



ALEXANDER H. SOUTHWELL

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Alexander H. Southwell is Of Counsel in Gibson, Dunn & Crutcher's New York office. He is a member of the firm's White-Collar Defense & Investigations, Crisis Management, Securities Litigation, and Intellectual Property Practice Groups. Mr. Southwell also serves on the firm's Diversity Committee and the Electronic Data Discovery Initiative Steering Committee.

Mr. Southwell has represented various corporate and individual clients in connection with white-collar criminal investigations by federal and state prosecutors as well as related civil investigations by various regulators. He also has significant experience in conducting internal corporate investigations and compliance monitoring. These matters have focused in the areas of securities fraud, tax fraud, health care fraud, Foreign Corrupt Practices Act, and public corruption, among others. Additionally, Mr. Southwell counsels a variety of technology-focused clients on privacy, information technology, and network security issues.

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 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.

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.

Significant cases in the white-collar and securities fraud area include:

- ▶ Investigated and successfully prosecuted former CEO and Chairman of Board of Directors, President and COO, CFO, and other executives in \$260 million accounting fraud at Impath, Inc., a medical diagnostics company formerly traded on NASDAQ, including three-week trial with extensive media coverage including in *Wall Street Journal* and *New York Times*
- ▶ Investigated and successfully prosecuted chairman and administrator, as well as other executives, of the Badische Banque et Internationale Trust, a fraudulent \$65 billion European financial institution, including three-week trial with media coverage including in *New York Post* and *Newsday*
- ▶ Investigated and successfully prosecuted securities attorney and others in “pump-and-dump” scheme involving small cap stocks traded on the Over-the-Counter Bulletin Board, including two-week trial with media coverage including in *New York Law Journal* and *Wall Street Journal* on-line
- ▶ Investigated hedge fund managers and executives for \$36 million diversion of assets and undisclosed self-dealing
- ▶ Investigated an investment bank and its foreign affiliates related to alleged Foreign Corrupt Practice Act violations
- ▶ Investigated and successfully prosecuted former CEO, CFO, and others involved with airline dealer in \$4 million fraud involving purported partnership interests in private aircraft
- ▶ Investigated and successfully prosecuted former renowned market forecaster and commodities trader for “Ponzi” scheme resulting in over \$700 million in losses from commodities transactions with extensive media coverage including in *Wall Street Journal*, *New York Law Journal*, and *New York Times*
- ▶ Investigated a number of top corporate executives of NYSE-listed banks and bank holding companies for accounting fraud concerning mortgage-related securities
- ▶ Investigated an investment bank and its employees related to the pricing of certain Collateralized Debt Obligations, Collateralized Mortgage Obligations, and similar securities
- ▶ 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 tax protestor city employee on tax evasion charges with media coverage including in *Newsday*
- ▶ Investigated and successfully prosecuted a number of individuals involved in the fraudulent issuance of over 900 driver's licenses from Washington, D.C., for illegal aliens by bribing a city employee with extensive media coverage including in *New York Times*, *Washington Post*, *New York Post*, and *Newsday*
- ▶ Investigated and successfully prosecuted a number of individuals involved in \$5 million fraud related to bogus Lloyd's of London insurance policies
- ▶ Investigated financial institution and individuals related to alleged bank secrecy act violations
- ▶ 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*

Recent speeches, presentations, and workshops include:

- ▶ Panelist, "Legal and Technical Policy Issues in Cyber Security," The International Conference on Cyber Security hosted by the Federal Bureau of Investigation and Fordham University's Department of Computer and Information Services in New York, 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.
- ▶ "The FCPA: An Overview and Recent Enforcement Trends" presentation to client, February 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.
- ▶ Author, "Swift Prosecutions of Corporations and Executives," *Business Crimes Bulletin*, September 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.
- ▶ Sentencing and Restitution issues presentation to Securities/Corporate Fraud Seminar, U.S. Department of Justice, National Advocacy Center, December 2006.
- ▶ 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 Law faculty, New York University School of Law, May 2005.
- ▶ "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.