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Practices

Technology Transactions & Privacy
 Consumer Protection Litigation
 Regulatory Litigation
 Intellectual Property
 Privacy & Security
 Social Media
 Electronic Financial Services
 E-Commerce

Joseph P. Cutler | Counsel

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Joe Cutler is a counsel in the Litigation group and a member of the firm's Privacy & Security subgroup. Joe's litigation work currently focuses on combating cybercrime and enforcing website terms of use. In addition to his litigation work, Joe counsels clients in areas related to privacy and data security, consumer protection law, and internet law.

Joe manages a rapid response enforcement team to vigorously defend clients, such as Facebook, against illegal spamming, phishing, pretexting, and other forms of malicious Internet behavior. Actions to prosecute individuals whose actions interfere with client Web sites or Internet activity often include extensive Internet forensic work, cease-and-desist actions and formal litigation.

Joe advises clients regarding state and federal privacy and data protection laws, including anti-spamming and anti-phishing statutes, state data protection statutes, and [breach notification laws](#).

Joe provides consumer protection compliance advice to companies regarding their obligations under the Fair Credit Reporting Act (FCRA) and fair debt collections practices statutes. This practice focuses primarily on the protection and safeguarding of customer personal data.

Joe provides counsel to the firm's clients on a number of regulatory issues including CPNI compliance for wireless carriers, [security breach notification](#) advice and international advice regarding compliance with data protection laws abroad.

Joe specializes in international data transfer laws, helping companies that wish to transfer data across international boundaries to do so in compliance with transnational regulations. He also advises clients regarding operation of Sarbanes-Oxley Whistleblower programs in the EU, and conducting U.S.-based litigation discovery in the EU. He assists clients in joining the U.S. Department of Commerce's EU Safe Harbor certification program and counsels them with respect to compliance with [European Union Directives on privacy](#), data protection, eCommerce and electronic communications services. He also provides advice to companies regarding compliance with United States sanctions programs (OFAC).

In past years, Joe defended Honeywell International Inc. against asbestos claims related to automotive friction products, managing the pre-trial matters for approximately twenty cases each year.

Pro Bono work is central to Joe's practice. He specializes in refugee/asylum law, representing asylum-seekers at all levels of the immigration process. He is currently branching out by representing an inmate from the King County Regional Justice Center in a challenge to its medical treatment policies and procedures.

Professional Recognition

- Center for Computer-Assisted Legal Instruction (CALI) Excellence Award in Professional Responsibility

Professional Leadership

- Federal Bar Association
- J. Reuben Clark Law Society, Curriculum Editorial Board Member
- J. Reuben Clark Law Society, Georgetown University Law Center Chapter, Co-President, 2004 - 2005

Community Involvement

- Help Africa Relief and Development Inc., Vice President 2002 - 2007

Related Employment

- Georgetown Institute for the Study of International Migration, Washington, D.C., Researcher, 2004 - 2005
- Perkins Coie LLP, Seattle, WA, Summer Associate, 2004
- Human Rights Watch, Africa Division, New York, NY, Klatsky Legal Fellow, 2003

Education

- Georgetown University Law Center, J.D., *cum laude*, 2005
Associate Editor, *Georgetown Journal of Legal Ethics*
- University of Washington, B.A., Political Science and Philosophy, 2001

Bar Admissions

- Washington

Court Admissions

- U.S. District Court for the Western District of Washington

Languages

- Spanish

Highlights

50-State Security Breach Notification Chart



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NEWS

- 05.18.2013 [Cutler Quoted in *PC World*](#)
General News
Counsel Joseph Cutler was quoted in a *PC World* article titled "[Bitcoin Boosters Rally to Assure Congress of Currency's Worth](#)," regarding technology companies' efforts to protect themselves from government data requests.
- 01.16.2013 [Perkins Coie Announces Counsel Promotions](#)
Press Release
Perkins Coie has announced that 88 attorneys have been promoted to the firm's newly created Counsel position, effective January 1, 2013. Counsel is a partnership track position for attorneys with at least six years of experience, recognizing consistently high quality legal work and the ability to supervise junior lawyers and staff and collaborate with partners on the strategy, development and management of client matters.
- 10.29.2009 [Facebook Wins \\$711 million Judgment Against Spammer Sanford Wallace](#)
General News
Today, United States District Court Judge Jeremy Fogel awarded Facebook \$711,237,650 in damages against Sanford Wallace, one of the world's most notorious spammers, commonly known as the "Spam King." Earlier this year, Wallace engaged in a sophisticated spamming and phishing campaign against Facebook users.
- 05.28.2009 [Perkins Lawyers Defeat Motion to Dismiss for Facebook – Recap by BNA in the *Electronic Commerce & Law Report*](#)
General News
A recent triumph for Perkins Coie lawyers Leota Bates, Joseph Cutler, David Chiappetta and Jim McCullagh was highlighted in an article published by the Bureau of National Affairs in its *Electronic Commerce & Law Report*.
- 01.08.2009 [Perkins Coie Assists Facebook in Dispute Against Social Networking Aggregator](#)
General News
Perkins Coie represented client Facebook, Inc., in suing Power Ventures Inc., a company that operates a website that allows users to aggregate and view information from multiple social network websites. According to the complaint and as reported in *Law 360* and other media this week, Power.com asks visitors to provide their Facebook user names and passwords in order to "integrate" their Facebook account into defendant's Web site.

