

Alexander H. Southwell

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PRACTICES

Appellate and Constitutional Law
Class Actions
Crisis Management
Electronic Discovery
and Information Law
Intellectual Property
Law Firm Defense
Privacy, Cybersecurity
and Consumer Protection
Securities Enforcement
Securities Litigation
White Collar Defense
and Investigations

EDUCATION

New York University
1997 *Juris Doctor*

Alexander H. Southwell is a partner in Gibson, Dunn & Crutcher's New York office. His practice focuses in two main areas: first, white-collar criminal and regulatory enforcement defense, internal investigations, compliance monitoring, and complex civil litigation; and, second, privacy, cybersecurity and consumer protection-related investigations, counseling, and litigation. Mr. Southwell is a Co-Chair of Gibson Dunn's Privacy, Cybersecurity and Consumer Protection Practice Group and is also a member of the White Collar Defense and Investigations, Crisis Management, Securities Enforcement, and Litigation Practice Groups. Prior to joining Gibson Dunn, Mr. Southwell served as an Assistant United States Attorney in the United States Attorney's Office for the Southern District of New York.

Mr. Southwell is an experienced trial and appellate attorney and regularly represents corporate executives and individuals in connection with white-collar criminal investigations and prosecutions by federal and state prosecutors as well as related civil investigations by a wide range of regulators. Mr. Southwell also regularly represents companies and boards in these types of matters and has significant experience in conducting internal corporate investigations and compliance monitoring. Substantively, his areas of expertise include securities and accounting fraud, economic sanctions violations, money laundering and Bank Secrecy Act violations, tax fraud, the False Claims Act and contracting fraud, health care fraud and compliance, the Computer Fraud and Abuse Act, the Foreign Corrupt Practices Act, the Economic Espionage Act, and public corruption, among others. Additionally, Mr. Southwell counsels a variety of clients on privacy, information technology, data breach, theft of trade secrets and intellectual property, computer fraud, national security, and network and data security issues, including handling investigations, enforcement defense, and litigation.

Mr. Southwell is honored in the 2014 editions of *Benchmark Litigation* as a future star and *The Best Lawyers in America* as a leading lawyer in the area of Criminal Defense: White-Collar.

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 also serves on the Firmwide Diversity Committee and is active with the Federal Bar Council and the Association of the Bar of the City of New York, previously serving on the Association's Professional Responsibility Committee, the Committee on Information Technology Law and the Government Ethics Committee.

Recent significant engagements include:

- Facebook and Mark Zuckerberg: Represents Facebook and Mark Zuckerberg in a high-profile breach of contract action brought by Paul Ceglia in Federal Court in Buffalo, New York alleging an ownership interest in Facebook. Obtained expedited discovery against Plaintiff, developing evidence of spoliation of evidence and fraud concerning Plaintiff's lawsuit, including Plaintiff's doctoring the contract sued upon and manipulation of digital evidence. Successfully moved for dismissal of the case, which the Court dismissed as a fraud on the Court. Relatedly, represents

ADMISSIONS

New York Bar

RECENT PUBLICATIONSCyber-Attacks - The Global Response
Cybersecurity Sanctions: A Powerful
New ToolLawsky Speech Portends Strict NY
Cybersecurity StandardsCybersecurity and Data Privacy
Outlook and Review: 2015SEC Cybersecurity Findings May
Establish De Facto Standard

More Publications

Facebook and Zuckerberg as victims in the pending criminal prosecution of Plaintiff who was indicted on two felony counts for bringing the lawsuit.

