



## John E. Clabby

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## Overview

Jack Clabby's practices focus on corporate governance, fiduciary duty, and shareholder litigation, including the defense of securities fraud class actions, D&O litigation, and SEC enforcement matters. Recent engagements have included the defeat of class certification against claims that a brokerage violated fiduciary duties in its clients' account selection; the defense of a former bank chairman and president against allegations of breach of fiduciary duty arising from a series of private placements and the later sale of the bank; and litigation of restrictive covenants in employment agreements for clients in the securities, banking, and technology industries.

A former assistant U.S. attorney, Jack also represents companies and special litigation committees in connection with internal corporate investigations. As examples, Jack recently concluded (i) an investigation into alleged executive self-dealing arising from business with a related company and (ii) a series of investigations prompted by environmental, social, and governance (ESG) topics, including alleged executive sexual misconduct and a business unit's racial preferences and discrimination in customer-facing practices.

As a former cyber prosecutor, Jack advises corporate boards and management on legal issues regarding cybersecurity and represents companies in litigation, including class actions, concerning breaches and data loss incidents. Jack serves as a "breach coach," guiding clients through the loss or suspected loss of personally identifiable information, business interruption, and other system compromises.

Jack also provides governance, safety, and risk management advice to colleges and boarding schools, conducts internal and independent investigations of such institutions, assists universities with matters pertaining to Title IX, and represents education clients in litigation.

Jack began his career as an associate at the litigation firm Williams & Connolly LLP in Washington, D.C. He leads the firm's Securities Litigation and Enforcement Practice and is the firm's Hiring Chair. Jack is also a co-director of the firm's annual *Carlton Fields Class Action Survey*.

## Experience

### Securities and Derivative Litigation and Class Actions

- Defends companies, directors, and executives in securities fraud class actions and shareholder derivative lawsuits, with particular experience in challenges to corporate governance, internal controls, executive compensation, and accounting restatements.
- Defeated class certification in federal court against allegations that a brokerage firm violated fiduciary duties in connection with its clients' selection of managed, fee-based accounts.
- Represented insurance carrier in a two-week AAA arbitration in connection with claims against a representations and warranties insurance policy, arising from a private equity firm's acquisition of manufacturing entity.
- Advises public companies that have received shareholder demands, often resolving matters with solutions short of litigation.
- Monitors securities fraud and merger-objection litigation for major insurance companies and a retirement fund manager from inception through court resolution or settlement.
- Provides advice on fiduciary duties to companies with controlling shareholders and to companies that are planning for mergers, acquisitions, or equity investment.
- Defended the former CEO of a *Fortune* 100 company in securities litigation, derivative lawsuits, and a regulatory enforcement action, which ended, respectively, with summary judgment, dismissal, and a favorable settlement.
- Represented the special committee of a public company in a monthslong investigation into conflicts of interest between related companies, regulatory compliance with certain loan-servicing standards, and other allegations of executive malfeasance.

### Internal Investigations and White Collar Defense

- Advises and conducts internal investigations for high schools and colleges, including on matters of student safety, Title IX, sexual abuse, and accounting and budget issues, and defends education institutions in associated litigation.
- Conducts internal investigations for companies, including public companies, into issues that have included corporate governance, accounting, compensation practices, fraud, and data theft. Jack has recently completed several event-driven investigations on environmental, social, and governance (ESG) matters, including into allegations of executive sexual misconduct at a bank and retailer, racism and bullying by managers at several companies, and social and racial preferences in a bank's provision of loans.

- In the health care industry, defends False Claims Act litigation and government investigations into alleged fraud and alleged physician self-referral, overbilling arrangements, and Medicare Advantage matters.
- Represents targets, witnesses, and subpoena recipients in SEC enforcement investigations, both for public companies and for individuals and firms in the securities industry. Recent representations have included a witness to certain revenue recognition practices at a public company, and a subpoena recipient in connection with the disposition of assets related to an SEC cryptocurrency investigation.
- As a federal prosecutor, Jack led numerous investigations into fraud, national security, and cyber matters.
- He served as the sole Computer Hacking and Intellectual Property (CHIP) prosecutor for southern New Jersey, advising other prosecutors on investigative techniques for computers, websites, and other electronic evidence.
- As a national security AUSA, Jack prosecuted violations of the U.S. export control laws and defense procurement fraud on matters involving high-technology military hardware.

### **Cybersecurity and Data Breach Response**

- Coordinates breach response services and notifying victim consumers and employees, including for health care, insurance, technology, software, banking, and education clients. Since returning to private practice in 2014, Jack has served as a first-chair “breach coach” on dozens of data security matters across all major industries in the United States. Jack is approved panel counsel for several national insurance carriers.
- Defends companies and government entities in putative class action claims arising from data security events or allegations related to consumer or employee privacy. Recent clients have included a public school board and a document storage vendor.
- Participated in investigations of companies — both as a federal prosecutor and in private practice — concerning suspected insider threats to the integrity of IT environments, often working closely with computer forensic experts.
- Educates boards of directors and management about their duties with respect to data protection and communicating with law enforcement before, during, and after data loss events, including through “tabletop” breach simulation exercises. Clients for this counseling and education work have included public and private companies, banks, insurance companies, securities industry firms, schools and universities, and government entities.

