



3RD ANNUAL

# Cybersecurity Law Institute

MAY 20–21, 2015

GEORGETOWN UNIVERSITY LAW CENTER | WASHINGTON, DC

Co-sponsored by the American Bar Association Cybersecurity Legal Task Force, Bloomberg BNA, and the Center for Internet Security

This program will be available via live webcast (subject to change). For more information, visit: <https://georgetown.inreachce.com/>



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Up to **11.0 CLE** credit hours (based on a 60-minute credit hour), including up to 1.0 hour of ethics / Up to **13.2 CLE** credit hours (based on a 50-minute credit hour), including up to 1.2 hours of ethics / Up to **12.0 Continuing Privacy Education** credits

# Agenda

Wednesday, May 20

7:30–9:30 am

**Registration & Continental Breakfast**

Sponsored by Cooley LLP

8:00–9:30 am

**OPTIONAL PRIMER**

**10 Things You Need to Know About  Cybersecurity Law**

**Panelists**

**Harriet Pearson**, Hogan Lovells US LLP

**Randy V. Sabett**, Cooley LLP

**Andrew Tannenbaum**, Cybersecurity Counsel, IBM Corporation

- Obtain the basics addressed at previous Georgetown Cybersecurity Law Institutes
- “Cyber Is a Team Sport,” so understanding all the players and where attorneys fit in is crucial
- Governance and oversight, counseling, incidence preparedness and response

9:30–9:45 am

**Networking Break**

Sponsored by Stroz Friedberg

9:45–10:00 am

**Welcome & Overview**

**William M. Treanor**, Dean, Georgetown University Law Center

**Lawrence J. Center**, Assistant Dean, Georgetown University Law Center

10:00–11:00 am

**Keynote Address: Cybersecurity Challenges in the 21st Century**

**Speaker**

**Hon. James B. Comey**, Director, Federal Bureau of Investigation

## Institute Summary

In 2015, it is more important than ever that in-house and outside counsel stay abreast of the most current developments and best practices in cybersecurity. Those lawyers who ignore cyber threats are risking millions of dollars for their companies or their clients. Recent reports by Cisco and the World Economic Forum both highlight the paramount importance of cyber risk management.

You have an important role to play in cybersecurity leadership, especially in keeping corporate officials and the board of directors informed. Too often, well-meaning officials don't know what they don't know!

At our 2015 Institute you will receive insights on the best governance, preparedness, and resilience strategies from experienced government officials, general counsels, and cybersecurity practitioners who face these issues on a daily basis.



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This symbol indicates sessions that will be webcast.



**11:00 am–12:00 pm**

**What's Hot: The Latest Cyber Trends** 

**Moderator**

**Luke Dembosky**, Deputy Assistant Attorney General, U.S. Department of Justice

**Panelists**

**Michael A. Aisenberg**, Principal, Cyber Policy Counsel, The MITRE Corporation

**Judith H. Germano**, Senior Fellow, Center on Law & Security, Adjunct Professor, NYU School of Law, and GermanoLawLLC

**Jeff Moss**, President, DEF CON Communications

- The latest security landscape and cyber threats as seen from the private sector and law enforcement perspectives
- Discussion of recent cyber investigations and prosecutions
- Update on international efforts to investigate and apprehend criminal hackers
- Private-public sector cooperation in cybersecurity

**12:00–12:15 pm**

**Box Lunch Distribution**

**12:15–1:15 pm**

**Luncheon & Address**

**Speaker**

**Hon. Leslie R. Caldwell**, Assistant Attorney General, Criminal Division, U.S. Department of Justice

**CONCURRENT SESSIONS**

**1:30–2:30 pm**

**Session A**

**Top Cybersecurity Issues in Mergers & Acquisitions** 

**Moderator**

**Christine Ricci**, Senior Counsel, General Electric

**Panelists**

**Mark Leary**, Vice President and Chief Information Security Officer, Xerox Corporation

**Thomas J. Smedinghoff**, Locke Lord Edwards

- Pre-deal due diligence: the need for information availability vs. the need for security
- Due diligence from the security and privacy perspective of the target company
- Transition-phase challenges when data are transferred

**Session B**

**Implications of Disruptive Technologies** 

**Moderator**

**David J. McCue**, President, McCue Inc.

**Panelists**

**Robert Ames**, Senior Vice President, Advanced Analytics, In-Q-Tel

**Dr. David A. Bray**, Chief Information Officer, Federal Communications Commission

**Michele Weslander-Quaid**, Global Cloud Ecosystem Community Lead

- Collaborating to ensure legal is involved early and often in product development, acquisitions, and outsourcing
- The future is here: the “Internet of Everything;” autonomous systems; artificially intelligent agents for active cyber defense measures; and quantum encryption
- The role that consumerization of IT plays in securing the enterprise and its systems/data

**2:30–2:45 pm**

**Networking Break**

Sponsored by SRA International, Inc.

