



## PATRICK E. FITZSIMMONS

Partner

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Patrick advises clients on cybersecurity and privacy matters. He represents businesses responding to a variety of cybersecurity incidents, including ransomware attacks and email compromises. From a client's first discovery of a data breach, Patrick interfaces with his clients' management team, IT staff, and forensic experts to analyze the breach, provide requisite notices to individuals and government agencies, and mitigate exposure to litigation. Patrick also assists clients in the development of incident response plans, cybersecurity programs, and privacy policies. He regularly advises clients regarding their obligations under numerous laws, including the New York SHIELD Act, California Consumer Privacy Act, New York State Department of Financial Services Cybersecurity Regulation, and European Union General Data Protection Regulation. Patrick is a Certified Information Privacy Professional/United States (CIPP/US).

Patrick also represents clients in criminal matters and cases involving the False Claims Act (FCA). Most of his work in this area focuses on white-collar criminal defense and the representation of whistleblowers under the FCA. Previously, Patrick was an assistant district attorney in the Erie County District Attorney's Office where he gained extensive trial experience prosecuting a wide range of criminal cases. He brings that experience to his work at Hodgson Russ and works tirelessly to achieve favorable results for his clients in high-stakes matters.

### Honors

- Listed, *Best Lawyers in America* Ones to Watch (Commercial Litigation, Criminal Defense: White-Collar) 2024
- Listed, *Upstate New York Super Lawyers* Rising Stars, (Criminal Defense: White Collar) 2017 - 2020
- John N. Bennett Award, University at Buffalo School of Law, for the highest academic achievement in the graduating class

The Guaranty Building  
140 Pearl Street  
Suite 100  
Buffalo, NY 14202

### Practices & Industries

Cybersecurity & Privacy  
Blockchain & Cryptocurrency  
Business Crimes & Criminal Investigations  
False Claims Act & Whistleblower Representation  
Business Litigation

### Bar Associations

New York State Bar Association  
Bar Association of Erie County

### Admissions

New York  
U.S. Court of Appeals, Second Circuit  
U.S. District Court, Western District of New York

### Clerkships

Summer Clerk, Hon. John T. Curtin,  
U.S. District Court for the Western  
District of New York

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- Professor Thomas E. Headrick Award, University at Buffalo School of Law, for excellence in corporate finance
- Former Executive Editor, *Buffalo Law Review*

## Education

University of Rochester, B.A.

University at Buffalo School of Law,  
J.D., summa cum laude

## Experience

Hodgson Russ attorneys advised an equipment manufacturer on the statutory and regulatory framework concerning the cultivation, processing, and distribution of hemp and hemp products.

## In the News

Thought Leaders: Evolution of Data Privacy  
*Buffalo Business First*, April 24, 2020

Small-screen courtrooms a hit with lawyers  
*Buffalo Law Journal*, September 18, 2018

## Press Releases

83 Hodgson Russ LLP Attorneys Ranked in 2024 Edition of *Best Lawyers in America*  
August 17, 2023

Hodgson Russ LLP Announces New Partners  
December 21, 2022

Sixty-Two Hodgson Russ Attorneys Named to 2020 Upstate New York Super Lawyers  
*Hodgson Russ Press Release*, September 8, 2020

Sixty Hodgson Russ Attorneys Named to 2019 Upstate New York Super Lawyers  
*Press Release*, August 12, 2019

Sixty-One Hodgson Russ Attorneys Named to 2018 Upstate New York Super Lawyers  
*Press Release*, August 20, 2018

Seventy Hodgson Russ Attorneys Named to 2017 Upstate New York Super Lawyers,  
Hugh Russ Listed Among Top 50  
*Press Release*, September 6, 2017

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Hodgson Russ Announces Five Newly Elected Partners, Four Attorneys Promoted to Senior Associate  
*Press Release, January 10, 2017*

## **Publications**

NYS Facing First Lawsuit Over Retail Cannabis Dispensary Licensing Process  
*Hodgson Russ Cannabis & Hemp Alert, October 19, 2022*

