



## Timothy Newman

Partner

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Dallas

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**PRACTICES** Litigation, Internal Investigations and Crisis Management, Government Enforcement and Litigation, Privacy and Data Security, SEC Enforcement, Class Action Defense, Retail

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Tim Newman has spent his entire career helping clients stay out of trouble with government agencies. He leverages his experience to help clients investigate compliance failures, resolve government enforcement actions, and defend themselves in litigation. He also has an active cybersecurity investigations and litigation practice. Tim prides himself on being proactive, working closely with his clients, and leveraging technology to maximize the value of his work.

Clients rely on Tim's experience, diligence, and calm demeanor to guide them through some of their biggest challenges. Recent examples include:

- Recovering more than \$7 million in losses a specialty retailer suffered following a payment card data breach by investigating the attack, managing disclosures, fighting off a card processor's attempts to wrongfully collect card brand liability assessments, and maximizing coverage under relevant insurance policies.
- Helping an auditing company restore operations, make disclosures, and avoid regulatory scrutiny following a sophisticated ransomware attack.
- Helping a public company CEO avoid charges by the Securities and Exchange Commission that he misled investors about the company's credit portfolio and associated risk.
- Helping an investment fund avoid charges by the Texas State Securities Board that it misused investor money.
- Reducing a staffing agency's regulatory risk by investigating and remediating a newly acquired subsidiary's immigration compliance practices.
- Ensuring a diagnostic imaging center could maintain operations by resolving Department of Justice claims that the center failed to ensure proper supervision of certain procedures.
- Saving a pharmaceutical company enormous litigation costs by persuading class action plaintiffs to drop the company from a lawsuit alleging price fixing.

Tim is passionate about service and is consistently recognized for his leadership. He received the Kirk Watson Excellence in Leadership Award from the Texas Young Lawyers Association in 2020. He has also been selected as a Leading Dallas-Area Professional '20 Under 40' by *People Newspapers*, *D Magazine* Partners, selected for inclusion in *Texas Super Lawyers Rising Stars*, Thomson Reuters, and recognized in *D Magazine's* "Best Lawyers Under 40" list. His leadership experience includes:

# HAYNES BOONE

- Co-Chair of the Dallas Bar Association Morris Harrell Professionalism Committee (Present)
  - Dallas Bar Association Science & Technology Law Section Council (Present)
  - CONNECT Board of Capital for Kids (Present)
  - President of the Texas Aggie Bar Association
  - Texas Young Lawyers Association Director, Treasurer
  - Dallas Association of Young Lawyers Director, Judiciary Committee Co-Chair
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## QUALIFICATIONS

### EDUCATION

- B.A., History, Texas A&M University, 2006, Texas Aggie Corps of Cadets, 2001-2005
- J.D., William Mary Law School, 2009, Editor in Chief, *William & Mary Bill of Rights Journal*

### CLERKSHIPS

- 1/01/0001 - 1/01/0001
- Law Clerk, The Honorable Andrew S. Hanen, U.S. District Judge for the Southern District of Texas, 2009-2010

### ADMISSIONS

- Texas

### COURT ADMISSIONS

- U.S. District Court for the Northern District of Texas
  - U.S. District Court for the Southern District of Texas
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## PUBLICATIONS AND SPEAKING ENGAGEMENTS

- "A Look at Changing Securities Enforcement Priorities," SMU Corporate Counsel Symposium, October 22, 2021.
- "Emerging Issues in Data Privacy and Protection," moderator, The University of Texas Law School Government Enforcement Institute, October 1, 2021.
- "The Legal Implications Of A Different Kind Of Return To Work," presenter, The Institute for Law and Technology- Cybersecurity and Data Privacy Law Conference, September, 23, 2021.
- "In-House Counsel Panel," moderator, The University of Texas Law School 2021 Essential Cybersecurity Law Conference, July 21, 2021.
- "Ransomware Response and Recovery Efforts," panelist, The University of Texas Law School 2021 Essential Cybersecurity Law Conference, July 21, 2021.
- "Risky Business: Not Just an 80's Cult Classic - Identifying, Assessing, and Managing Your Business Risks," co-presenter, Collin County Bar Association, Corporate Counsel Section Meeting, July 8, 2021.
- "Risky Business: Not Just an 80's Cult Classic—Identifying, Assessing and Managing Your Business Risks," co-presenter, 2020 SMU Corporate Counsel Symposium, October 15, 2020.
- "SEC Enforcement Update," speaker, Coffee, Tea and the SEC: Trends and Updates Breakfast, November 19, 2019.
- "We Got Hacked! Helping Your Clients Prepare for and Respond to a Cyber Incident," speaker, TexasBarCLE's Annual Advanced Business Law Course, November 7, 2019.
- "Cyber Attacks: How Are You Protecting Your Business?" panelist, FEI Energy Special Interest Group's Dallas CFO Series, October 24, 2019.

