



Joseph W. Swanson

SHAREHOLDER

TAMPA

P : 813.229.4335

F : 813.229.4133

CONNECT

jswanson@carltonfields.com

[LinkedIn](#)

Overview

Joe Swanson is a former federal prosecutor who advises clients on a variety of issues related to cybersecurity and privacy. He has investigated and responded to data breaches and similar cyber incidents, and he has defended clients in litigation stemming from those incidents. In addition, Joe advises on best practices for interacting with law enforcement, regulators, and other constituencies in the event of a cyber incident. Joe also assists clients with drafting incident response guides and related cyber policies and procedures, as well as complying with privacy laws and regulations, such as the EU General Data Protection Regulation.

In addition to Joe's privacy and cybersecurity practice, he represents companies and individuals in government and criminal investigations and conducts internal investigations. His experience in this area has encompassed a range of issues, including cybercrime, theft of government property, pharmaceutical marketing, health care, gambling, securities, public company accounting, and compliance with professional standards of conduct. The internal investigations have been prompted by government enforcement proceedings, as well as company-initiated investigations based on suspected wrongdoing by employees, competitors, and other third parties. Joe has experience referring the findings of those investigations to federal prosecutors.

Joe also defends companies, executives, and directors in shareholder litigation and high-stakes commercial litigation in federal and state court. These matters have included securities claims, trade secret disputes, and claims for breach of fiduciary duty.

Before joining the firm, Joe served as an assistant U.S. attorney in the Criminal Division of the U.S. Attorney's Office for the Middle District of Florida. This experience provides the foundation for his practice. As an AUSA, Joe investigated and prosecuted a broad range of offenses, including computer/privacy crimes, obstruction of justice, tax fraud, mortgage fraud, and money laundering. He tried seven cases to verdict and handled hundreds of hearings and other proceedings

on behalf of the government. He also served as the Computer Hacking and Intellectual Property (CHIP) Coordinator in Tampa, where he advised other prosecutors on investigative techniques involving internet and email providers, computers, websites, and other electronic evidence.

In 2017-18, Joe was appointed by the U.S. District Court for the Middle District of Florida to chair three merit selection panels that recommended appointments for federal magistrate judge positions. He leads the firm's Cybersecurity and Privacy Practice.

Experience

Cybersecurity and Privacy

- Defended public entity against putative class action stemming from phishing attack.
- Represented publicly traded construction company in investigating and responding to data breaches, which included notifications to individuals and regulators.
- Represented electronics supplier in investigating and responding to data breach and fraudulent wire transfer scheme. Engagement included advising on contractual obligations with customers.
- Represented financial institution in investigating and responding to data breach, which included notifications to consumers and regulators, as well as post-mortem review and analysis.
- Represented international retailer in investigating and responding to data breach suffered by third-party service provider.
- Drafted and revised incident response guide and related policies and procedures for telecommunications company.
- Represented public entity in investigating and responding to data breach. Engagement included coordinating with law enforcement and notifying affected individuals.
- Represented public entity in investigating and responding to cyber threat. Engagement included vendor contract review and notifying affected individuals.
- Conducted internal investigation for public company related to insider threat to corporate data.
- Represented title insurance company in responding to computer-based fraud scheme. Representation included developing best practices for client to reduce threat.
- Advised clients on compliance with privacy laws and regulations, including the EU General Data Protection Regulation.

White Collar Crime and Government Investigations

- Represented software company in responding to federal False Claims Act investigation.
- Represented construction company in responding to federal contracting investigation.
- Represented national financial institution in conducting investigation related to

grand jury subpoena.

- Defended pharmaceutical company and its executives in FDA investigation.
- Defended individual against federal charges stemming from theft of government property.
- Defended individual in SEC proceeding related to federal criminal conviction.

Securities, Derivative, and Commercial Litigation

- Represented former pharmaceutical executive in federal litigation involving allegations of federal and state securities violations.
- Represented former officers and directors of retail company in responding to threatened claims of breach of fiduciary duty.
- Represented publicly held insurance company in litigation that included claims of theft of trade secrets, breach of fiduciary duty, and breach of contract.
- Defended former directors and officers of nonprofit organization against claims of breach of fiduciary duty associated with bankruptcy proceeding.
- Defended six former officers of public company against claims asserted in federal and state court involving securities fraud, breaches of fiduciary duty, and other claims totaling hundreds of millions of dollars.
- Represented the special litigation committee of a public company investigating claims involving federal securities violations, breaches of fiduciary duty, insider trading, and an accounting restatement.
- Represented major insurance company in monitoring and analyzing securities litigation and insider trading investigation involving insureds.
- Represented executive and corporate entities in garnishment proceedings in the U.S. District Court for the Middle District of Florida.
- Represented pharmaceutical company in federal and state litigation, including multidistrict litigation, that involved allegations by state attorneys general and other plaintiffs regarding drug pricing.

