

# How Could Proposed Privacy Legislation Affect Your Alabama Business?

By Greg Yaghmai

<http://alabamabusinesslitigationattorney.com/>

The Commercial Privacy Bill of Rights introduced by Senators John Kerry and John McCain aims to address consumer concerns that their sensitive information could be misused over the Internet. Many Alabama companies may be wondering how the proposed legislation could impact their operations.

As reported by the [Los Angeles Times](#), the most important upside is that the bill does not include the controversial “do not track” provision that would block companies from tracking users’ online activity.

Kerry and McCain said one of the goals of their bill was to strike the right balance to avoid squelching the Internet economy.

“Our bill seeks to respect the ability of businesses to advertise and market and recruit new customers while also respecting consumers’ personal information,” McCain said. “But consumers must have control over how their data is used when it is transferred to an unknown third party.”

## *The Upside for Alabama Consumers*

- The legislation requires companies to take steps to protect the information and obtain permission to share it.
- Companies that collect consumer data would have to clearly explain their practices. Those would include requiring consumers to provide clear consent for the collection of “sensitive, personally identifiable information.”
- Companies also would have to allow consumers either to access and correct their information or request that the information not be used or distributed.

## *The Upside for Alabama Businesses*

- Businesses would be shielded from private lawsuits to enforce the new restrictions.
- State attorneys general would have to back off enforcing the legislation if the Federal Trade Commission (FTC) steps in to take action against a violator.
- The FTC would be empowered to approve so-called safe-harbor programs—voluntary efforts that companies could design to comply with the legislation and be exempt from some requirements and liability.

Microsoft, EBay, Intel Corp. and Hewlett-Packard Co. publicly voiced support for the legislation, saying it “strikes the appropriate balance by providing businesses with the opportunity to enter into a robust self-regulatory program.” Meanwhile, businesses such as Facebook have voiced concerns about over-regulation of the industry.

\*\*\*\*\*

## About Rutledge & Yaghmai

<http://rylaw.net/>

Rutledge & Yaghmai (R & Y) is a full service litigation firm that offers more than fifty-seven years of diverse legal experience. Formed in 2006, Rutledge & Yaghmai concentrates on giving each case individual attention as opposed to carrying a mass a number of cases. That way they are able to develop a lifelong relationship with clients.

### **William Rutledge**

William Eugene Rutledge graduated from the University of Alabama in 1960. He graduated from the University of Alabama Law School 1966. Mr. Rutledge served as a Captain in the Judge Advocate General’s Corps, U.S. Army and as Chief of Military Justice at Fort Bliss, Texas. He was trial counsel for the United States where he prosecuted several nationally publicized court marshalls. He was the recipient of the Distinguished Service Medal for his trial work in the Army.

He began the practice of law in Birmingham, AL on August 1, 1966. His early trial practice was a mixture of business litigation and railroad related litigation. He has a strong appellate practice in which he has excelled since the early 1970s and continues that practice till the present time. He has handled over 100 cases in the state appellate system and 80 cases in the federal appellate system.

He specialized through the years of his practice in business formations. He has assisted new entrepreneurs in the formation and strategy of their businesses. Also, he represents companies in business litigation. Cases have ranged from business disputes among members to representing smaller companies against the “larger corporations.”

Practice memberships include the Bar of the Alabama Supreme Court, the United States District Court for the Northern, Middle and Southern Districts, the United States Court of Appeals for the Eleventh Circuit, and the Supreme Court of the United States.

He is married to Sherry Crittenden Rutledge and has four children and six grandchildren.

**Greg Yaghmai**

Greg graduated with honors from The Citadel where he received his bachelor's degree in Business Administration. In 1997, he received his law degree from Cumberland School of Law.

For the first four and half of years of his legal career, Greg served as a Deputy District Attorney for the Jefferson County, Alabama District Attorney's Office. By age 26 he tried his first death penalty case. He went on to try either solo or as lead counsel seven capital murder and six murder cases. He also had the benefit of being the first lawyer in Alabama to be certified by the Alabama State Troopers as a Traffic Homicide investigator. He obtained this after attending a two-week seminar, which required him to live in a closed military base with forty other police officers. He also had the unique experience of being provided alcohol in a controlled setting so he could be utilized by the Jefferson County Sheriff's training academy in officers learning how to administer field sobriety tests. He is a member of the National College for DUI Defense (NCDD) which is a prestigious organization defending those charged with DUI.

He subsequently left the DA's office to become a partner in a forty lawyer civil litigation firm. This firm concentrated mostly on civil defense work, but Greg continued to expand his plaintiff and criminal defense practice.

In 2006, he co-founded Rutledge & Yaghmai. One of Greg's goals was to reduce the number of cases handled to allow for more individual attention to each case. Rutledge & Yaghmai maintains a general litigation practice. Greg focuses on personal injury, business litigation, and criminal defense cases.

Greg has truly handled cases from all sides: criminal prosecution/defense and civil plaintiff/defense. Overall, Greg has tried more than seventy-five jury trials to conclusion. He has significant experience in using visual presentations and present day media applications in presenting cases to jury. His ultimate jury consultant is his wife, Brandi, who he met when she served on the jury of a rape/kidnapping case he tried.

He has recently been asked to teach Trial Techniques for the International Web based site Solo Practice University. There he will share his expertise in trying jury cases.

Greg is licensed in all state and federal courts in Alabama and the 11th Circuit.

