



FERNANDO M. PINGUELO, PARTNER

CHAIR, CYBER SECURITY & DATA PROTECTION GROUP
COMPLEX LITIGATION | LABOR & EMPLOYMENT
CRISIS MANAGEMENT | ENTERTAINMENT LAW
RESPONSE TO ELECTRONIC DISCOVERY & INFORMATION

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BIOGRAPHY

Fernando M. Pinguelo, a trial lawyer and Chair of the firm's Cyber Security & Data Protection and E-Discovery groups, devotes his practice to complex litigation with an emphasis on cyber security, data privacy, international law, crisis management, media and employment matters.

A former prosecutor, Fernando is experienced in all facets of litigation (trial, mediation, arbitration, and appellate) in both federal and state courts. He handles a broad spectrum of disputes including those involving business torts, data breaches, misappropriation of trade secrets, copyright/trademark infringement, fraud, breach of non-compete covenants, and discrimination.

A leader in the emerging areas of cyber law and electronic discovery, Fernando works closely with business executives, in-house counsel, and HR and IT managers to develop strategies for managing business and legal issues relating to electronic data. He focuses client attention on preventing claims and pursues strategies that enhance a client's ability to manage data-essential precautions because of the financial and public relations fallout that often result from high-profile data breaches. And when a rapidly evolving crisis or emergency hits, Fernando mobilizes his interdisciplinary team of professionals and implements a response strategy to mitigate damages. Fernando's global network of highly skilled lawyers and other professionals from across the U.S. and more than 70 other countries, enables him to provide clients with quality services outside our jurisdictions.

Recently, Fernando provided commentary on proposed federal legislation concerning cyber security, and received a Fulbright Specialist appointment for his work on technology's impact on the law. Notably, Fernando was involved in New Jersey's first case addressing its new electronic discovery rule amendments; designed one of the first state-of-the-art electronic discovery law courses in the country, which he teaches at Seton Hall University School of Law; and created the ABA Journal award-winning eLessons Learned, an educational blog about how technology impacts lawsuits.

Fernando serves on federal and state court committees, including the Third Circuit Bar Association Committee on Rules of Procedure and the Supreme Court of New Jersey Committee on the Rules of Evidence, where he contributes to court rule amendment proposals. Fernando also lectures for

state and federal judicial colleges, including the New Jersey Judicial College and Escola Paulista da Magistratura, which provide judges with academic programs to keep abreast of legal developments. He clerked for the Honorable Edwin H. Stern, Chief Judge, Superior Court of New Jersey - Appellate Division (retired).

Within the media and entertainment industries, Fernando represents television personalities including Emmy Award-winning talent, performers, and writers on a variety of legal issues, including cyber security/privacy issues concerning their Internet reputation. Fernando serves as a judge of the Emmy Awards, sponsored by the National Academy of Television Arts & Sciences, New York Chapter; and is an active member of the media sections of the New York, New Jersey, Washington, D.C., and Beverly Hills bar associations.

Fernando's numerous published articles and speaking engagements in his areas of practice reflect the depth of his knowledge and understanding of the issues that his clients face, from both business and legal perspectives. He has appeared on television as a legal commentator on high-profile trials, and has been quoted and cited in numerous media reports covering cases he has handled.

Notably, Fernando has received Martindale-Hubbell's AV Preeminent rating since 2011, its highest lawyer rating, which serves as an objective indicator of a lawyer's high ethical standards and legal knowledge, analytical capabilities, and legal experience, all of which it generates from evaluations of lawyers by other members of the bar and the judiciary in the United States and Canada. Furthermore, Fernando has been recognized by business publications that identify professionals who have made an outstanding impact in helping clients succeed, including The New York Enterprise Report who awarded him its Technology Lawyer of the Year award, which recognizes the New York tri-state area's top business advisors; and Law Technology News (LTN) who recognized him in its October 2012 magazine issue as one of only a few U.S.-based lawyers with notable experience in handling cyber security and data privacy matters.

