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**CYBERSECURITY &
CYBERINSURANCE: When
Hackers Attack Your Practice, Will
You Be Prepared?**

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February 9, 2016
SCBA Center - Hauppauge, NY

Cybersecurity

When Hackers Attack Your Practice
Will You Be Prepared?



Regina Vetere – CBS Coverage

Elizabeth Simoni – Travelers Insurance

Tom Rizzuto – Travelers Insurance

Kenneth Hale – Glasser Tech LLC

Shari Claire Lewis – Rivkin Radler LLP

February 9, 2016

Cybersecurity

When Hackers Attack Your Practice Will You Be Prepared?

Tuesday, February 9, 2016

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Cybersecurity

When Hackers Attack Your Practice Will You Be Prepared?

Regina Vetere – CBS Coverage
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Shari Claire Lewis – Rivkin Radler LLP

Show of Hands...



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Introduction



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Tom Rizzuto, Esq.
Travelers Insurance



Regina Vetere
CBS Coverage
Moderator




Elizabeth Simoni
Travelers Insurance



Kenneth Hale
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Important Terms

- Personally Identifiable Information (PII)
- Protected Health Information (PHI)
- Privileged Information
- Confidential Information

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Once Upon a Time...




Peter Wynn, Esq.

Mary Whin, Esq.

Paul Victorie, Esq.

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Wynn, Whin and Victorie, Esqs.

- General practice
- Staff
 - 12 Attorneys, 2 paralegals, 3 administrative assistants, office manager, receptionist
- Outside IT consultant on retainer
- Mixed old and new computer resources
- Mobile devices and remote access

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Wynn, Whin and Victorie, Esqs.

- Client's acquiring company knows too much
- Unrelated clients experiencing credit card fraud
- FBI calls:
 - Unauthorized credit card and bank transactions
 - Commonality – THE FIRM

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What To Do?

- Notice
 - Statutory requirements
 - Regulatory requirements
 - Contractual obligations
 - Ethical obligations
 - Broker/insurer
 - Vendors




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What To Do?

- Remediation
- Investigation
- Forensic Analysis




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What To Do?

- Reputation Assistance/Crisis Management
- Credit Card Monitoring
- Identity Fraud




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What To Do?


- Selection of counsel
- Cooperation with law enforcement
- Outside vendors to firm who may owe indemnity

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What To Do?

- Review of cyber policy (if have one)
 - “First Party Coverage”
 - Preferred vendors
 - 24/7 contact in crisis



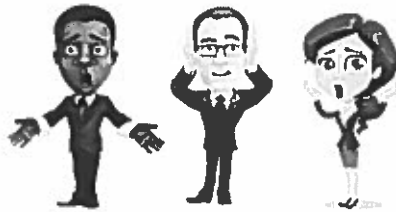
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What To Do?

- Notice to insurer/broker
- Broker's role in securing right coverage and assisting with interface with insurer

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Back at the Firm...



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"Houston, We Have a Problem"

- Associate's Laptop
 - Left on table during lunch and over night
 - No password or encryption
- Rouge employees
 - Sensitive information posted on social media
 - Associate copies files and installs malware
- Bank's Email
 - Clicked an embedded link and provided PII

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Associate's Laptop



"If you were concerned about identity theft, you shouldn't have left your private information lying around where I could find it!"

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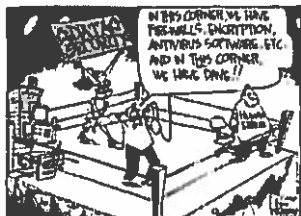
Associate's Laptop

- No password
- No encryption
- More information than needed
- Use of hard copy data online



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Rogue Employees



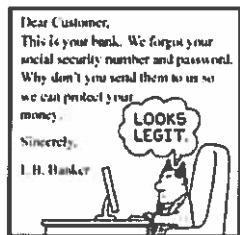
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Rogue Employees

- Most common cause of breach
- Can be more tech savvy than employer
- Posting information on social media
- Limit access to files on as needed basis
- Employee monitoring

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Bank's Email



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Bank's Email

- Phishing and spear phishing
- Malware and cyber ransom
- Firm training
- Not always a "Nigerian Prince"
- Segmentation and firewalls

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Takeaways

Train, Train, Train...

Technologically Competent

Breach Coach

Client's Confidences

Rapid Response Plan

Business Associate Agreements

Access to information

Employee Monitoring


Redundant Backup System

E-Filing


Lawyers who represent themselves...

