



Richard J. Bortnick

Of Counsel

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Richard Bortnick is an industry-renowned problem solver who litigates and counsels U.S. and international insurers and corporations on cyber, privacy and technology risks and exposures; directors & officers liability; insurance coverage; products liability; and commercial litigation matters. In addition, Rick drafts insurance policy forms of varying types, including those covering cyber/ privacy/ technology risks and exposures, and serves as an expert consultant on cyber insurance matters involving the historical existence and scope of cyber insurance products.

Notably, Rick was named Advisen's Cyber Risk Champion of the Year in 2015.

For nearly 25 of his 40-year legal career, Rick has served as a trusted adviser to public and private entities of all sizes on their privacy, cyber and technology risks, and he has trained hundreds of business executives and others on their commercial and legal responsibilities. Rick began his career as a commercial litigator in the antitrust and securities laws sectors and as an insurance coverage attorney handling disputes of all natures, products and subject matters. As such, he has a broad range of experience in corporate and litigation matters that enables him to counsel clients on a full suite of their business needs.

Rick has authored numerous treatise chapters, white papers and articles and regularly presents webinars and seminars on privacy, cyber and D&O for clients and the public at large.

Cybersecurity, Technology & Data Privacy

Rick has vast experience handling privacy and cyber matters across a myriad of sectors and disciplines. His clients include municipalities, merchants, service providers, mortgage lenders and brokers, health care entities, professionals such as attorneys and accountants, hospitality providers, technology companies and others. For more than 20

Services

- Alternative Dispute Resolution
- Class Action
- Cybersecurity & Data Privacy
- Directors & Officers Liability
- Insurance Regulatory & Compliance
- Insurance & Reinsurance Coverage
- Contractual/Extra-Contractual Liability Litigation
- Professional Liability & Services

years, Rick has advised clients on the preparation of pre- and post-incident privacy and breach response plans, policies and procedures, and handled breaches involving ransomware, hacking, employee negligence and malfeasance, and other threat actors and vectors. He has successfully defended class actions against entities across all classes of business, and is a trusted adviser to his clients' management privacy and incident response teams as an outside expert consultant. Clients look to Rick for sound, sage advice and counseling to protect their capital and financial interests and reduce their exposures arising from a threatened, potential or actual privacy, technology and/or cyber incident.

Directors & Officers Liability

Since 1990, Rick has handled directors & officers liability and insurance coverage claims, and was counsel to a consortium of European insurance companies on what was then the biggest non-U.S. D&O lawsuit in history. His track record of success in defending his clients' interests in both litigation and alternative dispute resolution proceedings has positioned Rick among the best-known, most highly respected D&O insurance attorneys in the country and in Europe. Rick also assists his public company clients with the preparation of their 10-Ks when cyber issues must be addressed.

Insurance & Reinsurance Coverage

Rick has counseled and defended insurance and reinsurance company clients since 1990, having handled hundreds of coverage matters involving professional liability, general liability and other insurance policy forms and endorsements. He has drafted and co-drafted insurance policies crossing all sectors, risks and exposures, including more than 25 cyber policies for insurers across the world. Rick's clients recognize his keen eye for detail and precision in avoiding coverage disputes and litigation. To the point, no insurance coverage litigation has ever arisen from a policy Rick drafted or co-drafted.

Education

- Villanova University School of Law (J.D., *cum laude*, 1985)
- Boston University (B.S. Broadcast Journalism, *summa cum laude*, 1981)

Bar Admissions

- New York
- New Jersey
- Pennsylvania

Court Admissions

- Supreme Court of the United States
- U.S. Court of Appeals, First Circuit
- U.S. Court of Appeals, Third Circuit
- U.S. Court of Appeals, Eleventh Circuit
- U.S. District Court, Eastern District of Pennsylvania

- U.S. District Court, District of New Jersey
- U.S. District Court, Eastern District of Wisconsin
- U.S. District Court, Western District of Wisconsin

Professional Affiliations

- Executive Corporate Board of the Franklin Institute, Member

Awards & Honors

- Thomson Reuters Stand-out Lawyers - independently rated lawyers, 2026
- San Diego Top Lawyers 2022, selected by *San Diego Magazine*
- Rated AV® Preeminent™ by Martindale-Hubbell
- Who's Who in Legal Insurance & Reinsurance: Lawyers, 2018–2021; Global Leader in Insurance and Reinsurance, 2021
- Advisen Cyber Risk Champion of the Year, 2015
- The Franklin Institute Science Museum, Executive Corporate Board

Client Wins

Crossing the “v.” Still Spells Victory!

Sean Monks (Partner-San Diego, CA), Richard Bortnick (Of Counsel-Philadelphia, PA), and Natalie Lakosil (Associate-San Diego, CA) represented a corporation diluted in violation of a Stock Purchase and Subscription Agreement in Arbitration. Though not usually on the plaintiff's side of the “v.” the team got an outstanding result. Through its former CEO, our client enjoyed a long business relationship with the company in which he was a shareholder (the Respondent). Throughout the relationship, our client contributed to the Respondent's ongoing business in the form of various short-term loans as needed, each of which were promptly repaid. This relationship stemmed from the original share ownership of our client in the Respondent. However, when the former CEO left, the Respondent embarked on a campaign to dilute our client's percentage of ownership, which was protected in the Stock Purchase and Subscription Agreement. Unfortunately, under the leadership of the new CEO, the stock was reduced in value to fractions of a penny. Getting the shares “trued up” was going to provide no relief for our client. Through creative argument, Sean, Rick, and Natalie persuaded the arbitrator to rescind the contract to our client, leaving the contract intact for the other signatories. Including costs of the arbitration, our client was received nearly \$700,000 in the form of an award.