

MM&C's Cathy Borten Featured in AGL Media Profile

Posted At : December 22, 2020 11:32 AM | Posted By : Nancy C

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Miller, Miller & Canby's Cathy Borten was profiled in an *AGL Media Group* article titled, "For Cathy Borten, it's a Wonderful Life in the Wireless Industry."

The article ran in the publication's December 22nd issue and is reprinted in its entirety below:

For Cathy Borten, it's a Wonderful Life in the Wireless Industry

BY J. SHARPE SMITH, SENIOR EDITOR

Cathy Borten comes from a family with a deep connection to the law profession. That background led to a career – indeed, a life – devoted to performing the legal work that has made many, many wireless systems possible.

Her father, who passed away in 2014, was a lawyer and graduate from Washington and Lee University Law School, as are her uncle and nephew. From an incredibly early age, six to be exact, she began talking about the profession with her father, Leonard “Curly” Greenebaum, who was a managing partner in the high-profile practice of Sachs, Greenebaum & Tayler in Washington, D.C.

“I admired him more than I could ever say,” Borten said. “I was fascinated by his job. And I spent all of high school and all of my college years laser-focused on becoming a lawyer.” Because of her family connections, she grew up knowing a judge who would become her mentor. A life in law seem preordained.

After graduating from college, she took a seven-year detour as a media buyer and marketing director, but at the urging of the Judge Paul H. Weinstein, who was a family friend, she followed the family tradition and entered Washington and Lee University. Upon graduation, she clerked for Judge Weinstein in the Circuit Court for Montgomery County, Maryland.

In 1996, although she was offered a job in a high-powered D.C. law firm, Borten opted not to follow her father’s path. She instead joined smaller firm with four partners and two associates – Abrams, West, Storm & Diamond (AWSD). She was in her 30s and wanted to raise a family.

“I had just seen too many women wind up in this situation where they were really torn between working for these big law firms and taking care of their families, and they couldn’t meet anybody’s expectations,” Borten said.

That firm’s diverse client base, which included developers, Bell Atlantic Mobile Systems (BAMS) and the City of Gaithersburg, Maryland, would begin a career-long education for Borten as she became immersed in multiple points of view in the zoning and permitting of wireless structures.

“One day, one of the partners, M. Gregg (MG) Diamond, asked me to help with a BAMS appeal, which led to me working with him consistently on all of the wireless work that we had,” she said. “It started out just like a lease here and there, or a special exception for zoning here and there. And it wound up really becoming an ongoing, very volume-intense matter.”

The next big change for Borten came when the City of Gaithersburg, which was growing at a fast clip, decided to bring its city attorney in house. She left the firm and became city attorney where 90 percent of her work entailed land use zoning and planning.

“I maintained, just by extension, my connection with the wireless world, as tower companies and wireless carriers would come in with applications for sites,” she said.

Borten’s former colleague, Diamond, left AWSO to start his own firm, the Law Office of M. Gregg Diamond, in Bethesda. After her stint with the city, Borten rejoined Diamond at his new firm.

“So, most people will tell you a lawyer alone is not a great scenario, because you need to be able to bounce things off of other attorneys,” Borten said. “MG was always that person for me. I just had so much respect for him, and he was just such a great mentor.”

She worked at the two-person law firm from home from 2007 to 2018, and during that time she and her husband raised two children who are now in college. She performed the leasing and zoning and land use work for a major carrier and related work with a tower company in the area, which included macro and rooftop sites and indoor DAS, as well as the early stages of outdoor DAS. Her work included hospitals, hotels and federal secure office buildings, even the National Institute of Allergy and Infectious Diseases (home of Dr. Fauci!).

“When I started out, in-building wireless was a small market,” Borten said. “It forced me to learn about so many different indoor environments. Indoor wireless ended up being a value-added proposition for the landlord and a tremendous piece of business for us.”

Borten performed the legal work for the DAS that is deployed in the Baltimore/Washington International Thurgood Marshall Airport, which was the gift that just kept on giving.

“The airport is just a piece of the airport authority, and all these different levels that must give approval for changes,” she said. “It was a third party putting in the system, so we had to make sure that what they were doing was going to work for our client, which was a carrier. We worked on this lease for years, because it was always being amended to add new phases.”

In 2018, as her youngest went off to college, Borten was ready for a change. She reached out to an attorney she knew from her days as city attorney, Jody Kline, about an open position at Miller Miller & Canby. She is now in the firm’s real estate practice group and has found leasing experience in wireless to be helpful on the real estate

side. But she keeps her hand in wireless, working with site acquisition companies and carriers, and she is now licensed to practice in Virginia.

The Importance of Connections

Borten acknowledges the importance of her longtime relationships with many people in the legal, land use and wireless worlds during her career.

“I think the relationship side is beyond critical,” she said. “My relationships have always helped me get to the next level in my legal career. Who knew when I left the law firm to become the city attorney that I would go back and work with MG again for 11 years?” she said.

Timing has also been essential to her success. When she started working with Abrams, West, Storm & Diamond, wireless was still in its second generation, and very few women were in land use and zoning. In fact, there were not that many women working in telecom in general. She got in on wireless early. She eventually would help develop the ordinances that would accommodate outdoor small cells.

In 2014, when Borten was at The Law Offices of M. Gregg Diamond, Montgomery County was rewriting its whole zoning ordinance. The telecom ordinances were so outdated and cumbersome that they lagged behind the pace of wireless technology.

“We wanted the opportunity to update them. Any time the size of the antennas changed, there had to be a new amendment. I had the opportunity to help draft the original small cell provisions of the zoning ordinance,” she said.

Borten couldn't have foreseen her life in wireless when she chose a small Maryland law firm instead of a large Washington, D.C., firm, but she has had an impact on wireless as it moved from 2G to 5G. She has spent her career zoning and permitting macrotowers, facilitating indoor DAS networks and working to keep ordinances from impeding the progress of wireless technology. Along the way, she has earned the respect of many long-term colleagues. She has had, it seems, a wonderful life in wireless.

[Click here](#) to view the online edition.

Cathy Borten is an associate in Miller, Miller & Canby's Real Estate practice group, where she focuses her practice in commercial real estate transactions and leasing, real estate litigation, and commercial financings and settlements. She also focuses in telecommunications law, handling matters for a diverse client base that includes developers, wireless telecommunications firms and municipalities. To learn more [contact Cathy via email](#).