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Questions?




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Takeaways

- 1) Lawyers may have legal and ethical responsibilities to be technologically as well as legally competent. Bragging about being old school is simply not adequate.
- 2) Lawyers have professional responsibilities to protect their client's confidences and secrets.
- 3) Train, train, train associates and employees re: document retention, privacy, confidentiality, phishing, and social engineering. Consider whether it makes sense to have policies and how best to enforce them if you do.
- 4) Understand what data and information you have, in what forms, where it resides and who has access. An unlocked file cabinet in the unmanned reception area is not a great idea.
- 5) Make sure that access to private data is restricted to the people who really need access.
- 6) Understand any special obligations that you may have undertaken because of your clients' status, such as "Business Associate Agreements" under HIPPA
- 7) Understand your obligations for redaction, sealing, and privacy as a result of e-Filing, court orders, etc.
- 8) Employ qualified IT professionals (inside or out) to keep your system up to date, to monitor penetration attempts and repair vulnerabilities.
- 9) Consider the language in your vendor's agreements to require the vendor to meet your standards and to indemnify you if data breach occurs due to their facility. Your data is only as safe as the weakest link. Remember you may need to immediately notify and tender under such indemnity provisions.
- 10) Cyber insurance provides first party benefits available only under cyber policies. These include the costs of notice, investigation, remediation, reputation, cyber extortion, "breach coach", counsel, etc. Also generally include 24/7 crisis response, preferred vendors who know what they are doing and check lists, worksheets, etc. that help to assist your firm's risk and response.
- 11) When exploring cyber coverage, the broker is extremely important. Many people are offering it as an add on, but you need someone who is conversant with the product and who has a reasonable understanding of you, your firm, your business practices, etc.
- 12) "Lawyers who represent themselves...." Consult with qualified counsel with cyber and professional liability experience from the earliest stages of an incident. This is not a time to dabble. Your counsel will be in the best position to help you defend against grievances, liabilities or fines before you say or do something foolish.
- 13) A fast response plan in the firm, just like a fire escape plan, will help you to respond to a cyber breach even when you are in crisis mode.
 - a) Statutory deadlines for notice
 - b) Adequacy and timeliness of response can impact fines and liabilities.
- 14) Have a redundant backup system that will protect your essential client and business files in the case of cyber event where your data is rendered unavailable to you or wiped out or even in the case of natural disaster.



ABA Approves Changes to Technology-Related Ethics

By: Shari Claire Lewis, Esq.

The headline could read "ABA drags lawyers, kicking and screaming, into the 21st Century," but that would not tell the whole story. In reality, for the past decade or more, lawyers have increasingly relied on technology to practice law, but that reliance has grown so incrementally that its potential impact on ethical responsibilities may not have been considered.

Enter the ABA Commission on Ethics 20/20, which studied the way various factors – most importantly, technology – have changed how lawyers practice law. Several months ago, the commission issued a report^[1] to the American Bar Association's House of Delegates proposing amendments to a number of the Model Rules of Professional Conduct (the "Rules").^[2]

The ABA has just approved those proposals at its recently-concluded annual meeting in Chicago. Although they technically will not apply to attorneys practicing in New York, they are noteworthy for this state's lawyers because they may be persuasive here and, in fact, ultimately may be adopted as part of the New York Rules of Professional Conduct.^[3] They are, at the very least, a wake-up call to New York lawyers that even the "Luddites" among us must consider the impact of technology on our practices.

Technology's Impact

As the commission recognized, lawyers now communicate with clients electronically, and not just by phone, fax, letter, or in person. Lawyers now store confidential client information on mobile devices such as laptops, tablets, smartphones, and flash drives – and on the "cloud" – and not just on papers locked in file cabinets or in office computers. And lawyers have websites and blog on the Internet, use social networking sites, and even advertise with new online methods such as pay-per-click. Given these realities, a number of changes to the Rules and comments thereto were adopted to address two particular areas of concern – protection of client information and the attorney-client relationship.

Protecting Client information

Rule 1.6(a) states that a lawyer has a duty not to reveal "information relating to a client's representation," except for the circumstances described in Rule 1.6(b). The rule, however, did not identify the ethical obligation a lawyer might have to prevent such a revelation, a concern that becomes particularly acute in regard to electronically stored information. The addition of Rule 1.6(c) changed

that. The new rule requires that lawyers make **"reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client."** Thus, as the amendments to Comment 16 make clear, "reasonable" efforts by the attorney to protect client information will be considered "competent" for purposes of Rule 1.6, even if unintentional disclosure does occur.

