

# Snell & Wilmer

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## Patrick X. Fowler

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### Main Bio

Pat Fowler's practice concentrates on representing companies facing complex product liability, technology, cyber security/privacy and business claims. He counsels clients regarding compliance with many government regulations (e.g., FTC, DOD, SEC, CPSC, NHTSA/FMVSS, USCG) and industry standards (ISAO, SAE, ANSI, PCI-DSS, ABYC) and best practices. Pat leads Snell & Wilmer's product liability practice and is the co-chair of firm's Cybersecurity, Data Protection, and Privacy practice area.

Pat acts as national trial counsel for several large companies in the manufacturing, mobility and construction equipment industries. He has trial experience in courts across the country, including Arizona, Washington, Nevada, Texas, Kansas, Illinois, Wisconsin, Indiana, Louisiana, Kentucky, Georgia, Pennsylvania and Connecticut, and has handled cases in just about every other state. In the last few years, Pat has taken to trial a number of catastrophic damage cases involving automobile air bag sensor systems, and boating accidents involving carbon monoxide exposure and propeller strike injuries. He currently focuses on claims involving lack of crash avoidance technology, cyber security and Internet of Things-related issues. Pat is a member of Arizona InfraGard as well as the International Association of Privacy Professionals.

Pat has participated in bar-related and pro bono activities for his entire career. He currently serves on the executive board of the State Bar of Arizona Section of Technology and e-Commerce, as well the executive committee for the Board of Governors' Standing Committee on Technology. For the past decade Pat has assisted with high school mock trial programs involving his children. Pat has also been involved with pro bono legal services. He is a past President of the Board of Directors of Community Legal Services, Inc., the largest non-profit pro bono legal services organization in Arizona. In addition, for more than 20 years Pat has served on the Advisory Committee of the Maricopa County Volunteer Lawyers Program. More recently, for the past several years, Pat has served as a Judge Pro Tempore with the Maricopa County Superior Court.

### Education

- University of Kansas School of Law (J.D., 1988)
  - National Moot Court Team
  - National Appellate Advocacy Team
- University of Kansas (B.A., Molecular Biology, 1983)

### Professional Memberships & Activities

- State Bar of Arizona

- Standing Committee on Technology, Board Member (2014-2017 term)
- E-Commerce and Technology Section, Board Member (2013-present)
- Appointments Committee, Member (2006-2012)
- Maricopa County Bar Association
- American Bar Association
  - Section of Litigation Products Liability Committee, Newsletter Co-Editor (2014-present)
- Arizona Association of Defense Counsel
- Maritime Law Association
- American Boat and Yacht Council
- International Association of Privacy Professionals
  - Phoenix KnowledgeNet Chapter, Co-Chair
- e-Commerce Law & Strategy, Board of Editors
- Judge Pro Tempore, Superior Court, Maricopa County, Arizona

## Representative Presentations & Publications

### Publications

- "[Taxpayer Cybersecurity – Step 4: Recognize Identity Theft](#)," Co-Author, S&W Cybersecurity and Data Privacy Law Blog (August 14, 2019)
- "[Taxpayer Cybersecurity – Step 3: Avoid E-mail Phishing Scams](#)," Co-Author, S&W Cybersecurity and Data Privacy Law Blog (August 13, 2019)
- "[Taxpayer CyberSecurity — Step 2: Create A Data Security Plan](#)," Co-Author, S&W Cybersecurity and Data Privacy Law Blog (August 9, 2019)
- "[Taxpayer CyberSecurity — Step 1: Protect Your Systems!](#)" Co-Author, S&W Cybersecurity and Data Privacy Law Blog (August 6, 2019)
- "[Facing the Issue: San Francisco Bans City Use of Facial Recognition Technology](#)," Co-Author, S&W Cybersecurity and Data Privacy Law Blog (July 12, 2019)
- "[Supreme Court: Warrant Usually Required For Cell Tower Records to Track a Person's Movements](#)," Author, S&W Cybersecurity and Data Privacy Law Blog (June 22, 2018)
- "[Celebrate National Tax Security Awareness Week!](#)," Author, Snell & Wilmer Cybersecurity and Data Privacy Law Blog (November 26, 2017)
- "[Happy Cybersecurity Awareness Month! Are you Safe?](#)" Author, AZ CPA (October 2017)
- "[WannaCry: What to Know and What to Do](#)," Co-Author, Snell & Wilmer Cybersecurity and Data Privacy Law Blog (May 19, 2017)
- "[Notable New State Privacy and Data Security Laws – Part 2](#)," Co-Author, Snell & Wilmer Cybersecurity and Data Privacy Law Blog (February 20, 2017)
- "[Notable New State Privacy and Data Security Laws – Part 1](#)," Co-Author, Snell & Wilmer Cybersecurity and Data Privacy Law Blog (February 13, 2017)
- "[Data Privacy Day? Yeah, it's a Thing](#)," Author, Snell & Wilmer Cybersecurity and Data Privacy Law Blog (January 27, 2017)
- "[NIST Issues Draft Update to the Cybersecurity Framework](#)," Author, Snell & Wilmer Cybersecurity and Data Privacy Law Blog (January 11, 2017)