### **Banking and Commercial Litigation**

- Represents banks, financial institutions, pooled investment vehicles, and insurance companies in a variety of litigation matters, including customer and client disputes, responding to subpoenas, and garnishment matters. Jack has particular experience representing foreign banks, and U.S. subsidiaries of foreign banks, in U.S. litigation and in responding to subpoenas purporting to be served in the United States.
- Defends and prosecutes litigation involving restrictive covenants arising from employment, partnership, and LLC relationships, including covenants not to compete, nonsolicitation agreements as to employees and customers, and confidentiality agreements. Recent clients have included an insurance agency, an investment bank, and a litigation services provider.
- Defends banks, brokerage firms, and other financial institutions against claims for damages by customers and clients under FINRA standards, state common law standards, and state statutes related to the financial exploitation of senior investors.
- Represents insurance companies in connection with claims against mergers and acquisitions insurance policies (i.e., representations and warranties insurance), including litigation of such claims at arbitration.
- Defends and investigates allegations that assisted living facilities and hospice providers allowed employee theft and elder abuse, or otherwise violated residents' statutory rights.
- Representation of private companies, including hedge funds, private equity funds, and investment banks, in connection with disputes over ownership and governance, and the rights of limited partners.
- Defended consumer product and pharmaceutical companies in product-related tort claims and intellectual property litigation.

## Areas of Focus

### Practices

- Securities Litigation and Enforcement
- Cyber Insurance Coverage Disputes
- Cybersecurity and Privacy
- Digital and E-Commerce Engagement and Innovation
- Education
- FINRA Enforcement, Arbitration, and Appeals
- Insolvency-Related Directors and Officers (D&O) Litigation
- Insurance
- Internal Investigations

### Industries

- Insurance
- Property & Casualty Insurance
- Securities & Investment Companies
- Technology

- International Privacy Compliance
- Litigation and Trials
- Representations and Warranty Insurance
- SEC Enforcement
- Technology
- White Collar Crime & Government Investigations
- Class Actions

## Insights

04.25.2024

HHS Warns Health Care Sector of AI-Driven Phishing, Social Engineering Attacks on IT Help Desks

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04.19.2024

Supreme Court Clarifies That No Private Cause of Action Exists Under Rule 10b-5 for Pure Omissions, Only Uncorrected Half-Truths

*American Bar Association*

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03.26.2024

No Password Required: President at Constellation Cyber, Former FBI Translator, and Finder of Non-Magical Mushrooms

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02.28.2024

No Password Required: Security Analyst at Rice University, WiCys Global Book Club Host, and No Password Required's Poet Laureate

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02.20.2024

Best Practices for Officers, Directors, and Advisers Navigating Fiduciary Challenges Amid Economic Uncertainty

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01.31.2024

No Password Required: American University's Vice Provost for Research and Innovation and a Tracker of (Cyber) Unicorns

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01.11.2024

Second Circuit Clarifies Limitations of Fraud on Market Theory

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01.09.2024

No Password Required: Executive Director at National Cybersecurity Alliance, a People-First Leader, and a Cyber Satirist

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12.06.2023

No Password Required: Chief Adversarial Officer at Secure Yeti, a DEF CON Groups Global Ambassador, and a World-Class Awkward Hugger

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11.20.2023

No Password Required: CEO and Founder of AnzenSage, Defender of the Food Sector, and Friend to Primates

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10.25.2023

No Password Required: Founder and Commissioner of the US Cyber Games, CEO of the Cyber Marketing Firm Katzcy, and Someone Who Values Perseverance Over Perfection

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09.28.2023

SEC Deals New Cybersecurity Disclosure Requirements to Public Companies

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09.23.2023

No Password Required: Threat Intelligence Analyst at Recorded Future, the Ransomware Sommelier, and a Guy With a Mildly Exciting Expense Account

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09.13.2023

Verizon False Claims Act Settlement Signals DOJ's Sustained Focus on Cybersecurity-Related Violations

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09.05.2023

No Password Required: CEO of Paragon Cyber Solutions, Family-Night Game Champion, and Calculated-Risk Taker

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07.19.2023

No Password Required: Founder of Cyber Security Unity, Member of the Order of the British Empire, and Appreciator of '80s Soap Operas

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07.19.2023

Four Key Cybersecurity and Privacy Considerations for Organizations Using Generative AI

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06.21.2023

No Password Required: Threat Researcher at Cisco Talos and a Veteran of the Highest-Profile Cyber Incidents Who Roasts His Own Coffee Beans

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06.14.2023

Florida Passes New Privacy Law: What It Means for Businesses

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05.02.2023

No Password Required: Gautam "Gotham" Sharma, a Cybersecurity Consultant and Comedian Who Injects Fun Into Infosec

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04.15.2023

2023 Carlton Fields Class Action Survey Review - Class Action Trends and Best Practices

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04.06.2023

No Password Required: The Teenage CEO of Girls Who Hack and Secure Open Vote, Who Is as Comfortable Behind a Mic as She Is Behind a Keyboard.

