



BAKER & MCKENZIE



The  
International  
Trade Association  
of Greater Chicago

## CORPORATE ESPIONAGE & GLOBAL SECURITY: PROTECTING YOUR BUSINESS INTERESTS

February 25, 2010

8:00 a.m. – 5:00 p.m.

Rosewood Restaurant & Banquets  
9421 West Higgins Road, Rosemont, IL

### SEMINAR AGENDA

- 8:00 a.m. Registration; Continental Breakfast
- 8:30 a.m. *Introduction & Overview of Corporate Global Security*  
**Brian L. Whisler**, Partner, Baker & McKenzie LLP, Washington, D.C.
- 9:15 a.m. *Espionage Methods: Targets, Actors, Scams & Trends*  
**Stephen G. Holder**, National Counterintelligence Officer for East Asia,  
National Counterintelligence Executive
- 10:00 a.m. *Protecting Electronic Data and Trade Secrets*  
**Robert W. Kent**, Partner, Baker & McKenzie LLP, Chicago
- 10:45 Break
- 11:00 a.m. *FBI Counterintelligence Issues: Identity of the Threat and Methodology; Insider Threat; Cyber Targeting of Intellectual Property*  
**Mark A. Levett**, Office of Counterintelligence Business Alliance,  
Federal Bureau of Investigation, Washington, D.C.
- 11:45 a.m. *Vetting Your International Partners & Personnel; Due Diligence*  
**David Burns**, Director, Firmwide Security, KPMG  
**Louise M. Kern**, Managing Director, GLOBIS - Global Business  
Information Services, Inc., Chicago
- 12:30 p.m. Lunch  
Keynote Address: *Securing Our Future*  
**Raymond A. Mislock, Jr.**, Chief of Global Security, DuPont
- 2:00 p.m. *Cyber Espionage: Adversarial Techniques and Countermeasures*  
**Gary Stanley**, National Security Agency
- 2:45 p.m. *Export Administration Regulations: Controlled Technology, Deemed Exports, Re-Exports & Encryption*  
**Karen Swasey**, Senior Policy Analyst, Bureau of Industry & Security,  
U.S. Department of Commerce
- 3:45 p.m. *Technology Control Plans: Export Controls, Trade Secret Protection, Counter-Espionage*  
**Bart M. McMillan**, Partner, Baker & McKenzie LLP, Chicago
- 4:30 p.m. *Role of the Overseas Security Advisory Council*  
**Maureen K. Russell**, Regional Coordinator, Central/North America &  
the Caribbean, OSAC
- 5:00 p.m. Adjourn – Wine & Cheese Reception

# CORPORATE ESPIONAGE & GLOBAL SECURITY: PROTECTING YOUR BUSINESS INTERESTS

## SPEAKERS

### *Introduction & Overview of Corporate Global Security*



**Brian Whisler** joined the Washington, D.C. office of Baker & McKenzie LLP in 2008 after serving 15 years as a federal prosecutor. He is part of the firm's Business Crimes and Investigations and Corporate Compliance practice, where he focuses on assisting domestic and international corporate and individual clients in a broad range of compliance and dispute resolution matters, including internal investigations, white collar criminal defense, and related civil litigation.

Prior to joining Baker & McKenzie LLP, Mr. Whisler served as the Criminal Chief Assistant United States Attorney in the Richmond United States Attorney's Office within the Eastern District of Virginia. He managed the criminal trial practice of over 25 prosecutors handling cases ranging from white collar crime, violent crime, public corruption, and terrorism. His practice consisted of predominantly white collar crime, including health care fraud, securities fraud, Foreign Corrupt Practices Act cases, bank fraud, and tax fraud.

