Michael Brandon

Of Counsel

mbrandon@gibsondunn.com

T: +1 212.351.2414

New York



Michael Brandon is Of Counsel in the New York office of Gibson Dunn. He has extensive experience representing major technology companies, both in litigation and as a product counsel.

Mike's litigation practice focuses on legal strategy and appellate advocacy. He has briefed dozens of critical motions and appeals in state and federal courts across the country, primarily in the areas of data privacy, products liability, and contract law. Mike's briefs have resulted in numerous significant victories for his clients, including summary judgment in a biometric privacy class action seeking hundreds of millions of dollars in statutory damages and vacatur of $157 million judgment on appeal from a jury verdict in an individual action. Mike has also been responsible for legal strategy and appellate preservation during several high-stakes jury trials. In one such trial—a $2 billion contract dispute challenging a company's ownership of a breakthrough virtual reality technology—Mike authored the directed verdict motion that secured judgment for the company and briefed the jury instructions that led to a complete verdict for the individual defendant associated with the company.

In addition to litigating, Mike regularly counsels social media, internet, and other technology companies on compliance with various privacy and consumer-protection frameworks, particularly laws governing the treatment of biometric and human-characteristic data. Mike is frequently brought in on the ground floor of product launches—often those involving cutting-edge technologies in extended reality and artificial intelligence—to conduct risk assessments and devise risk-mitigation strategies. He has drafted numerous public-facing privacy policies, in-product notices, and consent flows, and he has assisted clients with drafting the contents of, and securing user assent to, policy updates. Mike also has substantial experience preparing contractual releases and "dogfooding" agreements for participants in research, model training, and product testing, as well as licensing agreements with vendors and other partners. Additionally, he has advised on acquisitions that involve the transfer of sensitive personal data and assisted with communications strategies around his clients' use of such data.

Previously, Mike spent a year seconded to Meta Platforms, Inc. (f/k/a Facebook, Inc.).

Mike received his Juris Doctor *magna cum laude* from Harvard Law School. Following graduation, he served as a law clerk to Judge Sandra Lynch of the U.S. Court of Appeals for the First Circuit, Judge Dennis Jacobs of the U.S. Court of Appeals for the Second Circuit, and Judge Naomi Reice Buchwald of the U.S. District Court for the Southern District of New York.

Mike is admitted to practice in the State of New York and the United States Courts of Appeals for the First, Second, and Ninth Circuits.

Capabilities

Litigation

Appellate and Constitutional Law

Artificial Intelligence

Media, Entertainment, and Technology

Privacy, Cybersecurity, and Data Innovation

Tech and Innovation

Technology Litigation

Credentials

Education

Harvard University - 2016 Juris Doctor

University of Michigan - 2013 Bachelor of Arts

Admissions

New York Bar

Clerkships

USDC, Southern District of New York, Hon. Naomi Reice Buchwald, 2018 - 2019

US Court of Appeals, 2nd Circuit, Hon. Dennis Jacobs, 2017 - 2018

US Court of Appeals, 1st Circuit, Hon. Sandra Lynch, 2016 - 2017

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