



REGULATORY COMPLIANCE &
DISPUTE RESOLUTION PODCAST:

**REGULATORY
MATTERS**

Lowenstein Sandler's Regulatory Compliance & Dispute Resolution podcast: Regulatory Matters

Episode 3 - The Art of Making Policy

By [Kathleen A. McGee](#) and Julie Samuels

March 2022

Kevin Iredell: Welcome to the Lowenstein Sandler podcast series. I'm Kevin Iredell, Chief Marketing Officer at Lowenstein Sandler. Before we begin, please take a moment to subscribe to our podcast series at [lowenstein.com/podcasts](https://www.lowenstein.com/podcasts). Or find us on iTunes, Spotify, Pandora, Google podcast, and SoundCloud. Now let's take a listen.

Kathleen McGee: Hello and welcome to Regulatory Matters, a podcast devoted to covering the ever-changing regulatory landscape affecting business today.

This podcast is hosted by a group of women partners from the law firm of Lowenstein Sandler, who collectively cover much of that regulatory landscape. Today I, Kathleen McGee, am here with Julie Samuels. I consider Julie Samuels a friend. She's also the executive director of Tech NYC. Before that, she was an executive director at Engine, which is a nationwide nonprofit focused on technological entrepreneurship, and advocacy. She remains on that board. Earlier in her career, she worked at the Electronic Frontier Foundation. She's an incredible booster for New York City. She loves her dog. And she's here to spend a couple minutes with us today to talk about, specifically, the art of making policy. So Julie, my friend, thank you so much for joining. And welcome.

Julie Samuels: Thank you so much for having me. This is such a treat.

Kathleen McGee: You're very kind. But I do think that our listeners can learn a bit from you today, in the short time we have, about what making policy is like. And specifically in our tech world, I thought that you could contribute to helping our listeners understand a little bit more about that art. And I wanted to start by dipping into your personal and professional history, just in the sense of what you think, and this is purely subjective, what you think has really contributed most to your fundamental understanding of what makes good policy.

Julie Samuels: Well, let me start by saying that I used to be a lawyer. I used to be a litigator, in fact. And I did time in the private sector at the law firm myself. And I also worked doing impact advocacy at the Electronic Frontier Foundation. And those years, more than anything, impacted my view on how policy is made, which is to say that policy gets made by many inputs. I think that there's this idea that there are lobbyists and there are regulators and there are legislators. And usually, that's kind of where it all happens. But I have found that it's not the case. I found that the only successful way to see real policy

get made, particularly in complicated areas like technology, or when you have this kind of really robust ecosystem where you have activists, frankly, every side of an issue, where you have litigators doing impact litigation, where you have successful communication strategies, and then where you also have lobbyists and companies and elected officials who are kind of battling out the details. But all of those things together really matter.

And one of the first issues I worked on in my policy career, if you will, was patent reform in DC, particularly around software patents. And we worked for years pushing, in the early 2010s, pushing some legislative reforms. And I think about this all the time. Because while most of those reforms ultimately were not passed by Congress, the vast majority of them ended up happening in the courts. And none of those things happen in the vacuum. It wasn't a coincidence that, in this instance, the Supreme Court ended up taking a number of these patent cases because it was really, again, it's not in a vacuum. These things are in the zeitgeist and people are talking about them and interacting on them. And so, policy gets made in all different lanes, is what I'm trying to say. And that has been the most interesting and, frankly, fun part I think of my career working on policy matters.

Kathleen McGee: How do you think that sort of inclusive environment for making sure all voices are heard to contribute to policy happens? Obviously, some people are going to have a very jaded perspective of policy, you sort of indicated that before, and may think that the winners really just signify money and a weighted scale. But if you're talking about something like creating tech policy is now a very big umbrella, but how do we ensure that all voices are heard, all perspectives are weighed?

Julie Samuels: Well, this is something that the internet has been quite helpful with. And say what you will about how the political process has been impacted by, for instance, social networks, something we're working through as a society and as a democracy, but it has also really increased engagement. It has really increased political engagement. There are a number of organizations that are now incredibly powerful that built themselves upon social networks like Twitter and Facebook. And you've seen entire movements like what grew out of the Women's March after the 2016 election, what has grown out of the Black Lives Matter movement. Those movements have fundamentally changed debates. And you're seeing policy change coming, not as quickly as I would hope on some issues, but they're coming. I am optimistic that we are going to have paid leave in this country. And that is because a lot of really dedicated, organized people, much of which started on the internet. So I am optimistic. I wish it were coming quicker, but I'm very optimistic.

Kathleen McGee: It's true. One can see those seeds of change. And I think if you're looking with a policy eye, it's fascinating to see them grow from nascent ideas and movements into something that gets steam. I find it really exciting.

