**THE CRAFT OF TECHNOLOGY POLICY ADVOCACY**

*Version 1.0; January 19, 2009*

**PREFACE**

On January 10, 2010, members of the Cybertelecom list were asked if they knew of “an excellent text or starter set of materials concerning the ‘how to’ advocacy aspects of technology law policy?” It took the group just a week and fifty two responses to collectively say, “no.”

Happily, the collective answer went further. Members of the list set about helping fill what appears to be at least a partial literature gap. This resulted a set of ideas which makes progress toward creation of a document which provides guidance to newcomers concerning technology policy advocacy.

I’ve tried to play curator: impose a conceptual structure for the whole, but let the individual contributions and ideas stand for themselves. Quotes signal language directly provided by an individual from the Cybertel group. Individual attribution is avoided to be consistent with the candid dialogue encouraged by the rules and norms of the Cybertel list-serve.

My regrets for any omissions or mischaracterizations. This is also the part where I’m supposed to say that errors are my own; however, as a social production good, this really isn’t the case. Credit and blame – although I believe there is more of the former than the later – ultimately below to the group that generously contributed the ideas herein.

This document is an open source creature. Input and additions are welcome. This document will be made available through the Colorado Law’s Samuelson-Glushko Technology Law & Policy Clinic. Cybertel is of course welcome to also post it on the Cybertel site. Suggestions for future revisions should be sent to me via email at Brad Bernthal (Brad.Bernthal@Colorado.Edu).

Brad

Associate Clinical Professor

Colorado Law School

Samuelson-Glushko [Technology Law & Policy Clinic](http://www.colorado.edu/law/clinics/tech/)

Brad.Bernthal@Colorado.edu

**ABOUT THE CRAFT OF TECHNOLOGY POLICY ADVOCACY**

This is a document produced by members of the Cybertel list serve which aims to provide guidance to newcomers concerning technology policy advocacy.

Instruction about policy advocacy necessarily overlaps with other areas – e.g., substantive legal expertise, public choice-style considerations, economic and technical familiarity, etc. An emphasis on techniques and strategies is worthwhile as it isolates a critical but perhaps under-examined dimension of technology practice: how to become a *great* advocate. The particular focus here is on advocacy before the Federal Communications Commission.

This is a start. A fully realized project would serve two objections for practitioners who are new to FCC matters: (i) provide and build a mental model concerning effective techniques salient to technology policy advocacy; and (ii) truncate the practice learning curve so that the path to mastering advocacy is straighter than the standard learning techniques of trial and error, mentorship, and *ad hoc* experiences alone. It bears mention that this discussion is, on balance, value neutral insofar as the document is user agnostic. The techniques and strategies here are useful irrespective of whether an advocate is representing the public interest, a well-heeled client, or an individual consumer.

The existing compilation is a small contribution toward a possible larger project which would achieve the twin objectives identified above. If nothing else, this current document serves as a helpful checklist of starting considerations. A more ambitious project would require fleshing out case studies and use of theoretical frameworks (among other things).

Contributions are sorted into an outline format. The material is organized into five sections:

* Section I, *Meta Observations,* sets forth background suggestions for new practitioners which relate to policy advocacy;
* Section II, *Advocacy Situated In a Bigger Picture: Resources, Branches, and Political Realities* provides a broad brush framework of the larger policy-making context;
* Section III, *Skillful Navigation of FCC Institutional Processes and Structures,* focuses on the importance of agency organization, process, and the roles of people who work at the FCC;
* Section IV, *The Persuasive Request: Effective Communication and Messaging,* emphasizes rhetorical, framing and positioning strategies designed to achieve favorable outcomes; and
* Finally, Section V, *How to Learn the Craft of Technology Policy Advocacy,* provides additional guidance on the path to becoming an expert practitioner.

