



Craig A. Newman

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Craig A. Newman is an authority on cybersecurity, complex corporate and board-level governance matters, risk management and litigation. He chairs the Firm's Privacy & Data Security group and acts as senior advisor to his clients – which include public and private companies, their leadership teams and boards. The former general counsel of a Fortune 250-owned media consortium, Mr. Newman is a regular contributor to *The New York Times*, where he writes about issues at the intersection of global business, law and cybersecurity.

He is also the founding editor of the Firm's blog, www.DataSecurityLaw.com, and was recognized by *The National Law Journal* as a "Cybersecurity & Data Privacy Trailblazer."

Mr. Newman represents healthcare, insurance, media, technology, educational, and manufacturing companies, as well as major financial institutions, hedge funds and asset managers, investors, a professional sports team and nonprofit organizations in cybersecurity matters including litigation, government investigations and enforcement matters, internal investigations and compliance matters. He also assists his clients in proactively designing and implementing innovative security controls, policies and practices to protect sensitive corporate information, manage litigation and regulatory risk, and comply with federal and state regulations including New York's Department of Financial Services' cybersecurity regulation. He has assisted numerous companies and boards in responding to – and investigating – significant cyber-attacks including criminal and state-sponsored attacks targeting customer and employee data and theft of financial assets and intellectual property.

In addition, Mr. Newman has successfully assisted his clients in taking advantage of the sweeping liability and risk management protections available under the "Support Anti-terrorism by Fostering Effective Technologies" or SAFETY Act.

In addition to his work for *The New York Times*, Mr. Newman has written for the *Wall Street Journal*, *The Washington Post*, *Financial Times* and other leading media outlets. His articles are also frequently published by the *Harvard Law School Forum on Corporate Governance and Financial Regulation*. He has appeared on CNN and MSNBC. Mr. Newman's deep media background is another asset in his representation of major companies as he is always sensitive to the "headline risk" in high-profile matters.

Mr. Newman is also a noted speaker and moderator at events for the U.S. Department of Homeland Security, The American Bar Association, the Tulane Corporate Law Institute and other prominent institutions. He is the editor of Bloomberg Law's *Domestic Privacy Profile: New York*.

Representative Matters:

Cybersecurity

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- Corporate boards and leadership teams in data security risk assessments, breach preparedness, breach response, and internal investigations;
- Designing and implementing comprehensive data security and compliance programs for financial institutions and insurance companies covered by New York's Cybersecurity Regulation, "Cybersecurity Requirements for Financial Services Companies";
- A Fortune 100 company and its senior management in an internal investigation and litigation related to a data breach and the public disclosure of confidential and proprietary corporate information;
- Fortune 150 multi-state healthcare insurer in an internal investigation related to data security incident involving the disclosure of protected health-care information;
- A National Football League franchise in designing and implementing an anti-terrorism and data security program and successfully gaining SAFETY Act designation from the U.S. Department of Homeland Security;
- A prominent investment firm in a data breach response and subsequent investigation relating to "Business Email Compromise," fraudulent wire transfers and violations of the Computer Fraud and Abuse Act;
- Investment advisers and investment funds in preparing and implementing comprehensive data security plans including incident response protocols to comply with SEC data security requirements; and
- A global educational institution in connection with a cyber-attack relating to highly confidential student records and faculty research.

Board Representations and Investigations

- Board Committee of an NYSE-listed insurance company in investigation into whistleblower allegations under the False Claims Act;
- The Special Board Committee of an NYSE-listed financial institution in an internal investigation into compliance and regulatory matters and related shareholder derivative litigation;
- A federally appointed Receiver in a securities fraud action by the U.S. Securities and Exchange Commission, and related U.S. Department of Justice investigation, arising out of a multi-million dollar Ponzi scheme;
- A major non-profit and its board in an investigation relating to a cyber-attack on its content management system, illegal content transfers and violations of the Computer Fraud and Abuse Act;
- An NYSE-listed manufacturing company in an investigation into the hacking of non-public information by a business competitor; and
- A faculty member of a major university in an investigation related to allegations of plagiarism and copyright infringement.

