

## Joshua Turner Featured in *Law360*'s 'FCC Enforcement Survival Guide' Series

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Joshua S. Turner, co-chair of Wiley Rein's Communications Enforcement & Compliance Practice, was quoted extensively by *Law360* in a four-part "FCC Enforcement Survival Guide" series. Mr. Turner provided insights on topics such as self-reporting, the advantages of settling early, responding to a notice of apparent liability (NAL), and the likelihood of a forfeiture order.

Upon discovering a potential Federal Communications Commission (FCC) violation, a company should quickly launch an internal investigation, Mr. Turner said in a September 4 article. "The scope of that will vary ... but this is one of the steps I think a lot of people are tempted to shortcut, and it's the worst step to shortcut," he said. "This is the step from which everything else flows."

If a potential violation leads to an FCC enforcement action, the company should begin thinking about potential settlements as early in the process as possible, Mr. Turner told *Law360* in a September 8 article. "And start thinking about what is it that you could do to ameliorate the problem," he said. "What would you be willing to agree to in order to resolve the problem with the government? Those are the kinds of questions that should be antecedent to all of this."

If an early settlement is not reached, the FCC may issue an NAL that details the allegations and proposes a penalty. "It will be the first opportunity you've had to really understand the legal theories that the commission is putting together and the ways in which the facts play into those theories," Mr. Turner told *Law360* in a story published September 9. "If you have a strong response that lays out some compelling legal arguments, you very well can move the needle

### Related Professionals

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### Practice Areas

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certainly on the scope of the violation, or the violation itself.”

An FCC enforcement action may eventually lead to a final forfeiture order, but Mr. Turner said most cases are settled before that happens. “It’s extremely rare you get to the end of all of this and the company doesn’t settle or doesn’t pay,” he said in a September 10 article. “It’s much more frequent for both the FCC and parties to decide that the litigation and uncertainty involved isn’t worth it and they’d rather come to settlement terms to resolve the problem.”