

Edelson



Jay Edelson, Founder & CEO

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I graduated *cum laude* with a degree in philosophy from Brandeis University and received my J.D. from the University of Michigan Law School. I handle consumer class actions, general commercial litigation matters, and consult with start-ups.

CURRICULUM VITAE

JAY EDELSON is the Founder and CEO of Edelson PC. He has been recognized as one of the nation's leading class action lawyers, especially in the areas of privacy, technology, and consumer advocacy.

Federal courts have recognized Jay as a "pioneer" in the emerging field of electronic privacy, having established key precedent in cases throughout the country and reaching some of the most important settlements in this space (collectively totaling over \$300 million). He has developed much of the positive law under the Telephone Consumer Protection Act, especially in the area of text message spam, earning him the moniker "the Spam Slammer". His cases regarding the national banks' suspensions of home equity lines of credit in the aftermath of the housing collapse resulted in the restoration of billions of dollars of consumer credit lines. Jay is lead counsel in *Robins v. Spokeo*,

where the United States Supreme Court held that “intangible” harms can satisfy Article 3 standing requirements. Jay is also co-lead counsel in the NCAA personal injury concussion multi-district litigation.

Based primarily on his success in bringing consumer technology class actions, the national press has dubbed Jay and his firm the “most feared” litigators in Silicon Valley and, according to the New York Times, tech’s “babyfaced ... boogeyman.” Most recently, Chicago Lawyer Magazine dubbed Jay “Public Enemy No. 1 in Silicon Valley.” The international press has called Jay one of the world’s “profilertesten (most prominent)” privacy class action attorneys. law360 has similarly recognized Jay as a “Titan of the Plaintiff’s Bar,” primarily based on his work in the tech and privacy space. Recently, the National Law Journal recognized Jay as a “Cybersecurity Trailblazer” — one of only two plaintiff’s attorneys to win this recognition.

In addition to complex defense-side litigation, which he handles only in select cases, Jay also offers strategic support to start-ups, including several that have become national brands. Jay has also served as a private mediator, successfully resolving multi-million dollar class action lawsuits.

Jay is a frequent speaker and writer on class action issues, the practice of law more generally, and training and law firm management — the latter earning him recognition by the ABA as one of “the most creative minds in the legal industry”. In recognition of the fact that his firm runs like a start-up that “just happens to be a law firm,” Jay was recently named to “Chicago’s Top Ten Startup Founders over 40” by Tech.co.

Jay is an adjunct professor at UC Berkeley School of Law where he is teaching a class in Privacy Litigation. He has written a blog for Thomson Reuters, called Pardon the Disruption, where he focused on ideas necessary to reform and reinvent the legal industry and has contributed opinion pieces to TechCrunch, Quartz, the Chicago Tribune, law360, and others. He also serves on law 360’s Privacy & Consumer Protection editorial advisory board.

Jay was recently included in Angeion Group’s “Leading Litigator” Series, where, in a 2-part interview (here and here), he provides expansive thoughts on his views of class action practice and law firm management.

Representative Plaintiffs’ Class Actions:

- Recognized as one of the “pioneers” of privacy class action litigation, having successfully litigated cases involving claims of privacy breaches or intrusive behavior against companies such as Netflix, Amazon, Facebook, Microsoft, Bauer Publishing and Sears and reaching settlements collectively totaling over \$300 million.
- Lead counsel in numerous cases of first impression involving state and federal privacy statutes throughout the country.