Litigation

- U.S.-based hedge fund in litigation against a British financial institution relating to the termination under ISDA documentation of a \$1.5 billion total return swap portfolio of corporate loans and bonds;
- Represented major retailer and its executive management team in litigation before the U.S. Tax Court against the Internal Revenue Service related to elections made under Section 83(b) of the U.S. Tax Code;
- An international real estate conglomerate in a \$10 billion complex financial fraud action relating to a secured lending facility;
- A multinational manufacturing technology company in breach of fiduciary duty litigation arising out of the sale of two U.S. affiliates;

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- Majority lenders and financial institutions in litigation with minority lenders related to covenant defaults and the foreclosure of a major international resort property that served as collateral for both term and revolving loan facilities.

Education

- University of Detroit School of Law (J.D., *with honors*, 1984)
 - Editor-in-Chief, *Law Review*
 - Burton Academic Scholar
 - Bernard Kilgore Fellowship (awarded by The George Washington University and the Society of Professional Journalists, Sigma Delta Chi)
- University of Missouri - Columbia School of Journalism (M.A., 1981)
- Arizona State University (B.S., 1979)

Admissions

- New York
- District of Columbia
- Michigan

Honors

Named among *The National Law Journal's* 2015 "Cybersecurity & Data Privacy Trailblazers;" Burton Award winner for Distinguished Legal Writing; Member, Cronkite School of Journalism and Mass Communication Hall of Fame; Bernard Kilgore Fellowship (The Society of Professional Journalists/Sigma Delta Chi and The George Washington University); Nathan Burkham Copyright Award (the American Society of Composers, Authors and Publishers Intellectual Property Award).

Professional Activities

- Fellow, The American Bar Foundation;
- Trustee, Arizona State University;
- Chairman of the National Board of Advisors, Cronkite School of Journalism & Mass Communication, Arizona State University;
- Member, Bloomberg Law Innovation Advisory Board;
- Member, Lexis/Nexis Privacy & Cybersecurity Law Report's Editorial Board;
- Faculty, Practising Law Institute;
- Member, National Association of Corporate Directors;
- Chief Executive Officer of the Freedom2Connect Foundation, a Washington, D.C.-based non-profit organization focused on global Internet censorship issues (2012-2016); and
- Advisory Board Member of Newsy, the news and information service for mobile devices, which is owned by the E.W. Scripps Company (2011-2015).

Publications

- "[New York's Cyber Regulation Two Years Later: We've Only Just Begun](#)," *New York Law Journal* (April 4, 2019)