- "[FTC Releases a Data Breach Response Guide For Business](#)," Author, Into the Breach ... Data Privacy and Protection Blog (October 27, 2016)
- "[Trust Gap Hinders Cyber Attack Reporting](#)," Author, Into the Breach ... Data Privacy and Protection Blog (September 28, 2016)
- "[Congress Releases Unclassified Summary on Snowden/NSA Leak](#)," Author, Into the Breach ... Data Privacy and Protection Blog (September 16, 2016)
- "[Privacy Tip: Cover Your Computer Camera and Microphone](#)," Author, Into the Breach ... Data Privacy and Protection Blog (September 16, 2016)
- "[The FTC Rules Against LabMD in On-Going Data Security Case](#)," Author, Into the Breach ... Data Privacy and Protection Blog (August 11, 2016)
- "[HIPAA News: HHS Getting Tough On ePHI Data Breaches](#)," Author, Into the Breach...Data Privacy and Protection Blog (August 6, 2016)
- "[Ransomware Attacks on ePHI May Be a Data Breach Under HIPAA](#)," Author, Into the Breach ... Data Privacy and Protection Blog (July 19, 2016)
- "[Utah's Personal Information Protection and Data Breach Laws](#)," Co-Author, Into the Breach ... Data Privacy and Protection Blog (March 16, 2016)
- "[Identity Theft Protection Services – Federal Income Tax Treatment](#)," Co-Author, Snell & Wilmer Legal Alert (March 14, 2016)
- "[Nearly 50 Million Records Breached in California Since 2012](#)," Co-Author, Snell & Wilmer Legal Alert (February 26, 2016)
- "[DHS/DOJ Issue Guidance on Cyber Threat Info Sharing](#)," Author, Into the Breach ... Data Privacy and Protection Blog (February 25, 2016)
- "[FBI v Apple: Using a 1789 Law in a 21st Century Privacy Fight](#)," Co-Author, Into the Breach ... Data Privacy and Protection Blog (February 19, 2016)
- "[Nevada's Revised Data Security Law](#)," Co-Author, Into the Breach ... Data Privacy and Protection Blog (February 18, 2016)
- "[Businesses Take Note: The FTC Assesses Big Data Practices](#)," Co-Author, Into the Breach ... Data Privacy and Protection Blog (February 5, 2016)
- "[Sanity Prevails? The Framework for the New EU – U.S. Privacy Shield](#)," Author, Into the Breach ... Data Privacy and Protection Blog (February 2, 2016)
- "[Scammers Up the Ante With Caller ID Spoofing](#)," Author, Into the Breach ... Data Privacy and Protection Blog (January 27, 2016)
- "[FAA Releases Interim Rule For Drone Registration](#)," Co-Author, Into the Breach ... Data Privacy and Protection Blog (January 22, 2016)
- "[Almost Ready to Fly: New Registration Regs for Small UAS/Drones](#)," Co-Author, Into the Breach ... Data Privacy and Protection Blog (November 25, 2015)
- "[Now What? Europe's High Court Sinks the U.S. – EU Safe Harbor Data Transfer Program](#)," Author, Into the Breach ... Data Privacy and Protection Blog (October 6, 2015)
- "[Government Websites With Cybersecurity Tips & Information](#)," Author, Into the Breach ... Data Privacy and Protection Blog (September 8, 2015)
- "[Appellate Court Confirms the FTC's Power to Regulate Cybersecurity](#)," Author, Into the Breach ... Data Privacy and Protection Blog (August 26, 2015)