- After winning seminal decision in the 11th Circuit, reached the first three — and only — data breach class action settlements that provided class members cash without any showing of identify theft or other post breach injury.
- Lead counsel in *Robins v. Spokeo*, recently before the United States Supreme Court, involving allegations that the “people search engine,” Spokeo disseminated false information about consumers in violation of the Fair Credit Reporting Act.
- Co-lead counsel in *National Collegiate Athletic Association Student-Athlete Concussion Injury Litigation – Single Sport/Single School (Football)* multi-district litigation, bringing personal injury lawsuits against the NCAA, conferences, and its member institutions over concussion-related injuries.
- Lead counsel in over a half-dozen nationwide class action settlements collectively worth hundreds of millions of dollars involving claims of unauthorized charges on cellular telephones.
- Lead counsel in *Birchmeier v. Caribbean Cruise Line, Inc.*, resulting in a \$76m settlement — the largest ever TCPA settlement to date.
- Lead counsel in numerous text message spam class actions, including a \$35 million settlement involving Jiffy Lube, a \$20 million settlement involving a for-profit college, a \$16 million settlement involving 20th Century Fox, a \$10 million settlement involving Simon & Schuster and a \$7 million settlement involving the Timberland Co.
- Lead counsel on class action alleging that data analytics company obtained and sold consumer data without consent. After winning adversarial class certification and completing merits discovery, case settled for \$14 million.
- Lead counsel in several class actions against the major banks for suspending home credit lines in the wake of the financial crash. Settlements collectively restored billions of dollars in credit lines.
- Lead counsel in *Wigod v. Wells Fargo*, which was the first case in the country to allow consumers standing to sue over claims over the failure to honor home loan modification agreements. After the Court of Appeals noted that “prompt resolution” of the case was necessary “for the good of the country,” the case settled, resulting in loan forgiveness and substantial cash payments.
- Lead counsel in \$30 million class action settlement involving lead-infused Thomas the Tank Engine children’s toys.
- Part of a U.S. and Canadian class action mediation team obtaining a \$24 million settlement involving the 2008 contaminated pet food recalls.
- Part of a team successfully representing personal injury claimants suffering from effects of second hand smoke while working at a riverboat casino.
- Obtained an injunction preventing an insurance company from canceling the health insurance of thousands of self-employed individuals, later reaching settlement guaranteeing them insurance for the future.

Representative Commercial Litigation Matters:

- Brought in as lead negotiator in dispute on behalf of a tech company against a VC firm alleging fraud and violations of the Securities & Exchange Act. Case resolved successfully pre-suit.
- Represented tech company in legal malpractice dispute, resulting in multi-million dollar settlement — well in excess of the “hard” damages suffered.
- Represented one of the nation’s largest mortgage lenders in multiple putative employment class actions, resolving them at a fraction of the normal budgets established simply to defend such cases.
- Represented leading advertising company in defense of consumer class action. Successfully resolved threatened multi-million dollar class action against technology company pre-suit for nuisance value.
- Brought in to negotiate potential class action against brought again a nationwide nutritional food company. Case resolved prior to suit being filed for a fraction of even the nuisance value of the case.
- Successfully negotiated the abandonment of threatened multi-million class action against advertising company involving digital rights.
- In a 2-1 split decision before the Court of Appeals for the Seventh Circuit, won the dismissal of all charges against former Governor Rod Blagojevich in 9-figure civil racketeering claims on the basis of legislative immunity.
- Successfully won multi-million dollar pre-suit settlement on behalf of technology company and its officers claiming professional negligence.
- Successfully defended several “bet the company” cases involving commercial disputes against marketing company, all resulting in “nuisance value” type settlements.

Representative Corporate Consulting:

- Advised start-up on host of legal issues, including reformulating their business plan to ensure compliance with myriad state regulatory schemes. Company later became recognized as one of the fastest growing businesses in Chicago.
- Consulted with successful mid-west technology company, also recognized as one of the fastest growing in the area.
- Consulted with health care company, including help with product launch and negotiation of licensing agreement.
- Consultant on several tech start-ups, providing legal and strategic advice, including helping to secure VC funds.

Representative Mediations:

- Lead negotiator in over 100 mediations collectively involving multi-billions of dollars at issue. The mediations included consumer and employment class actions, individual, multi-party, mass and class personal injury lawsuits, and individual cases ranging from business to business disputes to employment claims to civil rights matters.

