regulations  
that most impact communications and  
media businesses, including:

- Data Security Breach Notification  
Laws recently adopted in more than  
22 states and 1 municipality (New  
York City)
- New FTC rules for implementation of  
the CAN-SPAM Act with respect to  
commercial email and FCC's rules  
regarding commercial email sent via  
wireless devices
- Michigan and Utah's new Child  
Protection Registry Laws that affect  
commercial email sent to those states
- California's "Shine the Light" Law  
that requires third party disclosure  
notice requirements for sharing  
personal information
- State and Federal Do-Not-Call Laws  
(FCC and FTC) and their application  
to the explosive growth in  
commercial text message advertising
- The new Federal Junk Fax Prevention  
Act and California's recent  
elimination of the established  
business relationship exception for  
commercial fax advertising
- Credit card security issues, including  
the credit card industry's new online  
and offline merchant security  
requirements
- Michigan and other State Social  
Security Number Privacy Laws
- Children's Online Privacy Protection  
Act
- Health Insurance Portability and  
Accountability Act

For additional information, please  
contact S. Jenell Trigg at Leventhal  
Senter & Lerman PLLC: 212-416-1090  
or strigg@lsl-law.com.

Registration information for this  
seminar is coming soon!

## FCC CHAIRMAN'S *Dinner*

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many of her colleagues and friends. The Chairman was then “roasted” by three Washington stalwarts, **Dick Wiley**, **Eddie Fritz**, and **Jim Cicconi**. Chairman Martin smiled as each of the roasters shot some poignant barbs in his direction, commenting on his youthful looks, his resemblance to Harry Potter, his hawkish position on indecency, and a variety of other issues from the first year of the Martin FCC. The Chairman then took control of the podium and microphone and shared 9’x12’ photos of his new son Luke being lectured on several FCC issues by Commissioners Abernathy, Copps, and Adelstein, on the big video screens. Perhaps the first baby pictures used at a Chairman’s Dinner, and certainly the largest. Chairman Martin, with comedic timing, good naturedly poked fun at himself and the transition from the Powell FCC to the Martin FCC, sharing with the audience advice he had received from his three predecessors, and closing with his own list of the “Top 7 Reasons it is Fun to Work at the FCC.” Chairman Martin was hit, his first time in the spotlight.

The support of 124 firms and companies purchasing sponsors tables this year raised over \$43,000 for the FCBA Foundation’s scholarship program.



*Photos by Mark Van Bergh*





## FCC CHAIRMAN'S *Dinner*





## FCC CHAIRMAN'S *Dinner*



## COMMITTEES AND CHAPTERS *in the Spotlight*

*(This new feature will run throughout the coming year to highlight each of the substantive committees and chapters.)*

### FCC Enforcement Practice Committee

The FCBA's FCC Enforcement Practice Committee provides members with a forum for information-sharing and discussion of the legal, regulatory and public policy issues key to practicing before the FCC's Enforcement Bureau. All FCC practitioners, regardless of their area of expertise, will find themselves at one time or another focusing on how the FCC enforces the statute its rules. The Committee is there to serve as your resource for navigating that process. This year, the Committee is chaired by Roz Allen of Holland & Knight, LLP; Brad Berry of Wilmer Cutler & Pickering Hale and Dorr, LLP; and David Solomon of Wilkinson Barker Knauer, LLP.

This year, the Committee plans to hold several brown bag lunches with government officials who make and implement enforcement policy. The first of these lunches was held on November 9th, and featured Enforcement Bureau Chief Kris Monteith. Kris shared with a group of approximately 100 attendees her take on the FCC's current enforcement priorities, and responded to a broad range of questions from the audience. We hope to schedule additional brown bags that focus on significant new developments in the FCC's exercise of its enforcement authority.

The Committee plans to host a one-day CLE in May of 2006 that will cover a broad range of topics, from basics of enforcement practice to emerging issues in the areas of indecency and E-911 enforcement.

We are always interested in hearing from you about areas you would like to see the Committee address. Please e-mail your suggestions or questions to



FCC Enforcement Practice Committee co-chairs, David Solomon and Roz Allen. Not pictured: Brad Berry

*Photo by  
Mark Van Bergh*

Roz Allen ([rosalind.allen@hklaw.com](mailto:rosalind.allen@hklaw.com)); Brad Berry ([bradford.berry@wilmerhale.com](mailto:bradford.berry@wilmerhale.com)); or David Solomon ([dsolomon@wbkllaw.com](mailto:dsolomon@wbkllaw.com)).

### Florida Chapter

The Florida Chapter was founded in the fall of 2004 by its current co-chairs, Will Cox with Abel Band in Sarasota, Ila Feld with Leibowitz & Associates in Miami, Marianne LePera with Henderson Franklin in Bonita Springs, and Pat Meehan with Holland & Knight in Tampa. The Florida co-chairs are geographically spread out throughout the state and their expertise and interests cover all sectors of the communications industry, including Internet, wireless, cable, broadcast television and radio, and telephony.

In 2005, the Florida Chapter had three meetings/CLE programs in different locations in north, central, and south Florida, all well attended events. The inaugural event in March was in Orlando and focused on negotiations between telecom providers and real estate developers. The second meeting was in June in Fort Lauderdale and presented an excellent panel on current

Florida legislative issues impacting communications companies with focus on video franchising issues. The final meeting of 2005 was held in November in Tallahassee at the office complex of the Florida Public Service Commission (PSC) for a CLE program entitled, "Florida's Telecommunications Future: Rate Rebalancing and Universal Service." This was the Florida Chapter's first meeting in the state capital. Thirty-five participants enjoyed an excellent program and lively discussion of Florida telecom rate issues, as well as state and federal universal service issues.