During his tenure as an Assistant United States Attorney in the United States Attorney's Office for the Western District of North Carolina, Mr. Whisler focused on white collar matters, which included the successful prosecution of 22 defendants in a money laundering case involving three trials, for which he received national recognition. Having had extensive federal jury trial and appellate experience, Mr. Whisler was the recipient of numerous awards and commendations from the U.S. Department of Justice, the Federal Bureau of Investigation, U.S. Postal Inspection Service, and U.S. Secret Service. He also received recognition for his role as counsel in the successful prosecutions of Michael Vick and Riddick Bowe.

### *Espionage Methods: Targets, Actors, Scams & Trends*

**Stephen G. Holder** is assigned to the Office of the Director for National Intelligence's (ODNI) Office of the National Counterintelligence Executive (ONCIX) as the National Counterintelligence Officer for East Asia (NCIO/EA). Mr. Holder's primary responsibility at ONCIX is to identify foreign counterintelligence threats emanating from East Asia and recommend mitigating actions, collection solutions, and alternative responses to the ODNI and intelligence community at large.

At the Institute for Defense Analyses (IDA), a federally-funded research and development corporation, Mr. Holder provided analyses on China's developing threat to U.S. military dominance in Asia and contributed to and participated in Red Team exercises at Pacific Command. He was involved in the compilation of a critical examination of the cultural, economic, political, and social aspects of the situation in Sudan for Central Command and developed scenarios for urban warfare experiments for IDA's Joint Advanced Warfare Program.

Additionally, he formulated analytical judgments for CIA's office of Science and Technology on how to focus S&T expenditures and resources more effectively in intelligence collection efforts. He also participated in and made significant contributions to IDA's Intelligence Working Group, its business development plan, and in soliciting interest within the Intelligence Community for IDA's analytical capabilities.

Mr. Holder is a former Senior Intelligence Service Officer in the Central Intelligence Agency's Directorate of Operations (National Clandestine Service) who specialized in China Operations. He served in senior positions in China, Ukraine, and in Taipei, Taiwan. Other overseas assignments included Malaysia and Italy.

## *Protecting Electronic Data and Trade Secrets*



Since joining Baker & McKenzie in 2006, **Robert W. Kent, Jr.** has conducted numerous corporate internal investigations and has represented multiple clients, both corporations and individuals, in government investigations and proceedings. He is lead plaintiff's counsel in a civil RICO action brought by a corporation against a large labor union. He also has advised and represented several clients in connection with data security breaches, and their compliance programs generally.

From 1989 until 2006, Mr. Kent was an Assistant United States Attorney in the Criminal Division of the United States Attorney's Office in Chicago. Starting in 1996, he held various supervisory positions in the Office, culminating with his appointment as Chief of the Complex Fraud Section, where he served from 2002 through 2006. As Chief of the Complex Fraud Section, Mr. Kent led and supervised the Office's programs in prosecuting securities fraud, health care fraud and bank fraud. In addition to his supervisory responsibilities, Mr. Kent handled his own caseload of complex fraud and public corruption cases.

During his career as a prosecutor, Mr. Kent worked on investigations and prosecutions in the following areas, among others: accounting and other securities frauds, corporate breaches of fiduciary duty, Foreign Corrupt Practices Act, commercial bribery, bribery of public officials, limited partnership fraud, bankruptcy fraud, corporate and individual income tax fraud, loan fraud, employee embezzlements, government program fraud, export control violations, narcotics violations, firearms violations, street gang prosecutions, police corruption, health care kickback violations, and billing fraud by doctors, hospitals, pharmaceutical companies and medical equipment suppliers.

## *FBI Counterintelligence Issues: Identity of the Threat and Methodology; Insider Threat; CyberTargeting of Intellectual Property*



**Mark A. Levett** is a 1988 graduate of the U.S. Naval Academy. He served nine years in the U.S. Navy as a surface warfare officer and Naval Intelligence Officer. Subsequent to resigning his commission, Mr. Levett spent a year at General Electric's Transportation Division as a Contracting Agent.

