

# The NetDiligence® Cyber Risk & Privacy Liability Forum

June 7-8, 2010 | The Union League, 140 South Broad Street, Philadelphia, PA



**CONFERENCE CHAIRS:**

John Mullen, Sr., Esq., Nelson Levine de Luca & Horst, Chair of Complex Litigation Practice Group, Blue Bell, PA  
 Robert Parisi, Jr., Senior Vice President, National Practice Leader for Tech/Telecom E&O, and Network Risk, Marsh FINPRO, New York  
 Nicholas Economidis, Specialty Lines, Beazley Group, Philadelphia

June 7, 2010		June 8, 2010	
8:30	Continental Breakfast and Morning Registration	4:45	Design and Implementation of an Incident Response Plan <ul style="list-style-type: none"> <li>Controlling incident response costs</li> <li>Legal duties triggered by incidents</li> <li>Response plan's legal impacts</li> </ul> Kendall Walsh, The Jurick Group, Long Island, NY Toby Merrill, Vice President & National Privacy, Technology & Media Liability Product Manager, ACE Professional Risk, Philadelphia Richard White, Principal, SunGard Availability Services LP, Alpharetta, GA
9:00	Welcome & Introductory Remarks	5:30	Networking Reception
9:15	Data Breach Liability: An Unstable Legal Environment <ul style="list-style-type: none"> <li>When, how and on what basis should companies be liable for a loss of information in their care, custody or control?</li> <li>The most notable recent cases</li> <li>Current theories of liability and claims alleged</li> <li>Assessing case strength and weaknesses- "You got to know when to hold 'em, know when to fold 'em"</li> <li>Avoiding dismiss motions, the impact of the Iqbal case and getting out of the case, pre-discovery</li> <li>Damages and other client concerns</li> <li>The defenses that are working and those that are not</li> <li>The kind of case you want to have</li> <li>How to counsel your client to avoid "the next time"</li> </ul> John Mullen, Sr., Esq., Nelson Levine de Luca & Horst, Philadelphia Theodore Kobus III, Esq., Marshall, Dennehey, Warner, Coleman & Goggin, Philadelphia Jamie Sheller, Esq., Sheller, P.C., Philadelphia Tracy Rezvani, Esq., Finkelstein Thompson LLP, Washington, DC	<b>June 8, 2010</b> 8:00 Continental Breakfast 8:30 Solving Special Computer Security Issues <ul style="list-style-type: none"> <li>Dealing with "rogue" employees &amp; network administrators-practical and legal issues</li> <li>Portable device concerns and impact on liability</li> <li>SQL injection attacks</li> <li>Vendors-choosing the right ones and what your client needs in its indemnity agreements in its service level agreements</li> </ul> Branden Williams, CISSP, CISM, RSA, Director-Security Consulting, The Security Division of EMC, Dallas Paul Williams, MCSE, IAM, IEM, LPI, Executive Security Consultant, Houston Drew Bartkiewicz, Vice President of E & O, Cyber & Technology Risk, The Hartford, Hartford, CT	
10:45	Morning Break	9:30	Are You Covered When Hackers Get Through? <ul style="list-style-type: none"> <li>Does a company have coverage for data breaches?</li> <li>Knowing your client and when to advise coverage</li> <li>Advising clients who have been hacked</li> <li>How to secure coverage for future incidents</li> <li>Finer legal points of coverage-handling fines, penalties, and notice costs</li> <li>Business interruption claims</li> </ul> Moderator: Nicholas Economidis, Specialty Lines, Beazley Group, Philadelphia Scott Godes, Esq., Dickstein Shapiro, Washington, DC Oliver Brew, Vice President of Technology, Media and Telecoms Underwriting, Hiscox USA, Westchester, NY
11:00	Cyber Security and Privacy Liability Concerns: The Risk Managers Speak <ul style="list-style-type: none"> <li>What coverage is really important and exclusions to CGL policies</li> <li>Risk control vs. insurance</li> <li>Company reputation as a covered damage</li> <li>Budgetary considerations</li> </ul> Moderator: Peter Foster, Senior Vice President-National Resource: Privacy/Network Security/E&O, Willis North America, Boston Additional speakers to be announced.	10:30	Morning Break
12:00	Networking Lunch	10:45	Insuring Your Network and Your Company <ul style="list-style-type: none"> <li>Privacy insurance coverage: market overview and legal constraints</li> <li>Best Practices when presenting Cyber Risk insurance to customers</li> <li>What to look for in cyber and data security coverage</li> <li>Pitfalls in existing coverage to be wary of-before an event occurs</li> </ul> Moderator: Robert Parisi, Jr., Senior Vice President, National Practice Leader for Tech/Telecom E&O, and Network Risk, Marsh FINPRO, New York Michael Rossi, President, Insurance Law Group, Inc., Los Angeles, CA Meredith Schnur, Professional Risk Group, Wells Fargo Insurance Services USA, Inc., New York Brad Gow, Senior Vice President of Specialties - Professional Liability, Zurich North America, Philadelphia
1:30	Regulatory Trends Briefing <ul style="list-style-type: none"> <li>FACTA "Red Flag Rules"-impact, compliance and challenges</li> <li>What you need to know about the Health Information Technology for Economic and Clinical Health (HITECH) Act</li> <li>Identity Theft &amp; Restoration Act</li> <li>New breach and notice requirements</li> <li>Other key federal regulations regarding prevention and customer notice</li> </ul> Moderator: Anne DeVries, Managing Director, Digital Risk Managers, Portland, OR Jon Neiditz, Esq., Nelson Mullins Riley & Scarborough LLP, Atlanta Mark Silvestri, Director, CNA/NetProtect®, Line of Business, CNA, Quincy, MA Dave Navetta, Esq., CIPP, Information Law Group, Denver, CO	11:45	Looking Into the Crystal Ball: Future Insurance Needs <ul style="list-style-type: none"> <li>Glen Manjos, Vice President, Professional Liability &amp; Network Security, Arch Insurance, Alpharetta, GA</li> <li>Betty Shepherd, Assistant Vice President Technology &amp; Cyber Liability, RLI Insurance Company, Summit, NJ</li> </ul>
2:30	Loss Control-Assessing & Quantifying Network Risks <ul style="list-style-type: none"> <li>Step-by-step vulnerability assessment-where networks might be compromised, the implications and the people handling these areas</li> <li>How are the threats being anticipated or managed?</li> <li>What to insist your clients do to protect removable data</li> <li>Where most companies are weak and red flags to watch out for</li> </ul> Mark Greisiger, President, NetDiligence®, Gladwyne, PA Neeraj Sahni, Director of Security and Privacy, Chartis, Inc., New York Martin Carmichael, PhD, CISM, CISSP, ISSAP, ISSMP, Chief Security Officer, TD AMERITRADE Holding Corporation, Fort Worth	12:30	Adjourn
3:30	Afternoon Break		
3:45	Responding to a Data Breach <ul style="list-style-type: none"> <li>What constitutes a legal "breach"</li> <li>Statutory-notice and pre-litigation tasks &amp; costs</li> <li>Litigation response-e-discovery, MDLs, and class actions</li> </ul> Beth Diamond, Claims Focus Group Leader, Technology, Media and Business Services Specialty Lines, Beazley Group, New York Alan Brill, Senior Managing Director for Technology Services, Kroll Ontrack, Secaucus, NJ Jason Howard, Director of Sales, Debix, Austin		