

Samuel E. "Gene" Fishel

Counsel

Richmond

gene.fishel@troutman.com

D 804.697.1263



Gene is a former regulator with two decades of experience who has overseen state privacy and cybersecurity regulation enforcement, led national, multistate attorneys general privacy investigations, and prosecuted computer crimes at the state and federal levels. He has served at the forefront of state attorney general and federal enforcement and utilizes this experience to proficiently represent client interests in AI, cybersecurity, and privacy compliance and regulatory matters.

OVERVIEW

Gene is a member of the firm's Regulatory Investigations, Strategy + Enforcement (RISE) practice, based in the Richmond office. He brings extensive regulatory experience, having most recently served as senior assistant attorney general and chief of the Computer Crime Section in the Office of the Attorney General of Virginia, and as special assistant U.S. attorney in the Eastern District of Virginia for 20 years.

Gene has represented major technology, financial, legal, and health care companies in privacy and cyber-related compliance matters and regulatory investigations. Additionally, Gene frequently counsels clients and speaks on a wide range of artificial intelligence (AI) related regulatory, litigation, and ethical matters, including navigating state and federal compliance requirements; engaging with regulatory bodies; and addressing enforcement actions and policy developments that impact their operations.

As a regulator, Gene has reviewed thousands of database breach incidents and investigated hundreds of cybersecurity, privacy, and consumer protection violations, including as part of multistate attorneys general teams. He has been a pillar in the charge for sweeping reforms to privacy and computer crime laws, having drafted and shepherded dozens of successful bills involving database breach notification, electronic records, identity theft, computer trespass, and child exploitation statutes, among others. In his supervisory capacities, he led the professional development of attorneys and computer forensic examiners, overseeing more than 1,000 prosecutions and computer forensic investigations for complex criminal cases in Virginia.

With an exemplary understanding of applying existing law to evolving cybersecurity and privacy problems, he guides clients navigating such issues and advises them at every stage of a matter.

REPRESENTATIVE MATTERS

- Advised a major, worldwide software platform on compliance and public relations matters surrounding a substantial software patch release.

- Advised law firms on internal development and implementation of AI systems in accordance with ethical and regulatory requirements.
- Assisted and advised a major U.S. financial institution on privacy and antitrust matters during integration activities prior to a substantial merger.
- Represented a large social media platform in a state attorney general privacy investigation.
- Advised one of the largest U.S. data analytics companies on AI, privacy, and cybersecurity compliance matters.
- Represented a major health care provider as part of multistate attorney general privacy investigation.
- Reviewed more than 4000 database breach incidents and filed more than three dozen privacy enforcement actions resulting in settlements.
- Participated in more than 100 multistate, attorneys general privacy and consumer protection investigations as a member of the National Association of Attorneys General Privacy Working Group.
- Handled more than 400 state and federal prosecutions related to complex computer crimes, including the Virginia Computer Crimes Act, identity theft, child exploitation, and the federal Computer Fraud and Abuse Act.
- Prosecuted the first, felony case in the U.S. for illicit spamming in 2004.

AWARDS

- *Best Lawyers in America®: Ones to Watch: Privacy and Data Security Law (2026)*
- *Virginia Lawyers Weekly: Go To Lawyer – Cybersecurity Litigation (2025)*
- *Virginia Business Magazine: “Legal Elite” in Cybersecurity/Data Privacy/Technology Law (2024-2026)*

TOP AREAS OF FOCUS

- Artificial Intelligence
- Government + Regulatory
- Privacy + Cyber
- State Attorneys General

ALL AREAS OF FOCUS

- Artificial Intelligence
- Government + Regulatory
- Incidents + Investigations
- Privacy + Cyber
- Regulatory Investigations, Strategy + Enforcement
- State Attorneys General

PROFESSIONAL/COMMUNITY INVOLVEMENT

- Adjunct professor, University of Richmond School of Law, 2022-present
- Former ex-officio member, Virginia State Bar Criminal Law Section Board of Governors, 2011-present (chair, 2020-2021)
- Former member, VA Department of Education’s Digital Citizenship, Internet Safety, and Media Literacy Council, 2019-2023
- Former member, Governor’s Secure Commonwealth of Virginia Cyber Security Subpanel, 2016-2023

- Former staff, Virginia Cyber Security Commission, 2014-2016
- Former member, Joint Committee on Technology and Science Advisory Committee, Virginia General Assembly, 2013
- Former member, Governor's Office of Substance Abuse Prevention Advisory Committee, 2010-2011
- Former member, Joint Committee on Technology and Science Advisory Committee, Virginia General Assembly, 2010
- Former staff, Governor's Data Breach Notification Advisory Committee, 2007
- Former member, Joint Committee on Technology and Science Advisory Committee, Virginia General Assembly, 2007
- Former member, National White Collar Crime Center Cybercrime Advisory Committee, 2003-2005

