



The Recorder is proud to announce this year's winners and finalists for the California Leaders in Tech Law and Innovation Awards. The awards celebrate the achievements of lawyers and companies leading technology, innovation and the profession as a whole.

## INNOVATIONS IN PRO BONO

# LATHAM & WATKINS

WINNER

Latham & Watkins is advising The Ocean Cleanup, an ambitious nonprofit that is seeking to collect and recycle a large percentage of the ocean's floating trash, on tax, organizational and technological matters, as well as international maritime trade, waste transport and customs issues. The work earned Latham & Watkins an Innovations in Pro Bono Award as part of the California Leaders in Tech Law and Innovation Awards. The pro bono team advising The Ocean Cleanup is led by partner Mike Carroll and counsel Nikki Buffa of the Latham's environmental, land and resources department, based in the firm's Orange County office. Carroll and Buffa recently told The Recorder

about the firm's work on the project to date.

**The Recorder: How did Latham's work on this project originally come about?**

Mike Carroll: Founded in 2013, The Ocean Cleanup is a Dutch nonprofit that generates advanced technologies to clean up the accumulation of floating trash from the millimeter range and up in the world's oceans. Removing this debris from the oceans helps prevent it from breaking down into micro-sized objects, which are harder and eventually even impossible to collect and extract and pose a serious threat to marine life and the food chain, including humans.



At the time of its founding, The Ocean Cleanup was being advised by a law firm based in the Netherlands. As the organization began to launch its first prototype in the U.S., they realized they needed complex, cross-border regulatory advice, so its local counsel began searching for a global firm with that



Photo: The Ocean Cleanup

The Ocean Cleanup's System 001, aka Wilson, launched in the Pacific Ocean in fall 2018.

kind of capability. A lawyer at that firm reached out to a contact in Latham's Washington, D.C., office, who contacted us in the firm's Orange County office.

**How much work has the firm put in on the project so far?**

Nikki Buffa: Our lawyers have donated more than 3,500 hours, worth over \$3 million, to The Ocean Cleanup since we began advising the organization.

Latham was uniquely situated to help The Ocean Cleanup, because our lawyers have experience navigating the U.S. regulatory regime, consulting with relevant federal and California agencies to determine permissions and permits and advising on tax, organizational and technology matters. Currently we are helping The Ocean Cleanup understand and deal with international maritime trade, waste transport and customs issues as the organization begins to facilitate the next phase of its project.

**What's your proudest accomplishment of this pro bono representation to this point?**

Carroll: The Ocean Cleanup's System 001, aka Wilson, launched in the Pacific

Ocean in fall 2018. We are very proud to have helped to ensure the success of the launch, as well as its emergency return after it encountered some technological setbacks. Even though Wilson didn't function as planned and thus had to be removed, The Ocean Cleanup was able to launch, pilot and return the system to shore without leaving anything behind. Nor did the organization encounter any permitting or regulatory problems, either during launch or during Wilson's return.

Learning from Wilson's setbacks, The Ocean Cleanup designed, assembled and launched an entirely new system in four months; System 001/B has been in operation since late June 2019. That's really incredible, and a sign of The Ocean Cleanup's resilience and determination.

From a legal standpoint, the two launches went seamlessly. There wasn't a single regulatory or permitting issue, a testament to our team's determination and belief in The Ocean Cleanup's mission. Through our efforts and advocacy, we were also able to generate an over-

whelming amount of support for The Ocean Cleanup from local and state regulatory officials.

We're so proud to be involved with The Ocean Cleanup. Most of the Latham lawyers advising the organization live near the Pacific in California, and we're all committed to helping preserve our waters. So it's especially gratifying to use our legal skills to support The Ocean Cleanup.

**What are your goals for the project going forward and next steps?**

Buffa: We will continue to assist The Ocean Cleanup as it brings its operations to scale and eventually deploys dozens of systems in waters around the world. The Ocean Cleanup has an ambitious goal of a 90% reduction in the ocean's floating trash (relative to 2018 levels) by 2040.

Advising The Ocean Cleanup has allowed us to expand our skill sets as lawyers, and to explore new and novel aspects of regulatory law. It's thrilling to be able to both grow as lawyers and help an incredible organization do its incredible work.