

THE CYBERSECURITY AND PRIVACY MULTIVERSE: SOLVING FOR RISKS AT THE EDGE OF LAW AND TECHNOLOGY

March 14-15, 2024
Georgia State University College of Law
Atlanta, GA

Sponsored by
ABA Tort Trial & Insurance Practice Section
Cybersecurity & Data Privacy Committee



AMERICAN BAR ASSOCIATION

Tort Trial and Insurance
Practice Section

GREETINGS

I am pleased to invite you to attend the third biannual ABA TIPS Cybersecurity and Data Privacy Committee Conference, which will take place March 14-15, 2024 at Georgia State University College of Law, a state-of-the-art academic venue in the heart of Atlanta, GA. We greatly appreciate the law school's continued support of our program and we are happy to highlight their nationally recognized certification in Legal Analytics (combining data mining and legal research for predictive analysis).

This day and a half conference will carry on the committee's commitment to be a resource on cutting edge challenges arising out of the cybersecurity and data privacy landscape. This year's conference will have a particular focus on the implications of the use of artificial intelligence and related automated technologies. Panelists will address trends in AI as well as how regulators likely will be responding to the security, financial and privacy implications of the use of such tools, in addition to emerging ethical issues associated with these trends. The program will include sessions on the latest in privacy litigation as well as our usual core sessions on regulatory and legislative updates at the state and federal levels. We are pleased to be able to feature guest speakers from another prominent Atlanta institution, Georgia Tech (Scheller College of Business). Professor Peter Swire and Professor DeBrae Kennedy-Mayo will share their insights on Data Localization Requirements and the Implications for Cybersecurity.

As always, our program is intended to be a resource for lawyers, brokers, risk managers, insurers and their clients and related stakeholders who are navigating and assisting others to navigate this ever-changing environment. We are drawing panelists from across the U.S., and will include those on the front-line tackling cybersecurity concerns, from inside companies, to those called upon to advise all manner of entities on how best to manage these risks. These issues are not soon going away and this program is part of the Committee's mission to provide practical content to those parties required to, or interested in, coming up with solutions to tackle some of these thorny questions.

In addition to the panel, we will have a networking reception on Thursday evening at the law school for the conference attendees. Because the conference is being held at the Georgia State University College of Law, there is not a designated conference hotel. A number of great hotels at a variety of price points are in the nearby area that provide discounted ABA rates. See "Program Venue Information" under the General Information section of the brochure.

The Cybersecurity and Data Privacy Committee and TIPS leadership are extremely grateful to all the law firm and corporate sponsors that have made this conference possible. Thanks, too, for all of the hard work of Kristin Bryan of Squire Patton Boggs, who is the Program Chair, Melody McAnally, who is the Chair-Elect of the Cybersecurity and Data Privacy Committee. We also greatly appreciate the hard work and support of the planning committee for this conference. I want to personally thank Margaret "Peggy" Reetz who made sure we stayed on track and continued to herd the cats across the finish line. Of course, we thank the administration of the Georgia State University College of Law for their generosity in opening their doors to us for this program.

The program is competitively priced—especially with a favorable rate for early registration. Because seating is limited at the law school, we expect the program to sell out. Therefore, early registration is a must!

I look forward to seeing you in Atlanta!

Robert Stines

Cybersecurity and Data Privacy Committee Chair
Smith Gambrell & Russell LLP
Tampa, FL

AGENDA

THURSDAY, MARCH 14, 2024

8:15 AM – 8:30 AM **WELCOMING REMARKS**

8:30 AM – 9:30 AM **THE SHIFTING BALANCE OF CYBERSECURITY /RISK:
NAVIGATING THE EMERGING TRENDS**

A couple of notable trends have recently emerged on the horizon in cybersecurity with potentially wide ranging ripple effects for governance and risk management. The Securities and Exchange Commission (SEC) has called for mandatory disclosure by companies of material cybersecurity risks, while the Cybersecurity and Infrastructure Security Agency (CISA) and the Office of National Cyber Director (ONCD) have advocated for industry to follow secure by design /secure by default principles and have explored potential liability for insecure software, among other efforts. This panel will bring together experts in policy, law and technology to explore the pros and cons of cybersecurity liability and disclosure requirements, including their interplay with cyber insurance. It will also address the key considerations for organizations for cyber risk management to meet their potential obligations

MODERATOR: **Rafae Bhatti**, *CISO and Privacy Attorney, Tilia; Founder, ClaritasGRC, San Francisco, CA*

SPEAKERS: **Brandon Pugh**, *Director, Cybersecurity and Emerging Threats, R Street Institute, Washington DC*

Tom McGill, *Vice President of Cyber & Tech. E&O Underwriting, Corvus Insurance, Atlanta, GA*

Kurtz Bissel, *Corporate Vice President, Microsoft Security, Seattle, WA*
Murtaza Nisar, *Chief Information Security Officer, Clario, Atlanta, GA*

9:30 AM – 10:30 AM **PRACTICAL TIPS AND POTENTIAL PITFALLS IN FILLING OUT
A CYBER INSURANCE APPLICATION**

Insurers require certain cyber hygiene as a condition to issuing coverage but may be overlooking applicants' "over-representations" or potential misrepresentations on hygiene. What happens if an insurer later tries to disclaim, exclude coverage based on post-incident investigation findings? Discussion will include impact of relying on representations by third-parties/vendors.

