

IOC Cybersecurity/Cryptocurrency Edition

July 29, 2020

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Timed Agenda:

1. Cryptocurrency

- (a) what is cryptocurrency (intro to crypto, bitcoin) and what is ScamCoin (13 min)
- (b) Are all ICOs just bitcoin, and are they all inherently fraudulent (13 min)
- (c) Legal risks with ICOs (is ScamCoin an unregistered security) (13 min)

2. Ransomware

- (d) What is ransomware (life cycle of ransomware attack, including customer service hotline) (6 min)
- (e) How are you supposed to prepare and respond (7 min)
- (f) Incident response and notification requirements (13 min)
- (g) Criminal Issues with respect to Ransomware (13 min)

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Biographies

Yana Britan has been a member of the Inn since 2015. She focuses her practice on the litigation and arbitration of complex disputes involving commercial, contract, corporate, securities and other business related law. During the program preparation, Yana, an attorney who hails from Russia, was oddly informed as to current hacking issues and suspiciously interested in guest expert discussions regarding cybersecurity. It could be nothing...

As a condition of serving as co-chair for this event, **Steven Cumming's** employer suggested that his bio be left blank for this particular event.

Joseph P. Facciponti is a Partner in the New York office of Murphy & McGonigle PC whose practice focuses on cybersecurity, compliance counseling, and white collar matters. For nearly nine years, Joe was a prosecutor at the U.S. Attorney's Office for the Southern District of New York, where he handled cases involving a wide-range of financial and computer crimes. In 2010, he received an FBI Director's Award for outstanding cyber investigation, based on his work in investigating and disrupting a major international computer hacking ring that targeted financial institutions. After leaving the U.S. Attorney's Office, Joe held a supervisory position in the legal department of HSBC, where he led global internal investigations and advised HSBC regarding its financial crime compliance programs. Joe graduated, magna cum laude, from Cornell Law School and obtained a B.A. in Philosophy from Yale University.

Jason Gottlieb is a Partner in Morrison Cohen LLP's Business Litigation Department, and is Chair of the White Collar and Regulatory Enforcement practice group. His practice focuses on regulatory enforcement, litigation, and arbitration relating to securities, cryptocurrency, commodities, futures and derivatives, and structured finance.

Jason is the principal author of the MoCo Cryptocurrency Litigation Tracker, and was named to the National Law Journal's inaugural list of 2018 Cryptocurrency, Blockchain and Fintech Trailblazers. He has been widely quoted for his expertise in the media, including CNN, CNBC, Bloomberg Law, Fortune, the National Law Journal, The New York Law Journal, The Real Deal, and many more.

Jeff Gross is a partner at Reid Collins LLP. His practice focuses on plaintiff-side litigation involving business torts, professional malpractice, and claims on behalf of trustees, liquidators, and other fiduciaries of insolvent companies.

Justin Shibayama Herring is an Executive Deputy Superintendent at the New York Department of Financial Services (DFS), where he leads the newly created Cybersecurity Division. The Cybersecurity Division focuses on protecting consumers and industry from cyber threats, and is the first of its kind to be established at a banking or insurance regulator. The Division oversees all aspects of DFS's cybersecurity regulation, including enforcement, examinations, and guidance.

Prior to joining DFS in 2019, Mr. Herring served for nine years as Assistant United States Attorney in the Districts of New Jersey and Maryland. Most recently, he served as the Chief of the New Jersey office's first Cybercrime Unit. There he led the prosecution of sophisticated cybercrimes targeting corporations, financial institutions, accounting firms and government agencies. He also prosecuted and supervised white-collar cases involving investment fraud, stock manipulation, money laundering, insider trading, and corporate embezzlement.

Mr. Herring graduated from the University of Chicago Law School with Honors and received a B.A. from Swarthmore College. After law school, he clerked for Chief Judge Danny J. Boggs on the U.S. Court of Appeals for the Sixth Circuit.

Matthew A. Katz is counsel at Schindler Cohen & Hochman LLP. He first joined the firm in 2007 after three years practicing with Simpson Thacher & Bartlett LLP. Between 2015 and 2018, Matt served as Principal Counsel in FINRA's Department of Enforcement.

At FINRA, Matt led investigations and litigated a wide variety of matters related to violations of FINRA/NASD rules and federal securities laws and regulations. Recently, Matt was the lead attorney for the investigation leading to FINRA's first cryptocurrency-related disciplinary action. Matt also investigated and litigated matters related to, among others: anti-money laundering program and supervisory deficiencies; securities offerings in violation of Section 5 of the '33 Act; securities fraud; market manipulation; quantitative and qualitative suitability; short sale marking and locate rule violations; market access violations; net capital deficiencies, outside business activities; and private securities transactions.

