

Pam Davis

Partner in San Francisco
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Pam is a seasoned white collar and defense attorney, concentrating her practice on FCPA and global investigations. She has led numerous global investigations for multinational organizations spanning several continents, and has had the rare honor of being appointed three times by the U.S. government to serve as an independent FCPA monitor and consultant. Her uniquely global perspective gives her the insight to aid companies in taking proactive, appropriate steps to minimize litigation and enforcement risk.

Services Antitrust / Competition, White Collar, Regulatory Defense & Investigations, Trade Secrets, Compliance Programs, Government Program Fraud, False Claims, and Qui Tam Litigation

Sectors Health Care, Retail & Consumer Products, Technology, Pharmaceuticals & Medical Devices, Oil & Gas

Admissions California

Education University of California, Davis, JD, 1994
University of California, Davis, BA, 1991

Pam is a seasoned white collar and regulatory defense attorney, with a particular focus on FCPA and global investigations. She has led numerous investigations for multinational organizations throughout Asia, South America, Central America, Europe, South Africa, and North America. Pam has had the rare honor of being appointed three times by the U.S. government to serve as an independent FCPA monitor and consultant, giving her a uniquely global perspective which can aid companies in taking proactive, appropriate steps to minimize litigation and enforcement risk, and potentially avoid monitorship.

Pam plays an important role in developing and revising FCPA Policies, Global Policies, and Global Codes of Ethics. She conducts global reviews of existing compliance plans, performs due diligence associated with M&A work and vendor onboarding, ensuring they align with the current heightened anticorruption environment. In addition to her FCPA and global investigations focus, Pam has represented companies and individuals in connection with a variety of matters, including: health care fraud, antitrust offenses, securities and export violations, trade secrets theft, mail and wire fraud, OSHA and FDA violations and environmental crimes. Pam also has substantial trial experience in broad-based U.S. state and federal criminal matters, with more than 50 jury and bench trials under her belt.

Prior to joining the firm, Pam was a partner at a large international law firm in San Francisco, where she led more than 150 separate investigations for companies and individuals relating to FCPA, anti-corruption, and other potential regulatory violations.

Experience

Some of the below experience may have been at a different firm

- Served as the SEC-appointed Independent FCPA Consultant to a global medical device company
- Served as the DOJ- and SEC-appointed FCPA Monitor to a global banking technology company
- Served as the DOJ- and SEC-appointed FCPA Monitor to a global medical device company
- Conducted independent global compliance assessment of medical device company in anticipation of monitorship order
- Multiple representations of audit and special committees in internal investigations involving alleged violations of the FCPA throughout the world, including Asia, South America, Central America, Europe, and South Africa
- Developed multiple FCPA policies, global code of ethics, and compliance training materials in multiple industries, including: clean fuel, medical devices sales and manufacturing, consumer retail products, construction equipment, on-line auctions, global supply chain and inventory management providers, and social media
- Conducted post-acquisition due diligence and compliance assessment of African acquisition for gas and oil entity
- Conducted post-acquisition due diligence and compliance assessment of Indian acquisition for paper product retailer
- Conducted FCPA due diligence in M&A transactions, including issuing an FCPA opinion in a cross-border Russian acquisition
- Representation of the former Controller of a U.S. public entity in conjunction with a DOJ/SEC FCPA investigation
- Representation of the former Director of Marketing of Genentech in connection with civil FCA and off-label marketing litigation
- Representation of former executives and employees of a Fortune 100 pharmaceutical company in connection with an investigation by the San Francisco U.S. Attorney's Office, and related civil proceedings, concerning allegations of off-label marketing of a heart failure drug
- Representation of a durable medical equipment company in connection with criminal and civil investigation by the California Attorney General concerning billing practices
- Representation of a health care service provider and physician in connection with a health care fraud investigation
- Representation of a medical device company in connection with allegations regarding the FCPA
- Representation of the former President of Countrywide Financial Corporation, the nation's largest mortgage lender, in connection with investigations by and litigation with the California Attorney General, and related consumer class and individual actions
- Prosecution of claims of misappropriation of trade secrets, conversion, and breach of contract involving telecommunications and auto insurance industries
- Representation of an auto dealership involving allegations of false and misleading marketing by the California Attorney General
- Representation of a senior executive charged with price-fixing/antitrust violations in the telecommunications industry
- Representation of a senior executive of Samsung Semiconductor, Inc., charged with criminal price-fixing/antitrust violations in the DRAM industry
- Representation of numerous companies and individuals in connection with insider trading and other securities fraud investigations (civil and criminal)
- Representation of a power generator in connection with the California Attorney General's investigation of alleged market manipulation arising out of California's energy crisis

