



ALEXANDER H. SOUTHWELL

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Alexander H. Southwell is Of Counsel in Gibson, Dunn & Crutcher's New York office. His practice focuses on counseling a variety of technology-focused clients on privacy, information technology, data breach, trade secret, and network security issues, including handling investigations, enforcement defense, and litigation. In addition, Mr. Southwell handles a range of white-collar criminal and regulatory enforcement defense, internal investigations and compliance monitoring, and complex civil litigation matters. An experienced trial and appellate attorney, prior to joining the firm, Mr. Southwell served as an Assistant United States Attorney in the United States Attorney's Office for the Southern District of New York.

Recent significant engagements include:

- ▶ Represents a prominent US-based on-line company in its interactions with the New Jersey United States Attorney's Office related to automated attacks on the company's web site.
- ▶ Represented Facebook in an investigation into its privacy and safety policies and procedures by the New York Attorney General's Office.
- ▶ Represents a former high-ranking executive under criminal investigation for theft of trade secrets in violation of the Economic Espionage Act and unauthorized computer access by the Southern District of New York United States Attorney's Office.
- ▶ Represented a company related to a criminal referral of two former employees who illegally accessed the company's computer systems and stole trade secrets. As a result of the representation, the Southern District of New York United States Attorney's Office brought criminal charges against the two former employees.
- ▶ Represented an on-line retailer in responding to a data breach and coordinating with law enforcement concerning the security incident.

- ▶ Represented the leading provider of data solutions to financial institutions in a putative class action for alleged violations of the Fair Credit Reporting Act related to reporting individuals apparently matching those on the Office of Foreign Asset Control's list of foreigners against whom economic sanctions have been imposed.
- ▶ Represents a major retailer in an internal investigation and defense of grand jury investigation and OSHA investigation related to workplace incident.
- ▶ Assisted Gibson Dunn partner who served as Independent Monitor for a medical device company pursuant to a Deferred Prosecution Agreement with the United States Attorney's Office in New Jersey, including revising health care compliance policies and training and ensuring compliance with the Anti-Kickback Statute and other relevant health care laws, regulations, and corporate policies.
- ▶ Represents a private equity principal and fund in the public corruption "pay to play" investigation being conducted by the New York Attorney General's Office and the Securities and Exchange Commission.

Prior to joining the firm, Mr. Southwell served as an Assistant United States Attorney in the United States Attorney's Office for the Southern District of New York from 2001 through 2007. As a member of that office's CHIPs unit, Mr. Southwell investigated and prosecuted computer hacking and intrusion cases, intellectual property offenses – including matters arising under the DMCA, the Economic Espionage Act and the criminal copyright and trade secret statutes – as well as other high-technology offenses, with a particular focus on the telecommunications industry. Additionally, Mr. Southwell served as one of the District's resident technical advisors and legal counselors to prosecutors and agents on electronic search and seizures and technology issues and worked on outreach, training and prevention with law enforcement and the digital community. Mr. Southwell also focused on investigating and prosecuting cases under the federal securities laws, including accounting fraud, insider trading, fraudulent offering of securities and market manipulation. In addition, Mr. Southwell prosecuted a wide range of cases including wire and mail frauds, insurance fraud, public corruption, Foreign Corrupt Practices Act violations, bank secrecy act violations, identity theft, firearms crimes, tax offenses, child exploitation, and immigration crimes. As a federal prosecutor, Mr. Southwell tried a dozen felony cases and handled over a dozen appeals before the Second Circuit Court of Appeals.

Significant government investigations and prosecutions included:

- ▶ Investigated and successfully prosecuted computer hacker for unlawful distribution of trade secrets under the Economic Espionage Act for his possession and sale of a stolen copy of the source code for Microsoft Windows products with a significant reported decision interpreting the Act and with media coverage including in *New York Times* and on-line media.
- ▶ Investigated and successfully prosecuted a number of individuals on criminal copyright charges for manufacture and sale of pirated computer

software, including one who trafficked in over \$1 million worth of counterfeit software and who was sentenced to over three years' imprisonment.

- ▶ Investigated and prosecuted individual who ran a sophisticated Internet image distribution system dedicated to the dissemination of child pornography, including successfully trying the nation's first jury trial of a child pornography "F-Server" case and successfully petitioning for *mandamus* during trial with extensive media coverage including in *New York Times*.
- ▶ Investigated and successfully prosecuted former IT consultant who hacked into client's computer systems in retaliation for fee dispute.
- ▶ Investigated a number of cyber-extortion attacks in the financial services industry, usually involving foreign nationals.
- ▶ Successfully prosecuted a voice and drama teacher for children for attempting to entice a minor to engage in sexual activity over the Internet and traveling from New Jersey to New York to engage in sexual acts with a minor.
- ▶ Investigated telecommunications companies and individuals related to allegations of unlawful call routing with extensive media coverage including in *Wall Street Journal*, *Washington Post*, and *New York Times*.

