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Admitted to Practice
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Barbara Esbin is a partner with the law firm of Cinnamon Mueller, and head of the firm's Washington, D.C. office. She is an expert with twenty-five years experience in communications and competition policy advocacy involving regulation of cable (video), telecommunications, broadband Internet, and related services and advises and represents communications companies before the Federal Communications Commission (FCC), the U.S. Congress, and in the courts.

Practice Overview

Ms. Esbin's practice focuses on advising and representing the American Cable Association, the leading national trade association for small and medium-sized video and broadband companies. Ms. Esbin has successfully represented the trade association in numerous FCC rulemakings and in responding to proposed mergers and acquisitions, gaining regulatory relief for smaller video distributors in the areas of broadband Internet, must carry and retransmission consent, access to programming, basic tier encryption, disabilities access compliance, set-top boxes, outage reporting and regulatory fees. She also advises and represents individual cable, broadband and telecommunications clients on a wide range of business, strategic and FCC regulatory and compliance matters, and provides strategic counsel to investment research groups. She has advised and represented individual cable companies on a wide range of FCC compliance matters involving their provision of multichannel video and broadband services, and has advised cable companies and represented a broadcaster in market modification proceedings.

Personal History

Ms. Esbin joined Cinnamon Mueller in 2010 after an extended tenure with the FCC, and following her position as Senior Fellow at the Progress & Freedom Foundation, a Washington, DC-based think tank specializing in communications policy and law. During her tenure at PFF, she testified before the Senate Commerce Committee on the issue of handset exclusivity. She served for over fourteen years at the FCC in a variety of senior staff positions in the Enforcement, Media, Cable Services, Wireless Telecommunications, and Common Carrier Bureaus, including four years as Associate Chief, Media Bureau. In that capacity, she represented the Bureau on a number of inter-agency efforts and led the review of several major industry mergers and rulemakings involving cable and broadband competition issues. Between her two FCC engagements, Ms. Esbin was a partner in a private law firm from 1999 to mid-2001, specializing in cable and broadband regulatory advocacy and compliance matters. Prior to joining the FCC, she was a senior associate from 1985-1990 in a boutique firm specializing in electric utility regulation where she represented publicly-owned power systems on a range of matters in administrative and judicial proceedings.

Judicial Clerkships

Supreme Court of North Carolina, Raleigh, North Carolina, Law Clerk – Justice Louis B. Meyer 1984-1985; North Carolina Court of Appeals, Raleigh, North Carolina, Law Clerk – Judge Clifton E. Johnson 1982-1984.

Education

J.D. with distinction, Duke University School of Law, Durham, North Carolina 1982; B.A., Antioch College, Yellow Springs, Ohio 1975.

Events/Presentations/Speaking Engagements

Ms. Esbin has been speaking before industry groups since 1994 about FCC regulation. She has addressed topics spanning the range from common carrier regulation of telephone calling cards, to regulatory classification of broadband Internet service, to Net Neutrality compliance. She is a regular speaker at independent cable industry events including the ACA Annual Washington Summit, the National Cable Television Cooperative/ACA Independent Show, and has also spoken at the Consumer Electronic Show. She has addressed bar association groups and participated as faculty in continuing legal education programs for the Federal Communications Bar Association, the New York Bar Association, and the Practicing Law Institute.

Publications

- SSRN Author Page, available at: <http://ssrn.com/author=607814>.
- Esbin Publications at the Progress & Freedom Foundation, Center for Communications and Competition Policy, available at: <http://www.pff.org/cccp/publications.html>.
- Barbara Esbin & Adam Marcus, "The Law is Whatever the Nobles Do": Undue Process at the FCC, 17 CommLaw Conspectus *1 (2009), available at http://commlaw.cua.edu/articles/v17/17.2/EsbinMarcus_Revised.pdf.
- Barbara Esbin & Gary Lutzker, "Poles, Holes, and Cable Open Access: Where the Information Superhighway Meets the Local Right-of-Way," 10 CommLaw Conspectus 23 (2001).
- "Internet Over Cable: Defining the Future in Terms of the Past," FCC Office of Plans and Policy Working Paper No. 30, re-published in 7 CommLaw Conspectus 37 (1999).
- "Hands Off Policy Works on Open Access," Forum, Multichannel News, July 26, 1999.

Admitted to Practice

District of Columbia Court of Appeals, North Carolina Supreme Court, Supreme Court of the United States, and Eleventh Circuit Court of Appeals.

Professional Affiliations

District of Columbia Bar Association, Federal Communications Bar Association.

Pro Bono Activity

Served as outside pro bono counsel to Antioch College Alumni Board of Directors followed by two terms on the Alumni Board of Directors, serving in her final year as a Vice President of the Board.