- ["INSIGHT: Cybercrime & Sports—The Law of Unintended Consequences,"](#) *Bloomberg Law* (March 6, 2019)
- ["Hardening Cyber Protection Programs: Will 2019 Be the Year of the SAFETY Act for Data Security Programs,"](#) *The New York Law Journal* (March 4, 2019)
- ["Lessons for Corporate Boardrooms From Yahoo's Cybersecurity Settlement,"](#) *The New York Times* (January 23, 2019)
- ["SEC Cyber Briefing: Regulatory Expectations for 2019,"](#) *The Harvard Law School Forum on Corporate Governance and Financial Regulation* (January 2, 2019)
- ["MGM's Fight for SAFETY Act Protection Paused,"](#) *The National Law Journal* (January 2019)
- ["SEC Cyber Agenda: Actions Taken in 2018 Forecast 2019's Priorities,"](#) *Bloomberg Law* (December 13, 2018)
- ["Canada's New Breach Notification Law-A Global Reach?"](#) *Bloomberg Law* (November 30, 2018)
- ["Bull or Bear? How the Market Reacts to Data Breach News,"](#) *The Harvard Law School Forum on Corporate Governance and Financial Regulation* (November 20, 2018)
- ["First SEC 'Red Flags' Enforcement Case Spotlights Board's Role,"](#) *National Association of Corporate Directors* (November 12, 2018)
- ["The S.E.C. Dusts Off a Never-Used Cyber Enforcement Tool,"](#) *The New York Times* (October 8, 2018)
- ["Cyber Lessons from the SEC?"](#) *The Harvard Law School Forum on Corporate Governance and Financial Regulation* (October 1, 2018)
- ["The FTC's Abusive Cyber Enforcement,"](#) *The Wall Street Journal* (July 24, 2018)
- ["Suing Las Vegas Victims Got Headlines. Outcome Could Be Big News, Too,"](#) *The New York Times* (July 23, 2018)
- ["Cybercrime Meets Insider Trading in Sports,"](#) *The New York Times* (July 6, 2018)
- ["Domestic Privacy Profile: New York,"](#) *Bloomberg Law* (June 18, 2018)
- ["A Simple Proposal to Help Fix Corporate America's Cybersecurity Problem,"](#) *The New York Times* (April 11, 2018)
- ["When to Report a Cyberattack? For Companies, That's Still a Dilemma,"](#) *The New York Times* (March 5, 2018)
- ["Can the United States Search Data Overseas?"](#) *The New York Times* (February 26, 2018)
- ["Supreme Court Rejection of CareFirst Review Prolongs Data Breach Standing Circuit Split,"](#) *Bloomberg BNA's Privacy and Security Law Report* (February 22, 2018)
- ["Supreme Court Asked, Again, to Weigh In on Data Breach Standing as Circuit Split Widens,"](#) *The National Law Journal* (February 13, 2018)
- ["Why the World Needs a NATO for Cyberwarfare,"](#) *CNN* (December 6, 2017)
- ["A Question of Privilege: Court Wrestles With Attorney-Client and Work Product Issues in Data Breach Case,"](#) *New York Law Journal* (December 8, 2017)
- ["What Not to Learn From Equifax: Five Big Lessons,"](#) *Corporate Counsel* (October 23, 2017)
- ["First Department Sustains Claims Against Fund Administrator After Hackers Grab Millions,"](#) *New York Law Journal* (October 4, 2017)
- ["New York's Cybersecurity Regulation for Financial Institutions, A New Age of Cybersecurity Regulation: Raising the Bar and Demanding Leadership Accountability,"](#) *Bloomberg Law* (April 17, 2017)
- ["First Department Allows \\$45 Million Fraud Claim To Proceed Against Patriarch Partners,"](#) *Bloomberg BNA's Securities Regulation & Law Report* (March 27, 2017)
- ["Dueling Cybersecurity Regulations for Health Care: HHS Meets New York State,"](#) *Bloomberg BNA's Privacy and Security Law Report* (March 20, 2017)
- ["Digital Privacy Rights Take A U-Turn, And Congress Needs To Act,"](#) *Forbes* (March 7, 2017)

