



MARTHA KOHLSTRAND

Counsel

Boulder

E: martha.kohlstrand@bcplaw.com

T: [+1 303 417 8516](tel:+13034178516)

BIOGRAPHY

Martha Kohlstrand provides both strategic defense and compliance advice related to all aspects of consumer privacy, with a particular focus on the Telephone Consumer Protection Act (TCPA). She defends clients in a broad range of industries against class actions, complex commercial litigation matters, and arbitrations involving a variety of state and federal laws. She also assists corporations in responding to regulatory inquiries.

In addition, Martha advises clients on matters related to data privacy and cybersecurity, including new product development, contract negotiations, mergers and acquisitions, data sharing and retention, policy drafting and implementation, the DSAR process, data breaches, and data breach and consumer class action litigation. With background as both a law firm attorney and in-house counsel, she has significant experience with various privacy and data protection requirements, including GDPR, CCPA/CPRA, GLBA, TCPA, FACTA/FCRA, HIPAA, NYDFS Reg. 500, PCI-DSS, BIPA,

and other global, federal and state privacy laws and regulations, balancing risk and business needs. Martha regularly advises corporations and individuals on managing data breaches and regulatory inquiries, the design and implementation of privacy programs, employee cybersecurity training, data breach and consumer class action litigation (TCPA and BIPA), and compliance with state, federal and international privacy laws and regulations.

Martha has deep and recognized expertise with the TCPA and is well-versed in the nuances of this highly regulated, ever-changing area of the law. Not only has she represented clients in multiple TCPA lawsuits and class actions, she also regularly advises on compliance with the TCPA and other telemarketing laws, including state laws. In addition, she helps clients ensure that they follow the Cellular Telecommunications Industry Associations (CTIA) Messaging Principles and Best Practices and other guidelines. Martha's TCPA expertise includes text message marketing, do-not-call compliance, autodialed calls, prerecorded messages, and fax marketing.

Martha received her J.D. from Northwestern University School of Law.

CIVIC INVOLVEMENT & HONORS

- Super Lawyers – “Rising Star” 2019, 2020
- American Bar Association – “Rookie of the Year” 2017, 2018; *Litigation News* Associate Editor, 2019-2020; Contributing Editor, 2018-2019; Content Management Committee Member, 2019-2020
- Defense Research Institute (DRI)- Cybersecurity and Data Privacy Committee Marketing Chair, Steering Committee (2020-2021); Marketing Vice Chair, Steering Committee (2019-2020); Marketing Chair, Seminar Committee (2018-2019). Women in the Law Committee Member and Marketing Committee (2020-2021).
- Juvenile Diabetes Research Foundation – Member (2004- present); Board of Directors (2020-2021). Previously served as Daily Living Section Chair of the One Dream Gala Auction Committee (2018–19) and in several roles on the Young Leadership Committee, including Vice President (2017–18) and Marketing Chair (2016–17).
- Equip for Equality – Volunteer (2010-present); Pro Bono Attorney, Special Education Law Clinic and Civil Rights Team (2013-present); ADA Election Survey Project (2016-2020)

ADMISSIONS

- Colorado, 2022
- Illinois, 2013

EDUCATION

- Northwestern University, J.D., cum laude, 2013
- Bowling Green State University, B.F.A., summa cum laude, 1994

RELATED PRACTICE AREAS

- Business & Commercial Disputes
- Litigation & Dispute Resolution
- Class Actions & Mass Torts
- Telephone Consumer Protection Act (TCPA)
- Data Privacy, Telecommunications & Collections
- Data Privacy & Security
- Corporate
- Investigations
- Regulation, Compliance & Advisory

RESOURCES

PUBLICATIONS

- "What to Expect From the New FCC Chair," *Law360* (February 20, 2025)
- "Relevance Required To Discover Litigation Funding Agreements," *Litigation News*, The American Bar Association (April 13, 2020).
- "Counterclaim Defendants Cannot Remove Class Actions," *Litigation News* (Cover Story, Print Edition), The American Bar Association (Feb. 5, 2020).
- "Principles of Veterinary Data Ownership and Stewardship," formally adopted by The American Veterinary Medical Association; Veterinary Study Groups; and The American Animal Hospital Association (2019).
- "The Impact of Blockchain on the Manufacturing Industry," *Innovation, Technology & Security*, Ice Miller LLP (2019).