- “Solving Cybersecurity: How to Help Your Client Navigate the Minefield,” panelist, Dallas Association of Young Lawyers, August 14, 2019.
- “Cybersecurity Disclosures: Guidance for Public Companies,” speaker, Haynes and Boone, LLP webinar, May 20, 2019.
- “The Weapons of Cyber War,” moderator, Today’s General Counsel Institute Cybersecurity and Data Privacy Conference, November 14, 2018.
- “Cyber Fraud and Your Liability,” co-panelist, Dallas and Fort Worth Cybersecurity Events, October 3-4, 2018.
- “Litigation Risks Facing Investment Advisers,” co-panelist, DFW Financial Services Counsel Roundtable, September 12, 2018.
- “New SEC Guidance on Cybersecurity Disclosures: Risks, Incidents, Materiality, Data Governance Procedures,” presenter, Strafford live webinar, June 12, 2018.
- “Incident Response and Breach Disclosure,” panel moderator, The University of Texas Law School 2017 Essential Cybersecurity Law Conference, July 28, 2017.
- “The SEC’s New Guidance Regarding the Use of Non-GAAP Financial Measures,” presented to the Dallas Bar Association Securities Section, March 27, 2017.
- “Cyber Liability: Protecting Records and Financial Information,” presented to the University of Texas School of Law Mortgage Lending Institute, October 20, 2016.
- “Issues in Cybersecurity and Healthcare,” presented at the Southern Methodist University Dedman School of Law Cybersecurity Symposium, October 23, 2015.
- “Privilege Pitfalls,” moderator, presented at the Dallas Association of Young Lawyers Dinner with the Judiciary, October 20, 2015.
- “SEC Enforcement Outlook 2015,” presented to the Dallas Bar Association Securities Section, April 27, 2015.
- “Practical Steps to Reduce Cyber Risk,” presented at the Texas Bar Association Asian Pacific Interest Section Annual Conference, April 18, 2015.
- “Cyber Investigation Case Study,” presented at the Institute of Internal Auditor’s 10th Annual Fraud Summit, March 26, 2015.
- “A Focus on Cybersecurity Litigation Risks and Liabilities,” presented to the General Counsel Forum, November 6, 2014.
- “Understanding Cyber Risks,” presented at the Texas Aggie Bar Association Annual Conference, March 1, 2014.
- “Cyber Incidents,” presented at the Arthur J. Gallagher & Company Privacy and Cyber Liability Seminar, October 9, 2013.
- “Protecting Critical Business Data,” presented to The STAR Alliance, September 10, 2013.
- “The Antitrust Implications of Health Care Reform,” co-author with Bill Morrison, ABA Antitrust Section Joint Conduct Committee E-Bulletin, Spring 2012.

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## SELECTED CLIENT REPRESENTATIONS

- Internal investigation and remediation of a data security breach at a Fortune 200 transportation company; civil prosecution of entity responsible for the security breach.
- Internal investigation of data security breach at high profile specialty retailer that implicated payment card information and personal identifying information; counseled client on numerous post-breach issues including disclosure obligations, public disclosure, negotiation of fraud recovery and operational reimbursement fines and penalties with card brands, and related counseling regarding collateral litigation; counseled client on insurance coverage for breach-related expenses.
- Investigation of former employee’s sabotage of company computer network; referral to federal law enforcement and prosecutors, resulting in guilty plea to felony charges and finding of restitution.
- Advice to organizations in multiple industries regarding data breach disclosure requirements to customers, employees, and regulators; draft and coordinate delivery of disclosures.

- Guidance to public companies regarding disclosure requirements under federal securities laws, including disclosure of cyber incidents, cyber risks, and U.S. and foreign government investigations.
  - Advised an engineering and procurement firm regarding the Federal Computer Fraud and Abuse Act and the Federal Stored Communications Act following an employee's suspected theft of trade secrets and proprietary data.
  - Represent individuals and financial institutions against Securities and Exchange Commission investigations of alleged insider trading.
  - Representation of AT&T before the DOJ and FCC on antitrust matters related to proposed acquisition of T-Mobile USA, including pre-merger integration counseling and planning.
  - Five solo jury trials and one solo bench trial as a visiting prosecutor for the City of Arlington, obtained a guilty verdict in all six cases.
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## AWARDS AND RECOGNITION

- Featured in *D Magazine's* "Best Lawyers Under 40" directory, D Magazine Partners, 2021
- Selected Among Leading Dallas-Area Professionals 'Under 40' by *People Newspapers*, D Magazine Partners, 2019
- Selected for inclusion in *Texas Super Lawyers Rising Stars*, Thomson Reuters, 2016-2019
- Outstanding First-Year Director, Texas Young Lawyers Association, 2017
- Outstanding Committee Chair, Dallas Association of Young Lawyers, 2016