Mr. Levett started his career with the FBI in November 1998 at the FBI Academy in Quantico, VA. His first assignment upon graduation was to the New York City Field Office. He spent five years in New York as a field agent working a diverse number of cases in the Criminal Division prior to a permanent squad assignment working Counterintelligence issues.

In the fall of 2003, Mr. Levett was promoted to a Supervisory Special Agent position at FBIHQ where he worked in the Counterintelligence Division's Close Access/Special Projects Unit. This Unit was responsible for technical penetration of foreign intelligence services. He was promoted to a Supervisory Special Agent position at Washington Field Office in February 2006, where he was responsible for Washington Field Office's Counterintelligence Domain program. The CI Domain program is responsible for Academic and Business Alliance liaison for the purpose of identifying foreign intelligence targeting of technology critical to US National Security.

Mr. Levett was promoted back to FBIHQ as a Unit Chief of the CI Strategic Partnership Unit in March 2008. This Unit is responsible for national level partnerships between the FBI and the private sector. The partnerships with the Defense Industrial Base and Higher Education are dedicated to protecting key technology from foreign intelligence intrusion and targeting. One of the primary strategies to accomplish this goal is the sharing of actionable intelligence between the FBI and the private sector.

## *Vetting Your International Partners & Personnel; Due Diligence*

**David A. Burns** currently serves as Director of Firmwide Security for KPMG, LLP, one of the “Big Four” accounting firms, and has held this position since 1999. Firmwide Security is responsible for the safety and security of over 22,000 employees and partners nationwide. Responsibilities also include background screening on prospective clients and employees, as well as conducting internal investigations into allegations of misconduct by KPMG partners and employees.

Prior to KPMG, Mr. Burns was First Vice President with Prudential Securities in New York, representing the company and brokers in litigation and regulatory matters. Upon graduation from law school in 1983, Mr. Burns began his legal career with the New York City Department of Investigation conducting corruption investigations and served as Inspector General for the Department of Parks and Recreation, as well as the Department of Ports and Terminals, before leaving in 1991. Mr. Burns also served as staff counsel to a Mayoral Commission to Investigate Corruption in the NYC Police Department. Mr. Burns is a graduate of Albany Law School and the State University of New York.



With over twenty-five years of international experience, **Louise M. Kern** began working in the business information industry in 1996. Seeing the surging need for high quality business information in the increasingly global economy, Ms. Kern founded Global Business Information Services, Inc. (GLOBIS) in 2003. GLOBIS provides credit reports on any company, any size, anywhere in the world, databases of companies and individuals, market research, etc., and is the source of the U.S. Department of Commerce’s ICP reports on Chinese companies.

Ms. Kern has lived in mainland China, Austria, Germany, and France. She speaks fluent Mandarin and German, and is conversant in French. She has a Bachelor’s and Master’s degree from the University of Chicago and a graduate diploma from the Johns Hopkins School of Advanced International Studies (SAIS), Nanjing University campus.

## *Securing Our Future*



**Raymond A. Mislock, Jr.** was appointed Director, DuPont Corporate Security on January 1, 2001. On September 1, 2007, he was appointed as DuPont’s first Chief Security Officer. Mr. Mislock serves as DuPont’s representative to the U. S. Department of State’s Overseas Security Advisory Council and is member of the Leadership Board of the FBI’s Domestic Security Alliance Council. He is a Board member and past President of the International Security Management Association

Immediately prior to joining DuPont, Mr. Mislock served for two years as the Associate Deputy Director for Administration for Security for the Central Intelligence Agency. As the senior security executive for the Agency, he managed information, personnel, and technical and physical security operations worldwide. Prior to his Agency service, Mr. Mislock completed a 25-year career with the Federal Bureau of Investigation as the Special Agent in Charge of the FBI’s National Security Division of the Washington Field Office where he directly managed counterintelligence, counterespionage and counterterrorism investigations.

