

Cybersecurity and Privacy Litigation

Perhaps no area of technology law is more fast-moving and high-stakes than cybersecurity and privacy litigation. Whether the issue at hand is hacking, a security breach, or ransomware, a security or privacy incident can become very public, very expensive, and result in prolonged litigation. Rothwell Figg's Cybersecurity and Privacy Litigation attorneys have two fundamental objectives - helping clients prevent situations that can lead to litigation, and if litigation occurs, managing it effectively, definitively, and quickly, with minimum disruption or impact on a client's business.

The first ounce-of-prevention service the practice renders is assisting clients in minimizing litigation risk. This risk presents itself in a number of different scenarios, ranging from putting policies and procedures in place to minimize the likelihood of a security issue to managing regulatory inquiries that can be a precursor to litigation.

We assist clients with all these situations, in a variety of ways. When the issue at hand is pure prevention, we can recommend non-legal privacy or security vendors who are cost-effective and capable. Further along the continuum, we can also guide clients in avoiding or managing regulatory and compliance issues. These include exotic or emergent questions of, for example, national security or criminal risk. We have a deep well of regulatory experience from which to draw; accordingly, we can often handle regulatory inquiries with a phone call.

And should the worst-case scenario unfold, we are litigators who are highly experienced in handling the legal and operational consequences of a privacy issue. Our team includes thought leaders in this field since 1995, Certified Information Privacy Professionals (CIPP), and active participants in the International Association of Privacy Professionals (IAPP). Our guidance ranges from crisis management, to executing a plan for business continuity to handling a lawsuit. With respect to the latter, because we have an unusual amount of boots-on-the-ground experience with trying cases, we can often provide representation without the need for a large team. Whether the situation is a governmental inquiry, or actual litigation, we typically can deliver impressive results with a minimum of cost or distraction to our clients.

We also know how to help our clients develop and implement strategies to manage these critical issues. Data is the ultimate intangible asset - it's always moving, and always being accessed and used. Whether it's in flight, in a database, or being put to work, there is the constant risk of misappropriate or misuse. At Rothwell Figg, our role is to provide a path forward in any situation, while working hard to ensure that our clients' priorities and goals are kept firmly in mind. We almost never simply tell a client, "No." Instead, we relentlessly pursue ways to tell them "Yes" along with devising and implementing a way to make it happen.

Whether the situation is a data breach - a genuine crisis, which we have helped numerous other clients manage - or developing policies that reflect best practices and minimize the risks attendant on a client's data, we strive to be a constant, guiding voice in a very uncertain, rapidly-evolving landscape. Privacy and data security operate at the intersection of law and technology, and our skill in the field is a result of our capabilities in both. It's something our clients have come to rely on, and one that delivers benefits in,

among others, the simplest, most meaningful sense.