

PRESS RELEASE

Former FCC General Counsel Thomas M. Johnson, Jr. Joins Wiley As Co-Chair of Appellate Practice

April 5, 2021

Washington, DC – Wiley is pleased to announce that Thomas M. Johnson, Jr., former General Counsel of the Federal Communications Commission (FCC), has joined the firm as a partner, and will serve as co-chair of the firm's Appellate Practice. Mr. Johnson has over 15 years of experience in private practice and public service at the federal and state levels, representing clients in high-stakes appellate and regulatory litigation matters.

Mr. Johnson has advised clients on all stages of federal agency rulemaking, adjudication, and litigation, in fields ranging from communications to environmental law to securities to labor and employment. As FCC General Counsel, Mr. Johnson successfully persuaded the U.S. Supreme Court to review the Commission's media ownership reforms, resulting last week in a "unanimous knockout" (*The Wall Street Journal*) of a Third Circuit decision vacating those rules, and successfully defended the Commission's "net neutrality" repeal at oral argument before the D.C. Circuit. While naturally building upon a regulatory litigation practice that focuses on communications, technology, and the internet, Mr. Johnson will be positioned to strengthen Wiley's capabilities in administrative law and appellate litigation across all sectors and practice groups.

"Tom is an accomplished leader who has been an innovator throughout his career," said Wiley Managing Partner Peter D. Shields. "His deep understanding of administrative and appellate law on a wide range of issues – as well as his nuanced insights from working in the government and private sector – will be indispensable to our clients."

Related Professionals

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Practice Areas

Issues and Appeals
Litigation
Telecom, Media & Technology

As chief legal officer of the FCC, Mr. Johnson briefed dozens of appeals – personally arguing two – in the federal courts of appeals in constitutional and administrative law challenges to the FCC’s orders. He managed a team of over 70 attorneys and staff and provided consultation and advice on a wide range of practice areas relating to the FCC’s work, including administrative law, appellate and trial litigation, bankruptcy, ethics, fiscal law, fraud, labor and employment, and public records requests. He acted as the Commission’s representative on legal issues with senior executives and counsel at major telecommunications, cable, broadcast, and satellite companies, as well as major trade associations.

“Among Tom’s many accomplishments at the FCC is his important work streamlining regulations, strategically and successfully leading the effort to defend the Commission’s decision to relax certain media ownership rules before the Supreme Court, and freeing up spectrum for public use for 5G and other applications,” said Kathleen A. Kirby, co-chair of Wiley’s Telecom, Media & Technology Practice. “His foresight and ingenuity greatly contributed to the efficient operations of our country’s communications systems, especially given the increased network demands of the past year. We’re thrilled he’s joining the firm.”

Mr. Johnson’s significant achievements during his tenure at the FCC have included:

- Successfully defending the 2017 Restoring Internet Freedom Order at oral argument before the D.C. Circuit, which repealed the prior Administration’s “net neutrality” rules.
- Successfully petitioning the U.S. Supreme Court to review and unanimously affirm the Commission’s deregulation of outdated media ownership rules.
- Developing legal analysis for orders that streamlined state and local approvals for wireless infrastructure deployment, to promote the more rapid rollout of 5G services, which were affirmed in substantial part by the Ninth and D.C. Circuits.
- Formulating legal framework for the unique plan to clear portions of critical “C-band” spectrum for use in 5G services, which was affirmed by the D.C. Circuit.

“Wiley’s stellar attorneys and commitment to being all things D.C. have long made the firm a destination of choice for clients facing complex legal issues before federal agencies, the courts of appeals, and the U.S. Supreme Court,” said Mr. Johnson. “As we face an aggressive regulatory environment in the coming years, it will be more important than ever for clients to have attorneys that can think strategically and creatively about how to solve their business concerns at both the agency and appellate levels. I was singularly impressed with the quality of Wiley’s advocacy during my time at the Commission and am proud to join this immensely talented team.”

Prior to serving as FCC General Counsel, Mr. Johnson was the Deputy Solicitor General in the Office of the West Virginia Attorney General, where he helped develop litigation strategy and draft briefs in a series of challenges under the Administrative Procedure Act to U.S. Environmental Protection Agency rules under the Clean Air Act and Clean Water Act. In addition, he managed a team of attorneys, drafted briefs in the U.S. Supreme Court and federal courts of appeals, and argued seven cases in the U.S. Court of Appeals for the Fourth Circuit and Supreme Court of Appeals of West Virginia.

Mr. Johnson previously worked in private practice for 10 years, managing teams of lawyers in appellate and regulatory litigation and labor and employment matters. He drafted briefs in the U.S. Supreme Court and federal courts of appeals and drafted and successfully argued dispositive and discovery motions in federal district courts.

Mr. Johnson received his J.D., *magna cum laude*, from Harvard Law School, and his B.A., *magna cum laude*, in Government from Georgetown University. He served as a law clerk for the Honorable Jerry E. Smith in the U.S. Court of Appeals for the Fifth Circuit.

At the core of Wiley's appellate capabilities is a deep bench of former judicial clerks and appellate practitioners. Mr. Johnson will join Claire J. Evans, who previously clerked for Justice Clarence Thomas, as co-chair of the Appellate Practice. The firm's litigators include more than 50 attorneys who have served as clerks in federal and state courts across the country and several former Supreme Court clerks, along with a broad range of lawyers with substantial appellate experience. Wiley's preeminent TMT Practice represents not only the largest and most important companies, but also new and innovative players across the TMT spectrum. More than 60 attorneys, public policy advisors, and engineers comprise the foremost team providing premier legal advice and counsel for the full spectrum of legal, business, and regulatory matters. As a Washington firm with international reach, the team has impressive capabilities in appeals of federal agency actions, whether in district or appellate courts.