- ["Verizon's Wake-up Call: Cyber Diligence in M&A," CFO](#) (February 9, 2017)
- ["Cybercrime: Rethinking Estate Planning and Asset Protection for Family Offices, High Net Worth Families and Executives," Family Office Exchange](#) (November 2016)
- ["Microsoft v. United States: A Journey Into the Cloud," Bloomberg BNA's Privacy and Security Law Report](#) (July 2016)
- ["Lead Generation' Business Under Regulatory Glare for Privacy Violations," Bloomberg BNA's Privacy and Security Law Report](#) (June 2016)
- ["Securities and Exchange Commission gets tough on cyber security," Financial Times](#) (January 18, 2016)
- ["The Long and Wyndham Road: A Settlement in Wyndham and Curve Ball in LabMD Signals Storm Warnings for the FTC's 2016 Data Security Initiatives," Bloomberg BNA's Privacy and Security Law Report](#) (December 2015)
- ["U.S. Securities and Exchange Commission Finally Getting Serious about Cybersecurity," Bloomberg BNA's World Securities Law Report](#) (December 2015)
- ["Upping the Ante: Cybersecurity, the SEC and the Perils of Being Unprepared," Bloomberg BNA's Securities Regulation & Law Report](#) (November 23, 2015)
- ["Federal Trade Commission v. Wyndham Worldwide Corporation: Regulatory Implications for Consumer-Related Data Breaches," Pratt's Privacy & Cybersecurity Law Report](#) (October 2015)
- ["United States v. Microsoft: 'Global Chaos,' Outdated Legislation And a Judge's Plea to Congress," Bloomberg BNA](#) (October 5, 2015)
- ["Coming Unwired: Time to Reconsider How We Deliver Market Moving News," Bloomberg BNA](#) (August 14, 2015)
- ["New Target Ruling Places Your Company's Cyber Oversight in the Crosshairs," National Association of Corporate Directors' Directorship magazine](#) (June 2015)
- ["Special Litigation Committees Good Defense Against Derivative Lawsuits," Today's General Counsel](#) (February/March 2015)
- ["After the Silk Road conviction, TOR must be protected," The Guardian](#) (February 19, 2015)
- ["Who Should Pay for Data Theft?" Bloomberg Businessweek](#) (February 20, 2014)
- ["A right to be forgotten' will cost Europe," The Washington Post](#) (May 26, 2014)
- ["Uncowed, Companies Fight FTC's Power Play Over Cybersecurity," The National Law Journal](#) (December 23, 2013)
- ["Regulatory scrutineers focus on cyber security," Financial Times](#) (September 2, 2013)
- ["Keeping Deal Information Confidential in a Digital World," The American Banker](#) (August 7, 2013)
- ["Advancing Internet freedom doesn't come for free," The Washington Post](#) (July 29, 2013)
- ["Corporate Cyberattacks Come Out of the Shadows," Corporate Counsel](#) (June 17, 2013)
- ["Cyberattacks a Huge Threat to Start-Ups, and Their Investors," The New York Times](#) (April 19, 2013)
- ["The Special Litigation Committee: Special handling required," Directors & Boards](#) (March 2013)
- ["A Need for Clearer Disclosure Rules after Cyberattacks," The New York Times](#)(November 9, 2012)
- ["Opinion: Corporate America Is Ignoring the Cybercrime Alarm," CNBC](#) (October 5, 2012)
- ["Winning the Internet Arms Race" The Wall Street Journal](#) (August 24, 2012)
- ["Derivatives risk remains poorly understood," Financial Times](#) (April 29, 2012)
- ["Puncturing a finance myth of the digital age," The Deal](#) (March 30, 2012)
- ["Is Crowdfunding the Next Big Thing or an Invitation to Digital Fraud?" Wired](#) (December 12, 2011)
- ["Tribune suits put public liability on trial," Financial Times](#) (November 21, 2011)
- ["Managing Litigation and Regulatory Risks in Loan Facility Restructurings," Bloomberg Law Report](#) (August 2, 2010)
- ["Suing anonymous online critics: worth the trouble?" Fortune](#) (July 28, 2010)

- “Lender Restructuring Risks,” *American Banker* (March 2, 2010)

Speaking Engagements

- “Encryption & Anonymization: A Hybrid Approach to Data Security,” Consumer Data Industry Association Teleseminar (July 12, 2018)
- “Shareholder Actions: How Losses to Shareholder Value Expose Companies to Greater Disruptions,” Skytop Strategies (March 13, 2018)
- “How Will Recent Cybersecurity Events Impact Filing Season?” Intelligize Webinar (December 6, 2017)
- “New York’s Cybersecurity Regulation: Sarbanes Oxley Meets Cyber?” 2017 Privacy + Security Forum (October 5, 2017)
- “The NYS Cybersecurity Regulation Is Mandatory: Now What?” BrightTALK Webcast (March 2, 2017)
- “New York’s Cybersecurity Regulation: A Global Blueprint?” Practising Law Institute Webcast (January 31, 2017)
- “Changing Norms in Global Privacy: Emerging Issues & Law Firm Risks,” SCG Legal Annual Meeting (September 15, 2016)
- “Law Firms, Ethics and Cybersecurity,” Practising Law Institute Webcast (July 21, 2016)
- Tulane Corporate Law Institute M&A Conference (March 17, 2016)
- “Data Breach Crisis Management,” *Benchmark Litigation* Data Security and Privacy Forum (February 11, 2016)
- The University of Texas at Austin Nonprofit Organizations Institute (January 14, 2016)
- “Cybersecurity Thought Leadership Forum,” NASDAQ/Team 8 (October 26, 2015)
- “Cybersecurity in the C-Suite,” U.S. Department of Homeland Security and New Jersey Department of Homeland Security (September 17, 2015)
- “Cybersecurity in the C-Suite and Boardroom,” U.S. Department of Homeland Security’s Critical Infrastructure Cyber Community Voluntary Program Webinar Series (May 13, 2015)
- “Threat to the CEO,” Cybersecurity Summit (October 22, 2013)
- “Leaks, Privacy & National Security,” Cronkite School of Journalism & Mass Communication (October 13, 2013)
- “Privacy, Security and the First Amendment,” University of Missouri-Columbia School of Journalism’s ‘Donald W. Reynolds Journalism Institute Panel’ (September 2013)
- “Cybercrime: What Every General Counsel, Board Member and Executive Should Know,” Bloomberg Webcast (June 18, 2013)
- “Corporate Board Leadership in the Age of the Breach,” New York Stock Exchange’s Cyber Risks and the Boardroom Conference (June 10, 2013)
- “Cyber Security, The No. 1 Issue With GCs,” 25th Annual General Counsel Conference (June 5, 2013)
- “Cybercrime: A Multi-Faceted Legal Challenge,” PLI Briefing (April 8, 2013)
- “Special Litigation Committees: Back in Vogue,” PLI Webcast (November 14, 2012)
- “Civil Enforcement Cases: Emerging Trends and Issues in the Wake of the Financial Crisis,” PLI Briefing (May 23, 2012)
- “Understanding Policy Issues vs. Securities Rules if You’re in the Crowdfunding Business,” The Crowdfunding Conference (April 19, 2012)
- “Crowdfunding: The Next Big Thing or Entree to Digital Fraud?” PLI Briefing (January 11, 2012)
- “Your Reputation Online: Best Practices for Private Equity Firms & Portfolio Companies” Dow Jones and the Private Equity Analyst Webcast (December 9, 2010)