PROFESSIONAL EXPERIENCE

- Senior assistant attorney general, chief – Computer Crime Section, Virginia Attorney General's Office, 2007-2023
- Special assistant U.S. attorney, Eastern District of Virginia, 2003-2023
- Special assistant U.S. attorney, Western District of Virginia, 2004-2017
- Assistant attorney general, Computer Crime Section, Virginia Attorney General's Office, 2003-2007
- Law clerk, Second Judicial Circuit of Virginia, 2002-2003

EDUCATION AND CERTIFICATIONS

EDUCATION

- Wake Forest University School of Law, J.D., 2002
- James Madison University, B.A., *magna cum laude*, 1999

BAR ADMISSIONS

- Virginia

COURT ADMISSIONS

- Supreme Court of Virginia
- U.S. District Court, Eastern District of Virginia
- U.S. District Court, Western District of Virginia
- U.S. Court of Appeals, Fourth Circuit

SPEAKING ENGAGEMENTS

- Gene Fishel, "AI Ethics: Governance, Accountability, and Responsible Innovation," ATLP 97th Annual Meeting, June 23, 2026.
- Speaker, "Genetic Data After Bankruptcy: Policy Lessons from 23andMe," Rethinking Science, Policy: Spring 2026 Speaker Series, April 14, 2026.
- Panelist, "AI Without Guardrails: Legal & Cyber Risks for Modern Businesses," HIA-LI Tech for Business Committee, April 1, 2026.
- Speaker, "Cyber Threats – Are You Prepared?" McGriff, March 26, 2026.

- Presenter, “Cybersecurity Breach Response: Strategies for Handling State and Federal Regulatory Actions,” LawPracticeCLE, December 4, 2025.
- Speaker, “AI Compliance in a Rapidly Changing Regulatory Environment,” Infosec World, October 27, 2025.
- Panelist, “Effective Strategies for Managing Cybersecurity Breaches: How to Navigate State AG Investigations and Federal Agency Actions,” myLawCLE, September 25, 2025.
- Speaker, “State Privacy Law Evolution: New Legislative and Regulatory Enforcement Approaches,” Troutman Pepper Locke and myLawCLE, July 23, 2025.
- Panelist, “AI Building Blocks for Cyber Risk Management,” International Cyber Risk Conference, July 11, 2025.
- Presenter, “Digital Transformation in Healthcare Part 2: Technology-Driven Innovation and Impact,” VA Healthcare Conference, July 2025.
- Keynote speaker, “Data Fortress: Strategies and Innovation in Data Protection for Leaders,” International Cyber Risk Summit 2025, July 2025.
- Speaker, “AI & Ethics: Navigating Emerging Technologies in Legal Practice,” Transportation Lawyers Association Annual Conference, May 2, 2025.
- Speaker, “Generative AI in the Enterprise: Managing Risks & Insurance Implications,” NetDiligence Cyber Risk Summit, February 11, 2025.
- Panelist, “Ethical Considerations in the Age of Generative AI,” LGA Fall Conference, October 5, 2024.
- Speaker, “AI, Litigation, and Issues Surrounding Admissible Evidence,” InfoSec World Conference, September 24, 2024.
- Speaker, “Buckle Up for a Wild Ride: Privacy, Security, and AI’s Whirlwind Year!” Troutman Pepper Webinar, March 15, 2024.
- Speaker, “Benefits of Legal and CISOs Uniting in a Post-Uber and Twitter World,” InfoSec World, September 26, 2023.
- Speaker, “Regulatory Approaches to AI,” State Bar of Michigan IT Law Section’s Annual Summit, September 21, 2023.
- Panelist, “US Regulatory Update: View from the States,” NetDiligence Cyber Risk Summit, Philadelphia, PA, 2022, 2023.
- Panelist, “Federal and State Regulators Panel,” American Conference Institute’s Cyber Risk and Liability Conferences, Consumer Finance Conferences, and Data Risk Insurance Conferences, Chicago, Miami, New York, San Francisco, Washington, D.C., 2011-2018.
- Panelist, “A Focus on Settlement of Cybersecurity Class Actions and Regulatory Investigations,” NetDiligence Cyber Risk and Privacy Liability Forum, Santa Monica, CA, 2016, 2017.
- Keynote speaker, “Legal Issues Involving Electronic Evidence,” National Social Media in Law Enforcement (SMILE) Conference, Alexandria, VA, 2016.
- Keynote speaker, “State Level Computer Security Issues and Enforcement,” RVASEC Mid-Atlantic Cyber Security Conference, Richmond, VA, 2014.
- Panelist, “Deterring Malicious Spammers and Cybercriminals,” Federal Trade Commission Spam Summit, Washington, D.C., 2007.
- Panelist, “Computer Crime and Identity Theft Enforcement at the State and Local Level,” National Reconnaissance Office, Ashburn, VA, 2006.
- Speaker, “Identity Theft Enforcement and Prevention,” Central Intelligence Agency, Langley, VA, 2005.

