
PREFACE

The production of a law journal is a team effort. Sometimes, one player stands out and deserves to be recognized. During the past eleven years, the editors of *CommLaw Conspectus: Journal of Communications Law and Policy* have relied on the service of one extraordinary individual for guidance. Professor Harvey Zuckman has served as mentor, friend and Faculty Advisor to our journal during the best of times and the worst of times. Professor Zuckman was always there for *CommLaw Conspectus*'s staff, even when he was busy fulfilling his other role as Director of Catholic University's Institute for Communications Law Studies, a role from which he retired last spring. We are so pleased that Professor Zuckman has continued to be one of our Faculty Advisors. For all of his hard work for *CommLaw Conspectus*, we dedicate Volume 11, Issue 1 to our beloved Faculty Advisor and look forward to working with him for issues to come.

Megan Anne Eden
Editor-in-Chief
Volume 11

In recognition of our tribute to Professor Zuckman, the following prefatory comments have been provided by individuals who have had the pleasure of working closely with him throughout his career:

Howard J. Braun
Partner, Katten, Muchin, Zavis & Rosenman
Chairman, *CommLaw Conspectus*
Advisory Board

Heartiest congratulations for the honor of having this issue of *CommLaw Conspectus* dedicated to you. It could not have happened to a more deserving person. After all, it was your embryonic idea about 10 years ago to conceive a scholarly journal devoted to communications law which would provide an important forum for robust and uninhibited debate on communications law issues. Your genius, foresight, dedication and commitment to

both *CommLaw Conspectus* and the law school, and your leadership of the Communications Law Institute, made your dream a reality which is now shared by the entire communications law bar.

It has been my privilege to have worked with you and the *CommLaw Conspectus* staff since its inception. I have enjoyed mentoring with you existing and future members of the telecommunications bar as an original member and Chairman of the *CommLaw Conspectus* Editorial Advisory Board.

Your scholarship, wisdom, courage and intellect have left a mark on scores of communications lawyers who were fortunate to have had you as their teacher. I have known you both in a professional and social capacity, and look forward to maintaining our relationship in the coming years. May you continue your teaching years with good health, happiness, and the deep abiding affection of your family, many friends and professional colleagues.

William F. Fox, Jr.
Associate Dean for Academic Affairs and
Professor of Law
The Catholic University of America
School of Law

I first met Professor Harvey Zuckman when his ostensible academic specialty was family law. Indeed, we collaborated on a lengthy article on no-fault divorce that became my first lead law review article.

It was several years later, after joining the Catholic University law faculty, that I became fully aware of Professor Zuckman's deep interest in legal issues involving the media and his profound commitment to First Amendment values. I watched him develop his personal expertise in the area. I celebrated with him the publication of his first Nutshell. He then put together an innovative Communications Law Institute of such quality that even twenty years later is one of the jewels in the crown of this law school. His interest in legal scholarship prompted him to launch *CommLaw Conspectus* ten years ago. I'm in frequent contact

with a number of international telecommunications lawyers who tell me that the journal is one of the best of its kind. None of these things would have happened without the sweat, dedication and persistence of Professor Harvey Zuckman. As he steps down from the CLI directorship, we recognize and honor all of his achievements. He is one of the preeminent communications lawyers and teachers in the United States. We are grateful to have him with us as he continues his academic career. I am grateful to count him as a close friend.

Rob Frieden
Professor of Telecommunications,
The Pennsylvania State University
Pioneers Chair in Cable Telecommunications
and Professor

Professor Zuckman has inspired me with his tenacity and commitment to scholarship. His vision and leadership resulted in the production of the longest and most comprehensive treatise on communications law. Not satisfied with a single three volume publication, Professor Zuckman has ensured that the treatise remains current with annual pocket parts. To this day Professor Zuckman demands excellence of his collaborators and himself.

Pocket parts and assorted other scholarly endeavors keep Professor Zuckman in the library even now. I recall that during one of the meetings for co-authors of the communications law treatise, we could not find Professor Zuckman. My initial frustration of having driven two hundred miles from my home in State College, Pennsylvania moved to concern about Professor Zuckman's health. Hours later Professor Zuckman emerged from the Catholic University law library where he had lost track of time in his pursuit of footnotes!

Professor Zuckman has demonstrated his tireless commitment to students and to making scholarly contributions. He has helped launch countless careers and has devoted himself to a career that mattered.

David Irwin
Partner, Irwin, Campbell & Tannenwald, P.C.

In 1985, Harvey Zuckman changed my life.

Harvey gave me the opportunity to teach the area of law I practice — Telecommunications Law — in the Law School's Institute for Communications Law Studies. I have been teaching that subject ever since. Because of Harvey, teaching and working with the students of the CLI have become my utmost passion — my way of "giving back" — to a profession that I believe makes a difference.

I have learned much from my almost 20 year association with Harvey. I have learned that students are my "clients," and that I owe them individually and collectively my very best. This is how Harvey comports himself. Among all his excellent traits and accomplishments, Harvey always had the interests of the students in the forefront of his mind. He worked tirelessly to place them in meaningful internships and to help get them started in their professional careers. The several hundred students who have become Certified through the Institute are more and more becoming the leaders of the Communications Bar. They are in positions of leadership at the FCC and other places in government, in law firms of all sizes and in the industry.

