

Rising Star: Boies Schiller's Joshua Riley

By Tiffany Hu

Law360 (August 10, 2020, 3:09 PM EDT) -- Boies Schiller Flexner LLP's Joshua Riley has secured high-profile victories for his technology clients, including Palantir Technologies in a lawsuit against the U.S. Department of Defense, earning him a spot among the technology law practitioners under 40 honored by Law360 as Rising Stars.

HIS BIGGEST CASE:

Data analytics firm Palantir Technologies had accused the Department of Defense of shutting it out of a \$206 million intelligence software procurement for its Distributed Common Ground System Increment 2 contract.

The Army's failure to adequately consider commercial software companies like Palantir unit Palantir USG Inc. ran afoul of the Federal Acquisition Streamlining Act, which requires federal agencies to give preference to commercial companies in procurements, Palantir claimed.

In 2016, the Court of Federal Claims issued an injunction against the solicitation, finding that the Army violated FASA by failing to determine whether commercial items met, or could be modified to meet, its needs.

Two years later, the Federal Circuit affirmed the injunction, rejecting the government's arguments that the claims court had mistakenly read more stringent requirements into FASA than were actually written into the statute.

Riley, who was part of the legal team representing Palantir, considers it one of his biggest cases, noting that it involved "sophisticated, cutting-edge technology and also an unprecedented application of the law."

"So on the facts, we have a very sophisticated battlefield software, and on the law, we have to apply a 25-year-old statute in a way that's



Joshua Riley
Boies Schiller

Age: 39
Home base: Washington, D.C.
Position: Partner
Law school: Harvard Law School
First job after law school: Associate at Boies Schiller

never been applied before," Riley said. "It was fascinating because you had to take all of those factual and legal complexities, and present them to a court in a way that was accessible and intuitive."

Following the appeals court victory, Palantir in March 2019 reportedly secured an \$800 million deal with the Army to build its battlefield intelligence system.

WHY HE'S A TECHNOLOGY ATTORNEY:

Though Riley considers himself a generalist, he said he has been drawn to working in the technology sector because of the innovative mindset needed in the field. Not only does his work require him to learn new and emerging technologies, it also pushes him to think about laws that are decades or centuries old in new ways, Riley said.

"It requires a lot of creative and proactive thinking about how the law should apply today and in the future, and I've always found that to be really rewarding and appealing," he said.

HIS PROUDEST MOMENT:

Outside of technology, Riley said one of his proudest moments came early in his career, when he and his team brought a landmark civil rights lawsuit against the state of Florida to improve access to health care services for children from underserved communities.

Riley also previously worked for former U.S. Sen. Al Franken on the Senate Judiciary Committee, where he was involved with legislation aimed at increasing mental health resources in the criminal justice system.

"I have a lot of things I'm proud of during my time in public service," Riley said, adding that he had a "pretty broad portfolio" during his time as a general counsel for the former congressman.

CHANGES IN THE TECH INDUSTRY:

Riley said the COVID-19 pandemic has brought to light the "inequities in our society that don't get enough thought," especially regarding access to technology.

"I hope that going forward and in the future, there's a renewed focus on making sure that everyone shares the benefits of technology — whether that's broadband service in rural communities, or access to good Wi-Fi and equipment in underserved communities," Riley said.

"If we don't do a better job making sure that everyone has access to those tech tools they need, then a lot of communities are going to be left further behind," he said.

— As told to Tiffany Hu

Law360's Rising Stars are attorneys under 40 whose legal accomplishments belie their age. A team of Law360 editors selected the 2020 Rising Stars winners after reviewing more than 1,300 submissions. Attorneys had to be under 40 as of April 30, 2020, to be eligible for this year's award. This interview has been edited and condensed.