**2:45–3:45 pm**

**Cybersecurity Risk Management in Vendor & Supply Chains** 

**Moderator**

**C.M. Tokë Vandervoort**, Vice President and Assistant General Counsel, Technology, Privacy and Security and Chief Privacy Officer, XO Communications, LLC

**Panelists**

**Peter Adler**, Vice President, Deputy General Counsel, and Chief Privacy Officer, SRA International, Inc.

**Robert S. Metzger**, Rogers Joseph O’Donnell, PC

**Emile Monette**, Senior Advisor for Cybersecurity and Resiliency, U.S. General Services Administration

- The relevance of vendor/supply chain/risk management in a successful cybersecurity program
- Recent policy and regulatory developments leading to the growing importance of supply chain risk management plans (e.g., DFARS)
- Technical/physical/administrative methods for managing cybersecurity risks in the supply chain

**3:45–4:45 pm**

**Moving to the Cloud? Ethical and Security Issues to Consider** 

**Moderator**

**Maureen T. Kelly**, Assistant General Counsel, Corporate Director, Enterprise Shared Services, Northrop Grumman Corporation

**Panelists**

**Hon. John M. Facciola** (Ret.), Magistrate Judge, U.S. District Court for the District of Columbia

**Dori Anne Kuchinsky**, Assistant General Counsel, Litigation and Global Privacy, W.R. Grace & Co.

**Nickolas B. Savage**, Supervisory Special Agent, Federal Bureau of Investigation

- Lawyers and “the cloud”: what every lawyer needs to know before considering “the cloud,” including global implications and discussion of ABA Model Rule 1.1
- Ethical considerations: guidance from recent opinions
- Cloud-computing security checklist: what you must consider before making the move

**4:45–6:00 pm**

**Networking Cocktail Reception**

Sponsored by Hogan Lovells

**Thursday, May 21**

**7:30–8:00 am**

**Continental Breakfast**

Sponsored by Stroz Friedberg

**8:00–9:30 am**

**A Deep Dive on Incident Response Plans**

**Moderator**

**Erez Liebermann**, Vice President, Cybersecurity and Regulatory Counsel, Prudential Financial, Inc.

**Panelists**

**Roland Cloutier**, Vice President and Chief Security Officer, ADP LLC

**Kim Peretti**, Alston & Bird LLP

**Antonio Scurlock**, Lead, Enhance Shared Situational Awareness, U.S. Department of Homeland Security (Invited)

- Analyze particular provisions
- Discuss the necessary players
- Validation of plans—tabletop exercises that work
- Creating an outline of your own incident response plan
- Strategies for protecting attorney-client privilege



## New Features This Year

Now you can enjoy the Georgetown Law CLE experience online.

- Registration includes one post-conference webinar sponsored by Hogan Lovells
- Attendees can purchase Bonus On-Demand Access that includes access to all recorded sessions post-program. You can also receive up to 1.0 additional CLE credit hour for the breakout session you missed.
- In case you could not join us last year, past sessions are available on-demand.
- If you cannot attend this year, we will live webcast select sessions. For more information, and to verify that these courses are available for credit in your state, visit our website at <https://georgetown.inreachce.com/>.

