

Telecom MVP: Gibson Dunn's Helgi Walker

By Jenna Ebersole

Law360, Washington (December 8, 2016, 1:13 PM EST) -- From broadcasters to wireless and cable companies, Gibson Dunn's Helgi Walker's work this year has spanned the industry as she's taken on multiple levels of policy and enforcement action, winning a major ownership case for broadcasters and getting recognition as one of Law360's 2016 telecom MVPs.

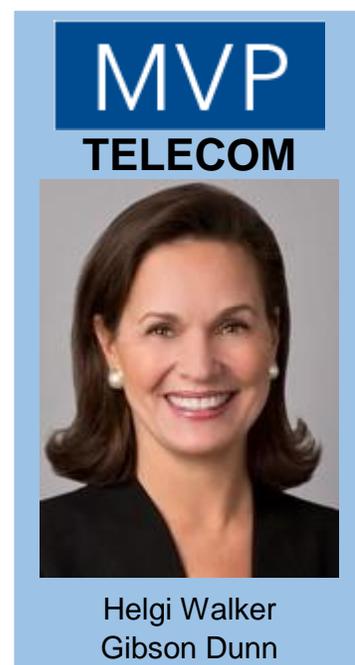
Walker, who is a past Law360 appellate MVP and co-chair of the administrative law and regulatory practice group at the firm, is also representing a major industry trade group in pushing against a Federal Communications Commission plan to force pay-TV providers to let consumers access their programming on third-party devices through apps. The proposal is stalled and seen as unlikely to be revived, at least in its current form, with incoming GOP leadership at the FCC.

The set-top box fight involving NCTA - The Internet & Television Association could lead to consequences that can't be understated, Walker said, and the team mobilized with a legal and public relations campaign. It's unclear how the "story will end," but Walker said she was pleased when the final order was yanked from the FCC's September meeting agenda.

"I think we had the reputation that would make credible and make people often pay attention to our arguments about the very serious legal flaws in the commission's proposal and how that proposal would hurt not just the pay-TV providers like the cable and satellite companies, but also the content providers and ultimately the consumer who might not get as good of a television product..." she said.

Gibson Dunn is known for its constitutional law, appellate and Supreme Court practice, which combined with knowledge of the industry made for a forceful presentation, Walker added.

"I think when we come in and we make a serious presentation about legal problems at the agency, it's understood that while we hope the agency would hear those concerns and address them in a way that's helpful to our clients, we are on tap to protect our client's rights on appeal if necessary," she said.



In litigation, Walker's big win over the past year was for the National Association of Broadcasters and came at the Third Circuit when in May the court tossed the agency's attempt to curtail the ability of TV stations to make joint sales agreements to avoid a ban on owning more than one station in a local market, ruling that the FCC should have reviewed the underlying rules before extending them.

Big questions and fights remain over the rules, which have drawn criticism from the FCC's Republican commissioners, but Walker said the May decision was a key win and she will continue to be involved in the issue.

In other major issues this year, Walker has represented CTIA - The Wireless Association in the D.C. Circuit challenge to net neutrality, AT&T in a key enforcement issue after the agency issued its first-ever notice of apparent liability for forfeiture for the E-rate program and CTIA in seeking to stop a Berkeley, California, ordinance.

Overall, the attorney said part of her strategy is to make sure that she is conveying to judges the issues without being too technical.

"I think it's really important to always step back and ask yourself — how can I make this very clear and very understandable?" she said. "... Know your audience and avoid speaking in very technical terms."

Walker said she got involved in telecommunications years ago, working at the FCC as a legal adviser to FCC commissioners amid a period of questions following the 1996 Telecommunications Act.

She said she established connections that continue today and finds the area interesting but not because she is an engineer or "techno geek."

"I enjoy the big-picture legal questions that arise out of this area and technology that has so pervaded our modern lives that a lot of what the FCC does today, I think more so than in the past, touches vast segments of America and will affect lots of Americans' everyday lives," she said.

The next year will be an interesting and exciting time to consider regulatory reform in telecom, Walker added.

"I think we're going to have an opportunity to rethink a lot of the current restrictions on what telecom companies can do in the marketplace," she said. "And I think with some smart strategy and some hard work, it could be very possible to make some progress on these issues. I certainly hope so."

--Additional reporting by Natalie Olivo and Nathan Hale. Editing by Jack Karp.