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02.28.2023

No Password Required: A Security Engineer and Budding Surfer Who Took PentesterLab From Side Hustle to Global Success

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02.01.2023

No Password Required: A Developer Advocate With Auth0 and an "Accordion Guy" With Rockstar Aspirations

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01.04.2023

No Password Required: Former Commander, United States Central Command, Executive Director of Cyber Florida and an Appreciator of Battlefield Beef Enchiladas

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12.12.2022

No Password Required: An FBI Special Agent's Journey from Submarines to Anti-Corruption to Cybersecurity

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11.23.2022

From Campus to Counsel: Marketing Advice for First-Year Attorneys

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11.17.2022

From Campus to Counsel: The First Hundred Days of a Law Firm Associate's Career

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11.15.2022

No Password Required: A Senior Product Manager at GitLab With an Instagram Alter Ego That Puts Her in Privacy Superhero Territory

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11.08.2022

ABA Sound Advice: Five Tips for Successful Local Counsel Engagements

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10.24.2022

No Password Required: The Custom T-Shirt-Wearing CEO Who Not Only Appreciates Mega Man ... He Basically Is One

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09.12.2022

No Password Required: Senior Manager of Cybersecurity Analysis at Capital One and a Builder of the Most Rad Relationships in Cyber

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09.08.2022

SLUSA Dismissal Affirmed in Variable Annuity Class Action: Eleventh Circuit Looks Behind Artful Pleading

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09.07.2022

No Password Required: The Bob Ross of Infosec, Whose Secretive Job at KnowBe4 Solves Cybersecurity's Most-Urgent Issues

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08.17.2022

No Password Required: The Sailing CTO of Sylint Group Who Routinely Defends Against Nation-State Attacks on Critical Infrastructure

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08.16.2022

From Campus to Counsel: Making the Most of Your Summer Associate Experience

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08.15.2022

ABA Sound Advice: Conducting Civil Rights Audits: Benefits and Best Practices

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08.09.2022

From Campus to Counsel: After the OCI: Managing Callback Interviews and Offers

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08.02.2022

From Campus to Counsel: An Insider's Perspective: What Law Firms Look for in the On-Campus Interview

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07.22.2022

From Campus to Counsel: Applying and Prepping for On-Campus Interviews

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06.13.2022

No Password Required: The Former NSA Director, an Elite Storyteller Whose Life Resembles a Grisham Novel

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05.11.2022

No Password Required: A Cybersecurity Education Specialist, Whose Passions Include the Forest, DIY, and Deviled Eggs

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05.11.2022

SEC Showers Down Proposed Cybersecurity Rules: 5 Steps for Staying Dry

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05.02.2022

COVID-19 Class Action Heat Map Shows More Than 2,800 Pandemic-Related Putative Class Actions

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04.07.2022

No Password Required: The Motorcycle-Riding Founder of Cyversity Who Values Mentorship and Inclusivity Above All Else

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03.17.2022

2022 Carlton Fields Class Action Survey Review - Class Action Trends and Best Practices

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03.14.2022

The SEC Has Proposed a New Cyber Disclosures Rule for Public Companies  
*ABA Securities Litigation Practice Points*

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03.11.2022

Four Takeaways From the SEC's Proposed Cyber Rule for Public Companies

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03.01.2022

No Password Required: The Philosopher CISO of Tallahassee Who Lives to Help Other People

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02.22.2022

Record Class Action Caseloads, Impacts of COVID-19 Among Findings in 2022 Class Action Survey

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01.28.2022

No Password Required: A Former Police Officer Who Embodies All the Qualities of a Great Leader

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12.10.2021

No Password Required: Cyber Threat Management Leader at Wells Fargo Who Has a Passion for Adventure

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11.19.2021

No Password Required: A Child of the 1980s With a Knack for Storytelling, Comedic Timing, and Building an Elite Cybersecurity Team

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11.04.2021

FTC Sharpens Its Cyber Enforcement Tool by Amending and Expanding the Safeguards Rule

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10.07.2021

No Password Required: An Infowar Expert Who Paved the Path From Rock-And-Roll to Cybersecurity

