

Christopher Escobedo Hart

Counsel

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With significant trial litigation, appellate advocacy and data privacy and security experience, Chris Hart has counseled and represented sovereign nations, Fortune 500 companies, start-up companies, non-profits, and individuals in a wide variety of contexts for over a decade. He represents clients before the U.S. Supreme Court, argues in appellate courts across the country, including successfully before the Massachusetts Appeals Court and Supreme Judicial Court; and advocates on behalf of clients in federal and state courts nationwide. He also frequently represents clients in significant internal investigations.

As a civil litigator in U.S. courts, Chris has helped obtain successful outcomes for clients before, during and after trial. He has successfully defended national law firms against allegations of legal malpractice and employment discrimination; represented sovereign nations in high-stakes suits brought by private litigants; defended large corporations in patent infringement suits; defended against large and complex claims arising out of lengthy construction contracts; and challenged state and federal administrative actions. Chris also represents companies and individuals in investigations brought by federal and local law enforcement authorities, including the Massachusetts State Attorney General's office.

Chris is a Certified Information Privacy Professional (CIPP/US, CIPP/E, CIPM) and a member of the firm's Data Privacy and Security Group. He has considerable experience in data privacy and security issues, and advises companies on regulatory compliance, data breach planning and response, the EU's General Data Protection Regulation (GDPR), and risk management (including cyberinsurance). Chris is a co-editor of and frequent contributor to Foley Hoag's Security, Privacy and the Law blog, and a member of the firm's Cybersecurity Incident Response Team. He also advises on data privacy and regulatory issues concerning blockchain technology and cryptocurrency. He also litigates in the data privacy and security space and has represented numerous entities that have been victims of hacking and payment fraud attacks. Chris' in-depth data privacy and security knowledge has made him a frequently sought-after commentator in the local and national press; his comments have appeared in such publications as the *Wall Street Journal*, *Washington Post*, and *Massachusetts Lawyers Weekly*.

Chris is committed to pro bono work and serving the greater Boston community. His pro bono efforts have included representation of petitioners challenging their convictions stemming from the Hinton Drug Lab scandal, leading to the landmark *Bridgeman* decision from the Supreme Judicial Court, overturning thousands of convictions. As a member of a team representing the Massachusetts Association of Criminal Defense Lawyers, Chris' work helped lead to the Supreme Court's important decision in *Commonwealth v. Brown*, essentially abolishing the felony-murder rule. He has also been actively involved in nationwide litigation challenging executive action relating to immigration restrictions and so-called "sanctuary cities."

Fluent in Spanish, Chris has represented numerous immigrants from South and Central



INDUSTRIES

Professional Services

Sovereign States

Technology

PRACTICES

Business & Commercial Disputes

Litigation

Pro Bono

International Litigation &
Arbitration

Cybersecurity Incident Response

Privacy & Data Security

Blockchain & Cryptocurrency

EDUCATION

Duke University School of Law, J.D.,
magna cum laude, Order of the Coif,
2005

St. John's College, M.A., 2002

Harvard University, B.A., 2000

LANGUAGES

Spanish

America in navigating U.S. federal immigration law in federal court and before asylum officers. He represents indigent individuals in Boston Housing Court, and regularly staffs a Civil Appeals Clinic in Boston. Chris also offers pro bono support to non-profits in need of counsel on data privacy, utilizing his proficiency in this area.

Chris currently serves as a member of the firm's Committee on Diversity and Inclusion.

BAR ADMISSIONS

- Massachusetts
- District of Columbia
- Maryland

COURT ADMISSIONS

- U.S. Supreme Court
- U.S. Court of Appeals First Circuit
- U.S. Court of Appeals Third Circuit
- U.S. Court of Appeals Fourth Circuit
- U.S. Court of Appeals Ninth Circuit
- U.S. District Court for the District of Columbia
- U.S. District Court for the District of Maryland
- U.S. District Court for the District of Massachusetts

REPRESENTATIVE EXPERIENCE

- Successfully obtained a full recovery for a major international investment firm that suffered a multi-million dollar loss in a payment fraud hack.
- Represented Massachusetts Technology Leadership Council, Inc., in amicus filings before the Supreme Court, 4th and 9th Circuit U.S. Court of Appeals, and District of Hawai'i, in *State of Hawai'i v. Donald Trump*.
- Successfully obtained reversal from the Massachusetts Appeals Court of an adverse ruling against a tenant against the Boston Housing Authority.
- In *Skye Ventures v. the Republic of Venezuela*, successfully defended against a multi-million dollar claim against the government of Venezuela as part of a trial team in federal court.
- In *Arch Trading v. Republic of Ecuador*, a case under the Foreign Sovereign Immunities Act, member of a team that successfully defended Ecuador in the Southern District of New York (with an affirmance in the Second Circuit) against a multi-million dollar claim.
- In *Ray v. Ropes & Gray*, member of a team that successfully defended Ropes & Gray in an employment discrimination suit, obtaining a favorable jury verdict and First Circuit affirmance.
- Successfully defended a national law firm against a claim of legal malpractice.
- Represented an owner/client in a multi-million construction contract dispute.
- Represented a brand drug manufacturer in patent litigation.

