

MICHELLE A. SCHAAP



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RELATED PRACTICES

Privacy & Data Security
Corporate & Securities

RELATED INDUSTRIES

Construction
Media and Technology
Renewable Energy and
Sustainability

OVERVIEW

Michelle Schaap practices cybersecurity and corporate law. Within corporate law, she primarily practices in construction, franchising and renewable energy – representing a varied client base that ranges from Fortune 500 companies to closely-held businesses.

Cybersecurity

Combining her technology and corporate experience, Michelle has spearheaded and developed CSG's cybersecurity practice. She regularly advises clients on cybersecurity preparedness, counsels clients when data security incidents arise and trains companies on best practices for security procedures addressing both their business operations and their customers' concerns. Michelle assesses her clients' risk management practices and security incident preparedness to develop a proactive response and recovery plan enacted to recover from security breaches. Additionally, Michelle works with clients in contract review, drafting and negotiation in critical areas of privacy and security.

Construction

Within the construction industry, Michelle negotiates complex agreements – including construction management, architect and design-build agreements. Her extensive experience includes multimillion-dollar biotech research facilities, design-build agreements for amusement rides, and working with various clients to develop form agreements for planned expansion. Complementary to Michelle's construction work is her experience negotiating solar facility agreements – including power purchase agreements and engineering, procurement and construction agreements.

Technology

Michelle works closely with both technology developers and companies seeking to acquire technologies – whether by custom development, license, subscription or otherwise. Michelle's experience overseeing these transactions enhances efficiency and ensures that the agreement appropriately protects her clients. She educates her clients on potential risks and liabilities, and provides best practices to help manage and mitigate such exposure.

REPRESENTATIVE MATTERS

- Counsel clients on incident and breach response
- Counsel clients on cybersecurity policies and procedures
- Contract audits for clients regarding cybersecurity and related undertakings
- Training clients on cyber-mindfulness
- Non-technical risk assessments
- Represent clients to develop incident response plans and conducts tabletop exercises
- Draft and review website terms and conditions and privacy policies for compliance
- Licensing agreements
- Draft and negotiate website development and hosting agreements
- Negotiation of non-disclosure and non-circumvention agreements

Michelle Schaap developed the firm's *Cybersecurity Legal Trends & Topics Blog* – a resource for businesses and individuals to help them stay abreast of the ever-evolving national and state statutory requirements as to proactive measures, incident response and liability for personal information, security use and theft.

Prior to joining the firm, Michelle served as in-house counsel to Toys “R” Us, Inc. from 1991 to 1996. She also worked in Japan for several years as a foreign associate with the Tokyo-based firm of Hamada & Matsumoto (now Mori, Hamada & Matsumoto).

EDUCATION

Mitchell Hamline School of Law (Cybersecurity and Privacy Law Certificate, 2016)

New Jersey Institute of Technology (Certificate in Construction Management, 2009)

Rutgers University School of Law - Newark (J.D., 1987)

Cornell University (B.A., *cum laude*, 1984)

ADMISSIONS

New Jersey

RECOGNITION

New Jersey Law Journal's 2018 Top Women in the Law (2018)

Leading Women Intrapreneurs & Corporate Leaders of New Jersey Honoree (2017)

Corporate Insider Excellence in Technology Law Award - New Jersey (2017)

Professional Lawyer of the Year Award – New Jersey Commission on Professionalism in the Law (2017)

New Jersey's Top Rated Lawyers (2014)

New Jersey's Women Leaders in the Law (2014)

Best 50 Women in Business, *NJBIZ* (2011)

Martindale-Hubbell AV® Preeminent™ Rating

INVOLVEMENT

American Bar Association

Essex County Bar Association

The Fellows of the American Bar Foundation

International Association of Privacy Professionals

New Jersey Business and Industry Association, Information Technology Committee (2016-2017)

New Jersey State Bar Association

New Jersey Women Lawyers Association (President, 2018-2019; President Elect, 2017-2018; Vice President, 2016-2017; Chief Financial Officer, 2015-2016; Former Co-Chief Operating Officer, 2013-2015)

Women Presidents Organization

PUBLICATIONS

The Dotted Line: Mitigating the risks of technology (December 18, 2018)

What Construction Attorneys Must Know On Information Modeling (November 16, 2018)

A Construction Attorney's Road Map For Automated Vehicles (October 26, 2018)

What Construction Attorneys Must Know To Avoid Software Pitfalls (October 12, 2018)

The Dotted Line: 4 Reasons Why Construction Companies Should Have an Attorney Review Contracts (December 12, 2017)

Cybersecurity in Commercial Equipment Leases (November 1, 2017)

Cybersecurity: The Increasing Obligations and Exposure in the Age of State Regulation (October 16, 2017)

The Dotted Line: How Force Majeure Contract Clauses Can Plan for the Unexpected (July 11, 2017)

Computer Viruses Can Cost Organizations. But Ransomware Can Cost Them in More than One Way (May 8, 2017)

Badge of Honor: Cybersecurity Company Comodo is Proud to Have Frustrated the CIA into a Rude Remark (May 8, 2017)

