

Rising Star: Mayer Brown's Michael Rayfield

By Kaitlyn Burton

Law360 (October 2, 2019, 9:23 AM EDT) -- Mayer Brown LLP's Michael Rayfield has amassed victories for Facebook and other companies over a career that has also been marked by his dedication to pro bono work, earning him a spot among the cybersecurity and privacy attorneys under 40 honored by Law360 as Rising Stars.

THE BIGGEST CASE OF HIS CAREER:

In a case that grabbed headlines, Rayfield landed a win for hip hop talent agent James Rosemond, who was convicted of murder for hire. Rosemond is the former head of Czar Entertainment, which has represented artists like The Game, Gucci Mane and Akon.

Rayfield said that he argued Rosemond's appeal in the Second Circuit, which reversed his conviction in November 2016. The appeals court ruled that the conviction was obtained in violation of Rosemond's Sixth Amendment rights.

Rayfield said that trying to present a complicated legal argument to the court in understandable terms was the biggest challenge in that case.

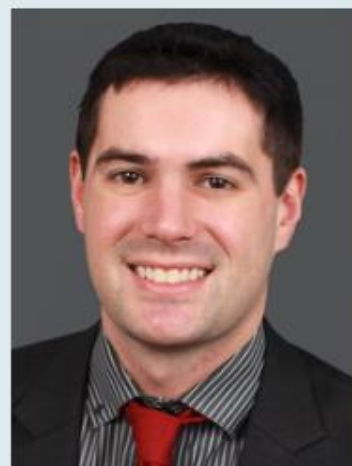
"There were a lot of different areas of case law that converged on one another and the trick was to present it to the court in a way that would make the case appear as straightforward and persuasive as possible," he said.

He also noted that Rosemond was tried again and convicted, and that Rayfield is now representing him on appeal. Rosemond was sentenced in November 2018 to life plus 30 years in prison.

HIS PRO BONO WORK:

Rayfield said that he tries to take on as many pro bono cases as he can where an individual's life or liberty is at stake,

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STAR



Michael Rayfield
Mayer Brown

Age: 35
Home base: Manhattan
Position: Partner
Law school: University of Chicago Law School
First job after law school: Clerk for Ninth Circuit Judge Jay S. Bybee

particularly in criminal and immigration appeals. Since joining Mayer Brown in March 2013, Rayfield has worked on about two dozen pro bono matters, he said.

“I feel very strongly that our criminal justice system is a tragedy, and it’s not just because of the outrageous sentences we impose for small offenses like drug crimes, but also because even for violent crimes, we’ve lost sight of how horrific it is to be in prison for even one year, let alone 10 or 50,” he said.

“The most important protection our country provides against these abuses is due process for the accused,” he said. “I devote a big part of my practice to fighting for those protections.”

OTHER NOTABLE CASES:

Rayfield said it has been rewarding and exciting to defend Facebook in some of its most cutting edge privacy litigation. He also said that data privacy is interesting because the law is always trying to catch up with the technology.

“You’re often applying traditional legal doctrines to modern problems,” he said. “It’s especially important not just to argue the law, but also to explain clearly why your position is sensible and fair.”

In one such case in April 2018, Rayfield helped the firm obtain summary judgment for Facebook in a putative class action. An individual who did not use the social media site alleged that Facebook violated an Illinois biometric privacy law by using facial recognition technology on a photo of him without his permission.

Rayfield handled the oral argument in the California federal court, which found that Facebook had not used facial-recognition technology on the photo.

WHY HE’S A CYBERSECURITY AND PRIVACY ATTORNEY:

According to Rayfield, he fell into this practice area. He said he hadn’t had any experience with it when he was assigned to work on a putative class action on behalf of Facebook in 2015.

A great thing about Mayer Brown, Rayfield said, is that attorneys are given a lot of responsibility early on in their careers. He was immediately working on substantive motions, class certification issues and appeals for Facebook.

“I found the work fascinating and really enjoyed working with my firm’s team and Facebook’s in-house lawyers,” he said. “I’ve been lucky enough to get exposure to a broad range of issues that arise in this area of litigation.”

HOW THE PRACTICE AREA WILL CHANGE IN THE NEXT 10 YEARS:

Rayfield said that plaintiffs are going to try to come up with new ways to apply privacy-related statutes to areas that they were not necessarily meant to cover.

“At a certain point, the public might decide that federal privacy regulation is necessary to replace the patchwork of state laws that are now being invoked,” he said. “But for now, we’re probably going to be continuing to litigate these cases under a variety of different statutes and legal areas.”

— As told to Kaitlyn Burton

Law360's Rising Stars are attorneys under 40 whose legal accomplishments belie their age. A team of Law360 editors selected the 2019 Rising Stars winners after reviewing more than 1,300 submissions.

Attorneys had to be under 40 years old as of April 30, 2019, in order to be considered for this year's award. This interview has been edited and condensed.

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