- "[FDA Issues Unprecedented Alert Over Medical Device Cyber Security Risk](#)," Author, Into the Breach ... Data Privacy and Protection Blog (August 15, 2015)
- "[Did the 7th Circuit Just Ease the Way for Consumer Data Breach Lawsuits?](#)," Author, Into the Breach ... Data Privacy and Protection Blog (July 22, 2015)
- "[The EU's S-L-O-W March Towards a Uniform Data Protection Regime](#)," Co-Author, Into the Breach ... Data Privacy and Protection Blog (June 25, 2015)
- "[FINRA Fines Financial Firm for Failing to Encrypt Customer Data on Lost Laptop](#)," Co-Author, Into the Breach ... Data Privacy and Protection Blog (June 19, 2015)
- "[Data Breach Costs Surge Again](#)," Co-Author, Into the Breach ... Data Privacy and Protection Blog (June 9, 2015)
- "New Guidance from the SEC: Cyber Security Best Practices," Author, Into the Breach ... Data Privacy and Protection Blog (May 1, 2015)
- "[Can the U.S. - EU Safe Harbor Weather the storm?](#)" Author, Into the Breach ... Data Privacy and Protection Blog (March 24, 2015)
- "[Why You Need a Privacy Policy – Part 2: Avoiding Three Common Fumbles](#)," Author, Into the Breach ... Data Privacy and Protection Blog (March 12, 2015)
- "[Why You Need a Privacy Policy – Part 1](#)," Author, Into the Breach ... Data Privacy and Protection Blog (March 10, 2015)
- "[Another Good Reason to Pay Heed to Cyber Security](#)," Author, Into the Breach ... Data Privacy and Protection Blog (March 6, 2015)
- "[UPDATE: Hotel Industry Members Withdrawal FCC Wi-Fi Petition](#)," Author, Into the Breach ... Data Privacy and Protection Blog (March 3, 2015)
- "[Cleared for Takeoff? Feds Release Proposed Regulations for Unmanned Aircraft Systems](#)," Co-Author, Into the Breach ... Data Privacy and Protection Blog (February 19, 2015)
- "[Pass it Around: New Executive Order Pushes Greater Sharing of Cyber-Threat Information](#)," Author, Into the Breach ... Data Privacy and Protection Blog (February 18, 2015)
- "[It Takes More Than a Village: Protecting Student Privacy in the Age of Big Data](#)," Co-Author, Into the Breach ... Data Privacy and Protection Blog (February 12, 2015)
- "[Can Hotels Legally Block Wi-Fi Hot Spots? The FCC Says No and Fines a Hotel \\$600,000](#)," Author, Into the Breach ... Data Privacy and Protection Blog (January 28, 2015)
- "[Bankruptcy Sales of Personally Identifiable Information: Does it Satisfy the Privacy Policy?](#)," Co-Author, Into the Breach ... Data Privacy and Protection Blog (November 19, 2014)
- "[Breaching Bad: New Cyber Security Regs for Defense Contractors](#)," Author, Snell & Wilmer Legal Alert (August 29, 2014)
- "[The Human Factor in Data Security: Why Technology Alone Isn't Enough](#)," Author, eCommerce Law & Strategy, Vol. 31, No. 1 (May 2014)
- "[5 Things Every Company's Data Security Program Should Include](#)," Co-Author, JDSupra Business Advisor (April 24, 2014)
- "[A Brief Survey of Current and Future Developments in Privacy, Data Protection and Cyber Security Law](#)," Author, ACC America Arizona Chapter, FOCUS, 1Q, pp. 5-6 (2014)
- "[Malware in the Machines: Cybersecurity for Medical Devices and Hospital Networks](#)," Author, Snell & Wilmer Legal Alert (June 20, 2013)

