FERNANDO M. PINGUELO, PARTNER

CHAIR, CYBER SECURITY & DATA PROTECTION
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COMPLEX LITIGATION | LABOR & EMPLOYMENT
INTELLECTUAL PROPERTY | MEDIA LAW
ELECTRONIC DISCOVERY | INTERNATIONAL LAW

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BIOGRAPHY

Fernando M. Pinguelo, a trial attorney 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, media and employment matters.

A former prosecutor, Fernando's experience addresses all facets of litigation (trial, mediation, arbitration, appellate) in both federal and state courts and he regularly handles "crisis litigation," including emergency applications with the courts. Most recently, the leading global information services company retained him to address a data breach incident reportedly involving the theft of 15 million customers' sensitive data.

He serves on state and federal committees, including appointments by the Chief Judge of the District of New Jersey to serve on the Merit Selection Panel for federal magistrate judgeship selection and Chief Justice of the Supreme Court of New Jersey to serve on the Evidence Rules Committee. Fernando handles a broad spectrum of national and international disputes including those involving business torts, data breaches, misappropriation of trade secrets, copyright/trademark infringement, and breach of contract and non-compete covenants. Fernando earned accreditation as an information privacy professional (CIPP/US) from the International Association of Privacy Professionals.

A leader in the emerging areas of cyber law and electronic discovery, Fernando works closely with clients to develop strategies for managing business and legal issues relating to electronic data. He focuses client attention on preventing claims and pursuing strategies that enhance a client's ability to manage data-essential precautions because of the financial and public relations fallout that often results from high-profile data breaches. 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 in Brazil 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. Moreover, the President of the New Jersey State Bar Association appointed him Chair of the Privacy Law Committee. Fernando lectures for state and federal judicial colleges, including the New Jersey Judicial College and Escola Paulista da Magistratura (São Paulo), both of which provide judges with academic programs to keep abreast of legal developments. He also 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'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, including his chapter authorships for the leading treatise on electronic discovery for in-house counsel, *eDiscovery for Corporate Counsel* (Chapter 17 - Electronic Data, Cyber Security & Crisis Management) (Thomson-West 2013–present), and *New Jersey Federal Civil Practice* (Chapter 10 – eDiscovery) (ALM 2011-present). 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 earned 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. Chambers & Partners identified him as a **Recognized Practitioner** in its *Chambers USA 2014 Guide* for Nationwide Privacy & Data Security experienced lawyers. Furthermore, Fernando has been recognized by publications that identify professionals who have made an outstanding impact in helping clients succeed, including *National Law Journal* who recognized him as a 2015 Cyber Security Trailblazer; T*he New York Enterprise Report* who awarded him its Technology Lawyer of the Year award; *Law Technology* News who recognized him in its October 2012 magazine issue as one of only a handful of U.S.-based lawyers with notable experience in handling cyber security and data privacy matters; and PenTest who in 2012 profiled him as "the new breed of lawyer – The CYBER LAWYER, who is knowledgeable of both the legal and technical side of the cyber world." **"the new breed of lawyer – The CYBER LAWYER, who is knowledgeable of both the legal and technical side of the cyber world."**

EDUCATION

- Boston College Law School (JD, 1997)
- Boston College, *magna cum laude* (BA, 1994)

BAR ADMISSIONS

- New Jersey
- New York
- Pennsylvania
- 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. District Court, Eastern District of Pennsylvania
- 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
- New Jersey Supreme Court Committee on Evidence
- Founder/Former Co-Chair, Meritas Global Cyber Security & Data Protection Alliance
- Bar Associations:
  - American Bar Association
  - Third Circut Bar Association
  - New Jersey State Bar Association – Privacy Law Committee, Chair
  - New York State Bar Association
  - "Association of the Federal Bar of New Jersey, Trustee – Senate Judicial Committee"
  - Pennsylvania Bar Assocotion
  - District of Columbia Bar Association
  - Beverly Hills Bar Association
  - "Hispanic National Bar Association – Technology Committee"
  - "Hispanic Bar Association of New Jersey, Trustee – Region 10 (Monmouth & Ocean Counties)"

National Academy of Television Arts & Sciences

- Masters Conference, Advisory Cabinet
- Organization of Legal Professionals, Board of Governors
- Historical Society of the U.S. District Court for the District of New Jersey
- Volunteer Lawyers for the Arts

PUBLICATIONS*

- "Can Lawyers Be Compelled to Produce Data They Compile? An Emerging Front in the Trenches of eDiscovery Battles," Digital Discovery & e-Evidence - Bloomberg BNA, May 14, 2015
- Is Your Company Ready To Make Realistic Security Decisions? Superior Attack Intelligence, Norse Corporation, May 21, 2015
- "Toying with Your Security and Privacy," Superior Attack Intelligence, Norse Corporation, March 26th, 2015
- "Can Lawyers Be Compelled to Produce Data They Compile? An Emerging Front in the Trenches of eDiscovery Battles," Digital Discovery & e-Evidence, Bloomberg BNA, May 14, 2015
- "Reasonable Expectations of Privacy Settings: Contemplating the Stored Communications Act Through the Prism of Social Media," Duke Law & Technology Review, Spring 2014
- Book, *eDiscovery for Corporate Counsel*, Contributing Author, Chapter 17 "Electronic Data, Cyber Security & Crisis Management" (Thomson Reuters West Publishing 2015 Present Edition)
- Book, *New Jersey Federal Civil Procedure*, Editor of Chapter 13, "E-Discovery," (New Jersey Law Journal (ALM) 2013 Present 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

*(Representative List of More Than 100 Articles/Books)