All Insights

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| 07.03.2019 | Is Your Organization Ready for the CCPA? The Importance of an Incident Response Guide |
| 06.10.2019 | Is Your Company Subject To GDPR? Find Out With Carlton Fields' GDPR Assessment Tool |
| 05.31.2019 | Baltimore's Three-Week Ransomware Is a Warning for Other Local Governments to Prepare for Cyberattacks |
| 04.29.2019 | Brazil's New Data Protection Law: An Overview and Four Key Takeaways for U.S. Companies |
| 04.04.2019 | Be Prepared for the Next Wave of Biometric Data Laws: Five Tips for Businesses |

03.20.2019	Be Prepared for the Next Wave of Biometric Data Laws: Five Tips for Businesses
03.15.2019	Cybersecurity Obligations and Best Practices for Independent Schools
02.20.2019	CF on Cyber: Cybersecurity Due Diligence in M&A Deals Under the CCPA and GDPR
01.30.2019	No Actual Harm Needed to Sue Under BIPA: Illinois Supreme Court Finds Statutory Violation Sufficient
10.30.2018	CF on Cyber: Deep Dive into the DOJ's Guidance for Cyber Best Practices
05.03.2018	Carlton Fields Earns Top Privacy Practice Recognition
03.13.2018	Citizens Review Board Seeks Public Opinion on Tampa Police Performance
02.19.2018	Beyond the European Union: How the GDPR Affects US Companies
02.19.2018	Carlton Fields' CyberAPP Featured in the Media
02.15.2018	Seven Carlton Fields Attorneys Elected to Shareholder
01.23.2018	Carlton Fields Launches Cyber Incident Response App
09.14.2017	TBBJ Names the Up & Comers Class of 2017
09.06.2017	Business Continuity and Disaster Recovery Checklist
07.31.2017	Fiduciary Duty Claims in Bankruptcy: Mitigating The Risks
06.28.2017	Can Law Firms Sue NSA for Data Breaches?
06.08.2017	Playing the Blame Game: Fiduciary Duty Litigation in Bankruptcy Proceedings
05.16.2017	Cybersecurity Fight Gets More Unified With Executive Order
03.28.2017	Cyber Update: Five Tips from the Front Lines of Practice to Limit Your Company's Losses from a Breach

03.12.2017 Scratching the Surface: The FTC's Phishing Tips for Victim Companies Are a Good First Step but Companies Should Not Stop There

03.10.2017 Data Defenders

03.01.2017 Gail Podolsky and Joseph Swanson Quoted in Of Counsel

01.31.2017 Yellow Flags Are Not Red Flags: Delaware Court of Chancery Rejects Caremark Claim in *Reiter v. Fairbank*

01.16.2017 NY DFS Proposed Cybersecurity Regulations Revised and Implementation Delayed

12.05.2016 Whistleblowers on Campus: DOJ Adds Research Universities to its False Claims Act Focus

10.03.2016 A Look At Manufacturer Liability For The Internet Of Things

09.19.2016 What You Must Know about New York's Proposed Cybersecurity Regulation for the Banking, Insurance, and Financial Services Sectors

08.22.2016 Heal Thyself: Insider Threats to Heed, Especially for Industries with Large Amounts of Personal Information

06.30.2016 DOJ's FCPA Pilot Program Keeps Heat on Individuals

06.01.2016 The Next Tsunami: Cybersecurity for P/C Insurers

05.08.2016 Catching Corporate Hackers In Fla.: Tips For In-House Counsel

04.25.2016 SEC Waivers with Strings Attached: the Wave of the Future?

02.29.2016 Developments in Cybersecurity: Privacy Laws, Hacking Beyond Customer Data, and Communicating with Corporate Boards

