

*Learning Objective: To share information, ideas and experiences on current hot topic regulatory and legislative initiatives with banking/securities attorneys, senior compliance officers, risk managers, internal auditors and regulators where the focus is on high-level discussion of evolving banking and securities law, enforcement proceedings, financial holding company issues, securities underwriting and distribution, and public finance.*

# 2018 Treasury and Capital Markets Legal and Legislative Issues Conference

■ October 18–19, 2018

■ Washington Marriott Georgetown ■ Washington, DC

Ask for the  
2-for-1  
or First-Timer  
Registration  
Discount!

Save \$200...Register before September 26.

SATISFY CLE / CPE REQUIREMENTS



## *Why You Should Attend*

- Explore industry concerns
- Discuss emerging issues
- Get the latest regulatory and legislative updates

## *More Reasons to Attend*

- Make new contacts
- High-level peer interaction
- Network with regulators

## **ATTENTION!**

- General & Managing Counsel
- Capital Markets & Securities Counsel
- Trust Counsel
- Risk Managers
- Senior Compliance Professionals
- Regulators
- Internal Auditors

## **To Register—**

Call—202/544-6327

Email—[dp-fma@starpower.net](mailto:dp-fma@starpower.net)

Mail—333 2nd Street, NE – #104

Washington, DC 20002

Online—[www.fmaweb.org](http://www.fmaweb.org)

## **2018 Program Planning Committee**

Dr. Sharon Brown-Hruska  
NERA Economic Consulting

Daniel P. Kearney, Jr.  
WilmerHale

Edward P. Cahillane  
Citizens Bank

Barbara R. Mendelson  
Morrison & Foerster LLP

Linda Filardi  
Capital One

Robert Pargac  
Promontory, an IBM Company



**FINANCIAL MARKETS ASSOCIATION**

## Thursday, October 18

**NERA**

Sponsored by ECONOMIC CONSULTING

7:30 am – 5:45 pm	FMA Registration Desk Open	
8:00 – 9:00 am	Continental Breakfast	
8:50 – 9:00 am	Welcome and Morning Announcements	
	➤ <b>Barbara R. Mendelson</b> ■ Partner ■ <b>Morrison &amp; Foerster LLP</b>	
9:00 – 10:25 am	<b>1. BANKING GENERAL COUNSELS</b> Discuss key regulatory and supervisory issues and expectations ■ Provide updates on current developments and priorities <b>Moderator: Barbara R. Mendelson</b> ■ Partner ■ <b>Morrison &amp; Foerster LLP</b> ➤ <b>Ted Dowd</b> ■ Deputy Chief Counsel ■ <b>Office of the Comptroller of the Currency</b> ➤ <b>Laurie Schaffer</b> ■ Associate General Counsel ■ <b>Federal Reserve Board</b> ➤ <b>Charles Yi</b> ■ General Counsel ■ <b>Federal Deposit Insurance Corporation</b> Morning Breaks Networking Break	Sponsored by 
10:25 – 10:40 am		
10:40 am – 12:00 pm	<b>2. REEXAMINING DODD-FRANK</b> Discuss S. 2155, the Economic Growth, Regulatory Relief, and Consumer Protection Act (Economic Growth Act) ■ Review Volcker Rule: Proposed Revisions ■ Examine SEC: Regulation Best Interest <b>Moderator: Edward P. Cahillane</b> ■ SVP-Director, Regulatory Programs ■ <b>Citizens Bank</b> ➤ <b>Daniel F. C. Crowley</b> ■ Partner ■ <b>K&amp;L Gates LLP</b> ➤ <b>Michael J. Halloran</b> ■ Partner ■ <b>Halloran Farkas + Kittila LLP</b> <i>former General Counsel of Bank of America, former Chair of the ABA Banking Law Committee</i> ➤ <b>John M. Ivan</b> ■ Managing Director ■ <b>Capital Forensics, Inc.</b> ➤ <b>Daniel P. Kearney, Jr.</b> ■ Partner ■ <b>WilmerHale</b>	
12:00 – 12:45 pm	Networking Deli Lunch	Sponsored by <b>MORRISON</b>   <b>FOERSTER</b>
12:45 – 1:45 pm	<b>3. CRYPTOCURRENCY, BLOCKCHAIN AND FINTECH: INNOVATION AND REGULATION</b> Identify ways blockchain and crypto technology is transforming financial institutions and contracting practices ■ Discuss derivatives, ETFs, and new contracts and markets in crypto currency ■ Provide an update on regulation of crypto exchanges and issuers, and whether self-regulation is a viable alternative ■ Discuss ICOs in the current regulatory framework and whether the Howey test provides sufficient clarity for market participants ■ Analyze trends in regulation, enforcement and litigation; and consider how regulation is evolving to accommodate fintech innovation <b>Moderator: Dr. Sharon Brown-Hruska</b> ■ Managing Director ■ <b>NERA Economic Consulting</b> ➤ <b>Elijah M. Alper</b> ■ Assistant General Counsel ■ <b>Capital One</b> ➤ <b>Gary DeWaal</b> ■ Special Counsel ■ <b>Katten Muchin Rosenman LLP</b>	