**9:30–9:45 am**

### Networking Break

Sponsored by WilmerHale

**9:45–10:45 am**

### Insider Threats & Monitoring: Privacy, Civil Liberties & Wiretap Issues

#### Moderator

Mary Ellen Callahan, Jenner & Block LLP

#### Panelists

H. Bryan Cunningham, Cunningham Levy LLP

Prof. Laura K. Donohue, Director, Center on National Security and the Law; Director, Center on Privacy and Technology, Georgetown University Law Center

Steven Kelly, Director of Cybersecurity Policy, National Security Council, The White House (Invited)

- Getting to the keyboard: technical, legal, privacy, and behavior challenges
- Network security monitoring: U.S. and international networks, Wi-Fi, VoIP, BYOD, Web Bugs, and other creatures
- FISA Title 50, Title 18, USC 2511
- The Stored Communications Act/ECPA
- John Doe Subpoenas/anonymous threats—nom de plume

**10:45–11:45 am**

### Global Cybersecurity Perspectives

#### Moderator

Prof. Catherine Lotrionte, Director, CyberProject, School of Foreign Service, Georgetown University

#### Panelists

Emma J. Lovett, Squadron Leader, Royal Australian Air Force

Sanjay Virmani, Director, INTERPOL Digital Crime Center

Dr. Undine von Diemar, Jones Day

- Implementing cybersecurity in global networks
- Impact of evolving privacy/data protection laws
- What's possible (e.g., 24/7 monitoring, data loss prevention, full packet capture)?

**11:45 am–1:15 pm**

### Lunch (on your own)

**1:15–2:15 pm**

### The Emerging Law on Corporate Cyber Liability: Privacy, Data Breaches & System Failures—Oh My!

#### Moderator

David B. Coher, Principal, Reliability and Cybersecurity, Southern California Edison

#### Panelists

Jay Edelson, Edelson, LLC

Hilary Hageman, Vice President and Deputy General Counsel, CACI International Inc.

Dominique Shelton, Alston & Bird LLP

- Review of current litigation from recent high-profile data breaches
- Developments in shareholder litigation
- Survey of state and federal legislative initiatives for data privacy regulation and liability
- High-risk liability areas on the horizon

**2:15–3:15 pm**

### Cyber Risk: Governance & Board Responsibilities

#### Moderator

Peter Gleason, President, National Association of Corporate Directors

#### Panelists

Justin G. Castillo, Head of Legal, BT Americas, Inc.

Ivan Fong, Senior Vice President, Legal Affairs and General Counsel, 3M

- Understanding the workforce and who is responsible for what
- Cyber risk oversight for boards of directors
- Expectations of regulators

**3:15 pm**

### Adjournment

### Your learning isn't over yet!

Your registration for the Cybersecurity Law Institute includes a free one-hour post-conference webinar sponsored by Hogan Lovells.



## Speakers

### Keynote Presenter

**Hon. James B. Comey**, Director, Federal Bureau of Investigation

### Luncheon Speaker

**Hon. Leslie R. Caldwell**, Assistant Attorney General, Criminal Division, U.S. Department of Justice

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**Randy V. Sabett**, Cooley LLP, Washington, DC

**Nickolas B. Savage**, Federal Bureau of Investigation, Washington, DC

**Russell Schrader**, San Francisco, CA

**Anand Shah**, New Jersey Office of the Attorney General, Trenton, NJ

**Alex Southwell**, Gibson, Dunn & Crutcher LLP, New York, NY

**Andrew Tannenbaum**, IBM Corporation, Armonk, NY

**Jody R. Westby**, Global Cyber Risk LLC, Washington, DC

# Program Details

## Hotel Reservations

Please take advantage of Georgetown Law's corporate rate at these nearby hotels, using the information below to make your reservation.

### Hyatt Regency Washington on Capitol Hill

400 New Jersey Avenue NW  
Washington, DC 20001  
202-737-1234 or 800-233-1234

When calling the Hyatt for reservations, please request the Georgetown University volume rate, or Corporate Code 58549 online.

<http://bit.ly/HyattHill>

### Liaison Capitol Hill DC

415 New Jersey Avenue NW  
Washington, DC 20001  
1-866-233-4642

When calling for reservations, please use the corporate code GEORGE.

<http://bit.ly/TheLiaison>

### The Hotel George

15 E Street NW  
Washington, DC 20001  
202-347-4200 or 800-546-7866

When calling for reservations, please request the Georgetown University Law Center rate.

<http://bit.ly/HotelGeorge>

## Group Discounts

Group discounts are available for companies registering three or more attendees.

## Disclaimer

Speakers are subject to change.

## Special Needs or Dietary Restrictions

Email [cle@law.georgetown.edu](mailto:cle@law.georgetown.edu) or call 202-662-9890.

