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TRAILBLAZERS

CYBERSECURITY & DATA PRIVACY

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SHOOK HARDY & BACON L.L.P.



PIONEER SPIRIT As an associate, Al Saikali worked in litigation. As a partner, he was looking to build a book of business and distinguish himself. "This was 2008-2009. I'm interested in technology, and privacy and data security stood out as an area that hadn't taken off yet."

TRAILS BLAZED Around that time, Saikali started a blog called Data Security and was brought in to spearhead the team advising a client that had suffered a cyberattack. Soon after he worked on a pro bono case involving a data breach that affected hundreds of thousands of individuals. "An employee had misused access to a database. We had to issue notices to all 50 states. That gave us the experience we needed, and it started to snowball. We've been hired by DuPont and other major corporations." Other experience-defining cases include defending a major university in a class-action lawsuit that arose from a data breach and several that involved credit-card skimming. Along with breach responses, he handled a case for a retailer that suffered a cyberattack affecting payment card information for individuals in over 150 countries around the world. "My practice is two parts: before the breach and after the breach."

FUTURE EXPLORATIONS Saikali sees a shift where courts are allowing class actions to proceed past the motion to dismiss and finding that a breach constitutes damages. "The plaintiffs' bar is getting very creative." On the proactive side, there are no silver bullets, "so instead, companies are bracing themselves with response plans and trying to shore up safeguards to prevent them from happening." He points to efforts to encrypt sensitive information. "If encrypted information is taken by a hacker, there is no need to notify under the law."