The commission offered three examples that could lead to the unintended disclosure of client information. First, information could be inadvertently disclosed, such as when an email is sent to a wrong person. Second, information could be accessed without authority, such as when a third party "hacks" into a law firm's network or a lawyer's email account. Third, information could be disclosed when employees or other personnel release it without authority, such as when an employee posts a client's information on the Internet.

Comment 16 now sets forth a non-exclusive list of factors that lawyers should consider when determining whether their efforts are reasonable, including the sensitivity of the information, the likelihood of disclosure if additional safeguards are not employed, the cost of employing additional safeguards, the difficulty of implementing the safeguards, and the extent to which the safeguards adversely affect the lawyer's ability to represent clients (e.g., by making a device or important piece of software excessively difficult to use). In addition, Comment 16 recognizes that some clients may require the lawyer to implement special security measures not required by the rule or may give informed consent to the use of security measures that would otherwise be prohibited by the rule. Comment 16 provides a final caution – compliance with Rule 1.6 does not vitiate attorneys' obligations under federal and state law regarding privacy and/or notice requirements in the event of a privacy breach.

A series of smaller but key changes also were adopted to address confidentiality concerns. For example, a lawyer's duty to provide "competent representation" is stated in Rule 1.1 and amplified in Comment 6, which previously specified that, to remain competent, lawyers need to "keep abreast of changes in the law and its practice." The commission concluded that, to keep abreast of changes in law practice in a digital age, lawyers must understand basic features of relevant technology. For example, as the commission noted, a lawyer would have difficulty providing competent legal services in today's environment without knowing how to use email or create an electronic document. Accordingly, the phrase "including the benefits and risks associated with relevant technology" was added to the topics on which a lawyer must "keep abreast."

In the commission's view, Comment 6 already inherently encompassed an obligation to remain aware of changes in technology that affect law practice. Nevertheless, the express reference to technology is intended to offer greater clarity to practitioners and emphasize the importance of staying up to date as to the benefits and risks that technology presents to the modern law practice.

Another incremental change was made to Part (b) of Rule 4.4 (Respect for Rights of Third Persons) which addresses the particular ethical issues associated with the inadvertent disclosure of confidential information. Previously, this rule imposed on lawyers the duty to notify the sender if they received "documents" that they knew or reasonably should have known were inadvertently sent to them. The commission concluded that the word "document" was inadequate to express the various kinds of information that could be inadvertently sent in a digital age, including for example, emails, flash drives, metadata,^[4] etc. Therefore, the word "document" was replaced with a phrase that is commonly used in the context of discovery: "document or electronically stored information." Indeed that phrase now appears throughout the many rules and comments that were amended.

Comment 2 to Rule 4.4 now defines the phrase "inadvertently sent" as when "a document or electronically stored information ... is accidentally transmitted, such as when an email or letter is misaddressed or a document or electronically stored information is accidentally included with information that is intentionally transmitted." Comment 2 also now addresses the issue of metadata. It states that the receipt of metadata triggers the notification duties of the rule, but only when the receiving lawyer knows or has reason to believe that the metadata was inadvertently sent.^[5]

The commission next dealt with "screening," the purpose of which is to assure the affected parties that confidential information known by a personally disqualified lawyer remains protected. Rule 1.0(k) defines "screening" as the need to effectuate timely procedures to isolate the information from access by the disqualified individual. The rules intend that an effective screen may be erected to avoid the imputation of a conflict of interest to others in the firm, under Rules 1.10, 1.11, 1.12, and 1.18. The commission found that because advances in technology have made client information more accessible to the whole firm, the process of effective screening now requires more than simply placing relevant physical documents in an inaccessible location – electronic information must be protected as well. By the expedient addition of the phrase "including information in electronic form," Comment 9 now explicitly makes it clear that the process of screening must address both physical documents and electronically stored information.^[6]

Lawyer-Client Relationships

When a lawyer's first substantive contact with a potential client was face-to-face, it was relatively easy to determine when a communication gave rise to a prospective client-lawyer relationship. Now, such a relationship can arise in many different ways: a lawyer's website might ask a person to send information about his or her injury; a lawyer might exchange information with someone on a blog; or a lawyer might use his or her social networking page to provide advice to "friends."

