

## *Mary Jo Johnson*

### RETIRED PARTNER

BOSTON

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Mary Jo Johnson represented corporations, financial institutions and their officers and directors in matters pending before federal and state courts and regulatory agencies. She had significant experience in conducting internal investigations and compliance reviews and defending regulatory enforcement matters. Her practice included clients in diverse industries, such as financial services, banking, energy, insurance, mortgage servicing, software, technology, manufacturing, healthcare, pharmaceutical and investment management. Ms. Johnson retired in 2016.

She defended clients in securities fraud class actions; SEC enforcement matters; FINRA investigations; OCC investigations; and state securities actions on a wide range of matters involving revenue recognition, accounting and auditing practices, restatements of financial statements, insider trading, public disclosures, adequacy of books and records, management conduct, compliance risk management systems, internal controls, Sarbanes-Oxley compliance, whistleblower claims, flood insurance, and "unsafe and unsound" banking practices.

Over the years Ms. Johnson successfully represented clients and individuals in more than 70 investigations that have related to alleged improper revenue recognition and inaccurate financial statements; public company disclosures; credit card, mortgage or accounting fraud; failure to supervise; insider trading; FDA-related disclosures; notary and signing practices; options backdating; market timing; and compliance with the Flood Disaster Protection Act and regulations, to name a few. In such cases, Ms. Johnson's representation often included reporting to a committee of the Board of Directors. Some of these matters involved compliance reviews conducted for companies or financial institutions to identify and prevent regulatory problems.

Ms. Johnson also represented companies in arbitration and commercial and employment litigation involving contract disputes, franchise terminations, non-competition, non-solicitation, whistleblower, wage act, fiduciary duty and discrimination claims.

## *Pro Bono Practice*

Ms. Johnson was a longstanding member of the firm's Pro Bono and Community Service Committee, which guides the firm's pro bono and community services. Throughout her tenure at the firm, she had been deeply involved in numerous pro bono matters. She also supervised and tried cases through the Women's Bar Foundation's Family Law Project involving allegations of domestic violence in divorce and child custody matters, and was instrumental in the firm's preparation of a manual for Massachusetts practitioners on handling human trafficking cases.

## *Professional Activities*

Ms. Johnson conducted trainings for WilmerHale attorneys and law and business schools related to securities fraud litigation, internal and regulatory investigations, depositions, and litigation practice. Topics included the Dodd-Frank whistleblower provisions, indemnification and joint defense agreements, civil litigation management, non-competition agreements, taking and defending depositions; discovery practices; attorney client privilege, witness interviews, trial practice, client counseling and problem solving. She was a longstanding member of the firm's Associates Committee and Career Advancement Program, through which she mentored many associates at the firm.

Ms. Johnson served on the boards of the Massachusetts Adoption Resource Exchange and the Women's Bar Foundation, and was president of the Women's Bar Foundation's board in 2011. She was a member of the Boston, Massachusetts, Women's and American Bar Associations, and was admitted to practice in the Commonwealth of Massachusetts, the US District Court for the District of Massachusetts, the US Court of Appeals for the First Circuit and the US Supreme Court.

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## *Experience*

### *Representative Matters*

- Won an arbitration in Houston in 2016 involving interpretation of an oil and gas contract and related tort claims.
- Defended major financial institutions in OCC investigatory and enforcement proceedings regarding mortgage servicing, sworn documents, collection practices, including in responding to supervisory letters, 15-day letters, and investigatory requests.
- Led enterprise-wide compliance reviews for the board of a leading mortgage servicer.
- Led compliance review for a bank relating to the Flood Disaster Protection Act resulting in revised policies and procedures.
- Investigated claims raised by insured individuals concerning response of insurance company to Hurricane Sandy claims.
- Led enterprise-wide review of signing and notary practices at a major financial institution involving a wide range of documents across multiple businesses.
- Defended pharmaceutical company in shareholder challenge to options disclosures.
- Defended pharmaceutical company in securities fraud class action and SEC investigation concerning FDA disclosures
- Defended major corporation in multiple SEC investigations on accounting issues relating to other than temporary impairment, shipping issues, and end of quarter revenue recognition.
- Defended CFO of a technology company in litigation by the SEC relating to revenue recognition.
- Represented major financial institution in responding to OCC supervisory letters concerning vendor management.
- Defended numerous technology and pharmaceutical companies in FINRA and SEC insider trading investigations.
- Conducted numerous internal investigations for healthcare, manufacturing, software, financial corporations relating to revenue recognition and allegations of accounting fraud.
- Defended life insurance company in litigation in the Massachusetts Superior Court relating to insurance reserves.
- Represented several technology companies in securities fraud class actions and SEC enforcement matters relating to restatements of revenues.
- Defended automobile manufacturer in several AAA arbitrations concerning termination of franchises, all of which resulted in client victories.
- Defended investment adviser in SEC investigation on market timing resulting in no action.
- Defended pharmaceutical company in SEC investigation on options backdating resulting in no action.
- Represented victims of domestic violence in Probate Court, divorce and child custody proceedings, including trials with successful outcomes.
- Defended major financial institution in responding to subpoenas from the Executive Office of the US Trustee.

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## *Recognition*

### **Honors & Awards**

- Recognized among the Top Women of Law in 2014 by *Massachusetts Lawyers Weekly*
- Named among the "Top Women Attorneys in Massachusetts" in 2016 and 2017 and selected as a "New England Super Lawyer" (formerly "Massachusetts Super Lawyer") for securities litigation in the 2005-2017 issues of *Boston Magazine*
- Co-chaired the 2013-14 Women's Leadership Initiative of the Massachusetts Women's Bar Association
- Received two distinguished firm awards for excellence in training and community service in 2013 and 2016, respectively
- In 1994, prosecuted cases at the Middlesex County District Attorney's Office as a special assistant district attorney

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## *Credentials*

### **EDUCATION**

JD, Boston College Law School,  
1988

*Wendall F. Grimes Award for  
achievement in advocacy  
competitions*

BA, Rosemont College, 1973

### **ADMISSIONS**

Massachusetts

US Supreme Court