



# Data Breach and Privacy Law



Develop strategies for responding to a data breach

Gain insights into state and federal regulatory developments

Determine how to build an effective cyber insurance program

Learn along with in-house counsel from diverse industries

November 4-6, 2015

InterContinental Hotel

Chicago, Illinois

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## **R**eports of new cyber attacks and the enormous costs associated with responding to those events

continue to make daily headlines. Companies ranging from small “mom and pop” stores to Fortune 100 corporations must remain diligent against these types of attacks. Those companies and their outside counsel must understand the best practices to prevent an intrusion into their systems, how to respond if an intrusion occurs, and what to do if the intrusion results in a data breach. This seminar will focus on all aspects of the life cycle of a security incident, beginning with improving your understanding of the exposure your company, law firm, or client faces and then addressing how to prevent, respond to, and manage the costs associated with a cyber-security attack. Attendees will participate in real-world scenarios presented by outside counsel and cyber security experts and learn the steps that must be taken when a breach occurs. The seminar is designed for a wide audience, including outside counsel and in-house lawyers, IT personnel, insurance professionals, and others who must understand how to address these daily threats.



**James H. Kallianis, Jr.**  
Program Chair



**Melissa K. Ventrone**  
Program Vice Chair



**Joseph D. Cohen**  
Committee Chair



**Cynthia P. Arends**  
Committee Vice Chair



**Brooks R. Magratten**  
Law Institute



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Watch a preview  
of this year's  
Annual Meeting,  
October 7-11, in  
Washington, D.C.








## What You Will Learn

- The “science” of cyber attacks, including technical terms related to data systems and security
- Data security ethical issues
- Industry standards defining the standard of care of privacy and data protection
- Theories of civil liability of data security breach
- Health privacy, technical requirements for protection of health records, and the standard of care
- International implications of data security and privacy in a global data infrastructure
- Effective strategies to respond to data breach incidents, including insurance coverage issues



## Get Started

- 1 Review the brochure and identify sessions of interest to you
- 2 Share this brochure with colleagues
- 3 **Register online** or complete the **form in the back**
- 4 **Add the program** to your calendar
- 5 Download the DRI App   and make use of its features to get the most out of this program
- 6 Share on social media   

## Maximize Your DRI Seminar Experience

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- Use the DRI App to customize your schedule, view course materials, and communicate with fellow attendees and speakers.
- Access the **DRI Data Management and Security Committee Community** to network with individual members. Share articles, post blogs, and connect with others on the latest trends in your area of practice.
- Discover the  **DRI Client Connection**—meet in-house registrants and speakers.


## PROGRAM SCHEDULE

### WEDNESDAY, NOVEMBER 4, 2015

- 4:00 p.m. **Registration**
- 4:30 p.m. **Meeting of Specialized Litigation Groups**
- 6:00 p.m. **Networking Reception**

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### THURSDAY, NOVEMBER 5, 2015

- 7:00 a.m. **Registration**
- 7:00 a.m. **Continental Breakfast**
- 8:00 a.m. **Welcome and Introduction**  
**Brooks R. Magratten**, *Pierce Atwood LLP*, Providence, Rhode Island  
**James H. Kallianis, Jr.**, *Hinshaw & Culbertson LLP*, Chicago, Illinois
- 8:15 a.m. **Keynote: Game of Threats**  
 Experience PwC's new virtual cybersecurity challenge, Game of Threats™. PwC's new virtual game tests the cybersecurity skills of senior executives. The game challenges players to make quick, high-impact decisions with minimal information. The high-pressure environment helps executives assess their readiness to respond to a breach and practice striking the right balance between taking action and ensuring that the necessary cybersecurity resources are available and properly used.  
 **Warren C. Daniel**, *PwC LLP*, Chicago, Illinois
- 9:10 a.m. **Life Cycle of a Cyber Security Breach**  
 What to expect when you're not expecting? Mr. Sneath will walk through the life cycle of a data breach from discovery of the breach through crisis management, possible claims, and ultimate resolution.  
**Henry M. Sneath**, *Picadio Sneath Miller & Norton PC*, Pittsburgh, Pennsylvania
- 10:00 a.m. **Refreshment Break**
- 10:15 a.m. **Cyber Security Vendor Management**  
 How do you manage your cyber risks when you outsource any service to a third-party provider? Learn the best ways to manage the risk created while using outside vendors through due diligence, monitoring, and contract provisions,

*Click on any speaker name to view bio.*

including a discussion of what indemnity and insurance requirements to expect from vendors.

