

Q&A With Covington's Yaron Dori

Law360, New York (September 22, 2011, 1:26 PM ET) -- Yaron Dori is a partner in the Washington, D.C., office of Covington & Burling LLP, where he is co-chairman of the firm's communications and media practice group and practices in the areas of telecommunications, privacy and consumer protection law. He represents clients before the Federal Communications Commission, the Federal Trade Commission and other federal and state regulatory agencies as well as Congress. Dori recently became president of the Federal Communications Bar Association.



Yaron Dori

Q: What is the most challenging case you have worked on and what made it challenging?

A: Nearly a decade ago, I worked with a team of lawyers representing Qwest Communications in its effort to re-enter the long-distance market — a market it was banned from competing in since the breakup of AT&T. The Telecommunications Act of 1996 set out a checklist of criteria that had to be met in order for Qwest and other Regional Bell Operating Companies to re-enter the market. Demonstrating compliance with that checklist was grueling. I was part of a team of lawyers, engineers and other professionals who worked around the clock on the project for months.

Early on, I was put in charge of developing a fact declaration on the company's Operations Support System, a series of complex back office mechanisms that drive the service order process. I recall that the final version of that declaration alone was 300 pages, with attachments that reached into the thousands — and that was just one part of the final, multipart submission. The entire filing was so large that we literally had to rent a truck to deliver it to the FCC!

I do not have a technical or engineering background, and that project required me to not only learn the technical aspects of the company's systems but also to master them so I could write about them. It was the first time I had to learn such a complex and technical system from the ground up and marry it to a legal and policy framework. That remains one of the favorite parts of my job, and it is something I do today for technology clients such as Microsoft.

Q: What aspects of your practice area are in need of reform and why?

A: The Communications Act is sorely in need of an update. It was last overhauled in 1996. That might not seem so long ago, but if you think about it, dial-up Internet access had only just begun to emerge at that time. Widespread commercial email applications, the smartphone, tablets, mobile video, Voice-over-Internet Protocol and other technologies that we today take for granted did not even exist. There is considerable debate over if, whether and how these new technologies should be regulated, and whether legacy regulation that continues to apply to more traditional forms of communications should persist. This is an area that is in need of serious attention.

Q: What is an important case or issue relevant to your practice area and why?

A: The ways in which we communicate has changed markedly over the past 10 years, but many of the regulations that apply to legacy forms of communication have not. One of the most important questions that continues to be asked — but that is seldom answered — is whether and to what extent new technologies that are being substituted for old ones should be regulated. The question is too complex for the reflexive pro- and anti-regulation camps that often are the most vocal parties in these debates. In many cases, new technologies operate in conjunction with — and in some cases are dependent upon — legacy forms of communication. The answer here is not simple. It cannot be Tweeted.

Q: Outside your own firm, name an attorney in your field who has impressed you and explain why.

A: I am in awe of Brad Smith, general counsel of Microsoft. He is a master of marrying technology issues with law and policy and he also sees the entire playing field and can distill a wide-ranging discussion into a coherent set of action items that deliver both immediate and long term results. One of the greatest things about working with a company like Microsoft is the opportunity to learn from Brad and his team. I never stop learning when I work with them.

Q: What is a mistake you made early in your career and what did you learn from it?

A: I believe in being prepared. But it did not dawn on me until well after I graduated that the real lesson of law school is that you cannot do all the reading. From a literal standpoint, this should be abundantly clear. There is no way a law student can read and digest the hundreds of pages that are assigned each night. The same is true figuratively, and that taught me a lesson early on in my practice.

An attorney can never hope to read everything — to find every case, to analyze every provision — going into a negotiation, a deposition, a trial, or a similar scenario. You need to prepare as best as you can, but then to manage with what you have and go into every situation with confidence. There always will be too few hours in the day to get everything done, but that should not necessarily prevent you from achieving your key objective.

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