

Rising Star: Latham & Watkins' Matthew Murchison

By **Bryan Koenig**

Law360, Washington (April 7, 2016, 4:06 PM ET) -- A leading role representing key industry voices on net neutrality before the Federal Communications Commission and at the D.C. Circuit has helped garner Latham & Watkins LLP's Matthew T. Murchison a spot among three telecommunications attorneys under the age of 40 on the Law360 Rising Stars list.

Murchison, 35, helped represent the National Cable & Telecommunications Association and other broadband and cable industry clients before the FCC as the agency was mulling its historic Open Internet Order and has been co-counsel on the NCTA's challenge of the rule — specifically on reclassifying broadband as open to FCC regulation as a telecommunications service under Title II of the Communications Act — at the D.C. Circuit, writing and editing key portions of the trade group's comments and briefs.

“The FCC was always very interested in what we had to say,” Murchison said of the proceedings before the agency. “We helped shape the debate.”

Murchison described his own imprint on those deliberations as significant, contending he and the Latham & Watkins team helped steer the FCC's molding of the highly complex Open Internet Order.

Latham & Watkins describes Murchison as a multidisciplinary lawyer, one who excels in litigation, regulation and transactions. He was the lead drafter of Time Warner Cable's response to the first high-profile complaint brought, by Commercial Network Services, under net neutrality, according to the firm, and has worked on the TWC merger with Charter Communications and Bright House Networks, along with Telephone Consumer Protection Act cases at the FCC and in litigation.

“His strength depends in large part on that versatility. He has extensive involvement in litigation matters both in the trial courts and in the courts of appeals,” said Latham & Watkins communications law practice global chair Matthew A. Brill.

Brill praised Murchison's “polished” writing and noted that Murchison was the lead drafter for all the

RISING
★ ★ ★ ★ ★
STAR



Matthew Murchison
Latham & Watkins

Latham & Watkins net neutrality filings submitted to the FCC. Those filings, Brill said, had an important impact in getting the FCC to forbear some provisions and to try to head off overlapping state rules under the Open Internet Order, despite the Title II setback.

As for what makes him such an effective senior telecommunications associate at a young age, Murchison credited working with “cutting-edge” clients in the form of leading broadband providers and their trade groups.

“It gives me the opportunity to do some advocacy that will be meaningful at the agency and before a court,” Murchison told Law360.

Murchison said he's always been interested in the technological and communications advances that the FCC deals with along with free speech and policymaking.

Thriving in the telecommunications space requires a willingness to be learning constantly, Murchison said, with evolving technology and the policy changes that come with it. Everyone brings their own unique advantage to the table, he said.

“Young attorneys certainly bring a new perspective to a lot of these policy issues and I think that helps inform and frame the debate,” he said.

The hardest fought of Murchison's accomplishments, he said, lies not in his representation of industry but in his pro bono work fighting on First Amendment issues. He pointed to a challenge of a Springfield, Illinois, local panhandling ban he contested with the National Law Center on Homelessness and Poverty and two homeless individuals cited for violating the ordinance.

A district court and the Seventh Circuit initially upheld the ban on verbal solicitations of immediate monetary donations as “content-neutral” speech restrictions.

“We were very disappointed with that outcome,” Murchison said. “But we really believed that if you looked at the panhandling ordinance, it actually was targeting a particular content of speech. It was targeting panhandling speech, it was targeting begging. A police officer when walking down the street and deciding whether somebody was violating the ordinance or not, would have to listen to the content of the speech to make judgments about [it].”

Murchison sought a rehearing, arguing the ordinance warranted higher free speech scrutiny, and while that petition was pending, the Supreme Court handed down a decision clarifying how to consider measures as content-neutral or content-based, he said, which contributed to an appellate decision to reconsider the challenge and ultimately strike down the ordinance. The city sought high court appeal, but Murchison opposed consideration and ultimately the Supreme Court denied certiorari, according to Murchison.

--Editing by Bruce Goldman.
