



Marcel C. Duhamel

PARTNER

Marcel is a partner in the Vorys Cleveland office, a litigator, and a privacy lawyer. His practice includes complex litigation, privacy, class actions, consumer protection, banking litigation, bankruptcy litigation and appellate practice.

Marcel's litigation practice is varied and he has broad experience, developed over the course of three decades, representing business clients in a wide range of disputes. His commercial practice, both in court and before arbitration panels, includes representing both creditors and a bankruptcy trustee in bankruptcy litigation and representing businesses of all sizes in general business litigation and intellectual property litigation. He also represents banks and financial institutions in "workout" litigation, receiverships, bankruptcy, and other commercial disputes. In addition, Marcel advises financial institutions regarding UCC Articles 4 and 4A claims raising questions of liability for forged and altered instruments and other issues regarding the allocation of liability for improperly paid items.

Marcel's litigation practice also includes representing lenders, loan servicers, and purchasers of dealer paper in defense of consumer and commercial class actions, lender liability claims, loan servicing claims and privacy claims. He has defended class and individual actions raising data privacy, consumer protection, FCRA, TCPA, FDCPA, and wiretapping claims. In addition, Marcel represents clients defending claims under the Truth in Lending Act (TILA), Regulation Z, the Uniform Commercial Code, Ohio's Consumer Sales Practices Act, Ohio's Retail Installment Sales Act, and other theories of liability to consumers.

Marcel's appellate practice has taken him to federal appellate courts throughout the country and to state appellate courts throughout Ohio. He has argued dozens of appeals arising out of state trial courts, federal district courts and United States bankruptcy courts. He has led the appeals of matters raising issues including the certifiability of proposed classes, statutory interpretation across a wide array of subject matters, the application and construction of commercial contracts, and the enforceability of arbitration provisions. He has handled appeals as new appellate counsel as well as after having managed the litigation before

Cleveland

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Practice Areas

Appellate Practice

Bankruptcy, Restructuring and
Distressed Situations

Class Actions

Data Strategy, Privacy and
Security

eControl

Intellectual Property

Litigation and Appeals

Mass / Toxic Tort and Product
Liability Litigation

Patents

Technology Transactions

Education

The University of Chicago Law

School, J.D., 1993

Case Western Reserve University,
B.A., *summa cum laude*, 1990

Bar & Court Admissions

Ohio

U.S. Court of Appeals for the Sixth
Circuit

U.S. Court of Appeals for the
Seventh Circuit

U.S. Court of Appeals for the
Eighth Circuit

U.S. District Court for the
Northern District of Ohio

U.S. District Court for the
Southern District of Ohio

U.S. Court of Appeals for the
Federal Circuit

United States District Court for
the Eastern District of Michigan

United States District Court for
the Western District of Michigan

U.S. Supreme Court

*Admitted to practice law only in
the states listed above.*

Industries

Financial Institutions

Clerkships

The Honorable Ann Aldrich,
United States District Court for
the Northern District of Ohio,
1993-1995

the trial court.

Marcel's privacy practice includes counseling clients with respect to privacy practices and compliance and allegations of data breach. He has advised clients with respect to GDPR compliance and cross-border data transfers from the E.U. to the U.S. and with respect to financial and consumer privacy compliance. He has counseled clients through the Privacy Shield (now the Data Privacy Framework) certification process. Marcel also advises clients regarding digital marketing privacy issues, such as compliance with TCPA, CAN-SPAM and similar regulatory regimes. He is a member of the International Association of Privacy Professionals and a Certified Information Privacy Professional/Europe (CIPP/E), a Certified Information Privacy Professional/US (CIPP/US), a Certified Information Privacy Manager (CIPM) and a Fellow of Information Privacy (FIP).

He has spoken on subjects related to GDPR, privacy class actions, banking litigation, appellate advocacy, and trial advocacy.

Marcel received his J.D. from The University of Chicago Law School and his B.A. *summa cum laude* from Case Western Reserve University.

Marcel clerked for the Honorable Ann Aldrich of the United States District Court for the Northern District of Ohio.

Honors & Recognitions

Ohio Super Lawyers, Litigation, 2023–2026

The Best Lawyers in America, Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law, 2024–2026; Commercial Litigation, 2018–2026

Crain's Cleveland Business Notable Litigators & Trial Attorneys, 2025

Martindale-Hubbell AV Peer Review Rated

Professional and Community Activities

The Ohio State University Moritz College of Law, Adjunct Professor, Law of Cyberspace, Summer 2023, Summer 2024

International Association of Privacy Professionals (IAPP), Cleveland KnowledgeNet Chapter, Co-Chair

Congregation Mishkan Or, Member of the Board of Trustees and Co-Chair of Finance Committee

United Jewish Cemeteries Association, Board of Governors

American Bar Association Consumer Litigation Committee, Data Security Subcommittee, Past Co-Chair

Sedona Conference Working Group II, past Member of Brainstorming Task Force on U.S. Enforceability of GDPR and past Member of Drafting Team

Cleveland Metropolitan Bar Association, Past Member of Board of Trustees; and Past Chair, Court Rules Committee; and Past Co-Chair, Bench Bar Committee

Eighth District Judicial Conference, Life Member