The prior version of Rule 1.18 (Duties to Prospective Client) stated that a "discussion" is necessary to give rise to a prospective client-lawyer relationship. In the commission's opinion, that implied a two-way verbal exchange such as an in-person meeting or a telephone conversation. The commission stated that "discussion" did "not capture the idea that Internet-based communications can, in some situations, give rise to a prospective client relationship."

By swapping out "discusses" for "consults," the rule now clarifies that a prospective client-lawyer relationship may arise even when an oral discussion between a lawyer and client has not taken place. This small change was, however, accompanied by substantial revision to Comment 2, which now explains that consultation giving rise to a prospective client relationship can arise when an individual provides a response to "written, oral or electronic communications" by the lawyer that specifically invites the submission of information about a potential representation without clear and reasonably understandable warnings and cautionary statements that limit the lawyer's obligation. Conversely, a prospective client relationship is unlikely to be created when an individual acts unilaterally and provides case specific information in response to an advertisement that only lists the attorneys' credentials, areas of practice, educational background, or provides "legal information of general interest."

Similar concerns were addressed by the alterations to Rule 7.3, which was retitled "Solicitation of Clients" instead of "Direct Contact with Prospective Clients," as well as to its comments. Of particular interest is the new Comment 1 to Rule 7.3, which defines a "solicitation" as a "targeted communication" that is directed to a specific person and offers to provide legal services, but excludes communications from a lawyer that are directed to the general public, "such as through a billboard, an Internet banner advertisement, a website or a television commercial, or if it is in response to a request for information or is automatically generated in response to Internet searches." Thus, the comment clarifies that

advertisements automatically generated in response to a person's Internet searches about legal issues are not "solicitations."

Finally, because the means of communication between lawyer and client have become so varied, the commission believed that the last sentence of Comment 4 to Rule 1.4 (Communication), stating "[c]lient telephone calls should be promptly returned or acknowledged," was inadequate. It now states: "Lawyers should promptly respond to or acknowledge client communications" reflecting the impact of technology such as email, texting, and the like on the way lawyers and clients now communicate.

Conclusion

In addition to the amendments to the rules, the commission asked the ABA Center for Professional Responsibility to create "a centralized user-friendly website with continuously updated and detailed information about confidentiality-related ethics issues arising from lawyers' use of technology, including information about the latest data security standards." The commission concluded that this kind of web-based resource is "critical," given that rule-based guidance and ethics opinions "are insufficiently nimble to address the constantly changing nature of technology and the regularly evolving security risks associated with that technology."

This website, in the commission's view, should identify the key issues that lawyers should consider when using technology in their practices, such as the administrative, technical, and physical safeguards that should be employed. The commission also envisions a resource that highlights additional cutting-edge and more sophisticated topics, and that includes regularly updated information about security standards (such as the identification of standards-setting organizations) so that lawyers can more easily determine whether the technology that they employ is compliant with those standards.

The website and the changes to the Model Rules reflect the continuing importance of technology to the practice of law – and the concomitant need for lawyers to be aware of client confidentiality and client relationship issues that result. As technology continues to evolve and become ever more central to the practice, lawyers in New York, and across the country, must continue to think about, analyze, and respond to these issues as part of their day-to-day practice.

[1] See, http://www.americanbar.org/content/dam/aba/administrative/ethics_2020/20120508_ethics_20_20_final_hod_introduction_and_overview_report.authcheckdam.pdf.

[2] See, http://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/model_rules_of_professional_conduct_table_of_contents.html. The ABA's prior "global review" of the Rules took place in 2002.

[3] See, <http://www.nysba.org/Content/NavigationMenu/ForAttorneys/ProfessionalStandardsforAttorneys/NYRulesofProfessionalConduct4109.pdf>.

[4] Metadata is generally defined as "data about data" and is commonly understood to be hidden information that is automatically created in connection with any electronic document which may include the data's means of production, editorial history, routing path, etc.

