

Mollie Kugler and Alyssa Johnson Discuss Law Firm Cyber Liability Exposure in DRI's For the Defense

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In an article published in DRI's *For the Defense* magazine, Hinshaw attorneys Mollie Kugler and Alyssa Johnson review the ethical responsibilities and potential financial liabilities of law firms who experience a data breach as a result of a cyber attack. They note that recent amendment to the Model Rules and their comments reflect the ABA's increasing concern about the ethical implications of such data breaches, and highlight ABA Formal Opinion 483 for its instruction on lawyer duties in the event of a data breach which has a "substantial likelihood" of involving "material client information."

The authors also note that LPL policies may not adequately cover cyber losses, and that only 34 percent of responding lawyers in an 2018 ABA survey indicated they had a cyber insurance policy in place. Accordingly, they recommend that lawyers, as part of their duty under state ethics rules, should consider ABA Formal Opinion 483, create a cyber attack incident response plan, and investigate whether cyber insurance is right for their law firm.

[Read the full article](#) (PDF)

"Protect Your Firm from Collateral Damage: Understanding Your Ethical Duties in the Event of a Data Breach" was published by *For the Defense* Magazine, October 2019.

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