

Bracewell's Warren Harris Named AmLaw Litigation Daily's Litigator of the Week

Awards & Rankings

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HOUSTON – Warren W. Harris, a partner in Bracewell's Houston office and chair of the firm's appellate practice, has been named *The AmLaw Litigation Daily's* Litigator of the Week for the week ending August 12, 2023. Harris led the appellate team that won an important victory in a high-profile sex-trafficking lawsuit against business software provider Salesforce.

On August 3, the US Court of Appeals for the Seventh Circuit reversed an Illinois district court ruling and rejected Salesforce's argument that Section 230 of the Communications Decency Act shielded the company from a participant liability claim stemming from its relationship with the shuttered sex-trafficking website Backpage. Salesforce sought protection under Section 230, which prohibits interactive computer services from being treated as a publisher of third-party content.

In a 2-1 decision, the Seventh Circuit concluded the alleged victim (G.G.) and her mother were not required to demonstrate that Salesforce specifically knew that Backpage was trafficking G.G. when she was 13-years old. Instead, G.G. and her mother only needed to demonstrate that Salesforce knew or should have known that its client, Backpage, was engaged in trafficking and Salesforce profited from assisting Backpage. The Seventh Circuit found that Salesforce was not protected by Section 230 because the lawsuit against Salesforce seeks to hold Salesforce liable for its own acts, not for publishing third-party content.

"This case is important because it confirms that sex trafficking victims will get their day in court on claims against parties that knowingly benefit from participating in a venture which the party knew or should have known has engaged in sex trafficking," Harris told *The AmLaw Litigation Daily*. "This case clarifies several important legal points where little appellate guidance exists

Related People

Warren W. Harris

Partner

HOUSTON

+1.713.221.1490

warren.harris@bracewell.com

Walter A. Simons

Partner

HOUSTON

+1.713.221.1236

walter.simons@bracewell.com

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regarding the elements of beneficiary liability claims and the interaction between these claims and Section 230," he added.

Harris argued the case before the Seventh Circuit, and was assisted by **Walter A. Simons**, who took lead on drafting the briefing for the plaintiffs and helped Harris prepare for oral argument.

Download *The AmLaw Litigation Daily's* full Q&A with Harris below.