**SECTION I. META OBSERVATIONS**

1. **Learn the craft.** “[Technology policy advocacy] remains more craft than science.” This guide is a start. For next steps, see additional thoughts on “how to” learn the craft in Section V *infra.*
2. **domain expertise in substantive technology policy is mandatory.**
	1. *Acquire deep substantive domain expertise.* “The most important thing, in my experience, is for the regulatory practitioner to actually know [what] they are talking about.”
		1. ***Learn relevant precedents and develop pattern recognition***. “As someone once said, those who ignore the pasta are destined to reheat it.  Yes, we're in the magic new world of the Internet and all that, but I have found it very helpful to have a pretty good sense of how the industry has developed.  Feel free to go back to Bell, Marconi, Strowger, et al., but the minimum requirement seems to me to be from about the FIRST AT&T antitrust case (the one in the 1950s) onward. For example, in some important ways, Net Neutrality and (oh, the
		horror!) regulation of the Internet is just Computer I, redux.”
		2. ***Know the technology.*** “Understand the technology underlying whatever the issue is.  Sometimes it matters, sometimes it doesn't, but if you don't know it yourself, you'll be vulnerable to bogus technical claims by the other side, and you won't be able to make insightful, valid technical claims of your own.”
		3. ***Closely read the record, statutes, regulations, and associated orders.*** “ It may well be that your issue turns on some vague thing like "just and reasonable," but every once in a while there actually is a provision of law directly on point.  That doesn't necessarily mean you'll prevail, particularly against big, well-funded opponents . . .  But sometimes you will (e.g., the *Bright House v. Verizon* retention marketing case).”
		4. ***Know the concepts and terminology of the prevailing economic paradigm. “***Be fluent in whatever the current economic policy idiom happens to be.  For most of my career that has meant being able to speak Chicago School Libertarian.  Going forward it probably means being able to speak Careful Correction of Market Failure.  But if you present your arguments in the wrong idiom for the times, people will just look at you funny.”
3. *Don’t underestimate luck en route to expertise.* “[L]ike a songwriter looking for that elusive 'hit', or the actor looking for that 'big break', most [public interest advocates pursue their interests because they don't have a choice; their DNA is crying out to keep going, and luck is more a factor than anything in pursuits.”
4. **Have perspective on the panoramic process.**
	1. *The process and issues are messy.* “There are always multiple stakeholders with varying, something inconsistent interests, and many political forces.  Some days you win.  Some days you lose. . . . Do not throw a hissy fit when you lose!  If you burn down the house when you don’t get what you want, you make it all the harder for tomorrow’s game.  Politics is rough stuff . . . Good advocacy doesn’t mean burning down the house.”
	2. *Cultivate relationships.* “[Y]ou have to carefully cultivate your relationships among staff as well as among political appointees. Staff is there for the long term.”
	3. *Develop a trustworthy reputation for expertise.* “Be prepared . . . You waste your time and hurt your credibility if you start trying to advocate on a policy matter before you are really prepared.

