

MVP: Gibson Dunn's Kristin Linsley

By Kevin Stawicki

Law360 (October 13, 2020, 6:24 PM EDT) -- Gibson Dunn & Crutcher LLP's Kristin Linsley has represented Facebook in high-stakes litigation attempting to hold the social media platform responsible for global terrorist attacks and defended an Expedia subsidiary from an unprecedented New York City subpoena for consumer information, earning her a spot as a Law360 Technology MVP.

WHY SHE'S A TECHNOLOGY ATTORNEY:

Linsley said her interest in technology started when she developed a working relationship with Facebook in the social media giant's early days.

She found herself drawn to the complexity of the work and sought to continue to develop her relationship with the technology company as her career took on a life of its own.

"I developed a strong relationship with Facebook, and it's been a question of growing that relationship ever since," she said.

After spending 26 years at Munger Tolles & Olson LLP and moving to Gibson Dunn, she said the firm had also been developing a relationship with Facebook, so she was able to bring her work into that larger body of relationships.

Those relationships led to Linsley leading high-profile cases for the company dealing with some of the most consequential issues such as the extent to which a social media is liable for people's speech on its platform.

"If you want to have internet to be a free and open place where people can post their views, but then you start imposing liability on the platform, that's going to change the nature of the internet and reduce the amount of free flow of information," she said.

"That's part of what caught my attention to this type of work," she added.

A SIGNIFICANT ACCOMPLISHMENT THIS YEAR:

Linsley led the Gibson Dunn team that represented Expedia subsidiary HomeAway.com Inc. in its



challenge to state and local government regulations that seek to compel the handover of customers' personal information.

With Linsley as the helm, HomeAway persuaded New York federal court in 2019 to block a New York City ordinance that would have required short-term rental platforms to hand over hosts' personal information, finding that the ordinance would run contrary to the Fourth Amendment by requiring the companies to turn over the user information, and that it would harm the companies.

"It was taking Fourth Amendment principles that have been around as long as the Constitution and applying them to a new kind of requirement — that's a regulatory and compliance type of statute — and showing that no, in fact, just because it's a regulatory statute doesn't get it out of the general principles of the Fourth Amendment," Linsley said.

OTHER NOTABLE CASES:

Linsley has also represented Facebook in a handful of lawsuits accusing the company of failing to adequately enforce its policies to police content on its site and thereby contributing to the Paris ISIS attack, the Orlando nightclub attack and other terrorist attacks.

Courts in which the cases have arisen have all dismissed claims against Facebook on the merits or under the Communications Decency Act.

"There's no showing that any activity by the companies caused any harm," she said. "There has to be a causation link, and that's just not present in these cases."

Linsley also represents tech giant Salesforce.com in lawsuit alleging that it helped Backpage.com profit from sex trafficking. A California state court judge in 2019 dismissed all the claims in the case, finding that they were barred by the Communication Decency Act. That ruling is currently on appeal.

ADVICE SHE HAS FOR JUNIOR ATTORNEYS:

"No one on the team is smarter than anyone else," she said. "Your ideas are going to be equally valuable to those being offered by more senior lawyers."

While senior attorneys have more experience, she said, younger attorneys should consider themselves equal members of the team as long as they think through legal issues and "master the facts."

"Become a master of the facts," she said.

"Don't be afraid to speak up and be confident in your convictions rather than waiting and taking a passive role," she added. "It's more fun and better for your development to be an active member of the team."

— *As told to Kevin Stawicki*

Law360's MVPs are attorneys who have distinguished themselves from their peers over the past year through high-stakes litigation, record-breaking deals and complex global matters. A team of Law360 editors selected the 2020 MVP winners after reviewing more than 900 submissions.