MODERATOR: **Bruce de'Medici**, *deMedici Law, Chicago IL*

SPEAKERS: **Kari Timm**, *Partner, Bates Carey, Chicago, IL*

Laura Zaroski, *Managing Director, Gallagher Insurance, Chicago, IL*

10:30 AM – 10:45 AM **BREAK**

10:45 AM – 11:45 AM **PRIVACY AND CYBERSECURITY CONSIDERATIONS
IMPLICATED BY AI AND AUTOMATED TECHNOLOGIES**

Many professionals are starting to rely on applications like Bard and the number of options is likely only going to increase. The panel will address potential data security and liability issues as well as the role the FTC has taken in the absence of federal privacy legislation.

MODERATOR: **Kristin Bryan**, *Squire Patton Boggs, Cleveland, OH*

SPEAKERS: **Marissa Black**, *Roper Technologies, Sarasota, FL*
Kyle Fath, *Squire Patton Boggs, Los Angeles, CA*

11:45 PM – 1:00 PM **LUNCH**

AGENDA

- 1:00 PM – 2:00 PM **DATA LOCALIZATION REQUIREMENTS AND THE IMPLICATIONS FOR CYBERSECURITY**
Laws requiring localization of personal data have been rapidly spreading across the globe in the past few years, including for the European Union, India, China, and many other countries. This panel will report on new research about the risks to cybersecurity that come from such data localization requirements, including discussing which techniques, tactics, and procedures for cybersecurity would be at the greatest risk.
- SPEAKERS:** **Peter Swire**, *Professor of Law and Ethics, Georgia Tech Scheller College of Business, Atlanta, GA*
DeBrae Kennedy-Mayo, *Senior Academic Professional, Georgia Tech Scheller College of Business, Atlanta, GA*
- 2:00 PM – 3:00 PM **DIGITAL ADVERTISING, METAPIXEL AND THE LATEST CROP OF DATA TRACKING CLASS ACTIONS**
A discussion of developments in class litigation from cases filed in 2022, 2023 against healthcare and other entities in which plaintiffs allege that PII, PHI was collected using tracking software. Consent and internal control issues also to be discussed.
- MODERATOR:** **Michael Razeeq**, *The New York Times, New York, NY*
SPEAKERS: **Elizabeth Scully**, *Baker Hostetler, Washington, D.C.*
Ian Ballon, *Greenburg Traurig, Los Angeles, CA*
- 3:00 PM – 3:15 PM **BREAK**
- 3:15 PM – 4:15 PM **DISPUTES INVOLVING EXCLUSIONS IN CYBER AND RELATED COVERAGES, AND THE MARKET RESPONSE**
This panel will review recent litigation involving war exclusion provisions in cyber policies, and the use of exclusions for BIPA and similar statutory violations. The discussion will include a comparison of whether an event is “insurable” or would implicate an exclusion.
- MODERATOR:** **Daniel A. Cotter**, *Howard & Howard, Chicago, IL*
SPEAKER: **Scott Godes**, *Barnes Thornburg, Washington, DC*
- 5:15 PM – 7:30 PM **RECEPTION**

FRIDAY, MARCH 15, 2024

- 8:30 AM – 9:30 AM **STATE OF THE CYBER INSURANCE FOR 2024 AND BEYOND**
The panel will review the state of the cyber insurance market over the past two years and take a look at trends and assess ongoing challenges.
- MODERATOR:** **Glenn Davis**, *HeplerBroom LLC, St. Louis, MO*
SPEAKERS: **Tamika Puckett**, *Willis Towers Watson, Atlanta, GA*
Dan Nelson, *Digital Silence, Denver, CO*
Brian McCall, *Westfield Group, Holmdel, NJ*
Katie Clark, *Edelman, Atlanta, GA*
Roy Hadley, *Adams & Reese LLP, Atlanta, GA*