All sessions are closed to the press. ■ Audio & video recording of all sessions is prohibited.  
FMA reserves the right to amend program content without prior notification.

1:45 – 2:00 pm

2:00 – 3:15 pm

- **Daniel Gorfine** ■ Director, LabCFTC Director and Chief Innovation Officer  
■ U.S. Commodity Futures Trading Commission
- **Dr. Jordan Milev** ■ Associate Director ■ NERA Economic Consulting

Afternoon Breaks

Sponsored by



Capital Forensics, Inc.

Networking Break

#### 4. RECENT BANKING AND SECURITIES ENFORCEMENT ACTIONS AND LITIGATION

Discuss court rulings and executive orders on ALJs and the implications for the SEC, CFTC and beyond ■ Evaluate corporate and individual liability post-Yates and the impact of increased focus on retail fraud ■ Analyze spoofing and disruptive trading actions by the SEC & CFTC ■ Evaluate new theories of insider trading in derivatives in recent enforcement actions ■ Review private claims and liability under the securities, derivatives and antitrust laws

- **Michael L. Spafford** ■ Partner, Litigation Department ■ Paul Hastings LLP  
(Moderator & Speaker)
- **Dr. Sharon Brown-Hruska** ■ Managing Director ■ NERA Economic Consulting
- **Mark T. Carberry** ■ Executive Director ■ J.P. Morgan
- **Melissa Hodgman** ■ Associate Director/Division of Enforcement ■ U.S. Securities and Exchange Commission
- **Getchen L. Lowe** ■ Chief Counsel, Division of Enforcement ■ U.S. Commodity Futures Trading Commission
- **Jeremiah Williams** ■ Counsel ■ Ropes & Gray LLP

3:15 – 3:30 pm

3:30 – 4:30 pm

Networking Break

#### 5. UNDERSTANDING AND MANAGING YOUR EVOLVING CYBERSECURITY RISKS — THE STATE OF PLAY

Review legislative, executive, and regulatory initiatives and priorities ■ Discuss new trends in cybersecurity preparedness and recommended incident response management and recovery, including third-party risks and cost containment ■ Examine current perspectives on “Ransomware” prevention and response, including notification and potential criminal exposure concerns

**Moderator: Jonathan Olin** ■ VP & Senior Associate General Counsel ■ Capital One

- **Jennifer C. Archie** ■ Partner ■ Latham & Watkins LLP
- **Eric M. Friedberg** ■ Co-President ■ Stroz Friedberg, an Aon company
- **Jim Pastore** ■ Partner ■ Debevoise & Plimpton LLP
- **Cal Waits** ■ Director, Global Cyber Investigations ■ Citibank

