

JAMES E. HEAVEY

Partner



James currently represents financial institutions, broker-dealers, executives and individual advisors in federal and state litigation, arbitration, regulatory proceedings and investigations. He has extensive experience pertaining to investigations, due diligence and compliance matters. He regularly counsels financial institutions and individual advisors on raiding, recruiting and transition matters, including compliance with restrictive covenants and the Protocol for Broker Recruiting.

James has represented board members, managing directors and executives of leading Fortune 500 firms in the highly regulated financial services, investment advisory and healthcare industries concerning change of employment, compensation, severance negotiations, investigations and other employment-related issues.

James also represents corporations and individuals charged with federal and state crimes, focusing on securities and financial related matters, including insider trading, money laundering, securities matters and wire/mail fraud, among others. James draws on his investigative experience to assist in pre-indictment defense and internal investigations concerning corporate and employee criminal conduct, theft of trade secrets or other protected information and other sensitive corporate matters. James acts as liaison to law enforcement agencies when corporations uncover employee or agency illegality.

In the white collar practice area, James has represented clients or participated in the following:

- Successful defense of one the largest securities and wire fraud indictments of the President and CEO of private financial services firm brought by the Westchester District Attorney's Office, New York
- Successful appeal of a federal conviction of a New York City Police Officer for civil rights violations in the Eastern District of New York
- Successful defense of an individual financial services representative in a multi-defendant indictment for insider trading and tax evasion in the Southern District of New York
- Defense of RICO and money laundering offenses against an international customs broker in the Southern District of New York
- Defense of money laundering and financial disclosure violations of financial service professionals in the Eastern District of New York

Prior to attending law school, James served as a Special Agent for the United States and was responsible for conducting international money laundering and narcotics investigations. His duties included criminal, enforcement and regulatory investigations, as well as assisting various U.S. Attorney Offices in trial preparation. After September 11, 2001, he transferred to the newly created Department of Homeland Security in a counter-terrorism capacity.

As published annually, James was selected to New Jersey *Super Lawyers Rising Stars* list from 2012 to 2015, and selected to New York Metro *Super Lawyers Rising Stars* list, 2016 to present.

Immediately prior to joining Barton LLP, James was with Stevens & Lee.

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Education

Fordham University School of Law, Magna Cum Laude, The Archibald R. Murray Public Service Award, J.D., 2007

Duke University, B.A., 1996

The Lawrenceville School, 1992

Industry Experience

Financial Institutions

Insurance

Professional Affiliations

New York State Bar Association

New York County Lawyers Association

Awards & Honors

Selected to *Super Lawyers Rising Stars*, New Jersey 2012 to 2015; New York Metro 2016 to present

Practice Areas

Litigation

Employment

Securities

Broker-Dealer and Investment Advisory

White Collar Defense

Regulatory Enforcement

Internal Investigations

Bar & Court Admissions

New York State

New Jersey State

United States District Court for the Southern District of New York

United States District Court for the Eastern District of New York

United States District Court for the District of New Jersey

U.S. Courts of Appeals: Second Circuit

Speeches, Panels & Presentations

“Practical Protections and Growth: Strategies from a Legal Perspective.” Ron Carson and Carson Wealth’s Excell 2018 Conference. Las Vegas, NV. (May 31, 2018).

Quotes, News and Publications

Quoted in “Morgan Stanley Broker Who Jumped to Wells Accedes to TRO.” *Advisor Hub*. (July 9, 2019).

Quoted in “Edward Jones Loses Round in Court Against Former Broker Who Defected to Ameriprise.” *Investment News*. (June 14, 2019).

Quoted in “Morgan Stanley Says Fleeing Michigan Team Leaked Plans at Client Dinner.” *Advisor Hub*. (February 22, 2018).

Quoted in “Wells Fargo, Morgan Stanley Use Contrary Tactics to Keep Advisers.” *Investment News*. (January 25, 2018).

Quoted in “Wall Street Fights to Keep Brokers.” *Wall Street Journal*. (November 27, 2017).

Quoted in “UBS Broker-Protocol Exit Puts Firm Before Clients.” *Investment News*. (November 27, 2017).

Representative Matters

James has experience in all phases of civil and criminal litigation, including significant trial and appellate experience. In addition, James has extensive knowledge of regulatory issues, including those facing hedge and mutual funds, broker-dealers and their advisors. Representative litigations include:

Represented a national broker-dealer in federal court on a successful injunction application for the return of misappropriated client information, forensic deletion of all client materials on new employer's computer system and non-solicitation of former clients

Represented national broker dealer and independent franchises in FINRA industry related arbitration concerning recruiting and employee transition actions

Represented the President and CEO of private financial services firm in defense of one the largest securities and wire fraud indictments brought by the Westchester District Attorney's Office, New York

Represented a New York City Police Officer's appeal of a federal conviction for civil rights violations in the Eastern District of New York

Represented an individual financial services representative in a multi-defendant indictment for insider trading and tax evasion in the Southern District of New York

Represented an international customs broker for RICO and money laundering offenses in the Southern District of New York

Represented financial service professionals' money laundering and financial disclosure violations in the Eastern District of New York