The Florida Chapter is currently planning two events for the first half of 2006: a central Florida program on regulatory enforcement issues and a south Florida program on cutting-edge wireless issues. The Florida Chapter is eager to involve more communications professionals throughout the state of Florida in this growing FCBA chapter and welcomes input on its future programs. For more information, please contact Florida Chapter Co-Chairs, Will Cox at [wcox@abelband.com](mailto:wcox@abelband.com), Ila Feld at [ifeld@broadlaw.com](mailto:ifeld@broadlaw.com), Marianne LePera at [marianne.lepera@henlaw.com](mailto:marianne.lepera@henlaw.com), or Pat Meehan at [pmeehan@hklaw.com](mailto:pmeehan@hklaw.com).



## COMMITTEE AND CHAPTER *Events*

### Cable Practice Committee

**Event:** Brown Bag Lunch  
**Date/Time:** Tuesday, January 17, 12:15 p.m.  
**Location:** Willkie Farr & Gallagher, LLP, 1875 K Street  
**Topic:** The Top Ten Technological Trends Everybody Should Know About  
**Speakers:** John Wong and the Staff of the Media Bureau's Engineering Division  
**RSVP to:** Ben Golant, ben.golant@fcc.gov

### Common Carrier Practice Committee

**Event:** Brown Bag Lunch  
**Date/Time:** Tuesday, January 24, 12:15 - 1:30 p.m.  
**Location:** Hogan & Hartson, 555 13th Street, NW, Litigation Center, Lower Level  
**Topic:** Meet the Wireline Competition Bureau  
**Speakers:** Thomas Navin, Chief, Wireline Competition Bureau, and other WCB staff  
**RSVP to:** Wendy Parish - Wendy@fcba.org

### International Telecommunications Practice Committee

**Event:** Brown Bag Lunch  
**Date/Time:** Wednesday, January 11, Noon to 1:15 p.m.  
**Location:** Harris Wiltshire & Grannis 1200 18th Street, NW, 10th Floor  
**Topic:** Europe's e-commerce i2010 and a debriefing of the European perspective on the recent U.S. - E.U. bilaterals on telecommunications and information policy held in Washington, D.C. in December of 2005.  
**Speaker:** Anna Snow, Trade Advisor of the Delegation of European Commission  
**RSVP to:** none required

### Legislation and IP-Based Communications Practice Committees

**Event:** Brown Bag Lunch  
**Date/Time:** Friday, January 13, 12:15 p.m.  
**Location:** Verizon Wireless, 1300 Eye Street, NW, Suite 400 West  
**Speakers:** Howard Waltzman, Majority Chief Telecommunications Counsel, House Energy and Commerce Committee; Amy Levine, Legislative Counsel to Rep. Boucher; Melissa Newman, Vice President, Regulatory Affairs, Qwest; and Chris Putala, Executive Vice President, EarthLink  
**Topic:** Legislative Reform Affecting IP-Based Services  
**RSVP To:** Wendy Parish - Wendy@fcba.org

### Transactional Practice Committee

**Event:** Brown Bag Lunch  
**Date/Time:** Wednesday, January 11, 12:15 p.m.  
**Location:** Drinker Biddle & Reath, 1500 K Street, NW, Suite 1100  
**Topic:** Implications of recent Media Bureau decisions rescinding grants of assignment/transfer of control applications after parties have closed, including use of "unwind" agreements and implications for opinion letters. Also will discuss topics/schedule for future meetings and programs of this committee.  
**For More Information:** Contact Stuart Shorenstein, at sshorenstein@wolfblock.com or Howard Liberman at HLiberman@dbf.com.

### Wireless Telecommunications Practice Committee

**Event:** Luncheon  
**Date/Time:** Friday, January 6, Noon  
**Location:** Sidley Austin, 1501 K Street, 6th Floor  
**Topic:** A debate over municipal WiFi networks  
**Speakers:** Tom Lenard, Senior Fellow and Vice President for Research, Progress & Freedom Foundation versus Harold Feld, Senior Vice President, Media Access Project  
**Cost:** \$15.00  
**RSVP to:** use form on page 20

### Young Lawyers Committee

**Event:** Brown Bag Lunch  
**Date/Time:** Thursday, January 26, 12:15 p.m.  
**Location:** Drinker Biddle & Reath, 1500 K Street, NW, 11th Floor  
**Topic:** Planning and informational meeting  
Other information: Start the new year off right! If you've resolved to get more involved with the FCBA, and the Young Lawyers Committee in particular, here's your chance. All levels of interest welcome, from participants to planners. Bring your ideas for brown bag lunches and other YLC events. Contact Jason Friedrich (jason.friedrich@dbf.com; 202-354-1340) or Natalie Roisman (natalie.roisman@fcc.gov; 202-418-1655) for additional information  
**RSVP to:** No RSVP necessary

## Nominations Open for 2006 Elections

Pursuant to Article V, Section 20 of the Association's Bylaws, the FCBA's Nominations Committee is beginning the process of preparing the ballot for the 2006 annual election. Positions to be filled are: President-Elect; Secretary; Assistant Secretary; Assistant Treasurer; Chapter Representative to the Executive Committee; three (3) members of the Executive Committee; three (3) members of the Nominations

Committee; and four (4) FCBA Foundation Trustees.