 **Kelly A. Freeman**, *WABCO*, Rochester, Michigan

**Nicole Hughes Waid**, *Roetzel & Andress LPA*, Washington, D.C.

- 11:05 a.m. **Coverage for Data Breaches Under Traditional Insurance Policies and Introduction to Cyber Policies**

Dealing with a data breach or other cyber event can be incredibly expensive. Ms. Foggan will explore the possibility of securing insurance coverage for such expenses under the current version of traditional insurance policies, such as commercial general liability policies, and address the future likelihood of securing coverage under those policies based on changes in the marketplace. She will also introduce the audience to stand-alone cyber insurance products now being offered by multiple carriers expressly to cover cyber risks.

**Laura A. Foggan**, *Wiley Rein LLP*, Washington, D.C.

- 12:00 p.m. **Lunch (on your own)**
- 1:15 p.m. **Breakout Session (see page 3)**
- 3:05 p.m. **Refreshment Break**
- 3:20 p.m. **Cybercrime: Catching the Bad Guys**

Learn about the latest threats to your cyber security and the protection of your personal and business data and hear what efforts federal law enforcement is undertaking to catch and prosecute the criminals, both domestic and foreign.


**Wesley L. Hsu**, *The United States Attorney's Office*, Los Angeles, California

- 4:15 p.m. **A Legislative Update from the Front Lines**  
 With 47 states having different regulations and statutes addressing what your responsibilities are post-breach, what efforts are being undertaken at the federal legislative level to pass a single uniform federal regulation? Hear from outside counsel regularly engaged by those in need of expert advice both in complying with the array of state regulations and in anticipating what to expect if congress enacts a uniform federal solution.

**David J. Shannon**, *Marshall Dennehey Warner Coleman & Goggin*, Philadelphia, Pennsylvania

BREAKOUT SESSION

Thursday, 1:15 p.m.–3:05 p.m. (choose one)

	<b>■ LITIGATION AND COMPLIANCE</b>	<b>■ TECHNOLOGY</b>	<b>■ INSURANCE</b>
1:15 p.m.	<b>Civil Litigation Update</b> Learn the latest developments on the data breach class action front, including a discussion of standing and certification. <b>Edward J. Bennett</b> , <i>Williams &amp; Connolly LLP</i> , Washington, D.C.	<b>Latest Attacks/Counters</b> This session offers a deeper dive into the more technical issues confronted during a cyber attack, including a discussion regarding the most recent cyber attacks and the current counters. <b>Matthew J. Jeske, GCFE ACE</b> , <i>Crane Data Forensics</i> , Plymouth, Minnesota	<b>State of the Cyber Insurance Market</b> Hear a “state of the market” discussion of the latest developments in the cyber insurance market, including an examination of policy enhancements and pricing. <b>Neeraj Sahni</b> , <i>Willis Group Holdings PLC</i> , New York, New York
2:10 p.m.	<b>Internal Controls and Compliance</b> This in-depth “how to” session discusses the latest methods to implement internal controls and ensure compliance to prevent a breach or other cyber intrusion. <b>Alfred J. Saikali</b> , <i>Shook Hardy &amp; Bacon LLP</i> , Miami, Florida	<b>Responding to Breach/Tabletop (micro)</b> Beyond the basics: Delve into a more detailed and technical examination of how to respond to a cyber breach, including a discussion of the latest challenges when confronting a breach to the most recent response measures. <b>Bill A. Hardin</b> , <i>Navigant Consulting Inc.</i> , Chicago, Illinois <b>Bo Holland</b> , <i>AllClear ID</i> , Austin, Texas <b>Lindsay B. Nickle</b> , <i>Wilson Elser Moskowitz Edelman &amp; Dicker LLP</i> , Dallas, Texas	<b>Cyber Application/Underwriting</b> Learn what to expect when applying for a cyber insurance policy, including necessary disclosures, risk profiles, benchmarking, and internal auditing.  <b>Michelle Chia</b> , <i>Zurich Financial Services</i> , New York, New York <b>Jonathan L. Schwartz</b> , <i>Goldberg Segalla LLP</i> , Chicago, Illinois

5:05 p.m. **Adjourn**

5:10 p.m. **Data Management & Security Committee Meeting** (open to all)

6:00 p.m. **Networking Reception**

7:30 p.m. **Dine-Arounds** | Join colleagues and friends at selected restaurants for dinner (on your own). More details on-site.