Does Your Website Comply With U.S. Law and The Implications if it Does Not  
*Hodgson Russ Canada-U.S. Cross-Border and Cybersecurity & Privacy Alert, July 7, 2022*

New York Releases Proposed Regulations for Packaging/Labeling and Marketing/Advertising Adult-Use Cannabis Products  
*Hodgson Russ Cannabis and Hemp Alert, July 7, 2022*

New York Governor Pledges \$200M to Boost Social Equity Efforts as Part of Adult-Use Cannabis Legalization  
*Hodgson Russ Cannabis & Hemp Alert, February 2, 2022*

Recent Litigation Trends Highlight the Importance of Wage & Hour Compliance for Tipped Employees in Cannabis Retail Setting  
*Hodgson Russ Cannabis & Hemp and Labor & Employment Alert, November 4, 2021*

Cannabis Control Board Serious About Shutting Down Illegal Sales  
*Hodgson Russ Cannabis & Hemp Alert, October 26, 2021*

New York State's Adult-Use Cannabis Program Finally Underway with Agency Appointments  
*Hodgson Russ Cannabis & Hemp Alert, September 2, 2021*

New York Issues Updated Cannabinoid Hemp Regulations  
*Hodgson Russ Hemp & Medical Cannabis Alert, May 25, 2021*

Official Bill Released: Governor Cuomo and Legislative Leaders Announce Long-Awaited Agreement to Legalize Recreational Cannabis in New York  
*Hodgson Russ Hemp and Medical Cannabis Alert, March 29, 2021*

Hemp and CBD Sellers Beware: Vapes Soon Subject to Significant Restrictions on Sales and Shipping  
*Hodgson Russ Hemp and Medical Cannabis Alert, March 23, 2021*

## **Presentations & Events**

Cybersecurity Conference - NYC  
Hodgson Russ LLP, 605 Third Avenue, Suite 2300, New York, NY, January 24, 2024

Cybersecurity Conference  
Hodgson Russ LLP, The Guaranty Building, 140 Pearl Street, Buffalo NY 14202, June 6, 2023

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Ontario Legal Conference - Cross Borders

CBIA Lawyers Financial, Heuristica Discovery Counsel LLP, LexisNexis, Ontario Bar Association, May 4, 2023

California's Privacy & Data Security Law: A Harbinger of Things to Come?

February 8, 2023

Navigating the New Normal: Increased Cyber Risks Post-Covid

140 Pearl Street, Suite 100, Buffalo, New York, 14202, November 30, 2022

Virtual Bridge Market Entry Program: Data Privacy, Cybersecurity, and Protecting Technology

Finnish American Chamber of Commerce, April 29, 2021

School Client Conference Webinar Series 2021

January 15, 22, and 29

Zoning Enforcement in Local Justice Courts

New York Planning Federation, November 10, 2020

2019 Fraud Update

Accounting & Financial Women's Alliance - Buffalo Chapter, Hyatt Place 5020 Main Street Amherst, NY 14226, June 26, 2019

## **Blog Posts**

- Supreme Court Declines to Review “Objective Falsity” Issue and Resolve Circuit Split

*The Whistleblower Blog*, March 8, 2021

- Ninth Circuit Finds False Certifications of Medical Necessity Actionable Under the FCA

*The Whistleblower Blog*, October 13, 2020

- Tenth Circuit Affirms Summary Judgment Reinforcing Escobar’s Materiality Requirements

*The Whistleblower Blog*, February 19, 2020

- SCOTUS Finds that Violating FCA’s Seal Requirement Does Not Mandate Dismissal

*The Whistleblower Blog*, December 9, 2016

- Supreme Court Finds the “Implied Certification” Theory Viable in Some Circumstances

*The Whistleblower Blog*, August 17, 2016

- United States Supreme Court to Determine the Viability of the “Implied Certification” Theory of Legal Falsity under the False Claims Act

*The Whistleblower Blog*, May 4, 2016