The first step of this process is for members to notify the Nominations Committee of their interest in being nominated, or to recommend other members for consideration for nomination. Nominations should be sent to FCBA Past President and Chair of the Nominations Committee, **Harry C. Martin**, via email to [george@fhhlaw.com](mailto:george@fhhlaw.com). Please give the name of the member to be considered

for nomination and the office they are being recommended for by **January 18, 2006**.

The Nominations Committee will present a slate of nominations to the membership via email and the newsletter. At that point, members will have the option of making additional nominations as outlined in the Bylaws. Election ballots will be mailed to all members in early May.



### Annual Seminar Committee

#### 2006 FCBA ANNUAL SEMINAR RETURNS TO THE GREENBRIER RESORT

Not since the mid 1980's has the FCBA Annual Seminar been held at the Greenbrier Resort in White Sulphur Springs, WV. The 2006 Annual Seminar, however, returns to the Greenbrier as FCBA celebrates its 70th Anniversary, May 5-7.

Have you always wanted to go to the Greenbrier but have just never made the trip, or heard that it was expensive and difficult to get too? Well, the FCBA has a 2006 room rate of \$240.00 per night for a standard room, the same as the room rate as last year at Kingsmill for the annual seminar. That is \$240.00 per night for a standard room, not per person per night. Difficult to get to, not really. From downtown Washington, DC it is a four hour, 248 mile drive (all on interstate highways) to reach the Greenbrier.

The Greenbrier is recognized as a world class resort with championship golf courses, an internationally ranked spa, a cooking school taught by the resort's chefs, indoor and outdoor tennis and swimming pools, a variety of recreational activities including mountain biking, equestrian activities, trout fishing, whitewater rafting, and many other leisure activities. The

Greenbrier is also the site of a world renowned health clinic and "The Bunker", the cold-war escape destination for the federal government in the event of nuclear war.

It's not too early to make your reservations now for the 2006 Annual Seminar. Use the form on page \_\_\_\_ of the newsletter to fax your reservation today. Look in the February newsletter for the seminar schedule, agenda, and registration form.

### Atlanta Chapter Panel on January 5th

The Co-Chairs of the Atlanta Chapter of the Federal Communications Bar Association cordially invite you to a panel discussion and lunch on Thursday, January 5, 2006 from 12:30 to 2:00.

#### TOPIC:

**"State Regulation of Broadband, VOIP, and Wireless Services - The Final Report of the Joint House and Senate Emerging Telecommunications Technologies Study Committee".**

After the 2005 Session of the Georgia General Assembly, Senate Resolution 298 established a Study Committee to study what role state regulators should play, if any, in the growth and development of the wireless, broadband and VOIP industries in the State of

Georgia. On December 15, 2005, the Study Committee adopted a Final Report, which included proposed legislation. During the process, the Study Committee, which was comprised of three members of the Senate and three members of the House, formed an Advisory Committee which included key industry participants from the wireless, broadband, Voice Over IP, Internet and ILEC industries.

#### SPEAKERS:

Joe Bankoff, partner with the Atlanta law firm of King & Spalding and the Facilitator for the Advisory Committee; and the two Co-Chairs of the Committee – Senator Mitch Seabaugh and Representative Jeff Lewis. (The other four members of the Study Committee will be invited as well). At the end of a presentation by Mr. Bankoff and the opportunity for comments from the Senators and Representatives, interested industry attendees will be given the opportunity to ask questions or make brief remarks about the proposed legislation. The invitees to the event will include (a) the members of the Advisory Committee, (b) the members of the Atlanta Chapter of the FCBA, (c) the membership of the Atlanta Telecom Professionals and (d) the membership of the Georgia Electronic Commerce Association ("GECA").

#### LOCATION:

Arnall Golden Gregory LLP, 171 17th Street, NW, Suite 2100, Atlanta, GA 30363 (the Wachovia building at Atlantic Station)

#### COST:

\$10 members/\$15 non-members (includes lunch)

#### RSVP TO:

**Please RSVP to Carey Miller at 404-873-8584 or [carey.miller@agg.com](mailto:carey.miller@agg.com) no later than January 2, 2006**

We hope that you will join us for our kick-off event for the 2006 FCBA year. Please feel free to invite your clients and colleagues who are interested in this important topic.

### Save the Date! February 13 Luncheon Panel in Conjunction with NARUC

Please join us for a luncheon on Monday, February 13 featuring four state communications policy leaders. From homeland security to consumer protection, the role of the states in the communications marketplace continues to evolve. And as communications becomes even more integral into the daily lives of its citizens, state governments increasingly are held accountable for protecting their citizens from the excesses of all communications companies —telephone, wireless, video, and broadband. The luncheon will be at a hotel near where the NARUC meetings are being held. More information coming via email soon!

## FCBA: Founding and First Year

By S. White Rhyne

*"There is a history in all men's lives,  
Figuring the nature of the times deceas'd"*  
- William Shakespeare, Henry IV

The Federal Communications Bar Association is having a birthday this year. There will be 70 candles on its cake!

### THE FOUNDING

On April 27, 1936, less than two years after the Communications Act went into effect, a group of nine lawyers practicing in the relatively new field of communications law held an informal meeting at the Willard Hotel in Washington to discuss creating their own professional organization. The meeting was called by Philip J. Hennessey, Jr., NBC's Washington counsel, who acted as secretary pro tem.

