

KATE YIN

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PRACTICE AREA

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

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

Work Language

- English
- Mandarin

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

Ms. Yin has represented clients in a wide arrange of areas, such as antibribery, antiunfair competition, data protection, accounting fraud, securities law, antimoney laundering, conflict of interest, trade secret and sanction and export control. With deep insights into government enforcements and market practices, Ms. Yin is highly sought after in most challenging government enforcements and corporate investigations, particularly those involving multijurisdictions. Ms. Yin has successfully defended clients in government enforcements and helped clients avoid hefty penalties and headline stories.

Ms. Yin participated in various high profile cases such as GSK Chinese commercial bribery prosecution and 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 expert on compliance to author the Annual Blue Book on Compliance in China for the last six years. Ms. Yin is also an expert of TC260 responsible for drafting implementation measures for the Cyber Security Law.

Anticorruption and multilateral bank sanctions are among Ms. Yins areas of expertise. Ms. Yin has extensive experience in providing comprehensive legal services relating to antibribery and multilateral bank sanctions for multinational and Chinese companies, including establishing tailormaid compliance programs, conducting complex internal investigations, evaluating compliance risks in cuttingedge business models, and responding to government enforcements and crisis management.

Data compliance is another practice area of Ms. Yins expertise. Ms. Yin helps clients establishing global data protection program, conducting data compliance due diligence, advising client on challenging crossborder data transfer involving state secrets, important data and personal information reviews in connection with government enforcements and litigation as well as daily operation.

Ms. Yin also has extensive experience in export control and sanctions. Ms. Yin has represented a number of

stateowned and private companies listed on the Entity List by the BIS, establishing sanctions and export control compliance program, assist clients in a wide range of industries on export control and sanction risks under PRC laws.

REPRESENTATIVE MATTERS AND CASES

Government Enforcement and Crisis Management

- Represent a leading U.S. technology company in responding to criminal and administrative enforcement in China and the U.S., help the company conduct an indepth internal investigation and take remedial measures, and the DOJ eventually declined prosecution
- Represent an executive of a Chinese company listed in the U.S. in a joint enforcement case involving complex securities fraud and antimoney laundering allegations by the DOJ and the SEC, the executive was ultimately not convicted for any prison term
- Represent GSK in responding to anticorruption enforcement by the Chinese government, and conduct indepth internal investigations
- Represent the Chairman of a Chinese company listed in the U.S. in an investigation by the DOJ, and the Chairman ultimately received no penalty
- Represent a Chinese company listed in the U.S. in an investigation by the SEC and the DOJ, assist the company in conducting an indepth internal investigation, and the client has reached a settlement with the U.S. government with minimal penalties
- Represent a Chinese company listed in Hong Kong in response to a joint investigation by the U.S. government and the Hong Kong Securities and Futures Commission, and help the company establish comprehensive compliance program. The company was not penalized by the U.S. nor Hong Kong governments
- Represent a wellknown pharmaceutical company in response to the U.S. governments investigation under the FCPA, and help the company conduct an indepth internal investigation
- Assist stateowned and private Chinese companies listed on the Entity List by the BIS to respond to the crisis and establish sanctions and export control compliance program
- Represent a Chinese company in responding to an investigation of the Crime of Environmental Pollution by the PSB and the Procuratorate, and assist the client in achieving good results with minimum penalties
- Represent a venture fund partner in a criminal investigation of the Crime of Illegally Conducting Business and the Crime of Money Laundering by the PSB, and assist the client in obtaining leniency sentence
- Represent a leading U.S. company in a criminal investigation of the Crime of Illegally Obtaining Personal Information by the Chinese PSB, and the client was eventually not penalized
- Represent a pharmaceutical company in an investigation of the Crime of Falsely Issuing Invoice by the PSB, and the PSB decided not to prosecute the company
- Represent a worldleading pharmaceutical company in a series of investigations initiated by an Administration Bureau for Market Regulation in China for violations of Chinas antibribery laws, an internal investigation under the FCPA, terminate the companys cooperation with a highrisk third party, and handle other postinvestigation dispute resolution issues. Assess compliance risks of the companys business models, and revamp compliance policies and procedures
- Represent a worldleading catering company in an anticommercial bribery enforcement by an Administration Bureau for Market Regulation in China. The legal issues involved in the case were complex, and the case was eventually escalated to the State Administration for Market Regulation for discussion. The authority eventually did not impose penalties on the company
- Represent a worldleading clean energy company in responding to an investigation initiated by the Chinese Commission for Discipline Inspection, and help the company conduct an indepth internal investigation
- Represent a leading automobile company in its investigation by an Administration Bureau for Market Regulation on various issues relating to license and labeling, and advise the client on improving its compliance program, and the authority ultimately imposed no penalties on the company