FRIDAY, NOVEMBER 6, 2015

7:00 a.m. **Registration**

7:00 a.m. **Continental Breakfast**

7:00 a.m. **Corporate Counsel Breakfast**

8:15 a.m. **Announcements**

**Melissa K. Ventrone**, *Wilson Elser Moskowitz Edelman & Dicker LLP*, Chicago, Illinois

8:20 a.m. **Responding to a Breach/Tabletop**

Using a real-life fact pattern, the panelists will discuss the life cycle of a data breach, setting up the investigation, conducting the investigation, internal and external communications about the breach, working with law enforcement, maintaining attorney–client privilege, complying with regulatory notice requirements, remediation, public relations, and preparing for potential lawsuits.

**Ozzie Fonseca, CIPP/US**, *Experian Data Breach Resolution*, Costa Mesa, California

 **Christopher J. Novak**, *Verizon Business*, New York, New York

**Matthew D. Stein**, *Pierce Atwood LLP*, Portland, Maine

9:20 a.m. **Creating an Incident Response Plan**

Experts say companies fall into one of two categories: (1) those that have been breached

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and responded; and (2) those that have been breached and just don't know they've been breached. Whether your company has been breached or is at risk of being breached or suffering some other cyber event, this session will equip you with the tools to put a plan in place to be prepared for your next or first inevitable breach.

**Careen H. Martin**, *Nilan Johnson Lewis PA*,  
Minneapolis, Minnesota

**Randall J. Romes**, **CISSP CRISC MCP PCI-QSA**,  
*CliftonLarsonAllen LLP*, Minneapolis, Minnesota

10:10 a.m. **Refreshment Break**

10:25 a.m. **Starting with Security: A Regulator's  
Perspective on Protecting  
Personal Information**

The Federal Trade Commission has a long history of promoting data security through civil law enforcement, consumer and business education, and policy initiatives. During this session, senior FTC staff will provide the regulator's perspective on practices that fail to protect consumers from the harms that result from inadequate security practices. Topics will include the Commission's recent enforcement actions, its business guidance initiatives, and emerging technology trends.

**Jessica Lyon**, *Federal Trade Commission*,  
Washington, D.C.

11:15 a.m. **Cleaning Out the Data Classification Closet**

The effectiveness of data classification and retention policies can have a major impact on an organization's entire IT risk management framework. As not all information has the same value to the organization, different classes of information represent different risks with respect to confidentiality, integrity, and availability. This presentation will focus on how to identify and classify your data, as well as prioritize security control objectives. The presentation also will discuss how to establish and maintain consistent policies as part of an overall risk management approach to safeguarding sensitive data.

**Karen Painter Randall**, *Connell Foley LLP*,  
Roseland, New Jersey

12:05 p.m. **Lunch (on your own)**

1:05 p.m. **Litigation Trends Involving the Duty to Warn**

This program will examine emerging trends in class action litigation arising from data breaches and cyber attacks, including an examination of the latest developments regarding the duty to warn and whether an injury-in-fact has occurred, as well as other cutting-edge developments.

**Cari K. Dawson**, *Alston & Bird LLP*,  
Atlanta, Georgia

2:05 p.m. **Cyber Security and Ethics for Corporate  
Legal Departments and Law Firms**

Have you ever considered whether using a Cloud device to support your daily case work might violate the Rules of Professional Conduct? Between hackers, cyber sabotage, and spyware, lawyers must learn how to manage and respond to cyber breaches. This presentation will explore cyber security issues facing your clients and law firms, as well as modern ethical and discovery issues implicated by business use of the Internet and mobile devices.

**Gail Rodgers**, *DLA Piper LLP*, New York, New York

 **Kelly G. Clay**, *Glaxo Smith Kline*, Research  
Triangle Park, North Carolina

3:05 p.m. **Adjourn**

**Networking Events**

**Thursday, November 5**

**The Chopping Block**

7:00 p.m.–10:00 p.m.

