



## 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 and Regent of the American College of Trial Lawyers and is a former Assistant U.S. Attorney.

Bill has over 30 years of experience in every aspect of jury trials, administrative hearings, parallel criminal-civil proceedings, and pre-charge investigations by numerous enforcement and regulatory agencies, including U.S. Attorney's Offices, the U.S. Securities and Exchange Commission, the Department of Justice in Washington, D.C., and the California State Attorney General's Office. Allegations involving his corporate and individual clients span a vast range of subject matters, including securities and accounting fraud, trade secret theft, digital currency, antitrust, cybersecurity, FCPA violations, 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 attorneys and accountants.

Bill also leads an active civil practice covering many of the same subject areas, in addition to complex business disputes and intellectual property matters.

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

- *Chambers USA*: Litigation: White-Collar Crime & Government Investigations - California (2021-2024)
- *The Best Lawyers in America*, White Collar Criminal Defense (2012-2024)

### Services

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

### Education

- University of California College of the Law, San Francisco (formerly UC Hastings) (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

- Northern California *Super Lawyers*, White Collar (2006-2024)
- *Benchmark Litigation* (2011-2023)
- Fellow, Litigation Counsel of America

### **Memberships and Affiliations**

- Former Assistant U.S. Attorney, Criminal Division, Northern District of California (San Jose)
- Board of Regents, American College of Trial Lawyers, Region 2 (California-Northern, Nevada) (2022-2026)
- Fellow, American College of Trial Lawyers (2010)
- 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
- Board of Regents, American College of Trial Lawyers (ACTL)

## **Experience**

### **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.

### **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.

### **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.

### **Fintech Executive**

Represented a senior financial services executive in internal and Securities and Exchange Commission investigations of financial technology company.

### **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.

#### **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.

#### **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.

#### **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 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

#### **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.

#### **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.

#### **U.S. v. Moynihan**

Representing defendant in mortgage fraud and money laundering prosecution by U.S. Attorneys' Office in Northern District of California. Negotiated a favorable sentence.

#### **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.

#### **Medicare Fraud**

Represent medical facility employees in investigations of Medicare Fraud.

- Successfully represented former CEO of a university hospital in connection with a Medicare fraud investigation in the Central District of California (Orange County).
- Represented hospital-employee witnesses in the Eastern District of California (Sacramento) in a federal grand jury investigation of Medicare fraud.
- Successfully represented county health care executive in Medicare fraud investigation by DOJ, the FBI, and the HHS Office of Inspector General. No criminal charges were filed.

#### **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.

#### **U.S. v. Graham**

In this high profile criminal case, we were appointed by Northern District of California's Criminal Justice Act Panel to represent world-class track coach Trevor Graham, who was tried in connection with a drug scandal. The jury convicted Graham on one count but deadlocked on the other two. Graham was sentenced to 5 years probation and 12 months home confinement. (Pro bono)

## **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.