## Scholarships

Georgetown Law CLE makes every possible effort to provide equal educational opportunities to all. We provide a limited number of scholarships on a case-by-case basis for both live, in-person programs and for live webcasts. Apply online at [www.law.georgetown.edu/cle](http://www.law.georgetown.edu/cle) or submit your written request no later than 5:00 pm ET on Wednesday, April 29, 2015.

## Cancellations/Rain-Checks/Substitutions

Cancellation and rain-check notices must be received by 5:00 pm ET on Wednesday, May 13, 2015 for a refund (less \$100 administrative fee). Rain checks for a future program will be granted for cancellations received after May 13 and prior to the start of the program. Substitutions are accepted at any time prior to the program. Registration for the live, in-person program is not transferable to the live webcast or bonus on-demand access.

## Course Materials

Course materials will be emailed to you prior to the program. Registrants will receive an email from the Georgetown Law CLE office approximately one week before the program with additional instructions regarding how to access the course materials.

## Satisfaction Guarantee

We are confident that you will leave this conference with more than enough ideas and insights to make your investment pay off. However, if you feel you have not received your money's worth by the end of the program, please contact a member of our registration team before leaving the conference. All refund requests will be reviewed carefully and are subject to approval by the Assistant Dean.

## CLE Credits

Accreditation has been or will be requested for the Cybersecurity Law Institute from most states with mandatory continuing legal education requirements for 11 CLE credits (based on a 60-minute hour), including 1.0 ethics credits and 13.2 CLE credits (based on a 50-minute hour), including 1.2 ethics credits. Ethics credit may not be available for Virginia attorneys. Georgetown Law is an accredited CLE provider in most MCLE states. Georgetown Law CLE is a State Bar of California-approved MCLE provider. Please note that this program is eligible for only Nontransitional CLE credit in New York. This program is not eligible for Transitional credit. Some states require nominal accreditation fees. You will be asked to submit payment at the program's conclusion.

MCLE state credit rules vary for online CLE. Please check online at <https://georgetown.inreachce.com/> to see if the program has been approved in your state. We will apply upon request in some states; alternatively, many states allow attorneys to apply on their own.

## Continuing Privacy Education Credits

The International Association of Privacy Professionals (IAPP) will recognize up to 12.0 Continuing Privacy Education credit hours for attendance at the conference. After the event, attendees will submit each session for credit using the CPE submission form available at the Institute. If you have questions about the group designations of specific sessions, please email [cle@law.georgetown.edu](mailto:cle@law.georgetown.edu).

## Bonus On-Demand Access

This add-on includes access to all recorded sessions post-program. You may receive CLE credit for new sessions online. You cannot claim credit for taking the same sessions in person and online. If you register for this option, you will receive a separate email providing you with additional information on how to access the content online.

## Post-Conference Webinar

For the first time, your registration for the Cybersecurity Law Institute includes a free one-hour webinar sponsored by Hogan Lovells. This webinar will be made available at some time after the conference and will provide you with an update of what's going on in the practice area. Registrants will receive an email with information regarding how to access the free webinar.

Questions?  
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# Registration Form

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## Cybersecurity Law Institute (May 20-21, 2015)

- \$1,145 Early-Bird Registration (due April 20 by 5:00PM ET)
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  - Bonus On-Demand Access \$199
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# 3RD ANNUAL Cybersecurity Law Institute



## 10 Reasons Why You Should Attend

- 1. Learn** directly from top government leaders, general counsels, chief information security officers, and other professionals addressing cyber risks, including a global perspective.
- 2. Assess** the emerging law on corporate cyber liability and the latest high-risk areas.
- 3. Analyze** the technological, legal, privacy, and behavioral challenges involved with insider threats and monitoring.
- 4. Examine** the expectations of regulators and the responsibilities of boards of directors for cyber risks.
- 5. Participate** in a “deep dive” on incident response plans, including the necessary players and strategies on protecting attorney-client privilege.
- 6. Identify** best practices before moving to “the cloud,” including ethical and global considerations.
- 7. Receive** timely tips on the implications of disruptive technologies.
- 8. Review** recent policy and regulatory developments that have emphasized the importance of supply chain risk management plans.
- 9. Observe** and learn diverse perspectives on the latest cybersecurity trends and international efforts to investigate and apprehend criminal hackers.
- 10. Obtain** an overview of the top ten things you need to know about cybersecurity from leading industry experts.