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PRACTICE AREAS

Cyber Risk
E-Discovery
Toxic Tort
Business and Commercial
Transportation
Aviation Litigation
Product Liability



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John Jablonski is a partner of the firm and a recognized authority in the areas of technology, transportation, and environmental law. He is currently the firm's Information Security and Privacy Officer, the partner in charge of the firm's IT systems, and co-chair of the Cyber Risk and Social Media Practice Group. While John's primary focus is counseling clients on data security, data privacy, and information management issues, he has significant experience in matters involving transportation, environmental, and product liability. He has 20 years of litigation experience and has tried numerous cases to verdict in state and federal courts, including successfully briefing and arguing appeals.

Technology: John is a recognized authority in the protection and preservation of data. His comprehensive understanding of technology, data systems, and how businesses use technology helps drive innovative solutions for our clients' data security, privacy, protection, management, preservation, and cyber liability problems. John has a rare ability to translate complex technical and legal issues for our clients, effectively manage projects, and facilitate effective communication among multi-disciplinary stake-holders and team members to achieve results.

John was the Program Chair of DRI's first Data Breach and Privacy Law Seminar ("Cyber Security Strategies in a Digital Age"), including presenting on "Developing a Data Security Plan." He is the editor of the firm's *50-State Compendium on Cyber Breach Notification Laws*. In addition to handling data breach response and investigations, he is a frequent speaker on data security and data breach response issues. John is a member of the editorial advisory board of *Law Technology News* and a member of the International Association of Privacy Professionals. In addition, John advises a wide array of technology companies regarding data security agreements, intellectual property protections, software licenses, website use, privacy policy, click-wrap, co-location, data transfer and data storage agreements. John has also prosecuted and defended business-to-business litigation involving website use, software licenses, data transfer and data storage issues.

John is a well-known national authority on e-discovery and litigation hold practices in the United States. He serves as e-discovery counsel to clients as well as trial teams within the firm. John has managed large e-discovery projects and forensic investigations, involving multiple vendors and, at times, nearly 100 contract reviewers.

John also helps clients develop comprehensive Records and Information Management policies and procedures including records retention schedules, litigation hold policies, data privacy, data security, and defensible destruction of data. He is litigation hold counsel for clients of the firm and regularly offers opinions on the scope and defensibility of litigation holds and the defensible destruction of data. John actively participates in ARMA, including contributing to the *Information Management Journal*, speaking at ARMA events, serving as past President of his local ARMA chapter, and co-authoring the book *Seven Steps for Legal Holds of ESI and Other Documents*.

Loss Portfolio Analysis: John brings a unique skillset to the area of loss portfolio analysis. For more than 10 years, John has managed complex data analysis projects involving large data sets, including use of various computer analytics tools, keyword searching strategies, technology-assisted review platforms, and individual document review by attorneys who have substantive experience in the claims and jurisdictions being analyzed. John's analysis has been used by clients for their own internal analysis of existing portfolios, auditing claims within a portfolio, and due diligence in support of mergers and acquisitions. John has used loss portfolio analysis to develop alternative fee pricing models for firm clients, including developing and managing targeted programs for early case resolution and other initiatives designed to introduce economic efficiencies and cost certainty to claims resolution.

Transportation:

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John is consistently recognized by his peers as an authority in the highly specialized field of railroad law. John is the former Northeast Region Vice President of the National Association of Railroad Trial Counsel (NARTC), a member of its Environmental Law Committee, and Chairman of the NARTC's National E-Discovery Committee and former member of the Technology Committee of the American Short Line & Regional Railroad Association. John represents both short line and Class I railroads in all manner of cases, including property rights, preemption issues, breach of contract, trespasser liability, toxic exposure, environmental, and railroad employee claims.

Environmental Law: John started his legal career defending companies against CERCLA and state superfund cost recovery actions, including responding to investigations and lawsuits conducted by the Environmental Protection Agency and New York State Department of Environmental Conservation. Over the years, John has defended enforcement proceedings and lawsuits related to hazardous waste sites, hazardous waste discharge, contaminated homes and businesses, toxic exposure, asbestos and silica exposure, industrial exposure, chemical spills, hazardous waste spills, and oil spills (including government oil spill fund recovery actions).

