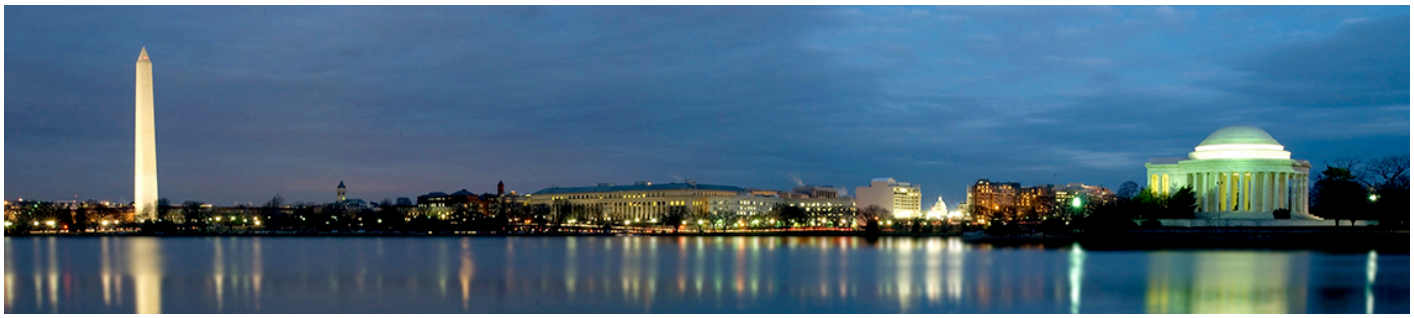
SPIEGEL & MCDIARMID LLP

Our Firm



Industry Acumen

Spiegel & McDiarmid LLP was formed to represent the public side of our nation's critical infrastructure industries, including energy and telecommunications. From the firm's founding in 1967, our lawyers have sought to practice law in accordance with three very basic propositions:

- Public sector and consumer-owned entities are entitled to legal representation of the highest quality, at a cost they can afford. No public agency or consumer-owned enterprise should be forced to operate from a position of weakness because of its legal representation.
- In any technical area, lawyers should be conversant with more than just the fine points of the law. We must be able to communicate effectively with clients, expert witnesses, judges and others about highly technical matters.
- Our clients are entitled to lawyers who approach problems with a broad perspective. Narrow thinking leads to narrow solutions, and narrow solutions are usually poor solutions.

Broad Perspective

Initially, the firm set out to apply these principles in the context of representing municipally owned and cooperative utility systems that found themselves at odds with private utility companies. In that arena, we found that the representation of municipal and cooperative systems — which are often subject to strict limitations on their legal budgets — required methods and approaches that would give clients the greatest return on their legal dollar. The firm has since broadened this approach to include representation in telecommunications and transportation.

Creative Legal Strategies

This recognition has led us to put a premium on creative legal strategies — for example: seeking relief for clients in unexpected venues, and forcing regulatory agencies to expand the scope of their review in the context of otherwise routine

proceedings.

Today, we work to ensure that our public clients can adapt and thrive in the ever-changing business and regulatory environment. By adopting novel approaches to our clients' legal problems, we have been successful in achieving more effective results at a lower cost than if a purely conventional course had been taken.

History

Spiegel & McDiarmid LLP began in 1967 when George Spiegel (1919–1997) decided to establish a law practice to champion consumers, communities and cooperatives in protecting their rights against private utility companies. The publicly owned power systems that Spiegel chose to represent could often benefit their communities and promote economic development by charging lower rates to their residents and businesses than the neighboring for-profit utilities. In many cases, the for-profit utilities did not appreciate the competition and used their ownership and control of the electric transmission lines and gas pipelines (and other anti-competitive tactics) to deprive the smaller public systems of an equal opportunity to compete for resources and services.

Growth and Success in Federal Courts

In 1970, George recruited Bob McDiarmid, who had been an appellate lawyer in the Justice Department and Assistant to the General Counsel of what is now FERC. Together, George and Bob and their expanding firm were soon involved in strategically changing the landscape of the utility industry in the United States, primarily by introducing antitrust concepts to the energy regulation field. Successful appeals in the federal courts, including three seminal decisions of the Supreme Court, established the principle that then-reluctant federal agencies, such as the Federal Energy Regulatory Commission, Nuclear Regulatory Commission and Securities and Exchange Commission (and their predecessors), had to consider competitive circumstances and consequences in their regulation of electric and gas businesses. They promoted a "small utility bill of rights" to establish the rights of publicly owned utilities to obtain access to monopoly-controlled infrastructure facilities and effectively participate in the emerging energy marketplace. Over time, the markets and regulatory structures have become more sophisticated and complex, but the need to guard against anti-competitive exercise of market power remains.

More Than Energy Law

As word of the firm's successes spread, it attracted more and more clients from across the country, and the scope of services expanded beyond the energy industry. Today, the attorneys of Spiegel & McDiarmid continue to actively promote and protect the interests of publicly and cooperatively owned entities in other aspects of infrastructure development and services. Many of Spiegel & McDiarmid's clients now provide telecommunications and broadband services for their communities. As they face new competitive or regulatory challenges, we work with them to find solutions.

Diversity

In our constant search to find the best attorneys to meet the complex needs of our clients, we were among the first law firms to welcome lawyers without regard to gender, race, religion or sexual orientation. Using that expertise, Spiegel & McDiarmid has also engaged in various, sometimes controversial *pro bono* activities over the years. As examples, in the

1980s we represented an artist whose politically controversial artwork (critical of the incumbent Administration) was barred from appearing in purchased ad space in the DC Metro system. When the firm took this to the Court of Appeals, Judge Robert Bork (for a panel with Judges Antonin Scalia and Kenneth Starr) wrote the decision upholding our client's (and the public's) First Amendment right to express political speech.

Pro Bono Work

Another *pro bono* case helped the residents of Centralia, Pennsylvania, where an underground coal mine fire has been burning for 50 years, obtain the right to be reasonably compensated for their homes as they were relocated from the path of the fire. The firm was recognized for another case, in which our visually impaired client's unprecedented complaint before the Federal Communications Commission accelerated the inclusion by cell phone manufacturers of features that allow visually impaired persons to utilize cell phones.

From its inception, Spiegel & McDiarmid has enjoyed the privilege of representing clients who generally have much less money and resources than their competitors in major industries on which society depends, but who are dedicated to improving the economic well-being of the communities and members they serve.