

KATE YIN

Partner

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PRACTICE AREAS

MS. YIN'S PRACTICE AREA IS GOVERNMENT ENFORCEMENT AND REGULATORY COMPLIANCE.

REPRESENTATIVE MATTERS AND CASES

- Represented GSK in its Chinese commercial bribery investigation
- Advised companies in China across a wide spectrum of industries on responding to criminal and administrative enforcement actions by the Chinese government and to enforcement actions by foreign governments, especially focusing on issues related to cross-border data transfer, state secrets and data privacy
- Worked with a US law firm to represent the special committee of a Chinese company in conducting an internal investigation into accounting fraud and to respond to inquiries from the US SEC, the Hong Kong SFC, and the PRC public security bureau (PSB)
- Worked with a US law firm to represent the special committee of a US company in conducting an internal investigation into FCPA and accounting fraud issues, to respond to criminal enforcement by the PRC prosecutorate, and to self-disclose to the US DOJ and SEC, with both the US and the PRC governments ultimately declining to prosecute
- Worked with a US law firm to represent the special committee of a Chinese company in conducting an internal investigation into accounting fraud, to respond to inquiries from the US SEC, and shareholder lawsuits in the US
- Assisted a US law firm in collecting evidence in China relevant to a grand jury trial in the US for securities litigation brought by the US DOJ

- Advised various multinational companies as well as Chinese companies on the Cyber Security Law and other related data privacy issues
- Represented a pharmaceutical company in a Chinese government criminal investigation into false invoicing and persuaded the PSB to decline to prosecute the company
- Represented a leading US company in successfully obtaining bail for nine arrested employees, including three expatriate managers, in a PSB criminal investigation into illegally obtained personal information
- Represented a manufacturer in a criminal investigation by the procuratorate into environmental pollution
- Represented a leading venture fund in a criminal investigation by the public security bureau into money laundering
- Represented a leading multinational technology company in successfully securing the release of the company's office manager arrested during a dawn raid in a bribery investigation and obtaining procuratorate agreement to end the investigation into the company
- Represented a Fortune 500 company in successfully removing a commercial bribery investigation from the local Shanghai AIC to the State AIC, which dismissed the investigation
- Represented a US medical device company in successfully convincing the SMR to drop an investigation by the Shanghai SMR
- Represented a leading US company in successfully petitioning the State AIC to drop an investigation by the local Shanghai AIC into anti-trust and anti-unfair competition issues
- Represented a leading pharmaceutical company in AIC commercial bribery investigations
- Represented a multinational company in an investigation by the tax authority
- Represented a multinational company in a disciplinary committee inquiry into bribery
- Represented the procuratorate in locating two corrupt officials who fled to the US (红通逃犯) and persuaded one of them to return to China through legal means
- Represented a leading technology company in a complex internal investigation into sophisticated fraud schemes; worked with the company's US counsel to self-report to the US DOJ; and advised the company on complex multi-jurisdictional criminal enforcement and conflict of laws issues

- Represented a joint venture between a leading pharmaceutical company and a major SOE in evaluating the compliance risks of its business model; conducting internal investigations into potential unfair competition, embezzlement, accounting fraud, and conflict of interest violations; and advising on the complete revamp of the joint venture's compliance program
- Represented multinational and domestic companies in various complex internal investigations and advised on how to improve their compliance programs
- Represented a leading Chinese public company in conducting internal investigations to uncover a sophisticated and systematic embezzlement scheme involving acquisitions, investments, third parties and top company management
- Advised various multinational and domestic companies on the anti-unfair competition risks in their various business models
- Represented a Fortune 100 company in its post-merger compliance integration and proactive reviews
- Represented a Fortune 100 company in its various anticorruption internal investigations, its termination of a high-risk third party, and its other post-investigation dispute resolution cases
- Represented a Fortune 500 company in conducting various compliance due diligence reviews
- Represented a leading private equity firm in its various anticorruption due diligence reviews, which covered commercial bribery risks
- Represented an entertainment company in its various internal investigations in China and advised the company on improving its compliance program
- Represented a leading automobile company in an AIC investigation into various issues including permits and labeling and advised the company on improving its compliance program
- Represented a leading manufacturing company in its internal investigation into embezzlement and fraud and advised the company on improving its compliance program
- Represented a leading alternative energy company in a Disciplinary Committee investigation into unfair competition and advised the company on improving its compliance program
- Represented a leading private equity fund in its internal investigation into potential AML violations and advised the fund on improving its compliance program
- Represented a Fortune 100 company in its FCPA due diligence review for a

billion-dollar acquisition and advised the company on strengthening the target's compliance program post-acquisition

