

Cybersecurity & Privacy Group Of The Year: Mayer Brown

By **Sophia Morris**

Law360 (January 24, 2019, 11:28 AM EST) -- Mayer Brown is representing Facebook in a closely watched case alleging violations of the Illinois Biometric Information Privacy Act and has secured wins for various high-profile clients, including Citigroup and AT&T, in Telephone Consumer Protection Act class actions, securing the firm a place as one of Law360's Cybersecurity & Privacy Groups of the Year.

The group's success in the past year can be attributed to the experience of the firm's attorneys, who are able to advise clients from a variety of industries on cases involving big data, biometrics, data breaches, and other cybersecurity and privacy issues, Rajesh De, a partner in the firm's Washington, D.C., office and leader of the firm's global cybersecurity & data privacy practice, told Law360.

"We're not specific, like some firms, to one particular niche," he said. "And that's a product of the fact that we have such a deep and broad practice, with a cross disciplinary approach. We have technology sector clients like Google, Twitter and Facebook, communications sector clients like AT&T, pharmaceutical clients and financial services clients."

The practice group is comprised of about 50 attorneys globally, and many in the U.S. have experience working for regulators or other branches of government. De himself served as general counsel at the U.S. National Security Agency and worked at the White House during the Obama administration. Along with other practice group members, he is able to advise clients on regulatory matters and compliance.

"We can effectively be a one-stop shop for clients who are looking for counsel on a range of privacy-cyber needs because we can always bring the right talent to bear," De said.

The firm's strength in both privacy and class action litigation is highlighted in its handling of a proposed nationwide TCPA class action alleging that CitiMortgage made millions of collection calls to customers without their consent. The firm fought the bid for class certification, and in September an Illinois federal court judge denied the motion, citing evidence put forward by Mayer Brown attorneys that indicated a number of the customers had consented to the calls at issue.



Lauren Goldman, a member of the firm's management committee and the co-head of its Supreme Court and appellate group, said the case showed the skills of the firm's litigators. It was won by "amassing this enormous documentary record that showed that these individual issues around the plaintiffs consent barred class certification," she said.

The firm was also successful in two TCPA suits brought against AT&T in New York and Illinois. In the New York suit, the firm convinced the court to dismiss the class claims by arguing that the named plaintiff was not a suitable class representative, as she could potentially be swayed by the interests of her husband, who had previously represented her and would seek fees.

In the Illinois action, the court declined to certify a proposed class of consumers who accused AT&T of using automatic dialing machines to place unwanted calls and the named plaintiff ended up voluntarily dismissing the case. Mayer Brown had vigorously denied the allegations on behalf of AT&T and argued that the claims were barred under the principle of res judicata since they overlapped with those in a previously dismissed suit.

The firm is involved in litigating cases brought under the Illinois Biometric Information Privacy Act, including a closely watched appeal at the Ninth Circuit in which Facebook is challenging a grant of class certification to users who claim the social media giant's alleged collection of biometric information by scanning users facial images violates the statute.

After class certification was granted last April, Mayer Brown's team moved quickly to challenge the order through an interlocutory appeal. The Ninth Circuit agreed to take up the appeal in May, in a decision the firm said was rare given that the appeals court is usually reluctant to grant interlocutory appeals, issuing them less than 15 percent of the time.

The case raises questions regarding the scope of BIPA and whether alleged violations meet the standards for injury laid out by the U.S. Supreme Court's Spokeo decision. Mayer Brown represented Spokeo throughout that litigation, and Goldman noted that the case showed the firm's ability to take cases all the way to the highest court and secure rulings that then have an impact on how TCPA cases are handled.

"Our group is especially well suited to come up with these legal arguments that help our clients across different kinds of cases, across different industries and really push those legal arguments all the way to the Supreme Court where we can get these wins that help many of our clients," Goldman said.

--Additional reporting by Christopher Crosby and Ben Kochman. Editing by Alyssa Miller.