01.05.2016 New Federal Law Protects Companies that Share Cyber Threat Information

12.23.2015 SEC Issues Proposed Changes to Administrative Proceedings

11.27.2015 New York Eyes New Cybersecurity Rules for Banks and Vendors

10.20.2015	Hot Topics in Cyber Coverage
10.19.2015	Hot Topics in Cyber Coverage [PODCAST]
09.28.2015	The Chill is Gone: SEC Wants Unfettered Whistleblowers
09.23.2015	Preparing for a Cyber Caremark Lawsuit: Lessons from the Home Depot Derivative Complaint
09.15.2015	Florida Appellate Court Adopts Test to Distinguish Direct Shareholder Actions From Derivative Actions
09.14.2015	Cyber Caremark: Protecting Your Board from Shareholder Derivative Litigation After a Data Loss Event
09.13.2015	Cyber Caremark: Protecting Your Board from Shareholder Derivative Litigation After a Data Loss Event [PODCAST]
09.07.2015	Cornerstone Report Describes Securities Class Action Litigation Shift Toward West Coast and Smaller Public Companies
08.13.2015	A Firewall for the Boardroom: Best Practices to Insulate Directors and Officers From Derivative Lawsuits and Related Regulatory Actions Regarding Data Breaches
07.30.2015	Federal Court Holds Neither <i>Janus</i> , Nor Statute of Limitations Shields Alleged “Pump-And-Dump” Fraudsters From Civil Liability in SEC Case
06.15.2015	Can “Bad Actors” Wave Goodbye to SEC Waivers?
05.26.2015	Having it Both Ways: Does the SEC’s Enforcement Division Guidance on Forum Selection Do Anything More Than Foreshadow Increased Use of Administrative Proceedings?
04.16.2015	A CEO Blueprint: What to Do if Your Company Is Cyberattacked
01.01.2007	Experience Matters: The Rise of a Supreme Court Bar and its Effect on Certiorari

Recognition

- Listed in *Tampa Bay Business Journal*, "Up & Comers" (2017)

Professional & Community Involvement

- U.S. District Court for the Middle District of Florida
 - Magistrate Judge Merit Selection Panel (2017-18)
- The Sedona Conference
 - Data Security and Privacy Liability Working Group
- Tampa Bay Electronic Crimes Task Force
- FBI InfraGard, Tampa Chapter
- Herbert G. Goldberg-Ronald K. Cacciatore Criminal Law American Inn of Court
- Clemency Project 2014
 - Screening Committee
- American Bar Association
- Federal Bar Association
- Hillsborough County Bar Association

Speaking Engagements

- "U.S. Department of Justice's View on Best Practices in Cybersecurity," NetDiligence Cyber Risk Summit, Philadelphia (June 14, 2017).
- "Cybersecurity & Privacy Pub Trivia," Carlton Fields In-House Counsel Forum, Orlando, FL (April 5, 2019).
- "Aviation Cyber Security: Threats, Best Practices to Mitigate Risks, and Hot Topics," Tampa Bay Aviation Association Inc., Tampa, FL (March 21, 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).
- "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 (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 (June 21, 2018).
- "Cybersecurity: Don't Be the Next Target," ABA Forum on Construction Law, Fort Myers, FL (January 19, 2018).
- "Through the Looking Glass: Tips for Business Litigators Handling D&O Claims in Bankruptcy Court," ABA Sound Advice Podcast, membership required (October 12, 2017).
- "Cyber Security Legal Considerations," Florida Institute of CPAs, Tampa, FL (September 26, 2017).
- "Responding to an Information Security Incident: Lessons From Private Legal Practice," Tampa Bay Electronic Crimes Task Force, Tampa, FL (August 10, 2017).
- "Is Ransomware the New Normal?" 2017 Florida Risk & Insurance Management Society (RIMS) Educational Conference, Naples, FL (July 27, 2017).