EDUCATION

- Boston College Law School (JD, 1997)
- Boston College, *Magna Cum Laude* (BA, 1994)

BAR ADMISSIONS

- NEW JERSEY
- NEW YORK
- DISTRICT OF COLUMBIA
- U.S. SUPREME COURT
- U.S. DISTRICT COURT
 - DISTRICT OF NEW JERSEY
 - SOUTHERN, EASTERN AND WESTERN DISTRICTS OF NEW YORK
- U.S. COURT OF APPEALS
 - SECOND AND THIRD CIRCUITS
 - FEDERAL CIRCUIT

PROFESSIONAL AFFILIATIONS

- THE FULBRIGHT INTERNATIONAL EXCHANGE PROGRAM - FULBRIGHT SPECIALIST
- INTERNATIONAL ASSOCIATION OF PRIVACY PROFESSIONALS (IAPP)
- AMERICAN BAR ASSOCIATION
 - THIRD CIRCUIT BAR ASSOCIATION
 - NEW JERSEY STATE BAR ASSOCIATION
 - NEW YORK STATE BAR ASSOCIATION
 - DISTRICT OF COLUMBIA BAR ASSOCIATION
 - BEVERLY HILLS BAR ASSOCIATION
 - HISPANIC NATIONAL BAR ASSOCIATION
- NEW JERSEY SUPREME COURT COMMITTEE ON EVIDENCE RULES
- HISTORICAL SOCIETY OF THE U.S. DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY
- FOUNDER/FORMER CO-CHAIR, MERITAS GLOBAL CYBER SECURITY & DATA PROTECTION GROUP
- MERITAS LEADERSHIP INSTITUTE
- NATIONAL ACADEMY OF TELEVISION ARTS & SCIENCES
- ORGANIZATION OF LEGAL PROFESSIONALS, BOARD OF GOVERNORS
- MASTERS CONFERENCE, ADVISORY CABINET
- VOLUNTEER LAWYERS FOR THE ARTS

PUBLICATIONS

*(REPRESENTATIVE LIST OF MORE THAN 100 ARTICLES/BOOKS PUBLISHED)

- Book, The State of Cyber Law in the U.S. - A 50-State Survey of Statutes Enacted to Confront the Unique Challenges Posed by the Internet (forthcoming 2014)
- Book, New Jersey Federal Civil Procedure, Editor of Chapter 13, "E-Discovery," (New Jersey Law Journal (ALM) 2013 Edition)

- Book, eDiscovery Special Edition, Contributing Author, Chapter 13, "The Cloud, Server Consolidation, Ephemeral Data, and Information Security," (Manageable) eDiscovery Challenges Facing CIOs and Info Sec," PenTest Magazine, September 2012
- "Court Weighs In on Compelling Non-Party Internet Service Provider to Produce User Information," Bloomberg E-Commerce Law Report, December 19, 2012; Bloomberg Computer Technology Law Report, December 21, 2012
- "The Cloud, Server Consolidation, Ephemeral Data, and Information Security, (Manageable) eDiscovery Challenges Facing CIOs and Info Sec," Bloomberg BNA Digital Discovery & e-Evidence, December 6, 2012
- "NLRB (Again) Weighs in on Workplace Social Media Policies: Employers Take Note," Bloomberg BNA Electronic Commerce & Law Report, August 8, 2012
- "As Local As Local Law Gets - Part II: New Jersey 2010-2011 Court Term Civil Case Highlights," Metropolitan Corporate Counsel, July/August 2012
- "Bloggers Beware! News Reporter's Privilege May Not Protect Posts On Message Boards," National Academy of Television Arts & Sciences, New York, May 14, 2012
- "Virtual Crimes, Real Damages Part II: What Businesses Can Do Today to Protect Themselves from Cybercrime, and What Public-Private Partnerships are Attempting to Achieve for the Nation of Tomorrow," Virginia Journal of Law & Technology, Vol. 17, No. 1, Spring 2012
- "Tecnologia da nova era: tribunais brasileiros e americanos: Scraping a superfície das fronteiras legais do uso da internet," Portal Migalhas, March 20, 2012
- "IS SOCIAL MEDIA A CORPORATE SPY'S BEST 'FRIEND'? HOW SOCIAL MEDIA USE MAY EXPOSE YOUR COMPANY TO CYBER-VULNERABILITY," BLOOMBERG LAW REPORTS - TECHNOLOGY LAW REPORT, FEBRUARY 13, 2012
- "New Age Technology: Brazilian and U.S. Courts 'Scraping' the Surface of Legal Boundaries of Internet Use," Bloomberg Law Reports - Technology Law, November 9, 2011