

SUSAN TILLOTSON BUNCH

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Susan practices in the areas of privacy, technology, advertising, marketing, promotions and media law. Susan advises clients on a range of digital and technology issues, including regulatory compliance with CAN-SPAM, TCPA, COPPA, CARU, ECPA, TSR, Do-Not-Call, various state and federal privacy, consumer protection and advertising laws, as well as with preparation of various platform-specific documents, such as terms of use, privacy policies, technology licenses, click-through, browse-wrap, and other e-commerce agreements.

Susan regularly collaborates with clients in creatively structuring advertising campaigns and offers, including contests, sweepstakes, premiums, rebates, giveaways, and other promotions in all types of media, traditional and emerging, to ensure legal compliance without sacrificing marketing objectives. Susan routinely vets multi-channel advertising campaigns to help clients minimize potential liability under overlapping state and federal restrictions. Such issues range from more traditional advertising law requirements (such as FTC rules regarding substantiation, celebrity endorsements/testimonials, health claims, comparative advertising, and other requirements, children's advertising restrictions, state consumer protection laws, and charitable solicitation regulations) to the growing body of laws uniquely applicable to emerging technologies and platforms, such as social media and influencers, mobile apps, location-based and behavioral marketing, augmented reality, "Internet of Things" (IoT) issues, and more.

As rapidly evolving technologies reshape the advertising and legal landscapes, personal data collection, enhancement, and integration are key to exciting new advertising techniques for delivering the most relevant and individualized content to consumers and for brand marketing in general. As a result, information privacy has been identified as a top regulatory and consumer priority. Susan regularly advises clients on the increasingly complex legal and regulatory implications that arise in numerous messaging contexts, ranging from consumer-facing website privacy notices, cookie statements, data collection through surveys, biometrics and other "smart" technologies, and other marketing, and data-driven, cross-channel campaigns, geo-fenced or geo-location-restricted offers, behavioral marketing, to internal data privacy assessment, policy and procedure development, training and incident response.

Susan is the first member of The Florida Bar in private practice to earn the Privacy Law Specialist "PLS" certification, accredited by the American Bar Association, "ABA" and administered by the International Association of Privacy Professionals, "IAPP". Privacy Law is only the 15th specialty designation approved by the American Bar Association and Susan was in the "inaugural class" of 27 Privacy Law Specialists certified by the ABA in August of 2018. The Privacy Law Specialist designation is accredited by the American Bar Association, not The Florida Bar. Susan has earned and maintains the Certified Information Privacy Technologist ("CIPT"), the Certified Information Privacy Professional/United States ("CIPP/US") and the Certified Information Privacy Manager or ("CIPM") designations from the IAPP.

After graduating 2nd in her class from the Florida State University College of Law, Susan had the great honor of clerking for Judge Roger Vinson, Northern District of Florida, before entering private practice.



Representative Matters

Davis v. Avvo, 2011 WL 4063282 (M.D. Fla. 2011). Obtained enforcement of terms of use for

attorney ratings website resulting in transfer of litigation to jurisdiction with favorable anti-SLAPP statute; transfer lead to dismissal of case and award of defense attorney's fees.

Casita, L.P. v. Maplewood Equity Partners, L.P., 960 So. 2d 854 (Fla. 3d DCA 2007). Convinced appellate court to reverse trial court's decision to exercise personal jurisdiction in a defamation and tortious interference case based on non-resident defendants' alleged statements published outside of the state.

Holt v. Tampa Bay Television, Inc., 976 So. 2d 1106 (Fla. 2d DCA 2007). Successfully defended against online content claims in case of first impression regarding extension of certain traditional media defenses to Internet publication.

Wichita Eagle Beacon Co. v. Owens, 29 Med. L. Rptr. 2019 (Kan. 2001). Established media's standing to intervene in closure of criminal proceedings.

Prison Health Services v. Lakeland Ledger, 718 So. 2d 204 (Fla. 2d DCA 1998). Won Public Records Act case against contractor who acted on behalf of county sheriff to provide inmate health care.

Appearances and Publications

Speaker, "Devising a 50 State Plan," 3rd Annual Summit on Digital Advertising Compliance: Social Media, Sweepstakes & Promotions, American Conference Institute (2014).

Moderator, Anonymous Speech & SLAPP Litigation, The Florida Bar's Media and Communications Law Committee's Media Law Conference (2012).

Author, Legal Screenshots for Interactive, Integrated Campaigns, 2012 Classic Guide to Mobile Advertising, Mobile Marketing Association (2012).

Speaker, "Smart Promotions for Smart Phones: Exploring the Latest Trends in Mobile Apps and Gamification," 5th Annual Focus on Sweepstakes, Contests & Promotions, American Conference Institute (2011).

Speaker, Reducing Legal Risks and Advertiser's Liability Through Effective Monitoring of Online Contest Submissions and User Generated Content, 4th Annual Focus on Sweepstakes, Contests & Promotions, American Conference Institute (2010).

Speaker, Copyright & Plagiarism, Association for Education in Journalism and Mass Communication, Poynter Institute (2006).

Moderator, Online Journalism: Big v. Blog, The Florida Bar's Annual Media Law Conference, Media and Communications Law Committee (2006).

Member, Editorial Advisory Board, Hon. Paul Siegel, Florida Trial Objections (Santa Ana, CA: James Publishing, 2004.)

Author, Something Old, Something New... The Marriage of High Tech and Traditional Jurisprudence, Litigation Magazine, American Bar Association (1999). <http://www.jstor.org/stable/29760122>.

Author, Chapter: A Reporter's Guide to a Civil Lawsuit, The Florida Reporter's Handbook (1998).

PRIMARY PRACTICES

Advertising & Marketing

Privacy

Contests & Sweepstakes

Emerging Technologies

Media Law

EDUCATION

JD, Florida State University, 1990 (with highest honors)

BA, Florida State University, 1987 (magna cum laude)

BAR ADMISSIONS

Florida

Middle District of Florida

Southern District of Florida

Northern District of Florida

11th Circuit

6th Circuit

Federal Circuit

U.S. Supreme Court

CLASSES / SEMINARS

Speaker, Technology, Sweepstakes and Media Issues

RECOGNITIONS

Martindale-Hubbell AV Preeminent Peer Review Rated

Florida Super Lawyers

Florida Legal Elite

Tampa Bay's Best Lawyers

Privacy Law Specialist, American Bar Association/International Association of Privacy Professionals (IAPP) (*not a certified specialist by the Florida Bar*)

Certified Information Privacy Professional/United States (CIPP/US), IAPP

Certified Information Privacy Manager (CIPM), IAPP

Certified Information Privacy Technologist (CIPT), IAPP

PROFESSIONAL ASSOCIATIONS & MEMBERSHIPS

International Association of Privacy Professionals, Member

Hillsborough County Bar Association, Member

Hillsborough Association of Women Lawyers, Member

William Glenn Terrell Inn of Court, Member

LITIGATION PERCENTAGE

15% of Practice Devoted to Litigation

PAST EMPLOYMENT POSITIONS

Holland & Knight LLP, Partner, 1999 - 2006

Holland & Knight LLP, Associate, 1994 -1999

Feikens, Vander Male, Stevens, Bellamy & Gilchrist, Associate, 1992 - 1994

Hon. Roger Vinson, Federal District Judge, N.D. Fla., Judicial Clerk, 1990 - 1992