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How Cybersecurity Standards and the False Claims Act Heighten Litigation Risks

by Kent J. Schmidt and Seth Goertz

The connection between changes on the regulatory horizon and the creation of new theories of liabilities in civil litigation is well known. A new regulation often creates or expands a standard of care or obligation for a company that a plaintiff, including a consumer in a class action, can point to as a predicate for a tort or other legal theory. The nexus between the regulatory landscape goes even further. In this episode Kent Schmidt interviews Dorsey Partner Seth Goertz on the unconventional mix between cybersecurity standards and False Claims Act, which empowers whistleblowers to bring lucrative claims for even small deviations. This creates a template for whistleblowing and cybersecurity standards even in the private sector, creating a litigation risk even where there has been no data breach.

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