**SECTION II. ADVOCACY WITHIN A BIGGER PICTURE: RESOURCES, BRANCHES, AND POLITICAL REALITIES**

1. **Know the prevailing political winds which affect policy-making.**
	1. *Climate matters.* “[T]he right political climate [is] an overlay --- ie, it was not a good experience being a CLEC or indie ISP in the reign of Bush/powell/martin.”
	2. “Even little guys have ways to affect the process that don't really have a lot to do with "the merits" as normally understood, and can sometimes use those ways to prevail over larger opponents.  As examples I'd throw out the defeat of the ‘modem tax’ in 1987-88 and the defeat of Tauzin-Dingell in 2001-02. The relevance of politics means that a practitioner has to have a pragmatic understanding of what is actually going on politically, untainted by their own political views/preferences.”
2. **Strategize across relevant decision-makers and branches of government, whether legislative, judicial or regulatory, federal or state.**
	1. *Consider the courts:* “[T]ake them to court regularly, you have to hit it once...”
3. **Focus upon relationships, empathy, and understanding the incentives of decision-makers and public policy makers.**
	1. *Find a “Champion.”* Among potential decision-makers and policy-makers, “find a 'champion' [in government] who cares about the project.” But . . . “expect your champion to not care about you if something else comes up, or a large donor whispers in their ear.”
	2. *Know the personal aspects.* “[K]now something about the PERSONS involved -- the key legislators, key regulators, key lobbyists, key industry executives, key interest group leaders, and key staff to all of those. It need not be a ‘full FBI clearance’ level of knowledge, but sometimes knowing a favorite activity or pet peeve of a key person can really help.  You should have some inkling of the other person's view of the world in question, and a bit of personal knowledge about the person can help with that.”
	3. *Know the pressure points.* “Since most (if not all) of the decision-makers are politicians, framing your arguments in political terms will make them notice.  Watch their body language and facial expressions.  If you ask ‘Do you want to be the one to explain to your constituents why you voted to raise rates?’ you'll get a much different reaction then if you concentrated on cost structures, declining costs and Pareto optimal effects.  Along this line, pick up the phone and call reporters, offer to brief them, to forward them filings you've made and to just generally keep them in the loop.  They will appreciate that.”
4. **Think ahead to unanticipated advantages, second order effects and unintended consequences.**
	1. “[I]dentify policy changes that are good for you before there is a vested interest on the other side.  Once policies are in place and institutions have developed and adapted to those policies, it is a lot harder to get changes. An example or two.”
		1. *CD History:* “IIRC, about the time CDs entered the market, the music industry got changes to the copyright statute that essentially outlawed CD rentals.  (Title 17, United States Code, Sections 501 and 506) They pushed for this change before there was any significant CD rental industry. This statutory change did not save the industry, but it probably postponed for 5 or 10 years, the widespread copying and sharing of recorded music.”
		2. *DTV:* “Consider digital television in the U.S. and three interest groups, broadcasters, set manufacturers, and the public interest community.  As best I can tell, the set manufacturers got a great deal, the broadcasters probably lost more than they gained (They got to buy a lot of new equipment and operate it in parallel with their old equipment for most of a decade. They still have only one must-carry channel on cable and satellite.)  The public interest community was absent during the key technical and political arguments the defined the current structure of over-the-air broadcasting. (There is a slight exception to this general statement.  Richard Solomon and others at MIT made some filings on modulation technologies.)”
	2. *Try to dissuade your client or boss from ill-advised or myopic positions.*
		1. “The ILEC industry pushed for reciprocal compensation from CLECs at
		relatively high rates-and won.  Then they were surprised and dismayed when CLECs appeared that were net traffic sinks.”
		2. “The motion picture industry fought against the VCR-taking the fight all the way to the Supreme Court.  Within a few years after they lost at the Supreme Court, industry revenues from prerecorded movies on tape exceeded box office revenues.”
