

2019

CALIFORNIA

TRAILBLAZERS

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PIONEER SPIRIT At the turn of the century, Shawn A. Williams was a young prosecutor in New York, pondering the next phase of his career. A former colleague had joined Robbins Geller in San Francisco and urged Williams to come along. The idea of representing shareholders in securities litigation appealed to him. “It was what I thought was the right side of the law, protecting the victimized.” So he packed up and moved across the country. Nineteen years later, Williams primarily litigates class action cases against corporations that allegedly misled investors. In other words, he’s protecting the victimized.

TRAILS BLAZED Some of Williams’ earliest work as a securities litigator involved the stock-option backdating scandal of the early 2000s. Executives at numerous corporations had inflated the value of their stock grants by falsifying the dates they were issued. In the process, they cheated investors. Such broad deceptions are at the heart of most of Williams’ cases, including a class action against the Chinese conglomerate Alibaba Group Holding Ltd. Before its 2014 initial public offering, one of the largest in history, Alibaba failed to disclose that Chinese regulators were cracking down on the sale of counterfeit goods on its online platform — an omission that could inflate the initial share price. As co-lead counsel, Williams settled the case in 2018 for \$75 million. Final approval was granted on May 17. Also last year, he secured a \$43 million settlement for investors in the medical device maker Medtronic. This case alleged the company paid doctors to write positive articles in medical journals about a new spinal-surgery device without disclosing known harmful effects. The positive articles helped win government approval for the device and gain acceptance by surgeons. Investors thought the company had created a flawless device, so “the stock price was inflated, and investors were hurt.”

FUTURE EXPLORATIONS Williams is currently suing Facebook in a case that he thinks will affect the areas where the law, technology and privacy concerns interact. The lawsuit centers on Facebook’s use of facial recognition technology to identify — or “tag” — people in images on its site. The technology extracts biometric data to create identifiers that Williams describes as unique as a fingerprint. The case, in the Northern District of California, is based on the Biometric Information Privacy Act of Illinois, the only statute in the country that creates a private right of action against companies that collect biometric data without consent or permission. The trial judge certified the class in 2018, and Facebook appealed to the Ninth U.S. Circuit Court of Appeals. Williams believes the case has broad implications regarding the manner in which corporations collect private information from consumers and profiting from that information without the consumers’ knowledge or consent. “It’s one of those issues that is going to be hotly litigated for the next decade. I don’t know if anybody really knows how all of these issues will be resolved.”

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PIONEER SPIRIT Rachel Jensen offers young lawyers a piece of hard-earned wisdom: “When you’re preparing for a deposition, prepare as if you’re taking the deposition of the next president of the United States, because you may have to live with that transcript for a long time.” In September 2012, she did exactly that, questioning Donald J. Trump over allegations that his Trump University had defrauded its students. Trump, four years away from his election as president, threatened to sue Jensen and called her “disgusting.” But the transcript of that deposition lives on, often cited as evidence of the president’s uneasy relationship with truthfulness. The case, which ended when Trump agreed to pay a \$25 million settlement, illustrates Jensen’s mission to use the power of class-action litigation to cure society’s ills. “I was always interested in how you can leverage the power of the consumer to combat very serious human rights and civil rights abuses. That’s what led us to the Greyhound case.”

TRAILS BLAZED Jensen comes by her dedication to human rights honestly. Before entering private practice, focusing on plaintiffs’ class actions, she worked for two United Nations tribunals that examined war crimes and genocide in Rwanda and the former Yugoslavia. She was attracted to Robbins Geller because of its representation of garment workers in the Northern Mariana Islands. Since her arrival in the firm’s San Diego office, she has put that experience to work for consumers who have experienced systematic abuse, fraud or injury at the hands of large corporations and other institutions. Late last year, she brought a class-action suit against Greyhound, alleging that it unlawfully allows immigration agents to “subject its paying customers to discriminatory immigration raids” in nonpublic spaces on its buses and in its bus stations. Within five weeks, Greyhound provided some relief, announcing on its website and at its stations that passengers could be questioned about their immigration status, nationality or documentation and that they have legal rights if that occurs. Those disclosures tell consumers they have the right to remain silent, to ask an immigration agent if they are being detained, to ask for an attorney.”

FUTURE EXPLORATIONS “I am thrilled to be in practice doing something that I had been thinking about for a very long time — the nexus between human rights and civil rights and consumer law. How do we leverage the power of the consumer to address very serious ills? It’s not just that the widget doesn’t work, it’s that the widget was made by slave labor.” When corporations make dangerous products, or misrepresent the value of its services, or engage in harmful practices such as tolerating sexual harassment, the courts provide a place to seek redress, she said. Jensen continues to explore ways in which consumers can use similar remedies, such as the impact that the #MeToo movement is having in securities cases. She cites the firm’s early interest in a case against Signet Jewelers, whose CEO was engaging in widespread sexual harassment, sparking a class arbitration that included roughly 250 declarations by women. “The #MeToo movement is part of the calculus, to the extent that it’s creating liability for the company,” she said. “I’m just thrilled to be exploring that further and digging into the potency of those remedies.” For now, though, she contends, “I am committed to these (opioid) cases,” which could be resolved by the end of the year, or continue for several more years. “If we can do it right and get the money to where it needs to go and set up the treatment centers and care for the people living with addiction, I think it really can make a difference.”

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PIONEER SPIRIT When Aelish Baig joined Robbins Geller, she went right to work on a lawsuit against the nation's largest cell-phone companies, one of the most complex consumer-fraud cases of its time. Fifteen years later, Baig is helping lead multi-district litigation confronting the country's most serious public health crisis: the opioid epidemic. She represents numerous city, county and state governments who are seeking damages from pharmaceutical manufacturers and distributors accused of falsely marketing opioid medications as safe and effective ways to manage pain. Suspicious sales also were routinely not reported to the U.S. Drug Enforcement Administration and other law enforcement agencies, mandated by federal and state laws. In one example defendants "dumped 9 million pills into a town with just 392 residents over the course of two years. Towns that size cannot absorb that number of pills." Scheduled for trial in October, the case is so all-consuming that Baig is trying to squeeze more time out of every day; she jokes that she and her team are working "25/7."

TRAILS BLAZED Reportedly the largest suit ever mounted, the multi-district litigation combines almost 2,000 cases from across the country and will be heard in Cleveland. Baig's clients include California's three largest cities — Los Angeles, San Francisco and San Diego — and municipalities as diverse as Phoenix, Baltimore and Delray Beach, Florida. Her task is to show the range of impacts caused by the use of prescription opioids: not just the deaths, but also the increased costs associated with responding to overdoses, putting children in foster care, serving homeless populations and increased burdens on first responders, law enforcement and the penal system. "It impacts everything."

FUTURE EXPLORATIONS The opioid case is often compared to the Big Tobacco litigation of the 1990s, in which Robbins Geller also participated. But proceeds from that case's record settlement ended up funding an array of government services, many of them unconnected to the public health impacts of cigarette smoking. With 150 opioid-related deaths in America each day, Baig hopes this case is different. "The opioid epidemic is so vast and it's not slowing down. It's crazy, the opioid death rates increased in 2017 over 2016. It's still going up and in places where it is not, it is staying the same."

Discovery recently concluded in another of Baig's cases, in which a Chilean mining company is accused of bribing numerous officials including the campaign manager for the former president.

For now, though, she contends, "I am committed to these (opioid) cases," which could be resolved by the end of the year, or continue for several more years. "If we can do it right and get the money to where it needs to go and set up the treatment centers and care for the people living with addiction, I think it really can make a difference."