The other lawyers at the meeting were Louis G. Caldwell, resident partner in the Washington office of Kirkland, Fleming, Green, Martin & Ellis, now Kirkland & Ellis; Hampson Gary, General Counsel of the FCC; Ralph H. Kimball of New York City, counsel for Western Union; Duke K. Patrick, of Hogan & Hartson, who like Caldwell had served as General Counsel of the Radio Commission; Paul M. Segal, who later became the senior partner of Segal, Smith & Hennessey (with Philip Hennessey) and then formed Segal and Marmet; Paul D.P. Spearman, first General Counsel of the FCC who later founded the firm Spearman & Roberson, now Fletcher, Heald & Hildreth; George O. Sutton, who practiced with one associate in the National Press Building; and Ralph A. Van Orsdel, general counsel for the Chesapeake & Potomac Telephone Company.

Those present constituted themselves, with the exception of FCC General Counsel Gary, as a temporary



Louis G. Caldwell

organization committee. They elected Louis Caldwell as chairman and undertook the drafting of a constitution and by-laws that they adopted at a second meeting on May 18.

In those days, and for decades afterwards, lawyers had to be admitted to practice by the FCC in order to practice before the agency. A notice was mailed to all lawyers admitted or employed by the FCC advising them of a dinner and general business meeting scheduled for June 17 at the Hotel Washington. About 75 attended that meeting and many others wrote with assurance of their support.

### ELECTION OF OFFICERS

At the business meeting, a constitution and by-laws were adopted. Mr. Caldwell was elected the first President of the FCBA, with Messrs. Kimball and Sutton as Vice President and Secretary-Treasurer. Six other lawyers were elected to the Executive Committee—Messrs. Patrick, Spearman and Hennessey, plus Frank Quigley of New York City, Frank D. Scott of Washington, and Ben S. Fisher, then practicing with Charles Wayland as an associate in the firm that became Fisher, Wayland, Cooper, Leader & Zaragoza, now a part of Shaw Pittman.

Louis G. Caldwell was the "George Washington" of the FCBA. Philip Hennessey described him years later, in an oral history of the early days, as "the great creative contributor to the organization."

A native of Chicago, Caldwell was a 1916 graduate of North-western University Law School who ultimately had a long and distinguished career as a communications lawyer. However, he went to war before he went to work, enlisting after law school in the American Field Service Ambulance Corps to serve overseas before the United States entered World War I. Later rejected by the U.S. Army for poor eyesight, he enlisted in the French Foreign Legion and was awarded the Croix de Guerre in 1918. Returning home in 1919, he joined the Kirkland firm in its Chicago office and became a partner within a few years. He represented early radio stations in Chicago during the 1920's.

In 1928, President Coolidge called him to Washington to be the first General Counsel of the new Federal Radio Commission, which predated creation of the FCC by the Communications Act of 1934. In 1929, Caldwell left the Radio Commission to open Kirkland's Washington office. By 1936 he was a key figure in the communications bar, representing NAB in testimony on copyright legislation in Congress and appearing before the FCC on behalf of clear channel broadcasters in the frequency reallocation hearings.

### UP AND RUNNING

Once elected, Caldwell lost no time in organizing the Association. He formed seven subcommittees of the Executive Committee and five other committees. Before the end of 1936 there had been six meetings of the Executive Committee and a second plenary meeting of the Association attended by the Chairman and four other Commissioners of the FCC as well as its General Counsel and Justice Owen J. Roberts of the Supreme Court.

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In January 1937, the Association submitted proposed rules changes to the FCC that originated with its Committee on Practice and Procedure, chaired by Horace Lohnes, who then practiced in a partnership called Dow & Lohnes with seven associates including Fred Albertson. In April 1937, the Association adopted Canons of Ethics for communications attorneys in 37 articles.

## FIRST JOURNAL

In 1936 the Association published two bulletins for its members, succeeded in early 1937 by the first Federal Communications Bar Journal. Philip Hennessey described the Journal as "the cohesive force within the organization." It contained Association news and also reports on legal developments in the FCC and the courts. It had a monthly publication schedule, which it mostly kept, and continued for forty years before becoming in 1977 a more conventional legal journal, renamed the Federal Communications Law Journal and co-sponsored with a law school, then UCLA and now the University of Indiana at Bloomington.

The first Journal reported total receipts as of March 1, 1937, of \$900.00, total expenditures of \$215.71, and a balance on hand of \$684.29. There were by that time 182 members, of whom seven were

employees of the FCC. Those seven included a young staff attorney named Rosel H. Hyde, who later served for 23 years as an FCC Commissioner including four as Chairman. Only 82 of the 182 members were in Washington, D.C. The rest were located in 21 states, with the largest single contingent being 39 members in New York.

The FCBA made application in late 1936 for representation in the House of Delegates of the American Bar Association, as an affiliated organization. But its application was rejected in January 1937 on the ground that it was "not a national organization of the legal profession." Twelve years later, the ABA reversed its position and granted the FCBA a seat in the House that it has now held for more than 45 years.

## COMPLETION OF FIRST "YEAR"

Louis Caldwell's term as President ended with an all-day plenary meeting of the Association in December 1937, by which time the Executive Committee had met 21 times. The plenary meeting was postponed from October to accommodate speakers' schedules. It was addressed by the FCC Chairman, two Commissioners, and the President of the Federal Bar Association. It included discussions of committee reports and business sessions, and

ended with a dinner attended by 115 members and guests followed by entertainment. Among the younger members attending were Frank U. Fletcher, who became the Senior Partner of Fletcher, Heald & Hildreth, and in 1960 President of the FCBA; and Charles S. Rhyne, my cousin and first employer, who later became President of the ABA.

