

Cyber Security: Proactive Steps to Minimize Liability

2015 Government Enforcement Institute

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Overview

- ▶ Cyber threat environment
- ▶ Security & Preparedness
- ▶ Effective incident response plan
- ▶ Role of attorney client privilege
- ▶ Role of Cyber Insurance
- ▶ Consider three case scenarios

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Panelists

▶ Moderator

- *Mark L. Krotoski*
 - Partner, Morgan, Lewis & Bockius LLP, Silicon Valley, CA

▶ Participants

- *Erin Nealy Cox*
 - Executive Managing Director, Stroz Friedberg, Dallas, TX
- *Tracy M. Preston*
 - Senior Vice President, General Counsel, The Neiman Marcus Group, Dallas, TX
- *Ronald W. Breaux*
 - Partner, Haynes and Boone, LLP, Dallas, TX

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Disclaimer

- ▶ Panel comments are based on general observations and experience and not on any particular facts or specific cases

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Cyber Threat Environment

- ▶ “We face sophisticated cyber threats from [1] state-sponsored hackers, [2] hackers for hire, [3] organized cyber syndicates, and [4] terrorists.
- ▶ They seek our state secrets, our trade secrets, our technology, and our ideas – things of incredible value to all of us.”

Statement of FBI Director James B. Comey, Jr., Senate Judiciary Committee, Oversight Of The Federal Bureau Of Investigation, at 4 (May 21, 2014), <http://www.judiciary.senate.gov/imo/media/doc/05-21-14ComeyTestimony.pdf>

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Cyber Threat Environment

- ▶ “[T]he increasing prevalence and severity of **malicious cyber-enabled activities** originating from, or directed by persons located, in whole or in substantial part, outside the United States constitute an unusual and extraordinary **threat to the national security, foreign policy, and economy** of the United States. I hereby declare a **national emergency** to deal with this threat.”



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