In the Media

GozNym Malware Case (May 2019)

- The Wall Street Journal, "[International Hacker Group Charged After Stealing Millions](#)"

tah Data Law (April 2019)

- Law360, "[Utah Warrant Bill Raises Stakes For Cops' Digital Data Grabs](#)"

Sports Gaming in the U.S. (March 2019)

- Bloomberg, "[Casinos New to March Madness Under Gun to Protect Gamblers' Data](#)"

Yahoo Data Breach (February 2019)

- Law360, "[Yahoo Breach Deal's Failure Shows Vagueness Doesn't Pay](#)"

EU Data Privacy (February 2019)

- Bloomberg Law, "[Securities Fraud Claims Get Boost From EU Data Privacy Rules](#)"

Google Data Leak (October 2018)

- Law360, "[Google Data Leak Exposes Breach Disclosure Conundrums](#)"

Uber Data Breach (September 2018)

- Law360, "[States Stake Claim To Privacy Role With Uber Breach Pact](#)"

Major League Sports Cyber Risks (September 2018)

- Law360, "[Sports Teams Must Tackle Hacking Risk Amid Legal Gambling](#)"

LabMD Data Security Case (June 2018)

- Law360, "[Midyear Report: Top Privacy Developments Of 2018, Part 2](#)"
- Bloomberg BNA's Privacy Law Watch, "[Has Door Swung Open to Challenges to FTC Data Security Power?](#)"
- Law360, "[FTC Facing Data Security Conundrum Post-LabMD](#)"
- Reuters, "[There's a big problem for the FTC lurking in 11th Circuit's LabMD data-security ruling](#)"

Facebook Privacy Litigation(March 2018)

- Bloomberg Businessweek, "[This Austrian Activist Took on Facebook in Europe. He's Ready to Do It Again](#)"
- Law360, "[Facebook Biometric Privacy Ruling Offers Plaintiffs On-Ramp](#)"

SEC Cybersecurity (February 2018)

- The American Lawyer, "[Daily Dicta: Watch Out-There's a New Cyber Cop on the Beat](#)"
- FierceHealthcare, "[SEC's Updated Cybersecurity Guidance Could Have Implications for Healthcare M&A](#)"

- Reuters, "[U.S. SEC calls for 'clearer' cyber risk disclosure from companies](#)"

Attias v. CareFirst (February 2018)

- FierceHealthcare, "[Supreme Court denies CareFirst's petition to review data breach case](#)"
- Law.com, "[Critical Mass](#)"

Google "Right to be Forgotten" Case (UK) (January 2018)

- Bloomberg Law Radio, "[Google Faces First U.K. 'Right to Be Forgotten' Case \(Audio\)](#)"

New York Department of Financial Services Cybersecurity Regulations (2016-2019)