	3. “Always leave your opponent an "out."  If your position essentially
	destroys them (or a key element of their activities), and there is any
	chance of you succeeding (see #3 above...) they will fight you to the
	death.”
5. **Be aware of how much money you have, how long you can engage the process before running out of resources, and the intensity with which you can participate.**
	1. *Be realistic.* “[L]et me be very specific -- around 1997-200X, after we realized the Telecom Act wasn't a fix,  a group of us worked to have the networks actually opened to competition, which they weren't in many areas, especially for ISPs,  --- and remain open. And, as everyone on the list knows, the ISPs, CLEC were clobbered, regardless of the 'lobbying, the meetings, the 'close allies', etc. There were some dents, like when we filed the Reg flex challenge as part of the Triennial, the FCC actually had to dedicate 10 pages to explain why we were totally wrong and they were right--- or, sue them. -- No lawyer wanted to take the case that we could find -- without raising $100K. But, like a bad steamroller, the FCC, with the telcos, were able to erase entire sections of the Telecom Act. Some of the lawyers on this list were part of the fight, but, we didn't have the resources to lobby, the 'rocket' docket and other FCC-related 'helps' were embarrassing...”
	2. *No need to be fatalistic.* “[If it were all about money], why would I win against forces that outspend me and my allies so thoroughly? Money is a piece of it. As in professional sports, it buys you the best players and the best equipment and conveys an enormous advantage. And it is certainly the way to bet over time. But it doesn't predetermine outcomes, and many wealthy parties spend their money foolishly.”
6. **Understand how the public profile of an issue – high or low – affects policymaking and strategy.**
	1. *The profile spectrum.* “[A]t one end [of a profile scale] is the clash of the titans where large firms have lots at stake, and perhaps where other stakeholders are actively engaged.  And perhaps on this end of the scale may be the issues that fit on a USA Today headline. At the other end of the scale is the mundane.  Under the radar proceedings that deal with small issues, are not in the headlines, and are not on the radar screen of large stakeholders.  This may be where a tower is sighted.  It may be spam rules for cell phones.  Something that may have a significant impact on the day to day operations of a small stakeholder. If you enter the pond where you are arguing against MEGACO or STAKEHOLDERCO or WHATVERBIG THING, yes, surprise, your opponent is big.  If you enter the pond where, frankly there are just a few small fish, and your arguments are not even necessarily oppositional, you will have a different experience. I am not arguing that you should aim for the small ponds.  I am arguing - listen to what everyone has said - and realize that your experience may vary - and it will depend on who the other fish are in the pond, how deep the pond is, and whether you are fly fishing or using a bobber.”
	2. *Where a high profile issue creates high profile splits, small players can find opportunities.* " [There is an old saw that goes, ‘W]hen the armed services fall out, the Congress can find out,’ meaning that when big fish are disagreeing with each other, small fish can play pivotal roles -- not only in tipping to one side or another, but perhaps in pushing to a third possibility.”
7. **Use the press, blogosphere, and academic experts to assist the message.**
	1. *Think broadly about communications channels.* “Take advantage of all means of communications:  File comments, comment on official blogs and social media, write blogs, issue press releases, have FAQs up on your website, communicate with your members of congress, call people, write an editorial, do a presentation at a conference, present a paper at TPRC.”
	2. *Use the press.* “Get press --- this is also hit and miss . . . be ready to be attacked if
	you start getting press; the more you get, the more they will attack you…”
	3. *Co-opt the experts.*
8. **Find and cultivate allies; but read Machiavelli.**
	1. *Trust and mistrust others.* “[A]llign with others who care about it is great until you actually want your allies to actually do something you believe in that is not a direct hit to their own agenda... Machiavelli should be read.”
	2. *Look for alignment of interests.* “It also helps to cultivate wealthier allies on specific issues. That's as much about interests as it is relationships.”