4:30 – 4:45 pm

4:45 – 5:45 pm

Networking Break

#### 6. DERIVATIVES: MARKET REBOUNDS AND REFINEMENTS IN REGULATION

Examine progress on the Reg Reform 2.0 Agenda ■ Discuss progress and prospects for swaps execution rules ■ Analyze swap *de minimis* threshold and expected process for compliance ■ Provide update data reporting compliance and market transparency ■ Evaluate capital and stress testing for clearing houses and banks, and systemic risk management ■ Consider position limits, enumerated hedges and concerns of commercial end users

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5:45 – 6:45 pm

- **Paul M. Architzel** ■ Partner & Chair/Futures and Derivatives Practice Group ■ **WilmerHale** (*Moderator & Speaker*)
- **Julian E. Hammar** ■ Of Counsel ■ **Morrison & Foerster LLP**
- **Ananda Radhakrishnan** ■ VP, Center for Bank Derivatives Policy ■ **American Bankers Association**
- **Maggie Sklar** ■ Senior Counsel to Chairman J. Christopher Giancarlo ■ U.S. **Commodity Futures Trading Commission**

Welcoming Reception

Sponsored by **WILMERHALE** 

## Friday, October 19

7:30 am – 1:00 pm

FMA Registration Desk Open

8:00 – 8:30 am

Continental Breakfast

Sponsored by **Davis Polk**

8:30 – 10:10 am

### 7. SECURITIES GENERAL COUNSELS

Discuss key regulatory and supervisory issues and expectations ■ Provide updates on current developments and priorities ■ Discuss rulemakings that have impacted or will impact capital markets and securities activities in a material way

**Moderator: Robert Pargac** ■ Managing Director ■ **Promontory, an IBM Company**

- **Daniel J. Davis** ■ General Counsel ■ U.S. **Commodity Futures Trading Commission**
- **Marie-Louise M. Huth** ■ Assistant General Counsel ■ U.S. **Securities and Exchange Commission**
- **Anne Joves** ■ Associate General Counsel ■ **National Futures Association**
- **Lanny Schwartz** ■ Chief Regulatory Officer ■ **Municipal Securities Rulemaking Board**
- **Thomas M. Selman** ■ EVP, Regulatory Policy and Legal Compliance Officer ■ **FINRA**

Morning Breaks

Sponsored by **CapitalOne**  
Commercial Banking 

10:10 – 10:20 am

Networking Break

10:20 – 11:50 am

### 8. SEC DIVISION REPORTS

Discuss current SEC staff initiatives and exam priorities ■ Hear staff perspectives on various hot topics ■ Discuss priorities of the SEC divisions and OCIE for the coming year

**Moderator: Zachary J. Zweihorn** ■ Counsel ■ **Davis Polk & Wardwell LLP**

- **Michele M. Anderson** ■ Associate Director ■ **Division of Corporation Finance**
- **Melissa Hodgman** ■ Associate Director ■ **Division of Enforcement**
- **John Polise** ■ Associate Director ■ **Office of Compliance Inspections and Examinations**
- **Christian R. Sabella** ■ Deputy Director ■ **Division of Trading and Markets**
- **Sarah G. ten Siethoff** ■ Associate Director ■ **Division of Investment Management**

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11:50 am – 12:00 pm

Networking Break

12:00 – 1:00 pm

## 9. **PRIVACY LAW: IMPACT ON FINANCIAL INSTITUTION OPERATIONS**

California Consumer Privacy Act – understanding its impact and developing a compliance strategy ■ GDPR – assessing the effects for U.S. financial institutions ■ Cross-border data sharing – identifying and analyzing data sharing challenges for business and compliance purposes across institutions and affiliates

- **Eulonda G. Skyles** ■ Director & Assistant General Counsel for Privacy & Data Security ■ **Capital One** (*Moderator & Speaker*)
- **Nancy L. Perkins** ■ Counsel ■ **Arnold & Porter Kaye Scholer LLP**
- **Kim Roberts** ■ Counsel ■ **King & Spalding International LLP**

1:00 pm

Program Adjourns

## Conference Sponsors

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**Prerequisites:** FMA recommends that attendees have at least 3 years of relevant experience in a field closely aligned to broker-dealer or banking law and/or compliance/audit/risk management. Such experience might include course work, regulatory or examiner job experience or similar professional work-related experience.

