

Apple FaceTime Bug Suits: Attorney-Client Privilege Breach and More

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Apple is no stranger to major lawsuits and threats of legal action by individuals and companies alike. One of their biggest cases in recent years involved patent infringement and a different technology giant, Samsung. Recently, Apple has come under siege for yet another tech-related concern, but this time there are two suits, and they involve the public.

There are several intriguing facets for attorneys and other legal experts pertaining to these two new cases — the individual suit was filed in the U.S. and the class-action lawsuit in Canada — but they all hinge around privacy and security. Apple champions itself as a bastion of the fight to protect and preserve privacy in a modern world that seems to only grow progressively more digital with each passing day (as well as our dependency). These two suits allege, however, that Apple did not do its due diligence in this very important matter of privacy and, further, that it caused widespread harm in so doing.

Apple iOS bug Provided Unauthorized Access

The particulars of the case involve Apple's operating system for its lineup of mobile devices and tablets, commonly called iOS. A recent iteration of the software, version iOS 12.1, allowed individuals to secretly record other people without their having any knowledge of its having happened. The software glitch worked by allowing someone to make a FaceTime call and immediately, automatically even, begin to hear the person they were calling, even if they had not yet answered the call on their own device. This all occurred without the receiver being aware they were being eavesdropped upon or that such was even possible, along with a number of other video-related bugs. While Apple has disabled group FaceTime for the time being and plans to patch the bug completely in the near future, those users affected by the problem are, of course, without redress outside the courts.

Larry Williams II, an attorney based out of Houston, Texas claims in [his](#) suit that the software bug gave people unauthorized access to "one's most intimate conversations without consent". Williams says that sworn deposition testimony he was presiding over was listened to by unauthorized parties. He claims that Apple "failed to provide sufficient warnings and instructions that would have put [Williams] and the general public on notice of the dangers and adverse effects caused by the update to iOS 12.1, including, but not limited to the [iPhone's] failure to withstand its normal and intended use". Williams makes claims of Apple breaching warranty, misrepresenting their devices and software, negligence, and product liability.

Apple Enabled Users to Eavesdrop

The problems do not end there for Apple. In Canada, "Montréal-based law firm Lambert Avocat Inc. has applied for a class action lawsuit against Apple with the Superior Court of Québec, [seeking compensation for all persons exposed to a major FaceTime privacy bug that enabled users to eavesdrop on the people they call, according to](#)



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So, Apple is facing two major lawsuits in response to one nasty software bug. For the attorneys, this represents a plethora of thorny legal issues with which Apple must reckon and contend in the courts. This also complicates matters for lawyers conducting daily business with their personal mobile devices, smartphones, tablets, computers, and other electronic equipment. Attorney-client privilege is the bedrock upon which the legal system is built.

The question is this: how does one go about maintaining attorney-client privilege when the devices that have become virtual extensions of both personal and professional life are no longer trustworthy? Lawyers have a fiduciary obligation to protect and secure the privilege of information that passes from client to attorney, whether in person or digitally.

Conclusion

Apple claims to be the champion of privacy in the te

ch arena. This latest breach of good faith calls that into question, especially when it appears they were given ample warning by a user (a teenager nonetheless) but did not pass that information on to the public. The results of these cases (and others to come, perhaps) will be settled in the courts. Until then, attorneys and legal professionals must keep their ears to the ground for other news of electronic estrangement.

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