- Served as a private mediator in successful resolution of 8-figure class action lawsuit.
- Served as an informal mediator in several class action disputes involving fee issues and objections.

Awards and Honors:

- Recognized as a "Cybersecurity Trailblazer" by the National Law Journal, 2016.
- Won the first ever "President's Award" given by the Illinois Bar Foundation, 2016.
- Named one of "Chicago's Top Ten Startup Founders over 40" by Tech.co, 2016.
- Named a "Titan of the Plaintiffs Bar" by Law360, 2014
- Selected as an Illinois Super Lawyer, 2012-2017
- Selected as a "Leading Lawyer" in the areas of plaintiff's class actions, data privacy, consumer protection, and technology law, 2016
- Benchmark Litigation: Top Illinois Plaintiff class action lawyer, 2013, 2014
- Named to Top 100 Trial Lawyers, by the National Trial Lawyers, 2013
- Named one of the top 40 Illinois attorneys under 40 by the Chicago Daily Law Bulletin's 2009. In that award, Jay was heralded for his history of bringing and winning landmark cases and for his "reputation for integrity" in the "rough and tumble class action arena." In the same award, he was called "one of the best in the country" when it "comes to legal strategy and execution."
- Included in the American Bar Association "24 hours of Legal Rebels" program, where he was dubbed one of "the most creative minds in the legal profession" for his views of associate training and firm management.
- Presented with the Annual Humanitarian Award for his "personal integrity, professional achievements, and charitable contributions" by the Hope Presbyterian Church.

Teaching:

- Adjunct professor at UC Berkeley School of Law, Privacy Litigation Seminar.
- Former Adjunct professor at The Chicago-Kent College of Law, Class Action Litigation and Negotiation Seminar.
- Guest lecturer at Northwestern University Law School, the University of California, Hastings School of Law, and The John Marshall Law School on consumer, privacy, and class action issues.
- Faculty for The Sedona Conference Cooperation Training Program (Feb. 21-22, 2014) (clinical training on negotiation and cooperation techniques).

Media:

- Appeared on dozens of local, national, and international television and radio programs, including ABC World News, CNN, Your World With Neil Cavuto, Big Story with John Gibson, CBS Radio and NPR.
- Appeared in thousands of newspapers, magazines, and other publications.
- Numerous regional, national, and international profiles, including cover story on New Times' Sunday Business section, wherein the Times dubbed him tech's "babyfaced" "boogeyman" and a profile in Die Ziet where he was called "der gäger im hoodie (the hunter in the hoodie)".
- Featured in a PIVOT TV documentary show entitled "Data Vampires."
- Included in PetFooled, a documentary detailing our class action suit on behalf of pet owners whose pets died as a result of contaminated pet food.
- Nicknamed the "Spam Slammer" in Chicago Sun-Times front-page cover article after reaching the first ever class action settlement for text message spam.

Public Speaking:

- Panelist for ACI's 15th National Forum on Cyber & Data Risk Insurance "The Changing Landscape of Cyber Liability Litigation: Data Misuse, Ransomware, Class Action Following Spokeo, and More" (March 30, 2017).
- Testified at Illinois House of Representatives' Cybersecurity, Data Analytics & IT Committee Subject Matter Hearing on "Privacy implications and transparency issues associated with new and emerging surveillance and data collection technologies" (March 1, 2017).
- Panelist for PLI's "Advanced Data Privacy, Cybersecurity Breach and TCPA Class Action Litigation Strategies and Defenses 2017" Conference, "Standing After Spokeo: Effects on Privacy, Security Breach and TCPA Litigation" (Jan. 20, 2017).
- Panelist for Golden State Institute's Panel "Assessing Damages in Privacy Cases and Settlements," (Nov. 3, 2016).
- Panelist for IAPP's "Privacy. Security. Risk. 2016" Conference, "Privacy Litigation: Defining Privacy Harm," (Sept. 16, 2016).
- Panelist for Georgetown Law's 4th Annual Cybersecurity Law Institute, "Litigation Trends in Data Breaches," (May 25, 2016).
- Panelist for Today's General Counsel, "The Exchange" Data Privacy and Cybersecurity Forum, "The Presumption of Litigation," (May 11, 2016).
- Panelist for The International Association of Defense Counsel's Corporate Counsel College, "What is the Other Side Thinking," (April 28, 2016).
- Panelist for the Privacy Bar Section of the IAPP, "Privacy Litigation," (April 7, 2016).
- Panelist for PLI's Defending Data Privacy, Security Breach and TCPA Class Action Suits 2016, "Advanced Issues in Class Certification and the Management of Class Action Litigation," (January 22, 2016).
- Guest Speaker for University of Chicago Jewish Law Student's Association's dinner, "The Most Feared Lawyer in Silicon Valley" (January 15, 2016).

