



## Jessica Heim

### Partner

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General counsel, boards of directors and audit committees rely upon Jess Heim to advise on their most high-stakes and challenging legal issues. With proven experience that is both broad and deep, Jess advises on matters that range from internal and government investigations, criminal price-fixing and violations of securities laws; to whistle blower complaints and compliance design challenges; to theft of trade secrets, data privacy initiatives and cybersecurity matters. Jess is appreciated by everyone around her for her pragmatism, consistently good instincts and smart solutions to seemingly insurmountable problems.

On every matter, every day, Jess remains steadfastly dedicated to delivering the strongest and most compelling legal arguments, analyzing and streamlining complex legal issues, investigating intricate factual circumstances in a manner that conserves client time and resources, and interfacing productively with regulators and agency representatives. At the same time, clients value that Jess can instantly step into a stressful situation and take control of deescalating the heightened emotion surrounding government oversight and conflict.

Jess draws upon her multitude of experience when working closely with and advocating for both US and foreign clients. Her varied representations range from parties in the Bernard Madoff case, one of the largest investment scandals of the century, to the Audit Committee of Juniper Networks, a global technology company. For the Audit Committee, Jess conducted independent investigations of FCPA matters in Russia, China, Hong Kong, India and other countries, as well as represented the client in parallel Securities and Exchange Commission (SEC) and Department of Justice (DOJ) investigations.

Jess is markedly effectual when working with all levels and types of government entities, which is a critical skill for realizing the right result. In addition to the DOJ and SEC, she has successfully interfaced with state Attorneys General, the Office of the Comptroller of the Currency (OCC), the Commerce Department, the Office of Foreign Assets Control (OFAC), the Financial Industry Regulatory Authority (FINRA), and international agencies such as the UK Serious Fraud Office, the Australian Competition and Consumer Commission and the Dutch Public Prosecutors to resolve even the most serious client issues.

Jess believes whole-heartedly in advising clients on proactive compliance policies and procedures. She tailors each compliance

- Litigation, Arbitration and Investigations
- Investigations
- Data Protection, Privacy and Security
- Cybersecurity
- Antitrust and Competition
- Technology Transactions and Strategic Sourcing
- Projects, Energy and Infrastructure
  
- Energy and Natural Resources
- Consumer Goods, Food and Retail
- Financial Services
- Healthcare

program to her client's specific needs while also taking into consideration the position that regulators will take if an infraction might occur. As a result, Jess delivers creative and bespoke compliance programs that parallel each client's distinct culture, size, industry and operational imperatives.

As accelerated competition and new technologies continue to expand at lightning speed, Jess stays fluent regarding the many legal contradictions, disparate rules in jurisdictions around the world and greater potential for mishandling digital information and triggering trade secrets, privacy and cybersecurity issues. Jess has represented companies regarding complex issues such as HIPAA obligations, protection of source codes and alleged theft of trade secrets. A Certified Information Privacy Professional (CIPP/US) by the International Association of Privacy Professionals (IAPP), Jess is an active member of the International Association of Privacy Professionals. A charismatic speaker and educator, Jess is frequently called upon to make presentations on various topics within her area of practice to corporate directors and trade associations alike.

## EXPERIENCE

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### Experience Highlights

- Represents the audit committee of a public oil and gas services company in DOJ and SEC investigations concerning alleged FCPA violations in West Africa and the Middle East and provides counsel to the company regarding its compliance program.
- Represents the audit committee of a public food distribution company in an SEC investigation of alleged securities violations and provides counsel to the company on its compliance program.
- Represented the audit committee of a public multinational technology company in investigations by the SEC and DOJ of whistleblower allegations of FCPA violations in Russia, China, Hong Kong, India and other countries, as well as counseled the company regarding its compliance program; following numerous presentations to regulators on the audit committee's behalf, the DOJ closed its investigation with no action taken against the company.

### Government Investigations

- Representing an audit committee of a public food distribution company in an SEC investigation.
- Represents an oil and gas services company in commerce and OFAC investigations into alleged economic and trade sanctions violations; following voluntary disclosures and presentations to regulators on the company's behalf, both agencies closed their investigations with no action taken against the client.
- Represented an executive of a food company in a federal, criminal, price-fixing investigation by the Antitrust Division of the DOJ.
- Represented a former employee of a pharmaceutical company in a major investigation of potential FCA violations by the Massachusetts US Attorney's Office.
- Represents a senior-level banking executive in investigations by the SEC, DOJ, OCC and California AG in alleged securities and consumer fraud.
- Represents an executive of a major pharmaceutical company in a criminal investigation by the Antitrust Division of the DOJ in a federal price fixing investigation.
- Represented a major Japanese company in a DOJ investigation involving allegations of cartel activity in the manufacture of major consumer parts.
- Represented a broker-dealer and two of its officers in lawsuits commenced by the SEC and SIPC Trustee, as well as investigations by the DOJ and several state Attorneys General.

