

Daily Journal

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Top 20 Under 40

To compile this list, Daily Journal editors and reporters considered hundreds of lawyers from throughout California. We looked at every major practice type, including corporate transactions, criminal prosecution and intellectual property litigation.

The most important consideration was the

work. How have this lawyer's cases impacted the law, a particular sector of industry or society? That's the first question we ask ourselves in considering each person. We also look at the candidate's impact on the legal community. Is he or she taking a leadership role within the firm, agency or organization? Are they active

in bar groups and public service organizations?

As you read through this supplement, we think you'll agree that California's legal talent is some of the best you'll find anywhere in the world.

-The Editors



Google Inc. continues to be a major part of Rubin's practice.

In his most recent win for the company, last year he convinced a District of Delaware judge to dismiss with prejudice a case involving two dozen federal lawsuits and three other defendants. *In re: Google Cookie Placement Consumer Privacy Litigation*, 1:12-md-02358-SLR (D. Del.).

At issue were allegations that Google improperly placed cookies on Safari web browsers.

"Privacy litigation is increasingly technical and the claims asserted often have nothing to do with what actually gave rise to the lawsuit in the first place," Rubin said. "Discovery becomes essential both to educating the court and showing that the claims don't fit."

Often, courts will allow plaintiffs more than one chance to amend their pleadings, Rubin said.

"That's not what happened in this case," he added. "The finality of this ruling on the first round should embolden other courts to cut off similar litigation earlier, and dissuade plaintiffs from bringing claims that do not

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Practice Type: Litigation

Practice Specialty: Internet Strategy,
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fit the allegations."

In another significant matter last year, Rubin prevailed for Google in a multidistrict litigation challenging the legality of the Android operating system and alleging that apps downloaded to Android devices have mishandled user information. *In re: Google Inc. Android Consumer Privacy Litigation*, 3:11-md-02264-JSW (N.D. Cal.).

The plaintiff's complaint was dismissed for lack of standing and failure to state a claim.

"Especially in privacy cases, plaintiffs often craft complaints that obscure precisely what they're challenging," Rubin said. "That approach



presents an opportunity when it comes to attacking the pleadings. By not telling a coherent story, a complaint leaves the door open to a reframing of the case."

He added, "That is precisely what happened in this case and it helped us to convince the court to dismiss plaintiffs' complaint."

— Pat Broderick