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Deaf since birth, Gregory Hlibok takes on a key legal post at the FCC.

Jenna Greene
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When Gregory Hlibok was 9 years old, he wanted to be a lawyer — until adults told him to consider another field, since it was "not possible" for him to litigate in a courtroom as a deaf person.

Profoundly deaf since birth, Hlibok at first dutifully studied engineering, but never gave up on his dream. Now one of an estimated 170 deaf lawyers in the United States (out of a population of 36 million people with impaired hearing), Hlibok, 43, is the new head of the Federal Communications Commission's Disability Rights Office.

The first-ever chief of the office to have a disability, Hlibok is charged with helping implement a groundbreaking law that ensures new broadband and communications technologies are accessible to people who are blind or deaf.

It's a task that requires delicate balancing. The law, the 21st Century Communications and Video Accessibility Act, triggered concern from trade groups such as the Consumer Electronics Association and CTIA-The Wireless Association, which want to make sure new rules won't stifle innovation.

It's not the first time Hlibok has assumed a leadership position at a critical juncture. As student body president of Gallaudet University in 1988, he became a leader of the Deaf President Now protest. Students erected barricades and shut the university down for a week after the board of trustees ignored calls for a deaf president, allegedly stating, "Deaf people are not ready to function in a hearing world."

The protest, said Hlibok in an interview conducted with *The National Law Journal* via e-mail, "has proven to be the milestone of the deaf history and my life." As a spokesman for the movement, he appeared on *Nightline* and *Good Morning America* ("an exhilarating experience," he said). The protest led to the selection of Gallaudet's first deaf president, and it also fueled momentum for passage of the Americans With Disabilities Act (ADA) in 1990.

In 1989, Hlibok testified before Congress about the proposed law. "Now it is time to remove communication barriers and provide reasonable accommodation," the then-22-year-old Hlibok said via American Sign Language during a joint hearing of the House and Senate. "We can help ourselves if things are accessible for us."

A RENEWED DESIRE

Looking back, he said, "ADA and I grew together. And now ensuring compliance [with] this legislation, Title IV of the ADA, is one of my primary duties."

The experience also renewed his desire to go to law school. "I figured that being a lawyer would broaden horizons as an advocate and leader," he said. He chose Hofstra University School of Law, where he was the first deaf law student, according to the school.

It was also the first time — aside from a three-month stint in public school in first grade — that Hlibok attended a mainstream school. "It was an awakening experience," he said. "As a very independent person, it was difficult for me to have to deal with an interpreter when it came to interacting with professors and students. I began to participate in class more during my 2nd and 3rd year, where the size of class was smaller."

In recent years, he noted, the number of deaf law students has risen. Students now often use new technology known as Communication Access Realtime Translation (CART) instead of a sign language interpreter "because you would be able to rely on a CART transcript [for notes] rather than finding a student volunteer with a legible penmanship as a note taker."

After earning his law degree, Hlibok worked for two years in private practice on Long Island with Ralph Reiser, who is also deaf, assisting deaf clients with legal issues ranging from estate planning to discrimination. He then joined his brother Stephen at Merrill Lynch as an estate planner and financial adviser.

In 2001, Hlibok moved to the FCC, drawn by a desire to "empower people with disabilities in communications access."

"It is communication access that provides a bridge between us and the world where the majority of communication is based on hearing," he said. "The concept of communication should not only be audio, but three components — audio, visual and tactical."

The 14-person Disability Rights Office is charged with addressing disability-related telecommunications matters, including telecommunications relay service, access to telecommunications equipment and services by persons with disabilities, access to emergency information and closed captioning.

Hlibok said he communicates with co-workers most often via e-mail, but also turns to a sign language interpreter who works in the office for translation during prearranged meetings. When there are impromptu meetings, he communicates by writing notes or verbally.

'EXTENSIVE KNOWLEDGE'

When FCC Chairman Julius Genachowski announced Hlibok's promotion to chief in November, he praised his "extensive knowledge in the field of telecommunications access" and noted that the appointment came "at a crucial time, as the FCC ramps up to implement the most significant disability law in two decades."

The 21st Century Communications and Video Accessibility Act became law in October. The goal: to "make it easier for people who are deaf, blind or live with a visual impairment to do what many of us take for granted — from navigating a TV or DVD menu to sending an e-mail on a smart phone," said President Barack Obama when he signed the bill in the East Room. "It sets new standards so that Americans with disabilities can take advantage of the technology our economy depends on."

The first section of the law expands Section 255 of the Communications Act (which requires covered products or services to be accessible to the extent "readily achievable") to include technology such as Voice over Internet Protocol (VoIP) and electronic messaging.

Internet browsers on smart phones or mobile devices must be made accessible for people who are blind, and smart phones must be compatible with hearing aids. The law also updates the definition of relay services and requires all VoIP providers to contribute to the fund that supports these services.

Further, the FCC is given the authority to make sure people with disabilities are able to use the next generation of 911 emergency services.

The second section of the law deals with programming on television and the Internet. The top four broadcast and top five cable networks will be required to provide 50 hours of programming per week with video description — narration for blind people describing visual elements during audio gaps.

For deaf viewers, programs shown on television with closed captioning must include captions when reshown on the Internet. And emergency information typically displayed as a silent crawl on the bottom of a television screen must be made accessible to blind people. The requirements will be phased in during the next two years.

Wireless trade group CTIA spent two years negotiating with disability advocates to hammer out the legislation, and K. Dane Snowden, vice president of external and state affairs, said the group is "very pleased" with the final results.

UNIQUE PERSPECTIVE

As the FCC writes the regulations, he said a top priority remains "making sure the rules are implemented to allow flexibility" without rigidly prescribed technical specifications. "We don't want everyone to have to build the widget in the same way," he said.

Snowden was chief of the FCC's Consumer & Governmental Affairs Bureau, which oversees the Disability Rights Office, when Hlibok was first hired and looks forward to working with him now. "Greg is a very, very thoughtful lawyer who comes at this from a unique, human perspective," Snowden said.

As for Hlibok, he's sensitive to the "constant evolving nature of advanced communications services," he said. "Also, we are seeing more communication products being used for [an] 'all-in-one' purpose, and the primary use of new products depends on the individual's needs."

Claudia Gordon, a deaf lawyer who is currently special assistant to the director of the U.S. Department of Labor's Office of Federal Contract Compliance Programs, called communications accessibility the "top issue" for the deaf community today. Gordon serves on the board of directors of the Lexington School for the Deaf with Hlibok, whom she described via an interpreter as "a natural-born leader, very well respected by his peers."

Having Hlibok front and center as the FCC tackles implementation of the law, she said, "instills a sense of confidence in the community that our voice will be heard." She added, "He's the perfect person for the job."

Jenna Greene can be contacted at jgreene@alm.com.