



## William P. Keane

Partner

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William (Bill) Keane concentrates his litigation practice on white collar criminal defense, corporate internal investigations, and related matters. He is a Fellow of The American College of Trial Lawyers.

Bill has over thirty years of experience in every aspect of jury trials, administrative hearings and proceedings, and investigations by numerous enforcement and regulatory agencies, including U.S. Attorney's Offices, the Securities and Exchange Commission, and Main Justice in Washington, D.C. Allegations involving his clients span a vast range of subject matters, including securities fraud, trade secret theft, antitrust, cybersecurity, Medicare fraud, banking violations, environmental law charges, violation of pharmaceutical distribution regulations, numerous forms of tax violations, mail, wire and computer fraud, government false claims, and export and money laundering violations. He also has an extensive track record in leading internal corporate investigations involving accounting, fraud, FCPA, trade secrets, and senior-executive employment issues. One particular specialty is defending professionals – attorneys and accountants.

Bill's civil practice focuses on civil enforcement actions, false claims and complex contract disputes, and intellectual property matters involving patent royalties, trade secret misappropriation, software licensing, trademark, and copyright.

Prior to joining Farella, Bill was an Assistant U.S. Attorney in the Criminal Division of the U.S. Attorney's Office for the Northern District of California. This experience provided him with an invaluable and thorough grounding in two essential capabilities for trial attorneys, particularly those involved in criminal prosecutions: extensive courtroom experience, and a deep understanding of how prosecutors think and work. For example, he's effective at preparing clients for testimony and cross-examination because he knows what prosecutors will ask and how.

As a practitioner, Bill prides himself on being prepared for all scenarios. He views preparation as the key to an effective defense, whether that be in the face of government testimony or interviews or an actual trial. He sees a good day for the defense as one in which, among other things, everything that occurred was foreseen and prepared for. He integrates this with a high degree of empathy and emotional intelligence. Most of his clients have never been involved in any sort of personal legal proceeding before, particularly one in which their personal assets, career or liberty are at risk. Bill's role is to guide them through an unfamiliar, personally harrowing experience — and by providing an aggressive, expert defense — assist them in minimizing its impact and getting on with their lives and professions.

Bill has appeared as a legal analyst for local news programs on KTVU Channel 2, NBC-11 and KRON4, and nationally on NBC's *Today Show* and SiriusXM Radio. He was the legal and courtroom advisor for the independent movie "The Skeptic."

### Distinctions

- *The Best Lawyers in America* - White Collar Criminal Defense (2012-2021)
- *Benchmark Litigation* (2011-2020)
- *Northern California Super Lawyers* (2006-2020)
- Fellow of the Litigation Counsel of America

### Services

- White Collar Criminal Defense and Internal Corporate Investigations
- Antitrust
- Business Litigation
- Intellectual Property Litigation
- Private Equity and Venture Capital
- Technology
- Healthcare Litigation

### Education

- University of California, Hastings College of the Law (J.D., 1986)
  - . *cum laude*; Editor-in-Chief, *Hastings Law Journal*, Volume 37
- University of California, Berkeley (B.A. - Political Science, 1982)
  - . Political Science

### Bar Admissions

- California

### Court Admissions

- U.S. District Court (C.D. Cal.)
- U.S. District Court (E.D. Cal.)
- U.S. District Court (N.D. Cal.)
- U.S. District Court (S.D. Cal.)
- U.S. District Court (D. Mass.)
- U.S. District Court (N.D. Ill.)

### Clerkships

- U.S. District Court (N.D. Cal.), Eugene Lynch

## Memberships and Affiliations

- Former Assistant U.S. Attorney, Criminal Division, Northern District of California (San Jose)
- Fellow, American College of Trial Lawyers
- Chair, Federal Criminal Procedure Committee, American College of Trial Lawyers (2018-2020)
- Past Member, Criminal Justice Act Panel, Northern District of California (multiple terms)
- Fellow, Board of Directors, Tony Patino Fellowship (University of Chicago, Columbia University, and U.C. Hastings Law School)
- Served as a Law Clerk to the Honorable Eugene F. Lynch (ret.), U.S. District Court, Northern District of California

## Experience

### Kick-Back Investigation

Successfully represented health care providers in connection with a California Attorney General's Office investigation related to the providers' participation in a pharmaceutical company's speaker's program while they also prescribed its medications.