- Representation of a major computer manufacturer in connection with allegations of exporting computers to Russia without a license
- Representation of corporate victims of trade secrets theft, including investigation of wrongdoing and advocacy of victims' interests before federal and state law enforcement officials
- Representation of a defense contractor in connection with investigation into alleged false statements pertaining to government contracts
- Representation of owner of meat processing entity Rancho Veal Corporation in criminal action brought by DOJ
- Representation of employers and supervisors in connection with investigations of alleged criminal OSHA violations arising out of industrial accidents
- Representation of an audit committee in an internal investigation in connection with stock option backdating allegations

Honors & Awards

- Named one of the *Top 100 Women in Investigations* globally by GIR (*Global Investigations Review*)
- Selected as one of *The Best Lawyers in America* for Criminal Defense: White-Collar from 2013 – 2018
- Selected as a *Who's Who Legal*: Business Crime Defense from 2016 – 2019
- Named a *2019 Lifetime Achievement Award* recipient by *Who's Who Legal*
- Selected as *Most Influential Business Crime Defence Legal Advisor of the Year 2018 – USA*
- Recommended by *The Legal 500 United States* (White-Collar Criminal Defense) 2016
- Consistently selected as a *Northern California Super Lawyer* in White Collar Criminal Defense since 2013

Activities

- Advisory Board Member, GAN Integrity
- Criminal Executive Committee Member, Bar Association of San Francisco

Credentials

Pamela received her B.A. from the University of California, Davis. She received her J.D. from the University of California, Davis.

Publications & Speaking Engagements

Publications

- Co-Author, "Tips for Using DOJ Guidance in a Compliance Program," *Law360*, May 2019
- Co-Author, "DOJ Compliance Guidance: What It Means for Compliance Programs," *Law360*, May 2018
- Author, "The FCPA is No Longer the Only Game in Town: Recent Anti-Corruption Enforcement Trends in the BRICS," *Inside the Minds*, 2014 Edition
- Author, "Weighing Waivers: Companies Face a Difficult Choice After Investigating Internal Wrongdoing," *The Recorder*, April 2004

Speaking Engagements

- Speaker – "Third Party Management Roadmap: The Most Critical, Unwritten Rules for Onboarding and Monitoring 1st, 2nd, 3d and 4th Parties," ACI's 37th International Conference on the FCPA, Washington D.C., December 2019
- Speaker – "Current Business and Legal Issues in the US & Mexico Relationship," GC Summit: Mexico 2019, Mexico City, November 2019
- Moderator – "Case Study Discussion: How to Make Good Decisions with Bad Facts," Consero Corporate

- Compliance & Ethics Executive Roundtable, April 2018
- Co-presenter – “Continuous improvement: Assessing Your Programs Design Against Your Risk,” Consero Corporate Compliance & Ethics Forum, March 2018
 - Speaker – “Recent Events in FCPA.” All-Hands Annual Meeting, Silicon Valley Association of General Counsel, October 2017
 - Speaker – “Corporate Monitorships – The Nuts and Bolts,” Women in White Collar ABA Subcommittee, 2017
 - Speaker – “Tackling the Big Picture: How do You Shape an Effective Risk Assessment,” Consero Corporate Compliance & Ethics Forum, 2016 and 2017
 - Presenter – “The Ever-Changing Compliance Landscape,” Paris OECD Integrity Forum, 2016
 - Speaker – “Effectively Exercising your Third-Party Audit Rights – A Discussion of Unique, Market-Related Issues in High-Risk Jurisdictions,” ACI’s FCPA Enforcement & Compliance Conference, 2016
 - Speaker – “Beyond the contract – FCPA, AML, human trafficking and other issues of concern when sourcing internationally,” Washington State Bar Association, 2015
 - Speaker – “Anti-Corruption Compliance,” PLI Advanced Compliance and Ethics Workshop, 2015
 - Speaker – “Life after FCPA Enforcement,” ACI’s FCPA Boot Camp, 2015
 - Speaker – “Dealing with the Pain Points of M&A Due Diligence and Post-Acquisition Integration: What Purchasers Are Encountering and Addressing in High-Risk Markets,” ACI’s FCPA Boot Camp, 2014
 - Speaker – “Where Companies Go Wrong with Third Parties in China,” ACI’s FCPA Boot Camp, 2013
 - Chairperson – ACI’s FCPA Boot Camp, San Francisco, 2012
 - Speaker – “Foreign Corrupt Practices Act – Defense, Government & In-House Perspectives,” CLE International, 2012
 - Chairperson – “The China Deal 2012: Inbound and Outbound Transactions,” West LegalEdcenter and *The Daily Journal*
 - Speaker – “The Importance of Compliance Readiness and the Outlook for the 2012 and Beyond,” Argyle Executive Forum, New York
 - Speaker – “China Business Issues, 2011,” Board of Directors Series, FTI and Orrick
 - Speaker – “Defending the Individual in FCPA Cases,” NACDL, 2011
 - Speaker – “The China Deal 2011: Inbound and Outbound Transactions,” West LegalEdcenter and *The Daily Journal*
 - Speaker – “FCPA Enforcement: New Developments,” Sandpiper Partners, LLC, 2011