- "Recoverability of e-Discovery Costs in Federal Court: An Update," Co-Author, JDSupra.com (April 2012)
- "What E-Discovery Costs Are Recoverable?" Co-Author, DRI Today (August 10, 2011)

### Speaking Engagements

- "Product Liability Update," Presenter, Snell& Wilmer Virtual CLE Series (June 16, 2022)
- "Cybersecurity and Privacy Regulations: Adapting to the New Normal," Presenter, Arizona Society of CPA's Technology for Accountants Conference, Phoenix, AZ (December 6, 2017)
- "Recent Developments in Privacy and Cybersecurity Law," Presenter, Phoenix Security and Audit Conference, Phoenix, AZ (September 7, 2017)
- "Cyber Security and the Law: An Update," Presenter, (ISC)2 Phoenix Chapter, Phoenix, AZ (May 18, 2017)
- "Prepare to be Hacked: Practical Pointers for Preserving Your Company's Digital Assets," Seminar Chair and Co-Presenter, State Bar of Arizona CLE (May 3, 2017)
- "Preparing for 2017: Cybersecurity and Data Privacy," Presenter, Emerging Business Seminar, Scottsdale, AZ (January 4, 2017)
- "Automotive Cybersecurity," Co-Presenter, Discussion Group, Irvine, CA (January 2017)
- "Preparing For Cyber Armageddon: Practical Tools For Law Firm Data Security, Privacy And Cyber Liability," Session Chair and Co-Presenter, State Bar of Arizona Annual Convention, Phoenix, AZ (June 16, 2016)
- "Recent Events in Cyber Security," Co-Presenter, ISC2 Phoenix Chapter, Phoenix, AZ (May 19, 2016)
- "Cyber Security: A Mid-Year Update," Co-Presenter, Association of Corporate Counsel, Mountain West Chapter, Salt Lake City, UT (May 5, 2016)
- "Cybersecurity Information Sharing Act of 2015: A Primer," Presenter, Industrial Control Systems Joint Working Group (ICSJWG) Spring Meeting, Scottsdale, AZ (May 4, 2016)
- "Lawyers Leading the Race to Cyber Security," Co-Presenter, Association of Corporate Counsel, Arizona Chapter (April 14, 2016)
- "Legal Considerations of a Data Breach Incident Response," Co-Presenter, ISSA Phoenix Chapter Quarterly Meeting, Phoenix, AZ (April 12, 2016)
- "Gambling, Credit Cards and Privacy: a Regulatory Environment Trifecta," Co-Presenter, American Bar Association Gaming Law Minefield Institute, Las Vegas, NV (February 11, 2016)
- "2016 Update on Cyber Security and Data Protection," Presenter, Emerging Business Seminar, Scottsdale, AZ (January 6, 2016)
- "Data Privacy and Security for Employee Benefit Plans," Presenter, Western Pension & Benefits Council, Phoenix Chapter (December 10, 2015)
- "Data Breach Response: Learning from the Mistakes of Others," Presenter, REDW Technology Conference, Albuquerque, NM (October 13, 2015)
- "Dealing With the Evolving Privacy and Cybersecurity Regulatory Ecosystem," Presenter, International Association of Privacy Professionals (IAPP) KnowledgeNet (September 16, 2015)
- "Cyber Threats and Data Privacy in the Information Age," Guest Lecturer, Grand Canyon University (September 15, 2015)
- "Cybersecurity and Data Privacy: 2015 Update," Presenter, State Bar of Arizona Construction Law Section (September 8, 2015)

