

Daily Journal

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TOP 100 LAWYERS IN CALIFORNIA 2019

LITIGATION

SHAWN A. WILLIAMS

**ROBBINS GELLER RUDMAN & DOWD LLP
SAN FRANCISCO**

SPECIALTY: SECURITIES FRAUD; PRIVACY

Before joining Robbins Geller in 2000, Williams served for five years as an assistant district attorney for the legendary Robert M. Morgenthau in Manhattan. There, he tried more than 20 cases before New York juries and led white-collar fraud grand jury investigations.

Now that he focuses his practice on securities class actions, the lessons Williams learned back then have become guiding principles.

“For me, investigating a case means ferreting out the strongest facts with an eye toward trial,” he said. “The law will provide you a framework, but the facts drive your success.”

He’s in the midst of what he calls “one of the most interesting privacy cases in the courts,” in which he is one of the lead counsel for a class suing Facebook Inc. over its allegedly unlawful use of facial recognition software to extract unique biometric identifiers—derived from facial geometry scans—from photographs uploaded to its online social network. *In re Facebook Biometric Information Privacy Litigation*, 3:15-cv-03747 (N.D. Cal., filed Aug. 17, 2015).

“It’s serious,” he said of the facial recognition technology. “It’s largely unregulated. And some regard it as dangerous.”

On Aug. 8, 2019, a 9th U.S. Circuit Court of Appeals panel affirmed U.S. District Judge James Donato of San Francisco’s grant of class certification. The panel concluded that the development of a face template and use of the technology without consent, as alleged, invades an individual’s private affairs under Illinois’ Biometric Information Privacy Act.

“Once back in district court we can move, and the stakes are huge here,” Williams said. Facebook’s liability could reach the tens of billions of dollars, he added, and beyond that is the potential for harm. “The Chinese government is using this to isolate its Uighur population. The more people learn about the potential significance of this technology, the more there are demands for safeguards. This is a privacy issue people really care about.”

As that case unfolded, Williams in December 2018 scored a win as a court in Minnesota granted final approval of a \$43 million settlement just prior to trial in a case over medical device maker Medtronic Inc.’s alleged securities laws



violations. As lead trial counsel Williams contended that the defendant schemed to defraud its shareholders by secretly drafting and editing medical journal articles, purportedly authored by physician consultants, which underreported adverse events associated with a key bone growth treatment. *In re Medtronic Inc. Securities Litigation*, 13-cv-01686 (D. Minn., filed June 27, 2013).

— John Roemer