Cooley

Scott Dailard

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San Diego
Washington, DC

Antitrust and Competition
Antitrust Litigation and Enforcement
Cyber/Data/Privacy
Consumer Protection
Communications Regulatory
Product Compliance and Product Litigation
CooleyREG
State Attorneys General
Wellness

Scott Dailard advises clients in the areas of advertising, consumer protection, privacy and promotions, and on all issues and transactions relating to the collection and use of information about consumers. He counsels clients in many industries, including leaders in telecommunications, digital media, consumer products, education, broadcast and cable television, energy and financial services. His practice embraces all advertising, marketing, promotions and privacy issues, including the prepublication review of advertising claims and their substantiation, native advertising programs, mobile marketing and social media, testimonials and endorsements, contests and sweepstakes, sponsorship relationships, telemarketing compliance and the application of intellectual property laws and laws governing rights of publicity.

Scott is also an experienced litigator and has represented companies in advertising, privacy, antitrust and intellectual property lawsuits in federal and state courts and in regulatory and investigative matters before the National Advertising Division (NAD), Federal Trade Commission, Federal Communications Commission, Department of Justice and other federal and state enforcement agencies.

Scott is recognized as one of the top lawyers in the US. He is named a “Client Service All-Star” by BTI Consulting Group (2016, 2017) for “delivering superior client service in an unprompted manner.” He is also named one of the Best Lawyers in America for Advertising Law and one of the top attorneys in the United States for trademark non-contentious matters (Legal 500).

Representative Matters

- Represented leading trade association of online publishers in rulemaking and standard setting proceedings before the FTC, Department of Commerce and industry self-regulatory organizations relating to online privacy, behavioral advertising and children's privacy. (2010-2014)
- Advised major energy company regarding response to breach of nationwide customer information database. (2012)
- Represented leading database marketing company in Congressional Privacy Caucus inquiry regarding data brokers. (2012)
- *Wade v. Cox Communications, Inc.*, Civ. Action No. 11-00045-BAJ-DLD (M.D. La., Nov. 19, 2012) (Obtained dismissal with prejudice of putative class action suit against cable ISP alleging false advertising of internet speeds and related claims).

- Capital One Cash Rewards Card, NAD 2012: Counsel to advertiser in successful defense of challenge to national TV campaign for credit card rewards program.
- Cox High Speed Internet Service, NAD 2011: Counsel to Cox Communications in successful defense of challenge attacking speed performance claims for cable high speed Internet service.
- Advised leading online video distributor and toy manufacturer on design of interactive services for children in compliance with the Children's Online Privacy Protection Act (COPPA). (2013-2014)
- Advised host of leading for-profit educational institutions on recruitment marketing and lead generation strategies and compliance with FERPA obligations. (2012-2014)
- Negotiated brand ambassador agreement between leading distilled spirits manufacturer and major country music artists. (2014)
- Advised coalition of major website publishers on compliance with federal Video Privacy Protection Act (VPPA). (2014)

Education

University of California, Berkeley, School of Law JD, 1993

Harvard College AB, 1990

Admissions & Credentials

California

District of Columbia

Court Admissions

US Court of Appeals for the Second Circuit

US Court of Appeals for the Ninth Circuit

US Court of Appeals for the Eleventh Circuit

US Court of Appeals for the District of Columbia Circuit

Rankings & Accolades

BTI Consulting Group - Client Service All-Star

Best Lawyers in America - Advertising Law

Legal 500 - Trademark - Non-Contentious

Memberships & Affiliations

American Bar Association - Antitrust and Communications Sections

U.S. District Judge Samuel Conti, Northern District of California, San Francisco - Law Clerk