[5] The new language about metadata does not resolve a more controversial question: whether a lawyer should be permitted to look at metadata in the absence of consent or court authority to do so. Several ethics opinions, including ABA Formal Opinion 06-442 (2006), have concluded that Rule 4.4 does not prohibit a lawyer from reviewing metadata under those circumstances, but other ethics opinions, including from New York (N.Y. State Bar Ass'n Comm. on Prof'l Ethics, Ethics Op. 749 at *3 (2001); NYCLA Comm. on Prof'l Ethics, Ethics Op. 738 (2008)) have reached the opposite conclusion and have said that lawyers should typically not be permitted to look at an opposing party's metadata in the absence of consent or a court order. The amendments did not address when it is permissible to look at inadvertently disclosed data, but leaves it to the "professional discretion" of the receiving lawyer to determine whether a document or electronic stored information should be returned unread.

[6] A similarly simple change was made to Rule 1.0(n) by substituting "electronic information" for "email" in its list of what may constitute a "writing." The commission reasoned that the prior definition was not sufficiently expansive given the wide range of methods that lawyers now use (or are likely to use in the near future) when memorializing an agreement, such as to written consents to conflicts of interest.

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CyberRisk for Professional Firms

COVERAGE HIGHLIGHTS

Cyber risks are the #1 concern overall for professional firms.¹

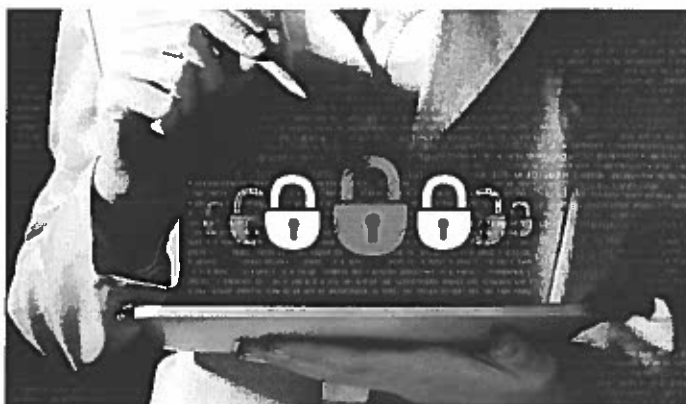
Why you need protection

In today's data-driven world, every business is vulnerable to a cyber attack. In the past year, 60% of all targeted attacks struck small and medium-sized businesses.² As a professional firm that collects and stores Personally Identifiable Information (PII) or Protected Health Information (PHI) it's not a question of if your business will suffer a breach, but when.

Just one stolen laptop, one resourceful hacker, one virus, or even one lost paper record can create enormous financial and reputational consequences. A recent study revealed that professional firms are the least prepared to handle these types of risks.³ Therefore it is important to be prepared with the right coverage.

Coverage highlights

Travelers CyberRisk coverage is available for professional firms of all sizes, including lawyers, accountants, real estate and design professionals. Offered as a stand-alone policy or as part of a management liability suite of coverages, CyberRisk provides a combination of coverage options to help protect your business.



\$6.5 million is the average cost to rectify a data breach and continues to rise each year⁴; these costs are not typically covered by standard property and general liability policies.

Travelers Wrap+[®] CyberRisk coverage includes 10 insuring agreements

Liability insuring agreements cover costs associated with the liability of a claim or suit related to a breach and include:

- Network and information security liability
- Communications and media liability
- Regulatory defense expenses, including fines and penalties coverage

First-party insuring agreements cover such things as the material costs of a breach, including forensic analysis; fees to determine the nature and extent of the breach; as well as notification costs that are legally mandated in 47 states and include:

- Crisis management event expense
- Security breach remediation and notification expense
- Computer program and electronic data restoration expenses
- Computer fraud
- Funds transfer fraud
- eCommerce extortion
- Business interruption and additional expenses

¹ Travelers Business Risk Index 2015

² Symantec Internet Security Threat Report 20

⁴ Ponemon 2015 Cost of Data Breach Study

Also, included in the CyberRisk coverage, your business will have access to the Travelers' **eRisk Hub**[®] – an information portal that includes reference material, news updates and other tools that may be helpful in avoiding a breach, as well as access to a **Breach Coach**[®] for a 30-minute consultation if you have a data breach event.

Claim scenarios

Corporate Espionage

A law firm handling a large corporate merger deal was targeted by hackers. The hackers obtained confidential corporate client information and as a result the merger for their client fell through. The law firm was responsible for investigating the event including a forensic audit of their systems.

Computer Hack

An accounting firm discovered their computer system had been hacked and attempts had been made to withdraw funds from several of their clients' bank accounts. While it was ultimately determined that all attempts to withdraw funds from the clients' individual bank account were unsuccessful, the accounting firm incurred costs to determine which of its clients were affected, send out communications required to notify them of a breach and alerted necessary state agencies of the breach.