Duke Patrick was elected to succeed Louis Caldwell as President. Within the first eight years, Philip Hennessey, Horace Lohnes and Ben S. Fisher had all headed the Association. Fisher is the only FCBA President whose son has also served as President (Ben C. Fisher 1967-68).

Another of the Presidents in those first few years, Judge Eugene O. Sykes (1942), had been the first Chairman of the FCC. He and Richard E. Wiley are the only persons ever to have served as both Chairman of the FCC and President of the FCBA. Henry Rivera, who presided over the FCBA's 60th Anniversary celebration, and Kathleen Abernathy are the only FCBA Presidents besides Sykes and Wiley to have served also as FCC Commissioners.

*White Rhyne is a former President of the FCBA. He adapted the above article for this month's FCBA News from his President's Message in the April 1995 issue.*

## National Telecommunications Moot Court Competition - Call for Volunteers

The FCBA and The Catholic University Columbus School of Law will co-sponsor the **2006 National Telecommunications Moot Court Competition to be held February 3-4**. This year's competition centers on the (fictional) adoption of Federal

Communications Commission rules that require cable and DBS systems to permit subscribers to purchase the service provider's family-friendly channels on a dedicated programming tier. Participating teams will analyze constitutional and administrative law issues attendant to FCC enactment of such a family-friendly programming scheme. This year's competition arises out of ongoing debates over whether cable and satellite providers should be required to offer "a la carte" channels as part of their video service packages, and out of the concerns some

consumers have voiced over their perceived inability to sufficiently control the content of programming their families receive. The FCBA Moot Court Committee seeks volunteers to help prepare the problem and administer the competition. If you have expertise with these issues, or a general willingness to assist in the preparation of the problem, bench brief and related tasks, your contribution is needed. Please contact **Mia Hayes** at NatTel2006@gmail.com for more information.



## Annual CHARITY AUCTION

On Thursday, November 17, 2005, the Young Lawyers Committee and the FCBA Foundation hosted the 16th Annual FCBA Charity Auction – the most successful Charity Auction to date. The Auction raised more than \$75,000 to benefit Kids Enjoy Exercise Now Greater DC (“KEEN”), which provides a range of one-to-one recreational activities for children and young adults with disabilities in a non-competitive environment that encourages the fulfillment of individual goals. The funds will be used to help KEEN increase its presence in Southeast D.C.

In addition to bidding at four silent auction tables, the evening included three live auctions, in which the bidding was facilitated by celebrity auctioneers: For Live Auction I, California Congresswoman Zoe Lofgren; for Live Auction II, Daniel Brenner and Melissa Newman; and for Live Auction III, Brian Fontes and Bryan Tramont. Special thanks from the Charity Auction Committee to the celebrity auctioneers for doing such a terrific job.

As always, FCBA members were generous in their prize donations and in their bidding at the Auction. Prizes attracting the highest bids and generating the most live auction competition were: Twelve tickets and two parking passes to the winning bidder's choice of a Capitals, Mystics, Hoyas, or Wizards game in Intelsat's MCI Center Executive Suite, courtesy of Intelsat; dinner for four at the Inn at Little Washington, including transportation in a luxury limousine, courtesy of Paul, Hastings, Janofsky & Walker LLP; a New York package, including two nights' stay at the W Hotel in Times Square plus two regularly priced tickets to a Broadway play of the winner's choice, courtesy of Qwest Communications International, Inc.; and a Los Angeles package, including two nights' stay at a hotel in Santa Monica, a gift certificate to The Ivy at the Shore, tickets for a day trip to Catalina Island, tickets to a Los Angeles Dodgers baseball game, a Los Angeles gift basket, and tickets to a television

show taping, courtesy of Davis Wright Tremaine, LLP (airfare provided courtesy of FCBA). The Charity Auction Committee is grateful to all prize donors and the winning bidders for helping to make the Auction a success.

The Grand Prize for the raffle was a 42-inch Sony Grand WEGA™ 3LCD Rear Projection HDTV, courtesy of Sony Electronics Inc., which was won by Burt Braverman of Cole, Raywid & Braverman, L.L.P.

Thank you to the more than 150 FCBA members who volunteered their time and energy to plan the Auction and/or work the night of the Auction.

Finally, the Auction would not have been possible without the generosity of this year's sponsors: Cole, Raywid & Braverman, L.L.P.; CTIA – The Wireless Association™; Fletcher, Heald & Hildreth, P.L.C.; Hogan & Hartson, LLP; Latham & Watkins LLP; Lockheed Martin Corporation; Sonnenschein Nath & Rosenthal LLP; Trimble Navigation, Ltd.; Vonage; and Willkie Farr & Gallagher LLP.



*Photos by Mark Van Bergh*



## Annual **CHARITY AUCTION**





## *Annual* **CHARITY AUCTION**





## **McKenna's Wagon Seeking Volunteers for January 22**

McKenna's Wagon is a mobile soup and sandwich wagon that goes "on location" to deliver food to the needy. For those who have volunteered, it has been a wonderful experience and a great way to help the needy in the D.C. community.

The Wagon is a white van that is loaded up with sandwiches, snacks and soup. We meet at Martha's Table at 4:45 pm in comfortable clothes and shoes. Martha's Table is located in a yellow building at 2114 Fourteenth Street, NW, in the District, near the intersection of 14th and U Streets. On-street parking is available.

