

Curriculum Vitae of Thomas E. Workman Jr.  
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## SUMMARY

My technical experience includes over twenty years working in high technology with Xerox, Texas Instruments, Hewlett Packard, Digital Equipment, and Thinking Machines, in management and engineering capacities in R&D, Field Sales and Support, Marketing, Quality, and Manufacturing. I have participated in both criminal and civil cases as an expert, in State or Federal Courts in Alabama, Arizona, California, Connecticut, Florida, Georgia, Louisiana, Maine, Minnesota, Montana, New Jersey, South Carolina, Texas, Virginia and Massachusetts. My longest full-time experience as a technical expert was six months, my longest time testifying was two days. I have been deposed, testified at motion hearings, and have testified at Jury trials. I have prepared and participated in depositions relating to the technical details of computers and their operation. I have been qualified as an expert on cases before arbitration panels, administrative proceedings, Family Court, and at the State Supreme Court, District Court and Superior Court levels, all as a technical expert in the field of computers.

I am licensed to practice law in the Commonwealth of Massachusetts, before the United States Federal Court for the District of Massachusetts, and have in the past practiced before the United States Patent Office as a Patent Attorney. My law practice specialty is high technology law -- intellectual property (Patent, Copyright, Trademark, Trade Secret) with a focus on computer and internet law.

## EDUCATION

SUFFOLK UNIVERSITY LAW SCHOOL, Boston, Massachusetts 1993-1996  
Juris Doctor, cum laude, High Technology Law Concentration with Distinction, Dec 1996

UNIVERSITY OF TEXAS, Austin, Texas 1966-1974  
M.S. ELECTRICAL ENGINEERING, May 1974 Minor: Computer Science  
B.S. ELECTRICAL ENGINEERING, December 1970 Minor: Computer Science

## PROFESSIONAL

**Technical:** Prior Registration as a Professional Engineer, State of Texas. Member or Past Member of the following: I.E.E.E., A.C.M., A.S.Q.C.

**Legal:** American Bar Association, Massachusetts Bar Association, Massachusetts Association of Court Appointed Attorneys, National Association of Criminal Defense Lawyers, Massachusetts Association of Criminal Defense Lawyers, Past member: American Intellectual Property Law Association and Boston Patent Law Association, Member of Massachusetts Lawyers Weekly Editorial Board, Past Member of Bristol County Bar Advocates Board of Directors.

Recognized as the Outstanding Technical Contributor in 1999 to the Technolawyer community (National award).

Massachusetts Super Lawyer, Rising Stars Award 2006, 2007.

Up and Coming Lawyer, Massachusetts Lawyers Weekly award 2007, honoring my legal and computer forensic work.

## High Technology Industry Experience

### **Thinking Machines Corporation**, Cambridge, Massachusetts

MATERIALS MANAGER, 1992  
Directed contracting and managed technical supplier base for \$100M massively parallel computing business.

### **Digital Equipment**, Hudson and Andover, Massachusetts; Ayer and Edinborough, Scotland

MATERIALS MANAGER, 1987 - 1992  
Managed contracting, procurement, inventory, planning, and distribution for four semiconductor manufacturing factories.

### **Hewlett Packard**, Colorado, England, California, Texas

ENGINEERING/MARKETING/QUALITY/INFORMATION SYSTEMS/MANUFACTURING, 1975 - 1987  
Worked and managed in each of Hewlett Packard's major computing groups: engineering, marketing, direct support of customers, training, quality, information systems, and manufacturing. Contributed as an engineer, supervisor, manager, and as senior manager of a two hundred fifty person organization. Invited to testify as an expert in software quality before U.S. Congressional "STARWARS" blue ribbon congressional panel. Served on I.E.E.E. Computer Standards Committee. Designed, developed and wrote an input/output tracking utility, specifically for tracking activity involving hard disc activity.

### **Self Employed**, Austin, Texas

HARDWARE AND SOFTWARE ENGINEERING CONSULTANT, 1975  
Developed telecommunications systems for interface with IBM mainframes, systems for interfacing Kodak microfilm readers with search applications for business.

### **Xerox Corporation**, Austin, Texas

SYSTEMS ENGINEER, 1975  
Supported business customers who purchased Xerox mainframes, assisted in migration from IBM mainframes to Xerox systems. Evaluated customer application requirements and proposed proper solutions from Xerox product offerings.

### **Austron Corporation**, Austin, Texas,

PRINCIPAL ENGINEER 1973 - 1975  
Developed hardware and software for a device that emulated IBM devices, such as the 3270 terminal emulator, telecommunications devices.