- "How to Protect a Company Against a Data Breach," Presenter, Emerging Business Seminar, Scottsdale, AZ (September 2, 2015)
- Information Sharing and Analysis Organizations (ISAO) II Workshop, Dept. of Homeland Security, Participant, San Jose, CA (July 30, 2015)
- Information Sharing and Analysis Organizations (ISAO) Workshop, Dept. of Homeland Security, Participant, Boston, MA (June 8, 2015)
- "Breaching Bad: Cyber Security Risks, Regulations and Solutions," Presenter and Panelist, Supply Chain Security: A Moving Target, ERAI Conference San Diego (April 22, 2015)
- "When Ethics, Experts and Litigation Strategy Collide," Co-Presenter, Association of Corporate Counsel Seminar, Phoenix Chapter (April 21, 2015)
- "Cyber Insurance and Data Risk," Co-Presenter, PriceWaterhouseCoopers Roundtable, Phoenix (March 5, 2015)
- "What's Trending in Privacy, Data Protection and Cybersecurity in 2015?," Presenter, Snell & Wilmer Emerging Business Seminar Series, Scottsdale, AZ (January 7, 2015)
- "Avoiding the Pitfalls of Spoliation and Over-Preservation," Co-Presenter, Maricopa County Bar Association Paralegal Division Convention (October 10, 2014)
- "The Role of Insurance in Cyber Security Risk Management," Moderator, Snell & Wilmer Privacy and Cyber Security Risk Management Series (October 8, 2014)
- "Reducing the Risk and Consequences of a Data Breach," Co-Presenter, State Bar of Arizona CLE Event (October 1, 2014)
- "Tips for Protecting Your Privacy and Personal Data," Presenter, Arizona Summit Law School/eCommerce and Technology Section, State Bar of Arizona (September 23, 2014)
- "Privacy, Data Protection and Cybersecurity: What You Need to Know Now About Regulations and Compliance," Presenter, Data Plus Conference, Phoenix, AZ (September 8, 2014)
- "A Legal Perspective on Privacy and Data Protection," Co-Presenter, (ISC)2 Phoenix Chapter (August 14, 2014)
- "Are You the Customer or the Product Being Sold? Privacy and Data Protection in 2014," Guest Lecturer, Arizona Summit Law School (July 9, 2014)
- "Cloud Computing in Healthcare: Mitigating Privacy Risks and Negotiating Business Associate Agreements," Co-Presenter, Strafford Webinar (June 11, 2014)
- "Privacy, Data Protection and Cyber Security: The Mid-Year Update," Co-Presenter, State Bar of Arizona CLE Program (May 29, 2014)
- "Today's Cyber-Threat Environment," Co-Presenter, The New Cybersecurity Framework Seminar, Phoenix, AZ (April 22, 2014)
- "Tips for Protecting Your On-Line Privacy and Personal Data," Co-Presenter, Arizona Women Lawyers Association Seminar (March 26, 2014)
- "The Ethics of Big Data. Who Knows What?" Panelist, Privacy Forum, Arizona State University Lincoln Center for Applied Ethics (February 28, 2014)
- "Electronic Discovery Update: The Changes and Challenges of 2014," Presenter, State Bar of Arizona CLE Program (February 21, 2014)
- "Data Security and Privacy Seminar (Featuring Dr. Ann Cavoukian)," Panel Member, Los Angeles, CA (November 12, 2013)

- "Cybersecurity and Privacy Concerns After NSA Surveillance Revelations," Co-Presenter, Legal Issues Impacting Data Center Operations Seminar, Phoenix, AZ (November 5, 2013)
- "Hidden Hazards of Cloud Computing," Presenter, Boating Industry Risk Management Council, International Boating Exposition Show, Louisville, KY (September 18, 2013)
- "Litigation Bootcamp: Introduction to E-Discovery," Presenter, Litigation Training Seminar, Phoenix, AZ (September 13, 2013)
- "Electronic Discovery for the Employment Lawyer," Co-Presenter, State Bar of Arizona Employment Law Section (June 21, 2013)
- "Legal Ethics + Cloud Computing and Data Privacy," Co-Presenter, Association of Corporate Counsel (May 21, 2013)
- "E-Discovery in 2013: What You Need to Know," Presenter, The Knowledge Congress Webcast (February 6, 2013)
- "Ethics and E-Discovery," Presenter, Maricopa County Bar Association Paralegal Division Convention (September 28, 2012)
- "E-Discovery for New Lawyers," Presenter, Litigation Training Seminar (September 2012)
- "What Every Paralegal Should Know About E-Discovery," Presenter, Paralegal Conference (June 2012)
- "Cloud Computing and Related Legal Issues," Presenter, Lex Mundi Dispute Resolution Committee, St. Louis, MO (April 2012)
- "Social Media: Who, What & Where," Presenter, Orange County Institute of Internal Auditors Fraud Seminar (March 2012)
- "Crafting a Defensible Electronic Discovery Plan," Presenter, Nevada State Bar CLE, Las Vegas, NV (April 2011)
- "Ethics and E-Discovery," Presenter, Corporate Counsel Forum, Phoenix, AZ (March 2011)
- "The 'Good Company' Defense," Presenter, Surf Expo, Orlando, FL (September 2010)

