



Batya F. Forsyth

Partner

Batya is the chair of the firm's Litigation Section and co-chair of the Privacy, Data Security and Information Governance group. She is a Certified Information Privacy Professional (US) with the International Association of Privacy Professionals (IAPP.org). Batya counsels clients regarding privacy policies, compliance issues, data breach response and related insurance coverage issues, across multiple industries and jurisdictions.

Batya previously chaired the firm's Business Litigation Practice Group. Her banking and business litigation practice includes bringing and defending all types of complex contract actions related to professional services, vendor and customer disputes. Her business-owner matters have included minority shareholder dissolution actions, dissenter's rights actions, breach of fiduciary duty and fraud from the initial stages of litigation through fair value appraisals and buy-outs in real estate, manufacturing and transportation. Batya's real estate litigation experience includes commercial leases, eminent domain proceedings and purchase and sale transactions.

Representative Work

Counsel various clients on privacy policies, compliance issues, data breach response and related insurance coverage issues

Advise public transit agency client on contract involving third party collection, processing and off-site storage of employee data

Advised retail client regarding requests for Personally Identifiable Information (PII) at California bricks and mortar stores

Defend large financial institution in various litigation matters related to vendor disputes and customer account related disputes

Represent large healthcare company in various substantial contract disputes

Defeated a \$4.6 million claim in arbitration for breach of contract and obtained an award for damages on behalf of renowned international sporting event company against head licensee merchandising company

San Francisco

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Firm Leadership

Litigation Section Leader
Co-Chair of Privacy, Data Security
and Information Governance Practice
E-Discovery Task Force

Practices/Industries

Litigation & Dispute Resolution
Real Estate
Privacy, Data Security and
Information Governance
Business Litigation
Financial Services

Won trial defeating local healthcare district's right to take client's leased office space by eminent domain, including an award of attorney's fees

Represented 50% shareholders of a family-owned manufacturing company in an action for dissolution that led to a favorable buyout

Represented shareholder in the buy-out phase of a family dispute involving alleged breaches of fiduciary duties and self-dealing related to ownership and operation of substantial commercial real estate holdings

Represented shareholder in a freeze-out of a real estate holding company, leading to extraordinary dividend payment and restructuring of corporate governance

Represented founding shareholders in a family-run transportation company against two takeover attempts brought by other minority shareholders under dissolution statutes

Represented dissenter to a corporate merger transaction where client alleged under-valuation under a dissenters' rights statute, leading to a higher payout to the dissenter

Represented initial investor and shareholder in a telecommunications venture in dispute with a majority owner engaged in self-dealing, leading to a favorable buyout

Represented two founding shareholders against a third shareholder alleging fraud and breach of contract where the primary asset in dispute was a purported license to sell the clients' original intellectual property

Represented two beneficiaries of a large family trust against a sibling/trustee in a dispute involving alleged breaches of fiduciary duties and self-dealing related to management of life insurance trusts and ownership and operation of substantial commercial real estate holdings

Publications

"What Does Enforcement Really Look Like?," co-author, *USLAW* (September 2018)

"The GDPR's Idea of Consent Isn't the Same as the U.S. Legal Framework," co-author, *Legaltech News* (June 2018)

"Processor Compliance with the GDPR: A 101," co-author, *The Privacy Advisor* (January 2018)

"California Attorney General Sets New Minimum Standard of Care for Data Privacy & Security," co-author, *USLAW Magazine* (Fall/Winter 2016)

"California Attorney General Announces a Standard for Reasonable Data Security," co-author, *Privacy, Data Security and Information Governance Alert* (February 2016)

"Third Circuit Affirms FTC Authority to Regulate Cybersecurity," co-author, *Data Security Law Alert* (September 2015)

"The California Electronic Discovery Act," co-author, *The Marin Lawyer* (August 2009)

"The Real Deal," *San Francisco Chronicle* (May 2005)

"Comment," *Golden Gate University Law Review* (Spring 1996)