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09.03.2021

No Password Required: A Cyber Threat Intelligence Analyst Who Is an Expert on Social Media Trolls

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09.01.2021

CF on Cyber: The Anatomy of a Ransomware Attack - Part 2

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08.31.2021

CF on Cyber: The Anatomy of a Ransomware Attack - Part 1

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08.24.2021

Credential Stuffing: Where Passwords Go When They Are Stolen and Some Strategies for Defense and Incident Response

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08.09.2021

Get Your House in Order: Four Steps to Take Now to Prepare for Ransomware

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07.30.2021

No Password Required: A Corvette-Driving Research Scientist Who Built His Own Video Games

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06.30.2021

No Password Required: A Cyber Practice Leader and Natural Optimist Who Believes Every Day Is the Best Day

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06.15.2021

Biden Administration Issues Practical Guidance for Ransomware Attacks

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05.20.2021

No Password Required: An SOC Technical Manager Who Builds Things With Keyboards and Blowtorches...

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04.22.2021

No Password Required: An OSINT Expert Who Credits Much of Her Success to Her Improv Comedy Skills...

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03.18.2021

No Password Required: A Believer That the Key to Internet Safety Is Simple...

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02.24.2021

Tips for Preparing and Using Exhibits in Remote Video Depositions

*Practice Points*

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02.19.2021

Florida's New Privacy Bill Promises Big Changes

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02.19.2021

No Password Required: A Pen Tester at Rapid7 With a Passion for LEGO Bricks, Star Wars, and Sometimes LEGO Star Wars

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02.18.2021

No Password Required: An Inherently Trusting Person in an Inherently Distrusting Profession

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02.18.2021

No Password Required: A Journey From Math Camp to Cyber Intelligence

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12.03.2020

The Realities and Legalities of Ransomware and Incident Response

*Digital Hands Cybersecurity Roundtable*

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07.07.2020

The "Compass Rose" Method for Corporate Witness Interviews

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04.16.2020

Foreign Arbitration and Discovery in the U.S. Under Section 1782: Servotronics Inc. v. Boeing Co.

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04.01.2020

Privacy and Cybersecurity Perils in Hastily Signed Work-From-Home Vendor Contracts

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03.18.2020

COVID-19 and Cybersecurity: Best Practices in an Uncertain Landscape

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02.06.2020

The CCPA for the Land Title Industry: Practical Compliance With CCPA and New Privacy Laws

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01.29.2020

The CCPA for the Land Title Industry: CCPA Resources and Compliance Tips

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01.22.2020

The CCPA for the Land Title Industry: Service Providers and Sale of Data Under the CCPA

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01.15.2020

The CCPA for the Land Title Industry: Who Does the CCPA Apply To?

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01.14.2020

Florida Is Now a “Demand Futility” State for Shareholder Derivative Actions

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01.14.2020

Florida’s Legislature to Consider Consumer Data Privacy Bill Akin to California’s CCPA

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11.07.2019

CF on Cyber: Leveraging the Incident Response Guide to Prepare for the CCPA

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10.15.2019

CF on Cyber: Key Takeaways from the California AG’s Proposed CCPA Regulations

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10.04.2019

CF on Cyber & FICPA presents Refeathering the Pillow: Catching, Containing & Cleaning up Cyber Fraud

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08.29.2019

Are Banks and Other Lenders Subject to the CCPA?

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07.25.2019

CF on Cyber: Cybersecurity and Privacy Due Diligence for Private Equity

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07.12.2019

Can You Write the California AG with Questions About CCPA Compliance?

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06.26.2019

The CCPA Has Placed a Mandatory Link on Your Company's Homepage

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05.31.2019

Baltimore's Three-Week Ransomware Is a Warning for Other Local Governments to Prepare for Cyberattacks

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04.23.2019

Emulex Cert Dismissed: Supreme Court Passes on Opportunity to Curtail Federal Court Merger Litigation

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04.10.2019

S1:E5 - Bugging Out: The Legal Effects of Bugs and Glitches in Games

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03.15.2019

Cybersecurity Obligations and Best Practices for Independent Schools

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03.06.2019

FINRA's New Report on Broker-Dealer Cybersecurity Practices

*Securities Litigation Journal*

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02.20.2019

CF on Cyber: Cybersecurity Due Diligence in M&A Deals Under the CCPA and GDPR

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12.06.2018

CF on Cyber: The GDPR's New Territorial Scope Guidelines

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10.30.2018

CF on Cyber: Deep Dive into the DOJ's Guidance for Cyber Best Practices

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11.03.2017

Custom Software Development: Practical Strategies to Get What You Pay For (Webinar)

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07.26.2017

Cyber Update: Five Tips from the Front Lines of Practice to Limit Your Company's Losses from Breach

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04.12.2017

Supreme Court to Resolve Whether Failure to Disclose Under Item 303 of SEC Regulation S-K Gives Rise to Securities Fraud Claims