- “FCC Order May Make TCPA Fax Class Actions More Difficult,” *LAW 360* (Dec. 10, 2019).
- “Lawyers May Impose Conditions on File Destruction,” *Litigation News*, The American Bar Association (Sept. 30, 2019).
- “Maintaining Medical Record Confidentiality and Client Privacy in the Era of Big Data: Ethical and Legal Responsibilities,” *Journal of the American Veterinary Medical Association* (Aug. 1, 2019, Vol. 255, No. 3, Pages 282-288).
- “Fact Witnesses Can Be Compensated for Assistance with Case and Discovery Preparation,” *Litigation News*, The American Bar Association (July 30, 2019).
- “Resiliency Under Fire: Ransomware Attacks,” *Build Insights*, Ice Miller LLP (July 17, 2019).
- “Getting Biometrics Right: How Employers Can Avoid Stiff Statutory Penalties,” *The Daily Herald Business Ledger* (April 17, 2019).
- “Canada’s New Data Breach Disclosure Rules,” *Currents*, National Society Of Compliance Professionals (March 2019).
- “A Recent Wave of Lawsuits Hits Manufacturers for Using Fingerprint Scans,” Illinois Manufacturers’ Association (Feb. 9, 2019).
- “Illinois Supreme Court Reverses Second District in Biometric Privacy Case: Plaintiffs No Longer Need to Allege a Concrete Injury,” *Build Insights*, Ice Miller LLP (Jan. 31, 2019).
- “I Think I Know You From Somewhere: Federal Courts Continue to Limit Standing in Biometric Privacy Cases,” *Build Insights*, Ice Miller LLP (Jan. 22, 2019).
- “Cryptocurrency Covered Under Securities Laws, Federal Court Rules,” *Litigation News*, The American Bar Association (Jan. 4, 2019).
- “Blockchain: What Is It and How Will It Affect the Construction Industry?” *Build Insights*, Ice Miller LLP (Jan. 2, 2019).
- “Are You a Cyber Target? Yes! Cyber Hacker Indictments Show Vulnerabilities in Key Systems,” *Build Insights*, Ice Miller LLP (Dec. 17, 2018).
- “Four Years Later, FTC Continues to Challenge Misleading Marketing and Privacy Practices,” *Pratt’s Privacy & Cybersecurity Law Report* (November-December 2018, Vol. 4, No. 9).
- “Decision Vacating DOL’s Fiduciary Rule Creates Circuit Split,” *Litigation News*, The American Bar Association (Nov. 7, 2018).

- “Attorneys Permitted to Ghostwrite Pleadings for Pro Se Litigants,” *Litigation News*, The American Bar Association (Oct. 17, 2018).
- “Ripple Investor Sues, Claiming Cryptocurrency Creator Broke Securities Laws,” *Build Insights*, Ice Miller LLP (July 31, 2018).
- “Start the Countdown to Year 2020: California Recently Enacted the Most Comprehensive Privacy Law in the Country,” *Build Insights*, Ice Miller LLP (July 12, 2018).
- “Digital Mapping: The Future is Pokémon Go!” *Inside Indiana Business* (June 27, 2018).
- “What Blockchain Means for the Practice of Law,” *Indianapolis Business Journal* (May 30, 2018).
- “Joint Defense Rule Shrouds Information Shared in Common Interest,” *Litigation News*, The American Bar Association (May 11, 2018).
- “Seventh Circuit Deals Blow to Banks in Putative Data Breach Class Action,” *Build Insights*, Ice Miller LLP (April 23, 2018).
- “The Latest Phishing Attack: Locked PDFs,” *Build Partnerships*, Ice Miller LLP (Jan. 5, 2018).
- “Virtual Law Offices Create Ethical Concerns,” *Litigation News*, The American Bar Association (Dec. 27, 2017).
- “Federal Circuit Sets New Venue Test,” *Litigation News*, The American Bar Association (Dec. 19, 2017).
- “Protecting Retirement Plans from Identity Theft,” *Build Insights*, Ice Miller LLP (Nov. 27, 2017).
- “Can Attorneys Solicit Clients Via Text Message?” *Litigation News*, The American Bar Association (Oct. 19, 2017).
- “Your Privacy Policy Needs Updating: The California Online Privacy Protection Act and Its Implications for Your Business,” *Pratt’s Privacy & Cybersecurity Law Report* (June 2017, Vol. 3, No. 5, Pages 169-171).
- “Can You Subpoena ‘Big Brother?’ Obtaining Information in the Digital Age,” *Build Insights*, Ice Miller LLP (Apr. 26, 2017).
- “Some Background on Background Checks: Can a Consumer Sue Based on Improper Disclosure?” *The Daily Herald Business Ledger* (Oct. 27, 2016).
- “Court Clarifies Human Intervention in the TCPA after the FCC’s Declaratory Ruling,” *Build Partnerships*, Ice Miller LLP (Jan. 19, 2016).

