



Howard E. Heiss

Of Counsel

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Howard Heiss has an extensive litigation practice focused on government regulatory investigations and enforcement actions, grand-jury investigations, and the defense of clients in criminal cases, with a particular emphasis on securities matters. He regularly represents public companies and individual corporate executives in the financial services industry. Howard is also a skilled trial lawyer and has represented clients in various criminal and civil trials and securities-related arbitrations. Howard has a track record for being creative in his approach, responsive, and effective both at negotiating and fighting with the government on behalf of his clients.

Before entering private practice, Howard served as an Assistant US Attorney in the US Attorney's Office for the Southern District of New York for more than 11 years. During that time, Howard prosecuted numerous white-collar cases involving securities fraud, insider trading, mail and wire fraud, political corruption, and tax evasion, as well as organized crime and narcotics cases. Howard also held a number of supervisory positions in the US Attorney's Office, including Deputy Chief of the Criminal Division and Chief of the Organized Crime Unit.

From November 1992 through September 1995, Howard served as Chief of the Securities and Commodities Fraud Task Force in the US Attorney's Office. In 1993, the Attorney General of the United States appointed Howard as Special Attorney to the Attorney General to serve as the lead prosecutor in *United States v. Drogoul*, arising from the multi-billion dollar fraud on the Banca Nazionale del Lavoro. As a result of that prosecution, Howard received the Attorney General's Award for Distinguished Service.

Admissions

Bar Admissions
New York

Court Admissions
US District Court, Southern and Eastern Districts of New York
US Court of Appeals, Second Circuit
US Supreme Court

Education

Boston College, J.D., 1976: *cum laude*

University of Illinois, B.A., 1972: high honors; Phi Beta Kappa

Experience

- A corporate executive in a criminal fraud trial involving alleged bid rigging in the municipal bond market. The conviction was reversed and the indictment dismissed on appeal.
- A multinational technology company in a civil antitrust trial against the Department of Justice Antitrust Division.
- Corporate executives in the federal government's LIBOR investigations.
- Corporate executives in the federal government's foreign exchange investigations.
- Traders in the federal government's bond market trading investigations.
- A bank official in a federal and state money laundering investigation.
- Executives in the federal government's RMBS investigations.
- A major money-center bank in force-placed insurance investigations and auction rate securities investigations and related arbitrations.
- Financial institutions and executives in criminal tax shelter investigations.
- An executive of a pharmaceutical company in a federal criminal investigation into off-label marketing and anti-kickback allegations.
- An executive of a major auto company in a fraud investigation.
- A broker-dealer in an SEC municipal securities investigation.
- A broker-dealer in a state attorney general investigation into the suitability of securities sold to investors.
- A banking institution in an SEC accounting investigation.
- A public health care company in an internal accounting investigation.
- Public companies and executives in Foreign Corrupt Practices Act investigations.
- A hedge fund manager in a grand jury insider trading investigation.
- A public company in a grand jury investigation into environmental violations.
- An investment banker in criminal obstruction prosecution, SEC investigation, and NASD enforcement proceedings.
- An accounting firm partner in grand jury and SEC investigations into accounting fraud and obstruction of justice.
- Audit committees in connection with internal and SEC accounting fraud investigations.
- A trader at an investment fund in an SEC investigation into market manipulation.
- An investment fund in connection with a state attorney general securities fraud investigation.

Corporate & Government Experience

- Served as an Assistant US Attorney in the US Attorney's Office for the Southern District of New York, including as chief of the Securities and Commodities Fraud Task Force and deputy chief of the Criminal Division

Professional Activities

Publications

- “Taking the Fifth in Government Investigations: Does the Adverse Inference Doctrine Apply?” *Bloomberg White Collar Crime Law Reports*, Vol. 1, No. 1, co-authored with Mark Racanelli (July 2009)
- “On Government Suppression of Defense Testimony,” *New York Law Journal*, co-authored with Mark Racanelli (July 3, 2007)
- “Can An Employee's Proffer Be Used Against the Company?” *New York Law Journal*, co-authored with Mark Racanelli (June 27, 2006)

Honors & Awards

- Recognized by *Best Lawyers*® 2022 for Criminal Defense: White-Collar and Bet-the-Company Litigation in New York, NY; Howard has been listed in *Best Lawyers*® since 2010.
- Recognized as a leading lawyer in the area of White Collar Crime & Government Investigations by *Chambers USA* (2005–2021)
- Recommended by *The Legal 500 US* for Corporate Investigations & White-Collar Criminal Defense (2020-2021)
- Recommended in Investigations; Business Crime Defence: Individuals and Corporates (2018-2019); Thought Leader (2019) by *Who's Who Legal*
- Named a New York "Super Lawyer" in numerous surveys conducted by *Law & Politics Media Inc.*
- Selected as one of the 500 Leading Lawyers in America by *Lawdragon* (2007–2010)
- Received the Director's Award for Superior Performance from the Director of the Executive Office for US Attorneys
- Received the Attorney General's Award for Distinguished Service