**Advance Preparation:** None ■ **Recommended CPE hours:** **13.0** ■ **Type of Delivery Method:** Group-Live

**Level of Learning:** Advanced ■ **Field of Study:** Auditing

**Continuing Legal Education:** CLE accreditation regulations vary from state to state. In past years, this program has been approved for CLE credits in multiple jurisdictions. When registering, indicate your interest in obtaining CLE and FMA will: 1) prepare and submit the form(s) in the state(s) of your choice; or 2) provide required materials for the attorney to submit the CLE application. Ask Dorcas Pearce for details and advise her prior to the conference of imminent filing deadlines. FMA will not be responsible for individuals' annual reporting deadlines and/or late fees. State filing fees may be assessed to the individual. At this time, approximately **11.0** CLE hours are projected in 60-minute states; **13.0** CLE hours in 50-minute states.

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## 4 Ways to Register

**Phone:** 202/544-6327  
**Online:** [www.fmaweb.org](http://www.fmaweb.org)

**Email:** [dp-fma@starpower.net](mailto:dp-fma@starpower.net)  
**Mail:** 333 2nd Street, NE ■ #104  
Washington, DC 20002

**Hotel: Washington Marriott Georgetown** ■ 1221 22nd Street, NW ■ Washington, DC 20037  
■ 20 minutes from Washington Reagan National Airport; 75 minutes from Dulles International Airport; 90 minutes from BWI Airport ■ **Reservations:** 877/212-5752 (call center) or <https://book.passkey.com/e/49690815> (dedicated FMA online reservations link) ■ **Phone:** 202/872-1500 (main hotel #) ■ **Rate:** \$309 ■ FMA's group rate expires September 26 – make your reservation (guaranteed with a major credit card) before that date and, if making a reservation by phone, refer to “2018 Legal/Legislative Issues Conference” or “LLI” to get the group rate ■ Suggested attire: business to business casual

## Registration Form

**Yes**, I'm interested in receiving CLE / CPE accreditation in the following state(s) \_\_\_\_\_  
(circle one)

Name \_\_\_\_\_ Title \_\_\_\_\_ Nickname/Badge \_\_\_\_\_

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Payment enclosed with this form  **Visa / Master Card / American Express** Exp. Date \_\_\_\_\_

Please invoice my firm Card # \_\_\_\_\_ Signature \_\_\_\_\_

Please list any dietary restrictions/allergies and/or special needs/requests: \_\_\_\_\_

**Until September 26, the Early Bird registration for FMA Members and Regulators is \$995; \$1,195 for non-members.** As a special offer, the non-member registration includes a one-year complimentary FMA membership. After September 26, the fees increase to \$1,195 and \$1,395, respectively. **2-for-1 and first-timer discounts are available... ask Dorcas Pearce for details.** Please circle the correct amount.

**Refund and Cancellation Policy:** Requests for refunds must be received in writing by September 26 and will be subject to a nonrefundable \$100 cancellation fee; no refunds after September 26. Substitutes are always acceptable—please notify FMA beforehand of such substitutions or at check-in at the FMA Registration Desk. FMA assumes no liability for travel/lodging costs by the attendee in the event the program is canceled. For more information regarding administrative issues (i.e., refund, complaint or program cancellation), please contact FMA at 202/544-6327 and ask for Dorcas Pearce.

**Payment is required by check, EFT or credit card (Visa / Master Card / American Express) prior to October 5.** No registration is considered final until payment is received. If payment is not received prior to the conference start, you must provide payment upon check-in at the FMA Registration Desk. Onsite registration is also available.

### About FMA

The Financial Markets Association is a not-for-profit educational association dedicated to providing the financial services industry with high-level, independent capital markets education, including: legislative and regulatory updates; securities dealer and public finance compliance; trading risk management; and retail and institutional sales compliance. For information about FMA and its activities, contact Dorcas Pearce at 202/544-6327 or [dp-fma@starpower.net](mailto:dp-fma@starpower.net).