

Consumer Protection Group Of The Year: Robbins Geller

By **Adrian Cruz**

Law360 (January 24, 2020, 4:02 PM EST) -- Robbins Geller Rudman & Dowd LLP attorneys successfully stopped Greyhound Lines from subjecting its California passengers to immigration raids and got the company to change its policies to protect passenger rights, helping to earn the firm a spot as one of Law360's 2019 Consumer Protection Groups of the Year.

Robbins Geller is one of the largest plaintiffs firms in the nation, with 200 attorneys in nine cities representing consumers and investors in disputes against companies such as Facebook, Apple and Intel. The firm has around 25 attorneys focused full-time on consumer protection matters. Group head Paul Geller said there's a lot of overlap with its other practice groups such as securities fraud, antitrust and insurance fraud.

"We're always going up against the biggest and wealthiest companies that are always represented by the biggest and best corporate defense firms," Geller said. "We represent the underdog and we sort of walk around with a chip on our shoulder. Like the kid who stands up to the bully on the playground, we stand up to the bully in the courtroom."



In August, a Ninth Circuit panel ruled in favor of a consumer class co-led by Robbins Geller, granting its certification in a suit alleging that Facebook's face recognition technology violates the Illinois Biometric Information Privacy Act. The panel said that application of the technology without consent violates Facebook users' rights and therefore they have the right to take the company to trial.

"You may one day walk home and somebody has watched everywhere you've gone, every store you've gone into, every piece of merchandise you've looked at, so that the next time you go into a store, the salesperson will know what you like, what your size is," Geller said on the potential applications for the facial recognition software. "There's cameras everywhere and it's really concerning."

The U.S. Supreme Court decided Tuesday to reject Facebook's appeal of the decision, clearing the way for a trial in which the social media giant could end up paying billions under BIPA.

Robbins Geller also represented a class of Greyhound riders who accused the company of allowing and encouraging U.S. Customs and Border Protection patrol officers to board its buses and perform immigration raids in violation of California consumer protection laws.

In June, a California state judge ruled in favor of the riders by rejecting Greyhound's attempt at dismissing the suit, disagreeing that federal immigration law supersedes state consumer protection law regarding Greyhound's compliance with border patrol requests to conduct the raids. The ruling is considered to be the first of its kind that says private companies are responsible for the actions of border patrol.

"It held that a private company could be held liable by consumers for aiding and abetting civil rights or constitutional violations by the government," partner Rachel Jensen said. "This is very important because it is very difficult to hold government entities liable for certain constitutional violations. Telling Greyhound that it has a duty to protect its passengers is a very strong message to send corporations."

Following the suit's filing, a number of state attorneys general have started investigating Greyhound and working with the company to change its practices in their states. Those include the Washington attorney general, who wrote a letter last February asking the company to stop those practices in Spokane, which is close to the Canadian border. Currently, any bus that goes within 100 miles of a border, whether Mexican or Canadian, is subject to search by federal officials.

In response, Greyhound has made a nationwide effort to support its riders of color by placing "know your rights" information online and in bus stations that advises them in both English and Spanish of the potential raids by border patrol, their rights during those searches and information on legal resources.

Geller said one of the main reasons for the firm's success is its status as a contingency-only firm. Because it's guaranteed nothing unless clients win, he said it adds an extra layer of motivation to obtain a successful result for its clients.

"We really want to win and as a firm culture, we take our cases very personally," Geller said. "We want to win not just because we get paid but also because the cases we take are important cases where we feel that without question, we're on the right side."

One of the biggest challenges for plaintiffs firms is that they're usually matched up against companies with unlimited resources and access to the best lawyers. Geller said that one of the major advantages Robbins Geller has compared to other plaintiffs firms is that it has the resources to match up against those companies.

"You have to beat them day after day and I'm proud that we're one of the few firms that has the technological, human and financial resources to be able to litigate against and beat these big firms and companies without outside funding," Geller said. "We're willing to work seven days a week to fight these companies and I think we do it better than most."

--Editing by Bruce Goldman.