

# THE RECORDER

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## ATTORNEYS <sup>OF</sup> THE YEAR

### Michael Rhodes *Cooley Godward Kronish*



TOM KURTZ

If a Silicon Valley case made headlines last year, Michael Rhodes was probably one of the lawyers.

Facebook settles a class action over its privacy-invading Beacon advertising program? The Cooley Godward Kronish partner represented Facebook.

Tesla Motors Inc. is in a bitter defamation suit brought by ousted CEO Martin Eberhard? Tesla replaced its lawyers at Wilson Sonsini Goodrich & Rosati with Rhodes,

who promptly settled the case.

Craigslist Inc. and eBay Inc. are having a nasty dustup over the online auction site's ownership stake in Craigslist? Rhodes did all the talking for eBay in a Delaware courtroom in December.

The 51-year-old leader of Cooley's litigation practice, who splits his time between San Diego and San Francisco, isn't the new go-to tech law guru. But he's earned a reputation in tech corridors as a sharp, practi-

cal guy who can fight or cut a good deal. "Ian Ballon is an Internet expert, or Mark Lemley — I wouldn't hold myself out as an academic," Rhodes said. Rather, it's all in who you know. "I think lawyering is really very simple: It's word of mouth."

Rhodes is also known as a surfer dude, with his bleach-blond hair, a penchant for wearing flip flops to the office and trips to exotic surf spots. This spring, he and some colleagues and friends chartered a boat and surfed the atolls — coral-reef islands — near the Maldives in the Indian Ocean for two weeks. "It was epic," he said.

Several of Rhodes' current cases come from the work that he's done for eBay, a longtime firm client.

Former eBay lawyer Michael Richter is now at Facebook and got Rhodes on a couple of class actions that Facebook was facing. Martin Roberts was also an eBay lawyer, and when he joined Linden Lab — which makes the virtual world called Second Life — he called on Rhodes to handle litigation. Roberts hired Rhodes in 2007 to handle what could have been a ground-breaking case. Linden Lab had terminated a Second Life user because he was buying virtual land at below-market prices. Although it could have created some new law about virtual worlds, Rhodes came in, facilitated a mediation and settled the case — just what Roberts was looking for.

"Like most small companies, I'm not all that interested in making law. I'm not interested in taking cases to the Supreme Court," said Roberts. "I'm interested in resolving things."

Rhodes' ability to close a deal appears to be the reason that Tesla Motors brought him into its nasty defamation battle with former CEO Eberhard. The case had been litigated heavily by Wilson Sonsini and caused a flood of press. Rhodes was brought in and soon after the sides went to mediation, set-

ting last month.

In the Facebook class action, Facebook users had sued the social networking site over a controversial advertising program, Beacon, that mined users' personal infor-

mation. The suit settled with Facebook agreeing to kill the program and pay \$9.5 million to set up a foundation that will study online privacy.

It remains to be seen if there will be a

deal in the bitter fight between Ebay and Craigslist, which is awaiting a final decision from a Delaware Judge.

— *Zusha Elinson*