

Jake Gilbert

ASSOCIATE

Jake is an Associate in the Complex Litigation group in the New York office.



Industries

Fintech
Insurance & Reinsurance

Practices

Blockchain
Complex Litigation
Privacy, Cybersecurity & Data Protection

Education

University of Southern California Gould School of Law JD
University of Massachusetts, Amherst BA, cum laude

Offices

New York

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Jake is deeply experienced across a multitude of legal fields including copyright and trademark litigation, general commercial litigation, insurance disputes, data privacy and cybersecurity counseling, and entertainment. He has advocated in front of state and federal courts, negotiated resolutions and other agreements between opposing parties, and used his legal knowledge to draft internal guidance, policies, and terms of service for clients across numerous industries.

He has extensive experience representing international and domestic insurers in matters involving cyber liability, employment practices liability, and directors and officers liability from issuance of coverage positions through appeal. He has litigated actions between insurers, and in both carrier-side and policyholder-side lawsuits. He has also counseled policyholders on their coverage needs and best practices acquiring coverage.

His litigation practice has spanned all facets of litigation for major national and international corporations and he has successfully resolved numerous matters across all manner of industries.

He has counseled companies through both domestic and international data breaches and cyber security incidents, and has provided guidance on data privacy and cybersecurity best practices under state and federal legal frameworks for companies to use in their internal operations.

Jake also maintains an active pro bono practice involving the representation of asylum seekers in litigation against the private companies operating detention facilities.

Client Work

Jake's experience includes:

Litigation

- Successfully resolved numerous copyright and trademark claims against multiple major national clothing retailers.

Represented a major international electronics manufacturer and retailer against Lanham Act and false advertising claims.

- Successfully represented an auto dealership in obtaining insurance coverage for a wrongful employment lawsuit from its insurance company.
- Successfully resolved litigation against an agricultural technology startup and its founders in fraud, rescission, and employment lawsuits.
- Representing a national truck rental company and its insurance carrier in a coverage dispute presently pending at the Ninth Circuit Court of Appeals.

Transactional

- Drafted privacy policies and internal policies for handling, using, and transacting data for companies across retail, manufacturing, and services industries.
- Researched applicable federal law for, drafted, and assisted in the negotiation of data protection, transfer, and exchange terms in digital services contracts, lending platform agreements, and medical data holding agreements.
- Drafted application and website terms of use and end user licenses for startup companies operating mobile payments for laundry machines and construction contracting.
- Drafted internal guidance documents, including data retention and handling documents, legal privilege manuals, and evaluations of privacy audits and red team studies for client usage and adoption.

Counseling

- Advised major California hospital system on compliance with new California privacy statute.
- Guided numerous companies through national and international data breaches including advising on compliance with state and federal breach notification laws and crafting messaging to affected users.

Previous Work

Prior to joining Arent Fox, Jake was an associate at a national law firm. He also served as a judicial extern to The Honorable Barry Russell, US Bankruptcy Court, Central District of California.

Publications

- “Cyber Phishing Scams: Do You Have Coverage? – Part II,” Privacy & Cybersecurity Law Report, August 23, 2018
- “Cyber Phishing Scams: Do You Have Coverage? – Part I,” Privacy & Cybersecurity Law Report, August 23, 2018

Life Beyond the Law

Jake spends his other waking hours reading, flying to foreign countries to eat their food, and lamenting Boston sports’ unparalleled, unrivaled, and unprecedented run of success.

Bar Admissions

California
Maryland
New York

Court Admissions

US District Court, Central District of California
US District Court, Northern District of California
US Court of Appeals, 9th Circuit