### Internal Investigations and Compliance

- Counseling an audit committee of a public food distribution company regarding the development and implementation of a compliance program following an internal investigation of allegations of securities law violations.
- Conducted a compliance program review and assessment, including root cause analysis and assessment of the culture of compliance, to provide counseling to a public multinational software corporation.
- Engaged by the audit committee of a public oil and gas services company to provide counseling regarding the development and implementation of its compliance program.
- Conducted an investigation for the audit committee of a public multinational technology company involving FCPA issues in Russia, China, Hong Kong and India and provided counseling regarding its compliance program.

- Conducted an internal investigation of FCPA compliance for a public multinational technology company regarding sales practices in the Middle East.
- Conducted an internal investigation concerning allegations of securities violations by a high-level executive and consulted with the audit committee and board of directors regarding the results of the investigation; represented the audit committee in a follow-on SEC investigation.

#### **Trade Secrets, Data Privacy, Cybersecurity and related issues**

- Represented a major Chinese corporation in a DOJ investigation into the alleged theft of trade secrets for a manufacturing process.
- Successfully represented a Silicon Valley company in a dispute over theft and misuse of IP.
- Represented a Silicon Valley company in a contractual dispute with a major drug wholesaler concerning alleged HIPAA obligations over data.
- Provided counsel for a public oil and gas services company for its board of directors training on cybersecurity.

## CREDENTIALS

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### Admissions

- California
- New York

### Prior Experience

Before the law, Jess served as the assistant editor and a freelance writer for Corporate Board Member magazine. She is fluent in French and lived in both France and Japan, an experience that allowed her to cultivate and fine the cultural acumen critical to her work and her clients today. Prior to joining DLA Piper, Jess was a founding lawyer of an AmLaw top 30 firm's San Francisco office, served as its hiring partner, and acted as lead partner for the women's initiative and pro bono program.

### Recognitions

- Dispute Resolution: Corporate Investigations and White-Collar Criminal Defense, *Legal 500 US*, 2019–2021
- Selected to Northern California Rising Stars, *Super Lawyers®* (Thomson Reuters), 2016, 2017

### Education

- J.D., University of California, Hastings College of the Law  
*magna cum laude*  
Order of the Coif
- B.A., Barnard College  
*cum laude*

### Courts

- United States Bankruptcy Court for the Eastern District of California
- United States District Court for the Central District of California
- United States District Court for the Eastern District of California
- United States District Court for the Northern District of California
- United States District Court for the Southern District of New York

### Memberships

- Member, International Association of Privacy Professionals
- Member, ABA White Collar Subcommittee for the Northern California Chapter
- Member, Women Corporate Directors, the Northern California Chapter
- Mentor, Leadership Council on Legal Diversity Success in Law School Mentoring Program, 2014–present
- Member, California Attorneys for Criminal Justice
- Member, Bar Association of San Francisco
- Member, American Bar Association
- Member, Women's White Collar Defense Association and Branding Subcommittee
- Member, Barnard Alumni Association
- Member, University of California-Hastings Alumni Association
- Member, UC Hastings WorkLife Law COVID Consortium

## INSIGHTS

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### Publications

- *Latin Lawyer's The Guide to Corporate Compliance*, Second Edition, Demonstrating Compliance with Data Privacy Legislation, December 2021
- "Sound the Alarm: DOJ's New Criminal and Civil Tools to Combat Crypto-Cyber Threats Should Prompt Investment in Cyber Compliance," October 28, 2021
- "Practising Law Institute's Panel "The New Normal: What Privacy Rules Apply in a Virtual World?" October 20, 2021
- "Time for a Check-Up: Updates in Data Breach Notification and Reporting," October 14, 2021
- "Demonstrating Compliance with Data Privacy Legislation," *Latin Lawyer's The Guide to Corporate Compliance*, July 2021
- "Cryptocurrency Regulation – SEC Wants to Bring Order to the "Wild West," August 12, 2021
- "UK Makes Record-Setting Crypto Seizure in Money Laundering Investigation," July 6, 2021
- "Navigating Privacy Rules in a Virtual World," Event Recap, June 17, 2021
- "Hacking the Computer Fraud and Abuse Act: The Supreme Court Narrows the Reach of the CFAA's "Exceeds Authorized Access" Provision, June 8, 2021
- "No (Actual) Injury, No Problem: Second Circuit Recognizes an "Increased-Risk" Theory of Standing for Plaintiffs in Data Breach Cases," May 26, 2021
- "Navigating Civil Liability Under the Paycheck Protection Program," Coronavirus: Preparation & Response Event Recap, May 20, 2021
- "A New Filter for Section 230: Snapchat Court Joins Lawmakers in Chipping Away at Social Media Immunity," May 19, 2021
- "A Second Wave of COVID-19 Fraud Enforcement: An Emerging Risk for Businesses," April 15, 2021
- "Defending On All Sides: Common Discovery Perils in Parallel Civil and Criminal Cases," March 25, 2021
- "Data Corruption: DOJ Targets Fraud in Medical Research Trials in the Era of COVID-19," March 22, 2021
- "Flying Too Close to the Sun: The U.K. Supreme Court Places New Limits on the SFO's Overseas Investigative Power," February 19, 2021
- "Beware of SEC Requests to Include Non-Monetary Conditions When Settling Enforcement Matters," February 4, 2021
- "The Government Giveth and DOJ Taketh Away: The First Civil Settlement for Fraud in the Paycheck Protection Program," *Insight*, January 27, 2021
- "Coronavirus: Preparation & Response," *The V&E Report*
- "Privacy Matters in the Virtual Workspace," Event Recap, January 19, 2021
- "CFTC Reached New Heights in Enforcement in FY2020 Using Data Analytics to Bring a Record-Breaking Spoofing Case," December 11, 2020