### **Selected Media Coverage**

- "[Employers May be Liable for Worker Identity Theft](#)," Quoted, HR Magazine (November 8, 2017)
- "[Nationwide Ruling Lowers Hurdle For Data Breach Victims](#)," Quoted, Law360 (September 14, 2016)
- "[Spokeo Landscape Gets Clarity In 8th Circ. Charter Ruling](#)," Quoted, Law360 (September 6, 2016)
- "[Ashley Madison Action Shows Global Regs Can't Be Cheated](#)," Quoted, Law360 (August 29, 2016)
- "Cyber Policies Start To Show Their Limitations," Quoted, Business Insurance (July 18, 2016)
- "Microsoft's 2nd Cir. Win Shows Limits To Gov't Data Reach," Quoted, Law360 (July 14, 2016)
- "[Microsoft Faces Long Odds in Fight Against Government Gag Order](#)," Quoted, Law360 (April 15, 2016)
- "Home Depot Breach Case Shows 'Cash-Plus' Deals Are Key," Quoted, Privacy Law360 (March 9, 2016)
- "[9 Ways to Bullet-Proof Your Privacy Policy](#)" Quoted, Information Week (October 23, 2015)
- "Breach Victims' Ruling Causes Uncertainty," Quoted, Business Insurance (August 2, 2015)
- "[Anthem's Speedy Breach Detection Likely to Ease Liability](#)," Quoted, Law360 Privacy (February 6, 2015)

- "[8 Cybersecurity Resolutions to Make in 2015](#)," Quoted, Business News Daily (December 8, 2014)
- "White House Uploads U.S. Cybersecurity Framework," Quoted, eCommerce Law & Strategy (March 2014)
- "[U.S. companies allowed to delay disclosure of data breaches](#)," Quoted, Thomson Reuters (January 16, 2014)
- "[Product Liability Risk Management: The Good Company Defense](#)," Interview, Pro Boat Radio Webcast (August 13, 2013)

## Professional Recognition & Awards

- AZ Business Leader, AZ Business Leaders Magazine (2022)
- Top 100 Lawyers in Arizona: Product Liability Litigation, Arizona Business Magazine (2017)
- The Best Lawyers in America®, Product Liability Litigation - Defendants (2016-2023)
  - Phoenix Lawyer of the Year, Product Liability Litigation - Defendants (2023)
- Southwest Super Lawyers®, Personal Injury - Products Defense (2016-2022)
- Top 50 Pro Bono Attorneys in Arizona, Arizona Foundation for Legal Services & Education (2010)
- Exceptional Service Award, Volunteer Lawyers Program (2004)
- Pro Bono Lawyer of the Month, Volunteer Lawyers Program (October 1992, September 2003)

## Community Involvement

- Volunteer Lawyers Program
  - Advisory Committee, Member (1992-2012)
  - Advisory Committee, Chair (2005-2010)
- Community Legal Services
  - Board President (2010-2011)
  - Executive Committee (2007-2013)
  - Board Member (2006-2013)
- Boy Scouts of America
  - Merit Badge Counselor

## Bar Admissions

- Arizona

## Court Admissions

- Supreme Court of Arizona
- United States Court of Appeals, Ninth Circuit
- United States District Court, District of Arizona
- United States District Court, Western District of Michigan