

John H. Hemann

Partner



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San Francisco

White Collar Defense and Investigations
International Anti-Corruption/FCPA
Trials
National Security
Trade Secret Litigation and Dispute Counseling
Commercial Litigation
Securities Litigation + Enforcement
Antitrust Litigation and Enforcement
Crisis Management
Cyber/Data/Privacy

John is a prominent trial lawyer with more than 25 years of experience overseeing high-profile white collar, criminal, anti-corruption, FCPA, national security, trade secret, cybersecurity and antitrust cases and prosecutions in the public and private sectors. Most recently, John served as chief of the special prosecutions and national security unit and deputy chief of the criminal division at the US Attorney's Office for the Northern District of California. John has tried more than 30 cases, served on the high-profile Enron task force and has handled SEC, DOJ and FCPA investigations, insider trading cases, securities litigation and antitrust matters.

As a member of the national security unit, chief of the special prosecutions and national security unit and deputy chief of the criminal division at the US Attorney's Office, John prosecuted some of the most prominent cases in the country. Recent notable cases include computer intrusion cases arising from the hacking of US technology companies such as Yahoo and prosecutions of foreign agents illegally working within the US. John successfully handled the first criminal Economic Espionage Act jury trial, a two-month proceeding that resulted in convictions for economic espionage, bank fraud, tax fraud and obstruction of justice. In his career with the US Department of Justice, he also served on the McKesson task force and handled many high-profile fraud matters, including complex securities fraud and insider trading trials. John has also investigated, charged and tried corrupt police officers.

Given his private and public sector experience, John has a deep understanding of white collar crimes, government and private investigations, high-stakes trials and trial strategy, state and federal criminal statutes and related regulations, as well as the ability to negotiate and obtain successful outcomes in complex and challenging circumstances. John has handled complex crisis situations when a confluence of actors – government investigators, regulators, employees, shareholders, customers, reporters and others – aggressively compete for attention and limited resources. As a result, clients turn to John when reputations are at risk, public scrutiny is at its highest and bet-the-company scenarios are at hand, knowing he can guide them through the toughest of times.

His clients range from public figures, high-net-worth individuals and business executives to global companies and others involved in white collar and commercial disputes of all sizes.

Throughout his career, John has investigated, prosecuted and overseen significant cases, including in the following areas:

- White collar criminal investigations involving both individuals and business organizations
- Securities fraud and the SEC

- Insider trading
- Public corruption and civil rights, including police misconduct
- Cybercrime and computer hacking
- Economic espionage and theft of trade secrets
- Counterintelligence, foreign agent and foreign influence campaigns
- FCPA and corruption

John started his career as an associate at Wilson Sonsini in Palo Alto before joining the US Attorney's Office for the Northern District of California. Returning to private practice a decade later, John joined Morgan Lewis & Bockius as partner in San Francisco, where he practiced for six years. He then returned to the US Attorney's Office, where he was promoted to chief of the special prosecutions and national security unit and deputy chief of the criminal division.

During his time with the US Attorney's Office, John served as the national security cyber coordinator and the National Security/Anti-Terrorism Advisory Council coordinator. He has received numerous awards for his work in the office, including the Attorney General's Award for Excellence in Furthering the Interests of US National Security, the FBI Director's Award for Outstanding Counterintelligence Investigation and two US Department of Justice Director's Awards.

Notable Private Representations

- Leading manufacturer of microchip production equipment in investigations by the DOJ and the SEC, as well as parallel civil class actions and shareholder derivative actions, resulting in no charges against the client and favorable civil settlements
- Hitachi Displays and Korean Airlines in separate criminal antitrust investigations and prosecutions by the DOJ Antitrust Division
- A private air ambulance company and a pharmaceutical manufacturer in separate investigations by the DOJ into violations of the FCA and Anti-Kickback Act, resulting in declinations of prosecution
- Individual representations include a private equity manager in an insider trading case filed by the SEC in San Francisco; a hedge fund manager in an insider trading investigation conducted by the US Attorney's Office for the Southern District of New York; and the CEO of a broker-dealer in an investigation conducted by the SEC

Notable Federal Prosecutions

- *United States v. Alzabarah et al.*: investigation and prosecution of foreign agents for accessing and selling private account information belonging to a prominent social media company
- *United States v. Peng*: prosecution of a foreign agent for acting as a courier employed by a foreign intelligence agency in a double-agent operation
- *United States v. United Microelectronics Corp.*: an economic espionage prosecution of Chinese and Taiwanese companies and individuals for stealing DRAM trade secrets
- *United States v. Dokuchaev*: an investigation and indictment of Russian intelligence officers and others for the 2014 hacking of Yahoo computer servers and Google email accounts
- *United States v. Walter Liew*: the first criminal Economic Espionage Act case tried to conviction before a jury – two-month trial resulted in 22 counts of conviction, including conspiracy to commit economic espionage
- *United States v. Fuminger et al* and *United States v. Razzak et al*: jury trials of SFPD officers that resulted in convictions for civil rights conspiracies and corruption offenses

- Trial counsel in *United States v. Bayly, et al.* (the “Nigerian Barge” case): a criminal conspiracy, wire fraud, perjury and obstruction of justice prosecution and trial of Merrill Lynch and Enron executives
- Trial counsel in the fraud and money laundering prosecution and guilty plea of former Enron CFO Andrew Fastow
- Co-lead counsel in the investigation and 2004 indictment of Enron Chairman and CEO Kenneth Lay
- Numerous high-profile securities fraud matters, including financial/accounting fraud cases against executives of McKesson and Media Vision, as well as insider trading cases against a partner at a major law firm and six employees of Nvidia
- Public corruption cases against the former mayor of East Palo Alto for accepting bribes and San Francisco Housing Authority employees for selling Section 8 vouchers and public housing units

Clerkships

- Honorable William B. Shubb, US District Court for the Eastern District of California
- Honorable J. Craig Wright, Ohio Supreme Court

Education

The George Washington University Law School

JD,

The College of Wooster

BA,

Admissions & Credentials

California

Court Admissions

US Court of Appeals for the Ninth Circuit

US District Court for the Northern District of California

US District Court for the Eastern District of California

US District Court for the Central District of California

US District Court for the Southern District of California

Rankings & Accolades

Chambers USA: Litigation: White-Collar Crime & Government Investigation – California (2023 – 2024)

Memberships & Affiliations

American Bar Association (ABA)