

MVP: Gibson Dunn's Joshua S. Lipshutz

By Donald Morrison

Law360 (October 30, 2023, 1:07 PM EDT) -- Joshua S. Lipshutz of Gibson Dunn & Crutcher LLP's technology group helped Facebook skirt a major privacy suit related to the Cambridge Analytica data scandal and is representing DoorDash, Uber Eats and Grubhub in their suit challenging New York City's 20% cap on the fees food-delivery apps can charge restaurants, earning him a spot as one of Law360's 2023 Technology MVPs.

His biggest accomplishments of the past year:

Lipshutz helped DoorDash, Uber Eats and Grubhub defeat both San Francisco's and New York City's attempts to dismiss challenges over city ordinances that cap the commissions third-party platforms can charge local restaurants for order delivery and other marketing, payment and customer support services.

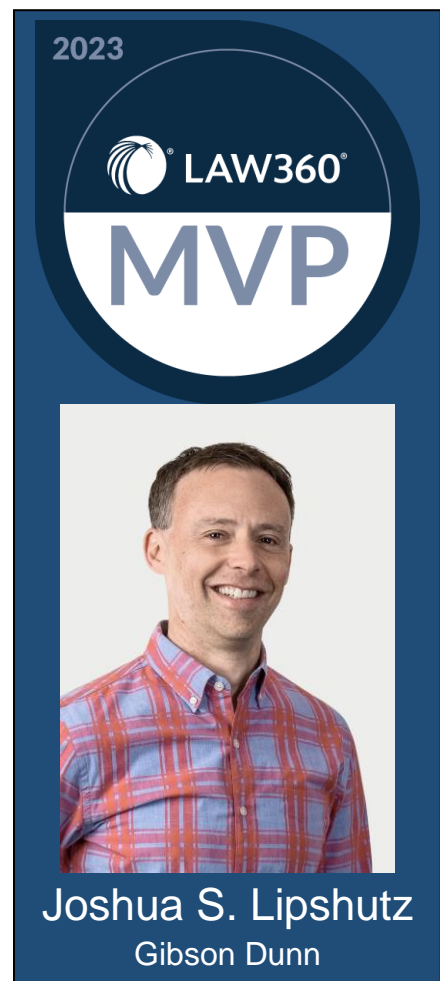
Lipshutz and fellow Gibson Dunn attorney Anne Champion sued the city of New York in September 2021 on behalf of the operators of DoorDash, Caviar, Grubhub, Seamless, Postmates and Uber Eats. The ongoing suit claims the city's recently extended 20% fee cap is unconstitutional and harms not only the apps but also the restaurants they serve.

"I'm really proud of our work on the commission caps cases," Lipshutz said. "The laws themselves were pretty novel, so we really had to bring a series of well-tested arguments in various courts around the country to show the cities that they can't force our clients to change the way they do business. I feel really great about those cases and how they've been playing out."

His biggest challenge of the past year:

Lipshutz said one of the most challenging aspects of being a technology lawyer is that the issues are constantly evolving as the industry continues to grow and transform, whether his team is challenging commission caps or fighting data privacy cases, or even labor and employment issues pertaining to technology.

"We're always dealing with cutting-edge, new issues and many of them haven't been litigated in this context," Lipshutz said. "So you get to use case law and the Constitution to make arguments in a way that they haven't been made before and deal with issues that have never really arisen before. That's always, to me, what makes my job endlessly fascinating."



Joshua S. Lipshutz
Gibson Dunn

Lipshutz helped free Facebook from a lawsuit brought by Washington, D.C.'s attorney general in the wake of the Cambridge Analytica data harvesting scandal, defeating numerous motions attempting to peer into the business practices of Facebook parent company Meta. The judge ultimately found that the social media giant hadn't misled users about its third-party app monitoring practices or its "swift" response to the sprawling data misuse incident.

"We were able to convince the D.C. court to dismiss the case at summary judgment, and we've convinced many other courts to do the same as well," Lipshutz said. "We are very happy with those outcomes."

His proudest moment of the past year:

Introducing clients to his colleagues at Gibson Dunn and having it result in success has provided Lipshutz with his most gratifying moments of the year.

"We as a firm have really focused on building out our bench of talent on the technology side over the past few years. We've always had a fantastic team, but in some ways, now more than ever, I think our talent in this particular area is really unrivaled."

What motivates him:

Lipshutz said clients like Meta, DoorDash and Uber Eats constantly motivate him to do the best work possible.

"The clients I work with every day are companies that change the world," Lipshutz said. "And I love being a part of that. I think the people that I get to work with, both on the client side and my colleagues, are just wonderful people. It's what drives me every day."

Working in an industry that's always growing and continually challenging him is another big motivator for Lipshutz. Since 2021, he's represented DoorDash in a novel data privacy and trade secrets suit against New York City over an ordinance compelling DoorDash and other platforms to disclose customers' sensitive personal identifying information to their restaurant partners.

"I get to work with brilliant people ... on cutting-edge issues that matter for the world," Lipshutz said. "For me, every day is interesting, every day is different, and I couldn't be luckier."

His advice for junior attorneys:

Lipshutz said it's important for newer lawyers to pay attention to what they really care about in the legal industry, and it's OK if that changes over time.

"You need to follow your passion, always follow your passion," Lipshutz said. "There are so many fascinating things to do in law and if you're at a great law firm, like Gibson Dunn, you can pursue whatever that interest is."

Lipshutz started his career as an appellate attorney and over time shifted into doing more technology company litigation, he said.

"The firm has always supported me and whatever my interests and passions have been, and I think it's important that we continue to do that for young talent, because that's what keeps your career interesting," Lipshutz said. "That's what keeps you motivated and keeps you going."

-- As told to Donald Morrison

Law360's MVPs of the Year are attorneys who have distinguished themselves from their peers over the past year through high-stakes litigation, record-breaking deals, and complex global matters. A team of Law360 editors selected the 2023 MVP winners after reviewing more than 900 submissions.

All Content © 2003-2023, Portfolio Media, Inc.