



## Joel Bruckman

Partner | Chicago

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### Areas of Practice

Cybersecurity and Data Privacy | Litigation/Trial Practice | Insurance and Reinsurance

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Joel Bruckman is a Partner in the Litigation Practice of Smith, Gambrell & Russell, LLP. Mr. Bruckman was a Partner at Freeborn & Peters, which combined with SGR in 2023.

Mr. Bruckman's practice focuses on all aspects of data privacy and cybersecurity, with emphasis on regulatory and statutory compliance, insider threats and external bad actors. He counsels businesses in various industries including healthcare providers (including HIPAA Covered Entities and Business Associates), private-sector commercial entities of all sizes, and non-profit/charitable organizations on best practices and legal requirements regarding the collection, inventory, access, use, transmission, disclosure and destruction of sensitive personal and non-personal information, including PII, PHI confidential information and trade secrets. He is a trusted advisor to privacy employees, officers, and boards of directors on compliance issues under various federal, state and international privacy laws, including but not limited to HIPAA, HITECH, GLBA, CCPA, CPRA, FERPA, BIPA and GDPR.

As a former member of the FBI's Cyber Crimes Task Force during his time as a prosecutor for the Cook County State's Attorney's Office, he regularly advises clients on data security incident response strategies from initial discovery, triage and computer forensics investigations through statutory /regulatory notification assessment/obligations and subsequent government investigation and private-party litigation.

His extensive experience as a former prosecutor of cybercrime and white collar criminal investigations, makes him a go to for investigations related to internal threats including those relating to the misappropriation of confidential information and trade secrets. Mr. Bruckman is a regular speaker on cybersecurity issues and data privacy best practices. He has presented several continuing legal education seminars for attorneys, spoken to professional and trade associations as well as lead trainings for some of the nation's largest retailers and law enforcement agencies at all levels of government.

Prior to joining Freeborn (now SGR), Mr. Bruckman was a member of the Cyber Security & Data Privacy Practice Group at Wilson, Elser, Moskowitz, Edelman & Dicker, LLP. He also served as Assistant State's Attorney in the Special Prosecutions Bureau – Financial Crimes & Public Corruption Unit of the Cook County State's Attorney's Office. There he served as Squad Leader of the Cook County Cyber Crimes Training Workgroup and was a member of the Cook County State's Attorney & FBI – Cyber Crimes Task Force.

Mr. Bruckman received his B.S. from Indiana University and his J.D. from The John Marshall School of Law. He was honored on the Dean's List at both schools.

## Admissions

Illinois

United States District Court for the Northern District of Illinois

## Representative Experience

- Represented law firm in response to ransomware and exfiltration data security incident from initial triage through determination regarding legal notification obligations.
- Represented health care provider in response to Remote Desktop Protocol network intrusion from initial triage and investigation through legal notification obligations and several regulatory investigations related to the same, and successfully avoided any levy of civil penalty by regulatory agencies.
- Represented MIS and Incident Response Provider in negotiation of MSA agreements, and review/revise same regarding data privacy and cybersecurity issues.
- Represented healthcare Covered Entity in regulatory investigations regarding a data security incident including providing counsel at all stages of incident response from triage to satisfaction of legal notification obligations.
- Represented municipality in response to significant data security incident and advised on crisis counseling, initial triage, investigation and legal notification obligations.
- Represented one of the nation's largest food-and-beverage flavoring companies in the prosecution of trade secret and restricted covenants litigation in the Northern District of Illinois, successfully obtaining both emergent and permanent injunctive relief against former employee including entry of TRO and seizure to be executed by the U.S. Marshalls against new employer.
- Successfully represented and obtained favorable arbitration award for individual purchaser in fraud action against real estate developer based on claims of fraudulent inducement and material misrepresentations by developer.
- Successfully represented startup cyber-security software company in prosecution of commercial litigation in Illinois state court against software staffing company related to materials breaches of MSA for fraudulent billing practices and unauthorized access to proprietary information.

- Defended start-up international logistics brokerage and its members in litigation in the Northern District of Illinois against allegations of breaches of fiduciary duties and misappropriation of trade secrets and obtained favorable resolution which allowed our client to continue their successful launch.
- Successfully defended national insurance brokerage and individual clients against claims of violation of restricted covenants and misappropriation of confidential information in Los Angeles Superior Court and Arbitration following the hiring of a team of insurance producers and support staff.
- Represented team of insurance producers and obtained favorable resolution of litigation brought in the Southern District of New York against claims of breach of employment agreements and restricted covenants therein.
- Represented not-for-profit agency in the internal investigation and outside investigation regarding data security incident involving the spoofing of various online accounts and defrauding of applicants for employment by third-party bad-actors leading to the termination of all fraudulent accounts and extinguished fraudulent scheme against client.
- Represented minority owner in hostile takeover and acquisition of sports therapy and wellness company which resulted in the complete acquisition of equity interests from ousted owners and the avoidance of any litigation associated therewith.
- Defended individual against felony criminal indictment for various financial crimes and obtained resolution which avoided any criminal conviction.

## Memberships

Board of Directors, Executive Committee, Co-Chair Audit, Compliance and Risk Management Committee

The Chicago Lighthouse

Executive Board Member, Cook County Regional Organized Crime Task Force

First Vice President, Decalogue Society of Lawyers

Third Vice President, North Suburban Bar Association

## Recognitions

Elmer C. Kissane Public Service Award, 2010

Presidential Award of Excellence, Decalogue Society of Lawyers, 2022, 2023

Robert A. Romanoff Memorial Presidential Service Award, North Suburban Bar Association, 2023

## Publications

- Presenter, "Cybersecurity: Preparedness & Response — Looking at today's attack vectors, ransom demands & more!," Decalogue Society of Lawyers, (October, 2023).
- Author, "Client Alert: SEC's New Cybersecurity Rule - Including Key Disclosure Requirements," (August, 2023)
- Presenter, "Cybersecurity for Small to Mid-size Practitioners," North Suburban Bar Association, (October, 2022).

- Co-Author, "Runaway BIPA Recoveries Impact Company Liability and Cyber Insurance," D&O Diary and the Claims & Litigation Management Alliance, (November, 2022).
- Panelist, Crain's Chicago Business: "Roundtable on Cybersecurity," (August, 2022)
- Author, "Client Alert: Strengthening American Cybersecurity Act: For Many, a 72 Hour Notification Deadline is Coming," (March 23, 2022).
- Author, "New Cyber-Attack Vector Log4Shell One of the Most Concerning Exploits Needs to Be On Your Radar," (December 15, 2021).
- Author, "Client Alert: Facilitating Ransomware Ransom Payments? OFAC Issues Guidance to Avoid Enforcement Actions and Penalties," Freeborn & Peters LLP (October 28, 2021).
- Co-Author, "Client Alert: Digital Accessibility and Website ADA Compliance," Freeborn & Peters LLP (July 21, 2021).
- Co-author, "Client Alert: The Data Diet Resolution," Freeborn & Peters LLP (January 22, 2019).