*Note: Limited to 50 participants, first come, first served basis.*

Join your colleagues for a fun night of hands-on cooking and networking at The Chopping Block, Chicago's largest recreational cooking school. The evening's menu will focus on the art of pasta making. You'll be working with professional chef-instructors as they coach you through the ins and outs of the recipes. Learn how to chop fresh vegetables for a Sicilian salad and tomato bruschetta, grill shrimp wrapped in basil and prosciutto, roll and cut fresh pasta, simmer a couple of different sauces and assemble a decadent tiramisu. At the end of the event you'll sit down to feast upon the fruits of your labor. **Advance registration and a non-refundable prepayment of \$145.00 is required; no onsite registration, refunds or substitutions: contact Gretchen Miller, Greenberg Traurig at [millerg@gtlaw.com](mailto:millerg@gtlaw.com) for more details.**

## GENERAL INFORMATION

### In-House Counsel

In-house counsel are eligible for free registration to DRI seminars. In-house counsel are defined as licensed attorneys, who are employed exclusively by a corporation or other private sector organization for the purpose of providing legal representation and counsel only to that corporation, its affiliates and subsidiaries. In order to qualify for free registration, the individual must also be a DRI member and a member of DRI's Corporate Counsel Committee. Offer excludes the DRI Annual Meeting.

### Claims Executives

Any member of DRI employed as a claims professional by a corporation or insurance company, who spends a substantial portion of his or her professional time hiring or supervising outside counsel in the representation of business, insurance companies or their insureds, associations or governmental entities in civil litigation, will be entitled to free attendance at any DRI program. **Limited to one seminar per calendar year.** Offer excludes DRI Annual Meeting.

### CLE/Claims Adjusters Accreditation

This seminar has been approved for MCLE credit by the State Bar of California for up to **12.25** hours, including **1** hour of ethics credit. Accreditation has been requested from every state with mandatory continuing legal education (CLE) requirements. Certificates of attendance will be provided to each attendee. Attendees are responsible for obtaining CLE credits from their respective states. **Application has been made for continuing education for claims adjusters.** Credit availability and requirements vary from state to state; please check the DRI website at [dri.org](http://dri.org) for the latest information for your state.



A limited number of discounted hotel rooms have been made available at **The InterContinental Hotel, 505 North Michigan Ave, Chicago, IL 60611** ([click here](#) to view hotel photos).

Take advantage of the group rate of **\$239 Single/Double** in one of two ways:

- 1)** Reserve online: [Click here](#) or visit [dri.org](http://dri.org) and go to the **DRI Data Breach and Privacy Law Seminar** page and click on the "Book Hotel" tab.
- 2)** Or **contact the hotel directly at 312.944.4100** and mention the **DRI Data Breach and Privacy Law Seminar**.

The hotel block is limited and rooms and rates are available on a first-come, first-served basis. You must make reservations by **October 5, 2015**, to be eligible for the group rate. Requests for reservations made after **October 5** are subject to room and rate availability.

## Hotel Accommodations

### Registration Policy

**Save \$100 when you register by October 8, 2015.** (See the registration form for pricing.) The registration fee includes course materials, continental breakfasts, refreshment breaks, networking receptions, and access to the DRI app. If you wish to have your name appear on the registration list distributed at the conference and receive the course materials in advance, DRI must receive your registration by **October 15, 2015** (*please allow 10 days for processing*). Registrations received after **October 15, 2015**, will be processed on-site.

### Refund Policy

The registration fee is fully refundable for cancellations received on or before **October 22, 2015**. Cancellations received after **October 22** and on or before **October 29, 2015**, will receive a refund, less a \$100 processing fee. Cancellations made after **October 29** will not receive a refund, but the course materials on CD-ROM and a \$100 certificate good for any DRI seminar within the next 12 months will be issued. All cancellations and requests for refunds must be made in writing. Fax (312.795.0747) or email ([seminars@dri.org](mailto:seminars@dri.org)) to DRI's Accounting Department. Processing of refunds will occur within four weeks after the date of the seminar. All refunds will be processed in the same method that the payment was received. Substitutions may be made at any time without charge and must be submitted in writing.

### Discounts

**Group Discount** The first and second registrations from the same firm or company are subject to the fees outlined previously. The registration fee for additional registrants from the same firm or company is **\$695**, regardless of membership status. All registrations must be received at the same time to receive the discount.

**Travel Discounts** DRI offers discounted meeting fares on various major air carriers for **DRI Data Breach and Privacy Law Seminar** attendees. To receive these discounts, please contact Hobson Travel Ltd., DRI's official travel provider, at 800.538.7464. As always, to obtain the lowest available fares, early booking is recommended.

- The taping or recording of DRI seminars is prohibited without the written permission of DRI.
- Speakers and times may be subject to last-minute changes.
- A small portion of your room rate offsets the costs of the seminar.
- DRI policy provides there will be no group functions sponsored by others in connection with its seminars.

