

# DAILY REPORT

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## Civil Litigator Spots Post-Pandemic Opportunity in Privacy Law, Trade Secrets, FinTech

"Georgia is ground zero for cybersecurity and fintech," said Joyce Gist Lewis, a civil litigator in Atlanta. "The popularity of cashless payments and working from home means that many companies, especially smaller companies and start-ups, will need to develop new policies or update old ones."

By Cedra Mayfield | June 02, 2021



**Joyce Gist Lewis, litigation partner at Krevolin Horst in Atlanta. (Courtesy photo)**

It's an almost universal experience: COVID-19 hit. Offices closed. Work-from-home became the norm.

This coronavirus pandemic might have temporarily shut law firm doors, but it opened alternative avenues for civil litigator Joyce Gist Lewis.

"I see huge opportunities in privacy law, trade secrets and financial technology," said Lewis, a litigation partner at Krevolin Horst in Atlanta.

Identifying Georgia as “ground zero for cybersecurity and fintech,” Lewis said the pandemic’s exponential acceleration of conducting business online increased potential for civil litigation.

She said, “The popularity of cashless payments and working from home means that many companies, especially smaller companies and start-ups, will need to develop new policies or update old ones.”

## ‘Fewer People Willing to Stick It Out’

But it’s not the only area of opportunity the advocate for private companies and governmental entities sees for the post-pandemic legal industry.

Having often advised employers on discrimination claims and represented employers and employees in disputes over restrictive covenants and trade secrets, Lewis said post-pandemic potential for practice growth throughout the state also existed in employment law.

She said a growing acceptance that the workplace doesn’t have to be a static physical location, coupled with increased mobility, could lend itself to increased Equal Employment Opportunity Commission complaints.

“We will see fewer people willing to stick it out in an environment that doesn’t make them happy,” Lewis said. “That unhappiness can manifest in EEOC complaints seeking to change the work environment or in a decision to leave the business.”

Beyond privacy and employment law, she also pinpointed an opportunity for progress in election law, citing the upcoming 2022 statewide elections amid the aftermath of new voting rules implemented through the Georgia Legislature’s passing of Senate Bill 202 (<https://www.law.com/dailyreportonline/2021/03/31/three-federal-lawsuits-seek-to-block-new-georgia-voting-rules/>).

In March, Gov. Brian Kemp signed SB202 into law, creating new requirements for absentee voting and ballot drop boxes, reductions in the early voting time frame, shortening of poll hours for some voters, banning handing out water and refreshments to those waiting in line and giving state legislators more control over local elections officials.

As time ticks down to the 2022 statewide elections, complaints and lawsuits against the voting rights restrictions rev up, Lewis said.

“Our firm filed the first lawsuit challenging SB202, and we anticipate a significant amount of litigation related to protection of voting rights in Georgia,” she said.

## ‘More Pragmatism’

Despite the opportunities for growth, getting through the pandemic presented challenges for the litigator.

Court closures and case backlogs persisted, but Lewis also realized her work ethic wasn’t always matched. It frustrated her when attorneys used the pandemic as an excuse for failing to meet deadlines or to respond to communications.

“I have at least one case where my client has waited more than a year for trial—and is still waiting—because jury trials were suspended and the opposing party refused to agree to a bench trial,” Lewis said. “But for the most part, I have been impressed with how the courts have pivoted to online hearings.”

After successfully arguing multiple trial motions, holding both a bench trial and arbitration hearing by Zoom and presenting virtual oral arguments before the Georgia Court of Appeals, Lewis, who is a member of the American Board of Trial Advocates, has garnered a new set of cyber-litigating skills.

Along with the shift in skillset came a shift in litigation welcomed by clients and counsel alike. Lewis said because of the yearlong pause on jury trials, she's noticed a spike in mediation and arbitration at higher frequencies than in the past.

"I am seeing parties and counsel express more pragmatism about the time and expense involved in litigating up to and through a jury trial and getting less caught up in emotion and gamesmanship," she said.

It's an applauded change in an industry with professionals not traditionally known for flexibility. Having the capacity to adapt and rise to meet challenges as they present has been key in her continued success amid the pandemic.

However, she said one thing that hasn't changed is her practice's largest threat—the expense and uncertainty involved in trial litigation. To help mitigate risks, she strives to develop strong trust relationships from the outset by being responsive and transparent when advising clients on the strengths and weakness of their positions. She said doing so allows her to optimize the outcome of each client's case.

"Many smaller businesses cannot afford to litigate, even when their position is meritorious, because the cost to do so can often exceed the amount in dispute," she said. "Where we can, we adjust by putting additional focus on pre-litigation negotiation and mediation."

When litigation brought against her clients appears to lack merit, she said her 25-lawyer firm of transactional attorneys and litigators takes advantage of tools with the potential to shift the burden of litigation expense from her clients to the opposing party.

## Joyce Gist Lewis

**Born:** July 7, 1971, Columbia, South Carolina

**Spouse:** Jim Lewis

**Children:** Stephen, Anna Ruth

**Education:** Georgia State University College of Law, J.D., 1999; Wake Forest University, B.A., 1993

**Experience:** Litigation partner, Krevolin & Horst, 2018-present; managing partner, Shingler Lewis, 2012-2018; partner, Casey Gilson, 2006-2012; associate, Casey Gilson, 1999-2006.

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