

Daily Journal

JUNE 21, 2023



*Lauren Gallo
White*

*Wilson Sonsini Goodrich
& Rosati*

•
San Francisco

•
Litigation

Lauren Gallo White is a partner in the firm's internet strategy and litigation group whose practice sits at the intersection of law, internet and politics. She represents internet and digital media companies, including technology giants such as Google and YouTube, in high-profile cases related to content moderation practices, online speech, privacy, federal anti-discrimination claims and intellectual property.

As state legislatures and the federal government increasingly seek to regulate the space, and the laws seem to change day by day, White said it is an incredibly exciting time to be working in internet law.

"The Supreme Court [recently] issued highly anticipated opinions in two cases that I've been working on for over five years – nearly seven years in one case – that for the first time described the application of common law aiding and abetting liability to the modern internet," she said. "In a separate opinion, the Court declined to rule on Section 230, preserving the status quo of that existing doctrine."

The Supreme Court agreed to hear two separate but related cases with the potential to change the future of the internet. *Twitter, Inc. v. Taamneh*, 21-1496; and *Gonzalez v. Google*, 21-1333.

Plaintiffs in both cases had family members that died in terrorist attacks and claimed that Twitter, Facebook and Google should be held liable for aiding and abetting the attacks through their recommendation of ISIS content.

The Taamneh family argued that Twitter, Google and Facebook knew their platforms contributed to ISIS's recruitment and terrorism efforts but failed to adequately censor such content, which the family claimed contributed to the nightclub attack in Istanbul in 2017. The Gonzalez case presented similar facts involving coordinated terrorist attacks around Paris in 2015. Google argued that Section 230 of the Communications Decency Act shielded it from all claims.

"Gonzalez was the first occasion the Supreme Court had taken to consider the application of Section 230, which provides immunity to internet services for hosting third-party speech. That immunity statute has been under a tremendous amount of political and public scrutiny over the last few years," White said.

The justices unanimously rejected the Twitter suit, and the Court sent the Gonzalez case back to the lower court for another look in light of the Twitter decision. The Court found neither company had any underlying liability to need the protections, thus sidestepping the Section 230 dispute.

"Many expected that the Court would issue a decision that changed the prevailing interpretation of the statute and potentially limited its application. It turned out that the Court declined to reach the issue altogether and preserved the status quo," White said. "So the prevailing interpretation in almost every federal circuit for the past 20 years is unchanged, at least for now."

– Jennifer Chung Klam