In addition to his regulatory experience at FINRA, Matt has litigated complex commercial disputes involving diverse areas of law, including: banking, contracts, securities fraud, employment, intellectual property, construction, real estate development; Indian Gaming Regulatory Act, ERISA, Section 11 of the Securities Act, and discovery requests pursuant to 28 U.S.C. § 1782. Matt has also represented individuals in FINRA arbitrations and SEC investigations. He was a member of the firm's team that successfully represented New York State Department of Financial Services in the first federal lawsuit brought by a state regulator alleging unfair and deceptive acts and practices under the Dodd-Frank Act.

Matt helped found the firm's data security and privacy practice and has earned the Certified Information Privacy Professional/United States (CIPP/US) credential through the International Association of Privacy Professionals (IAPP)

Christopher J.P. Mitchell is a licensed attorney and investment advisor. He has spent over 15 years practicing law in New York State. His Manhattan based firm the Law Offices of Christopher J.P. Mitchell, PLLC works with entrepreneurs, small businesses and early stage companies providing an array of

business and corporate legal services including structuring business entities, corporate finance transactions, funds formations, compliance guidance and general business legal counsel.

Christopher is also the founding partner of Keala Advisors. Keala Advisors is a strategy consulting and investment advisory firm that was formed with the mission of helping its clients build and invest in transformative companies that will shape the new digital age. Keala Advisors provides strategic business consulting, capital raising and investment strategy for early stage companies, individual investors and investment groups operating within the emerging technology space.

Christopher has spent significant time advising clients on blockchain built platform and software development, token sales, initial coin offerings and regulatory compliance matters. He has sat on several panels, and given numerous seminars and presentations discussing the developments of blockchain technology. He can be reached at chris@keala.io

Steven Perlstein is an experienced trial lawyer who practices in the area of complex civil litigation, focusing on litigation related to complex commercial transactions (such as collateralized debt obligation and mortgage-backed securities transactions), business break up disputes and securities-related litigation. Mr. Perlstein also conducts litigation related to data security, particularly with regard to civil remedies available to prevent the widespread dissemination of proprietary information. In addition, Mr. Perlstein regularly represents clients in white-collar criminal defense matters and regulatory investigations.

Mr. Perlstein has participated in a variety of civil and criminal proceedings including International Chamber of Commerce, Financial Industry Regulatory Authority and American Arbitration Association arbitrations, as well as litigations in state, federal and bankruptcy courts in New York and Delaware. Mr. Perlstein has also litigated patent disputes in the Eastern District of Texas.

Prior to joining Kobre & Kim, Mr. Perlstein practiced at Schulte Roth & Zabel LLP, where he focused on complex commercial and securities litigation and bankruptcy litigation.

Mr. Perlstein served as a judicial clerk to the Honorable John D. Butzner Jr. of the U.S. Court of Appeals for the Fourth Circuit.

Elizabeth Roper is the Chief of the Cybercrime and Identity Theft Bureau (CITB) at the New York County District Attorney's Office. She oversees a staff of approximately 70 people, including the attorneys and analysts who handle CITB's investigations and prosecutions; the Cybercrime Intelligence Unit; and the High Technology Analysis Unit (HTAU), which is responsible for the digital forensics work across the D.A.'s office. CITB handles prosecutions involving cybercrime and cyber-enabled crime, including computer and network intrusions, the theft and illicit use of cryptocurrencies, data breaches and intellectual property theft, identity theft, check and credit card fraud, money laundering, and the online trafficking of child sexual abuse material. Prior to her current role, Liz served as Deputy Chief in CITB, and as an Assistant District Attorney in the Office's Official Corruption Unit and the Trial Division. Liz graduated from Vassar College, and received her J.D. from Fordham University School of Law in 2006.

Andrew Siegel is General Counsel and Chief Compliance Officer of Galaxy Digital LP, a diversified financial services firm dedicated to the digital currency and blockchain sectors

Prior to Galaxy Digital, Mr. Siegel served in a variety of legal and compliance roles for Perella Weinberg Partners, a financial services firm providing advisory and asset management services to a global client base. Prior to joining Perella Weinberg, Mr. Siegel was General Counsel and Chief Compliance Officer of Stanfield Capital Partners LLC, an alternative asset manager based in New York. Prior to joining Stanfield, Mr. Siegel served in the law division of Morgan Stanley, initially advising the Mergers and Acquisitions Department. Ultimately, Mr. Siegel was the senior attorney responsible for advising Morgan Stanley Investment Management's alternative investment funds, including its private equity funds, venture capital funds, hedge funds and fund of funds. Previously in his career, Mr. Siegel was a corporate attorney at Shearman & Sterling where he focused on public and private mergers and acquisitions, private equity transactions and joint ventures.

Mr. Siegel is admitted to the Bar of the State of New York and has been designated a Certified Regulatory and Compliance Professional by FINRA.

Mr. Siegel received a Bachelor of Arts in Political Science, magna cum laude, from Tufts University and a Juris Doctor, summa cum laude, from Washington College of Law at American University where he was an editor of The American University Law Review.