OTHER INFORMATION

Education

- The University of Michigan Law School, J.D., *magna cum laude*, 2005, Order of the Coif; Editor, Michigan Law Review
- Northwestern University, M.S., 2002
- Beijing University, B.S., 2000

Professional Qualification

- English
- Mandarin

Presentations/Speeches

- Speaker, "CHINA: New Takeaways for Detecting and Mitigating Hidden Legal, Compliance, Geopolitical and Reputational Risks on the Ground", 36th International Conference on FCPA, ACI (December 2019)
- Speaker, "Defense Counsel Perspectives on Cross-Border Government & Internal Investigations: The Top 5 Most Critical Decisions to Get Right", 8th Asia Pacific Summit on Anticorruption, ACI (October 2019)
- Speaker, "Regulatory Update in China ", Chambers Asia Summit (October 2019)
- Speaker, "Global Enforcement Trend", Peking University Summit (May 2019)
- Speaker, "How to Build Global Data Compliance Program", Shanghai Compliance Summit (April 2019)
- Speaker, "Anti-Corruption Enforcement Environment and Investigative Trends in the Asia Pacific Region", 7th Anti-Corruption Compliance Asia Pacific Summit 2018 (December 2018)
- Speaker, "What's So Unique about China's Privacy and Data Protection Program?", IAPP (November 2018)
- Speaker, "Annual Blue Book on Compliance in China", Annual In-house Summit (September 2018)
- Speaker, "How to Build Compliance System in Compliance with GDPR and PRC Cyber Security Law", Compliance Summit (September 2018)
- Speaker, "Ground Breaking Legislation for a New Era of Anticorruption Enforcement", IBS Anticorruption Summit (March 2018)

- Speaker, “Establishing Effective Compliance Program”, China Compliance Summit (December 2017)
- Speaker, “Report on Chinese Commercial Bribery – The Annual Blue Book on Chinese Commercial Bribery”, China Corporate Counsel Annual Summit (April 2017)
- Speaker, “Anti-corruption in China: Status and Impact of Legislative and Regulatory Changes, and Enforcement”, ACI – 33rd International Conference on FCPA (December 2016)
- Speaker, “Resolving Multi-Jurisdiction Enforcement Dilemmas: Anonymous Benchmarking on How to Manage Very Risky, Sensitive and Controversial Issues”, IBS (October 2016)
- Speaker, “How to Conduct an Effective Internal Investigation”, Anticorruption Alliance (October 2016)
- Speaker, “Building Effective Compliance Program in China”, Wolters Kluwer Annual Legal Summit (October 2016)
- Speaker, “General Counsel Briefing: China Dispute Resolution (China Litigation, China Investigations and China Arbitration)”, The 18th Annual In-house Congress Hong Kong (October 2016)
- Speaker, “Compliance and Social Responsibilities of Chinese Companies”, Law School of Shanghai Jiao Tong University (July 2016)
- Speaker, “The Annual Blue Book on Chinese Commercial Bribery”, Fa Lao Hui (June 2016)
- Speaker, “Preparing for and Responding to Investigative Raids in China”, ACI – 9th Advanced China Forum on Anticorruption (June 2016)
- Speaker, “Managing Electronic Evidence for Cost-Effective Investigations in China”, Duxes – 8th Anticorruption Compliance in China Summit (May 2016)
- Speaker, “Report on Chinese Commercial Bribery – The Annual Blue Book on Chinese Commercial Bribery”, China Corporate Counsel Annual Summit (May 2016)
- Speaker, “How to Cope with Investigations by Regional Authorities”, Duxes – Third Anticorruption Compliance Asia Pacific Summit (December 2015)
- Moderator, “Insight into China’s Anticorruption Enforcement and Investigation Trends”, Duxes – Third Anticorruption Compliance Asia Pacific Summit (December 2015)
- Speaker, “Trends Regarding Anticorruption Enforcement & Espionage in China and the United States”, ABA Inaugural Global White Collar Crime Institute (November 2015)