### 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

### Yahoo Cyber Breach Investigation

Representing several key executives and numerous employees in the Yahoo Cyber Breach investigation (client identities confidential) and follow-on regulatory and criminal investigations. This investigation involves possibly the most significant data breach in history. In addition to a recently concluded internal investigation by a special committee of Yahoo's Board, Yahoo and its individuals are under investigation by the SEC, DOJ, and FTC, and are subject to dozens of civil lawsuits, as a result of allegations that some employees at the company knew about the data breach in 2014 and failed to escalate that information appropriately. As lead counsel for the Yahoo individuals in this high profile white collar matter, the Farella team is addressing some of the most complex and evolving white collar defense issues of the present day.

### California Cleantech Start-up Whistleblower Investigation

Represented committee of the Board of Directors of non-public clean energy start-up in surgical-scope investigation regarding whistleblower allegations of potential False Claims Act and various other violations. Acquired an in-depth understanding of technical representations made by various executives in order to evaluate weight of whistleblower allegations. Conducted narrow scope of interviews of executives and board members and reviewed focused set of e-mail communications.

### Controlled Substances Investigation

Represented current CFO of a publicly traded company in connection with internal disputes and issues with regard to public filings and SEC inquiries.

### Fintech Executive

Represented a senior financial services executive in internal and Securities and Exchange Commission

investigations of financial technology company.

#### **Former Senior Executive of U.S. Pharmaceutical Company**

Represented a former senior executive of a cutting-edge drug and biotechnology company in off-label marketing investigations by the Food and Drug Administration (FDA) and United States Attorneys' Office.

#### **Insurance and Pharmaceutical Benefits Aggregator and Union Employer**

Counsel to company president and union employer in formal disciplinary proceedings regarding union contracts and health insurance. Represented company president and employee witnesses in adversarial hearing. Prevailed before a decision-making panel that cleared client of wrongdoing in post-hearing decision. Ultimately negotiated settlement favorable for client and company.

#### **International Antitrust Price Fixing Representations**

Represented Korean, Japanese, and United States targets in twelve separate federal U.S. DOJ antitrust price-fixing investigations (and parallel civil cases) in the DRAM, SRAM, airline, air cargo, LCD, wire harness, CRT, ODD and auto parts industries.

#### **National Public Entity Investigation**

Conducted internal investigation into materials security and property theft allegations for large-scale national public entity. Conducted dozens of employee interviews and navigated complex legal and union requirements for public entity.

#### **Pet Food Manufacturing Executive**

Represented an executive in a federal criminal investigation in the Midwest regarding allegations of tainted, mislabeled pet food ingredients being sold into the manufacturing process. Matter involves some of the largest pet food companies in the U.S. and has industry-altering implications.

#### **Public Company Board Members**

Represented two board members of a publicly traded bio-tech company throughout internal, Securities and Exchange Commission, and Department of Justice investigations.

#### **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 Commercial Bank**

Defended a former officer of failed bank in defense of securities class action, bankruptcy trustee action, FDIC enforcement and administrative actions and related government investigations.

#### **United States v. Burrill, Berger**

Acted as counsel for key defense witness who testified in July 2018 in a tax-fraud jury trial against a senior partner of a Bay Area accounting firm. U.S. District Court for the N.D. of Calif. (San Francisco Division), Case No. CR 17-00491 RS.

#### **DEA Licensing Lapse**

Represented a Northern California multi-facility medical center by conducting an internal investigation related to an inadvertent lapse in DEA licensing and thereafter negotiated a favorable civil settlement with the

relevant US Attorney's Office.

#### **Formal Disciplinary Hearing**

Counseled pharmaceutical benefits aggregator company in formal disciplinary proceedings regarding union contracts and health insurance. Represented company president and employees in adversarial hearing, and ultimately negotiated settlement favorable for all clients.

#### **FDA Investigation**

Represented a former senior executive of a U.S.-based drug company in off-label marketing investigations by the Food and Drug Administration (FDA) and United States Attorneys' Office.

## **Publications**

September 15, 2020

#### **Recommended Practices for Conducting Internal Investigations**

*American College of Trial Lawyers*

July 15, 2019

#### **Statement on Criminal Justice Reform**

*American College of Trial Lawyers*

8/8/2014

#### **Avoiding the 'Compliance Gap': Newer Companies Should Not Underestimate the Risks of Compliance Failures**

## **Outside the Office**

Bill is a big Bay Area sports fan, especially the Cal Bears, the Oakland Raiders and the San Francisco Giants. He's a mediocre golfer, an avid traveler, and a lover of cars with manual transmissions.