



MARTHA KOHLSTRAND

Associate

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BIOGRAPHY

Martha Kohlstrand is an Associate in the firm's Technology, Commercial and Government Affairs practice. She advises both start up and established businesses 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 in ensuring compliance 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 a wide array of data security and privacy issues, including 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 Telephone Consumer Protection Act (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 Association's (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

- Data Privacy & Security
- Corporate
- Investigations
- Regulation, Compliance & Advisory

RESOURCES

PUBLICATIONS

- “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,” Practicing 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

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

Insights

Feb 06, 2024

Fourth Circuit holds faxes received online not subject to TCPA

A fax is a fax is a fax or is it? In a recent ruling in the long-running TCPA junk fax case Career Counseling, Inc. v. AmeriFactors Financial Group, the Fourth Circuit Court of Appeals held that the statute's prohibition against uninvited fax advertisements does not apply to faxes received through online fax services. In a very positive development for TCPA defendants, the Court affirmed the denial of class certification for a proposed class including both members who used a traditional fax machine and those who used an online fax service. The Court reasoned that identifying the traditional fax machine users would require individualized inquiries, which rendered the proposed class unascertainable. While consistent with the Federal Communication Commission's declaratory ruling from In the Matter of AmeriFactors Financial Grp., LLC Petition for Expedited Declaratory Ruling ("FCC Ruling"),^[1]the decision marks a d...

Insights

Dec 15, 2023

Not to be a Grinch, but... is your business TCPA compliant? (with apologies to Dr. Seuss)

Insights

Nov 30, 2023

The future of insurance - Colorado's new ECDIS and AI model regulations

Insights

Jul 26, 2023

A kinder, gentler consumer health data bill: Nevada's SB 370

Insights

Jun 09, 2023

The Colorado Privacy Act applies to non-profits – is your non-profit ready?

To date, US non-profit organizations have enjoyed an exemption from the state omnibus privacy laws. That's about to change. Unlike the California Privacy Rights Act (CPRA), the Virginia Consumer Data Protection Act (VCDPA), or upcoming state privacy laws in Connecticut and Utah, the new Colorado Privacy Act (CPA) applies to non-profits and takes effect on July 1, 2023. Compliance with the CPA is complex and nuanced, and many non-profits may not have the privacy infrastructure that commercial businesses do, making compliance a heavy lift. To that end, we have compiled a list of key compliance measures businesses should consider when addressing their obligations under the CPA.

Insights

May 26, 2023

Colorado's "Loyalty Program" regulations are final, and they blow California's rules out of the water

Insights

Apr 26, 2023

New York City Finalizes Rules for AI Bias in Employment Law and Postpones Enforcement Until July 2023