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TOP LAWYERS OF THE DECADE 2011-2020

Philip R. Recht

Designing regulatory schemes and public policies that make emerging businesses possible

As the decade dawned, Google Inc. came calling on Recht to help with the legal underpinnings of its new driverless car venture, known first as Project Chauffeur. Anthony Levandowski, then a Google engineer, had developed a self-driving motorcycle and was retrofitting Toyota Priuses with light detection and ranging sensors. The name Waymo had yet to be coined, but liability issues were clearly in the fledgling endeavor's headlights.

Recht, the managing partner of Mayer Brown's Los Angeles office and co-leader of its public policy, regulatory and political law practice, was intrigued. "My practice in emerging industries is a lot of fun for me," he said. "You get to help shape the regulatory schemes that work for the client."

Over the decade, Recht would represent Lyft Inc. in legislative and regulatory matters in California, establishing a model for other states and helping birth a multi-billion-dollar industry. He'd represent bicycle sharing service Ofo and electric scooter company Bird Rides Inc. in developing the first-ever regulations governing the shared micromobility industry in Los Angeles and elsewhere. He'd

represent Airbnb Inc. in developing the first-ever ordinance regulating home-sharing operations in Los Angeles, the company's largest market. And he'd represent leading data brokers in the forging of California's groundbreaking privacy laws.

In 2010, Recht was ready for the challenge Google presented. Before joining Mayer Brown, he'd been chief counsel and deputy administrator of the National Highway Traffic Safety Administration in the Clinton administration. "My job there was partly to keep on top of developments in the industry, to keep in touch with futurism," he said. "But never in the 1990s did I envision driverless cars. Cruise control was the new thing."

Google's big idea brought Recht one of the things he likes most: the chance to draw on a clean sheet of paper. "It was a novel question and very disruptive," he said. "There was no one else in the field. The other players in the industry, in Detroit, were very resistant. They said, 'What is this? Who are you? We make cars people drive.' This was so much fun, a question that was fascinating for me. It couldn't have been more cutting-edge."

The strategy would be to persuade a forward-thinking state to



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enact a law allowing the road testing of autonomous vehicles. Nevada was receptive. "At the [2012] signing ceremony the governor was funny. He said 'Look, we allow gambling and prostitution, so driverless cars are nothing for us,'" Recht recalled. "All of a sudden a concept had the markings of reality."

Florida, Michigan and ultimately California followed with similar laws that Recht and Google promoted. "California is always viewed as a template for the country, and after they got on board the federal government got engaged."

When citizen efforts to pass data privacy legislation by a ballot initiative arose in 2017, Recht

and his data broker clients worked with state lawmakers and others to enact protections using the less cumbersome, more easily adjusted mechanism of a legislative act. "It was a hectic effort to get it done, with much lobbying by stakeholders," Recht said. "It was my first exposure to privacy laws and it was interesting, to say the least." The result was the California Consumer Privacy Act, soon followed by 2020's amended version.

"My real passion was always government and politics," said Recht. "My emerging industry practice allows me to engage in lawmaking from the industry side of the table."

— John Roemer