Arianna Evers

SPECIAL COUNSEL

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Arianna Evers helps clients navigate privacy, cybersecurity and artificial intelligence (AI)-related challenges in an increasingly complex and fluid legal environment. Ms. Evers represents clients in high-stakes enforcement actions with regulators, including the Federal Trade Commission (FTC), state attorneys general, and the US Department of Health and Human Services Office for Civil Rights (HHS-OCR), as well as in litigation in state and federal courts, concerning alleged privacy and consumer protection violations. She also advises clients on incident preparedness and response, and manages data breach investigations, overseeing privileged forensic work and notice to regulators, affected individuals and contracting parties for clients across a variety of sectors and industries.

A significant portion of Ms. Evers's practice involves advising clients on their development and use of AI and other emerging technologies. Ms. Evers provides clients with a thoughtful but practical approach to managing legal and reputational risks in an area with a tremendous amount of legal uncertainty. She has advised clients building foundation AI models as well as those looking to leverage AI in their products, services, and day-to-day operations on implementation concerns, data privacy risks, cybersecurity, governance and appropriate policies, risk management, fairness, and discrimination.

Ms. Evers also advises clients on their obligations and risks relating to federal, state, and international data privacy and consumer protection law, regulations, and best practices, including the FTC Act, state privacy laws such as the California Consumer Protection Act (CCPA) and the Illinois Biometric Privacy Act, the Telephone Consumer Protection Act, the Fair Credit Reporting Act (FCRA), the Gramm-Leach-Bliley Act, the Health Insurance Portability and Accountability Act, and the Children's Online Privacy Protection Act. Ms. Evers' practice also includes a broad range of transactional work, including negotiating privacy and data security provisions in agreements, drafting privacy policies and other consumer-facing disclosures, and conducting due diligence for corporate acquisitions and mergers.

Ms. Evers began her career as a member of the firm's litigation group, where she focused on

intellectual property and other complex commercial litigation and counseling at the trial and appellate stages. Ms. Evers has extensive experience in all phases of complex litigation and has shepherded multiple cases from complaint through trial and post-trial briefing. Ms. Evers has argued in court, prepared expert witnesses for trial, prepared direct examinations and cross-examinations, taken and defended depositions, and handled all aspects of pretrial discovery and motion practice.

Past Experience

Prior to law school, Ms. Evers counseled clients on crisis management at a large public affairs firm in Washington DC. She also served on the national advance staff of a US presidential campaign.

Professional Activities

Ms. Evers is active in the broader privacy and cybersecurity community. She is a member of the International Association of Privacy Professionals (IAPP) Women Leading Privacy Advisory Board (term 2022–2023) and is involved in the Sedona Conference's Working Group 11, Data Security and Privacy Liability, where she has served on brainstorming groups and led a commentary drafting team.

Ms. Evers is admitted to practice before the US Court of Appeals for the Federal Circuit and the First Circuit as well as the US District Court for the District of Massachusetts.

Solutions

Artificial Intelligence

Cybersecurity and Privacy Litigation

Crisis Management and Strategic Response

Intellectual Property Litigation

Cross-Border Investigations and Compliance

Investigations

Experience

- Representing a platform technology company in a 50-state investigation relating to youth issues.

- Representing a health-care technology company in litigation relating to its use of tracking technologies.

- Advising a client on mitigating legal risks of foundation models and generative AI products, including through model training and red teaming, and responding to congressional inquiries.

- Represented a large platform technology company in an investigation by the FTC into the company's data privacy and security practices that was closed without the agency taking formal action.

- Represented a leading financial technology company in connection with an FTC investigation relating to the FCRA, user privacy and the Privacy Shield that was closed without the agency taking formal action; currently advises the company on additional regulatory investigations (including under the CCPA) and a variety of privacy compliance and acquisition matters.

- Represented a leading health app in an FTC investigation related to privacy, online behavioral advertising, and data sharing; the FTC closed the investigation without further action.

- Advised a leading gaming products and services company on CCPA compliance, including navigating strategic decision-making and drafting internal and external policies.

- Advised a major financial institution on legal, contractual, and reputational risks related to the use of consumer and business data for various purposes.

- Represented a leader in healthcare IT in multiple HHS OCR investigations relating to data security.

- Represented an educational tech provider in litigation with state attorneys general relating to the Children's Online Privacy Protection Rule.

Recognition

- Named a Thomson Reuters Stand-out Lawyer – independently rated and selected by clients.

Credentials

EDUCATION

JD, Boston College Law School, 2009

Senior Articles Editor, Boston College Third World Law Journal

BA, Government and History, Cornell University, 2003

with Distinction

ADMISSIONS

District of Columbia

Massachusetts

CLERKSHIPS

The Hon. Richard G. Taranto, US Court of Appeals for the Federal Circuit, 2013 - 2014