

Disputes and Workouts

Many telecom and IT relationships hit bumps. When this happens, LB3 is there. Large users and non-incumbent providers rely on us to renegotiate, work-out or, if necessary, litigate disputes about performance problems, failures to meet commitments, overcharges, and market changes. We serve as special counsel in litigation that encompasses telecom and IT issues, represent customers in distress or dealing with providers in distress, and testify as expert witnesses on telecom and IT matters.

Contract Workouts

We routinely advise clients embroiled in disputes related to telecom and technology contracts. We have been involved in resolving scores of disputes about timeliness and accuracy of provider bills and related recovery of overcharges (including provider attempts to re-cast and back bill charges), network reliability, shortfall penalties and early termination charges, telecom sales commissions, and hardware and software purchases and transfers.

Working out a dispute often involves renegotiation of the underlying contract. LB3 leverages its unparalleled expertise in telecom and technology agreements to improve key terms and prices even when the project's primary goal is to avoid liability.

FCC Complaints and Referrals

Because of our broad and deep expertise in the Communications Act, we represent parties (typically large customers or competitors of regulated carriers) in both formal and informal complaint proceedings before the FCC.

Some claims involving Communications Act end up in the courts. When the courts refer those claims to the FCC (as often happens), a formal complaint or petition for declaratory ruling must be filed. LB3 has extensive expertise in these referrals, frequently providing strategic advice concerning, and serving as co-counsel before, the FCC.

Distressed Providers and Customers

We counsel financially-distressed clients whose needs for telecommunications services have declined, exposing them to liability for shortfall or early termination charges.

We also assist clients negotiating new agreements with troubled providers, or otherwise seeking to minimize customer exposure. LB3 was counsel to the WorldCom Enterprise Customer Committee, composed of 20 major WorldCom customers, in the WorldCom bankruptcy. We worked actively, and successfully, with the provider and the court to protect the interests of such customers and prevent the disruption of their operations.

Expert Testimony

Partners at the firm are frequently asked to testify as expert witnesses in cases involving telecommunications and IT transactions. We have testified before judges and arbitrators on such issues as the proper interpretation of the filed tariff doctrine; the interpretation of ambiguous or technical clauses in network services and IT agreements; industry custom with respect to the completeness of service agreements; the meaning and application of FCC orders, rules and regulations; the standard of care applicable to lawyers practicing communications law; and the

"trade secret" status of consulting techniques and know-how.