Stolen Smartphone

A partner in a law firm stopped at a local grocery store on her way home from work. While she was shopping someone broke into her car and stole the smartphone she used to access an unsecured database containing the financial records of more than 15,000 clients. The clients sued the law firm for damages resulting from its alleged failure to protect their private financial information.

Cloud Data Breach

A design firm stored its customers' information in a third-party cloud computing environment which suffered a major data breach, compromising the information of thousands of the company's customers. As the data owner the company managed the resulting impact to its business and customers. As a result Attorneys General in several states began a regulatory investigation to determine whether the firm responded appropriately to the breach in accordance with various state laws.

Internal Security Breach

A real estate agency suspects that a temporary employee had downloaded all client files onto a USB device and taken it with her on her last day of employment. While the real estate agency was successful in getting the prior employee to turn over the USB there has been a security breach.

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Why Choose Glasser Tech

We want to be your technology company. At Glasser Tech LLC, we know that you depend on technology every day. We make your network, computers and people work together more efficiently to give you that competitive edge.

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- Computer Repair
- Service Contracts

Michael Glasser

Michael Glasser has been a consultant to the legal community for more than 20 years. Michael has numerous certifications on industry specific software applications and a thorough knowledge of computer systems as well as hardware, software, communications and networking solutions..

Email: Michael@glassertech.com

About Glasser Tech LLC

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- Emergency Service
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At Glasser Tech LLC, our goal is to make your firm be as efficient as possible saving you time and money. We will assess your firm's current work flow to see where technology can help you increase productivity. We will advise you if you need to upgrade your hardware or plan a better network design. We will make recommendations that will benefit your practice which may include a case management system or remote access from your home office.

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TRAINING

Our staff of experts has extensive knowledge of the products we sell. We will come to your office and spend time with your staff providing them with the confidence they need to continue on their own without even helping them with too much information.

SUPPORT

We are there after the sale. In today's industry it seems that too many people want to sell you something and then when you need help you end up waiting a long time on hold or you have an e-mail address and no one ever gets back to you. We will try to address your problem as soon as possible. We have a real person who answers the phone because we care about your needs. After all, YOU are our business. Quite often we can provide remote assistance to answer your questions within a matter of minutes.

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Regina Vetere

Executive Vice President – Specialty Division



In the twenty years that Regina has been with CBS, she has expanded the Lawyers Professional Liability Insurance Program from fifty law firms to our current client base of several hundred law firms. She has developed relationships with all of the major insurance carriers in the professional liability industry. The law division has access to the major insurance carriers for other lines of insurance coverage that law firms may need, as well.

Regina's relationships with the Nassau, Suffolk, and Queens County Bar Associations have enabled her to obtain the CBS appointment as the sponsored provider for professional liability insurance. Regina has recently been recognized as the sponsored provider of all insurance lines by the Nassau County Bar Association. Her regular involvement in Bar Association events and seminars keep her well-versed on the current issues and trends associated with lawyers and their firms' needs. Regina and CBS are business partners with the Association of Legal Administrators (ALA) of the Long Island Chapter.

Regina has been appointed as one of five non-attorneys to the Nassau County Bar Association's charitable arm, the WECARE FUND, as Community Liaison to the Advisory Board, as well as being a member of the PLUS Eastern Steering Committee. She is very active in the fight against breast cancer, through many organizations, including the Nassau County Women's Bar Association. Regina is also a member of the Jocelyn Holiday Spirit Project, an organization for underprivileged children.

Regina began her career with Liberty Mutual Insurance Company. Prior to joining CBS, she was an underwriter at Chubb Insurance Group and Account Manager at both Alexander and Alexander and Marsh and McLennan. Regina holds a Bachelor of Arts degree in Psychology, with a minor in Business Administration from The College of New Rochelle.



TRAVELERS

Thomas Rizzuto, Technical Director
Travelers Bond & Specialty Insurance



Tom Rizzuto is a Technical Director and Counsel working in the Private Non-Profit department of Bond & Professional Products in New York. Tom has previously held both management and non-management claim positions with AIG, CNA and Gulf Insurance handling mostly Employment Practices Liability claims.