- Presenter, “Be Prepared for Increasing Government Enforcement in China”, Swedish Chambers (November 2015)
- Speaker, “Where Companies Go Wrong with Internal Investigations in China: Focus on the Top 10 Pitfalls”, ACI – 8th Advanced China Forum on Anticorruption (June 2015)
- Speaker, “How to Prepare for the Rise of Compliance Officer and Legal Counsel’s Liability and Personal Responsibility”, ACI – 8th Advanced China Forum on Anticorruption (June 2015)
- Speaker, “Regulatory Compliance – How to Stay out of Trouble”, FBCS (June 2015)
- Speaker, “The Post – GSK Era: the Changing Landscape of Anticorruption Enforcement?”, Duxes – 7th Anti-Corruption Compliance in China Summit (May 2015)
- Speaker, “Collecting Valid Evidence in China”, LED (May 2015)
- Speaker, “Do Anticorruption Investigations and Anti-bribery Legislation Influence or Affect International Arbitration?”, ICCA Hong Kong Summit (May 2015)
- Speaker, “Complying with PRC Laws While Doing Anticorruption Investigations in China”, LexisNexis (April 2015)
- Speaker, “The First Blue Book on Chinese Commercial Bribery – Review of Commercial Bribery in China”, Webinar Co-Hosted by China Institute of Corporate Legal Affairs & LexisNexis (February 2015)
- Speaker, “Breakfast Lecture by Fangda Partners: Current Legislation in China and Where It Is Heading”, Finnish Business Council Beijing (January 2015)
- Speaker, “Report on Chinese Commercial Bribery – The First Blue Book on Chinese Commercial Bribery”, Chinese Corporate Counsel Annual Summit (January 2015)
- Speaker, “How to Conduct Anti-Corruption Investigation in China”, EPIQ Seminar (November 2014)
- Speaker, “What Is Keeping Senior Executives Awake - Commercial Bribery, Cartel Investigations and Criminal Liabilities”, Hong Kong Corporate Counsel Association Seminar (August 2014)
- Speaker, “Anti-Corruption Risks and Best Practices”, Ropes & Gray Medical Device Roundtable (May 2013)
- Speaker, The Second Asia Pacific Pharmaceutical Compliance Congress – Best Practice Forum (September 2012)

- Speaker, “US Litigation Practices in China”, American Bar Association Webinar (May 2012)

Publications

- Author, “Chinese Children’s Privacy Law Now in Effect”, IAPP (October 3, 2019)
- Author, “What You Need to Know About China’s Draft Measures on Cross Border Data Transfer”, IAPP (September 10, 2019)
- Author, “Enforcement by the Chinese and U.S. Governments Triggered by 3.15 Gala”, Compliance Review (March 15, 2019)
- Author, “Chinese Data Protection Regulators’ Enforcement Agenda for 2019”, IAPP (February 26, 2019)
- Author, “SOEs Establishing Compliance Program”, Compliance Review (November 26, 2018)
- Author, “2017-2018 China’s Annual Compliance Blue Book”, the CLA and the CCPIT (September 15, 2018)
- Author, “Corporate Defense for Commercial Bribery Under the Amended AUCL”, Compliance Review (January 14, 2018)
- Author, “2016-2017 China’s Annual Compliance Blue Book”, the CLA and the CCPIT (June 25, 2017)
- Author, “Anti-Corruption Provisions in Third-Party Contracts in China”, The FCPA Reporter (June 7, 2017)
- Author, “Anticorruption Due Diligence in China”, Practical Law China of Thomas Reuter (April 19, 2017)
- Author, “The Sword of Damocles in the Information Age: How to Face the New Challenges under the Chinese Cybersecurity Law”, The Cybersecurity Law Reporter (January 22, 2017)
- Author, “Compliance Risk of Providing Sales Incentives – Michelin and Other Tire Companies Commercial Bribery Cases”, China AIC Reporter (中国工商报) (January 19, 2017)
- Author, “2015-2016 Report on Chinese Commercial Bribery – The Annual Blue Book on Chinese Commercial Bribery”, jointly published by China Institute of Corporate Legal Affairs under Chinese Ministry of Justice (May 20, 2016)
- Author, “2014-2015 Report on Chinese Commercial Bribery – The First Blue Book on Chinese Commercial Bribery”, jointly published by China Institute of Corporate Legal Affairs under Chinese Ministry of Justice and LexisNexis