**SECTION III. SKILLFUL NAVIGATION OF THE FCC’s INSTITUTIONAL PROCESSES AND STRUCTURES**

1. **The FCC is not a monolith.**
	1. *Know the roles, incentives, and functions of different individuals inside the agency; anticipate how individuals analyze and use information on the issue at hand.*
		1. “Write a one page executive summary.  Staff is going to summarize your comments; you might as well do the work for them.”
		2. “Meet with both the decision makers and the civil servants.  The decision makers have the authority and ultimately set the policy.  The civil servants do all the grunt work and need to be educated and provided information in order to draft their work.”
		3. “10,000 comments filed saying exactly the same thing is probably not too useful.   One comment filed representing a wide consensus of representation, with a well made argument, is probably more useful.”
		4. “Leave a very short summary of your argument with the government official when you visit.  Give them something to use to remember the argument and something they can use inside the agency.”
		5. “If it’s a USA Today headline topic, it’s probably highly politicized and politically charged (there will be political agendas).  If it is a really under the radar issue, staff may have a lot of influence over outcome and hard evidence and facts can be tremendously useful.”
2. **The “process is the outcome.” Know the process and consider how it affects your desired outcome.**
	1. *Know the organizational chart and agenda setting roles of individuals within the FCC.*
		1. "The chairman gets what the chairman wants as long as he finds two other votes. The rest is detail."
		2. “The Chairman controls all of the staff resources, except for the [personal staffers assigned to each] Commissioner. The Chairman controls the agenda; thus, if he does not have the votes for an issue, it never comes up at all.”
		3. “There are occasional exceptions. Occasionally, an issue has to be decided by some specific date, otherwise a default comes into force due to some statutory or court-imposed time limit.”
			1. “The Bright House retention marketing case was an interesting example of this.  The Chairman controls the Bureaus, including Enforcement, and the Chairman favored the defendant in that case (Verizon).  So the initial Bureau order went against us.  But then on appeal it turned out that the vote was 4-1 against the Chairman. As I understand it there are some special internal procedures for handling matters that have to go out where the Chairman necessarily can't control the process.”
	2. *Understand an issue’s status as a matter of procedural posture.* “Know where you/the agency/the decision makers are in the process, and what the process looks like ahead and advocate accordingly.  If an agency is just beginning a rulemaking process, for example, staff will be very open to big picture thinking.  If the agency is in the final throws of trying to finalize a rule - staff will be frustrated by people who want to just talk big picture ideas, but may be open to brilliant or even workman-like fixes to small but important drafting problems . . . If you are not sure where you/the agency/the decision makers are in the process, ask.  People are usually more than willing to walk you through the process.”
	3. *Be early but be ready.* “Get in on the process at the early stages if you can.  Policy development is an evolving process, the earlier you can get in on the process, the more you can help shape the thinking, the interim product and the end product (if there is ever truly an end product). . . . [G]getting involved early is good, but don't go into an agency (or whatever the forum is) to meet with staff/decision makers before you are prepared. In the early stage of policy development no one has all the answers - but you have to identify key issues and know where you stand.  I can think of a group that once came into advocate on a matter I was working on that truly was not prepared - their only goal was to be the first group in the door.  They did nothing to help their position (the contours of which they were uncertain about anyway) and although they came back later with a more coherent position, they had not done anything to establish themselves as go-to people on the issue.”
	4. Read Bruce Owens and Ronald Braeutigam's *The Regulation Game: Strategic Use of the Administrative Process* (by George C. Eads  C 1979 The RAND Corporation).
3. **Relationships are paramount.**
	1. *See Section II,*  “Relationships, empathy, and understanding the incentives of decision-makers,” *supra.* “[Y]ou have to carefully cultivate your relationships among staff as well as among political appointees. [Regulatory] staff is there for the long term.”
	2. *Meetings preferred to comments alone.* “Meet with the gov’t reps in person; don’t just file comments.  Generally, civil servants are very approachable and it is easy to get appointments with them and meet with them.  Many are eager to meet with those who are directly impacted by regulatory policy decisions.”
	3. *Be mindful of follow up which results in substantive progress and relationship building.* “[M]eetings can have strategic value, especially for a one-off decision. But to have lasting impact, there needs to be follow up. The trick is figuring out how to get the most value out of what you have.”
	4. *Use the revolving door to your advantage.* “[H]ire lots of lobbyists who left the agency you wish to have favors -- preferably a former commissioner.”
	5. *Geography matters.* “[M]ove to DC.”
	6. *Humility.* “Don't get lost in the policy, politics, and high and mighty of complicated government stuff.  Have humility or it will be served up to you. Early in my career I found regulatory practice to be heady stuff.  The money, cases, and government involvement are big and cool.  You may work for an agency and come out of it with a big title and think you're on top of the world.  You may well be.  Remember you either serve a business or a corporation.  You serve people. Losing the basics within the realm of big money, big government or big deals is dangerous.”
4. **Understand the expertise and resource limitations of the expert agency.**
	1. *Ask for direction..* “Even if you think you know where the agency/decision makers are headed ask them - both about process and substance.  You can learn a lot by asking.”
	2. *Support your argument with evidence and data.* The agency has few research resources and, additionally, requires a record for decision-making.”
	3. *Be helpful.* “Volunteer ideas and people.  If you think that staff should talk to other people or think about related issues, say so.”
	4. *Cover the bases.* “[E]xplain the basics – don’t assume the government officials have any knowledge of what you are talking about.  Institutional knowledge in government offices (all government offices) can be very shallow.