Cybersecurity for Small Businesses (April 2017)

Triple Play: Cybersecurity Tips (January 22, 2017)

Beyond the Law: Today's Attorney's Find That Knowing Their Field Means Studying More Than Its Legal Element (November 14, 2016)

Big Data is a Big Deal in Real Estate (July/August 2016)

Making it Count: Understanding the World of Warranties (July/August 2016)

How Should the Industry Approach Cybersecurity? (August 16, 2016)

Cybersecurity's Role in Commercial Real Estate (August 15, 2016)

A Future 'Hot Target' for Attackers: How Construction Companies Can Improve Cybersecurity (August 11, 2016)

Why are DBEs MIA? Overcoming the disadvantaged business enterprise shortage (November 3, 2015)

SPEAKING ENGAGEMENTS

Cybersecurity and Career Paths for Women in the Profession – ISACA New York Metropolitan Chapter (April 11, 2019)

Data Security Breach Response Webinar – Lorman Education Services (March 28, 2019)

Cyber Security & Intangible Property Perils That May Impact Your Real Property – CB Title Group (March 12, 2019)

Cybersecurity for Small Businesses - Rutgers-Newark Small Business Development Center (March 9, 2019)

Business Information Workshop Why Cybersecurity Matters – Newark Regional Business Partnership (February 27, 2019)

Cybersecurity Best Practices - Professional Women in Construction – NJ Chapter (February 21, 2019)

Intersectionality, Bias and the Practice of Law - New Jersey Women Lawyers Association and Minority Student Program of Rutgers Law School (February 14, 2019)

Understanding New Tech for Corporate and Business Lawyers – New Jersey Institute of Continuing Legal

Education (January 31, 2019)

2nd Annual Cybersecurity Institute: Cybersecurity in the Legal Profession – New Jersey Institute of Continuing Legal Education (December 10, 2018)

Presentation on General Data Protection Regulation and Cyber Security - International Association of Microsoft Channel Partners (November 13 & 20, 2018)

Cyber Concerns and Best Practices to Avoid Them for Municipalities - New Jersey Municipal Management Association Meeting (October 25, 2018)

Understanding and Combating Cyberfraud: Trends and Techniques – Withum/PNC (October 16, 2018)

Strafford: Changes to AIA Contract Documents - What Construction Lawyers Need to Know (April 12, 2018)

Webinar: Cybersecurity Considerations in M&A Transactions (April 11, 2018)

Seton Hall University School of Law: Knowing Your Worth – Gender Equality and Empowerment (March 26, 2018)

Women Rising: 2018 Women’s Empowerment Leadership & Law Conference (March 24, 2018)

Fraud Protection, Detection and Response in Today’s Nonprofit Community: Sobel & Co. Nonprofit Annual Symposium (January 17, 2018)

Everything You Need to Know: 2017 AIA Contract Documents - 2nd Annual Construction, Defect, Claims & Litigation Strategies ExecuSummit (December 6, 2017)

Strafford: 2017 Changes to AIA Contract Documents - What Construction Lawyers Need to Know (November 21, 2017)

Strafford: 2017 Changes to AIA Contract Documents - What Construction Lawyers Need to Know (September 28, 2017)

Anatomy of a Breach Response - New Jersey State Bar Association & New Jersey Institute for Continuing Legal Education’s 2nd Annual Cybersecurity Law Conference (June 12, 2017)

Running a Successful Solo or Small Firm - New Jersey Women Lawyers Association (May 3, 2017)

Cybersecurity Summit - New Jersey Business & Industry Association (April 21, 2017)

Middle-Market Play Book: Help Your Clients to Grow & Thrive in 2017 - Oberon Securities (April 17, 2017)

Connected Medical Devices IoT – Impact to Patient Safety - WithumSmith+Brown (March 22, 2017)

Cybersecurity Concerns for Businesses - Executives Association of New Jersey (March 16, 2017)

Cybersecurity Preparedness - Chancery Division of the Essex County Bar Association (January 10, 2017)

Employers Breakfast Briefing: The Five Critical Issues in Cybersecurity and Privacy - CSG (December 6, 2016)

Learn How to Prepare for Cyber Attacks - KRS CPAs, LLC (December 1, 2016)

Cybersecurity and Sustainability Panel - Supplier Diversity Development Council Annual Conference (September 13, 2016)

An Ounce of Prevention Can Minimize the Impact of the Inevitable Attack - ISPE and CRT (June 23, 2016)

Cyber Attacks / Cybersecurity, An Ounce of Prevention Can Minimize the Impact of the Inevitable Attack - New Jersey Chapter of the International Facility Management Association (June 8, 2016)

Leading with Integrity: Lawyers as Leaders - Seton Hall Circuit Review's 2016 Symposium (February 9, 2016)

Cybersecurity Awareness Training - CSG (November 2 & 4, 2015)

Women in Non-Traditional Professions: Women of Brick and Mortar - The Women's Institute at Bergen Community College (March 20, 2012)

Growing via Joint Ventures and Alliances - Stevens Institute of Technology Law & Entrepreneurship Program (June 10, 2008)