Additionally, Tom was a Specialty Claims Attorney for the Technology Claims Department of Travelers handling technology claims which encompassed cyber liability, intellectual property, copyright and trademark as well as errors and omissions liability. In his current role, Tom functions as a claim manager working in conjunction with the Field claim handlers on complex EPL, D&O and Fiduciary claims. In addition, Tom also directly manages complex EPL, D&O and Fiduciary claims. Additionally, Tom is the point person for third-party claims in the Cyber liability line of business.

He received his Bachelor of Arts in Political Science from Adelphi University and his Juris Doctor from New England School of Law. Tom is also admitted to the bar for the State of New York.

Elizabeth F. Simoni, Account Executive Officer
Bond & Specialty Insurance / Private & Non-Profit Liability



Liz is currently responsible for managing the Long Island territory for all lines of private and non-profit business including D&O, GPL, EPL, Fiduciary, MPL, Crime, Cyber, K&R and ID Fraud.

Prior to joining Travelers, Liz worked on the underwriting side for Pine Street Management (Aon); Tamarack American (Great American) and Reliance National (Hartford) handling both public and private executive liability products. She also worked on the brokerage side for both Johnson & Higgins (Marsh) and Frank Crystal in the Financial Services Department handling all lines of Professional Liability Insurance and Bonds for middle market and large Wall Street clients. Her career started working at Thomas A Green, a Reinsurance Broker owned by Alexander & Alexander, Inc. (Aon) where she analyzed and interpreted the financial statements of several prospective clients.

Liz received her Masters of Business Administration in Finance at the Long Island University, C.W. Post and her Bachelors of Science in Finance at Lehigh University.



Shari Claire Lewis

Partner

Shari Claire Lewis is a member of the firm's Professional Liability, Product Liability and Commercial Liability departments. She has focused her practice on the intersection of law and technology, often advising and representing clients on 21st Century technology challenges they face.

An accomplished civil litigator, Shari routinely handles complex commercial litigation, concerning fraud, securities fraud, malpractice, contract, constitutional law, data breach and privacy among others. Shari has particular expertise in the defense of errors and omissions claims against professional service providers, including lawyers, appraisers, tax planners, computer and software consultants, funeral home directors, pharmacists, and others.

With extensive experience in technology law, Shari represents entities at the cutting edge computer science and telecommunications, including Internet registrars, software designers, and Internet based businesses and computer service providers. She has successfully litigated cases involving domain name disputes, cybersquatting, freedom of speech, online and "click wrap" contracts, data breach and antitrust and trademark violations. She also drafts technology and online contracts on behalf of technology vendors and consumers, as well as terms of use and/or security, data breach, intellectual property policies for use on her clients' websites. Shari assists clients in responding to data breaches concerning both personally identifiable and private health information, including preparing notices and regulatory filings and representing clients in subsequent litigation.

Shari also has considerable experience in representing manufacturers, distributors, and maintenance companies in connection with medical device and product liability claims, including angioplasty devices, coronary and tracheal stents, orthopedic and dental implants, operating room fixtures, disposable medical products, factory and farm machinery, hair dye and cosmetics, pharmaceuticals, industrial and consumer electrical products.



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PRACTICE AREAS

Intellectual Property
Product Liability & Toxic Tort
Professional Liability

BAR ADMISSION

New York

COURT ADMISSIONS

United States Court of Appeals,
Second, Third, Fourth & Ninth Circuits
Eastern and Southern Districts of
New York Federal Court

AFFILIATIONS

Defense Research Institute
Nassau County Women's Bar
Association
Risk Insurance and Management
Society
Women In Technology International
Council on Litigation Management

EDUCATION

State University of New York at
Buffalo, School of Law and
Jurisprudence, Juris Doctor
State University of New York at
Buffalo, B.A.

Shari is a bi-monthly columnist for the New York Law Journal on Internet and Social Media Law, and frequently lectures and publishes on issues including cyber liability, data breach, e-discovery, domain names, attorney-corporate client privilege, attorney malpractice, medical device litigation, computer liabilities and other liability-related issues. Among her many professional affiliations, Shari is a member of the Defense Research Institute's Professional Liability, Product Liability and Insurance Substantive Law Committees, where she serves on the Steering Committee for the Professional Liability Committee and as Chair of that Committee's Miscellaneous Professional Subcommittee. Shari is also a member of Council for Litigation Management, in the Cyber Liability and Product Liability Committees, where she has been a frequent lecturer on professional liability, technology and cyber challenges facing the legal and insurance industries.

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