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JAMES E. HEAVEY

Operations Partner



James represents financial institutions, broker-dealers, registered investment firms, 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 mergers and acquisitions, practice purchase and protections, raiding, and recruiting, including guidance on 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, banking, and healthcare industries. These matters often concern employment issues, compensation, federal investigations, and compliance. He also represents corporations and individuals charged with federal and state crimes, shareholder allegations of wrongdoing, securities and financial-related matters, fraud, conversion of client assets, breach of fiduciary duty, insider trading, and money laundering.

James draws on his extensive investigative experience to assist in internal corporate investigations, pre-litigation strategy, general investigations, and strategic defenses concerning sensitive corporate issues, employee conduct, and other matters that could materially affect a client's business. In that role, he regularly liaises with federal and state investigative agencies and prosecutor offices when assisting companies who uncover criminal activity. In his white-collar defense practice, James has successfully defended against securities indictments, wire fraud indictments, insider trading, tax evasion, racketeering, money laundering, and financial violations.

Prior to attending law school, James served as a Special Agent for various agencies within the United States federal government. As a Special Agent, he was responsible for conducting international money laundering and narcotics investigations. His duties included criminal investigations into complex narco-conspiracies and financial investigations into global criminal enterprises. In that role, he assisted various U.S. Attorney Offices in case management, collection of evidence, and witnesses and trial preparation. After September 11, 2001, he transferred to the newly created Department of Homeland Security in a counter-terrorism capacity.

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.

Duke University, B.A.

The Lawrenceville School

Admissions

State of New York

State of New Jersey

State of Colorado

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

Practice Areas

Arbitration

Commercial Litigation

Executive Compensation and Separation

Financial Services, Investment Funds, and Regulatory Compliance

Internal Investigations

Labor & Employment Advice and Counsel

Labor and Employment Disputes

Securities Litigation, Regulatory Investigations, and Enforcement

White Collar Defense

Industry Experience

Finance

Investment Management

Investor Relations

Professional Affiliations

New York State Bar Association

New York County Lawyers Association

Honors

Selected to *Super Lawyers Rising Stars*, 2012-2013; 2017-2018 and *Super Lawyers*, 2023 to present

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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).

Attorney Articles

Co-author. "SEC and FINRA face new limits on enforcement powers in post-Chevron landscape." *Reuters Legal News / Westlaw Today*. (July 25, 2024).

Co-author. "Regulation Best Interest sees its first enforcement action." *Reuters Legal News / Westlaw Today.* (July 15, 2022).

In the Media

Quoted in "JPMorgan Asks Court to Hold Morgan Stanley Broker in Contempt." *AdvisorHub*. (August 25, 2026).

Quoted in "Morgan Stanley beats ex-Fla. advisors' claims to deferred compensation." *InvestmentNews*. (June 18, 2024).

Quoted in "Raymond James' CEO shrugs off DOL rule." *InvestmentNews*. (April 25, 2024).

"When a Picture Isn't Worth 1,000 Words: Jones Loses TRO Bid Against Million-Dollar Broker." *AdvisorHub.* (February 10, 2023).

"Edward Jones' Bid to Restrain Ameriprise Broker Backfires with $762K Arbitration Loss." *AdvisorHub*. (November 8, 2021).

Quoted in "Merrill Broker Sued by Fidelity Agrees to Stop Solicitation." *AdvisorHub*. (August 4, 2020).

Quoted in "Edward Jones Seeks to Stall Broker Who Joined LPL." *AdvisorHub*. (May 5, 2020).

Quoted in "Judge Kills TRO Against RayJay Team, Saying Old Employer Misled Him." *AdvisorHub*. (April 27, 2020).

Quoted in "Schwab Awarded 16-Month Injunction Against Broker Who Jumped." *AdvisorHub*. (February 19, 2020).

Quoted in "RayJay Broker Who Jumped from JPMorgan Wins a Non-Solicit Battle." *AdvisorHub*. (January 3, 2020).

Quoted in "5 Noncompete Rulings from 2019 Attorneys Should Know." *Law360*. (December 13, 2019).

In the Media (cont'd)

Quoted in "Finra Arbitration Panel Squashes TRO Against Ex-Jones Broker." *AdvisorHub*. (December 6, 2019).

Quoted in "Federal Judge Rules in Indy Financial Adviser's Favor in Exit From Firm." *Indianapolis Business Journal*. (November 26, 2019).

Quoted in "Indiana Judge's Denial of 'Retaliatory' Edward Jones Filing Makes Waves." *AdvisorHub*. (November 18, 2019).

Quoted in "Edward Jones Loses Court Fight to Restrain Former Broker." Investment News." (November 15, 2019).

Quoted in "Morgan Stanley Goes After Brokers Who Jumped Ship to Wells Fargo." *Financial Advisor*. (October 2, 2019).

Quoted in "Morgan Stanley Pursues Florida Duo Who Jumped to Wells Fargo." *AdvisorHub*. (September 30, 2019).

Quoted in "Finra Teaches Another Lesson: Don't Delegate Test-Taking." *AdvisorHub*. (September 23, 2019).

Quoted in "Schwab Pursues Texas Broker Who Started His Own RIA." *AdvisorHub*. (August 21, 2019).

Quoted in "Are RIAs Dropping the Legal Gloves?" Barron's. (August 14, 2019).

Quoted in "The Fight Over Who Owns the Client Comes to RIAs." Investment News. (August 13, 2019).

Quoted in "Morgan Stanley Broker Who Jumped to Wells Accedes to TRO." *AdvisorHub*. (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 "UBS Brokers Come and Go After Firm Ditches Protocol." *Barron's*. (March 16, 2018).

Quoted in "UBS, After Dumping the Broker Protocol, Continues to See Brokers Come and Go." *Investment News*. (March 15, 2018).

Quoted in "Morgan Stanley Says Fleeing Michigan Team Leaked Plans at Client Dinner." *AdvisorHub*. (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).