- Represent a leading international company in response to enforcement relating to food safety and false advertisement by an Administration Bureau for Market Regulation, and help the company conduct an indepth internal investigation. While the case is ongoing, it is likely resolved in favor of the client
- Represent a number of wellknown pharmaceutical companies in response to commercial bribery and false advertisement enforcements by the Administration Bureau for Market Regulation, and assist the company in conducting an indepth internal investigation, which resulted in no penalties ultimately imposed on the clients
- Represent a wellknown European company in response to tax authoritys enforcement, and help the company conduct an indepth internal investigation, which led to global selfreporting after systemic problems were discovered
- Represent an SOE, together with a Pakistani law firm, in response to a Pakistani governments criminal investigation of commercial bribery and money laundering charges, which resulted in no penalties for the company
- Represent a U.S. company, together with an Indian law firm, in a criminal enforcement case by the Indian CBI regarding bribery of Indian government officials by the companys Chinese subsidiary, and conduct internal investigations re compliance with the FCPA and Chinas antibribery laws
- Represent a number of listed companies in crisis management, manage public reports, relationship with various stakeholders, inquiries of CSRC, complaints of shareholders, and achieve good results with companys stock price restored in due course
- Represent several companies in responding to data breaches, file data breach report, communicate with various regulators, notify individuals and respond to their complaints, manage public disclosures, assist companies in filing criminal reports, and conduct internal review
- Represent several Chinese companies in responding to overseas government enforcements, provide crisis management and response strategies, conduct internal investigations, and conduct state secrets and personal information reviews
- Assist SINOTEC in the process of removing itself from the African Development Banks sanctions list and establishing an effective compliance system

Internal Investigation

- Represent the Audit Committee of a Chinese company listed in the U.S., to conduct independent internal investigation in responding to Muddy Waters short selling report, and obtained conclusive results within a few weeks, based on which the client received multibillion USD payment for an asset sale
- Represent a wellknown U.S. listed Chinese company in an internal investigation and assist client in complex disputes with major shareholders
- Represent the audit committee of a wellknown company listed in both the U.S. and Hong Kong in an internal investigation, and assist the client in handling disputes with implicated employees and establishing an effective compliance program
- Represent a Fortune 50 company in an internal investigation of potential violations of antibribery laws and accounting fraud
- Represent the Audit Committee of a biopharmaceutical company listed on the NASDAQ and HKSE in an internal investigation of fraud
- Represent the audit committee of an entertainment company listed in the U.S. in an internal investigation
- Represent a worldleading elevator company in an internal investigation, and provide legal advice on criminal charge and other complex legal issues
- Represent a multinational company in the scientific instrument manufacturing industry in an internal investigation regarding alleged retaliation against a whistleblower
- Assist a Chinese Internet lifestyle services platform in investigating alleged fraud and provide legal advice on disciplinary and remedial measures
- Represent a leading manufacturing company in an internal investigation of conflict of interest and successfully

