

Cybersecurity Group Of The Year: Dechert

By **Allison Grande**

Law360 (February 17, 2023, 2:03 PM EST) -- Dechert LLP helped Flo Health launch a new feature to enhance users' privacy following the U.S. Supreme Court's Dobbs decision and continues to be a go-to adviser for companies hit by some of the most high-profile global cyberattacks, earning it a place among Law360's 2022 Cybersecurity and Privacy Groups of the Year.

The dozens of lawyers in the global privacy and cybersecurity practice collaborate across the firm's 22 offices on a range of high-stakes matters, including steering clients through litigation and regulatory disputes, data breach response, ransom negotiations, strategic counseling and deal diligence, noted the practice's chair Brenda Sharton.

"One of the things that makes Dechert so strong in this space is our worldwide team and that we're able to work seamlessly together to solve our client's problems holistically," said Sharton, who joined the firm in October 2020 with now retired partner Karen Neuman. "We've been drinking from a fire hose in this area, which is white-hot."

In one of its most notable achievements from the past year, the team advised Flo Health Inc. — which operates the world's leading female health app, with 48 million monthly active users — on all aspects of the design and implementation of a feature called "Anonymous Mode," which allows individuals to use the service without disclosing or associating any personally identifiable information with their account.

The company announced this first-of-its-kind feature less than a week after the Supreme Court's June decision in *Dobbs v. Jackson Women's Health Organization* to overturn the constitutional right to abortion established in *Roe v. Wade*. The ruling has heightened concerns over law enforcement seeking users' health and location data for prosecution under the newly adopted laws restricting abortion in dozens of states and has ramped up pressure on period and fertility tracking apps to protect this data from such access.

The firm's work on Anonymous Mode also garnered it external accolades, including the International Association of Privacy Professionals' 2022 Privacy Innovation Award, which is "meant to distinguish operations that integrate privacy and elevate its value as a competitive differentiator and a centerpiece of trust," according to the IAPP.



"Flo Health was faced with a potential crisis, [where] the world was suddenly extremely sensitive about the sharing of sexual health information, in particular pregnancy information," Dechert partner Benjamin Sadun said. "But we were able to work with the company to find that one-in-a-million solution that allowed users to get the anonymity they sought while still providing Flo with the legal protection they needed."

In its work for Flo Health, among other health-related apps it guides in privacy litigation and regulatory matters around the globe, Dechert leverages its abilities to be on the cutting edge of these topics and always "anticipating the next issue" before it emerges in this rapidly-evolving space, Sadun noted.

"Even before the Dobbs decision, we'd already given thought to this exact issue, thinking it could go this way and how Flo Health could respond," he said.

The ability of the group's litigators and counseling team to "work seamlessly together to provide solutions to clients" is also on display in the matters that it handles, noted Sharton, who last year was named a Law360 Cybersecurity and Privacy MVP.

Dechert associate Hilary Bonaccorsi, who has worked at the firm since joining as a summer associate in 2013, said that this teamwork, along with its unwavering support of younger attorneys, are among the features that set the group apart from others in this space.

"Associates at Dechert really get the opportunity to be on the front lines and be actively engaged, not just with business development, but at all stages of the matter at hand, whether it's a case or a counseling matter or a transaction, and with constant support, and that's not something that's typical," Bonaccorsi said.

The effort that the group puts into building client relationships and working collaboratively with companies to proactively identify issues has also been invaluable to its success, Bonaccorsi noted.

"For the most part, these aren't ad hoc issues or small projects that are coming in," she said. "We worked with the same companies for years to have a constant conversation with them, help their company evolve, understand new legal obligations and provide practical business advice."

Taking this approach is especially important in the cybersecurity and privacy space, where the threats and standards are constantly shifting and evolving, Sadun noted.

"The laws and standards might be different tomorrow, so you have to react that much quicker, and our deep and long-term relationships allow us to do so," he said.

The same can be said about the breach response world, where the team at Dechert is "second to none in terms of the level of experience and the sophistication of the breaches that we handle and the threat actors we come across on behalf of some of the highest targeted companies in the world," Sharton said.

With threat actors and a threat landscape that's "constantly changing," it's vital to have "up-to-date, deep and long experience to understand how best to respond," she said, adding that another distinguishing feature of the group is its "senior bench of partners that have been doing this for decades."

During the past year, the team has built on its reputation as a top adviser in the cybersecurity space by

quarterbacking some of the highest-profile, global cyberattacks brought by nation state threat actors, organized crime syndicates and others against numerous multibillion-dollar companies across a range of industries, including technology, life sciences, health care and financial institutions, among others.

"Every year that I've done this, and that's since the late 1990s, it has gone up and to the right in terms of sophistication and number of cyberattacks, and that has stayed true," Sharton said, adding that the team handled more breach responses in 2022 than ever before.

Companies also regularly turn to Dechert to navigate the regulatory fallout of these incidents.

In 2021, the practice group guided public education company Pearson PLC through a U.S. Securities and Exchange Commission investigation into a nation state-sponsored cyberattack that allegedly compromised student data. The parties agreed to resolve the enforcement action, which is one of only a few cybersecurity matters brought by the SEC to date, with Pearson agreeing to pay \$1 million to resolve the regulator's claims it misled investors about the incident.

"The relationships we've been able to build up with regulators and the trust and credibility we've developed from working with them for a number of years are extremely important and translate to great results for our clients, because we're able to advocate for them having the trust of the regulator who's across the table," Sharton said.

The practice group has no plans to let its foot off the gas with respect to cybersecurity or in the privacy realm, where it continues to advise companies such as Moderna and Easy Healthcare Corp. on cutting-edge matters related to health privacy and to be on the forefront of emerging issues like artificial intelligence and cryptocurrency regulation.

"We are growing and only getting stronger across the globe," Sharton said. "This is a huge area of growth, and we're thankful that the leadership of Dechert is incredibly committed to this practice area, they've invested in it, and they're committed to it long term. So our goal is to continue to be what I think is the top privacy and cybersecurity practice in the world."

--Editing by Nicole Bleier.