

Romaine C. Marshall

SHAREHOLDER

Salt Lake City, UT | 801.999.3503

rmarshall@polsinelli.com



Romaine helps organizations navigate legal obligations relating to data innovation, privacy, and security, and Artificial Intelligence.

Romaine's risk management approach is informed by his experience as a business litigation and trial lawyer, and as legal counsel in response to hundreds of cybersecurity and data privacy incidents which, in some cases, involved litigation and regulatory investigations. He has been lead-counsel in multiple jury and bench trials in Utah state and federal courts, and against government agencies nationwide.

As organizations embrace digital transformation, Romaine helps them manage legal risks by tailoring incident response plans and risk assessments, and co-developing written information security and AI risk management programs. He also advises on the application of cybersecurity and AI governance frameworks, and related data privacy considerations, and has recently represented clients in relation to:

- **AI governance** including assisting organizations with implementing AI literacy and AI risk management policies and programs, and conducting assessments required by states (e.g., UAIPA, CAIA, and TRAIGA) and overseas (e.g., EU AI Act).
- **Cybersecurity and data privacy litigation** involving botnets and man-in-the-middle attacks against end users and business executives, a cryptocurrency exchange, nonfungible token (NFT) platforms and digital art creators, and web tracking.
- **Regulatory investigations** by the US Federal Trade Commission, US Securities and Exchange Commission and US Department of Health and Human Services into cybersecurity and data privacy practices, and blockchain and digital assets.
- **International cybersecurity regulations** including the European Union's NIS2 Directive, Digital Operational Resilience Act, and Cyber Resilience Act, and China and Canada's Personal Information Protection (PIPL and PIPEDA) laws.
- **Critical infrastructure** and regulatory changes to cybersecurity alignment, readiness, and maturity requirements for the energy, financial, food and agriculture, information technology, emergency services and transportation sectors.
- **Ransomware attacks** involving the Ryuk, CryLock, Conti, MAZE, THT v2, RagnarLocker, LockBit, CLOP, NoEscape, and ALPHV/Blackcat variants, and led teams that analyzed and applied notification obligations.

Capabilities

- Technology Transactions
- Privacy & Cybersecurity
- Privacy Litigation
- Commercial Litigation
- Information Security (InfoSec)
- Technology
- Litigation

Romaine is also a frequent author and presenter on digital transformation and related legal obligations, is co-chair of the National Asian Pacific American Bar Association's Emerging Technologies Committee, vice chair of the Utah Bar's Cyberlaw Section, a member of the Utah Bar's Innovation in Law Practice Committee, and a host for the Utah Chapter of the CISO Executive Network.

Education

- Brigham Young University, J. Reuben Clark Law School (J.D.)
- Waikato University School of Law, New Zealand
 - Visiting Law Student
- Brigham Young University (B.S.)

Bar Admissions

- Utah

Memberships

- Utah Bar Association, Innovation in Law Practice Committee, 2019-present
- National Asian Pacific American Bar Association
 - Data Security and Privacy Committee, 2019-present
 - Co-chair of Emerging Technologies Committee, 2024-present
- Utah Bar Association Office of Professional Conduct, Ethics and Disciplinary Committee, 2015–2018

Recognition

- Recognized as a Stellar Performance Lawyer by Thomson Reuters, 2026
- Mountain States Super Lawyers® Rising Stars, Business Litigation, 2008 and 2011
- Selected for inclusion in *Best Lawyers in America*® for Commercial Litigation, 2022, 2024-2026
- Utah Business Legal Elite in 2005-2009 and Civil Litigation, 2015-2021
- Pro Bono Award, Utah Federal Bar Association, 2009

Languages

- Māori

Matters

- Strategic Adviser and Litigation Counsel to Real Estate Transaction Companies That Suffered Data Theft, Fraud
- Counsel in Federal Computer Fraud and Abuse Act Case
- Incident Response, Litigation and Regulatory Counsel in Ransomware Attacks Across Industries
- Counsel to Commercial Construction Company Against Insurer Regarding Cybersecurity Safeguards
- Litigation Counsel to Tech Company Following Data Breaches
- Compliance Counsel to Nutrition and Supplement Companies in Assessing

Cybersecurity, Incident Response

- Cybersecurity Due Diligence Counsel in M&A Involving PKI
- Strategic Adviser to Digital Marketing Company in Implementation of Risk Management Strategy
- Litigation Counsel for Multistate Transportation Companies Experiencing Data Breach, Wire Fraud
- Dismissal of Class Action Suit Against National Grocer in Data Breach Case
- Counsel to SaaS and Payment Processor in Case Involving Data Breach
- Defense Counsel for Data Centers in State, Federal Litigation
- Incident Response and Litigation Counsel for CRM Software Provider
- Emergency Injunctive Relief for Telecom Provider in Breach, Misappropriation of Trade Secrets Case
- Representation of Health Care Facilities in Various Breaches, Related Lawsuits Involving HIPAA
- GDPR, CCPA and CPRA Compliance for Retail, Marketing, and Medical Supply and Device Companies
- Advised SaaS Provider in Multistate Processing Transactions Involving Personal Information
- Representation of CRM Software Provider in Matter Involving Exposure of Personal Information
- Readiness Reports, Risk Assessments and Privacy Audits for Companies Across Industries
- \$12 Million Securities Fraud Cause Brought by the SEC
- Defense of CEO Against Claims for Fraud, Data Theft and Misappropriation of Trade Secrets
- Defense of Multistate Bank in Breach of Contract Claims Bench Trial
- Obtained Judgment for Multinational Manufacturer Against Unauthorized Distributor

Polsinelli BitBlog

January 23, 2023

Blockchain Developers Urge Congress – Be Bold About Data Privacy and Security

Crypto is dead or on life support, waiting for regulation to rid it of ‘crypto contagion.’