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12.07.2016

Home Depot Cyber Derivative Action Shuttered: Another Data-Breach Derivative Suit Fails to Clear Fundamental Corporate Law Hurdles

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12.06.2016

Whistleblowers on Campus: DOJ Adds Research Universities to its False Claims Act Focus

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10.04.2016

A Look At Manufacturer Liability For The Internet Of Things

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08.26.2016

Cyber Update: What Businesses Must Know about the New Presidential Policy Directive

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06.29.2016

SEC Cyber Update: Official Outlines Active Role for SEC on Cybersecurity as Enforcement Questions Persist

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06.23.2016

Hill v. SEC: Eleventh Circuit Buries District Court Challenges to the Constitutionality of SEC Enforcement Actions

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05.09.2016

Catching Corporate Hackers In Fla.: Tips For In-House Counsel

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05.03.2016

Avoiding a Messy Break-Up: How a Firm's Investigation Can Deflect a Financial Advisor's Form U-5 Defamation Claim

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03.01.2016

Developments in Cybersecurity: Privacy Laws, Hacking Beyond Customer Data, and Communicating with Corporate Boards

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09.28.2015

Navigating Derivative Lawsuits Against Mutual Funds After Northstar

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09.23.2015

Preparing for a Cyber Caremark Lawsuit: Lessons from the Home Depot Derivative Complaint

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09.14.2015

Cyber Caremark: Protecting Your Board from Shareholder Derivative Litigation After a Data Loss Event

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09.14.2015

Cyber Caremark: Protecting Your Board from Shareholder Derivative Litigation After a Data Loss Event [PODCAST]

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09.01.2015

Secure Communications: How a Monthly Lunch Can Protect Your Company in a Data Breach

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08.14.2015

A Firewall for the Boardroom: Best Practices to Insulate Directors and Officers From Derivative Lawsuits and Related Regulatory Actions Regarding Data Breaches

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08.04.2015

Second Circuit Revives Securities Fraud Class Action Against the Manufacturer of the Keurig Coffeemaker

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07.30.2015

U.S. Attorney Predicts \$600 Million in Recoveries for Health Care Fraud in Central Florida Over Next Two Years

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07.20.2015

Spoofing Whales: How Companies Can Protect Their CEOs and CFOs from the "Business Email Compromise"

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06.15.2015

After Omnicare: Opinion Statement Liability in SEC Registrations

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05.29.2015

Northstar v. Schwab: The Ninth Circuit's End Run Around Derivative Lawsuits in the Mutual Fund Context

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04.16.2015

A CEO Blueprint: What to Do if Your Company Is Cyberattacked

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03.25.2015

More Insider Trading Clarity for Money Managers

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12.22.2014

Crisis Management: Five Steps to Take Before Providing That Comment

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10.30.2014

2 New Cases Temper Post-Halliburton Expectations

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10.01.2005

An Expense out of Control: Rule 33 Interrogatories After the Advent of Initial Disclosures and Two Proposals for Change

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## News

04.22.2024

Carlton Fields Class Action Survey Highlighted in Life Annuity Specialist: “Carriers Warn the Skyrocketing Cost of Lawsuits Will Lead to Premium Hikes”

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03.27.2024

Carlton Fields 2024 Class Action Survey Featured in Risk & Insurance: “Corporate Class Action Defense Spending Hits \$4B in 2023”

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03.25.2024

Carlton Fields 2024 Class Action Survey Featured in Claims Journal: “Study: Percentage of Companies Facing Class Actions at Highest Level in 13 Years”

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03.13.2024

Carlton Fields 2024 Class Action Survey Featured in General Counsel News: “Carlton Fields Releases 13th Annual Class Action Survey”

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03.11.2024

Carlton Fields 2024 Class Action Survey Featured in Lexology Pro: “Companies Predict Privacy, Cybersecurity and Generative AI Class Action Uptick”

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03.11.2024

Carlton Fields 2024 Class Action Survey Featured in Attorney at Law Magazine Newsletter: “Carlton Fields Releases 13th Annual Class Action Survey”

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04.18.2023

Jack Clabby Featured on ABA Litigation Podcast: “Managing Risk and Reducing Costs in Class Action Litigation”

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04.18.2023

Jack Clabby Featured on Certum Group Podcast: “Insights From the 12th Annual Carlton Fields Class Action Survey”

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03.29.2023

Jack Clabby Quoted in Law360: “In-House Attys Need to Keep Trying for Firms to Adopt AFAs”

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03.13.2023

Legal Dive Features 2023 Class Action Survey: “Class-action Defense Spending Eclipses \$3.6 Billion”

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03.10.2023

Law360 Covers 2023 Class Action Survey: “GC Cheat Sheet: The Hottest Corporate News of the Week”

