

## Privacy MVP: Gibson Dunn's Alexander Southwell

By **Emily Field**

*Law360, New York (December 9, 2015, 5:19 PM ET)* -- Gibson Dunn partner Alexander Southwell has represented clients in some of this year's most high-profile privacy matters, such as defending contractor KeyPoint Government Solutions in the wake of the Office of Personnel Management's data breach, earning him a spot among Law360's Privacy MVPs.

The fallout from the massive OPM breach, which exposed the personal information of about 21.5 million federal employees and applicants, has led to KeyPoint being named in a number of class actions, which were since consolidated into multidistrict litigation being handled by Southwell and his team.

"The KeyPoint matter is notable because it became high-profile, and it's indicative of the range of work we do, including behind the scenes, to help companies handle significant privacy events," Southwell said.

As data breaches and cyberattacks attract more and more attention in the public sphere, from the media and regulators to lawmakers and the plaintiffs bar, Southwell said that companies need not only a swift legal response but also help managing media relations.

The firm's ability to offer crisis management services after a cybersecurity incident "speaks to our ability to translate technology into real world terms," said Southwell, who co-chairs the privacy cybersecurity and consumer protection practice group.

"Some firms gloss over technical details — we don't do that," Southwell said. "We have the technical knowledge to talk with, and back to, the technologists, and only by doing that can, we believe, you best serve the client."

Southwell and the firm was also tapped by Facebook to serve as its global coordinating counsel when the Belgian Privacy Commission recently initiated emergency proceedings in the Court of First Instance of Brussels, claiming that the social media behemoth violates the country's privacy laws — part of a

The logo consists of the letters "MVP" in a bold, white, sans-serif font, centered within a solid blue rectangular background.

**PRIVACY**



Alexander Southwell  
Gibson Dunn

larger European movement targeting Facebook's practices.

In the cybersecurity world, one of the issues is the different views that countries' regulators take toward privacy, Southwell said, which creates a challenge for companies with a global reach.

"I don't know of any other firm that's brought in for global matters on such a frequent basis," Southwell said.

And domestically, Southwell is also representing Facebook in its battle against Manhattan prosecutors who are demanding the secret release of information on nearly 400 users in a sweeping disability fraud investigation.

Facebook has garnered the support of other tech companies and civil liberties groups, which have filed amicus briefs on its behalf asking New York's highest court to hear its appeal of an appellate ruling that held the company doesn't have standing to challenge the warrants or a gag order under the Stored Communications Act.

"It's been a real uphill battle," Southwell said. "We're proud Facebook counted on us."

Southwell is also representing daily fantasy sports giant DraftKings in its offensive against the New York attorney general's recent bid in October to shut it down as an illegal gambling operation.

DraftKings filed a petition in state court in November after Attorney General Eric Schneiderman demanded it stop taking bets from New York residents and deemed its business model to be illegal gambling operations in violation of state law, setting up the grounds for a legal battle with potentially broad implications as regulators begin to scrutinize the daily fantasy sports industry.

Prior to joining Gibson Dunn, Southwell was an assistant U.S. attorney in the U.S. Attorney's Office for the Southern District of New York, a background he said has helped him to guide companies through investigations.

His interest in technology issues began during his days as a prosecutor, Southwell said, when he was assigned a child exploitation case that involved a number of technical issues.

"That caused me to really delve into technology," said Southwell, who later began teaching cybercrime as an adjunct at the Fordham University School of Law. "Then when I joined the firm I started doing a lot more and broader issues."

"It's just a fun area to be involved in, in part because the clients are doing interesting, often new, things, and they're often young clients and young companies," Southwell said.

"It's rewarding to be able to help clients through these challenging issues, which are often very new and issues they've not been through before."

--Editing by Jeremy Barker.