**SECTION IV. THE PERSUASIVE REQUEST: EFFECTIVE COMMUNICATION AND MESSAGING**

1. **Make a specific request concerning what you want the policy-maker to do.**
	1. *Be specific.* “Pray for relief ("pray" is a legal term meaning "ask what it is you want the officials to do").  As a judicial clerk I was always amazed by the 20 page well written briefs that were totally well written, where the lawyers forgot to ask the judge to DO ANYTHING!  This happened multiple times.  What exactly is it you want the government official to do.”
2. **Carefully consider the frame of reference which enables you to win.**
	1. *Use the elephant.* “Any regulatory question that is remotely complicated has many aspects -- market, technical, consumer, legal -- and can be presented in different ways.  Use the parable of the wise men and the elephant to your advantage: Is your case served by presenting elephant-as-rope, elephant-as-wall, elephant-as-tree, or elephant-as-snake?  The thought experiment I perform at the beginning of an engagement is typically something like, ‘What has to be true about the world in order for a win for my client to be the right thing to do?’ Then I work to assemble elephant-fragments to make the case that the world is, in fact, that way.”
	2. “Imagine the solution you wish to create, then work from there.”
3. **Frame arguments in terms of the goals and objectives of the “system as a whole.”**
	1. “Regulators are rarely interested in what is good or bad for your client.  They are - supposed to be - interested in what is good or bad for the system as a whole.  This may sound obvious, but I've seen this mistake made a lot with complaints.”
4. **In an attention deficit age, be ready to version your message, but especially know your “short version.”**
	1. *The short of it.*  “The short version of the story is perhaps the most important.  At one or several points of the case, the head of the regulatory authority will have to stand up in front of the press and explain what is being done and why.- You need to provide a set of coherent stories for your case- legal, economic, engineering, political and media - comprehensible and convincing at any length of exposition, from a 140 character Tweet to a several hundred page regulatory decision.”
	2. “[I]f you positively make your case and how what you are asking makes sense for national goals and policy agendas, you can be persuasive.  This is along the lines of getting to yes, and creating win-win situations.  If you enter the room confrontational and call everyone [dumb], this falls under "how to make friends and influence people" - not very effective. My favorite along these lines was a 1998 ISPCON where I brought loads of agency staff up to Baltimore to the conference.  Someone in the audience stood up and started screaming at the agency staff - "you never come to industry conferences...."    Uhhhhhhhhh.  Not very effective.”
5. **Be mindful that policymaking is a social construct.**
	1. “Never forget that the entire regulatory process is a social phenomenon, invented, implemented, and changed by people.  It is not abstract.  It occurs in the real world, in the flesh.  If some result seems basically sensible in human terms it is probably basically sensible.  If some result just stinks in human terms, it probably stinks. Because regulators are people, they will perceive these things too, and that matters.  Trust your gut.”
	2. “Have courage to actually create new things . . . [New] lawyers may feel bound by the law.  . . . Communications practice, in particular, touches nearly every aspect of society.” Regulatory practice is often not “rule driven.” This “can be a let-down for students coming out of law school who, having learned about rules, how they are made, and how to do things with rules, think they finally get it.  For the more creative, it is salvation. The sooner they allow for the fact that cases can be lost on policy even where the rules are in their favor, the sooner that deeper realizations, deeper thinking, deeper creativity, and better lawyering can emerge.  From that, hopefully comes the empowering realization that they can use the inherent complexities and flexibility of the regulatory system to create better solutions.”
6. **Consider an incremental approach which leads to a larger ambition.**
	1. *Be appropriately modest in substantive reach:* “If you want to accomplish and it's big, unless you have a) money b) allies, c) champions, d) press, getting change requires to keep doing it until someone does something that you actually asked them to do...”
	2. *Irrespective of substantive reach, be modest in rhetoric*: “Avoid any implication that your request is radical, novel, surprising or any similar adjective.  (Rewatching episodes of the BBC's Yes Prime Minister is useful here.  "That's a very courageous decision, Prime Minister." "Oh my god! Is it?")  You want to demonstrate that your request (1) lacks any hint of radicalism or novelty, (2) is wholly consistent with what has gone before, (3) is therefore permitted by the powers of the regulator, and (4) ideally is not just permitted but positively required if the regulator is to act consistently with its allotted powers.”
7. **Use visuals in a visual age.**
	1. “Draw [regulators] pictures.  Literally, I've found that diagramming the central
	office/distribution/feeder portions of the PTSN to be quite powerful in explaining why telecom is ‘different.’ . . . Snapping photos of old and deteriorating infrastructure and having a knowledgeable field engineer explain what the decision maker is looking at is very powerful.  When we look around and notice, we realize that we are surrounded by infrastructure and that most of it has sunk into the background.  Explaining things that are in plain sight can help people see things in a fresh manner.”