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03.10.2023

Bloomberg Law Covers 2023 Class Action Survey in “Wake Up Call”

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03.10.2023

Global Legal Post Features 2023 Class Action Survey: “US Companies Spend Record \$3.5bn on Class Action Defense in 2022, Study Finds”

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03.09.2023

Commercial Risk Covers 2023 Class Action Survey: “US Class Action Spending Up For Eighth Consecutive Year to \$3.5bn”

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03.09.2023

PropertyCasualty360 Covers 2023 Class Action Survey: “More Companies Had Insurance Coverage for Class Action Lawsuits in 2022”

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03.08.2023

Jack Clabby Featured in Litigation Daily Q&A: “Class Action Defense Costs Are Rising. Are Defense Firms Benefiting? Not All of Them”

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03.07.2023

Jack Clabby Quoted in Law360: “GCs Expect More Data Privacy Litigation But See Less Risk”

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03.06.2023

Carlton Fields Releases Results of the 12th Annual Class Action Survey

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09.13.2022

Carlton Fields Bolsters Securities Litigation & Enforcement Practice With Addition of Former FINRA Director and DOJ Assistant Chief Tino M. Lisella

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03.07.2022

Carlton Fields Recognized as JD Supra’s Readers Choice Award’s Top Law Firm for Insurance for Fifth Consecutive Year

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02.22.2022

Survey Says U.S. Companies Anticipate Record Class Action Matters in 2022, Project 27% Matter Increase – Highest Level Reported in 11 Years

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01.31.2022

Carlton Fields Expands Its Securities Litigation and SEC Enforcement Defense Practice with Addition of Thomas V. Sjoblom and Austin L. Jackson

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02.17.2021

Carlton Fields’ Jack Clabby Authors ABA Securities Litigation Practice Points Article on Exhibits in Remote Video Depositions

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02.08.2021

Carlton Fields’ Jack Clabby Returns to Cyber Florida’s No Password Required Podcast for Second Season

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10.20.2020

The Connection Between Ransomware and Cyber Insurance Claims in 2020

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04.15.2020

Carlton Fields Privacy Attorney Jack Clabby Quoted in Media on COVID-19 Contact Tracing

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03.16.2020

Rising Wave of Data Privacy, Security Class Actions Threatens Insurers

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01.16.2020

Florida Businesses: Are You Ready for California's New Privacy Law?

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09.30.2019

Carlton Fields' Jack Clabby Discusses Cybersecurity Best Practices on FICPA Podcast

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07.10.2018

Jack Clabby Authors Article in ABA Securities Litigation Journal on New FINRA Rules for Senior Investors

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07.06.2018

Carlton Fields Shareholder Reflects on Cybersecurity Summit

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## Recognition

- Top Author, Cybersecurity, *JD Supra* Readers' Choice Awards (2022)
- [Florida Rising Stars](#), *Super Lawyers Magazine* (2021–2022)
- [The Best Lawyers in America](#), Commercial Litigation (2020–2024)

## Professional & Community Involvement

- American Bar Association
  - Co-Chair, Class Actions Subcommittee, Securities Litigation Committee, Section of Litigation
- Hillsborough County Bar Association
- Princeton Club of Tampa Bay
  - President (2018–2023)
- Princeton University Class of 2002
  - Alumni Class President (2012–2017)
- Clemency Project
  - Screening Committee (2014)
- Tampa Bay Cyber Fraud Task Force

# Speaking Engagements

- "2023 Carlton Fields Class Action Survey Review - Class Action Trends and Best Practices," Carlton Fields (April 11, 2023)
- "Arbitration v. Litigation – Which Venue Better Serves Your Business?" American Bar Association Corporate Counsel CLE Seminar, Orlando, FL (February 17, 2023)
- "Breach Response Lifecycle," 10th Annual Gasparilla Cybersecurity Summit, Tampa, FL (January 27, 2023)
- "Cyber Trivia Quiz Bowl," 11th Annual Gasparilla Cybersecurity Summit, Tampa, FL (January 26, 2023)
- "Cybersecurity Legislation & Funding, and Practical Cybersecurity Guidance," Florida Municipal Attorneys Association 40th Annual Seminar, Bonita Springs, FL (July 29, 2022)
- "Florida's Cybersecurity Laws," Cybersecurity: What Every Public Official Needs to Know, Cyber Florida, Orlando, FL (June 15, 2022)
- "2022 Carlton Fields Class Action Survey Results: Class Action Trends and Best Practices," Carlton Fields Client Presentation (March 15, 2022)
- "Privacy Class Actions and Other Litigation: Latest Developments and Trends to Watch," Carlton Fields Client Presentation (December 8, 2021)
- "Ransomware: The Latest Threats and Claims," Carlton Fields Client Presentation (November 17, 2021)
- "Cybersecurity Insurance Policies," Florida Sheriffs Association Executive Leadership Conference and Fleet Exhibition, ChampionsGate, FL (November 16, 2021)
- "Ransomware: The Latest Threats and Efforts to Stem the Tide," Carlton Fields Client Presentation (September 27, 2021)
- "Cyber Claim Trends and Related Developments," Carlton Fields Client Presentation (August 17, 2021)
- "Ransomware: The Latest Threats and Efforts to Stem the Tide," Carlton Fields Client Presentation (August 16, 2021)
- "Leaders Forum: Cybersecurity Panel Discussion," Carlton Fields Client Presentation (July 20, 2021)
- "ESG (Environmental, Social and Governance) Issues for the Construction Industry," Leading Builders of America General Counsels Meeting, Atlanta, GA (June 10, 2021)
- "The Realities and Legalities of Ransomware and Incident Response," Digital Hands Cybersecurity Roundtable (December 2, 2020)
- "Cybersecurity in the New Normal," Early Stage Capital Conference, Florida Venture Forum (October 15, 2020)