Upon arrival we get assignments (some of us will distribute snacks and sandwiches, others will serve soup), and put on aprons before we depart in the van to 5th and New York Ave., NW (near the new Convention Center). We are driven by one of our experienced volunteers and the trip to distribution location takes about 10-15 minutes.

We serve about 30-75 people per visit including a few mothers who come for food for their families. The area is well patrolled by police. The food distribution is conducted in an efficient, calm and orderly fashion and many of the people we serve are quite appreciative of our efforts. Once we serve all of the food, we do a clean up of the immediate area. Total time for the distribution takes about one hour and we usually return to Martha's Table by or before 6:30 pm.

We would love to have you join us on one of our upcoming food runs which

are always on the **4th Sunday of the month**. If you are able to volunteer for one of these dates, please send an e-mail to [cara.voth@fcc.gov](mailto:cara.voth@fcc.gov) or [tvanwazer@sidley.com](mailto:tvanwazer@sidley.com).

## **International Telecommunications Practice Committee to Volunteer at Martha's Table**

On **Sunday, January 29, 2006**, from 10:30 a.m. to 1:00 p.m., members of the FCBA's International Practice Committee will be preparing and distributing food at Martha's Table, located at 2114 14th Street, N.W., in D.C., near the intersection of 14th and U Streets. The FCBA has been meeting monthly to volunteer at Martha's Table for many years. On the last Sunday of each month, one of the FCBA's Practice Committees takes the lead in staffing this volunteer effort. The International Practice Committee will staff the effort on January 29th. Volunteers are asked to bring sandwich fixings (bread and sandwich meat) with them, as the center often runs out of donated food. Please mark your calendars, bring your friends and participate in this great volunteer effort. For more info, contact Heidi Kurtz at [heidi@fcba.com](mailto:heidi@fcba.com) or 202-293-4000.

## **Chairman Robert E. Lee Scholarship and Internship Fund for Law Students**

In 1993 the Foundation established a Scholarship and Internship Fund in

memory of former Federal Communications Commission (FCC) Chairman Robert E. Lee, who passed away in April 1993 after serving on the FCC for almost thirty years. Chairman Lee served as a Commissioner of the FCC for 28 years and was instrumental in the early development of color television, among other contributions to federal communications policy.

For the 13th consecutive year, the Federal Communications Bar Association Foundation will award stipends to law students from its Chairman Robert E. Lee Scholarship and Internship Fund. In 2006, the Foundation will award at least four \$4,000 stipends to law students employed as unpaid summer interns in positions with the FCC and other government Agencies or entities with jurisdiction over the communications industry (i.e., broadcasting, cable television, telephony, satellites and information technology).

Applicants will be selected on the basis of: (1) having secured or having pending, an unpaid summer position (internship) in communications with government offices, (2) a demonstrated interest in the communications field, (3) dependence on financial assistance in order to accept an unpaid internship in a government agency involved in communications, and (4) involvement in community activities. **Applications for a Lee Fund scholarship will be posted on the front page of the FCBA Website as of January 13, 2006 - [www.fcba.org](http://www.fcba.org).**

## In MEMORIAM

### Harold David Cohen (1914-2005)

Harold David Cohen, a communications and tax lawyer who practiced in Washington for nearly 50 years, died at his D.C. home on November 14, 2005, at the age of 91. Mr. Cohen was a partner at Pierson Ball & Dowd for more than three decades and a long-time FCBA member. His son, Jonathan, is also a communications lawyer and FCBA member.

Among Harold Cohen's notable assignments was the defense of RKO General in challenges to several of its television licenses spanning more than 20 years. Shorter in duration and clearer in outcome was *Twentieth Century Music v. George Aiken*, 422 U.S. 151 (1975), where Mr. Cohen argued successfully to the Supreme Court that his client, proprietor of George Aiken's Chicken in downtown Pittsburgh, had not infringed the copyright on two songs received by radio and disseminated over speakers in his fast-

food establishment. Mr. Cohen's tax expertise also enabled him to secure the reversal of a multi-million dollar assessment by the State of California against a local business, District Photo.

Jon Cohen described his late father as so "unfailingly truthful" that he refused to give idle praise. "When you received a compliment you knew it was real," Jon said. Jack Goodman, one of many lawyers mentored by Harold Cohen early in their careers, illustrated a related characteristic of fierce integrity during his eulogy at Mr. Cohen's funeral. Jack recalled a paging operator client who had been on the losing end of two lengthy FCC decisions finding misrepresentation, and sought advice on next steps. When the option of judicial appeal was explained, the paging operator interrupted, saying he was not interested in formal challenge but in "fixing" his case. Jack remembers Harold Cohen, peering over his spectacles in grave surprise, asking the client: "I beg your pardon?" The client repeated his desire for a fix. "Sir, you seem to misunderstand what we do

here," said the senior lawyer. Former colleague Judy Harris called Cohen "the conscience of the firm." For Bill Fitz, Harold was a meticulous draftsman and prodigious reader.

Harold David Cohen was born in Kingston, New York. After taking both his baccalaureate and law degrees from Cornell University in just six years, he briefly practiced law in Ithaca, New York and New York City. He came to Washington in 1940 as a law clerk for Judge Henry Edgerton of the U.S. Court of Appeals for the D.C. Circuit, then entered into a decade of government service that included the Federal Communications Commission and the Tax, Criminal and Antitrust Divisions of the Justice Department. His final assignment in 1951-52 before joining the Pierson firm was as Deputy General Counsel of the Office of Price Stabilization.