(January 10, 2015)

- Quoted, “Law to Set Off Crusade Against Business Bribes”, South China Morning Post (May 26, 2016)
- Quoted, “China May See Another Surge of Anticorruption Enforcement”, Legal Daily (May 24, 2016)
- Quoted, “China FCPA Due Diligence Hits New Levels Amid M&A Spree”, Forbes (March 17, 2015)
- Quoted, “China Has Entered into a New Era of Anti-commercial Bribery Enforcement”, Legal Weekly (January 17, 2015)
- Quoted, “Time for Chinese Company Wake Up – A Special Interview of Yunxia Yin”, Legal Weekly (January 17, 2015)
- Quoted, “Anti-Commercial Bribery Enforcement Led by the FCPA Enforcement”, Legal Weekly (January 17, 2015)
- Quoted, “Challenging Issues in Building Compliance Program by SOEs”, Legal Weekly (January 17, 2015)
- Quoted, “High Risk Industries and Enterprises for Commercial Bribery”, Legal Weekly (January 17, 2015)
- Quoted, “The First Blue Book on Chinese Commercial Bribery – SOEs and Private Companies Should Both be on Guard”, China Healthcare, (January 16, 2015)
- Quoted, “The First Blue Book on Chinese Commercial Bribery – FMCG and Real Estate Industries Facing Higher Commercial Bribery Risk”, People’s Daily, (January 12, 2015)
- Quoted, “The First Blue Book on Chinese Commercial Bribery”, Legal China, (January 11, 2015)

Professional Background

Ms. Yin is a recognized leader in complex government enforcement, internal investigation and regulatory compliance, especially for challenging cross-border matters. Ms. Yin has been ranked as “Regulatory and Compliance Lawyer of the Year” by China Law & Practice, Band 1 lawyer for “Corporate Investigation/Anticorruption” by Chambers Asia, and Band 1 lawyer for “Regulatory/Compliance” by Legal 500.

Ms. Yin has represented clients in a wide range of areas, such as anti-bribery, data compliance, sanction and export control, anti-unfair competition, accounting fraud, securities law, anti-money laundering, and conflict of interest. With deep insights into government enforcement and market practices, Ms. Yin is highly sought after in the most challenging government enforcements and corporate investigations,

particularly those involving multiple jurisdictions. Ms. Yin has successfully defended clients in government enforcement actions and helped clients avoid hefty penalties and damaging headlines.

Ms. Yin has participated in various high profile cases such as the GSK Chinese commercial bribery prosecution and the Siemens FCPA monitorship. Highly regarded as a leader in the compliance field, Ms. Yin has been engaged by the CLA under the Ministry of Justice as the compliance expert to author the Annual Blue Book on Compliance in China for the last five years. Ms. Yin is also a TC260 expert responsible for drafting implementation measures for the Cyber Security Law.

Ms. Yin has extensive experience conducting complex internal investigations for clients in China, through which she has helped clients recover millions of dollars in misappropriated funds. She also routinely assists multinational companies as well as Chinese companies in establishing and improving tailor-made compliance programs and in conducting risk assessments, compliance audits and due diligence.

Before joining Fangda, Ms. Yin worked at prestigious US law firms. Ms. Yin received a B.S. from Beijing University and a J.D. from the University of Michigan Law School, where she graduated magna cum laude, and was elected to the Order of Coif as well as editor of the Michigan Law Review.