

## Rising Star: BCLP's Lauren Caisman

By Allison Grande

*Law360 (June 6, 2022, 4:04 PM EDT)* -- Bryan Cave Leighton Paisner LLP partner Lauren Caisman has steered food product manufacturer Greengore, restaurant chain Veggie Grill and others through a growing wave of litigation brought by employees alleging violations of Illinois' unique biometric privacy law, earning her a spot among the cybersecurity and privacy practitioners under age 40 honored by Law360 as Rising Stars.

### **HER BIGGEST CASES:**

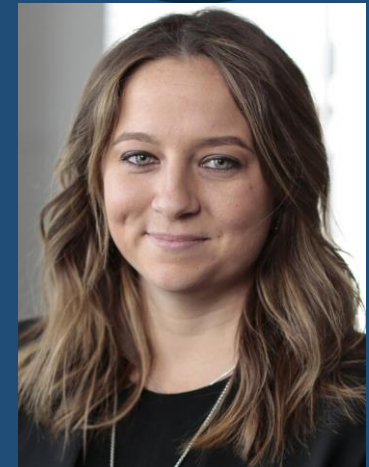
With the recent explosion in class action litigation under Illinois' Biometric Information Privacy Act, Caisman has been spending a substantial amount of her time helping companies in a range of industries comply with and defend claims brought under the novel statute.

The law, which was enacted in 2008 but didn't begin generating a crush of lawsuits against businesses and employers until around 2015, requires businesses that collect biometric data, such as facial recognition or fingerprints, to provide notice to and obtain written consent from the owner before using it. It is the only law of its kind that allows consumers to bring lawsuits.

"Only a few years ago, there was essentially no case law in the space, so with no exact precedent, there's a really open landscape for litigation and a lot that needs exploring before the confines and reach of the biometric statutes are really understood," Caisman said.

Additionally, the law carries with it uncapped statutory penalties of \$1,000 for each negligent violation and up to \$5,000 for each intentional or reckless violation, meaning "there's also a lot at stake monetarily and from how clients are able to operate on a day-to-day basis."

Caisman has demonstrated her knowledge and expertise on this



**Lauren Caisman**

Bryan Cave Leighton Paisner

**Age:** 34

**Home base:** Chicago

**Position:** Partner

**Law school:** Northwestern University School of Law

**First job after law school:**

Commercial litigation associate at BCLP

topic in a number of recent matters, including a pair of proposed class actions filed in Illinois state court against packaged food product manufacturer Greencore and World Wide Technology LLC.

Caisman took the lead in both suits, which alleged the companies unlawfully required employees and contractors to provide fingerprints for clocking in and out of work without obtaining a written release or providing notice as to how their data is stored or destroyed.

Both disputes involved large classes and ended in what Caisman described as "defense-favorable BIPA settlements." She also helped World Wide Technology defend against follow-on lawsuits brought by class members who had released their claims against the company.

Additionally, Caisman was in charge of crafting the overall case strategy and drafting key documents in a proposed class action lodged in California federal court that accused vegan restaurant chain Veggie Grill of violating the law by requiring employees to scan their fingerprints for timekeeping purposes. The suit was referred to arbitration and ultimately dismissed last year.

#### **WHY SHE'S A CYBERSECURITY AND PRIVACY ATTORNEY:**

Caisman said she first thought about becoming a lawyer in first grade, when she had to write about what she wanted to be when she grew up — and what she thought she would actually be when she grew up — for a school assignment.

"I wrote that I wanted to be a Broadway actress, and because it was the most diametrically opposed and boring thing I could think of when I was 7, I wrote that I thought I would become a lawyer," she said. "Fast forward to my undergraduate education in business, I took a business law class and found that this was actually where my interests and skills matched."

Business and commercial law combined her passions, allowing her "to strive for objective goals and within confines of defined rules," while still permitting her to be creative "in how to get there and the theater that comes with presenting a case or argument to whomever your audience may be."

"Plus, the law added the ability to argue, something I was always good at and did," she added.

Like many in the field, Caisman said she "somewhat stumbled" into the biometric privacy space, starting to work on matters after a client was named in one of the early waves of BIPA cases, which she found intersected various practice areas, including privacy, labor and employment, and class actions.

"Seeing the need to fill that intersection, I immediately dug into all things biometric and biometric privacy," she said. "It's still a really unsettled space, both from legal and technology standpoints, which makes it a really stimulating area of work that is going to have longevity as laws, cases and the technology proliferate and evolve."

#### **HER PROUDEST MOMENT:**

Since beginning her career as a summer associate at BCLP in 2012, Caisman has handled a range of business and commercial disputes outside the privacy arena as well, including obtaining the dismissal of multimillion-dollar wrongful death and personal injury claims against an avionics manufacturer stemming from an aircraft accident in the Republic of Congo and helping TD Ameritrade **escape** a proposed investor class action over an allegedly deceptively risky trading strategy.

One of her proudest moments came in helping to draft the amici curiae brief of the Family Equality

Counsel and several other family-centered organizations in the Baskin v. Bogan and Wolf v. Walker cases before the Seventh Circuit that supported the challenge to same-sex marriage bans in Indiana and Wisconsin.

The brief, which represented the voices of children and youth raised by same-sex parents, was repeatedly cited by generally conservative former U.S. Circuit Judge Richard Posner during oral arguments to undermine the states' arguments against gay marriage, with the judge noting that it contained "a great deal of rather harrowing information about the problems" that the bans cause for same-sex couples and their children and asking a lawyer defending the anti-gay marriage laws if he'd read it.

"We received an outpouring of gratitude from persons impacted or moved by our brief, including same-sex spouses and parents," Caisman said. "And then, of course, the Seventh Circuit [in 2014] affirmed the lower court decisions invalidating same-sex marriage prohibitions and highlighted issues of child welfare."

#### **WHAT MOTIVATES HER:**

A self-described "classic, Type A perfectionist," Caisman said she's driven by her competitive nature as well as her desire to leave no stone unturned in her work.

"The more I dig into a problem for a client, the more I relish seeing around corners, anticipating what may come next, and working collaboratively to strategize and achieve my clients' legal, business and financial aims," she said. "We achieve excellent results for clients, and it is really satisfying to know that you have contributed to the client's growth or success, or, at the very least, cleared the way for growth or success."

#### **HOW HER PRACTICE WILL CHANGE IN 10 YEARS:**

Aside from steering clients through BIPA lawsuits, Caisman also spends a great deal of time helping businesses proactively comply with the law and better grasp the emerging biometric privacy legal landscape.

She's helped more than 35 clients in a range of industries implement biometric privacy-compliant policies, procedures and processes, and navigate other issues related to biometric privacy laws, including COVID-19 temperature scanning technology, and leads a team that has put together a comprehensive tracker of all enacted biometric privacy statutes and proposed legislation across the U.S.

Caisman said she expects to see more biometric privacy laws enacted in both the U.S. and internationally in the coming years, as well as the resulting increase in litigation and potential state agency and attorney general enforcement.

"The use of biometric technology is already becoming so widespread, but the technology and its uses will be ever-evolving, and laws will have to change with it," she said.

— As told to Allison Grande

*Law360's Rising Stars are attorneys under 40 whose legal accomplishments belie their age. A team of Law360 editors selected the 2022 Rising Stars winners after reviewing more than 1,350 submissions. Attorneys had to be under 40 as of April 30, 2022, to be eligible for this year's award. This interview has been edited and condensed. All Content © 2003-2022, Portfolio Media, Inc.*