Julie Samuels: Yeah. One of the things I too find it really exciting. And one of the dynamics there that I find really interesting, and why I think so much about the ecosystem of policy making and how it takes all types, it's really hard, I think, for activists. You need activists to push the envelope and to change the conversation. And then at the end of the day, you need people at the table,

frankly, making compromises. And those two types of people don't often see eye to eye. But I was hoping I would make it through the podcast without saying how the sausage is made, but I'm not going to be able to do that. But that's how the sausage gets made. You need both sides of that. And if you don't have folks pushing the conversation farther, pushing the envelope, that gives the air cover to the people who then are at the table hammering out the deals. And when those two things are happening in concert, and you've got good relationships between those two kind of sides of the equation, if you will, then you're onto something I think.

Kathleen McGee: I agree. I used to say, when I was in the regulatory seat, that the centrist position drives it forward by meeting those two opposing sides. And so I always tried to surround myself by people who represented the broadest spectrum of interests in driving tech policy forward. And then we would look for the center. Sometimes the center was to one side, sometimes the center actually was more to the other. But it was, by all consensus, the center. And there were always those compromises.

Julie Samuels: Yeah. I think one of the things I actually worry about in our current kind of policy making landscape is that the center is often quite under attack. And my politics are, my personal politics I should say, putting those aside, the personal politics are much farther to the progressive side than the center probably. But I think the center matters. And in its most basic form, in a democracy, that's the only way forward, as I see it. At the end of the day, you're going to have to, again, come to the table. Compromises will have to be made. And I worry that the center is so misaligned right now, is so under attack from so many angles that it makes it hard to actually get stuff done.

Kathleen McGee: I share that worry. And I certainly hope the center holds, as they say. Let me ask you a little bit of a different question, which is your experiences in crafting policy. I certainly have had mentors along the way. Do you have a couple people that you thought, that is a really great strategy for analyzing and finding that center or pushing your own policy agenda forward, as one of those voices that you wanted to be considered by the decision makers? Who were your mentors?

Julie Samuels: That's a really good question. I've been lucky to have had many mentors. And the small handful, a few who I think are the most impactful in my career are not actually people who are directly involved in policy making. Interestingly, one former boss who is an attorney, an investor, a handful of people who are really smart at what they do, who are really thoughtful, who are able to keep things in perspective, which I think is one of the most important pieces of being good at policy making, and who trust people around them in a way that I think is really important in policy making. It's more than delegating. It's trusting that others know what they're talking about, are smart about what are talking about, are prepared.

And I think that, number one, really incentivizes people to do a better job. And number two, that's how you get more voices at the table. And that's the only way to encourage diversity of these conversations around policy making, you have to trust that people you might not know so well, who aren't in your

inner circle, perhaps, know what they're doing. And I think people rise to the occasion.

Kathleen McGee: I agree. It's listening to the voice of the other people, and really listening to it. When you feel listened to, do you volunteer to contribute more? And that's an empowering thing for sure. You talked about this earlier. Well, you alluded to it. The difference between policy and politics, is there a difference?

Julie Samuels: There is a difference. There is a difference. One inevitably feeds off the other, to some extent. Well, I don't know, policy making requires politics to get done. But I think that the definition of politics is actually quite broad. And the politics I have dealt with at times in my career, working in the private sector, let's say, or in the nonprofit sector. What I'm trying to say is, inter-operative's politics are really not that different than politics among elected officials. It's all the same. It's how you manage relationships. It's how you maintain relationships. It's how you get information across. It's how you are able to be persuasive and reach an end point that you want to reach. And I think when people understand that, that makes them better at policy making. It is really no different than office politics, because it's all the same. The people I know who are the best at this are really good relationship people.

Kathleen McGee: Well, that brings me to a question. I actually don't have a firm perspective on this myself, but I wanted to ask this of you because we're a podcast hosted by a group of women, talking about regulatory policy. Do you find that female policy makers approach that problem solving differently? I certainly see a real uptick in the number of female policy makers. And I think that can be a good thing. But obviously my perspective is, just because you're female, doesn't make you a good policy maker.

Julie Samuels: Right. I obviously agree with that. I will say that, anecdotally at least, I have found that when I am working with women policy makers or kind of women in my broader fields, we'll often kind of joke among each other, "Well, now we're going to be able to get something done." There's this thing, again, in the zeitgeist, I don't know. My sense is it is grounded in reality, but it's hard to know for sure, that women have this kind of feeling. Most women, not all, when we are working together, it's like, oh, okay. Let's just get this sh*t done now. Can we swear on this podcast? Sorry.

Kathleen McGee: I think we have.

Julie Samuels: Yeah. And that happens. And I think when a group of women kind of sit down and commit to accomplishing something, they're much more interested in seeing the outcome at the end. Think that's something kind of in our society. I think that's something because women were cut out of this for so long. I think this is because women are used to juggling a bazillion different things in our lives that that happens. And I'm seeing that happen in the policy making space. And I'm incredibly encouraged. I'm incredibly encouraged by it.

Kathleen McGee: That's wonderful. I wanted to ask about maybe your most favorite or most challenging piece of policy making to date. I hope you have years of policy making ahead.

Julie Samuels: Ahead of me.

Kathleen McGee: And I do want to make sure that we touch on your most recent campaign for New York City, this past year, which I think has been incredible.

Julie Samuels: It's been amazing.