PUBLICATIONS

- Podcast, “AI State Regulatory Frontiers: Emerging Issues on AI, Privilege, and Work Product in Legal Practice,” *Regulatory Oversight* Podcast, June 3, 2026.
- Co-author, “Virginia Attorney General Jay Jones Shifts Office Priorities,” *Virginia Lawyers Weekly*, March 9,

2026.

- Co-author, "[Colorado AG Fines Cannabis Company for Violating Prior Settlement](#)," *Regulatory Oversight*, January 21, 2026.
- Podcast, "[12 Days of Regulatory Insights: Day 5 – Privacy Under the Microscope](#)," *Regulatory Oversight Podcast*, December 10, 2025.
- Podcast, "[State AGs' Continued Focus on Enforcement – With or Without AI Legislation](#)," *The Good Bot: Artificial Intelligence, Health Care, and the Law* and *Regulatory Oversight Podcast*, September 16, 2025.
- Co-author, "[Virginia Enacts Restrictions for Children and Social Media](#)," *Data Protection Leader*, July 2025.
- Co-author, "[State AGs Fill the AI Regulatory Void](#)," *Reuters* and *Westlaw Today*, May 19, 2025.
- Podcast, "[AI Legislation: The Statewide Spotlight](#)," *The Consumer Finance Podcast*, May 1, 2025.
- Co-author, "[2024 State AG Year in Review](#)," *Troutman Pepper Locke*, January 30, 2025.
- Co-author, "[AI is now the Domain of State AGs and Businesses Should Take Notice](#)," *Journal of Internet Law*, January 2025.
- Co-author, "[2024 State AG Election Re-Cap: Where Things Stand the Day after Election Day](#)," *Troutman Pepper*, November 6, 2024.
- Co-author, "[The Rise of State Attorney General Privacy Enforcement](#)," *Westlaw Today*, October 2, 2024.
- Co-author, "[Takeaways From Texas AG's Novel AI Health Settlement](#)," *Law360*, September 27, 2024.
- Co-author, "[Texas AG Challenges HHS Privacy Rules](#)," *Troutman Pepper*, September 12, 2024.
- Podcast, "[Decoding Privacy Laws: Insights for Small to Mid-Sized Businesses](#)," *Regulatory Oversight*, May 28, 2024.
- Co-author, "[Unique Aspects of Data Incident Response in Local Government](#)," *American City & County*, March 1, 2024.
- Co-author, "[California AG Announces Second CCPA Settlement. Asserting DoorDash Failed to Deliver Privacy](#)," *Troutman Pepper*, February 29, 2024.
- Podcast, "[Decoding Cyber Threats: Protecting Critical Infrastructure in a Digital World](#)," *Regulatory Oversight Podcast*, February 27, 2024.
- Co-author, "[That's a Wrap...or Not? Regulatory Data Incident Investigation Resolutions and the Path Forward](#)," *Reuters* and *Westlaw Today*, February 14, 2024.
- Co-author, "[2023 Privacy Year in Review](#)," *Troutman Pepper*, February 1, 2024.
- Podcast, "[Snooping Sadia Talks to Former Official Gene Fishel](#)," *Unauthorized Access Podcast*, January 31, 2024.
- Co-author, "[2023 State AG Year in Review](#)," *Troutman Pepper*, January 29, 2024.
- Co-author, "[The Garden State Joins the Privacy Party](#)," *Troutman Pepper*, January 24, 2024.
- Co-author, "[Navigating the Complexities of Regulatory Data Incident Investigations](#)," *Reuters* and *Westlaw Today*, December 12, 2023.
- Podcast, "[Game On: Navigating the Legal Landscape of Sports Wagering](#)," *Regulatory Oversight Podcast*, November 28, 2023.
- Co-author, "[Your Organization Has Suffered a Data Incident: Now Here Are the Regulators It Will Likely Encounter](#)," *Reuters* and *Westlaw Today*, October 16, 2023.
- Co-author, "[Data Protection: One of These Incidents Is Not Like the Other](#)," *Reuters* and *Westlaw Today*, August 24, 2023.

MEDIA COMMENTARY

- Quoted, "[Tariffs, Geopolitical Risks Hit Biggest Law Firms](#)," *Bloomberg Law's State of Practice*, June 2026.
- Quoted, "[States' Privacy Concerns Multiply as Streaming Platforms Boom](#)," *Bloomberg Law*, November 12,

2025.

- Quoted, “Texas AG Using State’s Formidable New Privacy Law to Tame Corporate Titans,” *Law.360 Corporate Counsel*, April 11, 2025.