

# Daily Journal

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## TOP 40 UNDER 40

California's leading lawyers of 2018

### Julie E. Schwartz

Schwartz represents internet and technology companies — including well-known names and emerging startups — in privacy and data security litigation nationwide. Her cases involve novel issues under the Communications Decency Act, the First Amendment, the Stored Communications Act and the Computer Fraud and Abuse Act along with other state and federal laws.

“I’m often concerned with issues that face platforms when there are legal efforts to remove speech,” she said.

A recent major case involved Nashville-based country rap musician Jason Cross, known professionally as Mikel Knight, who sued Facebook Inc. in 2016 in San Mateo County Superior Court to force Facebook to take down a page started by the family of a victim of a motor vehicle accident involving a van engaged in promotional work for Knight’s record label. The page allegedly included incitements to violence against Knight and represents of the record label, leading to physical assaults on label personnel and the loss of prospective business, Knight’s suit claimed.

Schwartz, representing Facebook, argued that the suit was barred by California’s anti-SLAPP statute and the Communications Decency Act. A trial judge saw it only partly her way, striking part of the complaint but holding that Knight’s unfair competition law and publicity right claims could proceed. “The trial court adopted a right of publicity argument by the plaintiffs that would have gotten around the CDA,” Schwartz said. Contesting the judgment at the 1st District Court of Appeal, she and her colleagues obtained reversal and a complete victory. The appellate ruling last August was the first to apply the anti-SLAPP statute to Facebook in California and adds to case law holding that Facebook’s editorial dis-



#### Perkins Coie LLP

Palo Alto

**Practice:** Privacy and data security litigation

**Age:** 35

cretion is protected by the First Amendment.

“What the court of appeal did was reaffirm Facebook’s right to host speech,” Schwartz said. “We had fantastic amicus support. These issues were well worth litigating.” The final judgment included an award of more than \$300,000 in attorney fees and costs. The California Supreme Court has denied review. *Cross v. Facebook Inc.*, A148623 (Cal. App. 1st Dist., filed Feb. 16, 2016).

Schwartz finds her job fascinating. “I was

doing general commercial litigation when I came to Perkins Coie,” she said. “Working now with tech companies is exciting because of the way the law is constantly evolving. I remember growing up in the ’90s being on AOL and message boards. That was important to me, but I never thought I’d be able to build a career protecting them. I feel like the luckiest person in the world. It feels like I make a difference.”

— John Roemer