

WOMEN LEADERS IN TECH LAW

SAN FRANCISCO – After the events that have rocked Silicon Valley this year, are you more or less hopeful about the prospects for women in the tech industry? That’s the question that we put to all 65 of The Recorder’s Women Leaders in Tech Law this year.

From a viral blog post about Uber’s culture, a Google engineer’s internal memo suggesting women are biologically less apt to succeed in technical fields, and allegations of harassment at some of the Valley’s most prominent VC firms, this year’s biggest tech stories are a reminder of the challenges that women still face in the field.

But the response from our honorees was a resounding chorus of optimism. They pointed out that you can’t address a problem until you define it and that sunshine is often the best disinfectant.

As lawyers, advocates and advisors, they also have a special role to play in helping the tech industry take on issues of discrimination, bias and harassment. They have tackled some of the industry’s biggest courtroom challenges, negotiated market-moving deals, and helped protect the industry’s most valuable intellectual property assets. Given all these accomplishments, the optimism is understandable.

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KRISTIN LINSLEY

Gibson, Dunn & Crutcher

Kristin Linsley has helped lead the team representing Facebook in multiple cases brought by the relatives of victims of terrorism attempting to hold the company liable for contributing material support to terrorism. She’s been dedicated to enforcing laws that protect internet platforms from litigation and regulation that would hold them liable for third-party postings, or that involuntarily enlist them to perform law enforcement functions by disclosing protected customer information.

What’s the best piece of career advice anyone ever gave you?

Justice [Antonin] Scalia, my boss during the 1989-90 Supreme Court term, told me that there are very few professions where a person can follow their passion and get compensated well for it, “unless you love the law!” Of course, he followed his passion [the law] for almost his entire career without ever being compensated for it beyond very modest government salaries. But the

point was to follow your passion, and if your passion happens to be the law, all the better. I figured out early on that the law was my passion too, and I have never looked back from that conclusion.

No. 1 survival tip in a work crisis:

Take a deep breath, take stock, prioritize, engage the troops.

How far has the tech industry gone toward tackling its gender gap since you started practicing?

I think there has been great improvement. The Ellen Pao trial brought many of the demographic issues to light, and the “me too” movement has increased awareness in all industries of behaviors that affect others in a negative way. I am hopeful that we are on a positive track in this industry and others.

What’s one way you’ve had to change your thinking toward practicing law to succeed with tech industry



clients or in-house at a technology company?

It is critical to know your client, and be able to adapt your legal strategy to the realities and goals that face the client—where the legal issues and challenges may not match up perfectly

with the client's other interests and objectives. This challenge is not new. Lawyers throughout time have had to adapt their legal arguments to the unique needs and situations facing the clients, but in today's tech world those considerations can be very complex, and the best way to stay on top of them is constantly working to understand better the client's business and the unique challenges it faces.

What's one way technology has made your life easier?

For me, technology is a huge part of my life, but most immediately it makes it possible for me to keep in touch with, and keep track of, all of the work streams and initiatives that I have on my plate at any given time. I work many matters and many angles of those matters, and keeping the work moving forward and getting everything done in a timely manner and at the highest level of quality means keeping in touch with everyone involved—the client, our internal team, other lawyers or parties who may be involved—and that could not all be done without the technology that we have now.

One way it's made your life more difficult?

Because technology allows us to stay in touch 24/7, it can make it more difficult to find family and alone time. Unlike doctors and teachers, who are either on duty/on call, or not, we are pretty much constantly in touch and on call. But to me, the benefits of that constant engagement outweigh the personal intrusion, and there are mechanisms to get away when we really need to.

Name an important opportunity you got early in your career and what you did with it?

Very early in my career, I got an opportunity from Northrop Corp. to develop and bring a major trade secret/breach-of-contract case against the Canadian government and a Canadian contractor, relating to a license agreement and shared technology for the development of the F-5 fighter aircraft, which formed a key part of the Canadian air force fleet beginning in the early 1960s. The case involved claims that Canada and its contractor were actively using Northrop's proprietary technology to offer upgrades to F-5 fleets elsewhere in the world, in violation of the operative license agreement. The case gave me an exciting opportunity very early in my career to develop all the evidence for a strong trade secret/intellectual property/preliminary injunction case and play the role of aggressive plaintiff in a major action with important political and corporate implications. It was a great opportunity!

Name a lawyer whose work you admire and why?

Ashlie Beringer. She heads up Facebook's global regulatory, product, and privacy legal team and is just an amazingly competent, smart, tough, and strategic person. She handles a vast and dizzying array of issues for Facebook worldwide, and oversees multiple teams of highly competent lawyers, both inside the company and beyond. And she is dedicating to serving the client and understanding its operations and its many constituents. I don't know how she does it all, but she is amazing!

What's the best part about working in the tech sector?

To me, the best part about working in the tech sector is partnering with incredibly smart, motivated, creative people working at companies who are revolutionizing on a daily basis the way we live, work, do business, communicate, and define ourselves. For me, that often means dealing with clients who are trying to plan these developments, or whose work is challenged in court after the fact. I truly enjoy helping my clients work through these challenges and clearing the way for new innovations and changes.

What's the biggest challenge?

To me, the biggest challenge is that sometimes the court system, which I deal with on a daily basis, is somewhat behind what our clients are doing. They need someone to place what they're doing in the industry in the context of the more archaic, sometimes slower-moving processes through which the courts operate. That is where we come in, and it is both challenging and gratifying to be able to fill that role.

What piece of advice do you give to lawyers considering a career in tech law?

Know your client. The most important thing about litigating tech cases is truly understanding the product, the industry, the context, and the issues that affect the client. For me, the ability to put what the client does in context, and to frame it in terms that others can understand, is critical, and that cannot be done unless the lawyer truly understands what it is the company does.

—Ross Todd