Mr. Mislock was appointed as a Special Agent in May 1972. His Bureau career included assignments Los Angeles, San Francisco and Washington, D.C. While in Washington, D.C., his duties included a three-year special assignment to the U.S. State Department as the Director of Counterintelligence in the Bureau of Diplomatic Security and one year at the National Security Council, Office of Intelligence Policy as the Director of Counterintelligence Programs.

In 1968 he earned his Bachelor of Arts degree in Government from the University of Texas, Austin, Texas, and in 1977, his Master of Science degree in Administration of Justice from the California Lutheran University.



## *Cyber Espionage: Adversarial Techniques and Countermeasures*

**Gabriel L. Maznick** joined the National Security Agency (NSA) following a tour in the Army Signal Corps and graduation from the University of Massachusetts. In his 35-year career with NSA, he has worked in many offices, including Policy and Doctrine, Certifications and Accreditation, Program Management, and Information Security Assessments.

## *Export Administration Regulations: Controlled Technology, Deemed Exports, Re-Exports & Encryption*

**Karen Swasey** is a Senior Export Policy Analyst for the Bureau of Industry and Security, U.S. Department of Commerce. In this capacity, Ms. Swasey played a key role in the development of the current U.S. export control policy toward China and the Validated End User program. Over the past ten years, Ms. Swasey also provided analytical and policy support for a wide range of high profile export control policy issues, including those related to high performance computers, night vision cameras, and encryption.

Prior to this position, she served for five years as Director of BIS' Economic Analysis Division, where she was responsible for conducting analyses of the impact of export controls on U.S. industry, and making recommendations for mitigating the effects of export controls while protecting national security interests. Ms. Swasey received a B.A. from Johns Hopkins University, where she was elected to Phi Beta Kappa, and an M.A. in international affairs from Columbia University.

## *Technology Control Plans: Export Controls, Trade Secret Protection, Counter-Espionage*



**Bart M. McMillan** currently leads the Chicago Office of Baker & McKenzie's International Trade Compliance Sub-Practice Group. He advises U.S. and foreign companies on international trade compliance matters arising under U.S. export controls, trade sanctions, and antiboycott rules, as well as under U.S. customs laws with respect to classification, valuation, country of origin, free trade agreements, and the protection of intellectual property at the U.S. border. His practice also covers anti-bribery and specialized commercial compliance issues in foreign sales and sales promotion under the U.S. Foreign Corrupt Practices Act, foreign anti-bribery law, and foreign commercial laws. Mr. McMillan is a frequent speaker on international trade compliance matters at seminars, conferences, and company training events.

Mr. McMillan's practice involves compliance counseling; compliance programs; licensing; compliance reviews; internal investigations; voluntary disclosures; administrative enforcement actions; criminal investigations; customs inquiries, audits, detentions, and seizures; and trade-compliance due diligence and post-acquisition integration in mergers and acquisitions. His practice concerning mergers and acquisitions also includes matters that implicate the U.S. Committee on Foreign Investment in the United States. A significant portion of his export controls practice concerns the U.S. International Traffic in Arms Regulations. Mr. McMillan has extensive experience working with companies in the aerospace and defense sectors.

## *Role of the Overseas Security Advisory Council*

**Maureen K. Russell** is the Regional Coordinator for Central and North America and the Caribbean for the Overseas Security Advisory Council (OSAC). She began her career with the U.S. Department of State's Bureau of International Narcotics and Law Enforcement Affairs in 2006. Following INL, she worked at the White House Office of National Drug Control Policy, specifically in Supply Reduction, on European Union and United Nations affairs. She has been with OSAC since September 2007.

Ms. Russell received a Master of Arts in International Relations degree from the Maxwell School of Public Affairs and Citizenship, part of Syracuse University, in May 2007. During her time at the Maxwell School, she was awarded a prestigious Foreign Language and Area Studies Fellowship for the German language. In 2004, Ms. Russell graduated with honors from Saint Mary's College at Notre Dame. She studied as a graduate student at Salzburg University from 2004 to 2005.

## NOTES