- “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 (April 6, 2017).
- “*Breached!* Incident Response Executive Management Wargame,” Carlton Fields In-House Counsel Forum, Orlando, FL (March 3, 2017).
- “Cyber Security, Wire Transfers and Insurance,” The Regulatory Fundamentals Group Webinar (February 28, 2017).
- “A Red Grenade in the Apple Orchard: Using Insurance to Mitigate Cyber Risk,” presentation at Digital Hands’ annual client and partner event, Tampa, FL (January 27, 2017).
- “An Interactive Data Breach Exercise,” The Sedona Conference Working Group on Data Security and Privacy Liability Annual Meeting, St. Petersburg, FL (January 16, 2017).
- “Strategic Cyber Defense for Companies: Practical Advice for Living with Cyber Risk,” GulfShore Bank, Digital Hands, and Prida Guida & Co., Tampa, FL (November 10, 2016) .
- “Stepping Up: Taking Your Compliance Program to the Next Level in an Era of Heightened Government Scrutiny,” presentation part of the Association of Corporate Counsel (ACC)’s Annual Corporate Counsel Summer Symposium, Longboat Key, FL (August 12, 2016).
- “Incident Response Guide,” The Sedona Conference Working Group on Data Security and Privacy Liability Midyear Meeting, Redmond, WA (August 10, 2016).
- “Run Across the Rope Bridge: Data Security for Growth-Stage Companies,” presentation to GrowFL, Tampa, FL (August 2, 2016).
- “Enforcement and Litigation Update,” presentation part of IRI Cybersecurity Forum, Washington (July 19, 2016).
- “An Introduction to Internal Investigations for Non-Investigators,” CPE/CLE presentation at Protiviti’s CPE conference, “Guidance Through Powerful Insights,” Tampa, FL (June 10, 2016).
- “Lost Laptops & Tempting Links II: Preparing for Data Breaches & Remaining Vigilant in the Modern Construction Environment,” Construction Financial Management Association breakfast meeting with U.S. Secret Service and Ben Osbrach of Skoda Minotti, Tampa, FL (March 24, 2016).
- “Developments in Cybersecurity,” Carlton Fields In-House Counsel Forum, Orlando, FL (March 18, 2016).
- “Legal Fallout of a Breach – Interacting with Law Enforcement, Class Action Litigation, and Fiduciary Duties and Derivative Litigation,” Carlton Fields Client Focus Forum, Minneapolis (February 4, 2016).
- “Data Breach Response Guide,” The Sedona Conference Working Group on Data Security and Privacy Liability Annual Meeting, Scottsdale, AZ (December 2, 2015).
- “Cybersecurity Today: Threats, Preparedness, and Response,” Carlton Fields Third Annual Appellate Forum for Trial Lawyers, Miami (October 23, 2015).
- “Legal Fallout of a Breach – Class Actions, Shareholder Derivative Actions, and Law Enforcement Issues,” Carlton Fields Client Focus Forum, Denver (October 19, 2015).
- “Lost Laptops and Tempting Links: Preparing for Data Breaches in the Modern Construction Environment,” Construction Financial Management Association

breakfast meeting with U.S. Secret Service and Ben Osbrach of Skoda Minotti, Tampa, FL (July 23, 2015).

- "IRI Cyber Security Forum," Insured Retirement Institute's Government, Legal & Regulatory Conference, Washington (July 1, 2015).
- "Sharks in the Swimming Pool: Current Topics in Cybersecurity," Carlton Fields client presentation with John E. Clabby, U.S. Secret Service, and Ben Osbrach of Skoda Minotti, Tampa, FL (June 23, 2015).
- "Strategies for Data Breach Prevention and Defending Data Breach Class Actions in the Financial Services Industry," Insured Retirement Institute Webinar (March 4, 2015).
- "Use of Technology in Multi-District Criminal Investigations," part of "Florida Cybercrime Forum," St. Petersburg College Center for Public Safety Innovation, St. Petersburg, FL (Dec. 5, 2014).

Credentials

EDUCATION

- Georgetown University Law Center (J.D., *magna cum laude*, 2006)
 - Order of the Coif
 - Member of *Georgetown Journal of Legal Ethics*
- Georgetown University (B.A., *magna cum laude*, 2001)
 - Phi Beta Kappa

BAR ADMISSIONS

- District of Columbia
- Florida

COURT ADMISSIONS

- U.S. Court of Appeals, Fourth Circuit
- District of Columbia Courts
- U.S. District Court, Middle District of Florida
- U.S. District Court, Southern District of Florida
- Florida State Courts

CLERKSHIPS

- Hon. J. Frederick Motz, U.S. District Court, District of Maryland

Background

- Assistant U.S. Attorney, Criminal Division, U.S. Attorney's Office, Middle District of Florida, Tampa, FL (2012-2015)
- Associate, Arnold & Porter LLP, Washington (2007-2011)
- Summer Associate, Arnold & Porter LLP, Washington (2005)
- Law Clerk to the Honorable J. Frederick Motz, U.S. District Court, District of Maryland, Baltimore (2006-2007)
- Analyst, Goldman Sachs & Co., New York (2001-2003)

Areas of Focus

PRACTICES

INDUSTRIES

- Consumer Finance
- Cybersecurity and Privacy
- FINRA Litigation, Enforcement and Investigations
- Litigation and Trials
- Pharmaceuticals and Medical Devices
- Property & Casualty Insurance
- Securities and Derivative Litigation
- Technology
- White Collar Crime & Government Investigations
- Banking, Commercial, and Consumer Finance
- Health Care
- Securities & Investment Companies
- Technology & Telecommunications