

SHEEHAN PHINNEY

James P. Harris

Shareholder | Manchester, NH

A member of Sheehan Phinney since 2002, J.P. brings his litigation experience to the firm's data privacy and security group, a group he co-chairs. In his litigation practice, he represents clients across a wide variety of industries in civil litigation. His work includes the representation of both plaintiffs and defendants in complex litigation matters including general commercial disputes; trade secret, noncompetition and restrictive covenant litigation; employment cases; and construction actions. In his time with the firm, J.P. has represented businesses and individuals engaged in various aspects of the construction trade, media companies defending defamation claims, product manufacturers facing warranty claims, technology developers in business-to-business disputes and noncompetition litigation, victims of professional negligence, and many other types of businesses.

J.P. represents clients that have experienced a data breach to navigate the statutes requiring notifications and to manage the risk of claims. He also counsels companies before breaches occur on how to prepare for them and protect against them. He helps companies perform risk assessments to determine areas in need of attention and to inform decisions for policy drafting and implementation. He also guides companies through drafting and implementing records and data management policies and the management of electronically stored information. He has lectured and presented on all aspects of document retention and destruction policies, with particular emphasis on their application to litigation. He has also cultivated skill in the electronic discovery practices and data mining techniques that impact all litigation matters.

J.P. provides general advice to staffing companies and a multiple listing service. He also serves as Associate General Counsel to the firm.

Key Cases

- Garnered arbitration award for developer eliminating a decade of service charges and claims barred by the statute of limitations pursued by regional seller of construction materials.
- Part of patent litigation team representing a leader of fully automated, high-precision, high-speed die bonding and epoxy dispensing systems that successfully won the country's first-ever bench trial held on the issue of IPR estoppel and after five years of litigation, successfully defended a 40M dollar claim by obtaining summary judgment based on patent invalidity.
- Represented software developers and customers in disputes over software implementation projects.
- Successfully defended engineering firm in litigation matters concerning combined stormwater and sewage overflow project.
- Successfully represented telecommunications company in bid challenge for state contract.



Contact Information

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- Represented municipality to pursue design firm and contractor in connection with faulty waste water treatment plant re-design.
- Defended client against claim of violation of nonsolicitation agreement and obtained favorable settlement for wages and benefits not paid due to improper classification as independent contractor in violation of wage statute.
- Obtained a jury verdict for a financial planner that was underpaid commissions.
- Successfully argued before the New Hampshire Supreme Court on behalf of a timber company and its principals against an insurance company that breached its insurance agreement.
- Successfully argued before the New Hampshire Supreme Court on behalf of a restaurant owner for the invalidation of a town smoking ban.
- Defended employers and municipalities in employment discrimination claims and claims under the Americans with Disabilities Act.
- Obtained summary judgment on behalf of national roof shingle manufacturer on claims of breach of warranty and violation of the consumer protection act.
- Successfully obtained an award of benefits on behalf of widow in a workmans' compensation matter.
- Prosecuted to a favorable settlement a claim for violation of a non-solicitation covenant and theft of trade secrets against a regional manager of a mortgage company and his new employer.
- Obtained summary judgment against an outside salesperson and then negotiated a settlement of a claim for unpaid commissions.
- Represented an energy company in a claim against a former manager for violation of his non-solicitation covenant.
- Obtained dismissal of claims against a guardian brought by a ward's caretaker.
- Advised businesses of diverse sizes in response to data security incidents and breaches.

