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No One Likes Surprises — Corporate Counsel Lessons Learned by Clients
Munsch Hardt Kopf & Harr, P.C.



- 30 years of experience representing growing businesses and entrepreneurs
- Restaurant practice focused on litigation, employment counseling, trademark and trade secret protections, and other general business matters
- Serves as outside general counsel to various restaurant clients

A photograph of the Houston skyline, featuring several prominent skyscrapers. In the foreground, there is a river with a bridge and some greenery. The image has a semi-transparent overlay.

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THE HOSPITALITY LAW CONFERENCE: SERIES 2.0 - HOUSTON

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Introduction

- "You can pay me now or you can pay me later."
- Learn from my clients' mistakes – be proactive.
 - ACA Compliance
 - Data Privacy / Cyber Liability Coverage
 - Corporate Governance

Affordable Care Act (ACA)

- Do you qualify?
 - More than 50 employees
 - Insurance must provide:
 - Minimum essential coverage,
 - Minimum value, and
 - Affordability
- Or, have you chosen to pay the (b) penalty?

Affordable Care Act (ACA)

- Fill out the forms correctly
 - Did you check the right box?
 - My client was initially faced with a \$1.9 million fine for just one year
- Don't rely on insurance brokers alone

Data Privacy and Cyber Liability Coverage

- Technology-driven world
 - Be aware of the risks and benefits
 - Traditional contracts
 - SaaS contracts
 - Cyber liability insurance policies
- Proactively protect your data
 - Specifically including "Personally Identifiable Information"
 - Conduct the proper testing
 - Penetration and vulnerability testing, real-time monitoring, and related training

Data Privacy and Cyber Liability Coverage

- What does your insurance plan cover?
 - Claims by clients and their customers?
 - Regulatory investigations?
 - My client's suffered a minor data breach
 - No consumer injury or harm
 - The FTC investigated anyway
 - Client had no insurance coverage based on their policy terms

Corporate Governance

- This is the foundation of your company
- Proper corporate governance is essential
 - Failing to maintain on the front end results in greater expense on the back end