- Office of the Governor of the State of New Jersey: Represents the Office of the Governor of the State of New Jersey in a high-profile internal investigation related to the allegations concerning the George Washington Bridge toll lane realignment in September 2013 and the allegations raised by Hoboken Mayor Dawn Zimmer concerning Superstorm Sandy aid allocations. Over the course of two months, conducted and supervised interviews of over 70 witnesses and review of more than 250,000 documents. In addition to responding to subpoenas from the U.S. Attorney's Office for the District of New Jersey and the New Jersey Special Committee of Investigation, supervised the preparation of a comprehensive and exhaustive 340-page report of our findings and recommendations.
- AlixPartners: Represented AlixPartners as one of the lead trial lawyers in a high-profile theft of trade secrets and breach of contract case against two departing executives in Delaware Chancery Court related to their wrongful taking of AlixPartners trade secrets and other highly sensitive and confidential documents.
- JPMorgan Chase: Represented JPMorgan Chase in a False Claims Act and FIREAA *qui tam* case brought by the Southern District of New York United States Attorney's Office related to mortgage-related government insurance program, including conducting a significant internal investigation related to these issues. Successfully resolved investigation through a settlement of over \$600 million.
- Facebook: Represents Facebook in relation to unprecedented set of 381 search warrants from the Manhattan District Attorney's Office in negotiating compliance with search warrants and appealing the constitutionality of the warrants in the New York State Supreme Court, Appellate Division.
- Port Authority of New York and New Jersey: Represented the Port Authority of New York and New Jersey in litigation in the Southern District of New York brought by two local Automobile Associations challenging recent Port Authority toll increases on statutory and constitutional grounds.
- Business executive: Represented a business executive facing criminal securities fraud charges brought by the United States Attorney's Office for the Eastern District of New York related to executive's alleged role in a microcap pump-and-dump scheme.
- Leading global financial institution: Represents a leading global financial institution in investigation by New York Department of Financial Services related to economic sanctions requirements and state banking laws.
- Major retailer: Represented a major retailer in a high-profile defense of a grand jury investigation and OSHA investigation related to workplace fatality, including an extensive internal investigation.
- Executive search firm: Represented an executive search firm in response to sophisticated cyber-attack including Advanced Persistent Threat intrusion and extensive exfiltration of sensitive databases. Counseled client on investigation of intrusion, including supervising digital forensics investigation and data security improvements, handled referral of incident to law enforcement and coordinated breach notification compliance, as well as public relations and SEC disclosure strategy.
- Public authority: Represents a public authority in an internal investigation related to allegations of bid-rigging and investigation by Antitrust Division of the Department of Justice and New York State Office of the Inspector General.
- Prominent non-profit institution: Represented a prominent non-profit institution in a significant investigation by the New York Attorney General's Office Charities Division concerning the institution's use funds raised.
- International bank: Represented international bank in Department of Justice investigation of foreign corrupt practices related to Middle Eastern activities by bank client.
- Public reinsurance company: Represented a public reinsurance company in an internal investigation related to allegations of collusion and price-fixing.
- Private equity principal and fund: Represented 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.
- Engineering design firm: Represents one of the world's largest engineering design firms in response to network intrusion, involving significant employee data breach. Counseled client on investigation of incident, including supervising digital forensics investigation and data security improvements, coordinated breach notification compliance, public relations strategy, and law enforcement interaction.

- **Chevron Corporation:** Represented Chevron Corporation defending against environmental claims emanating from Ecuador, in which the plaintiffs allege billions of dollars in damages, including in civil RICO proceedings in the Southern District of New York and related matters.
- **Educational non-profit institution:** Represented a major educational non-profit institution in a significant investigation by the New York Attorney General's Office concerning the institution's governance.
- **Board Audit Committee:** Represented Board Audit Committee of health insurance provider in internal investigation related to allegations of poor internal and audit controls.
- **Healthcare system:** Represented one of the nation's largest secular healthcare systems in response to data breach involving lost laptop with extensive database of research participants. Counseled client on investigation of incident, including supervising digital forensics investigation and data security improvements, coordinated breach notification compliance under HIPAA and state law, public relations strategy, and law enforcement interaction.
- **Moneygram:** Represented Moneygram in proceedings seeking to recover losses from funds forfeited in related criminal bank fraud prosecution. Successfully obtained substantial recovery through forfeiture litigation.
- **Independent Monitor:** 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.
- **Bank:** Represented a bank in a securities fraud investigation by the New York Attorney General's Office, the Securities and Exchange Commission and Department of Justice, and achieved a declination of prosecution.
- **Dermatologist:** Represented a dermatologist who is the target of a criminal health care fraud investigation being conducted by the Federal Bureau of Investigation and the Southern District of New York United States Attorney's Office.
- **Former executive:** Represented a former executive at an accounting firm in connection with a tax shelter-related investigation by the Southern District of New York United States Attorney's Office.
- **Home health aide provider:** Represented a home health aide provider who was under criminal Indictment on health care-related larceny charges brought by the New York Attorney General's Office.
- **Facebook:** Represented Facebook in an investigation into its privacy and safety policies and procedures by the New York Attorney General's Office, which resulted in a groundbreaking settlement that has been hailed as a model of compliance.

Prior to joining Gibson Dunn, 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 Securities and Commodities Fraud Task Force for three years, Mr. Southwell investigated and prosecuted a wide range of cases under the federal securities laws, including accounting fraud, insider trading, fraudulent offering of securities, market manipulation, and hedge fund improprieties. Mr. Southwell also focused on investigating and prosecuting computer hacking and intrusion cases and intellectual property offenses, as well as other high-technology offenses. Additionally, Mr. Southwell prosecuted a range of cases including wire and mail frauds, insurance fraud, public corruption, Foreign Corrupt Practice 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.

Please click below for detailed profiles on specific areas of Mr. Southwell's practice.

[White Collar and Securities Fraud Profile](#)

[Privacy, Cybersecurity and Consumer Protection Profile](#)