- “Third Circuit Addresses Definition of Autodialer under the TCPA,” *Build Partnerships*, Ice Miller LLP (Jan. 14, 2016).
- “Cyberinsurance: Does Your Policy Have You Covered?” LAW 360 (May 7, 2014).
- “Cyber Insurance: A Last Line of Defense When Technology Fails,” JD Supra (April 16, 2014).

SPEAKING ENGAGEMENTS

- “Illinois Basic Skills for Newly Admitted Attorneys 2020,” Practising Law Institute (PLI) (Oct. 6, 2020), webinar.
- “Brace Yourself: The CCPA Is Coming,” Defense Research Institute (DRI) (Dec. 13, 2019), webinar.
- “What the Heck is Blockchain, And Why Should Libraries Care?” The Indiana Library Federation 2019 Annual Conference (Nov. 5, 2019), Indianapolis.
- “Consumer Data Regulations and Enforcement,” The Robert Mckinney School Of Law, Indiana University (Nov. 5, 2019), Indianapolis.
- “Current Trends in Data Breach Litigation,” Defense Research Institute (DRI) Business Litigation Seminar (May 9, 2019), Austin, Texas.
- “Privacy Regulations in a Brave New World,” CEDIA (Nov. 13, 2018), webinar.
- “Fingerprints, Voiceprints, and Lawsuits, Oh My! What You Need to Know About the Illinois Biometric Privacy Act (BIPA),” Defense Research Institute (DRI) Cybersecurity And Data Privacy Seminar (Sept. 7, 2018), Chicago.

RELATED INSIGHTS

Insights

Apr 11, 2025

TCPA Update: The FCC Delays Portions of Revocation of Consent Rules by One Year

Insights

Apr 08, 2025

TCPA Update: The FCC Opposes Rehearing the 1:1 Consent Rule

Insights

Mar 18, 2025

The TCPA’s New Opt-Out Rules Take Effect on April 11, 2025 – What Does This Mean for Businesses?

Insights

Mar 17, 2025

Dear Public, what should we DELETE, DELETE, DELETE? Best Regards, the FCC.

Insights

Jan 28, 2025

Pressure-Testing Your Privacy Program for 2025

Insights

Jan 27, 2025

Is TCPA 1:1 Consent Dead?

Insights

Jan 17, 2025

FCC's new 1:1 consent rule spells trouble in 2025

Insights

Feb 16, 2024

New TCPA opt-out rules coming as FCC adopts report and order on revocation of consent

On February 15, 2024, the Federal Communications Commission ("FCC") adopted the Draft Report and Order and Further Notice of Proposed Rulemaking ("Report and Order")^[1] that it released last month under the Telephone Consumer Protection Act ("TCPA"). The Report and Order, along with the new Rules, will have major impacts for senders of marketing text messages. Under the TCPA, businesses cannot text marketing messages, make marketing robocalls, or send fax advertisements to a consumer without having obtained their "prior express written consent."^[2] The new ruling imposes strict requirements for revocation of consent. Businesses should take note and ensure their opt-out procedures comply with the new rules. Failure to do so may result in a class action lawsuit, as the TCPA provides for a private right of action with statutory damages of \$500-1,500 per violation, per consumer, with n...

Insights

Feb 12, 2024

Colorado adopts universal opt-out requirements