

MVP: Latham's Matthew Brill

Law360, Los Angeles (December 18, 2017, 6:42 PM EST) -- Latham & Watkins LLP's Matthew Brill spent 2017 hard at work on behalf of the cable industry, fighting off Telephone Consumer Protection Act lawsuits in court and working to shape federal policy in areas like net neutrality on Capitol Hill, landing him a spot among Law360's 2017 Telecommunications MVPs.

HIS BIGGEST CHALLENGE THIS YEAR:

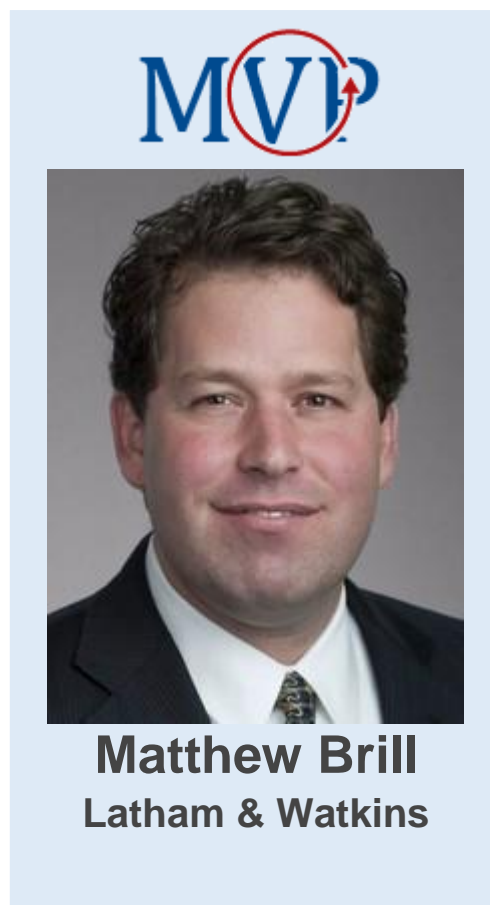
Brill said that, in some ways, his job was made easier in 2017 as the federal government under President Donald Trump began to ease regulations on broadband providers and the Federal Communications Commission indicated it would change federal policy on net neutrality, the Obama-era rule that regulates broadband providers like utilities and requires equal treatment of web traffic.

"I've been fortunate that the direction taken by the FCC in this new administration has been generally deregulatory and has aligned well with my clients' objectives," he said. "We've had significant victories that result not only from our advocacy but from closer alignment between my clients' objectives and the administration's objectives."

But as the federal government took its foot off the regulatory gas, state governments stepped in, bringing new challenges to the cable companies, broadband providers and other telecommunications industry giants he represents, he said.

"That's been a big scene this year," he said of the shift in regulations. "We've seen an uptick in state efforts to impose more intrusive regulation."

For example, he said, he represents Charter Communications Inc. in an investigation and litigation by New York Attorney General Eric T. Schneiderman over whether Time Warner Cable — acquired by a Charter subsidiary in 2016 — lied about its broadband performance to customers. He's making the



Matthew Brill
Latham & Watkins

argument that state laws run afoul of federal ones and are therefore preempted, he said.

WHY HE CHOSE TO WORK WITH THE TELECOM INDUSTRY:

Brill, who serves as the global chair of Latham's telecom practice, said he fell into the industry by accident. He was interested in appellate law and administrative law issues, but when he was a junior lawyer, the Telecommunications Act of 1996 had just been passed, creating opportunities for law firms and lawyers to get work in that field.

"It was a great fit for me because the reason I went to law school was my interest in the intersection of law and policy," he said. "This practice involves great issues of policy and the role of government in legal policy."

He's working with lawmakers and cable industry representatives to advocate for the National Cable & Telecommunications Association as the FCC takes a fresh look at the way it classifies and regulates broadband providers and at the way internet is accessed by consumers. The net neutrality debate has ginned up more than 20 million comments to the FCC.

"We all like the work we do to be important and relevant and interesting to people, unlike talking about something obscure and in the weeds," he said.

And he said he's working against some more extreme views to craft policy that serves his clients better. Some popular internet and television personalities are warning that ending net neutrality would end the internet and communications as we know it.

"There's an enormous amount of distortion in the public debates and I think a lot of the alarmist rhetoric about threats to the internet are overstated," he said. "I find it frustrating. I think the debate is not capturing a fair representation of the issues."

WHAT MOTIVATES HIM AS A LAWYER:

Brill says he enjoys being an advocate, and he likes guiding clients through tough litigation to create new case law and policy that serves everyone better.

"I'm competitive and I like to win," he said. "So trying to make the best arguments I can, and finding success for my clients are always great motivators."

In recent years, he and his team at Latham have established themselves as leading defenders of companies in class actions claiming TCPA violations.

The TCPA "really stacks the deck against defendants," Brill said. "The prior administration imposed standards that make it very difficult to defend against."

Still, in March, Brill won a D.C. Circuit ruling for Anda Inc., an intervenor in a case over the transmission of faxes to parties with express consent. Representing a coalition of defendants across several

industries, Brill persuaded the court to adopt his stance: that the FCC's rule governing solicited faxes may be invalid.

In its ruling, the appeals court vacated an FCC rule that requires opt-out notices to be placed on faxes the recipient had agreed to receive.

The ruling may end liability for defendants in cases over that issue, Brill said.

HIS PROUDEST MOMENT AS AN ATTORNEY:

Brill said one of his favorite things about his practice in 2017 was the opportunity to work on a broad mix of matters. He didn't spend the whole year in the courtroom, or the whole year on Capitol Hill, and he likes it that way.

But his proudest moments, he said, are when clients rely on him to convey their position effectively to judges and policymakers. He has attended meetings in D.C. as a subject matter expert on issues like net neutrality and TCPA reform, where he's working on legislative solutions to problems his clients' businesses face every day.

"There have been some moments where clients have conveyed, in very genuine and warm terms, their deep appreciation for the counsel I have provided," he said. "Being told by a client that you're a true asset to the business and really important to what they do is a source of great pride."

— *As told to Kat Greene*

Law360's MVPs are attorneys who have distinguished themselves from their peers over the past year through high-stakes litigation, record-breaking deals and complex global matters. A team of Law360 editors selected the 2017 MVP winners after reviewing more than 1,000 submissions.

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