AGENDA

- 9:30 AM – 10:30 AM **CYBERSECURITY LITIGATION TRENDS**
This discussion will focus on litigation brought by individual plaintiffs concerning different theories of liability for disclosure of PII, lawsuits against Boards of Directors for a failure to maintain cybersecurity standards and potential liabilities for directors and officers.
- MODERATOR:** **Lauren Godfrey**, *Constangy, Brooks, Smith & Prophete, LLP*, Pittsburgh, PA
- SPEAKERS:** **Jean Lawler**, *Lawler ADR Services*, El Segundo, CA
Greg Mantych, *Mendes & Mount*, New York, NY
Katie Nadro, *Levenfeld Pearlstein, LLC*, Chicago, IL
- 10:30 AM – 10:45 AM **BREAK**
- 10:45 AM – 11:45 AM **REGULATORY UPDATE AT THE STATE LEVEL**
What is top of mind at the state level for new legislation and trending regulatory activity?
- MODERATOR:** **Glenn Brown**, *Squire Patton Boggs*, Atlanta, GA
- SPEAKERS:** **Cynthia Stamer**, *Solutions Lawyers*, Plano TX
Christina Terplan, *Atheria Law*, San Francisco, CA
- 11:45 PM – 1:00 PM **LUNCH**
- 1:00 PM – 2:00 PM **REGULATORY UPDATE AT THE FEDERAL LEVEL**
What is top of mind at the federal level for new legislation and trending regulatory activity?
- MODERATOR:** **Shari Pire**, *Chief Legal Officer, Plume Design, Inc.*, Palo Alto, CA
- SPEAKER:** **Julia Jacobson**, *Squire Patton Boggs*, New York, NY
Stacy Swanson, *Squire Patton Boggs*, Washington DC
- 2:00 PM – 3:00 PM **ETHICAL CONSIDERATIONS FOR LAWYERS AND THE USE OF AI IN PRACTICE**
If clients are using AI, what are the considerations for lawyers in using databases, and eliminating biases? What is the lawyer's duty in e-discovery and litigation where parties will be using AI?
- MODERATOR:** **John Hendricks**, *Hendricks Law*, San Francisco, CA
- SPEAKERS:** **John Stephens**, *Hendricks Law*, Los Angeles, CA
Mary Grace Guzman, *Arent Fox Schiff*, San Francisco, CA
Cassidy Chivers, *Barron & Newburger, P.C.*, Austin, TX



REGISTRATION FORM

ABA TORT TRIAL & INSURANCE PRACTICE SECTION (TIPS) TIPS CYBERSECURITY AND DATA PRIVACY COMMITTEE

Georgia State University • Atlanta, GA • March 14-15, 2024

REGISTRATION DEADLINE: FEBRUARY 26, 2024

1. REGISTRANT: *(Please print or type one form per person; photocopy this form for additional registrants)*

LAST NAME FIRST NAME MI

NAME AS YOU WISH IT TO APPEAR ON YOUR BADGE

FIRM/COMPANY WHAT STATE(S) ARE YOU LICENSED IN?

ADDRESS

CITY STATE ZIP

(AREA CODE) BUSINESS TELEPHONE FACSIMILE

E-MAIL ADDRESS

Are you attending your first TIPS National Program? Yes No

I am a member of the ABA and wish to join the Tort Trial & Insurance Practice Section.

I have enclosed a separate check for \$50 made payable to the American Bar Association.

2. REGISTRATION FEES:

	On or Before	After		
	2/26/24	2/26/24	QTY	Total
TIPS Member	\$425	\$495	_____	_____
ABA Member	\$500	\$595	_____	_____
General Attendee	\$625	\$695	_____	_____
In-House & Solo Law Firm	\$350	\$350	_____	_____
Government Employee	\$400	\$475	_____	_____
ABA Law Student Member	\$50	\$50	_____	_____

3. MATERIALS

I will not be attending the meeting and wish to order the program materials in electronic format for \$150.

4. TOTAL PAYMENT

TOTAL _____

5. PAYMENT INFORMATION

Check (made payable to the ABA) American Express MasterCard VISA

CREDIT CARD NUMBER

EXPIRATION DATE

SIGNATURE

THREE WAYS TO REGISTER

1. ONLINE:
Register Now

2. MAIL:
American Bar Association
Tort Trial & Insurance Practice Section
2024 Tips Cybersecurity And Data Privacy Conference
Attn: Service Center/Meeting
Event Code: IL2403CYB
321 North Clark Street, Floor 19
Chicago, IL 60654

3. SECURE FAX:
(312) 988-5850
On-site registrants
must pay the
program fee plus
an additional \$25
by check or credit
card.

GENERAL INFORMATION

Registration Deadline: February 15, 2022

ADVANCE REGISTRATION

Visit the TIPS website to register at <https://events.americanbar.org/event/fb7e0842-457d-4713-ade0-c616c608c2a6/regProcessStep1> or complete the registration form included in this brochure for the TIPS Cybersecurity Data Privacy Conference to be held at Georgia State University, Atlanta, Georgia.

