



The Journal of Business and Securities Law presents:

CYBERSECURITY

FUNDAMENTALS TO ADVANCED PRACTICE

Friday, April 7, 2017

Law College Building | Castle Board Room, 3rd Floor | East Lansing, MI

**MICHIGAN STATE
UNIVERSITY
COLLEGE OF LAW**

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Schedule of **EVENTS**

FRIDAY, APRIL 7, 2017

8:00 a.m.	Breakfast and Registration	10:30 a.m.	Q&A Session 1 and Coffee Break
8:45 a.m.	Opening Remarks <i>JBSL Board</i> <i>Lawrence Ponoroff, Dean & Professor of Law, Michigan State University College of Law</i>	10:45 a.m.	KEYNOTE 3 – Regulation & the Law: The Legal Perspective on Evolving Federal and State Law. COREY SILVERSTEIN General Discussion Points: <ul style="list-style-type: none">• Setting the stage for the afternoon discussion on delivery of legal services and issues from the perspective of in-house professionals.• Wyndham Hotels Case implications:<ol style="list-style-type: none">1. What are the projections following the Third Circuit's holding that the FTC can use the prohibition on unfair practices under section 5 of the FTC Act to regulate cybersecurity? Is the FTC limited in its authority to regulate cybersecurity controls?2. What constitutes fair notice that a company's specific cybersecurity practices fall short of what the law requires?• What is the status on federal law in the 6th Circuit regarding FTC authority to regulate cybersecurity?• What other sources of law authorize the regulation of cybersecurity?• Who else (state/federal agencies) has authority to investigate and prosecute cybersecurity violations?
9:00 a.m.	KEYNOTE 1 – Competency: What technological knowledge is required of today's business lawyer? DR. RICHARD ENBODY General Discussion Points: <ul style="list-style-type: none">• Model Rule of Professional Conduct 1.1 requires that lawyers provide competent representation to clients, meaning they must deliver legal services with requisite legal knowledge, preparation, skill, and thoroughness reasonably necessary for the representation.• What are the tech basics all business lawyers should know?• How do lawyers become competent in this field?• How can lawyers continue to stay competent and maximize delivery of legal services that correspond to technological demands of business owners or other clients with cyber security needs?		
9:45 a.m.	KEYNOTE 2 – Prospective Clients and Services: A new market for vulnerable clients; the client and legal market of the cyber law future. DR. THOMAS HOLT General Discussion Points: <ul style="list-style-type: none">• How is stolen data being re-circulated?• Who is the client of the future? In what ways will different people and different businesses be affected by the re-circulation of stolen data?• What costs might be associated with the ongoing development of the black market for stolen data? It is bad enough to experience a data breach—how bad can it get once hackers resell the data?• What direction is the black market for stolen data heading in?	11:45 a.m.	Q&A Session 2
		12:00 p.m.	Lunch and MSU Law Legal R'n'D Cybersecurity Demonstrations

PRESENTERS

1:00 p.m.

**PANEL 2 – An Inside Job, A Glance From The Other Side:
Protecting clients from data breaches from the perspective of
in-house compliance officers and non-attorney professionals.**

FLORENCE AFFATATO
KIMBERLEE LEVY
TIMOTHY MIELAK

General Discussion Points:

- What are the regulatory impacts on the deployment of security controls?
- How has increased regulation in cybersecurity created new obstacles for in-house counsel?
- What impact has cybersecurity regulation had on the cost of operating an in-house legal department?
- How has cybersecurity regulation changed the role of general counsel?
- How do tech experts work with attorneys in-house to implement and monitor better security controls?
- How can compliance teams perform requisite due diligence?

2:30 p.m.

Q&A Session 3 and Coffee Break

2:45 p.m.

**PANEL 3 – An Outside Job: How can attorneys use litigation
techniques to more efficiently to deliver comprehensive
tech-related legal services to business owners?**

MIKE HINDELANG
TAYLOR GAST
JOHN MASHNI

General Discussion Points:

- What preventative measures do clients need to mitigate liability? (e.g., encryption of sensitive data).
- What are the costs of a breach? What happens when sensitive data is compromised; critical systems rendered unusable?
- What exactly must be done to respond to a breach (e.g., employee/customer notification; government reporting)?
- What kind of litigation techniques should be developed to gain a competitive advantage?

4:15 p.m.

Closing Q&A and Remarks:

Closing remarks from the Journal Board

Dr. Richard Enbody

Mr. Enbody came to MSU in 1987 with a Ph.D. from the U. of Minnesota. Before graduate school he taught high school mathematics for six years. His B.A. was in Mathematics from Carleton College. His work at MSU has covered a variety of topics with many related to computer architecture such as parallel processing, caching, power, and security. He holds two patents in nanotechnology devices with two more pending in security hardware.

