

Matthew G. Nielsen



Associate

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Matthew is a senior Associate in the Dallas office of Andrews Kurth and practices in the litigation section with an emphasis on conducting internal investigations and assisting clients in Department of Justice and SEC investigations and litigation. Matthew has assisted clients in internal and governmental (civil and criminal) investigations on a variety of matters including alleged violations of federal securities laws, accounting fraud, Medicaid fraud, and bribery of foreign government officials (FCPA). In addition, Matthew has substantial commercial litigation experience, in state and federal courts, arbitration, and administrative proceedings, in matters including securities litigation, claims of professional negligence against lawyers and accountants, employment discrimination defense, ERISA litigation, contract disputes, injunction actions, and claims of fraud, conspiracy, and breach of fiduciary duty.

REPRESENTATIVE EXPERIENCE

- Assisted high-profile company in SEC inquiry of CEO and company transactions with a member of its Board of Directors; SEC closed inquiry after presentation
- Successful defense of auditor in SEC investigation, which uncovered fraud by the officers and directors of auditor's client
- Assisted special litigation committee in investigating claims in multiple shareholder derivative suits
- Represented receiver in SEC Receivership, including assisting in seizing assets of defendants
- Recovered over \$1.75 million for individual customers in securities fraud litigation against brokerage firms through trial (exceeding \$1 million) or settlement
- Successful defense of medical supply company in Medicaid fraud investigation by Texas Attorney General
- Won summary judgment in an ERISA suit in which plaintiffs sought over \$4 million in damages
- Obtained defense summary judgment in lawsuit based in Oklahoma Anti-Spam statute; judgment affirmed on appeal and client was awarded judgment against plaintiff for its attorneys' fees and cost
- Won arbitration award on behalf of a physician practice group in suit by former partner seeking step-up in value of his partnership interest

PRACTICE AREAS

Corporate Compliance,
Investigations and
Defense
Litigation
Subprime and
Distressed Assets

EDUCATION

J.D., 2001, *magna cum laude*, Baylor University, *Baylor Law Review*, Assistant Managing Editor, Executive Editor, and Notes and Comments Editor (1999 - 2001), Order of the Barristers
B.B.A., 1998, *cum laude*, Texas Christian University

ADMITTED

Texas 2001
US District Courts for the Northern, Southern, Western and Eastern Districts of Texas
US District Court for the Eastern District of Wisconsin

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- Obtained summary judgment on behalf of software company in suit against its distributor for theft of copyrighted material (awarded all requested damages and attorneys' fees)
- Obtained arbitration award on behalf of client involving claims of employment discrimination, retaliation, defamation, and emotional distress by former manager
- Won multiple administrative hearings before Texas Workforce Commission in which terminated employees sought additional pay from clients
- Successful defense of tax accounting firm and individual CPA in suit alleging securities fraud and professional negligence
- Assisted in successful defense of restaurant operation company in suit by investors claiming breach of fiduciary duty by officers and directors
- Successful defense of numerous employers in employment discrimination and retaliation suits brought by former employers
- Obtained favorable plea agreements for major transportation company in two criminal proceedings brought by State of Texas for alleged environmental contamination
- Successful defense of injunction suit brought against communications company; plaintiff dismissed case after cross examination of its CEO
- Successful defense of surgery center partnership in suit brought by minority investors challenging buy-out of majority investor
- Successful prosecution of excessive force suit against local police officers in pro bono case
- Successful defense of automobile dealership partnership against claims by former partner of breach of fiduciary duty

ARTICLES/PUBLICATIONS

- "The Civil, Regulatory and Criminal Responses to the Subprime Mortgage Meltdown" Andrews Financial Crisis Litigation Reporter, Thomson Reuters/West (October 23, 2008)
- "Burrow v. Arce: Too Much Ado About Nothing?" 52:2 Baylor Law Review 488 (April 2000)

BRIEFINGS, SEMINARS & SPEECHES

- "Best Practices for the Transactional Lawyer: Legal Privilege and Confidentiality," with Paul Mitchell to Association of Corporate Counsel, Houston Chapter (August 12, 2008)
- Panelist, "Accounting for Lawyers: Part 3, Attorney-Accountant Relations after Sarbanes-Oxley," CLE Options Network (live webcast on July 18, 2008)
- "Best Practices for the Transactional Lawyer: Legal Privilege and Confidentiality," with Wiley George at El Paso Energy (July 16, 2008)
- "Legal Privilege and Confidentiality: The Fundamentals and Practical Application for Accountants," presented to Dallas office of Deloitte Financial Advisory Services LLP (July 8, 2008)
- "Best practices for transaction lawyers to preserve legal privilege and confidentiality: avoiding missteps," with J. Wiley George and Kara Altenbaumer-Price, at the Andrews Kurth 2008 Corporate/Securities & Tax Retreat (May 17, 2008)
- "Foreign Corrupt Practices in 2007 - Assessing the Real Risk," with David Washburn, Tatum Directors Roundtable, offices of Tatum, LLC (March 25, 2008)
- "What to do When the Government Comes Knocking," (September 20, 2007)

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PROFESSIONAL/CIVIC AFFILIATIONS

Member

- Dallas Association of Young Lawyers
- Dallas Bar Association

Fellow - DAYL Foundation

Community Involvement - Dallas Volunteer Attorney Program

Recognition - Texas Rising Star, Texas Monthly magazine (2006, 2007 and 2008) (recognizing top young attorneys in Texas)