## FACULTY *Click on any name to view bio.*

➔ **Cynthia P. Arends**, One Beacon Insurance Group, Minnetonka, Minnesota

**Edward J. Bennett**, Williams & Connolly LLP, Washington, D.C.

➔ **Michelle Chia**, Zurich Financial Services

➔ **Kelly G. Clay**, Glaxo Smith Kline, Research Triangle Park, North Carolina

**Joseph D. Cohen**, Porter Hedges LLP, Houston, Texas

➔ **Warren C. Daniel**, PwC LLP, Chicago, Illinois

**Cari K. Dawson**, Alston & Bird LLP, Atlanta, Georgia

**Laura A. Foggan**, Wiley Rein LLP, Washington, D.C.

**Ozzie Fonseca**, CIPP/US, Experian Data Breach Resolution, Costa Mesa, California

➔ **Kelly A. Freeman**, WABCO, Rochester, Michigan

**Bill A. Hardin**, Navigant Consulting Inc, Chicago, Illinois

**Bo Holland**, AllClear ID, Austin, Texas

**Wesley L. Hsu**, The United States Attorney's Office, Los Angeles, California

**Matthew J. Jeske**, GCCE ACE, Crane Data Forensics, Plymouth, Minnesota

**James H. Kallianis, Jr.**, Hinshaw & Culbertson LLP, Chicago, Illinois

**Jessica Lyon**, Federal Trade Commission, Washington, D.C.

**Brooks R. Magratten**, Pierce Atwood LLP, Providence, Rhode Island

**Careen H. Martin**, Nilan Johnson Lewis PA, Minneapolis, Minnesota

**Lindsay B. Nickle**, Wilson Elser Moskowitz Edelman & Dicker LLP, Dallas, Texas

**Christopher J. Novak**, Verizon Business, New York, New York

**Karen Painter Randall**, Connell Foley LLP, Roseland, New Jersey

**Gail Rodgers**, DLA Piper LLP, New York, New York

**Randall J. Romes**, CISSP CRISC MCP PCI-QSA, CliftonLarsonAllen LLP, Minneapolis, Minnesota

**Neeraj Sahni**, Willis Group Holdings PLC, New York, New York

**Alfred J. Saikali**, Shook Hardy & Bacon LLP, Miami, Florida

**Jonathan L. Schwartz**, Goldberg Segalla LLP, Chicago, Illinois

**David J. Shannon**, Marshall Dennehey Warner Coleman & Goggin, Philadelphia, Pennsylvania

**Henry M. Sneath**, Picadio Sneath Miller & Norton PC, Pittsburgh, Pennsylvania

**Matthew D. Stein**, Pierce Atwood LLP, Portland, Maine

**Melissa K. Ventrone**, Wilson Elser Moskowitz Edelman & Dicker LLP, Chicago, Illinois

**Nicole Hughes Waid**, Roetzel & Andress LPA, Washington, D.C.

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*The Venetian/Palazzo Resort Hotel, Las Vegas, NV*

September 10–11, 2015  
**Nursing Home/ALF Litigation**  
*The Venetian/Palazzo Resort Hotel, Las Vegas, NV*

November 4–6, 2015  
**Data Breach and Privacy Law**  
*InterContinental Chicago Magnificent Mile, Chicago, IL*

November 5–6, 2015  
**Asbestos Medicine**  
*The Cosmopolitan of Las Vegas, Las Vegas, NV*

November 12–13, 2015  
**Strictly Automotive**  
*Sheraton Nashville Downtown Hotel, Nashville, TN*

December 3–4, 2015  
**Professional Liability**  
*New York Marriott Marquis, New York, NY*

December 3–4, 2015  
**Insurance Coverage and Practice Symposium**  
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**Newsletter** *Data and Security Dispatch* (four times a year)

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**Data Management and Security** focus in *For The Defense*  
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DRI is the largest international membership organization of attorneys defending the interests of business and individuals in civil litigation.

Diversity is a core value at DRI. Indeed, diversity, which includes sexual orientation, is fundamental to the success of the organization, and we seek out and embrace the innumerable benefits and contributions that the perspectives, backgrounds, cultures, and life experiences a diverse membership provides.

Inclusiveness is the chief means to increase the diversity of DRI's membership and leadership positions. DRI's members and potential leaders are often also members and leaders of other defense organizations. Accordingly, DRI encourages all national, state, and local defense organizations to promote diversity and inclusion in their membership and leadership.

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<input type="checkbox"/> Chopping Block Event	\$145		

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