- Panelist for National Conference of Jewish Lawyers, “Privacy in the Google and Facebook Era” (August 26, 2015).
- Participant in MER’s National Conference on Managing Electronic Records, “How to Win (or Lose) Your Data Breach Class Action” (representing data breach class in mock argument before the Honorable James F. Holderman (N.D.Ill.)), (May 20, 2015).
- Guest Speaker for Shook Hardy & Bacon’s “Conversations in Privacy” Teleconference, (May 19, 2015).
- Panelist for Chicago Bar Association’s Panel, “Challenges to Class Membership: Ascertainability, Standing, and Injury,” (May 14, 2015).
- Panelist for Perrin’s Class Action Litigation Conference, “Privacy and Data Breach Issues,” (May 6, 2015).
- Panelist for the Mortgage Broker Association’s Legal Issues and Regulatory Compliance Conference, “Class Action Roundtable,” (May 5, 2015).
- Panelist for PLI’s Defending Data Privacy, Behavioral Advertising and Security Breach Class Actions Suits 2015, “Class Certification and Settlement in Data Privacy, Behavioral Advertising and Security Breach Class Actions”, (January 23, 2015).
- Panelist for Northwestern Law School Sports Seminar, “NCAA Concussion Litigation Panel” (October 24, 2014).
- Panelist for ABA Business Law Section Annual Meeting, “Virtual & Digital Currencies – the Path to Legitimacy and the Need (or Not) for a Regulatory Framework for Consumer Protection” (September 12, 2014).
- Panelist for National Association of Attorneys General 2014 Spring Consumer Protection Seminar, “Data Breach and Privacy Panel” (May 19, 2014).
- Panelist for Perrin Webinar, “Sports Concussion Litigation- Latest NCAA and High School Research, Developments and Findings” (May 14, 2014).
- Panelist for Law Seminar International’s Conference on Technology Law, “Plaintiff’s Perspective on the Use of Big Data Class Actions as a Privacy and Security Enforcement Tool” (Dec. 12, 2013).
- Panelist for Law Seminar International’s Conference on Litigating Class Actions, “Evolving Issues in Privacy Class Actions” (Dec. 10, 2013).
- Panelist for Pennsylvania Bar Institute seminar, “The FCC Cracks Down on Telemarketing Again. The Regulatory and Litigation Climate of the Telephone Consumer Protection Act” (Dec. 10, 2013).
- Panelist for the NCLC Class Action Symposium, “Data Privacy Class Action Session” (Nov. 10, 2013).
- Panelist for The Sedona Conference on Cyber Liability (participated in three panels: “Private Data Breach Incidents,” “Telecommunications & The Internet,” and “Pushing the Boundaries of Cyber Liability”) (Oct. 24-25, 2013).
- Panelist for NetDiligence 2013 Cyber Risk & Privacy Liability Forum – West Coast: “Data Breach Litigation Update.” (Oct. 10, 2013).
- Panelist for ABA Dispute Resolution Conference: “Getting Arbitration Back on Track.” (April 5, 2013). Panelist for PLI’s conference: “Defending Privacy and

Behavioral Advertising Class Action Suits 2013: What Every Litigator and In-House Lawyer Needs to Know.” (January 22, 2013).

