



Jennifer M. Feldman

Of Counsel

CO-CHAIR, EDISCOVERY AND INFORMATION MANAGEMENT PRACTICE

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Jennifer Feldman practices litigation in federal and state courts.

Jennifer is co-chair of DLA Piper's eDiscovery and Information Management practice. Jennifer concentrates on electronic discovery and knowledge management in complex commercial litigation matters, class action settings and regulatory investigations. She consults with DLA Piper attorneys and clients on eDiscovery strategy, advising on the deployment of policy, process and technology to reduce risk and cost. She also counsels clients on best practices for knowledge management and information governance outside of the litigation context, working with clients to create and implement cost-effective policies and procedures. She speaks to clients and industry groups on the subjects of electronic discovery, data retention and preservation and information governance.

Jennifer also has extensive experience in government investigations, internal investigations and securities litigation. She represents corporations and their officers and directors facing government investigation and/or class action and derivative litigation, with an emphasis on conducting corporate internal investigations and representing corporations and their officers and directors in connection with investigation by the Securities and Exchange Commission, Department of Justice and Financial Industry Regulatory Authority.

RELATED SERVICES

- eDiscovery and Information Management
- Litigation, Arbitration and Investigations
- International Trade, Regulatory and Government Affairs
- White Collar and Corporate Crime
- Corporate and Securities Litigation

EXPERIENCE

Representative Matters

eDiscovery and Information Management

- Assisted Fortune 100 company in memorializing its standard operating procedures for all aspects of discovery. Collaborated with in-house legal team to develop best practices and guidelines on the topics of litigation holds, preservation and collection of documents and data, and production of the same. The final work product was a multi-volume series of detailed procedures to be followed by all company employees facing discovery
- Consulted on consumer class action case with respect to strategy for collection, review and production of potentially relevant data. Developed a budget and protocol for electronic discovery and managed team in execution of that strategy

- Coordinated review, analysis and production of documents in securities litigation matter managing a nationwide team of reviewers to review more than 500,000 documents in a four month period
- Consulted with major utility company to review and revise policies and procedures regarding litigation holds. Joined client's working committee to analyse these issues. Drafted revised policies for the implementation and release of litigation holds. Conducted training for all employees in legal, human resources, records management and information systems departments on litigation hold obligations
- Coordinated collection of documents in response to Securities and Exchange Commission subpoena, requiring collection of data from personal devices and cross-border collection of data from client offices in China

Government Investigations

- Representation of international technology company in connection with Securities and Exchange Commission's investigation of insider trading activity.
- Representation of three individuals in connection with the Securities and Exchange Commission's investigation of the underfunding of the City of San Diego pension plan, including four days of testimony before the Commission and preparation of responses to numerous subpoenas from the Commission
- Representation of San Diego-based metals company in connection with investigation by Department of Justice and grand jury, including response to grand jury subpoenas, preparation of witnesses for grand jury testimony and negotiations with US Attorney's Office and Department of Justice on complex discovery issues
- Representation of former officer and board member of Gemstar-TV Guide International under investigation by Securities and Exchange Commission, including thirteen days of testimony before the Commission, preparation of a Wells submission, and extensive pre-litigation negotiations with Commission staff attorneys

Internal Investigations

- Conducted internal investigation of alleged accounting errors at public company which resulted in a cumulative reduction in net income of US\$10.2 million to determine if there was intentional wrongdoing
- Conducted internal investigation of every stock option grant by a software company, which resulted in providing sufficient comfort to a Big Four audit firm that the company properly accounted for stock options despite minor discrepancies in record keeping
- Conducted internal investigation of national, for-profit, educational institution into allegations of misconduct by senior management

Federal Securities Cases

- *In re Heckmann Corporation Securities Litigation*. Representation of company and its officers and directors in securities class action suit pending in the US District Court for the District of Delaware arising from goodwill write-off related to acquisition of a company in the People's Republic of China
- *Perrin v. SouthWest Water Company*. Representation of company and its officers and directors in securities class action suit for alleged violations of Section 10(b) of the Securities Exchange Act of 1934 and Section 11 of the Securities Act of 1933 filed in the US District Court for the Central District of California arising from a restatement of the company's financial statements. The district court granted our motion to dismiss the Plaintiffs' Second Consolidated Amended Complaint with prejudice and without leave to amend as to all claims and all defendants. The case is now on appeal to the Ninth Circuit Court of Appeals
- *In re Titan Inc. Securities Litigation*. Representation of an individual defendant in the federal securities case and in state court derivative litigation and in a federal grand jury investigation and investigation by the Securities and Exchange Commission. The civil litigation has been settled. The investigations appear to have been concluded with no action by the government

