



PATRICK BURKE

Patrick Burke has zigzagged between law firms and vendors. In February, he left Guidance Software, where he was senior director and assistant general counsel, to join Reed Smith's New York office as counsel in the firm's records and e-discovery group. Past posts include co-head of the E-Discovery Working Group at Linklaters; technology counsel for nMatrix; and litigator at Paul Weiss Rifkind Wharton & Garrison and at Seward & Kissel.

"At Guidance I worked with hundreds of corporations, government agencies and law enforcement teams on their EDD, data privacy, investigatory and cybersecurity challenges," said Burke. He found himself reaching beyond the legal teams to organizations' IT, IT security, records, audit, HR and IG teams. "I learned my way around large organizations' data networks at a deep level, both from the technical and legal perspective."

Burke quickly became a regular on the EDD circuit, meeting "the 'rock star' e-discovery judges, lawyers, technology experts and regulators both in the U.S. and around the world."

Now Burke advises clients on records compliance and e-discovery and his practice also encompasses IG—he also works with the firm's data security, privacy and management team. The firm offers "high-tech, low-cost electronic document culling and review," he notes, with a team of more than 70 full-time lawyers who use Reed Smith's review and predictive coding technology.

The latest move, said Burke, "has allowed me to become a full-fledged global data lawyer." He had to be careful while at Guidance not to provide legal advice, "as I was not their lawyer. Now I am [the] lawyer, and so can combine my technical and legal knowledge in advising Reed Smith clients."

Burke said he was attracted to the firm primarily because of its "deep bench" in EDD, records and privacy expertise, global privacy, and data security. He was also intrigued by the firm's clientele, particularly its banking client roster. Burke saw an opportunity to handle data challenges not only as they affect the largest global entities, but to see how these challenges are addressed across the institutions and companies within major sectors and share industry-specific best practices.

THE BIGGEST CHALLENGE facing the legal industry "is the paucity of lawyers who have taken the time to become knowledgeable about the management of risks around corporate data," said Burke. Many corporate legal departments have staffed up in the areas of e-discovery, records and privacy—which is smart, he observes. And some in-house lawyers, he said, have expanded their portfolios to cover the entire data "waterfront"—taking a holistic view that encompasses data security and new technology issues.

"In-house lawyers who become familiar with the workings of their corporate data networks—and build a working relationship with their IT and IT security managers—can help their organizations to greatly reduce data risks and costs," he said. But too many lawyers still tend to shy away from technology issues, which he concedes may be a generational issue.

"I like to think I serve as an example to the older lawyers—if I can do it at age 55, so can you!"

And Burke looks to the future. He is an adjunct professor at New York's Benjamin N. Cardozo School of Law, where he teaches EDD and IG courses. "A new generation of data lawyers is being launched who have a natural affinity for, and curiosity about, technology," he said. "They do not hesitate to embrace the technology behind corporate data risks. Expect to see them move beyond the technology inhibition." ■