*The FCBA is grateful to Jonathan Cohen, Bill Fitz, Jack Goodman and Judy Harris for contributing information for this article.*

## JOB Bank

### TO RESPOND TO JOB BANK LISTINGS

If the employer is listed, send the information requested directly to the employer. If you are responding to a **BLIND BOX** listing, send **ONE COPY** of the information requested to Heidi Kurtz, Federal Communications Bar Association, 1020 19th Street, NW, Suite 325, Washington, DC 20036-6101, or **EMAIL** it to [heidi@fcba.org](mailto:heidi@fcba.org). Please clearly indicate the Blind Box number to which you are responding. If you are applying to a Blind Box, you may enclose a separate note to the FCBA specifying any organization to which you do not wish your application to be forwarded. Responses to Blind Box listings can be accepted only from FCBA members.

### TO LIST A JOB

Complete a Job Bank Form and send or fax the Form and the appropriate payment to Heidi Kurtz, Federal Communications Bar Association, 1020 19th Street, NW, Suite 325,

Washington, DC 20036-6101. In addition, please email the text of the ad to [heidi@fcba.org](mailto:heidi@fcba.org). Listings and payment received by the 10th day of each month will appear in the next month's newsletter. If possible, ads should not exceed 75 words. Please call the FCBA, (202) 293-4000, for a Job Bank Form. (No headhunters please).

### LAW FIRM/CORPORATE

#### 1.06.1

**Telecommunications Associate** – McDermott Will & Emery LLP, an international law firm with over 1000 lawyers in 15 offices world wide is seeking a 2nd or 3rd year Associate to join its Telecommunications Group. Experience with wireless and common carrier regulatory issues preferred. Candidates must have excellent analytical writing skills and academic record. Please send resume, transcript, and writing sample to: Adrienne Vaughan, MWE, 600 13th Street, NW, Washington, D.C. 20005. Fax: 202-756-8087, Email: [avaughan@mwe.com](mailto:avaughan@mwe.com).

#### 1.06.2

**Telecommunications Attorney** - Small to Mid-Sized Harrisburg, PA law firm seeks telecommunications attorney with a minimum of 2 years experience. Familiarity with rural issues preferred. Candidate must possess excellent writing skills, motivation, the ability to work independently and good client skills. Great opportunity for an energetic person who is looking for client contact, increasing responsibility and low key work environment. Fax resume to: 717-236-8278.

#### 1.06.3

**Communications associate** with 2 to 5 years of private practice experience needed for growing Washington, DC office of a leading full-service NLJ 250 firm. Experience with transactional and adjudicatory matters, or policy advocacy and legislative matters, and experience before the FCC's Media Bureau or the Wireless Telecommunications Bureau required. Good academic record essential. Please note this is a Blind Box Ad.

# COMMITTEE AND CHAPTER *Event Form*

Name \_\_\_\_\_ Organization \_\_\_\_\_  
Address \_\_\_\_\_ Suite/Room/Apt. \_\_\_\_\_  
City/State/Zip \_\_\_\_\_  
Phone \_\_\_\_\_ Fax \_\_\_\_\_ E-mail \_\_\_\_\_

## CHECK THE EVENT(S) FOR WHICH YOU ARE REGISTERING:

- ☐ **Friday, January 6 – Wireless Luncheon**, Sidley Austin, 1501 K Street, 6th Floor  
Cost: \$15.00  
**Registrations and cancellations due by Noon, Tuesday, January 3, 2006**
- ☐ **Friday, January 20 – Looking Forward, Looking Back Former Chairman's Luncheon**, J.W. Marriott Hotel, 1331 Pennsylvania Avenue, NW, Lower Level, Noon  
Cost: \$45.00 for private sector members, \$35.00 for government/academic members and \$65.00 for non-members. Tables of 10 available for \$450.00.  
**Registrations and cancellations due by Noon, Wednesday, January 18, 2006**
- ☐ **Thursday, February 16 – CLE Seminar on FCC Regulation of New Technologies**, Dow Lohnes & Albertson, PLLC, 1200 New Hampshire Avenue, 6:00-8:15 p.m.  
Cost: \$75.00 for Private Sector Members, \$50.00 for Government/Academic/Law Student Members, and \$125.00 for Non-members.  
**Registrations and cancellations due by 5:00 p.m., Tuesday, February 14, 2006**

\$ \_\_\_\_\_ Total Enclosed ☐ Visa ☐ MasterCard ☐ American Express  
Credit card no. \_\_\_\_\_ Exp. date \_\_\_\_\_  
Signature \_\_\_\_\_

**PAYMENT MUST BE RECEIVED NO LATER THAN THE DAY OF THE EVENT. PHONE REGISTRATIONS WILL NOT BE ACCEPTED.**

**PLEASE FAX THIS FORM TO:** Ann Henson, Federal Communications Bar Association, Fax: (202) 293-4317

**CLE CREDIT:** FCBA will be requesting accreditation from the State Bars of Virginia and California for continuing legal education credit.

If approved, forms for Virginia and California will be available at the Seminar Registration Desk. Please note that FCBA does not obtain CLE credit for other states. The FCBA will, however, assist with applications to other states, but attorneys must apply individually for credit courses and submit any forms and payments necessary directly to the state bar. The number of credits corresponds with the number of hours of course time, i.e., a two-hour seminar equals 2.0 hours of credit.

