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12 to Watch in 2012

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Alfred Saikali

Shook Hardy & Bacon, LLP



Alfred Saikali spends his days exploring the legal issues in a largely uncharted area of practice. While any other focus has the benefit of precedent, many of the legal complexities surrounding cloud computing, data security, and electronic information are still being explored.

The legal issues that arise in cyberspace are Saikali's primary focus and he has carved out a niche few, if any, lawyers in the Miami area currently practice. He's a Partner at Shook, Hardy & Bacon and an admitted tech junkie.

"I wanted to distinguish myself from other lawyers and develop a different specialty," Saikali said about his decision to focus on electronic information law. "More importantly I really wanted to do something that fits with what I'm interested in -- technology."

His work is anything but a grind. Not only is Saikali truly fascinated by the legal issues surrounding technology, he chose a rapidly expanding area of law.

"I think this is an up-and-coming area with a great future," Saikali said. "The firm has been incredibly supportive. They've thrown all their resources behind me and it is working out pretty well."

Saikali is well versed in the trends of cloud computing and even runs his own blog, cloudcomputinglawjournal.com. Every day more companies are engaging in cloud computing to store data and manage customer relationships on the web, a move that saves a lot of money. Saikali helps businesses negotiate contracts with cloud computing vendors in an effort to keep private data and intellectual property safe.

In many cases, that means drafting agreements that would shift loss from the client to the cloud vendor if the vendor's system is attacked or an error leads to a breach of a company's private information or intellectual property.

Companies also come to Saikali before, during or after a data breach. A typical breach costs a company roughly \$7.2 million on average, Saikali said. Data security issues can hit a company on all fronts, exposing intellectual property and trade secrets while also endangering valuable customer information, such as emails and credit card numbers.

"It's a really exciting area of law," Saikali said. "You cannot open a newspaper or magazine these days without reading about another big company being hacked. As the world continues getting 'flatter', cyber attacks are happening more frequently and with greater sophistication," said Saikali.

A company that suffers a data breach could find itself facing a lawsuit on behalf of thousands of customers and business partners who had their private data or proprietary information exposed. As counsel, Saikali plays a crucial role in helping companies avoid data breaches as well as representing businesses when a breach does occur. "A data breach doesn't just happen when a company gets hacked. The most common breaches are due to mishandling of electronic information and are entirely preventable. This is still a new area and there's not a lot of case law," Saikali said. "Some of these data notification laws are already becoming outdated because technology is moving so quickly."

Saikali says 2012 is going to be a big year for Shook, Hardy & Bacon and he plans to keep the firm on the cutting edge of electronic information law and issues associated with cloud computing.

Contact Info

Shook Hardy & Bacon, LLP
201 S. Biscayne Blvd., Ste. 3200
Miami, Florida 33131
T: 305.358.5171 F: 305.358.7470
www.shb.com