

## Thomas C. Newkirk

### Of Counsel

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### Office

Washington, DC

### Phone

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### Areas of Focus

Financial Litigation

Hedge, Investment, and  
Private Equity Funds



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## Overview

**There is no better guide than the insider. Tom Newkirk is a former Securities and Exchange Commission (SEC) enforcement leader who now defends companies and individuals in investigations and litigation. He counsels clients on complying with federal securities laws and regulations and leads internal investigations of potential SEC violations including accounting, disclosure, insider trading and Foreign Corrupt Practices Act issues.**

Publicly traded companies and regulated entities rely on Tom's deep insight into SEC processes, personnel and practices. He has a distinct understanding of the law, and just as importantly, the law as interpreted by the SEC. Tom knows what SEC staff expect of public companies and regulated entities, helping them avoid becoming the subject of investigations.

Tom held senior positions at the SEC's Enforcement Division for 19 years, first as Chief Litigation Counsel and then as Associate Enforcement Director. He received numerous awards from the SEC and the Department of Energy during his time serving the government. Since then, Tom has defended clients in SEC investigations and litigation for nearly two decades.

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Knowing what works and what does not work in dealing with the Securities and Exchange Commission makes all the difference.”

## **Areas of Focus**

- Financial Litigation
- Hedge, Investment, and Private Equity Funds

## **Representative Matters**

- Represented several major manufacturers in SEC accounting and disclosure investigations
- Served as an expert witness on SEC practices regarding a claim for insurance coverage of the cost of defending an SEC investigation
- Represented the CEO and chairman of the board of a financial institution in an SEC insider trading investigation
- Defended the CEO and chairman of the board of a public company in an SEC accounting investigation and related derivative and shareholder litigation
- Guided an alternative energy manufacturer in SEC investigations and related shareholder and derivative litigation
- Led the audit committee of a distribution company in an SEC accounting investigation
- Represented the chairman of the board of a hospitality company in an SEC insider trading investigation

## **Credentials**

### **Admissions**

- District of Columbia, 1976
- New York, 1966

### **Education**

- Cornell Law School, LLB, with distinction; Order of the Coif; Board Member, Phi Kappa Phi, 1966
- Cornell University, BA, Phi Eta Sigma, 1964

### **Court Admissions**

- US Court of Appeals, Eleventh Circuit, 2010
- US Court of Appeals, District of Columbia Circuit, 2008
- US District Court, Eastern District of New York, 1968
- US District Court, Southern District of New York, 1968

## **Service / Recognition**

### **Awards**

- *The Best Lawyers in America*, Litigation-Securities, 2015-2022, 2024, 2026
- *Chambers USA*, Securities: Regulation: Enforcement (Nationwide), 2010-2019, 2024

- Leaders League, Litigation & Competition Directory: Securities Litigation, 2018
- *Legal Times*, Leading Lawyers: Internal Investigation/Corporate Governance, 2008
- *Legal 500*, Dispute Resolution - Securities Litigation - Defense, 2016, 2018, 2020-2021
- Presidential Meritorious Executive Awards, 1980, 1992
- Securities and Exchange Commission
  - Chairman's Award of Excellence, 2002
  - Capital Markets Award, 2000
  - Distinguished Service Award, 1992
  - Nominee for Federal Executive of the Year Award, 1992
- U.S. Department of Energy
  - Secretary of Energy's Exceptional Service Award, 1985
  - Secretary of Energy's Outstanding Service Medal, 1981
- *Washington, D.C. Super Lawyers*, Securities Litigation, 2009-2020
- *Washingtonian Magazine*, Washington's Best Lawyers, 2009-2014

### **Service to the Bar**

- American Bar Association
- Association of the Bar of the City of New York
- Federal Bar Association, Executive Council of the Securities Law Committee, Member