



Janice W. Reicher

Partner

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Janice Reicher is a partner and co-chair of Farella's White Collar Defense and Internal Corporate Investigations Group. She brings a unique combination of skill, creativity, and courageous advocacy to her practice, which she divides between white collar criminal matters and complex business litigation.

Janice routinely represents individuals and entities in federal and state court, in both criminal and parallel civil matters. The individuals she advises are typically high-level corporate executives who require counsel as they navigate the litigation or investigation process, which may present material risks to their careers, reputations, and liberty. She has particularly extensive experience defending individuals accused of criminal trade secret theft, as well as antitrust and securities violations. She regularly conducts internal corporate investigations in high-stakes matters involving issues such as securities and public corruption.

In her business litigation practice, Janice's experience ranges from cases involving complex contractual disputes to matters alleging fraud, unfair competition, and breach of fiduciary duty. She has particular experience in civil antitrust matters having litigated the landmark antitrust class action against the dominant hospital system in Northern California along with co-counsel and the California Attorney General's Office. The case resulted in a \$575 million settlement and historic injunctive relief on behalf of a certified class of California corporations, government entities, and union trusts.

Janice clerked for The Honorable Yvonne Gonzalez Rogers of the U.S. District Court for the Northern District of California and served as an extern for The Honorable William Alsup of the U.S. District Court for the Northern District of California.

Distinctions

- 2022 Leadership Council on Legal Diversity (LCLD) Fellow
- *The Best Lawyers in America*: Ones to Watch - Commercial Litigation and Criminal Defense: White-Collar (2021-2022)
- Rising Stars, Northern California, *Super Lawyers* (2021)

Memberships and Affiliations

- Board of Directors, Filipino Bar Association of Northern California (2019-present); member (2012 to present)
- Chair, American Bar Association's White Collar Crime Young Lawyer's Subcommittee (Northern California) (2018 – present)
- Young Lawyer Representative, ABA Women's White Collar Crime Committee (2018-present)
- Member of the Earl Warren American Inn of Court (2016-present); member of mentorship subcommittee in 2017-2018
- Member, Asian American Bar Association of the Greater Bay Area (2012 to present)
- Reunion Committee Member, UC Berkeley School of Law (2017)
- Co-Captain, UC Berkeley School of Law "Partners in Leadership" philanthropic program (2016 to present)

Services

- Business Litigation
- Financial Services
- Data Analytics
- Private Equity and Venture Capital
- Technology
- White Collar Criminal Defense and Internal Corporate Investigations

Education

- University of California, Berkeley, School of Law (J.D., 2012)
 - Publishing Editor, *California Law Review*; Articles Editor, Berkeley Journal of International Law
- Yale University (B.A., 2009)
 - *cum laude*; Richard U. Light Fellowship

Bar Admissions

- California

Clerkships

- U.S. District Court (N.D. Cal.), Yvonne Gonzalez Rogers

Experience

Rhode Island Attorney General Antitrust Investigation of Proposed Merger Between Two Largest Healthcare Systems in Rhode Island

Represent the Rhode Island Attorney General in conducting an antitrust investigation, in coordination with the Federal Trade Commission, of the proposed merger between the two largest healthcare systems in Rhode Island. Following the issuance of the Rhode Island Attorney General's 131-page, single-spaced decision regarding the proposed transaction, the transacting parties abandoned the merger.

Wells Fargo Bank

Serve as counsel for eighteen Wells Fargo current and former employees ranging from senior executives to a member of the Wells Fargo litigation department to private financial advisers in internal (Audit Committee) and multiple federal government (DOJ, SEC, OCC, and state attorneys general) investigations and civil suits regarding allegations of improper retail and wealth management sales practices and improper consumer lending practices.

U.S. v. Hogan

Represented former eBay affiliate marketer accused of defrauding eBay of more than thirty million dollars. Sentenced to five months custody at Taft prison camp and restitution. *USA v. Hogan*, Northern District of California, 5:10-cr-00495-EJD

United States v. Mogal, Zhang, et al.

This trade-secret-theft case was indicted in June 2018 against five former and one current Fitbit employees alleging that each defendant unlawfully possessed trade secrets of their former employer Jawbone, Inc. We are counsel for the one current Fitbit employee, Ms. Zhang, in a high profile and closely watched federal criminal case pending in the Bay Area. No trial date has been set. U.S. District Court for the Northern District of California (San Jose Division), Case No. CR 18-00259BLF

John Goodman / Goodman Real Estate

Represented board member and co-owner of entity contracted to provide privatized housing for military personnel and their families as a defendant in two suits for fraud (in California and Georgia) and a federal grand jury investigation out of Virginia. Issues include breaking into federal facilities, insurance fraud, and other frauds. *Monterey Bay Military Housing v. Pinnacle Monterey, et al. and Fort Benning Family Communities, et al.*

Roz v. Nestle Waters North America, Inc.

In addition to retail sales of bottled water, Nestle Waters, dba Arrowhead, also makes recurring monthly deliveries to home and office customers (i.e., water coolers). Plaintiffs brought a class action under a new California statutory scheme that regulates "automatic renewal contracts" – i.e., contracts where a credit card is charged on a repeated basis for continued deliveries of goods or services. Precedent in this area was limited because the statute is relatively new. In September 2017, the court denied class certification; plaintiff sought to try the case in order to preserve the right to appeal, and the case was set for trial in December 2017. After a pretrial ruling interpreted the statute to reject most of plaintiffs' claims, the plaintiff agreed to dismiss with prejudice for a waiver of costs.

Publications

August 14, 2020

Protecting Suppliers and Customers of Insolvent or Bankrupt Companies

The Recorder

July 13, 2020

FCC Designates Huawei as National Security Threat

Daily Journal

April 30, 2020

7 Ways to Check If Coronavirus Triggers 'Force Majeure' Clauses in Your Wine Business Contracts

North Bay Business Journal

March 19, 2020

Force Majeure and Contractual Non-Performance During the Coronavirus Pandemic

July 12, 2019

How a Robot Named 'Tappy' Could Cripple Huawei

Daily Journal

July 10, 2019

The Huawei Trade Secrets Prosecution and What It Means for Business

Industry Today

April 9, 2019

Individual Accountability in the Huawei Trade Secrets Prosecution

1/23/2019

3 Trends in Criminal Trade Secret Prosecution

10/27/2017

UPDATE: Blurring The Line Between Foreign and Domestic: The Expansion of Search Warrant Powers Overseas

5/10/2017

Blurring The Line Between Foreign and Domestic: The Expansion of Search Warrant Powers Overseas

2/16/2017

Individual Defense in the Shadow of Corporate Guilty Pleas

5/13/2016

Minding the Compliance Gap in an Evolving FCPA Landscape

12/9/2015

CPA-Client Privilege Doesn't Extend to Criminal Proceedings

April 2015

Internal Investigations

8/1/2013

Advancing the Right to Civil Counsel

June 2013

Achieving Credibility in Internal Investigations: Getting Inside the Enforcer's Mind