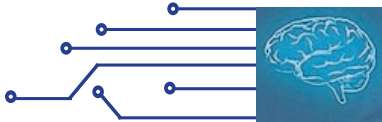


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TOP CYBER/ARTIFICIAL INTELLIGENCE LAWYERS 2018



Kristin A. Linsley

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Practice: Litigation
Specialties: Cybersecurity,
privacy, appellate law,
transnational litigation

their parents' consent.

This would have created massive complications for Facebook. It's much easier for the company to have a simple age cutoff precluding anyone under 13 from using its services, compared to juggling an ever shifting array of state regulations with different rules for various age groups. Linsley's preemption theory convinced the court that the federal law created one relatively straightforward standard and to prevent that kind of regulatory sprawl. Now other defense attorneys are using those arguments to help their clients.

"Later it was cited by the federal court in a privacy settlement about how the plaintiff's claims might have some problems and therefore the settlement value was reasonable," she said.

Linsley also defended Facebook against plaintiffs who claimed that terrorists used it and other social media platforms to communicate or to market themselves. The plaintiffs argued that Facebook should have taken down posts related to terrorists sooner or that the company should have a better system for identifying content that could be related to criminal activity.

Linsley has effectively argued that liability is barred by the Communications Decency Act.

"The act prohibits imposition of liability on interactive websites based on the content of third party posting on the



site," she said. "You can hold the poster liable for defamation or whatever else, but essentially you can't shoot the messenger."

In another case now pending before the 9th U.S. Circuit Court of Appeals, Linsley has effectively argued that the plaintiffs can't prove there is a link between posts on Facebook and actual terrorist attacks.

"The court said there just wasn't an adequate causal connection."

— Joshua Sebold

Facebook Inc. has repeatedly put its trust in Linsley to defend the company against a variety of novel legal theories brought by plaintiffs targeting intersections of the law and the online world that haven't been explored previously.

Linsley helped Facebook develop a defense in multiple cases that the federal Children's Online Privacy Protection Rule preempts state laws. That law prevents online companies from collecting information from children under the age of 13 without parental consent. Plaintiffs challenged Facebook's ad practices under state laws precluding companies from using information of children under 18 for marketing purposes without