



Rebecca Roberts

Of Counsel

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Rebecca focuses on government investigations, internal investigations, and complex civil and criminal matters at all levels in federal and state court. She has represented companies, public entities, non-profits, and individuals in criminal and civil investigations conducted by the U.S. Attorney's Office, the California Attorney General, U.S. Securities and Exchange Commission, County of San Diego, and San Diego District Attorney.

- Litigation, Arbitration and Investigations

Rebecca assists companies, public entities, and non-profits with internal investigations and civil cases concerning financial fraud, false claims, municipal law, tax fraud, and public integrity. She has represented defendants, witnesses and victims in grand jury and criminal proceedings particularly as to the recovery of criminal restitution. She has also drafted appeal briefs for the California Courts of Appeal, the Ninth Circuit, and the United States Supreme Court.

GOVERNMENT ENFORCEMENT AND INTERNAL INVESTIGATION EXPERIENCE

- The California Public Utilities Commission in investigations by the U.S. Attorney's Office and the California Attorney General regarding published allegations of undue influence over the Commission by utility companies. Representation included the compilation, review and production of millions of documents to government authorities in response to numerous grand jury subpoenas and search warrants
- Former Mayor of San Diego and the President of the City Council in an SEC investigation and as witnesses in criminal and civil cases pending in state and federal court. Issues concerned retiree benefits, the funding of the city's pension fund, municipal law and bond offering disclosures
- Internal investigation by board of trustees of large public entity regarding allegations of financial improprieties and harassment by CEO, who resigned following investigation
- San Diego non-profit in California Attorney General investigation
- Internal investigation by special committee of board of directors of popular startup company concerning investor disclosure and government compliance issues

- Internal investigation ordered by special committee of board of directors of nonprofit mental health government contractor regarding allegations of executive financial mismanagement and conflicts of interest. Also represented nonprofit in investigations by County of San Diego concerning False Claims and San Diego District Attorney and in related civil litigation
- Pharmacy executive in a federal investigation
- Former executive of investment advisory firm in SEC investigation regarding incubator fees charged to start-up companies. SEC declined to bring any charges against client
- Internal investigation on behalf of the board of trustees of the San Diego Unified School District regarding allegations against its president of improper fundraising and the filing of an allegedly false claim
- Mobile entertainment company in an investigation by the National Association of Securities Dealers. No charges were brought.
- Company which manufactured ATM and vending machines in SEC investigation
- Insurance brokers, targets of an SEC enforcement action, concerning the sale of variable annuities, with indemnification and insurance issues
- Internal investigation of a large financial institution's loan modification program
- Internal investigation of stock option backdating on behalf of a U.S. corporation
- Internal investigation of a mobile entertainment company concerning insider trading and assisted with civil and SEC enforcement proceedings
- Company executive in stock options backdating internal investigation
- Internal investigation concerning a wrongful death on behalf of a sorority
- Internal investigation on behalf of a privately held company concerning improper conduct by company executive
- Internal investigation concerning employee embezzlement. Assisted company in obtaining insurance coverage on claim, coordinated with criminal prosecutor, and filed related civil claims

MULTIFACETED LITIGATION AND CRIMINAL EXPERIENCE

- Defense counsel in leading criminal tax case "In re M.H." Drafted briefs submitted to Ninth Circuit and U.S. Supreme Court on novel issue of whether the target of a criminal investigation can be compelled to produce foreign bank account records under the Required Records Exception in violation of his Fifth Amendment Right. Co-wrote brief with American legal scholar Erwin Chemerinsky. Also drafted U.S. Supreme Court Amici Curiae brief in support of T.W. Petition of Certiorari concerning similar issue which was supported by 20 other practitioners
- Native American Tribe, the victim, in a federal fraud case and restitution proceedings against the Tribe's former fiduciaries, who pled guilty
- Company executive accused by the City Attorney of improperly lobbying city officials. Won highly publicized motion to disqualify City Attorney. Court dismissed all charges
- Obtained substantial restitution award in criminal proceedings for a privately held company which was the victim of an employee embezzlement scheme that caused the company to incur substantial tax penalties and interest. Award affirmed by the Ninth Circuit
- Witness employees of a large financial institution in grand jury proceedings concerning telemarketing and bank fraud

CIVIL EXPERIENCE

- Defended Las Vegas hotel and resort in third party beneficiary breach of contract, tort, and consumer fraud litigation. Brought successful summary judgment which disposed of entire case
- Successfully tried asylum case for refugee who was politically persecuted by the Nicaraguan government. Court granted asylum and government waived right to appeal
- Defended company in securities class actions filed in California and Nevada. Ran large discovery team which reviewed and produced tens of thousands of documents on a highly expedited basis. Defeated a preliminary injunction seeking to enjoin a merger
- Defended a privately held company in a shareholder derivative lawsuit. Settled quickly without filing any motions for nuisance value with carrier coverage
- Defended newspaper in intentional interference with contract/ unfair competition lawsuit concerning the development of a comic strip. Obtained favorable settlement
- Defended Native American Tribe in construction defect lawsuit. Assisted Native American Tribe in obtaining insurance coverage.

Obtained favorable settlement

- Represented a priest, a beneficiary, in criminal and probate proceedings against the decedent's caretaker who was charged with elder abuse. Case settled and beneficiary received the full amount of the original inheritance
- Defended individuals after interplead assets were frozen. Obtained highly favorable settlement for client
- Defended developer in CEQA lawsuit. Defeated two temporary restraining orders and obtained highly favorable settlement
- Defended environmental consulting firm in personal injury action. Brought successful summary judgment motion which dismissed client
- Advised clients regarding the applicability of municipal and state conflicts of interest laws
- Represented company plaintiff in a RICO and misappropriation of trade secrets lawsuit against former employees
- Represented company plaintiff in patent infringement action concerning fingernail laminates. Effectively shut down infringer by cease and desist campaign targeting nail techs
- Identified infringer for marketing company and represented company as plaintiff in copyright action filed in Western District of Texas. Case ended with favorable settlement
- Brought successful motion to dismiss patent action pending in Delaware for lack of subject matter jurisdiction and venue on behalf of a technology company
- Represented defendant technology company in a patent infringement action, identified experts and assisted with damages analysis
- Brought successful motion to set aside entry of default against developer in a contract dispute
- Assisted company in obtaining insurance coverage in an asbestos litigation case

CREDENTIALS

Admissions

- California

Clerk Experience

- Served as a law clerk for the Honorable Barry Ted Moskowitz of the United States District Court for the Southern District of California (2003-2004)

Recognitions

- Pro Bono Publico La Mancha Awardee, *Casa Cornelia*, 2019
- San Diego Rising Star, *Super Lawyers*, 2015

Education

- B.A., Princeton University 1998
summa cum laude
- Cornell Law School 2002
cum laude with specialization in international legal affairs

Courts

- Supreme Court of the United States
- 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

Publications

- "Reach of Foreign Corrupt Practices Act Exceeds Grasp," *Executive Counsel*, March 1, 2008
- *Enfoque Latino* (fall issue), December 1, 2008

Events

Previous

DLA Piper White Collar CLE Series: Take 5

23 January 2020
Webinar

- CLE Presentation: What to do When the Government Knocks on Your Door – co-presenter, January 2020