

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

8:30 Continental Breakfast and Morning Registration

9:00 Welcome & Introductory Remarks

9:15 **Data Breach Liability: An Unstable Legal Environment**
 • When, how and on what basis should companies be liable for a loss of information in their care, custody or control?
 • The most notable recent cases
 • Current theories of liability and claims alleged
 • Assessing case strength and weaknesses-“You got to know when to hold ‘em, know when to fold ‘em”
 • Avoiding dismiss motions, the impact of the Iqbal case and getting out of the case, pre-discovery
 • Damages and other client concerns
 • The defenses that are working and those that are not
 • The kind of case you want to have
 • How to counsel your client to avoid “the next time”
 Moderator: Richard Sheridan, Vice President, ACE USA
 Specialty Claims Professional Liability, New York, NY
 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

10:45 Morning Break

11:00 **Cyber Security and Privacy Liability Concerns: The Risk Managers Speak**
 • What coverage is really important and exclusions to CGL policies
 • Risk control vs. insurance
 • Company reputation as a covered damage
 • Budgetary considerations
 Moderator: Peter Foster, Senior Vice President-National Resource:
 Privacy/Network Security/E&O, Willis North America, Boston
 Additional speakers to be announced.

12:00 Networking Lunch

1:30 **Regulatory Trends Briefing**
 • FACTA “Red Flag Rules”-impact, compliance and challenges
 • What you need to know about the Health Information Technology for Economic and Clinical Health (HITECH) Act
 • Identity Theft & Restoration Act
 • New breach and notice requirements
 • Other key federal regulations regarding prevention and customer notice
 Moderator: Anne DeVries, Managing Director, Digital Risk Managers,
 Portland, OR
 Jon Neiditz, Esq., Nelson Mullins Riley & Scarborough LLP, Atlanta
 Mark Silvestri, Director, CNANetProtect®, Line of Business, CNA,
 Quincy, MA
 Dave Navetta, Esq., CIPP, Information Law Group, Denver, CO

2:30 **Loss Control-Assessing & Quantifying Network Risks**
 • Step-by-step vulnerability assessment-where networks might be compromised, the implications and the people handling these areas
 • How are the threats being anticipated or managed?
 • What to insist your clients do to protect removable data
 • Where most companies are weak and red flags to watch out for
 Moderator: Dan Trueman, Active Underwriter, Enterprise Risk, Kiln
 Group, London
 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

3:30 Afternoon Break

3:45 **Responding to a Data Breach**
 • What constitutes a legal “breach”
 • Statutory-notice and pre-litigation tasks & costs
 • Litigation response-e-discovery, MDLs, and class actions
 Moderator: Patrick Donnelly, Financial Services Group – Professional Risk
 Solutions Managing Director, Aon Risk Services, Inc., Chicago
 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, Krill Ontrack,
 Secaucus, NJ
 Jason Howard, Director of Sales, Debix, Austin

4:45 **Design and Implementation of an Incident Response Plan**
 • Controlling incident response costs
 • Legal duties triggered by incidents
 • Response plan’s legal impacts
 Moderator: Nicholas Economidis, Specialty Lines, Beazley Group, Philadelphia
 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

5:30 Networking Reception

June 8, 2010

8:00 Continental Breakfast

8:30 **Solving Special Computer Security Issues**
 • Dealing with “rogue” employees& network administrators-practical and legal issues
 • Portable device concerns and impact on liability
 • SQL injection attacks
 • Vendors-choosing the right ones and what your client needs in its indemnity
 agreements of its service level agreements
 Moderator: John Mullen, Sr., Esq., Nelson Levine de Luca & Horst, Chair of
 Complex Litigation Practice Group, Blue Bell, PA
 Brandon 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

9:30 **Are You Covered When Hackers Get Through?**
 • Does a company have coverage for data breaches?
 • Knowing your client and when to advise coverage
 • Advising clients who have been hacked
 • How to secure coverage for future incidents
 • Finer legal points of coverage-handling fines, penalties, and notice costs
 • Business interruption claims
 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
 Richard Bortnick, Esq., Cozen O’Connor, West Conshohocken, PA

10:30 Morning Break

10:45 **Insuring Your Network and Your Company**
 • Privacy insurance coverage: market overview and legal constraints
 • Best Practices when presenting Cyber Risk insurance to customers
 • What to look for in cyber and data security coverage
 • Pitfalls in existing coverage to be wary of-before an event occurs
 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

11:45 **Looking Into the Crystal Ball: Future Insurance Needs**
 Moderator: Chris Cotterell, Partner, Safeonline LLP, London
 Glen Manjos, Vice President, Professional Liability & Network Security, Arch
 Insurance, Alpharetta, GA
 Betty Shepherd, Assistant Vice President Technology & Cyber Liability, RLI
 Insurance Company, Summit, NJ
 Joe DePaul, Area Senior Vice President-Management & Professional Liability,
 Arthur J. Gallagher Risk Management Services, New York

12:30 Adjourn