persuade the PSB to initiate criminal proceedings against the executive

- Represent an energy company in its internal investigation in China, and assist the company to improve its compliance program
- Represent a pharmaceutical company jointly established by a leading multinational company and a major SOE in an internal investigation involving potential violations of the FCPA and Chinas antibribery laws, retaliation against employees and fraud
- Represent a major SOE in conducting an investigation and filing criminal charge to the PSB for trade secret infringement
- Represent a wellknown company listed in the U.S. in an internal investigation, and assist the company to conduct a systematic anticorruption, data, and sanctions export control compliance review and build up a compliance system
- Represent a wellknown Ashare listed company in a complex internal investigation and build a compliance system from scratch
- Represent a wellknown real estate company in an internal investigation and recovered a large amount of losses
- Represent a wellknown financial company in an internal investigation of antiretaliation and risk management, and assist the client in systematically sorting out compliance risks and improving the compliance policies and procedures
- Represent a wellknown company in an internal investigation involving possible violations of the FCPA and Chinas antibribery laws, channel stuffing, cross selling, financial fraud, labor disputes and other possible violations of laws, regulations and company compliance policies

Compliance Program and Advisory

- Participate in Siemens FCPA monitorship to help the client establish sophisticated compliance program with golden standard
- Represent SOEs, domestic and foreign companies in a wide range of industries to establish effective and efficient compliance programs, including among others anticorruption, data, sanctions and export controls, government dawn raid plans, and thirdparty management systems
- Assist SOEs and private Chinese companies in a wide range of industries (e.g., construction and real estate, ports, shipping, semiconductor, finance and technology), in reviewing oversea compliance risks, and establishing compliance programs
- Advise multinational companies in a wide spectrum of industries on crossborder data transfer, state secrets and data privacy issues
- Assist a wellknown Chinese company to establish and improve its global data compliance program, and working with local counsel, provide legal advice on various data issues relating to global product launches, and assist it in responding to various crisis (e.g., data breaches, government investigations and inquiries), conduct data compliance due diligence in various investments, and respond to data compliance review by its business partners such as Facebook
- Assist many wellknown Chinese and multinational companies (e.g., AI and big data, automotive and transportation, entertainment, healthcare, ecommerce, consumer goods, manufacturing and infrastructure) to conduct data mapping, gap analysis, establish data compliance program, evaluate crossborder data transfer, important data identification, data localization and other complex legal issues
- Advise a major stateowned airline company on data compliance
- Represent a Chinese company listed in the U.S. in conducting data compliance due diligence on its proposed investment in a logistics giant, and assist the client in postinvestment remediation to establish compliance program according to Chinese data protection regulations and GDPR
- Assist a Chinese company in conducting data compliance due diligence in connection with its Hong Kong initial public offering
- Assess the compliance risks of the business model for a wellknown local pharmaceutical and medical device

company, and improve its compliance policy and procedures to mitigate enforcement risk

- Provide comprehensive compliance services to wellknown multinational and Chinese companies, including establishing compliance program, conduct compliance due diligence and compliance review
- Assist various leading PE funds in conducting compliance due diligence in connection with their investments in China, and assist the portfolio companies in establishing effective and efficient compliance programs

