

FOULSTON

ATTORNEYS AT LAW



DANIEL J. BULLER

PARTNER

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PROFILE

Daniel Buller is a partner and the practice group leader of Foulston's litigation and employment team in the firm's Kansas City office. Daniel represents individuals and organizations in complex business litigation matters and disputes in the areas of product liability, technology, and water law.

WATER AND ENERGY LAW

Daniel is one of a handful of Kansas attorneys with significant experience in the highly technical field of water law. Daniel represents municipalities, corporations, and irrigators of all sizes in navigating and resolving their water issues. His depth of knowledge and technical understanding guides clients through complex matters with far-reaching financial and environmental impacts. His clients depend on him to obtain, change, transfer, and defend their right to use water — one of Kansas' most valuable and scarce resources. Daniel frequently negotiates, defends, and prosecutes claims before the Kansas Department of Agriculture, Division of Water Resources ("DWR").

Daniel's practice also focuses on energy, public utilities, and corporate and administrative law. He represents consortiums and individual clients concerning energy matters, appearing before the Kansas Corporation Commission and Kansas courts at all levels on behalf of firm clients to address their energy and policy needs.

COMMERCIAL LITIGATION AND PRODUCT LIABILITY

Daniel represents individuals and organizations in complex business litigation and defends companies throughout the supply chain in high-stakes product-liability disputes. He has obtained favorable judgments and verdicts for firm clients across the commercial spectrum — from early dismissal through trial — in state and federal courts. Daniel also has extensive experience in appellate matters before state and federal courts of appeals. His peer memberships include the Product Liability Advisory Council, Defense Research Institute, and the Kansas Association of Defense Counsel.

PRIVACY AND DATA SECURITY

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Daniel leads Foulston's privacy and data security practice group, assisting clients successfully to navigate a broad spectrum of technology-related and data privacy issues. Prior to attending law school, Daniel worked in the IT industry as a Microsoft Certified Systems Engineer, and his professional experience in the field includes more than eight years working for a software development, information technology, and communications company as a corporate systems administrator and business continuity consultant.

As an attorney, Daniel incorporates his hands-on IT experience with his legal practice to position Foulston on the leading edge of the rapidly evolving area of privacy and data security law. A rare skill set among technology attorneys, Daniel's ground-up understanding of IT systems and processes provides a level of technical knowledge that guides his approach when called on to evaluate and litigate technology-related matters. Daniel's experience includes successfully bringing and defending data-breach class actions, data-security incident evaluation and defense, and data-breach notification and response.

SCHOLARSHIP

Daniel authors the Kansas sections of the annual *Global Data Privacy Guide* published by Lex Mundi and the bi-annual *Tort Law Desk Reference* published by Wolters Kluwer, two widely used guides for legal practitioners nationwide. Before enrolling at the University of Kansas School of Law, Daniel graduated with high honors, magna cum laude, with a degree in philosophy from Wichita State University. In law school, he served as managing editor of the *Kansas Law Review*, one of the premier legal scholarship resources in the Midwest for practitioners, judges, academics, and law students. Daniel graduated from KU Law with highest honors, was admitted into the Order of the Coif, and was presented with the Faculty Award for Outstanding Scholastic Achievement, among numerous other individual academic honors. He leads the firm's summer associate program as writing and project coordinator and was recently recognized by *The Best Lawyers in America*® in the area of Commercial Litigation.

Education

- University of Kansas (J.D.)
 - Order of the Coif; highest honors
 - Managing Editor - *Kansas Law Review*
 - Moot Court Excellence in Appellate Advocacy, Finalist
 - Faculty Award for Outstanding Scholastic Achievement
 - Bar Plan Foundation Scholarship Award
 - Faculty-Selected Awards in Oil & Gas Law and Trial Advocacy
 - CALI Excellence for the Future Awards: Water Law
- Wichita State University (B.A. in Philosophy, *magna cum laude*)
- IT Certifications
 - Microsoft Certified Systems Engineer
 - Microsoft Certified Systems Administrator
 - Microsoft Certified Professional
 - CompTIA Network+ Certified
 - CompTIA A+ Certified

Admissions

- Kansas
- Missouri

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- U.S. Supreme Court
- U.S. Court of Appeals for the Tenth Circuit
- U.S. Court of Appeals for the Sixth Circuit
- U.S. District Court for the District of Kansas
- U.S. District Court for the Western District of Missouri
- U.S. District Court for the Eastern District of Michigan

PRACTICE AREAS

- Water Rights
- Energy
- Litigation & Disputes
- Product Liability
- Environmental Law
- Privacy & Data Security
- Intellectual Property
- Real Estate
- Renewable Energy, Storage & Transmission

INDUSTRIES

- Energy & Natural Resources
- Agribusiness
- Technology
- Real Estate

COMMUNITY INVOLVEMENT

- Mental Health Association of South Central Kansas, Past Board of Directors

RELEVANT EXPERIENCE

- Obtained early dismissal of a class action data-breach lawsuit alleging disclosure of personally identifiable and sensitive information.
- Experience counseling clients on data-security obligations and risk mitigation both before and after a breach.