Mr. Southwell is also an Adjunct Professor of Law at Fordham University School of Law where he teaches a seminar on cyber-crimes, covering computer misuse crimes, intellectual property offenses, the Fourth Amendment in cyber-space, computer evidence at trial, data breach and privacy issues, and information security, among other areas.

Mr. Southwell earned his undergraduate degree, *magna cum laude*, from Princeton University and his Juris Doctor, *magna cum laude*, from New York University School of Law. Following law school, Mr. Southwell was a Law Clerk for the Honorable Naomi Reice Buchwald of the United States District Court for the Southern District of New York.

Mr. Southwell is a member of the firm's Information Law and Electronic Discovery, Intellectual Property, White-Collar Defense and Investigations, Crisis Management, and Appellate and Constitutional Law Practice Groups. Mr. Southwell also serves on the firm's Diversity Committee.

Mr. Southwell also regularly writes and is asked to speak on the areas of his expertise. Recent articles, lectures, and presentations include:

- ▶ Speaker, "Litigation Issues Under the Economic Espionage Act," ABA's Third Annual National Institute on Criminal Enforcement of Intellectual Property Rights, October 2009 (upcoming).

- ▶ Panelist, "Cyberspace—The Black Hole Where Ethics, Strategy, and Technology Collide," NACDL & Fordham Law School's 2009 White Collar Seminar on Defending the White Collar Case, October 2009 (upcoming).
- ▶ Speaker, "Privacy in Litigation," PLI's Tenth Annual Institute on Privacy and Data Security, June 2009.
- ▶ Author, "A Sword of a Shield? The New Administration's Approach to Cybercrime and Cybercrime Fighting," *The Champion*, May 2009.
- ▶ Speaker, "Data Security 101: An Ounce of Prevention is Worth a Pound of Cure," LegalTech New York, February 2009.
- ▶ Panelist, "Legal and Technical Policy Issues in Cyber Security," International Conference on Cyber Security hosted by the FBI and Fordham University's Department of Computer and Information Services, January 2009.
- ▶ "Data Security Breaches: Preparing for and Addressing the Enterprise-Threatening Risks" presentation to client, September 2008.
- ▶ Author, "Data Breaches: Expect A Rise in Litigation," *New York Law Journal: Investigations & Computer Forensics*, May 2008.
- ▶ "Update on Federal and State Data Privacy Laws" presentation to Gibson, Dunn & Crutcher LLP Intellectual Property Institute, December 2007.
- ▶ "Trends in Cyber-crime and Information Security Enforcement" presentation to John Jay College of Criminal Justice Center for Cybercrime Studies, December 2007.
- ▶ Speaker at New York University Journal of Legislation and Public Policy Symposium, "Leviathan's Network: Municipal Wireless and Civil Liberties," November 2007.
- ▶ Speaker, "Trends in Cyber-crime and Information Security Enforcement," John Jay College of Criminal Justice Center for Cyber-crime Studies, Fall 2007.
- ▶ "Internal Investigations: The Role of In-House Counsel" presentation to client, July 2007.
- ▶ Speaker, "Increasing Regulatory Scrutiny In The Digital Age," Fordham Law School Summer Program in U.S. Law, July 2007.
- ▶ Panelist, "Protecting Borders in the Information Age – Balancing Data, Privacy, and National Security in North America," Fordham Law School Center on Law and Information Policy/The Americas Society/North American Consortium on Legal Education Workshop, April 2007.

- ▶ Speaker, International Data Protection and Binding Corporate Rules Invitational Workshop, Fordham Law School Center on Law and Information Policy, November 2006.
- ▶ “Cyber-crimes” presentation to Criminal Prosecution clinic, New York University School of Law, March 2005.
- ▶ “Cyber-crimes” presentation to Federal Criminal Law seminar, New York University School of Law, November 2004.
- ▶ “Anatomy of an F-Server Case: Investigation and Prosecution Case Study, *United States v. Pabon-Cruz*” presentation to Investigation and Prosecution of Advanced Child Exploitation Cases Seminar, U.S. Department of Justice, National Advocacy Center, March 2004.
- ▶ Presentation to Operation Candyman Prosecution Seminar, U.S. Department of Justice, December 2002.