- Panelist discussing privacy class actions during for American Bar Association’s 16th Annual National Institute on Class Actions (October 25, 2012).
- Panelist for ITT Chicago-Kent College of Law’s “Conference on Internet Privacy, Social Networks and Data Aggregation” (March 23, 2012).
- Panelist for Chicago-Kent College of Law’s “Class Dismissed? How the Supreme Court’s Recent Decisions Have Shifted the Balance Between Individuals and Corporations” (November 2, 2011).
- Panelist for Daily Deal Media Conference 2011, Roundtable on Legal Landscape of the Daily Deal Industry (September 8, 2011).
- Panelist for Chicago Bar Association’s Committee on Cyber Law and Data Privacy, Seminar on Consumer Privacy (June 10, 2011).
- Co-chair of CLE International’s 2011 national multi-day conference on consumer class actions (May 12-13, 2011).
- Co-chair of CLE International’s 2010 national multi-day conferences on consumer class actions (June 14-15, 2010).
- Panelist for Law Seminar International’s “Trends in Federal Circuit Class Certification Rulings” (Nov. 4, 2010).
- Panelist at Decalogue Society of Lawyers’ Symposium on “Representing Celebrity Clients” (Jan. 28, 2010).
- Panelist at DePaul University College of Law & The International Institute for Animal Law’s symposium, “How Much is Fido/Fluffy Worth? Animal Valuation Issues Raised by the Pet Food Recall and Other Litigation” (Oct. 25, 2007).

Publications:

- “Learning The Limits (And Irony) Of Spokeo,” law360, Dec. 12, 2016 (second author).
- “Trump’s wall misses the mark: We need a cyber wall, not a physical one,” TechCrunch, May 27, 2016.
- “Peter Thiel proves Silicon Valley only hates lawsuits when it’s the one getting sued,” Quartz, May 27, 2016.
- “Theranos exposes the perverse incentives at work in Silicon Valley,” Quartz, April 29, 2016.
- “The FBI has a Big Ulterior Motive in its Fight with Apple,” Quartz, Mar. 18, 2016.
- “Why Apple is Right to Tangle with the FBI,” Chicago Tribune, Feb. 24, 2016.
- “Pick-Offs After Campbell-Ewald: Some Predictions,” Law360, Jan. 21, 2016.
- “What’s Past is Prologue: Snowden Leaks, New Domains, Global Jockeying For Internet Governance Role Still Dominate Cyberlaw Hot Topics in 2014,” Bloomberg/BNA Electronic Commerce & Law Report, Feb. 3, 2014 (contributor).
- “Pardon the Disruption,” Thomson Reuters Legal Blog, 2013-2104.

- “The ATL Interrogatories: 10 Questions with Jay Edelson from Edelson PC,” Above the Law, Oct. 16, 2013.
- “Beyond the Ping Pong Table: Lessons for Lawyers From Startup Companies,” National Law Journal, Sept. 30, 2013.
- “End the Summer Associate Sideshow (and Start Treating Them Like the Almost-Lawyers They Are),” Bloomberg Law, Aug. 21, 2013.
- “Cyberlaw Predictions: Privacy Litigation in the United States,” Bloomberg/BNA, Jan. 2, 2013 (contributor).
- Preventing Your Daily Deals From Becoming Permanent Targets, Daily Deal Media, 2012 Daily Deal Industry Report.
- “9 Mistakes Companies Make In Defending Themselves Against Consumer Class Action Lawsuits,” Law360 (Jan. 2011).
- “Trust Young Lawyers and They Won’t Let You Down,” ABA Journal’s Legal Rebels – Remaking the Profession (Oct. 15, 2009).
- “The YouTube Generation: Implications for Medical Professionalism,” Perspectives in Biology and Medicine, Vol. 51, No. 4 (2008), pp. 517-524 (Contributor).