- Law360, "[GC Cheat Sheet: The Hottest Corporate News Of The Week](#)"
- Law360, "['Training Wheels' Come Off New NY Cybersecurity Rules](#)"
- Law360, "[NY Cybersecurity Rules Will Be Enforced As They Mature](#)"
- American Banker, "[New York Rewriting Cybersecurity Rules After Banker Pushback](#)"
- Law360, "[Relaxed NY Cybersecurity Rules Offer Limited Relief](#)"

Equifax Inc. Data Breach (September-October 2017)

- The Wall Street Journal, "[States Push Equifax to Explain Why It Took 6 Weeks to Disclose Hack](#)"
- Bloomberg Law Radio, "[Former Equifax CEO Assumes the Congressional Hot Seat](#)"
- The Wall Street Journal, "[Equifax Faces Bumpy Legal Terrain as Consumer Suits Mount](#)"
- Bloomberg Law Radio, "[Equifax Faces Billions in Lawsuits After Data Breach](#)"
- The Washington Post, "[How Equifax hackers might use your Social Security number to pretend they're you](#)"
- Associated Press, "[How to fix identity-theft issues posed by the Equifax hack](#)"
- American Banker, "[Seven aftershocks of the Equifax breach: What bankers need to know](#)"

Google Data Privacy Litigation (2017)

- Bloomberg BNA, "[Google Data Privacy Fight Hinges on Cloud Storage Tech](#)"
- Law360, "[Google's Setback Heats Up Overseas Warrant Debate](#)"

United States v. Microsoft (September 2015 - July 2016)

- Law360, "[Midyear Report: Top Privacy Developments Of 2018](#)" Part 1"
- Bloomberg Law, "[Microsoft Supreme Court Case May Be Over But Challenges Persist](#)"
- Law360, "[Justices Drop Microsoft Warrant Row. But Fight Far From Over](#)"
- Bloomberg BNA, "[CLOUD Act May Not End Microsoft-Government Spat Over Foreign Data](#)"
- ABA Journal, "[After passage of new law, Microsoft and US tell Supreme Court that email access case is moot](#)"
- Law360, "[Microsoft Data Case 'Moot' Due To CLOUD Act, Justices Told](#)"
- Tech Republic, "[US wants to force Microsoft to break EU data protection laws in landmark case](#)"
- CNN, "[Microsoft argues data privacy case is one for Congress to decide](#)"
- Bloomberg Law, "[Microsoft, U.S. Set for High Court Battle on Overseas Emails](#)"
- Law360, "[What To Watch As High Court Takes On Microsoft Warrant Row](#)"
- The New York Times, "[Microsoft Wins Appeal on Overseas Data Searches](#)"

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- Financial Times, "[Microsoft wins battle with US over data privacy](#)"
- USA Today, "[Microsoft wins appeal over U.S. email requests](#)"
- NBC News, "[Microsoft Wins Major Court Battle Over Email Privacy](#)"
- Seattle Times, "[Microsoft steps up game on cybersecurity issues](#)"
- Bloomberg Business, "[Microsoft Argues for Data Security in Landmark Court Appeal](#)"
- The Guardian, "[Decision in Microsoft Case Could Set Dangerous Global Precedent, Experts Say](#)"
- USA Today, "[Microsoft Argues Email Stored in Ireland Not Subject to Search Warrant](#)"

FTC v. LabMD (April 2016)

- BusinessWeek, "[A Leak Wounded This Company. Fighting the Feds Finished It Off](#)"

United States v. Apple: Encryption and the iPhone (April 2016)

- The Washington Post, "[Once again, the government finds a way to crack an iPhone without Apple's help](#)"

Cybersecurity Information Sharing Act (October 2015)

- Forbes, "[The Problems Experts and Privacy Advocates Have With the Senate's Cybersecurity Bill](#)"

Major League Baseball Hack (June 2015)

- Bloomberg TV, "[Cybersecurity on the Ball Field](#)"
- USA Today, "[Rob Manfred Says MLB Will Not Conduct its Own Investigation of Cardinals' Alleged Hacking Scandal](#)"
- The American Lawyer, "[Cardinals, MLB Lawyer Up in Astros Hacking Probe](#)"