

Telecommunications Group Of The Year: Mayer Brown

By Anne Cullen

Law360 (February 25, 2019, 1:12 PM EST) -- Mayer Brown LLP landed back-to-back wins for AT&T this past year, fending off two separate class actions against the telecom giant with arbitration agreements, while also steering a Dutch telecom through several multibillion-dollar transactions, earning it a spot among Law360's Telecommunications Groups of the Year.

The practice boasts more than a 100 lawyers in the firm's global offices, spread across North America, South America, Asia and Europe and takes on work that runs the gamut, including representing telecoms in class action and patent litigation, helping them secure and defend government awards and guiding telecoms through major deals.

"Our telecom practice is really global in scope," said Archis Parasharami, co-head of the firm's consumer litigation and class action group. "We do work around the world for a variety of major telecom companies in a wide range of industries and areas of practice — corporate, securities, tax, litigation — so it's a pretty broad array of work for a significant number of clients."

After a class of AT&T Inc. customers sued the telecom for allegedly lying about its unlimited data plans, Parasharami and his team convinced a California federal court and later the Ninth Circuit that arbitration was warranted in the case, with both courts citing the firm's landmark Supreme Court win in *AT&T Mobility LLC v. Concepcion* as a major part of their reasoning.

In the 2011 *Concepcion* ruling, Mayer Brown successfully argued that the Federal Arbitration Act overrides state rules limiting arbitration clauses, and Parasharami said that they've continued to build on that win.

"We've had great success over the years with enforcing arbitration agreements starting with our win for AT&T in the Supreme Court in 2011," he said. "In the eight years since then, we've been helping businesses, including many in the telecommunications industry, implement arbitration provisions in the consumer context and enforce them."

Mayer Brown secured the Ninth Circuit win for AT&T in late 2017, and a few months later, the firm helped the company shake allegations in Illinois that it violated the Telephone Consumer Protection Act



with unsolicited calls.

Onetime AT&T customer James Thompson had sued the company and others over calls he received related to internet, phone and cable offerings, but Thompson dropped the telecom from the case in June after AT&T pushed to enforce their arbitration agreement.

“Thompson is an example of a case that was able to be resolved quickly,” Parasharami said. “And it’s an example of the work that we’ve done for AT&T and other companies on developing enforceable consumer arbitration agreements that are both fair to consumers and give them a readily accessible substitute for class action litigation.”

Parasharami credited Mayer Brown’s successful track record in the arbitration arena to a firm roster that boasts nearly two decades of experience crafting and enforcing those agreements.

“Key members of the telecommunications and litigation practice have been working on the use of arbitration agreements since the early 2000s,” he said. “That I think is a real differentiator in this particular area.”

Outside of the arbitration and litigation space, Mayer Brown’s multidisciplinary telecommunications group also counsels clients on regulatory and compliance matters, a practice Parasharami said is bolstered by a lineup of attorneys that have government work on their resumes.

“In the telecom space, regulatory advice is key,” Parasharami said. “And we’re very blessed at the firm to have a lot of governmental experience in the telecom regulatory sector.”

The practice also has depth in the mergers and acquisitions arena, highlighted by its longstanding relationship with Netherlands-based telecom Altice Europe NV, which the firm has guided through every major transaction Altice pulled off in the last decade.

Heading up that work is Laurent Borey, co-leader of Mayer Brown’s tax practice, who brought Altice with him when he joined the firm in 2004. Since then, the relationship has continued to prosper, with two more multibillion-dollar deals added to the list in the past year.

“There are no big acquisitions or transactions carried out by Altice without using Mayer Brown,” Borey told Law360.

In June, the firm shepherded Altice through its sale of equity stakes in its telecommunication tower businesses in France and Portugal for about \$2.9 billion, and in November, the firm helped Altice sell a minority stake in subsidiary SFR to a consortium consisting of OMERS Infrastructure, Allianz Capital Partners and entities represented by AXA Investment Managers - Real Assets for \$2 billion.

While Borey is a tax specialist, he said Mayer Brown’s work for Altice isn’t limited to proffering tax advice.

“Our role is to facilitate the transaction and coordinate all the lawyers and advisers working on the transaction,” he said.

When working on a deal, Borey said he and his team design the transaction structure, define the main terms and conditions and take into account regulatory constraints and compliance issues.

“So it’s not only tax work, it’s more design work,” he said.

And more of this work is likely headed Borey’s way, as he said he foresees some consolidation in the European telecom sector in the coming years.

“It is expected that there will be a lot of moves in the next two or three years in Europe,” he said.

--Editing by Alyssa Miller.

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