Mr. Enbody's research interests are in computer security, computer architecture, web-based distance education, and parallel processing, especially the application of parallel processing to computational science problems. He is currently working on in-vehicle in collaboration with Ford. His most recent work has been on how banks are robbed in the cyber world, and on targeted cyber attacks. He has worked on fuzzing for vulnerability discovery and has a patent pending on hardware buffer-overflow protection.

Dr. Thomas Holt

Dr. Dr. Holt is a Professor in the School of Criminal Justice at Michigan State University specializing in cybercrime, cybersecurity, and policy responses to diverse threats. He received his Ph.D. in criminology and criminal justice from the University of Missouri-Saint Louis in 2005. He has published extensively on issues related to computer hacking, malicious software, data theft, fraud, and cyber-deviance issues. Dr. Holt's work appears in outlets such as British Journal of Criminology, Crime and Delinquency, Deviant Behavior, Journal of Criminal Justice, and Terrorism and Political Violence. He is also the co-author of the books *Cybercrime and Digital Forensics: An Introduction* (Routledge Press), *Cybercrime in Progress: Theory and Prevention of Technology-Enabled Offenses* (Routledge Press), and *Policing Cybercrime and Cyberterror* (Carolina Academic Press).

Dr. Holt's work has been funded by various agencies including the National Institute of Justice and the National Science Foundation to understand the dynamics of cybercrime and cyberterror using on-line data sources. Dr. Holt is also a frequent presenter at major cybersecurity conferences around the world, including Defcon, ONE, and SecureWorld. He is also the organizer for the annual MSU Interdisciplinary Conference on Cybercrime, drawing academics and practitioners from around the world to discuss cybersecurity threats.

COREY SILVERSTEIN

Mr. Silverstein is the managing and founding member of the Law Offices of Corey D. Silverstein, P.C d/b/a/ Silverstein Legal. After receiving his Bachelor of Science degree from Purdue University in 2002, Mr. Silverstein attended the University of Detroit Mercy School Of Law and earned his Juris Doctor degree in 2006. Mr. Silverstein founded his firm in 2006 following law school. Mr. Silverstein is licensed to practice law in Michigan, the District of Columbia, Arizona and Georgia.

Mr. Silverstein's practice focuses on representing many areas of the law but must notably, internet law. Mr. Silverstein regularly provides legal services related to: age verification and record keeping requirements (18 USC §2257), intellectual property (copyrights and trademarks), the Digital Millennium Copyright Act (DMCA), Section 230 of the Communications Decency Act, the Restore Online Shopper's Confidence Act (ROSCA), Federal Trade Commission (FTC) compliance, first amendment / free speech, obscenity, corporate law, criminal defense, internet law, domain disputes, and various other areas of the law. Mr. Silverstein is an acclaimed litigator and dispute resolution specialist. His practice also concentrates on complex contracts, business structure, and business formation. Mr. Silverstein prides himself in providing prompt and aggressive representation tailored to each of his clients' individual needs. Mr. Silverstein has been quoted and published in the New York Times, FOX News, MSNBC, the Miami Herald, the Washington Post, the Detroit News and the Associated Press. Mr. Silverstein is also a regular speaker at conferences across the United States and Canada and has made countless presentations related to topics and issues that affect internet businesses and the online marketplace. Amongst his numerous professional affiliations, Mr. Silverstein is a member of the First Amendment Lawyers Association (FALA). SilversteinLegal.com is the firm's main website. Mr. Silverstein can be reached through SilversteinLegal.com or by email at corey@silversteinlegal.com. Mr. Silverstein can also be contacted by telephone at 248-290-0655.

FLORENCE AFFATATO

Ms. Affatato is both knowledgeable and enthusiastic about legal and compliance matters. As General Counsel and Chief Compliance Officer, she executes the firm's legal and compliance programs. Prior to joining Portfolio Solutions®, Ms. Affatato held a position as a Compliance and Corporate Counsel Associate for an investment management firm and previously was a Director of Export Controls at Wayne State University.

She retired from the FBI where she served as a Supervisory Special Agent and coordinated various programs ensuring compliance and oversight with U.S. Department of Justice guidelines. She graduated from Michigan State University with a Juris Doctorate and later attended Wayne State University, attaining her Master of Laws in Tax Law. She also holds a Master of Social Work degree. Ms. Affatato appreciates working with colleagues who are focused on helping clients plan for their future.