Blog Posts

"Obama Brings Cybersecurity Plan to the Bay," *HB Briefly* (February 2015)

Presentations

"Current Privacy Law Topics," speaker, RIA Round-Table discussion (October 2018)

"GDPR + 30th annual General Counsel Conference," moderator, General Counsel Conference (September 2018)

"A Marketer's 'How-to' Workshop on GDPR Compliance," The Direct Marketing Association of Northern California (May 2018)

"Banking/Financial Services Cyber Security and Privacy," speaker, USLAW Data & Privacy Security Boot Camp (March 2018)

"GDPR (General Data Protection Regulation) - Are You Ready?," co-speaker, British-American Business Council Northern California (April 2018)

"IT For Banking Law Lawyers: Threats, Security Trends, And Expectations," co-speaker, USLAW Network Banking & Financial Services In-House Counsel Forum (October 2017)

"Cyberliability and Insurance Issues," panelist (April 2017)

"Cybersecurity Insurance," co-presenter, USLAW Data Privacy & Security Bootcamp (November 2016)

"Privacy and Security Issues: HIPAA and Beyond," co-presenter, Hanson Bridgett Senior Living In-House Counsel Retreat (September 2016)

"Recent Trends and Developments in the U.S. Cybersecurity Market: What Lies Ahead in 2016 and Beyond," co-speaker, The Knowledge Group - Live Webinar (April 2016)

"Cyber-Risk Disclosure and Enforcement: Considerations of S.E.C. Guidance and Implications on Materiality Disclosure," co-presenter, American Bar Association White Collar Crime Committee (September 2015)

"Overview of White House Summit on Cybersecurity and Consumer," Bay Area Council Cybersecurity Committee Meeting (February 2015)

"State Legislative Trends In Privacy," Bay Area Council Cybersecurity Committee Meeting (March 2014)

"Strategic Networking," panelist, Her Voice Series - Watermark Event (February 2014)

"The Importance of Professional and Personal Balance in a Successful Legal Career," co-presenter, CLE Programs & ABTL North California Chapter (August 2013)

"Discovery of Electronic Data: Client-Focused Strategies for Preservation, Collection & Production," co-presenter, Globalaw Managing Global Litigation Risks Conference (November 2010)

"Preservation Obligations & Litigation Holds: E-Discovery and Records Management Best Practices," U.S. National Archives and Records Administration Federal Bar Association, Northern District of California Chapter (February 2010)

"2009 Changes In California Discovery Rules: The Electronic Discovery Act," ARMA Golden Gate Chapter (September 2009)

"Trends in Buy/Sell and Broker Litigation," Real Estate Litigation in California, Lorman Educational Services (October 2005)

Press

"Marriott Hack Shows High Premium Placed On Travel Details," Law360 (December 2018)

"How to use GDPR to clean out your inbox once and for all," Mashable (May 2018)

"What Zuckerberg's Testimony Means for Facebook Shares," Barron's (April 2018)

"As Cyber Fears Rise, Smaller Firms Struggle to Cope," The Recorder (August 2016)

"The Rise of the Female Rainmaker," Law360 (August 2016)

"East Bay Security Startup Tanium Powers Up as Cyber Attacks Mount," San Francisco Business Times (March 2016)

Honors & Awards

Wiley W. Manuel Award for Pro Bono Legal Services (2002, 2003, 2005)

Professional Affiliations

Association of Business Trial Lawyers, Board of Governors

International Association of Privacy Professionals, CIPP/US

California Cybersecurity Information Sharing Organization, Board Member

Bay Area Council Cybersecurity Committee, Co-Chair

Association of Business Trial Lawyers (ABTL)

San Francisco Bank Attorneys Association

Western Independent Bankers Association

Bar Association of San Francisco

Education

J.D., with honors, Golden Gate University School of Law (1997)

B.A., University of Pennsylvania (1992)

Admissions and Courts

California

U.S. District Court for the Northern District of California

U.S. District Court for the Central District of California

Professional Licenses

Certified Information Privacy Professional/United States