### **Federal Communications Bar Association**

1020 19th Street, N.W., Suite 325  
Washington, D.C. 20036

Phone: (202) 293-4000

Fax: (202) 293-4317

E-mail: ann@fcba.org





## REGISTRATION FORM

We are delighted your group has selected The Greenbrier and look forward to welcoming you. Many times rooms become available prior to and following the official dates listed below. If you would like to enjoy a longer stay, please indicate below.

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### FEDERAL COMMUNICATIONS BAR ANNUAL MEETING May 5-7, 2006

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Attendee's Name \_\_\_\_\_ Guest Name(s) \_\_\_\_\_

Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

E-Mail Address \_\_\_\_\_ Phone Number \_\_\_\_\_

Arrival Date \_\_\_\_\_ Departure Date \_\_\_\_\_ Transportation: ☐ Auto ☐ Plane ☐ Train

Accommodations shared with \_\_\_\_\_ Arrival Date \_\_\_\_\_ Departure Date \_\_\_\_\_

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**GREENBRIER TRAVEL** will assist you with the most convenient travel arrangements to and from The Greenbrier and will make all necessary reservations: Your tickets will be mailed to your home or office within 24 hours of your call. Call toll-free (800) 624-6070

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Please indicate by number your first, second and third choice of accommodations. Also please indicate first, second and third preference of ☐ king bed, ☐ two beds, ☐ smoking, or ☐ non-smoking. Guest room assignments are based on availability and will be honored in the order in which the registration form is received. All rates are based on daily European Plan (no meals included).

#### ENTRY LEVEL GUEST ROOMS

☐ Single or Double Occupancy \$240.00 per room, per night

#### GUEST HOUSES AND DELUXE ACCOMMODATIONS

☐ Superior Room \$290.00 per room, per night

☐ Junior Suite \$330.00 per room, per night

☐ Paradise/Spring Row \$370.00 per bedroom, per night

☐ Garden and Executive Suite \$350.00 per bedroom, per night

*Deluxe Suites and Estate Houses available on request.*

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**DEPOSIT POLICY:** A \$525.00 deposit per room is required to secure reservations. The Greenbrier will accept deposits by check or major credit card. Rooms will be available only to those requests secured by deposits. Please indicate method of payment: Charge my deposit in the amount of \$\_\_\_\_\_ to ☐ AmEx ☐ Visa ☐ M/C ☐ Discover Card ☐ Diner's Card. Card # \_\_\_\_\_ exp. date \_\_\_\_\_. Check for deposit enclosed. Amount \$\_\_\_\_\_. Your deposit is applicable to the fulfillment of your designated length of stay. When requesting reservations, **please NOTE ARRIVAL and DEPARTURE DATES carefully. LATE ARRIVAL or EARLY DEPARTURE causes forfeiture of deposit, unless cancellation or changes are made 15 days in advance of your scheduled arrival date.** Please make checks payable to The Greenbrier. Your deposit will be returned if cancellation is received by The Greenbrier 15 days prior to your arrival date. Reservations will be filled in the order in which they are received, and should be received at least 45 days prior to date of your meeting.

Subject to all state and local taxes.

**Fax completed form to The Greenbrier's Reservations Department at 304-536-7818.**

**CHECK-IN TIME:** 4:00 PM

**CHECK-OUT TIME:** 12:00 Noon

## Calendar

<b>January 5</b>	Atlanta Chapter Luncheon and Program
<b>January 6</b>	Wireless Telecommunications Practice Committee Luncheon
<b>January 11</b>	Transactional Practice Committee Brown Bag Lunch
<b>January 11</b>	International Telecommunications Practice Committee Brown Bag Lunch
<b>January 13</b>	IP-Based Communications and Legislation Practice Committees Brown Bag Lunch
<b>January 17</b>	Cable Practice Committee Brown Bag Lunch
<b>January 20</b>	FCBA Luncheon with former FCC Chairmen
<b>January 22</b>	Volunteer for McKenna's Wagon
<b>January 24</b>	Common Carrier Practice Committee Brown Bag Lunch
<b>January 26</b>	Young Lawyers Committee Brown Bag Lunch
<b>January 26</b>	FCBA/ABA CLE Seminar on Antitrust after Trinko
<b>January 29</b>	International Telecommunications Practice Committee Volunteers at Martha's Table
<b>February 3-4</b>	National Telecommunications Moot Court Competition
<b>February 6</b>	Columbia Institute for Tele-Information/FCBA "The Telecommunications Act of 1996" program, Washington, D.C.
<b>February 13</b>	Save the Date! FCBA Lunch panel in cooperation with NARUC
<b>February 15</b>	CLE Seminar on Universal Service
<b>February 16</b>	CLE Seminar on FCC Regulation of New Technologies
<b>February 19-20</b>	Silicon Flatirons Digital Broadband Migration Conference, Boulder, CO
<b>February 28</b>	Communications Law 101 CLE Seminar
<b>March 8</b>	CLE Seminar hosted by the Transactional Practice Committee
<b>March 15</b>	CLE Seminar on Economic Analysis and FCC Decisionmaking
<b>March 28</b>	ABA/FCBA CLE Seminar on Privacy and Data Security
<b>May 5-7</b>	Annual Seminar at the Greenbrier Resort and Spa – White Sulphur Springs, WV



FEDERAL COMMUNICATIONS  
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