



CYBERTHREATS: WHAT IN-HOUSE COUNSEL SHOULD BE DOING

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CYBERTHREATS: WHAT TO KNOW, WHAT TO DO.



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THE GOOD, THE BAD, AND THE UGLY



THE UGLY: AN OVERVIEW

- “There are more bad actors who are more organized with better tools This trend does not show signs of subsiding.”
- “While 2013 was a bad year for IT security, there’s no disputing that 2014 was the worst. . . . “
- “You’re going to be hacked. Have a plan.”

THE UGLY: EMERGING TRENDS

- Attacks on the Internet of Things
- More holes in open source software
- Growing threat of healthcare breach



THE UGLY: EMERGING TRENDS

- Smarter Malware
- Cloud Data at Great Risk
- BEC / “CEO Fraud” Scams



THE UGLY: UNEXPECTED CONSEQUENCES



THE UGLY: UNEXPECTED CONSEQUENCES

A screenshot of the Ashley Madison website. The header features the logo 'ASHLEY MADISON®' with the tagline 'Life is short. Have an affair.®'. Below this is a form with the text 'Get started by telling us your relationship status:' and a dropdown menu labeled 'Please Select'. A purple button labeled 'See Your Matches' is below the form. To the right of the form is a large image of a woman's face with her finger to her lips in a 'shh' gesture, overlaid with a shattered glass effect. At the bottom left, there is a badge that says '100% Live-minded People'. To the right of this is text stating 'As seen on: Hannity, Howard Stern, TIME, BusinessWeek, Sports Illustrated, Maxim, USA Today'. Further right is text stating 'Ashley Madison is the world's leading married dating service for discreet encounters'. At the bottom right, there are four logos: 'Trusted Security Award', '100% Satisfaction Service', and 'SSL Secure Site'.

THE UGLY: UNEXPECTED CONSEQUENCES

TIME'S UP!

Avid Life Media has failed to take down Ashley Madison and Established Men. We have explained the fraud, deceit, and stupidity of ALM and their members. Now everyone gets to see their data.

Find someone you know in here? Keep in mind the site is a scam with thousands of fake female profiles. See ashley madison fake profile lawsuit; 90-95% of actual users are male. Chances are your man signed up on the world's biggest affair site, but never had one. He just tried to. If that distinction matters.

Find yourself in here? It was ALM that failed you and lied to you. Prosecute them and claim damages. Then move on with your life. Learn your lesson and make amends. Embarrassing now, but you'll get over it.

Any data not signed with key 6E50 3F39 BA6A EAAD D81D ECFE 2437 3CD5 74AB AA38 is fake.

[Impact Team's statement on the release](#)

[Impact Team's PGP signature for the released statement](#)

[Impact Team's PGP Key](#)

[Torrent for the released data](#)

THE BAD:

- CIOs and CSOs are unprepared
- Corporate leaders lack confidence in their organization's preparedness
- Increased scrutiny on leadership
- Inconsistent regulatory landscape

THE GOOD:

- Lessons Learned
- Encryption
- Decrease in payment breaches
- Virtual payment more secure
- Better Data Loss Prevention tools



"You know, you can do this just as easily online."

THE GOOD: PEARSON'S AGENDA

1. Protect exercise of Fiduciary Duty
2. Enact communications training
3. Guide Public/private partnerships
4. Achieve compliance
5. Appoint cybersecurity counsel

THE GOOD: PEARSON'S AGENDA

6. Create Crisis Plan
7. Transactional Risk
8. Insurance
9. Monitor public policy
10. Discharge duty of care

SUMMARY:

- Increasingly likely to happen
- Will cost time, money, reputation, standing
- Beware of unexpected consequences of breach

**Limit the exposure,
limit the harm:**

SUMMARY: PREPARATION & PARTNERSHIPS



FACULTY BIOGRAPHY



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Joseph Ortego is the Practice Group Co-Leader of Nixon Peabody's Commercial Litigation Practice, as well as the chair of NP Trial®, an international team of the firm's most successful and experienced trial lawyers. He represents major private and publicly traded companies and their executives, having tried over 100 cases to verdict in both federal and state courts throughout the country and has successfully represented clients before arbitration tribunals around the world.

With over thirty-five years of litigation and business experience, Joe helps his clients, from Fortune 500 to startups, resolve their matters early, on their terms.

Services

- Complex Commercial Litigation
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- Food, Beverage & Agriculture
- Arbitration
- Class Actions & Aggregate Litigation
- Labor & Employment
- Consumer Products
- Global Disputes
- Financial Services Litigation

Recognition

- Joe has been selected by his peers for inclusion in The Best Lawyers in America© 2016 in the field of Product Liability Litigation - Defendants. He has been listed in Best Lawyers in America since 2012.
- Joe is also recognized by The Legal 500 as a leading attorney in the Product liability and mass tort defense: toxic tort and aerospace/aviation categories; by Benchmark Litigation as a New York local litigation star; and by Martindale-Hubbell Peer Review Ratings in its highest category, AV Preeminent.
- Additionally, Joe is recognized by New York Metro Super Lawyers, LMG Life Sciences as a "Life Sciences Star" and Who's Who Legal in Life Sciences. In the New York Metro Super Lawyers' 2014 edition, Joe was amongst the top 100 lawyers.

Education

- Boston University School of Law, J.D.
- Syracuse University, B.A., with honors