Complex Business Litigation

- Representation of San Diego-based investment fund in connection with a series of lawsuits in Superior Court in San Diego and the US District Court for the Southern District of California arising from breach of funding agreements and convertible debentures in connection with investment opportunities
- *Qualcomm v. Broadcom*. Representation of San Diego-based Qualcomm in connection with proceedings related to discovery failures in prior litigation, including extensive witness preparation and counseling

- *Sutton v. Biel*. Representation of plaintiff developer of image processing system for Check 21 Act paperless check processing against joint venture partner for breach of fiduciary duty and fraud arising from misappropriation of his technology to defendant's personal benefit. Favorable mediated confidential settlement

CREDENTIALS

Admissions

- California

Education

- J.D., University of San Francisco 2001
cum laude
- B.S., Psychology, Santa Clara University 1998
magna cum laude

Courts

- United States Court of Appeals for the Ninth Circuit
- United States District Court for the Central District of California
- United States District Court for the Northern District of California
- United States District Court for the Southern District of California

Memberships

- State Bar of California
- American Bar Association Litigation Section: Securities Litigation Committee
- American Bar Association Litigation Section: The Woman Advocate
- Association of Business Trial Lawyers

INSIGHTS

Publications

Defensible deletion: The proof is in the planning

5 February 2021

A framework for making defensible deletion an attainable goal.

Rule 26(g) certification means more than guide and advise: Key takeaways

12 August 2020

Sanctions were imposed on an attorney for failing to properly oversee the client's discovery process.

Text, blood and rock 'n' roll

27 DEC 2017

You are not a "free bird" – the duty to preserve text messages may extend to third parties.

- Co-author, "Defensible Deletion: The Proof Is in the Planning," *New York Law Journal*, January 29, 2021
- Co-author, "Text, blood and rock 'n' roll," *DLA Piper*, December 27, 2017
- Co-author, "Deal Flow Prompts Companies to Understand New Revenue Recognition Standard," *Life Science Leader*, May 2015
- Co-author, "SEC enforcement cases to increase in 2014: 4 things public companies need to know," January 13, 2014
- Co-author, "No More Mr. Nice Guys: SEC Sharpens Talons for 2014," *CFO.com*, January 2, 2014

Events

Previous

Corporate clutter and defensible deletion

15 September 2020 | 1:30 – 2:30 ET
Webinar

- "Cleaning Out the Data Closet: When and How to Defensibly Delete Digital Records," moderator, Zapproved Webcast, (June 2018)
- "Hold the Phone! (or at least what's on it!) – ESI Preservation Pitfalls, panellist, 2018 ASU Arkfeld eDiscovery and Digital Evidence Conference (March 2018)
- "Urgency, Secrecy, Transparency – Oh My! eDiscovery in Investigations," panellist, 2018 ASU Arkfeld eDiscovery and Digital Evidence Conference (March 2018)
- eDiscovery for the Corporate Market, "The Exchange," Lead Moderator, Los Angeles (December 2017)
- eDiscovery for the Corporate Market, "The Exchange," Lead Moderator, Seattle (October 2017)
- eDiscovery for the Corporate Market, "The Exchange," Lead Moderator, San Francisco (March 2017)
- eDiscovery for the Corporate Market, "The Exchange," Lead Moderator, Los Angeles (December 2016)
- eDiscovery for the Corporate Market, "The Exchange," Lead Moderator, San Francisco (March 2016)
- Women in eDiscovery, Case Law Update, Panelist (January 2016)
- eDiscovery for the Corporate Market, "The Exchange," Lead Moderator, Los Angeles (December 2015)
- DLA Piper LLP (US), 2015 Basics of Litigation Practice Academy, "eDiscovery: a Primer for New Associates," Chicago (November 2015)
- "ESI and Competence," DTI Webcast, (October 2015)
- eDiscovery for the Corporate Market, "The Exchange," Lead Moderator, Seattle (October 2015)
- "Taking Control: Cost-Effective eDiscovery Strategies," panellist, 2015 SoCal eDiscovery and Information Governance Retreat (August 2015)
- eDiscovery for the Corporate Market, "The Exchange," Lead Moderator, San Francisco (March 2015)

NEWS

DLA Piper represents Finisar in denial of class certification and dismissal of class action lawsuit

30 MAY 2019

DLA Piper represented optical communications company Finisar Corporation and its officers in a securities class action lawsuit filed in the US District Court for the Northern District of California, in which plaintiff claimed investors were misled by a statement made by a Finisar officer in December 2010 and purchased Finisar stock at an allegedly inflated market price.

PRO BONO

- Member, DLA Piper, San Diego Pro Bono Committee
- Project leader, San Diego Signature Pro Bono Project: *Serving Those Who Serve Our Country*