

CYBER SECURITY: FULL-COURT PRESS

By **Andrew Sheldon**, May 9, 2016 at 3:00 AM



Judith Germano founded Germano Law in 2013. - (PHOTO BY AARON HOUSTON)

Judith Germano watched the trends shift in real time.

Working as a prosecutor for the U.S. Attorney's Office in New Jersey, she saw the scope of cybercrimes grow over the last 15 years.

“When I was at the office, I started as a new prosecutor doing credit card fraud cases where, if we saw 20 cards that were compromised, it was a significant federal case,” she said. “Now we talk about numbers in the millions of identities being compromised in a single incident.”

Her experiences eventually brought her to the decision to open her own law firm, Germano Law, in 2013.

“There was a significant change in that time and I saw the change as I was working,” she said. “That inspired me to start my own business and do what I’m doing now.”

That’s because, as these cyber cases became more prevalent, they also grew more obtuse.

“The types of crimes that were being investigated and prosecuted became increasingly broad in their nature and deep in their complexity in terms of large-scale fraud and international networks of cybercriminals,” she said.

She could see companies struggling to keep up with the new information and technologies.

“During my last five years at the office, I oversaw security and financial fraud, white collar crime cases and also cybercrime cases, and I saw an increasing need to better understand the risks and responsibilities with regard to cybersecurity,” she said. “In working with different companies and doing outreach through my role at the office, I saw that there was a significant need for guidance.

“(There was) also an opportunity to help companies in understanding the risks, how to prepare them, respond and understand the benefits and ways to cooperate with the public sector and enhance public and private collaboration.”

This technological drive even changed the demands of her job.

“When I started at the U.S. Attorney’s Office, what was seen as a computer case was if we were going to get a search warrant to search emails, and we would call the computer expert prosecutor to assist us with how to do that,” she said. “Over the years, that went from being a more cutting-edge type of thing to something that became routine and a basic skill that every prosecutor should know how to do.”

Germano feels lucky to have found a specialty where there is both a need and a personal passion.

“There was a real need and a great opportunity,” she said. “It’s an area that I feel passionate about and I’m happy to be able to work with companies in terms of how to understand and address these risks in an area that is rapidly expanding and has very high stakes if companies don’t get it right.”

Fernando Pinguelo saw the emerging market as early as 2006. The

revelation came in the middle of a four-week trial, in which a witness revealed that certain data had resurfaced unexpectedly.

“Dealing with a scenario like that required both a working knowledge of technology and creativity in applying longstanding legal principles and procedural rules to an unprecedented situation — in fact, the first of its kind in New Jersey at the time,” he said. “From then on, I recognized just how much of an impact data have to my clients’ businesses.”



Fernando Pinguelo

His intuition proved correct.

“A few years later, my practice in this area expanded globally after I began to work closely with (a firm known as) Opice Blum Advogados Associados — whose practice has had one of the most influential impacts on the development of Brazilian jurisprudence in this area,” he said. “Now I serve as Opice Blum’s national coordinating counsel and lead their litigations that carry over from Brazilian courts to U.S. state and federal jurisdictions.”

These days, much of Pinguelo’s practice as the chair of cybersecurity and data protection at Red Bank-based Scarinci & Hollenbeck involves “crisis litigation,” which he describes as handling “emergency applications in both federal and state courts seeking various forms of legal and equitable relief.”

“Most recently, I have been retained to serve as local counsel to address a data breach reportedly involving the theft of millions of customers’ sensitive data,” he said. “On less than 24 hours’ notice, I mobilized my team in conjunction with lead counsel efforts and prepared and filed a complaint, served nonparty subpoenas and secured highly important documents in less than seven days.”

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