- "Cybersecurity for Growth-Stage Private Companies in the COVID-19 Era," Carlton Fields Client Presentation (September 23, 2020)
- "CFO Forum – Cybersecurity," Carlton Fields Client Presentation (June 4, 2020)
- "Grift, Graffiti, and Ransoms: Cybersecurity for State and Local Government," ABA State and Local Government Law Spring Meeting (May 21, 2020)
- "Cybersecurity and Privacy Litigation and Enforcement in the COVID-19 Era," Carlton Fields (May 20, 2020)
- "Privacy Litigation and Enforcement, Incident Response, and COVID-19," Carlton Fields (May 19, 2020)
- "Privacy Update for the Mortgage Industry," Carlton Fields Client Presentation, Virginia Beach, VA (March 4, 2020)
- ABA Third Annual Current Issues in FINRA Arbitration and Enforcement Regional CLE Program, Fort Lauderdale, FL (February 20, 2020)
- "Panel: Lessons Learned from Cybersecurity Incident Response and Investigations" and "Cybersecurity and Privacy Legal Trivia," Digital Hands' Annual Client and Partner Event, Tampa, FL (January 24, 2020)
- "Data Breaches and Security Incidents: Latest Threats and Strategies for Preparation and Response," Carlton Fields Client Presentation, Palm Beach County, FL (January 23, 2020)
- "Cybersecurity Overview and Best Practices for the Commercial Real Estate Industry," Carlton Fields Client Presentation, Atlanta, GA (November 19, 2019)
- "Cyber Legal and Policy Issues for State and Local Government," Cyber Florida Local Government Workshop, Florida Cyber Conference 2019, Tampa, FL (October 24, 2019)
- "Refeathering the Pillow: Case Studies in Catching, Containing, and Cleaning Up Cyber Fraud," Mega CPE Conference, Florida Institute of CPAs, Orlando, FL (June 14, 2019)
- "Cybersecurity and Privacy Pub Trivia," Carlton Fields In-House Counsel Forum, Orlando, FL (April 5, 2019)
- "Cybersecurity and Data Safeguarding for Broker-Dealers and Investment Advisers," ABA Second Annual Current Issues in FINRA Arbitration and Enforcement, Tampa, FL (February 22, 2019)
- "Private Securities Litigation Panel," 37th Annual Federal Securities Institute, The Florida Bar, Miami, FL (February 11, 2019)
- "Burglars Don't Pick Open Locks: Legal Overview and Practical Advice for Managing Data Breach Investigations, Litigation, and Claims," Carlton Fields Client Presentation, New York, NY (October 11, 2018)
- "Burglars Don't Pick Open Locks: Legal Overview and Practical Advice for Managing Data Breach Investigations and Litigation," Carlton Fields Client Presentation, New York, NY (June 21, 2018)
- "Guardians for Profit: Data Breaches and Corporate Responsibility," University of Tampa, Business Law Course, Tampa, FL (April 11, 2018)