- "FTC Announces Settlement with Zoom Resolving Data Security Concerns," November 19, 2020
- "Recent Cyber Fraud Convictions Stress Importance of Ensuring Proper Corporate Accounting & Cyber Compliance Procedures," November 3, 2020
- "Beware DOJ's Statutory Tool for Fighting COVID-19 Fraud," *Law360*, September 25, 2020
- "A Pandemic-Era Primer on the Fraud Injunction Statute – DOJ's Tool for Fighting COVID-19 Fraud," August 26, 2020
- "After Soaring Settlement, SFO Propels Corruption Charges Against Airbus Subsidiary," August 12, 2020
- "Supreme Court Upholds SEC Disgorgement, but with Some Big Asterisks," June 25, 2020
- "Caremark Director Liability Protections: Compliance Oversight Actions for Boards," Event Recap, June 24, 2020
- "The Expected and Unexpected Compliance Risks from the Coronavirus," Event Recap, June 17, 2020
- "Plaintiffs Struggle to Prove Meat and Potatoes of Antitrust Case as COVID-19 Throws Market into Further Disarray," June 4, 2020
- "Capital One Court Sends Mixed Signals, Finds Pre-Existing Cyber-Breach Response Plan Prevents Work Product Protection," June 4, 2020
- "Cracking Down on COVID-19 Price Gouging: Avoid Liability with Strong Corporate Compliance," April 7, 2020
- "Are Cuts Coming to the "Twenty-Six Words That Created the Internet?" March 4, 2020
- "DOJ Doubles Down on China Initiative with New RICO Charge Against Huawei," February 28, 2020
- "Alert! Health-Tech Under the Microscope," February 6, 2020
- "Flying High: Airbus Settles Bribery Charges with Record-High Global Penalty," February 5, 2020

## Events

- Panelist, "Privacy Matters in the Virtual Workspace," National Association of Corporate Directors Northern California Chapter Program, January 2021
- Panelist, "The Fraud Injunction Statute: DOJ's Tool for Fighting COVID-19 Fraud, myLawCLE Program, November 2020
- Panelist, "The Perils, Pitfalls, and Positives of Privacy," Women Corporate Directors San Francisco Chapter Event, August 2020
- Panelist, "Navigating Cross-Border Activity with New Compliance Laws," The Benchmark Litigation 5th Annual Women in Litigation Forum, June 2019
- Panelist, "How to Stay Out of Federal Prison, and Other Helpful Tips: Individual Accountability for Corporate Wrongdoing," National Association of Corporate Directors Northern California Chapter Program, May 2018
- Panelist, "How to Leverage Technology and Avoid its Pitfalls to Conduct an Effective Internal Investigation," 10th West Coast Conference on FCPA Enforcement and Compliance, September 2017
- Panelist, "Government Investigations and Compliance," Benchmark Women in Litigation Forum – West, June 2017
- Co-Speaker, Stanford Law School, LLM Corporate Governance and Practice Seminar, February 2015

## NEWS

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### Experienced former DOJ prosecutor Matthew Jacobs and investigations lawyer Jessica Heim join DLA Piper's Litigation practice in Northern California

15 February 2022

DLA Piper announced today that former federal prosecutor Matthew Jacobs and Jessica Heim have joined the firm's Litigation practice as partners in Northern California, based in the San Francisco office. Jacobs will also serve as head of the firm's Northern California Litigation practice.

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## MEDIA MENTIONS

- "Wild West for Cryptocurrency Market Poses Major Challenges for Law Firms and Investors," *National Law Journal*