Practice Areas

- Intellectual Property
- Data Breach
- Data Privacy & Security
- Electronic Discovery
- Labor & Employment
- Mediation & Arbitration

Admissions

- State of New Hampshire - State and Federal Courts
- Commonwealth of Massachusetts - State and Federal Courts
- United States Court of Appeals for the First Circuit
- New Hampshire Bar Association (Past Member of Legislation Committee)
- American Bar Association

Education

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- J.D., The Catholic University of America, Columbus School of Law, *magna cum laude*
- Editorial Assistant for the Catholic University Law Review
- B.A., Swarthmore College, with honors

Industry and Civic Involvement

- Former Chair, St. Joseph Community Services Board of Directors (Meals on Wheels for Hillsborough County)
- Chair of Board of Trustees, the Kevin T. McHugh Memorial Scholarship Fund

Awards

- 2022 Go To Lawyer for Cybersecurity/Data Privacy, *Massachusetts Lawyers Weekly*
- Chambers USA, Commercial Litigation
- 2014 40 Under Forty, *New Hampshire Union Leader*
- Best Lawyers in America®, Commercial Litigation
- Greater Manchester Chamber of Commerce Leadership Class of 2010
- Leadership New Hampshire, Class of 2016

Publications/Presentations

- The fine print: key contract clauses impacting cyber liability
- The Potential Impact of the FTC's Data Privacy Orders
- Cybersecurity Experts Issue Ransomware Alert for Healthcare Industry
- Preparing for Cyberattacks
- Panelist, BIA's Virtual NH Leadership Summit, Topic: possible legislative actions to provide limited immunity to business owners against Covid-19 claims
- Presenter, NH Bar Association, Issues Arising from Corporate and Limited Liability Company Fractures, Breach of Fiduciary Duty
- N.H. Attorney General Concludes Employers Will Not Be Liable to Employees for Workers' Compensation Benefits If Employers Follow Published Guidelines
- Will Your Commercial General Liability Insurance Policy Cover COVID-19 Claims?

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- When Business Resumes, What Responsibilities Will Companies Have to Prevent the Spread of COVID-19?
- NH Attorney General Permits Not-For-Profit Boards to Meet Remotely During State of Emergency
- Remote Notarizations in NH During This State of Emergency – Don't Forget the Formalities When Notarizing Documents
- Don't Forget About Cybersecurity with Increased Telecommuting
- Carefully Safeguarding the Sensitive Data of Your Business
- Business-Liability Protections Face Steep Political and Legal Obstacles
- Presenter, Governor's Economic Re-Opening Task Force, Liability Businesses and Employers Might Face Due to COVID-19 Claims
- Panelist, BIA webinar, Are We Liable? What Employers Need to Know About COVID-19-related Exposure
- NH Weighs California-like Privacy Law
- Misrepresenting Data Security Measures Put Businesses at Risk
- The Risks of Working at Home
- How State's New Social Media Access Law Will Work
- Dealing with a Data Breach
- CLIENT ALERT: How CA's New Data Privacy Law Will Affect You
- Speaker, NH Bar Association CLE Panel, A Practical Guide to Evidence: What You Need to Know in Every Court (March 2019)
- Speaker, NH Bar Association, The Law of Noncompetes (May 2018)
- Speaker, NH Health Care Association, 2018 Spring Conference, Data Breaches in the Healthcare Sector (May 2018)
- Presenter, Public Sector Seminar, Data Breaches, (October 2018)
- Privacy Regs From Across the Pond
- Online 'Influencer' Rules
- Efficiently Mining an Opponent's Discovery
- Three Lessons from the Equifax Data Breach
- Copyright Office Moves to Electronic DMCA Registry
- Speaker, NH Bar Association, Liability for Officers, Directors and Owners of Limited Liability Companies and Closely-Held Corporations

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- Dealing with a data breach: Steps commonly undertaken when employee or customer information is stolen
- NH Legal Perspective: Social media and the employee – From hiring to departure
- NH Legal Perspective: Key consideration to using staffing companies to find temp workers
- How state's new social media access law will work: Measure gives employees privacy in their personal email and social media accounts
- NH Legal Perspective: Steps An Employer Can Take To Reduce Risk When Firing An Employee
- Recent cyber security presenter at The World Affairs Council
- Noncompetes Can Protect Your Company's "Goodwill"