

Rising Star: Keker's Bailey Heaps

By **Dan McKay**

Law360 (August 4, 2025, 4:00 PM EDT) -- Bailey Heaps of Keker Van Nest & Peters LLP helped two chemistry professors defeat a lawsuit centering on the commercialization of a scientific breakthrough and won an \$80 million verdict in a dispute over a milestone payment, earning him a spot among the life sciences law practitioners under age 40 honored by Law360 as Rising Stars.

The biggest case of his career:

Heaps was part of the Keker team that represented former FerroKin Biosciences shareholders in a post-merger dispute with Shire Pharmaceuticals, which had refused to make a \$45 million milestone payment.

At stake in the case was whether contractual language allowed Shire to withhold the payment following a delay in starting Phase 3 clinical trials for a drug that treats excess iron in a patient's blood after transfusions.

A four-day trial in Delaware Chancery Court resulted in a win for the shareholders' group, Shareholder Representative Services. The judge found that they were entitled to the \$45 million, plus interest and fees, for a total exceeding \$80 million.

"This is one of those cases that you could almost teach a law school class from because it offered so much of everything," Heaps said.

Much of the dispute centered on whether Shire's development of the drug had run into the kind of problems that would make it impossible to produce and sell the medicine.

"In addition to getting to geek out over what terms in a contract meant, we also delved into the science and argued that the issues that Shire encountered in developing this drug — sure, they required more work for the company, but they were not these huge, show-stopping safety and

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Bailey Heaps

Keker Van Nest & Peters

Age: 38

Home base: San Francisco

Position: Partner

Law school: Stanford Law School

First job after law school: Law Clerk
to U.S. District Judge Keith P. Ellison
of the Southern District of Texas

efficacy concerns that would have made it impossible to sell the drug," Heaps said.

The timing of the case also made it memorable. A key post-trial hearing happened in March 2020, just before the COVID-19 pandemic started to shut down the country, and the judge ordered supplemental briefing.

"It was unsettling," Heaps said of the pandemic's early days. But "once I got into a routine, it was a good time to just jam away on these briefs that we were working on."

His most interesting case lately:

Heaps helped devise a clever legal strategy last year to secure an early win as Keker defended the Scripps Research Institute and two of its scientists from a lawsuit filed by venture capitalist John Clarke of Cardinal Partners.

The chemistry professors, Jin-Quan Yu and Benjamin Cravatt, had been accused of violating an oral agreement to form a joint venture commercializing Yu's groundbreaking work on carbon hydrogen activation technology.

Clarke wanted a trial to hash out who said what during a series of meetings he had with the scientists.

But Heaps and the Keker team found a quick path to victory, through a "statute of frauds" argument that only a written agreement could be binding under the circumstances. A California state judge agreed, adopting the argument and granting summary judgment.

"Learning about [Yu's] work and figuring out a way to free him up to do this really life-changing research and science was a really rewarding task," Heaps said.

The statute-of-frauds argument — the principle that certain contracts must be in writing — wasn't on anyone's mind at the beginning of the case, Heaps said. But it became clear as he evaluated potential defense strategies and realized that the agreement called for the parties to work together over a period of years, long enough to trigger the statute of frauds.

"It was something just that I was fortunate enough to stumble upon as I was going through the documents," Heaps said.

His proudest moments as an attorney:

Heaps said much of his work involves representing small biotech companies and their founders or shareholders. The cases may not draw headlines, but they're vital to the companies' future.

"For a lot of these people or entities, they don't have the luxury of hanging in there and going through many years of protracted and expensive litigation," Heaps said.

Finding a quick solution is especially important.

"Just hitting a single in some of these cases — rather than holding out hope of making it a home run or a grand slam — is incredibly impactful and provides the capital or the freedom to operate that they need to keep their business going," he said.

Resolving these cases early "are proud moments for me as a lawyer," Heaps said.

Playing at least a small part in supporting groundbreaking research, he said, is a source of motivation.

"These clients are doing work that genuinely can change the world or change someone's life, and our job as lawyers is to let them focus on that," he said.

Why he's a life sciences attorney:

Heaps describes himself as an "unabashed legal nerd," but he's also interested in science.

"I just found it fascinating," Heaps said of his early work on a life sciences case, "and I really enjoyed learning enough about the underlying science to litigate the case."

After his initial dip into life sciences, he said, "I just sought out more and more of these cases because I found them so fun and interesting and rewarding to work on."

Keker also offers the chance to work on a broad range of cases, without forcing its attorneys into specialized practice groups.

"Even though I certainly consider myself a life sciences litigator at this point, I still do a bunch of other things, which is one of the things that I think keeps the job fun and interesting and fresh," he said.

How his practice will change over the next 10 years:

Heaps said Keker attorneys find their way to "where the thorniest disputes are playing out" without trying to predict what's next.

"Some of the cases we're working on now are cases that our firm never could have envisioned being a part of five, 10, 15 years ago," he said. "However the legal industry changes — however the world changes — I think we will continue to put ourselves in a position to work on these really cutting-edge, important and thorny cases."

The incorporation of artificial intelligence into the biotechnology industry is one trend to watch, he said.

Reduced government funding amid the budget cutting in Washington may also have an impact, drying up some sources of revenue for pharmaceutical and biotech work.

"Every bit of capital that is going into this space is just going to be that much more important," Heaps said.

--As told to Dan McKay. Editing by Karin Roberts.

Law360's Rising Stars are attorneys under 40 whose legal accomplishments belie their age. A team of Law360 editors selected the 2025 Rising Stars winners after reviewing more than 1,100 submissions. Attorneys had to be under 40 as of April 30, 2025, to be eligible for this year's award.