Jacob T. Spencer

Partner

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Jacob Spencer is a partner in the Washington, D.C. office of Gibson Dunn. He practices in the firm's Appellate and Constitutional Law, Transnational Litigation, and Administrative Law and Regulatory Practice Groups. His practice focuses on high-stakes litigation at every stage of the judicial system, from initial pleadings to the Supreme Court. Jacob has significant experience representing and advising clients in the technology, telecommunications, food and beverage, transportation, energy, and securities industries. Jacob was recognized as a "Future Star" by *Benchmark Litigation*, and as a "Rising Star" in Telecommunications by *Law360*.

Representative matters:

- *CC/Devas (Mauritius) Limited v. Antrix Corp. Ltd.*: Representing petitioners in U.S. Supreme Court in international arbitration enforcement matter involving whether foreign sovereigns are entitled to due process under the U.S. Constitution.
- *Twitter, Inc. v. Taamneh*: Represented Meta Platforms in securing unanimous Supreme Court decision holding that social media companies are not liable under the Anti-Terrorism Act for providing routine, arms-length services.
- *Slack Technologies v. Pirani*: Obtained unanimous Supreme Court decision limiting liability under Section 11(a) of the Securities Act.
- *National Association of Broadcasters v. Prometheus Radio Project*: Lead author of certiorari petition and merits briefing on behalf of NAB and industry petitioners in successful defense of the FCC's rule loosening broadcast ownership restrictions.
- *DraftKings, Inc. v. Hermalyn*: Obtained a preliminary injunction and First Circuit affirmance enforcing nationwide non-compete against former executive.
- *League of Women Voters of New Hampshire v. Kramer*: Defeated preliminary injunction on behalf of Lingo Telecom in Voting Rights Act matter arising from deepfake "robocalls" during the New Hampshire presidential primary.
- *M.P. v. Meta Platforms, Inc.*: Argued on behalf of Meta Platforms in Fourth Circuit in defending district court judgment that Section 230 of the Communications Decency Act bars claims arising out of offline third-party violence.
- *Aldea-Tirado v. PricewaterhouseCoopers, LLP*: Successfully argued in First Circuit in upholding PricewaterhouseCoopers arbitration agreement against contract formation and unconscionability challenge.
- *Coubaly v. Cargill*: Represents Nestlé as lead author of merits briefs in district court and D.C. Circuit defending members of the cocoa industry against claims under the Trafficking Victims Protection Reauthorization Act.
- *Indiana Rail Road Co. v. Illinois Commerce Commission*: Lead author of complaint and summary judgment motion on behalf of railroad industry in successful preemption challenge to state minimum crew size law.

Capabilities

Appellate and Constitutional Law
Administrative Law and Regulatory Practice
Consumer Protection
Mass Torts and Product Liability
Securities Litigation
Transnational Litigation

Credentials

Education

Harvard University - 2012 Juris Doctor
Washington & Lee University - 2006 Bachelor of Arts

Admissions

Virginia Bar
District of Columbia Bar

Clerkships

US Supreme Court, Hon. Clarence Thomas, 2016 - 2017
US Court of Appeals, 9th Circuit, Hon. Diarmuid F. O'Scannlain, 2013 - 2014
US Court of Appeals, 5th Circuit, Hon. Jerry E. Smith, 2012 - 2013

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Jacob clerked for U.S. Supreme Court Justice Clarence Thomas, Judge Diarmuid O'Scannlain of the U.S. Court of Appeals for the Ninth Circuit, and Judge Jerry E. Smith of the U.S. Court of Appeals for the Fifth Circuit.

Jacob received his law degree, *magna cum laude*, from Harvard Law School in 2012, where he was Deputy Editor-in-Chief of the *Harvard Journal of Law and Public Policy* from 2011-2012. He received his undergraduate degree in classics and religious studies, *magna cum laude*, from Washington & Lee University in 2006.

Jacob is admitted to practice law in the Commonwealth of Virginia and the District of Columbia.

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