PUBLICATIONS

- Revised June 2013 [SECURITY BREACH NOTIFICATION CHART](#)
Perkins Coie's [Privacy & Security](#) practice maintains a comprehensive chart of state laws regarding security breach notification. The chart helps keep clients informed about each state's sometimes unique security breach notification requirements. Lawyers, compliance professionals, and business owners have told us that the chart has been helpful when preparing for and responding to data breaches.
- 07.29.2013 [Bitcoin Under SEC Scrutiny: First Civil Prosecution Brought Against Alleged Virtual Currency Ponzi Scheme Company](#)
Update
On July 23, 2013, the SEC ventured into the electronic currency world by filing a civil complaint against virtual currency "trader" Trenderon Shavers and his company, Bitcoin Savings and Trust, in the U.S. District Court for the Eastern District of Texas.
- 06.03.2013 "Employers Should Draft Social Media Policies and Train Workers on Avoiding Related Pitfalls"
Article
Business Insurance
Joseph Cutler was quoted in an article for *Business Insurance* titled, "Employers Should Draft Social Media Policies and Train Workers on Avoiding Related Pitfalls."
- 06.03.2013 "Beware of Risks Social Media Can Trigger for Employers"
Article
Business Insurance
Joseph Cutler was quoted in an article for *Business Insurance* titled, "Beware of Risks Social Media Can Trigger for Employers."

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- 03.22.2013 [New FinCEN Guidance Changes Regulatory Landscape for Virtual Currencies and Some Prepaid Programs Update](#)
To address a perceived gap in regulatory treatment of increasingly popular virtual currencies, including Bitcoin, the U.S. Department of the Treasury Financial Crimes Enforcement Network (FinCEN) released new guidance on March 18, 2013.
-
- 02.08.2012 [Proposed EU Regulation Promises Significant Changes to Consumer Privacy Update](#)
The European Commission's proposed "[Regulation on the Protection of Individuals with Regard to the Processing of Personal Data and on the Free Movement of Such Data](#)" offers a significantly higher level of legal harmonization and predictability across Europe, but at the price of more stringent requirements and availability of stricter sanctions.
-
- 07.30.2009 [FTC Again Extends the Deadline for Red Flags Rule Enforcement Update](#)
The FTC recently extended the enforcement deadline for the Red Flags Rule until November 1, 2009. The Rule was originally scheduled to go into effect on November 1, 2008, but on Wednesday, July 29, 2009, the FTC announced that it was delaying enforcement for the third time because a number of industries and entities within the FTC's jurisdiction still expressed confusion and uncertainty about what types of entities would be subject to the Rule and what the Rule actually required of covered entities.
-
- 08.2007 "Security Breach Notification Chart"
Article
Privacy & Data Security Law Journal, page 780
-
- 2005 "The Uprooted: Improving Humanitarian Responses to Forced Migration, Lexington Books"
Contributing Author, Book
Developed research regarding internal structure of United Nations humanitarian organs, focusing primarily on their cooperative efforts to address forced migration and internal displacement.
-
- 2004 "Oops! I Said it Again: Judicial Codes of Conduct, The First Amendment, and the Definition of Impartiality"
Author, Article
17 Geo. Journal Legal Ethics 733
-
- 2003 "Not Eligible: The Politicization of Food Aid in Zimbabwe"
Co-Author, Article
Human Rights Watch, Volume 15, Number 17(A) (October 2003)
-



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PAST EVENTS

- 04.16.2012 - **Emerging Payment Systems**
Speaking Engagement
American Conference Institute's 3rd National Practical, Legal, and Compliance Forum on Balancing Innovation with Consumer Protection in Emerging Payment Systems
Marines' Memorial Club & Hotel Union Square / San Francisco, CA
- 04.17.2012 - **Emerging Payment Systems**
Speaking Engagement
American Conference Institute's 3rd National Practical, Legal, and Compliance Forum on Balancing Innovation with Consumer Protection in Emerging Payment Systems
Marines' Memorial Club & Hotel Union Square / San Francisco, CA
- 11.02.2011 **Data Security: Protecting User Data**
Seminar
Perkins Coie Interactive Entertainment Roundtable
Perkins Coie LLP / Seattle, WA
This discussion will address lessons learned from the Sony data breach and other recent cases. We will also address how to work with law enforcement and what steps your company should be taking to enhance security and strengthen the network infrastructure.
- 10.03.2011 **Data Security: Protecting User Data**
Speaking Engagement
Law Seminars International, Gamer Technology Law / Seattle, WA
Associate Joe Cutler will be speaking on lessons from the Sony data breach and other recent cases.
- 09.22.2011 **Managing Privacy and Data Security Risks in the Emerging Payments Landscape**
Speaking Engagement
American Conference Institute's 2nd Annual Practical, Legal, and Compliance Forum on Balancing Innovation with Consumer Protection in Emerging Payment Systems
Associate Joe Cutler will be a panelist for this discussion on data security and privacy concerns relating to transactions conducted on mobile device.
- 11.04.2009 and 11.05.2009 **Data Breach... Crisis? or Not a Crisis?**
Seminar
Marsh's Seattle Office / Seattle, WA
- 05.14.2009 **Social Networking, Privacy, and Spam Enforcement - Understanding the Legal Implications of Web 2.0**
Speaking Engagement
WSPA, Snohomish County Chapter
- 04.17.2009 **Global Business Confidential - Data Privacy Issues in Cross-Border Investigations and Litigation**
Speaking Engagement
2009 ABA Spring Meeting for the Business Law Section / Vancouver, B.C. / Canada
- 03.2009 **Privacy 101**
Speaking Engagement
Seattle, WA
- 02.2009 **Social Networks and the Law**
Speaking Engagement
WSPA, Seattle, WA Chapter
- 04.2005 **Genocide in Rwanda**
Speaking Engagement
Silver Spring, MD

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- Georgetown University Law Center, J.D., *cum laude*, 2005
Associate Editor, *Georgetown Journal of Legal Ethics*
- University of Washington, B.A., Political Science and Philosophy, 2001

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