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### ATTORNEY OF THE YEAR FINALIST: Michael Rubin, Latham & Watkins



Courtesy photo

**Michael Rubin, with Latham & Watkins.**

Michael Rubin likes to say that he anticipated the AI wave.

Rubin—a partner in Latham & Watkins’ San Francisco office and a finalist for Attorney of the Year in the 2024 California Legal Awards—launched the firm’s AI Task Force in 2022, the same year that OpenAI debuted its game-changing generative AI chatbot, ChatGPT. The team includes more than 150 lawyers from 30 practice areas and 15 offices globally.

He attributed this prescience and preparedness to his leadership position in Latham’s Technology Industry Group, which made him uniquely attuned to the buzz that was starting to percolate around the emerging technology at the time, he said.

“It’s become straightforward now that generative AI raises questions around IP issues, around privacy issues, around cyber issues,” said Rubin. “But it wasn’t

obvious to everyone at the time that it was going to necessarily raise antitrust questions or ... questions around infrastructure or energy for data centers and powering those data centers. But that is stuff we were thinking about.”

Rubin credits Latham’s international reach and exhaustive suite of practices for the success of the task force and its ability to stay ahead of the curve when it comes to AI.

“Whether you are building a model, whether you’re deploying a model, whether you are training a model, whether you are trying to power the data center, whether you’re building the chip, whether you’re thinking about it from the privacy perspective or the



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antitrust perspective or the land-leasing perspective—we really can do the whole thing from soup to nuts,” he said.

“And so we put together the AI task force to make sure that we could harness that knowledge, make sure that we could see what was coming in the firm better, make sure that we could communicate internally about what we were doing, and make sure that we could take advantage of our opportunities better.”

Since 2022, the firm has advised on more than 2,000 AI-related matters, represented companies such as OpenAI, Anthropic and DeviantArt, and advised on more than \$100 billion in deals for AI companies.

Rubin, who was previously a partner at Wilson Sonsini Goodrich & Rosati, joined Latham at a watershed moment for global data privacy regulation: 2017, the year before the European Union’s General Data Protection Regulation—which established some of the most robust protections for online privacy and data security in the world—went into effect. He said that he came to Latham to “have the practice that my clients needed and the practice I knew we could build.”

“There’s no other firm that has the global platform that Latham has,” he said. “Critically, Latham doesn’t operate in practice silos. We bring a 360 approach to our matters.”

Rubin, who has practiced in the tech sector for more than 20 years since graduating from law school at the University of Michigan, said that he was “fascinated” with technology from a young age.

“I spent my first money ever on a wireless telephone, back when they had antennas that you

could pull out,” he said. “And that translated, when I became a lawyer, to wanting to become a technology lawyer, and realizing back in law school in Michigan that ... the place to do that was San Francisco, that I needed to move out there. And I needed to work with technology companies.”

His specialty, he said, was originally copyright litigation, having started his career working on a copyright infringement case against the now-defunct music file-sharing service Napster. He first started litigating privacy cases on behalf of one of his biggest clients, Google, after defending YouTube against copyright infringement claims by Viacom using the safe harbor provision of the Digital Millennium Copyright Act, which limits the copyright infringement liability of internet service providers.

Shortly after that, he said, Google asked him to take over the representation of multidistrict litigation involving allegations that its camera-equipped Street View cars, which the Big Tech giant uses to capture 360-degree street-level images for its Google Maps feature, had collected unencrypted Wi-Fi communications. The case, he said, launched his career in online privacy litigation.

“I handled many ... other major global matters like that, where there were parallel MDLs, federal Trade Commission investigations, state attorney general [and] multi-state investigations, and then European investigations from what was then called the Article 29 Working Group,” he said, referring to an independent European advisory body that dealt with data protection and privacy.



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Now, at Latham, Rubin serves as the firm’s global co-chair of the privacy and cyber practice and global vice chair of the technology industry group, assuming the roles in 2019 and 2020, respectively.

Rubin said that, after decades of working in the field, he’s witnessed a sea change in the global regulatory response to online privacy matters as he’s helped clients to navigate business model challenges, keep up with the dizzying pace of rapidly evolving privacy legislation and develop a comprehensive strategy for remaining compliant with the “crazy quilt of global regulatory approaches.”

“With every major technological wave comes a series of major litigation waves,” he said.

“What is different, and what I’m seeing now in this wave, is a different regulatory response. It is not just that there’s private litigation occurring. It is that it is occurring in a moment where, with respect to AI, there is a more comprehensive and a more coordinated global regulatory reaction to the technology itself that’s occurring both at the enforcement level using existing tools and at the legislative level in creation of new mechanisms ... in a way that is much more coordinated than we have seen with prior technological waves in the past 20 years.”

Rubin counts among some of his greatest accomplishments “rewriting the California Invasion of Privacy Act (CIPA) playbook” by securing privacy

litigation wins for clients such as vehicle data platform Otonomo and voice analysis software provider Pindrop Security and handling a third of the FTC’s “10 most important enforcement matters” of 2023. He is also proud to serve as a member of Latham’s LGBTQ Lawyers’ Group, recalling that, as an out gay lawyer, he was “blown away” by how foundational diversity and acceptance were to the firm’s values when he joined in 2017.

He said he has embraced being a “role model” for his gay colleagues in the legal profession. “It was, and remains, incredibly important to me to be vocal and outspoken about who we are,” he said. “That’s part of the reason why I make sure that I am always there with an open door for my gay colleagues, for gay associates, because it can still be a challenge in this environment.”

Looking to the future, Rubin said that his work in the tech space is always unlocking new professional frontiers and opportunities.

“The sky is the limit, and I have been constantly amazed by the limitlessness of this job and how much it keeps going,” he said. “I’m waiting to see, and looking forward to watching, how artificial intelligence changes our practice, both here at Latham and in the broader world of what we are doing as lawyers. It’s going to radically change it, and I’m excited both to be a part of it and to be a witness to it.”