### **Texas Instruments**, Austin, Texas

R&D SECTION MANAGER, PROJECT MANAGER, SENIOR ENGINEER, 1971 - 1973  
Under a Secret US Government security clearance, directed the development of systems software, managed the development of a major secure network to collect and process military intelligence in the battlefield based on aircraft gathered intelligence, managed the quality assurance of a major portion of a secure networked military application. Designed, developed and wrote the software to manage the file system of a secure multicomputer system. Designed, developed, and wrote the user interface for a TI commercial minicomputer system.

## High Technology Expertise

- Software Design and Development.
  - IBM Device Emulation
  - Operating System and very large system integration
  - Systems Integration and Test
  - Quality Certification Techniques
  - File System and Command Language Systems
  - Sensor based dedicated systems
- Digital Computing Systems.
  - Support and maintenance of software/hardware
  - Design for fault tolerance
- Electronic Systems Test.
- Computer Networks -- Internet and Email
- Computer Standards
- Fuel Cell and Infrared Spectroscopy Systems

## Computer Forensic Training

4 day Intermediate Training Course, Guidance Software: Computer Forensics.	4/2002
3 day NTI Computer Forensic Course, NTI.	11/13/2002
3 day Accessdata Computer Forensics Bootcamp	10/24/2006
3 day Accessdata Windows Forensics	6/9/2007
2 day Draeger 7110 Internals Training	3/26/2009
5 day Borkenstein Institute	5/10/2009
2 day National Patent Breathtest Course	2/5/2010

## Forensics Lectures Presented

Breath Testing Source Code: A Primer, Mastering Scientific Evidence -- TCDLA	4/19/2007
Computer Forensics, Recent Developments in Sexual Assault Cases, MCLE	8/8/2007
Computer Forensics, New Hampshire Bar Association,	5/18/2007
Source Code: Status, International Council on Alcohol and Drug Traffic Safety,	8/30/2007
Source Code and Intellectual Property, Institute of Continuing Legal Ed in Georgia	12/6/2007
Computer Forensics, Massachusetts Continuing Legal Education,	12/14/2007
Overview of Basic Breath Testing Device Electronics, Georgia DUI,	1/11/2008
Being Prepared for Challenges Based on Claims of Patent Secrecy, Trade Secrets, Copyrights, State Law, Georgia DUI,	1/11/2008
Computer Forensics for the Family Law Practitioner, Massachusetts Continuing Legal Ed,	2/14/2008
Computer Forensics in Child Pornography Cases, Massachusetts Federal Defenders,	2/26/2008
Breath Testing for Alcohol, for the Fleisher Judicial Institute, Suffolk Law School,	2/29/2008

Breath Test Science, Ohio Association of Criminal Defense Lawyers,	3/6/2008
Breath Tests and Source Code, California Eddie Kuwatch Annual Conference,	3/15/2008
Breath Testing Source Code: The Law, Mastering Scientific Evidence, TCDLA	3/26/2008
Breath Testing Source Code: The Science, Mastering Scientific Evidence, TCDLA	3/26/2008
Cyberstalking, Spyware & eDiscovery, The Divorce Institute,	4/30/2008
Breath Testing for Alcohol, for the Fleisher Judicial Institute, Suffolk Law School,	5/16/2008
Persuasive Direct & Cross Exam of Experts, NCDD Harvard Workshop	7/18/2008
Source Code: A Nuts & Bolts Approach to Setting Up a Persuasive Source Code Hearing, NCDD Harvard Workshop	7/19/2008
Was Your Client Tested on a Broken Machine? NACDL DUI Conf Las Vegas	9/19/2008
What Every Attorney Must Know About Infrared Spectroscopy, NACDL DUI Conf Las Vegas	9/20/2008
Was Your Client Tested on a Broken Machine: How Would You Know?, FACDL Orlando	9/25/2008
Breath Testing in Massachusetts, Southern New England School of Law	10/7/2008
Breath Testing in Massachusetts, Massachusetts Bar Association, Springfield	3/24/2009
Source Code Update, Mastering Scientific Evidence, TCDLA	4/16/2009
Challenging Breath Test Evidence with the Use of Expert Testimony, FACDL Orlando	9/24/2009
How to Use the Intoxnet Data, Tennessee Criminal Defense Lawyers Assn, Tunica, Miss	10/23/2009
Representing the OUI Client, Massachusetts Bar Association, Boston	11/12/2009
The Intoxilyzer 5000 "Source Code" Challenge, Institute of Continuing Legal Ed in Georgia	12/11/2009
Breathtest Machine Source Code, Industrial Training & Design Ltd., Toronto, Canada	1/16/2010
Cutting Edge Topics in OUI, Massachusetts Lawyers Weekly	1/27/2010
Intoxnet Data in Arkansas, Arkansaas Legal Group	3/26/2010
Infrared Spectroscopy, Mastering Scientific Evidence, TCDLA	3/30/2010
RFI and Power Problems, Mastering Scientific Evidence, TCDLA	3/30/2010
Breath Testing in Connecticut, Fairfield Bar Association	4/20/2010
Breathtest Machine Source Code, Industrial Training & Design Ltd., Atlanta	4/23/2010

## Law School Teaching Experience

**Adjunct Professor of Law**, University of Massachusetts Law School, "Scientific Evidence" 1/2010

## Partial List of Publications

Master's Thesis: **Software Development: An Integrated Approach**, Workman, Thomas (1974).

