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TOP 100 LAWYERS IN CALIFORNIA

EDITORS' NOTE

From the mortgage crisis to the Gulf oil spill to virtually every major intellectual property dispute, California lawyers are playing leading roles. But they don't just clean up big messes. They secure funding and regulatory approval for cutting-edge developments in water, energy, technology and biotechnology that are the promise of the future.

We aim for this list to be a kaleidoscope of the California legal scene. There are divorce attorneys and public finance lawyers, prosecutors and criminal defenders and much, much more.

We reviewed hundreds of nominations from members of the legal community and from our own editors and reporters to compile this list. It is never an easy task — the list isn't long enough — but it is fun. Read on. We know you'll enjoy learning about these people as much as we did.

— The Editors

PHILIP RECHT

Aturf war between the California Association of Nurse Anesthetists and the California Society of Anesthesiologists has dominated much of Recht's practice over the years.

Last year, the dispute heated up when the society filed suit, challenging Gov. Schwarzenegger's decision to opt out of a federal Medicare rule requiring registered nurse anesthetists to administer anesthesia only under the supervision of an anesthesiologist. *California Society of Anesthesiologists v. Schwarzenegger*, CPF-10-510191, (San Francisco Super. Ct., filed Dec. 27, 2010).

Recht's longtime client, CANA, intervened and, along with the governor, successfully moved for summary judgment. They argued that it had long been accepted practice and the law in California for certified registered nurses to administer anesthesia without physician subversion.

"It's an issue not just in California but around the country," Recht said. "Nurse anesthetist is a specialty form, and they get the same training in anesthesia as the physicians."

For Recht, it's been a long haul.

"Since 1984, I been involved in fighting this, and we always said it would come to a head," he said. "It finally did and we won."

The case is on appeal.

The implications for health-care providers is significant, Recht said, raising issues about how to properly staff hospitals and surgical centers.

"It's a big marketplace issue," Recht said. "In rural California, in particular, the vast number of anesthetists are nurses. If supervision is required, the ability to provide anesthetist services at these hospitals will be dramatically impacted."

Many surgeons will balk at being asked to supervise the anesthetists, Recht said, because they might not be trained in the procedure.

Having to import high-priced anesthesiologists to fill the gap is not an option for many facilities, he said.

"This would have a dramatic and negative effect on accessibil-



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ity and affordability of anesthetist services for obstetrics, surgical and emergency services."

Recht also is lead counsel for Emerson Process Management, the incumbent provider of control systems at the city of Los Angeles wastewater plants in a bid protest. Emerson is challenging the award of a \$100 million contract to Honeywell to update the control systems at the city's four wastewater treatment plants.

According to Recht, the contract is one of the largest ever issued by the city's public works department.

— Pat Broderick