The registration fee includes admission to the program, course materials, breakfast, breaks, and Welcome Reception. If you wish to have your name appear on the pre-registration list distributed at the program, **ALL** registration forms must be received no later than the registration deadline of **February 26, 2024**. Registration reservations will be confirmed in writing within 10 business days.

ON-SITE REGISTRATION

On-site registrations will be accepted if space is available. Call Theresa Beckom at 312-988-5672 or email Theresa.beckom@americanbar.org, 72 hours prior to the program to confirm that space is available. On-site registrants will be directed to our online registration system and must pay the program fee by credit card. A \$25 fee will be charged to individuals registering on-site.

CANCELLATION POLICY

No registration fee refunds will be granted for cancellations received after **February 26, 2024**. To receive a refund (less a \$100 administrative fee), the ABA must receive written cancellation notice by **February 26, 2024**. Registrants who are unable to attend may send a substitute or will receive course materials in lieu of a refund.

PROGRAM VENUE INFORMATION

Georgia State University Law School
College of Law, 85 Park Place NE
Atlanta, GA, 30303

While there is no designated hotel for those traveling to the program here is an interactive [*map*](#) of the GSU campus to assist you preparing for the conference. For registrants who are local and may be driving to the conference will find this [*link*](#) on campus parking helpful.

HEALTH & SAFETY

The ABA takes the health and safety of our members, guests, and staff seriously. We know that the decision whether to attend a meeting is based upon a variety of personal and business considerations. We will continue to monitor a variety of sources, including the U.S. Centers for Disease Control and Prevention (CDC) and U.S. state and local health authorities for the latest public health updates, as well as applicable restrictions on events and gatherings. The ABA plans to hold this meeting in person but reserves the right to cancel or reschedule this event or convert it to a virtual event if health and safety restrictions require it. We will update the registrants and the website should the plans for this event change.

As part of the registration process to hold this ABA meeting in person, every attendee is required to affirm their commitment to comply with the in-person meeting guidelines. Please review the requirements carefully prior to registering for the meeting.

WELCOME RECEPTION

The Cybersecurity and Data Privacy Committee will hold a welcome reception immediately following the end of day programming on



Thursday, March 14, 2024, from 5:15 pm to 7:30 pm. Specific location of the reception will be posted on the conference website as the meeting approaches. All attendees of the program may attend for free, as it's complimentary with registration. If you have questions, please contact Theresa Beckom at theresa.beckom@americanbar.org.

AIRLINE INFORMATION

ABA NEGOTIATED AIRFARE DISCOUNTS—AVAILABLE ONLINE!

*A Travel Profile is required when booking airline reservations with ABA Egencia

CLE CREDIT

The ABA will seek **11** hours of CLE credit in 60-minute states, and **13.2** hours of CLE credit for this program in 50-minute states including 1 hour of CLE Ethics credit in 60-minute states and 1.2 hours of CLE Ethics credit in 50-minute states. Credit hours are estimated and are subject to each state's approval and credit rounding rules. Please visit the program website at https://www.americanbar.org/groups/tort_trial_insurance_practice/ for program CLE details or visit <https://www.americanbar.org/events-cle/mcle/> for general information on CLE at the ABA.

MEMBERSHIP INFORMATION

For more information about membership in the ABA or the Tort Trial & Insurance Practice Section (TIPS), please visit us online at www.ambar.org/tips or call 800-285-2221. Membership in TIPS includes three industry-leading periodicals, discounts of up to 20% on many TIPS CLE programs, and other career and practice-enhancing benefits. Join TIPS today!

PERSONS WITH DISABILITIES

Services for persons with disabilities are available. If special arrangements are required for an individual to attend this program, please notify Theresa Beckom at either 312/988-5708 or at theresa.beckom@americanbar.org promptly. Reasonable notice is requested.

GET CONNECTED WITH TIPS

Information on this and other TIPS CLE programs is available online at ambar.org/tips. Visit us and get connected!

EXHIBITORS

For Companies or Vendors interested in exhibiting at this program please contact Norma Campos at Norma.Campos@americanbar.org or 312-988-5574.



SCHOLARSHIPS AVAILABLE!

Scholarships are available for all Section activities, courtesy of the TIPS Scholarship Fund. The Fund, established with the International Risk Management Institute ("IRMI") and supported by subscriptions to the IRMI CGL Reporter, is intended to increase membership involvement in TIPS' activities by minorities, solo and small firm practitioners, government attorneys, women, and young lawyers by providing financial support to those who would otherwise be unable to participate. To request an application or receive additional information, visit https://www.americanbar.org/groups/tort_trial_insurance_practice/membership/ or contact Norma Campos at Norma.Compos@americanbar.org for more information and an application.