Kathleen McGee: Maybe that's a favorite of yours. But I want to hear about what you think is.

Julie Samuels: Yeah. The most challenging, oh gosh, this is such a hard question. It's interesting because I've always really focused on tech policy. And earlier in my career, tech was really an underdog. And we worked on issues like patent reform, that I already talked about. We worked on killing legislation called SOPA and PIPA, which some people might remember, almost a decade or a decade ago now, I guess. And then there were a lot of victories happening because tech was beloved. And since then, obviously, the politics around technology, which we didn't really talk about, they've shifted. They've shifted. And the battles now are of a very different flavor. They're a lot harder. They're a lot harder because public opinion is tough right now in some of these issues.

And I think the biggest challenge, particularly around issues like data privacy, which I know you all think a lot about, is that Congress has just completely not been able to get anything done. And I have spent more time in the past few years working on these issues at the state level, and sometimes even at the local level. And from where I sit, and from the perspective of the companies I work with, particularly the smaller companies, particularly the startups and the growing companies, is that state by state solutions are just not going to work here. They're going to just encourage the biggest companies, frankly, to thrive because they're the ones who can afford it. And I worry about that. So that doesn't answer your question directly, because it's not a specific piece of legislation. But I guess we can talk about data privacy. And I can say I've been discouraged that we haven't seen more federal progress and that we've been left to kind of battle it out in the states, which I think is not helpful in the long run.

Kathleen McGee: I agree. It does not create a level playing field. It weights the winner. And when you talk to other jurisdictions internationally, I may not love their ultimate solution, but they have one and then they can work within that. And they are pairing up their data privacy solutions with ideas of competitiveness and ensuring that the field is a little more level for startups, which is incredibly important. I agree. Quickly, New York City campaign. Talk about how much you love New York City, because you love it here. You've shown New York City so much love.

Julie Samuels: I love New York City. Almost, I've been here pretty much the whole time since 2020. I love New York City. I believe in New York City, and got together with a group of friends and we created an organization called New York Forever, which is at NYForever.NYC, also has a great Instagram account at New York Forever on Twitter, anywhere you find your content. But really, just kind of an effort to celebrate the city, to bring New Yorkers together to help support the city and its recovery. It's absolutely a labor love. Listen, I'm here

in the city, I'm raising my family here. As Kathleen, you said I have my dog who I love. I walk every morning in the park. And my kids go to school here. And we're committed. And I think that we have this amazing opportunity.

I mean obviously, it's been a really tough year and a half, but we have this amazing opportunity to think about how we rebuild New York City equitably, how we make it work for people who live here, how we put New Yorkers first, as we think about the future of New York City. And that's amazing. I love supporting this work. It's a true joy.

Kathleen McGee: I loved it. I loved seeing people just boosting. And it just seemed like an extension of clapping on the fire escape and really people getting out there and showing each other love. It's been really great. So thank you for that.

Julie Samuels: Thank you.

Kathleen McGee: And yeah, I did want to talk about your dog because I know you well enough to know that secretly maybe your most favorite sentient being is the dog.

Julie Samuels: I do love my dog. I love my dog.

Kathleen McGee: Out there. And usually, we ask our guests about one thing people don't know about you. I'm sure all your friends know that you love your dog, but tell us about your dog.

Julie Samuels: My dog is great. Her name is Daley. She's actually named after the Chicago mayors. The thing about the dog, I think I've got two young kids. I have a pretty crazy job. I have a million things going on. The thing about the dog is you have to walk the dog. You have to. The dog has to go out. And so I walk the dog every morning in Central Park. Do you know, before 09:00 AM dogs don't need leashes in Central Park? It's just like people and dogs. It's a dream. And I get out of myself for a few minutes and I get outside and I watch the seasons change. The leaves are still beautiful. It's December 3rd. They're still gorgeous. And it's the thing that saves me, are those dog walks. They save me. I try not to look at email. I try not to look at email while I'm out here.

Kathleen McGee: No, no.

Julie Samuels: But I sometimes do. But I try not to. And the walks have gotten shorter as I've gotten busier, unfortunately, and she's gotten little bit older. But still, even if you can find 15 or 20 minutes to do that, it's more than that even, but it's really important.

Kathleen McGee: I love it. I love your dog. Thank you so much for joining us and giving us little insight into, I'm going to say it, how the sausage is made.

Julie Samuels: How the sausage is made.

Kathleen McGee: Hope you continue to grind it, Julie. I really admire you. I think you're fantastic. And thanks so much for being here.

Julie Samuels: Thank you so much for having me.

Kevin Iredell: Thank you for listening to today's episode. Please subscribe to our podcast series at lowenstein.com/podcasts, or find us on iTunes, Spotify, Pandora, Google podcasts, and SoundCloud. Lowenstein Sandler podcast series is presented by Lowenstein Sandler and cannot be copied or rebroadcast without consent. The information provided is intended for a general audience. It is not legal advice or a substitute for the advice of counsel. Prior results do not guarantee a similar outcome. The content reflects the personal views and opinions of the participants. No attorney client relationship is being created by this podcast and all rights are reserved.