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- Obtained dismissal of a Kansas Watershed District and its board members in a multiyear water rights and breach-of-contract lawsuit.
- In a complex business litigation lawsuit, won an early motion to dismiss claims involving aerospace engineering, design, and scope of work.
- Experience representing water-right holders acquire new water rights and preserve and change existing water rights in administrative and litigation matters, including the facilitation of transactions where water and environmental issues are of concern.
- Assisted with successful challenge and appeal of the Kansas Division of Water Resource's longstanding practice of retaining jurisdiction to make reductions in the rate and quantity of a permitted water right.
- Successfully defended the validity of oil and gas leases under the documents' force majeure provisions in a multi-year federal condemnation action.
- Experience in cyber law and e-discovery, including successfully opposing plaintiff's motion to compel production of forensic images of client hard drives.
- Won summary judgment and successfully defended on appeal a breach of contract and premises liability lawsuit.
- Analyze and litigate complex contractual disputes for a world-leading, first-tier aerostructures designer and manufacturer.
- Trial victory in a property ownership and title dispute, resulting in recovery of real property by our client.
- Won early dismissal of a foreign tire manufacturer in a product-liability case based on minimum-contacts defense.

PROFESSIONAL MEMBERSHIPS, AFFILIATIONS, AND HONORS

- Leadership Overland Park, 2023
- Sedona Conference Working Group on Data Security and Privacy Liability, Member
- Selected by peers for inclusion in *The Best Lawyers in America*® in the area of Commercial Litigation, 2023-2024
- Selected for inclusion in *Missouri & Kansas Rising Stars List*, 2015-2021 (a Thomson Reuters business)
- Kansas Bar Association
- Missouri Bar Association
- Kansas City Metropolitan Bar Association
- Johnson County Bar Association
- Wichita Bar Association, Technology Committee Chair (2015-2016)
- Product Liability Advisory Council
- Defense Research Institute
- Kansas Association of Defense Counsel
- Earl E. O'Connor American Inn of Court

PRESENTATIONS

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2021

- Protecting Your “Stuff”: How to Keep Your Information Safe (Foulston Siefkin LLP, Corporate Counsel Series: Litigation Update)

2018

- Cybersecurity Ethical Issues, Co-Presenter (Foulston Siefkin LLP, Ethics Seminar for Corporate Counsel)

2017

- Cybersecurity Ethical Issues, Co-Presenter (Foulston Siefkin LLP, Ethics Seminar for Corporate Counsel)
- Roundup of Current Ethics Issues and Cases, Co-Presenter (Foulston Siefkin LLP, Ethics Seminar for Corporate Counsel)
- Kansas Water Law and Impairment Claims (Southcentral Kansas Water Summit)
- Cybersecurity: The Evolving Threat and Legal Landscape (Kansas Bar Association, Annual "Slam Dunk" CLE)

2016

- Cyber Risks: Tips, Trends and Pitfalls ("IMA University" presenter and panelist)
- Cybersecurity: Preparing for and Responding to a Cyber Attack (Wichita Rotary Club)

2015

- Addressing and Mitigating Your Company's Cyber Liability (Foulston Siefkin LLP, Senior Technology Conference: Cybersecurity)
- Technology Issues Relating to End-of-Practice Ethics (Wichita Bar Associations, "The End-of-Practice: Ethics and Examples" CLE)

2014

- Kansas Water Law: An Overview (Southwestern Kansas Bar Association, Annual Meeting CLE)

2013

- Cloud Computing and the Law: Yesterday, Today, and Tomorrow (Wichita Bar Association, "Technology and the Law" CLE)

2012

- Cloud Computing: Benefits and Legal Risks (Kansas Paralegal Association Annual Meeting)

PUBLICATIONS

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2022

- Water Transfers in Kansas
- The Water Report #216
- Tort Law Desk Reference: A Fifty-State Compendium (2022 ed.), Author, Kansas Section
- Wolters Kluwer
- Kansas - Sectorial Privacy Overview, April 2022
- OneTrust DataGuidance
- Lex Mundi Global Data Privacy Guide (2022 ed.), Author, Kansas Section
- Lex Mundi

2021

- Lex Mundi Global Data Privacy Guide (2021 ed.), Author, Kansas Section
- Lex Mundi
- Tort Law Desk Reference: A Fifty-State Compendium (2021 ed.), Author, Kansas Section
- Wolters Kluwer

2020

- Lex Mundi Global Data Privacy Guide (2020 ed.), Author, Kansas Section
- Lex Mundi?
- Tort Law Desk Reference: A Fifty-State Compendium (2020 ed.), Author, Kansas Section
- Wolters Kluwer

2019

- Lex Mundi Global Data Privacy Guide (2019 ed.), Author, Kansas Section
- Lex Mundi
- Tort Law Desk Reference: A Fifty-State Compendium (2019 ed.), Author, Kansas Section
- Wolters Kluwer

2018

- Tort Law Desk Reference: A Fifty-State Compendium (2018 ed.), Co-Author, Kansas Section
- Wolters Kluwer

2017

- Tort Law Desk Reference: A Fifty-State Compendium (2017 ed.), Co-Author, Kansas Section
- Wolters Kluwer

2011

- Copyright Infringement in the Ether: RAM Buffering and the Copyright Act's Duration Requirement
-The University of Kansas Law Review

2010

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- Cloud Computing: Emerging Legal Issues for Access to Data, Anywhere, Anytime
-Journal of Internet Law
- On the Road Again: New Kansas Driving Laws
-Kansas Employment Law Letter

2009

- Cloud Computing: Emerging Legal Issues, Data Flows, and the Mobile User
-Landslide
- Criminal Procedure Survey
-The University of Kansas Law Review

ISSUE ALERTS

2022

- Proposed Kansas House Bill Would Consolidate Water Agencies and Address Depletion

2020

- Coronavirus: Maintaining Privacy and Data Security with a Remote Workforce