KIMBERLEE LEVY Ms. Levy is the Chief Compliance Officer and Chief Legal Officer of Concorde Investment Services, LLC and Concorde Asset Management, LLC, both headquartered in Livonia, Michigan. Ms. Levy is responsible for managing a team of six compliance professionals, providing compliance and legal advice to management and personnel on various business lines, and developing and implementing an effective compliance program throughout the organizations. Her career began in financial services compliance and regulations in 1999 and she has experience with firms of all sizes with varying regulatory needs. Ms. Levy received her Juris Doctor from the DePaul University College of Law in Chicago, Illinois, and also completed undergraduate studies at Michigan State University. She is a member of the State Bar of Michigan and frequently speaks at industry conferences on topics such as due diligence, alternative investment suitability, conflicts of interest, and regulatory issues.

TIMOTHY MIELAK

Dr. Mielak serves as the Chief Information Security Officer (CISO) at Michigan State University Federal Credit Union (MSUFCU). As CISO, he is responsible for developing and executing strategies to protect the Credit Union from internal and external information security threats and ensures the integrity of member and organizational data. Joining MSUFCU in 2016, Dr. Mielak was previously the Enterprise Security Officer at Alaska USA Federal Credit Union as well as an Adjunct Professor at the University of Alaska, teaching Computer and Network Security.

His professional memberships include: InfraGard, Information Systems Security Organization (ISSA), and the Information Systems Audit and Control Association (ISACA). MSUFCU has an asset size of over \$3.3 billion, nearly 230,000 members worldwide, and more than 730 employees. It is the largest university-based credit union in the world. In 2016, MSUFCU was recognized as one of Fortune's 50 Best Workplaces for New College Grads, as well as the #1 Top Workplace in the large employer category on the Detroit Free Press Top Workplaces list. Also in 2016, MSUFCU was selected as one of West Michigan's 101 Best and Brightest Companies to Work For, receiving the Michigan Business Professional Association's top honor of Elite Overall - Best of the Best award.

MIKE HINDELANG

Mr. Hindelang is a partner at Honigman in Detroit, Michigan. He is a commercial litigator with substantial experience in the securities, corporate governance and corporate investigations arenas and in high-stakes cases where significant monetary amounts or prominent reputations have been implicated. He also advises business entities on data security issues, including responding to data breach incidents, and leads privacy litigation matters. Mr. Hindelang counsels on information management issues, including e-discovery planning and records retention, in both litigation and non-litigation settings.

Additionally, Mr. Hindelang counsels clients on data security issues, including investigating and responding to data breach, data loss, and other cybersecurity issues; advises clients on data privacy and related consumer issues; counsels clients on e-discovery issues in both state and federal courts, including multiple SEC inquiries, metadata and form of production disputes and early case planning for ESI; advises clients on information management issues, including records retention and document management; and represents clients in litigation matters arising out of data breaches and privacy issues.

TAYLOR GAST

Mr. Gast helps businesses and business-owners solve problems as a member of Foster Swift's Business and Corporate practice group. He first came to the firm as a summer associate and returned after graduating from law school. Mr. Gast focuses on areas relating to business formation, business transactions, taxation, technology law and employee benefits. Among other topics, Mr. Gast is familiar with rules relating to hedge fund investments by qualified retirement plans. Mr. Gast is constantly focused on helping others and becoming a better advisor. He graduated from the University of Illinois College of Law after earning academic honors. He was an associate editor of the Illinois Law Review, a Legal Writing and Analysis teaching assistant, and vice president of the Corporate and Business Law Association. Mr. Gast also represented and advocated for homeowners facing foreclosure through Illinois' Community Preservation Clinic.

Mr. Gast earned his undergraduate degree from the University of Michigan where he fundraised for several charities and also was a rank leader in the Michigan Marching Band trombone section. Outside of the office, Mr. Gast remains involved in the community through volunteer work, tutoring, and other endeavors. Prior to law school, he was a grant writer for a nonprofit organization that teaches job readiness skills to youth.

JOHN MASHNI

Mr. Mashni is an attorney at Foster Swift. He empowers businesses owners to follow their passions by helping them to seize business opportunities and navigate legal challenges. As a former entrepreneur, business owner and manager, Mr. Mashni has a deep understanding of the businesses he represents as well as the knowledge and savvy of a seasoned attorney. He helps clients do deals, protect assets and plan for the future through his practice.

Prior to earning his law degree, Mr. Mashni worked as the manager of a media department for a large leadership development company. There he supervised and coordinated audio, video, web, and print projects for tens of thousands of customers. Mr. Mashni also ensured all marketing materials complied with FTC guidelines and federal law. In addition to managing the department, Mr. Mashni performed freelance work on numerous film and video projects and he worked as a director, director of photography, audio engineer as well as visual effects artist. Mr. Mashni also completed coursework at the New York Film Academy.

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