Professional Affiliations

- Defense Research Institute: Program Chair, Data Breach and Cyber Liability Seminar; Chair, E-Discovery Committee
- International Association of Privacy Professionals: Member
- ARMA International: Past President, Western New York Chapter
- Project Management Institute: Member
- Lawyers for Civil Justice: Member
- *Law Technology News*: Advisory Board Member
- New York State Bar Association: Committee on Civil Practice Law and Rules; Commercial and Federal Litigation Section; Torts, Insurance, and Compensation Law Section
- National Association of Railroad Trial Counsel, North East Region Vice President 2012; Member, Environmental Law Committee
- Environmental Law Institute

Honors

- *Best Lawyers in America*, Railroad Law, 2013–18
- *Business First's* Who's Who in Law
- Upstate New York *Super Lawyers*, 2008–17
- Alfred W. Cortese, Jr. Award from Lawyers for Civil Justice

Admitted to Practice

- New York
- U.S. District Courts for the Western, Eastern, and Northern Districts of New York
- U.S. Bankruptcy Court for the Western District of New York
- U.S. Court of Appeals for the Second Circuit

Community Involvement

- University at Buffalo Law Alumni Board of Directors

Education

- State University of New York at Buffalo Law School, J.D., 1993 (*Environmental Law Journal*)
- Canisius College, ROTC Commission U.S. Army Reserve, 1989
- State University of New York College at Buffalo, B.S., 1989

Publications/Presentations

- Quoted in "Dentons' Low-Tech Email Breach Shows Firms' Vulnerability," *Law360*, June 26, 2017
- Quoted in "High Attack Risk Forces Firms to Weigh Ransomware Options," in *Law360*, April 28, 2017
- Author, "At One-Year Anniversary, Cautious Optimism as New E-Discovery Rules Gain Some Traction," Washington Legal Foundation, December 2, 2016
- Co-Author, "ADA Website Accessibility: The Time for Compliance Is Now," *USLAW Magazine*, Fall/Winter 2016
- Quoted in "Cyber-Security Insurance Becomes an Important Purchase for Companies," *Business First*, June 3, 2016
- Co-Presenter, "ADA Website Accessibility: The Time Is Now," Webinar, June 2, 2016
- Author, "Despite Advent of New E-Discovery Rules, Old Judicial Habits Still Infect Federal Decisions," Washington Legal Foundation, May 27, 2016
- Author, "Neiman Marcus Fallout: Standing in Data Breach Class Actions," *Claims Management*, December 17, 2015
- Panelist, "Is Your E-Discovery Program Safe from Hackers?" Lawyers for Civil Justice, New York, NY, December 3, 2015
- Presenter, "Point of Sale Litigation: Update on Cyber and Other Point of Sale Threats," USLAW Network and Retail Hospitality Law Exchange, Chicago, IL, October 20, 2015
- Co-Author, "The 2015 Amendments to the Federal Rules of Civil Procedure: Guide to Proportionality in Discovery and Implementing a Safe Harbor for Preservation," *Defense Counsel Journal*, International Association of Defense Counsel, October 2015
- Moderator, "Multiple Touchpoints of Data Breaches: The Role Chief Litigation Officers Play in Wearable Tech, Biometrics, Social Media, and More," Consero Corporate Litigation Forum, Coral Gables, FL, October 5, 2015
- Presenter, "Putting the Cat Back in the Bag (Litigation of Data Breach and Trade Secret Lawsuits)," USLAW Fall 2015 Client Conference, Boston, MA, September 19, 2015
- Presenter, "Houston, We Have a Problem! (The Mechanics of Data and IP Breach)," USLAW Fall 2015 Client Conference, Boston, MA, September 19, 2015
- Presenter, "Risk Management in the Day-to-Day (Risk Management and Mitigation of Data and IP Breach)," USLAW Fall 2015 Client Conference, Boston, MA, September 18, 2015
- Presenter, "Taking of Evidence: Data in the Cloud," DRI International European Seminar, Zurich, Switzerland, April 23, 2015
- Co-Author, "Reputation Damage Control: Insuring the Cost of Mitigating Reputational Harm Following a Cyber-Attack or Data Breach," *USLAW Magazine*, Spring/Summer 2015

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