In addition to his keen intellect, Harvey is a man of vision, and a leader. He works in a quiet and competent way to make things happen and to make things change. The success of the Communications Law Institute and its bounty of students who have earned their Certificates from the Institute constitute a living tribute to Harvey and a great legacy of the program Harvey founded twenty years ago.

Douglas Kmiec
Dean and St. Thomas More Professor
Catholic University of America School of Law

Harvey Zuckman is a legal voyager of the first rank. He set sail into the world of mass communications law long before others. In doing so, he influenced legal instruction, administrative regulation and practice, and the lives of us all. Students across the nation have benefitted from his treatise and other scholarly writing, but Catholic University law students by far get the better of the bargain. There simply is no substitute for the wit, humor, and insight that Professor Zuckman brings into the classroom. And there have been few professors as successful in placing students in

governmental agencies and prestigious law firms alike.

Perhaps, that is not at all surprising. In Washington, D.C., there are few better seals of approval than a Zuckman endorsement. If you are a student fortunate enough to earn it, it means you are capable, articulate, reliable, and creative—all the things Harvey Zuckman has brought to a lifetime of law teaching and writing. To many in the larger profession, Harvey Zuckman's legacy to CUA Law is the establishment and development of the Communications Law Institute. It indeed thrives because of his planning and guidance. Yet, to those of us who have been his colleagues or his students, Professor Zuckman's greatest legacy has been his teaching and his friendship because it has changed our lives for the better.

Erwin G. Krasnow
Partner, Shook, Hardy & Bacon, L.L.P.

Harvey Zuckman, the Johnny Appleseed of the Communications Bar

Johnny Appleseed, whose real name was John Chapman, spent 49 years of his life in the American wilderness planting apple seeds. He created apple orchards in Illinois, Indiana, Pennsylvania, Kentucky and Ohio. Although born in 1774, some of the trees he planted still bear fruit today.

Harvey Zuckman is the Johnny Appleseed of the communications bar. Like Appleseed, Harvey's achievements and his creative feats are legendary. Future generations of communications lawyers will be talking about the "trees" that Harvey planted. As the Director of the Communications Law Institute at Catholic, he has been a one-person headhunter who has convinced numerous law firms, government agencies, corporations and public interest groups to hire one or more his students. During the time that I served as General Counsel to the National Association of Broadcasters and continuing to the present day, I have succumbed to the Zuckman charm and hired both as law clerks and fulltime lawyers Harvey's minions — and without a scintilla of regret or guilt.

Harvey's contribution to communications law scholarship is formidable. His writings range from summarizing communications law in a Nutshell to devoting several heavily footnoted volumes to a learned explication of all facets of a sometimes ar-

cane area of the law. He in turn has inspired his students to think deeply and write about communications law. Just as there is no way to estimate how many millions of trees Johnny Appleseed created in the hundreds of nurseries he created, it is impossible to quantify the towering contributions that Harvey has made as a teacher, administrator, headhunter and scholar in spreading the gospel of communications law.

Marin Scordato
Director, Institute For Communications
Law Studies
The Catholic University of America
School of Law

I knew of Harvey Zuckman long before I ever met him. In 1988, teaching in Boston, I was asked to offer a course in Mass Media Law. The first source that I turned to was *Mass Communication Law: In a Nutshell*, by Harvey Zuckman. Concise, learned, beautifully organized and clearly presented, the book was, and still is, a wonderful introduction to a wonderful subject, a fascinating area that deals with some of the most important and intractable issues in constitutional law, and an area that Professor Zuckman clearly understood and loved. More than a dozen years later, interviewing for a faculty position at Catholic, I had the opportunity to meet Harvey personally. And he was concise, and learned, and still clearly the complete expert in media law that I had first encountered in print all those years before. I came to learn that teaching and scholarship hardly defined, or could apparently confine, Harvey's talents and energy.

As the new Director of The Institute for Communications Law Studies, I see every day what Harvey has built over more than a twenty year period. He has created a program that has helped generations of students at Catholic locate and secure highly desirable legal positions upon their graduation, and, in return, the Institute enjoys a large and supportive body of alumni working in all phases of the communications industry: both in Washington D.C., and across the country. Harvey has also crafted a superb Institute faculty that makes available to our students their long experience and deep expertise in the field. Most importantly, we have bright and enthusiastic students

who not only learn from the formal curriculum that Harvey has designed, but who also gain valuable practical experience through the large network of externship opportunities that he developed.

One of the things that I knew I wanted to do as the new Director of the Institute was to deepen my knowledge of regulatory communications

practice. Where could I turn for reliable and authoritative information on this subject? That was easy. I began to read Harvey Zuckman's new three volume treatise on Modern Communications Law. He is still the consummate teacher, and scholar, and program builder, and I feel very fortunate to be able to count myself among his colleagues here at the law school.