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Top 100 Lawyers 2025





Ben Berkowitz

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San Francisco

Since joining Keker, Van Nest & Peters LLP in 2006 after clerking for Judge Marjorie Rendell on the 3rd Circuit, Ben Berkowitz has established himself as a formidable trial and appellate lawyer specializing in privacy, cybersecurity and technology litigation. His courtroom victories have helped establish legal precedents that affect how courts interpret laws governing emerging technologies.

One of Berkowitz's most significant recent cases involved defending Google in what he describes as "probably the largest class action in U.S. history in terms of class size." In re Google Location History Litigation challenged the company's use of location data for services like Google Maps.

"This was a case where the plaintiffs tried to take a 1970s statute meant to outlaw tracking devices that private investigators would stick under people's bumpers and turn that statute into a prohibition on using cell phone GPS for location purposes," Berkowitz said. U.S. District Judge Edward Davila agreed with his argument and dismissed the claims under the California Invasion of Privacy Act, leading to a settlement for minimal amounts per class member.

The case highlights a recurring theme in Berkowitz's practice: helping courts navigate the intersection of outdated laws and cutting-edge technology. "I've had a number of recent cases where the law and public policy are struggling to catch up with new technologies, and my job has been to try to help judges apply these older laws to new technologies," he said.

His approach to complex litigation was shaped early in his career by a high-stakes healthcare fraud case against the Department of Justice. In 2012, he helped secure a complete defense victory for McKesson Corporation after a three-week federal trial in Mississippi, following six years of litigation over alleged contracting and Medicare fraud that could have resulted in billions in damages.

Berkowitz has also handled espionage litigation involving Saudi government agents who targeted Twitter users critical of the regime. These cases raised fundamental questions about corporate liability when private companies become targets of state-sponsored cyberattacks. "Courts will face growing tests as cyberwarfare escalates in a polarized world, especially when rogue states succeed in hacking and cor-porate espionage," he said.

In the Android Lockbox cases, Berkowitz successfully defended Google against allegations that the company used a secret program to harvest data from non-Google mobile apps. His victories at both the district court and 9th Circuit levels established important precedent for how courts interpret terms of service agreements in privacy litigation.

The legal landscape continues evolving as technology advances. "What we see is exponentially increasing litigation around claims that companies collected or used consumers' information in ways that exceeded the consumers' consent," Berkowitz said. His strategy remains consistent across cases: translating complex technical and legal concepts into accessible terms for judges and juries while balancing innovation with privacy protection.

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