Presentations/Speeches

- Speaker, “Building Global Compliance Program”, Trade Compliance Forum (March 2021)
- Speaker, “Export Control Compliance for Foreign Invested Enterprises”, BJAC Forum (北仲有约) (March 2021)
- Speaker, “Conducting Effective Internal Investigations and Response to Government Enforcement”, ACI (March 2021)
- Speaker, “Expectations for the New Biden Administration: Important Compliance Strategies for Businesses Operating in the U.S. and China”, Guidepost Online Conference (January 2021)
- Speaker, “The Role of Compliance in Corporate Governance”, China Public Security University Compliance Summit (December 2020)
- Speaker, “Pitfalls in Internal Investigations”, ACI (December 2020)
- Speaker, “Trade Secrets and Crisis Management”, Blue Ocean Compliance Series (October 2020)
- Speaker, “Personal Information Protection in the Era of Big Data”, 2020 National Cybersecurity Week, “Data Security SubForum” (September 2020)
- Speaker, “Discovering and Preventing Hidden Compliance Risks in China Geopolitical and Reputational Risks”, 36th International FCPA Summit, ACI Washington (December 2019)
- Speaker, “The Five Most Common Mistakes in CrossBorder Enforcement Investigations”, 8th Annual Asia Pacific AntiCorruption Summit, ACI Singapore (October 2019)
- Speaker, “Regulatory Update”, Chambers Asia Pacific Summit (October 2019)
- Speaker, “How to Establish an International Standard Compliance System and Respond to Overseas Government Enforcement”, Peking University (August 2019)
- Speaker, “How Chinese Companies Respond to Overseas Government Enforcement”, China Law Summit (June 2019)
- Speaker, “How to Respond to Overseas Government Enforcement and Establish a Compliance System”, Peking University Smart Law Forum (June 2019)
- Speaker, “How to Respond to Chinese and Foreign Government Enforcement”, IBS Compliance Summit (May 2019)
- Speaker, “How to Respond to Overseas Government Enforcement and Establish a Compliance System”, Peking University Advanced Criminal Workshop (May 2019)
- Speaker, “How to Systematically Deal with Overseas Government Enforcement Risks Faced by Overseas Business Operations”, Optimizing Business Environment and Corporate Compliance Seminar (April 2019)
- Speaker, “How to Respond to Overseas Government Enforcement and Establish a Compliance System”, Shenzhen Compliance Forum (March 2019)
- Speaker, “AntiCorruption Enforcement Environment and Investigative Trends in the Asia Pacific Region”, 7th AntiCorruption Compliance Asia Pacific Summit 2018 (December 2018)
- Speaker, “Whats So Unique about Chinas Privacy and Data Protection Program”, IAPP (November 2018)
- Speaker, “How to Establish Compliance System in Compliance with GDPR and PRC Cyber Security Law”, Compliance Training Organized by Beijing Stateowned Assets Supervision and Administration Commission (June 2018)
- Speaker, “ China and EUs Cyber and Data Security: Compliance Assessment and Crisis Resolution”, Global Business Law Leaders Forum (June 2018)
- Speaker, “Annual Blue Book on Compliance in China”, China Corporate Counsel Annual Summit (May 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, “Anticorruption in China: Status and Impact of Legislative and Regulatory Changes, and Enforcement”, ACI 33PrdP International Conference on FCPA (December 2016
- Speaker, “Resolving MultiJurisdiction 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 Inhouse 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 CostEffective 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 Chinas 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 Counsels 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 AntiCorruption Compliance in China Summit (May 2015)
- Speaker, “Collecting Valid Evidence in China”, LED (May 2015)
- Speaker, “Do Anticorruption Investigations and Antibribery 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 CoHosted by China Institute of Corporate Legal Affair 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 AntiCorruption 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, “AntiCorruption 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/Articles

- Author, “Impact of Administrative Enforcement Law”, Compliance Forum (February 18, 2021)
- Author, “Chinas Blocking Statute”, Compliance Forum (January 11, 2021)
- Author, “Annual Compliance Blue Book of China”, CLA (December, 2020)
- Author, “Chinas Data Protection Law and Enforcement Yearend Review”, Compliance Forum (December 30, 2020)
- Author, “Chinese Childrens Privacy Law Now in Effect”, IAPP (October 3, 2019)
- Author, “What You Need to Know About Chinas 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, “20172018 Chinas 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, “20162017 Chinas Annual Compliance Blue Book”, the CLA and the CCPIT (June 25, 2017)
- Author, “AntiCorruption Provisions in ThirdParty 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, “20152016 Report on Chinese Commercial Bribery The Annual Blue Book on Chinese Commercial Bribery”, jointly published by China Institute of Corporate Legal Affair under Chinese Ministry of Justice (May 20, 2016)
- Author, “20142015 Report on Chinese Commercial Bribery The First Blue Book on Chinese Commercial Bribery”, jointly published by China Institute of Corporate Legal Affair 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 MA Spree”, Forbes (March 17, 2015)
- Quoted, “China Has Entered into a New Era of Anticommercial 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, “AntiCommercial 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”, Peoples Daily, (January 12, 2015)
- Quoted, “The First Blue Book on Chinese Commercial Bribery”, Legal China, (January 11, 2015)