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Related Practices

Class Actions
Information Technology
Class Actions >> Consumer
Intellectual Property >> Protection of
Trade Secrets and Proprietary
Information
Corporate Governance >>
Shareholder Derivative Actions /
Officer and Director Defense
Corporate Governance >>
Independent Director Counseling
Corporate Governance >> Internal
Investigations
Government Investigations and
Litigation
Health Care Litigation
Health Care Information Technology

TECHNOLOGY, DATA PRIVACY & CYBERSECURITY

- Rogers & Hardin assists all types of companies with their contracting, licensing, risk assessment and dispute resolution needs in the management of their business technology and data assets
- Our attorneys are skilled counsellors in technology, computing, and data management law. We regularly assist clients with the drafting and review of complex technology contracts, advocating resolutions for software and/or hardware functionality, suitability issues and project management resolution issues
- We advise clients on wide-ranging privacy and cybersecurity issues
- Our cross-practice team includes former government attorneys who have an exceptional track record of managing investigations to avoid regulatory charges and who are skilled in handling the most sensitive and the most complex cases
- We have particular expertise in counseling corporate boards and their committees on a variety of issues. Our attorneys can assist them in assessing risks and liabilities on a host of cybersecurity and data privacy issues.

PROTECTING THE LIFE BLOOD OF A BUSINESS

Cybersecurity has exploded on the corporate landscape as a primary business risk. Virtually every company today faces potential risk from the data they collect and store on its clients, vendors or employees. Keeping data secure while still being accessible, and developing and implementing fully compliant privacy policies and practices while still supporting business goals, is an ongoing challenge.

Rogers & Hardin attorneys are skilled in counseling companies on assessing their risks and developing compliant policies for their data. We bring skills and experience developed over decades of serving clients in technology, IP and computer law, regulatory enforcement, internal and government investigations, and corporate board counseling. We help clients understand compliance requirements across a host of regulatory bodies and assess their risks either before or after a breach occurs.

CYBERSECURITY & DATA PRIVACY SUPPORT

We assist companies in these areas, among others:

- Reviewing privacy policies for compliance with the latest regulatory requirements including FTC, OPPIA, COPPA, Gramm-Leach-Bliley, HIPAA
- Conducting compliance audits to assess how data that is collected, stored, protected, used and distributed complies with a company's published privacy policies

- Counseling management, officers and corporate boards and board committees on data privacy and cybersecurity issues, both regarding internal investigations or audits and corporate board liability in the face of a breach
- Defending against civil litigation stemming from a client, vendor, employee or shareholder action
- Defending against a government inquiry or action in the wake of a cyberbreach.

SOFTWARE & HARDWARE PRODUCT LITIGATION

Our team is experienced in analyzing and litigating—on both the defense and plaintiff side—cases involving software and hardware functionality and suitability issues in the information technology and software industries. Legal disputes arising out of failed ERP implementations raise special challenges, both technical and legal. Emotions generally run high and hundreds of millions of dollars and the customer’s business can be at stake. Cases often involve fact-intensive claims of fraud, unfair trade practices, negligence, and breach of contract and issues as to the allocation of project risk both during contract negotiation and over the lifetime of the project.

It is critical to have counsel already familiar with the development and testing cycles for sophisticated business software and with how such products are marketed and licensed. Counsel must be familiar with the differences between sound and unsound project management and implementation practices, and should be able to quickly identify, from a massive multi-year record, the issues that led to project failure.

NEWS

- Rogers & Hardin Partner Josh Gunnemann Comments On Lost Time Provision In Target Data Breach Settlement

PUBLICATIONS

- Crafting a Privacy Policy for Your Clients
- What Every Company Should Be Thinking After Target Ruling