Meanwhile, blockchain technology – the virtual, public ledger technology that records crypto transactions – is very much alive, as evidenced by emerging applications...

November 17, 2022

Web3 Lives! Especially for DAOs.

Last week, members of Polsinelli’s Blockchain+ Team presented via webinar “Web3 Lives! Especially for DAOs.” They discussed how decentralized autonomous organizations have entered the mainstream via blockchain technologies, legislation developed or being developed for DAOs, and the pros and...

Publications

May 7, 2026

U.S. and Allies Release “Careful Adoption” Guidance for Agentic AI

March/April 2026

AI's Evolution and the Essential Role of AI Literacy

Co-Author, Utah Bar Journal

February 25, 2026

Court Rules on How Client Use of AI for Legal Strategy is Not Protected

January 30, 2026

Utah Approves AI for Prescription Refill Process as States Test AI Governance Models

December 19, 2025

New Executive AI Order Mandates Minimally Burdensome Approach by States

November 25, 2025

White House Draft EO Targets State AI Laws as New EO Emphasizes Security

July 29, 2025

America's AI Action Plan is a “National Security Imperative”

July 8, 2025

New Laws Show How States Are Checking AI Developers

Co-Author, Law 360

May 9, 2025

Two New AI Laws, Two Different Directions (For Now)

May-June 2025

Examining Cybersecurity Critical Infrastructure Regulations in the European Union and the United States

Co-Author, Global Regulatory Developments Journal Vol 2 No 3

February 28, 2025

Examining Cybersecurity Critical Infrastructure Regulations in the U.S. and EU

February 25, 2025

Some States Step Up Early to Regulate AI Risk Management

February 6, 2025

2025 Technology Transactions & Data Privacy Report

February 2025

AI Risk Management in the United States: Looking Ahead

Co-Author, Practical Guidance Journal 2025 Edition 1

January 7, 2025

Cybersecurity Compliance in 2025 – Know Your “Technology” Assets

October 28, 2024

Cybersecurity for Critical Infrastructure Update – Incident Response Improves, Industry Standards Evolve

September-October 2024

Beyond the Blockchain: Legal Challenges and Opportunities in the Era of Digital Assets

Co-Author, The Journal of Robotics, Artificial Intelligence & Law Vol 7 No 5

August 8, 2024

Utah: AI law seeks to balance consumer protection and innovation

Co-Author, DataGuidance

May 24, 2024

NIST Releases Risk 'Profile' for Generative AI

April 19, 2024

Critical Infrastructure Cybersecurity – Evolving Incident Response Obligations, Integral to Effective Risk Management

Summer 2024

Artificial Intelligence and Employment Law

Co-Author, Employee Relations Law Journal Vol 50, No.1

January 24, 2024

Beyond the Blockchain: Legal Challenges and Opportunities in the Era of Digital Assets

January 24, 2024

Considerations for Artificial Intelligence and Employment Law

January 24, 2024

2024 Tech Transactions & Data Privacy Report

December 22, 2023

FTC Settlement with Rite Aid Mandates AI System Assessment

November 3, 2023

Unpacking the Executive Order on AI (for Cybersecurity)

September 2023

Identifying and Managing Risk Posed by Chat AI in Licensing Arrangements

Author, The Licensing Journal Vol 43 No 8

Sep/Oct 2023

Artificial Intelligence Applications and the Rules of Professional Conduct

Co-Author, Utah Bar Journal

August 10, 2023

End of Games or Endgame? The SEC V. Wahi Settlement and What It Means for the Blockchain Industry

Quoted, American Bar Association

August 8, 2023

Data Breach Rulings Stress Duty For Protecting Worker Data

Co-Author, Law360

August 7, 2023

Concerns and Considerations for Using Generative Artificial Intelligence as Part of

Routine Business Operations

July 25, 2023

Generative AI's 'Industry Standards' for Cybersecurity and Data Privacy Could be Here Sooner Rather than Later

June 22, 2023

Leveraging "Public-Private Collaboration" for Critical Infrastructure Cybersecurity

May 10, 2023

Guidance for the 'Burden of Cybersecurity Compliance' Emerges

May 4, 2023

Artificial Intelligence Has a NIST Framework for Cybersecurity Risk

April 26, 2023

Tennessee Information Privacy Act

April 11, 2023

Data Innovation, Privacy, Security, and the Laws that Matter Most Right Now

Guest, Tech Beat Podcast

March 2, 2023

It's Here – The New National Cybersecurity Strategy

February 13, 2023

For Data Misuse, Karma's an FTC Enforcement Action

January 23, 2023

Blockchain Developers Urge Congress – Be Bold About Data Privacy and Security

January 12, 2023

Looting of Local Governments Leads to Cybersecurity Standards for the Water and Wastewater Sector

December 21, 2022

For OT Cybersecurity, Extra Time is Running Out

December 2, 2022

National Security Focus on Cybersecurity for Critical Infrastructure Sharpens

October 27, 2022

FTC Announces Decision "with a 100% chance of far-reaching" Impact for Data Breaches

October 11, 2022

Cybersecurity Awareness Means, at a Minimum, Doing the Basics (Again and Again)

August 18, 2020

Digital Transformation – Regulator Issues \$80 Million Penalty for Not Doing It Right

Author, JD Supra