- Represented a global energy company in toxic tort litigation.
- Represent employers and employees in both employment discrimination and employment contract matters.

PROFESSIONAL EXPERIENCE

- Adjunct professor at Northeastern University, currently teaching in the Doctorate of Law and Public Policy Program.
- Judicial law clerk to the Honorable Anthony J. Scirica, Chief Judge of the U.S. Court of Appeals for the Third Circuit.

HONORS & INVOLVEMENT

Honors

- “Lawyer of the Year,” Boston University Latino American Law Student Association, 2018
- Friend of Justice Award, Massachusetts Association of Criminal Defense Lawyers, 2017 (for outstanding pro bono advocacy)
- JD Supra “Readers’ Choice Award,” 2017 (for being a “top author” in the field of cybersecurity)
- Outstanding Newsletter Award, Massachusetts Chapter, Federal Bar Association, 2015 (for work as Editor-in-Chief of the chapter newsletter)
- As an associate at his previous law firm, Chris’ work as the lead lawyer on a civil rights pro bono matter won recognition from the Washington Lawyers’ Committee, which honored him and the firm for work in obtaining a significant settlement in that case.

Involvement

- Co-Chair, BBA Diversity and Inclusion Steering Committee (2018 - present)
- Co-Chair, Mentoring Committee, BBA Diversity and Inclusion Steering Committee (2016-2018)
- Hispanic National Bar Association
- Massachusetts Association of Hispanic Attorneys
- Fellow, Boston Bar Association Public Interest Leadership Program, 2015-16
- Co-Chair, Federal Bar Association International Law Committee
- American Bar Association
- District of Columbia Bar Association
- Maryland Bar Association
- Federal Bar Association (Massachusetts Chapter) Newsletter, Editor-in-Chief (2015)
- Fellow, The Partnership, Inc.
- Advisory Board, Trustees of Reservations
- Board of Overseers, Beth Israel Deaconess-Milton
- Town of Milton: Warrant Committee member, elected Town Meeting member

PUBLICATIONS

- "Blockchain and Data Privacy," *Lex Mundi* (February 14, 2019)
- "State, SEC Begin to Take Action Against Cryptocurrencies," *Massachusetts Lawyers Weekly* (March 12, 2018)
- "The Life Cycle of a Data Breach," *Today's General Counsel* (April/May 2017)
- "Social Media Law: Significant Developments," *American Bar Association: The Business Lawyer* (Winter 2016/2017)
- "No Harm, No Foul? Private and Public Litigation in Cybersecurity Law," *Inside Counsel* (July 7, 2016)
- "Cybersecurity is a Governance and Risk Management Issue," *Today's General Counsel* (April/May 2016)
- "Closing the Courthouse Door to Sovereigns? A Discussion of the Supreme Court's Recent FSIA Case, *OBB Personenverkehr AG v. Sachs*," Federal Bar Association (Massachusetts Chapter) Newsletter (Winter 2016)
- "In Cybersecurity, No Harm Does Not Necessarily Mean No Foul," *Law360* (February 17, 2016)
- "How to Use Jury Instructions to Your Advantage," *Litigation Magazine* (Winter 2009)

Foley Hoag Alerts and Updates

- Minimizing Risk and Liability from Man-in-the-Middle Attacks (or, How to Keep Your Company's Wire Transfers from Going Awry) (May 2, 2019)
- California Passes New Data Privacy Law With National Implications (July 17, 2018)
- President Trump Issues New Travel Ban Executive Order (March 6, 2017)

SPEAKING ENGAGEMENTS

- Panelist, "Exploring Transatlantic Data Privacy: GDPR," Suffolk University Law School, Transnational Law Review Symposium (March 2018)
- Speaker, "CyberRisk - Why the CFO Needs to Take Charge," LicataRisk Advisors (June 2017)
- Speaker, "Cyber Security Belongs in the C-Suite: Are you ready?," Information Systems Security Association, New England Chapter Meeting (September 2016)
- Moderator, "What is Reasonable in Cybersecurity? Responsibility and Accountability for Cybersecurity Practices," Advanced Cyber Security Center Conference (November 2015)
- Moderator, Women in Entrepreneurship "Cybersecurity 101" Panel (May 2015)
- Panelist, "How to Approach the 'Bring Your Own Device,'" Advanced Cyber Security Conference (November 2014)
- Panelist, American Constitution Society (New England School of Law Chapter), Constitutional Interpretation (April 2014)
- Speaker, "Cyber Risk & Liability: Privacy & Data Security Risk Management," Governance, Risk Management and Compliance Summit (March 2014)