

Rising Star: Kelley Drye's Alysa Hutnik

By Juan Carlos Rodriguez

Law360, New York (April 01, 2013, 3:38 PM ET) -- From her work helping The Walt Disney Co. shape new Internet privacy rules to fending off government investigations into technology products, Kelley Drye & Warren LLP's Alysa Hutnik has earned a spot among Law360's top three young privacy attorneys.

The 36-year-old Hutnik is making her first appearance on the Law360 Rising Star list of top attorneys under 40. She represents a wide group of clients interested in making sure that their privacy controls are up-to-date and that new regulations are balanced and take into account the realities of the new digital marketplace.

Hutnik said she's always been interested in privacy and consumer protection issues and has worked in the area her entire career.

"Privacy law really developed under the consumer protection umbrella, and as it evolved I was right there doing those cases. We do a lot of FTC investigations and class action work, and that was how I cut my teeth," she said. "I went to law school in the late '90s and early 2000s, and Internet law, as a concept, is something that really fascinated me. I have a huge interest in technology."

She said she represents different types of companies, both in counseling on consumer protection law, and defending them if they face a government investigation on such issues.

"A lot of that is how do you use your customer data? How can you interact with customers that's going to lead to a good customer experience and also comply with the law?" Hutnik said. "Because there's not a lot of black letter law in the area, we try to get out ahead of the law and try to advise them where there is risk and where the industry and the law is heading."

In a big win this past year, she assisted Disney with revisions to the FTC rule implementing the Children's Online Privacy Protection Act, which aims to keep mature content or adult marketing campaigns from impacting youth.

"We worked with Disney to prepare comments that talked about the circumstance when you have a website that attracts users of all ages. It doesn't make sense to have to treat that website at its home page as if all users are children. The ideas and solutions in these comments are reflected in part of the amended rule's new definitions to allow for a reasonable way to handle this circumstance," Hutnik said.

She said the new rule is still privacy protective, but it called out and addressed one of the practical realities of how the Internet is being used.

Hutnik also successfully informally closed three FTC privacy investigations, all within one year, which is the best result for the client.

"These were in areas where the law is evolving with respect to how privacy law applies to a mobile app or a platform or to a fraud protection practice by retailers relating to privacy and data gathering," she said.

Having been involved in the privacy and consumer protection field since her earliest days as an attorney, Hutnik said she's been able to grow with the area as it has become more important.

"So much of this technology is new, and in the law, there are a lot of old concepts but new legal concepts as well in the area. So when you're a younger person, if you can dig in and get a detailed view, there's just as much opportunity to learn and be at the forefront as somebody who is twice your age," she said.

In general, Hutnik said as the opportunities have grown for attorneys to become more specialized, it's harder for those within a large law firm setting who don't have a specialization to make partner at the traditional age.

"Because I already worked within a specialized practice group there was a lot of focus on day one to find your niche, find your specialty under the consumer protection umbrella that is in demand," she said.

"You need to be passionate about what you do. And look for areas that are in demand or likely to be in demand and make yourself an expert in that area."

--Editing by Katherine Rautenberg.