**SECTION V. HOW TO LEARN THE CRAFT OF TECHNOLOGY POLICY ADVOCACY**

1. **Get exposure to an expert who has mastered the craft.**
	1. *Watch an expert.* Some experts are terrific at their craft, but limited in their self-reflection and ability to communicate what makes them great. "‘Watch in action’ someone who is excellent at it.”
	2. *Write down what experts say.* The craft of technology policy advocacy remains a place where apprenticeship and mentorship can be critical. “Follow Chris Savage around, and write down everything he says.” (Curator’s prerogative: Dale Hatfield comes to mind as fitting this category, too.)
2. Attend a Law School which offers a technology policy clinic with a regulatory practice emphasis.
	1. Colorado Law School, Samuelson-Glushko Technology Law & Policy Clinic (<http://www.colorado.edu/law/clinics/tech/>)
	2. Berkeley Law, Samuelson Law, Technology & Public Policy Clinic (<http://www.law.berkeley.edu/4391.htm>)
	3. Washington College of Law (American University), Glushko-Samuelson Intellectual Property Law Clinic (<http://www.wcl.american.edu/ipclinic/>)
	4. USC Law, Intellectual Property and Technology Law Clinic (<http://lawweb.usc.edu/why/academics/clinics/iptl/>)
	5. University of Washington, Technology Law & Public Policy Clinic (<http://www.law.washington.edu/Clinics/Technology/>)
	6. Stanford Law School, Cyberlaw Clinic (<http://www.law.stanford.edu/program/clinics/cyberlaw/>)
3. **Utilize available books and written resources**
	1. Bruce Owens and Ronald Braeutigam's *The Regulation Game: Strategic Use of the Administrative Process* (by George C. Eads  C 1979 The RAND Corporation).   Owens and Brautigam's book is a bare knuckled assessment of their impressions re how technology advocacy works.  Observations such as "the process is the outcome" remain timely today.  They draw largely on case studies -- some near forgotten -- from the 60s & 70s.  The authors' grand swing at explaining why a democracy accepts the inefficiencies attendant to the regulatory process is also of interest.
	2. *Cybertel on advocacy and process:* FCC 101
	<http://www.cybertelecom.org/notes/fcc.htm>
	3. *Non-telecom regulatory advocacy resources – e.g., environmental, securities, etc.* “[T]here's lots of materials about 'organizing' or 'lobbying' or other general areas that should also be explored.”
4. **Consider lateral insights and strategies from unexpected sources.**
	1. Consider a “slow, careful reading of Sun Tzu's "Art of War."  Among
	the things this ancient text advises are:
		1. “ You need to fully understand the features of the "field of battle,"
		opponents' strengths and weaknesses, and YOUR OWN strengths and
		weaknesses, before you make your first move into the conflict.
		2. “Rulers and commanders may have large and legitimate objectives for
		the organization, but typically don't have a clue in the world about
		what actually works in the field.  If you permit them to dictate or
		organize your efforts, you are doomed.
		3. “If your clear-eyed assessment of the situation is that you have no
		chance of winning, don't waste your time and resources trying. (Note:
		This does not by any means rule out feints, etc. If my objective is to
		ensure that people are aware of a problem, I may passionately argue for
		a solution to it that I know will never be implemented, simply to change
		the way people think about the issue over the long term.  Obviously, it
		is an error to assume that an opponent's ACTUAL goals are the same as
		their STATED goals.)
		4. “Always leave your opponent an "out."  If your position essentially
		destroys them (or a key element of their activities), and there is any
		chance of you succeeding (see #3 above...) they will fight you to the
		death.”
5. **Learn to manage a process.**
	1. “Good regulatory lawyers are good managers.
	Because regulatory practice is so intertwined with things so close to the
	daily operations and bottom line of most businesses, and, for agency
	attorneys, because the details matter to policy and politics, managing
	expectations, information flows, and personalities is a critical skill.”
6. **Consider what your role will be: is your advocacy client-driven or determined by a public good/ public interest posture?**
	1. “For the nubie lawyer . . . the first choice is whether they believe in something and want take it on, or get a job and be the advocate for their client . . . is the lawyer doing it for a client or doing it because they believe in it.”
	2. Client-based advocacy through larger firm may offer: adequate resources; good training; but less (or little) control over issues and message
	3. An ideal public interest role provides an “institutional framework that allows an advocate the discretion necessary to identify issues and develop a resolution in the consumer and public interest, as well as resources necessary to create the factual predicate to support decisions."