- "Financial Elder Abuse: Hot Topics in Enforcement, Compliance, and Civil Litigation," Current Issues in FINRA Arbitration and Enforcement, ABA Regional CLE Workshop, Tampa, FL (February 9, 2018)
- "Custom Software Development: Practical Strategies to Get What You Pay For," [Carlton Fields Webinar](#) (November 3, 2017)
- "Through the Looking Glass: Tips for Business Litigators Handling D&O Claims in Bankruptcy Court," [ABA Sound Advice Podcast](#) (October 12, 2017)
- "Debutantes and Airlocks: Cyber Defense for Rapid-Growth Companies and Their Leaders," Ballast Point Ventures Annual Meeting, St. Petersburg, FL (November 3, 2017)
- "Custom Software Development: Practical Strategies to Get What You Pay For," Germinal Resources, Tampa, FL (August 23, 2017)
- "Responding to an Information Security Incident: Lessons From Private Legal Practice," Electronic Crimes Task Force, Tampa, FL (August 10, 2017)
- "How to Prevent the Financial Crisis of a Data Loss Disaster," i-Tech Support, DataSite, and Eaton Power, Winter Park, FL (June 30, 2017)
- "Cyber Liability Claims – Updates and Trends," AIG Claims Advisory Board Meeting, Northeast Zone, Washington, D.C. (June 27, 2017)
- "Cyber Liability and Business Interruption," Chubb Preferred Securities Panel Counsel Meeting with Chubb and Marsh, Lafayette Hill, PA (June 6, 2016)
- "The Four People to Call When Breached: Practical Techniques to Limit and Shift Cyber Risk," client event with Allied World, Aon, and the FBI, Atlanta, GA (April 6, 2017)
- "Breached! Incident Response Executive Management Wargame," Carlton Fields In-House Counsel Forum, Orlando, FL (March 3, 2017)
- "A Red Grenade in the Apple Orchard: Using Insurance to Mitigate Cyber Risk," Digital Hands' Annual Client and Partner Event, Tampa, FL (January 27, 2017)
- "Strategic Cyber Defense for Companies: Practical Advice for Living With Cyber Risk," with GulfShore Bank, Digital Hands, and Prida Guida & Company, Tampa, FL (November 10, 2016)
- "From Toil to Treasure: Preparing Your Private Company for Investment or Sale," Carlton Fields Client Presentation with Philip Diamond and CFO Strategic Partners, Orlando, FL (October 20, 2016)
- "Run Across the Rope Bridge: Data Security for Growth-Stage Companies," GrowFL, Tampa, FL (August 2, 2016)
- "Regulatory Investigations and the Impact of the Yates Memo," Chubb Preferred Securities Panel Counsel Meeting, Lafayette Hill, PA (June 14, 2016)
- "White Collar Crime and Fraud Risk Survey: Taking the Best Route to Managing Fraud and Corruption Risk," Guidance Through Powerful Insights, Protiviti CPE Conference, Tampa, FL (June 10, 2016)



- "Easing Cyber Growing Pains: Defining and Mitigating the Threat of Data Loss at Second Stage Companies," GrowFL, Winter Park, FL (April 25, 2016).
- "Developments in Cybersecurity," Carlton Fields In-House Counsel Forum, Orlando, FL (March 18, 2016)
- "Dodging Bullets: Efficiencies and Ethics in Lawsuit Avoidance and Early Case Resolution," Association of Corporate Counsel, Tampa, FL (November 19, 2015)
- "Cybersecurity – A Governance Perspective," Society of Corporate Secretaries and Governance Professionals Fall Conference, Pittsburgh, PA (November 10, 2015)
- "Legal Fallout of a Breach – Class Actions, Shareholder Derivative Actions, and Law Enforcement Issues," Client Focus Forum, Denver, CO (October, 2015)
- "Cost Savings, Efficiency, and Early Resolution in Complex Litigation," ACLI Annual Conference 2015, Chicago, IL (October 12, 2015)
- "Sharks in the Swimming Pool: Current Topics in Cybersecurity," U.S. Secret Service and Ben Osbrach of Skoda Minotti, Tampa, FL (June 23, 2015)
- "The Real Impact of *Halliburton* and How to Manage Event Study Costs," ACE Professional Risk Preferred Securities Panel Counsel Meeting, Lafayette Hill, PA (October 17, 2014)
- "Beware Shadowy Figures: Prosecutions Under the Economic Espionage Act," Protecting Your Intellectual Property: A Shared Responsibility, FBI Program at Kean University College of Business and Public Management, Union, NJ (June 9, 2014)

## Credentials

### Education

- University of Pennsylvania Law School (J.D., summa cum laude, 2005)
  - Research Editor, *University of Pennsylvania Law Review*
  - Winning Team, Keedy Cup
- Princeton University (A.B., cum laude, 2002)

### Bar Admissions

- District of Columbia
- Florida
- New Jersey
- Pennsylvania

### Court Admissions

- U.S. Court of Appeals, Third Circuit
- U.S. Court of Appeals, Eleventh Circuit
- U.S. District Court, District of Columbia
- U.S. District Court, Middle District of Florida
- U.S. District Court, Northern District of Florida
- U.S. District Court, Southern District of Florida

### Clerkships

- Hon. Anthony J. Scirica, U.S. Court of Appeals, Third Circuit

# Background

- Assistant U.S. Attorney, Criminal Division, U.S. Attorney's Office for the District of New Jersey, Trenton, NJ (2010–2014)
- Associate, Williams & Connolly LLP, Washington, D.C. (2006–2010)
- Law Clerk to the Honorable Anthony J. Scirica, U.S. Court of Appeals for the Third Circuit (2005–2006)