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Data Breach Litigation: Defenses Against the Rising Tide

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AHLA Connections

Vorys Partner Joe Brunner authored an article titled, “Data Breach Litigation: Defenses Against the Rising Tide” for the April 2019 edition of *AHLA Connections*.

The article states:

“Data breaches are increasingly a fact of life. Personal information is valuable to all manner of cyber criminals who increasingly have the means and opportunity to access and use it. The litigation associated with such breaches is also increasingly a fact of life. Even for companies that take steps to protect their data, once a breach happens, litigation follows closely behind. This litigation is fueled by government attorneys who are empowered by state laws creating new causes of action, as well as private litigants who seek to punish breaches—all ostensibly to promote better data security, but ultimately raising the costs of a breach even higher. But what if there were incentives for business entities to raise their data protection standards and reduce the costs of litigation? This article explores a recent attempt to offer just that.

Theft is a crime of opportunity. More and more data is placed on computer systems and used for basic everyday transactions, and advances in technology and the growing sophistication of cybercrime tools make that data more accessible. The technologies for securing that data, however, lag behind and are underutilized. The threats from hackers, cyber criminal organizations, and nation-state actors have become more diverse and distributed, but while the sophistication of available tools is growing, the sophistication required to use them is declining.”

To read to full article click [here](#). (Subscription may be required).