**Total Systems Reliability Symposium**, sponsored by National Bureau of Standards, Program Chair: Software Reliability (ISBN 0-8186-0513-8).

**I.E.E.E. Standard 982.1, Standard Dictionary of Measures to Produce Reliable Software**, Co-Chair of I.E.E.E. Standards Committee 982.

**I.E.E.E. Standard 982.2, Guide for the Use of I.E.E.E. Standard Dictionary of Measures to Produce Reliable Software**, Co-Chair of I.E.E.E. Standards Committee 982.

Law Dissertation: **UCC 2B or Not 2B, Software Industry Asks the Question, Copyright Law Answers**, Workman, Thomas (1996).

**Y2K Problems Can Be Fixed with some Effort and Planning**, Workman, Thomas, Mass High Tech, March 15-21, 1999, page 16.

**Corporate America's Undoing in the Face of Y2K**, Workman, Thomas, TechnoLawyer (Mar. 20, 1998).

**Write of Passage: Word Processor Upgrades in Law Firms**, Workman, Thomas, TechnoLawyer (May 22, 1998).

**Workman on Electronic Forms: Paperless Solutions for Paper Forms**, Workman, Thomas, The TechnoLawyer (June 26, 1998).

**My 33 Cents on Electronic Postage Meters**, Workman, Thomas, The TechnoLawyer (Spring 1999).

**A Tribute to Early Computer Programmers Against the Backdrop of Y2K**, Workman, Thomas, The TechnoLawyer (Spring 1999).

**Selecting A Word Processor**, Word Progress, a publication of the American Bar Association, Workman, Thomas, November 1998.

**Source Code Primer: The Inside Scoop on ALL Breath Instrument Computers and Electronics**, Workman, Thomas, National College for DUI Defense, Inc and Texas Criminal Defense Lawyers Association, 14th Annual Mastering Scientific Evidence in DWI/DUI Cases (4/2007).

**Source Code: What Challenges Have Been Asserted, and Where is this Litigation Heading?** Head, William and Workman, Thomas, International Council on Alcohol and Drug Traffic Safety, T2007 Annual Conference (8/2007)

**Massachusetts Breath Testing for Alcohol: A Computer Science Perspective**, Workman, Thomas, Suffolk Law CLE on Breath Testing, Cite as 8 J. HIGH TECH. L. 209 (2008) (2/2008)

**Estimating the Reliability of Breath Testing for Alcohol: A Computer Science Perspective**, Workman, Thomas, Ohio Bar Association, (3/2008)

**Measuring the Subjective Component of Breath Testing for Alcohol: A Study of the Florida Breath Testing Data**, Workman, Thomas, Mastering Scientific Evidence (3/2008)

*Source Code: What Challenges Have Been Asserted, and Where is this Litigation Heading? An Update*, Head, William and Workman, Thomas, Mastering Scientific Evidence (3/2008)

**Computer Source Code and Breath Testing: The Law**, Workman, Thomas, Mastering Scientific Evidence (3/2008)

**Was Your Client Tested on a Broken Machine: How Would You Know?**, Workman, Thomas, FACDL Blood, Breath and Tears (9/2008)

**Drunk Driving Defense**, Aspen Publishers, Lawrence Taylor and Steven Oberman, Contributing Author, 2009 Cumulative Supplement, Section 6.04[M] (2009)

**Analysis of Intentional Destruction of Breathtest Inspection Records by “Pulling the Plug” on the Florida Intoxilyzer 8000**, Workman, Thomas, Florida Blood, Breath and Tears (9/2009)

**Challenging Breath Test Evidence with the Use of Expert Testimony (Both Before and During Trial)**, Workman, Thomas, Florida Blood, Breath and Tears (9/2009)

**The Intoximeter “INTOXNET” Database Teaches How the EC IR II Really Works, and Sometimes Doesn’t**, Workman, Thomas, (3/2010)

**A Primer for Infrared Spectroscopy: What the Trial Attorney Must Know**, Workman, Thomas, Mastering Scientific Evidence (3/2010)

**A When Working Electronics Give the Wrong Answers: Radio Frequency Interference and Corrupted Power, How and Why they Corrupt the BAC Reported**, Workman, Thomas, Mastering Scientific Evidence (3/2010)