

David K. Willingham

Partner

*Special Matters and Government
Investigations*

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David Willingham focuses on white-collar criminal defense and complex litigation matters. He has represented numerous individuals and entities facing governmental investigations and other complex litigation issues in both state and federal courts around the country. David has deep experience in dealing with high-profile cases, having prosecuted and defended many matters of public interest, including those involving health care fraud, financial fraud and money laundering charges. He has handled numerous parallel investigations with the SEC and other regulatory bodies, as well as numerous successful appeals before the Ninth Circuit Court of Appeals.

Prior to entering private practice, David was the Deputy Chief of the Major Frauds Section of the United States Attorney's Office in the Central District of California. In that capacity, he spent two years supervising the subsection responsible for all health-care-fraud-related prosecutions within the district.

David has been designated as a leader by Chambers USA, Martindale-Hubbell, and other publications. Four times, from 2016-2019, David was honored as one of California's Top 100 Lawyers by the state's leading legal publication. David is also a nationally recognized speaker, often speaking at events around the country on issues facing litigators and judicial officers.

David is also a respected member of the legal community. He previously served as the president of the Federal Bar Association of Los Angeles, and the co-chair of the Lawyer Representatives for the Ninth Circuit Judicial Conference.

In the past, David has also served as co-chair of the ABA's National Committee on the Foreign Corrupt Practices Act, the ABA's Securities Fraud Committee, and the ABA's Financial Institution Fraud Committee.

Matters

Recently served as lead trial counsel for the founder of a hedge fund in an SEC administrative proceeding alleging fraud against the founder and his fund in connection with investment decisions made by his investors. Earning national recognition for the result, Dave received a rare directed

verdict against the SEC following trial for much of the case, and the ALJ later dismissed the SEC's remaining fraud theories against his client. Dave was tapped for this representation after earning a complete dismissal at trial for the client in a previous proceeding

Recently served as lead trial counsel for a health care company in a matter where plaintiffs alleged over \$100M in damages as a result of alleged employment discrimination by the company. The trial team successfully convinced the court to bifurcate all claims, which led to a defense victory at the initial trial

Has successfully defended dozens of health care executives, professionals and entities in federal investigations into alleged violations of the Anti-Kickback Statute, Stark Law, and civil False Claims Act matters in courts around the country

Recently made national news for convincing a federal judge in New York to dismiss a case against his client and find that the Consumer Financial Protection Bureau is unconstitutionally structured

Led the defense before the SEC and DOJ of the former president and chief operating officer of America's largest home mortgage lender during the Financial Crisis. After several presentations to both agencies, Dave earned a full declination for his client, despite the fact that the SEC pursued a case against the lender's chairman and two subordinates to the client

Recently won a significant verdict in a trade-secret civil trial in Los Angeles Superior Court. Representing the plaintiff, Dave convinced the jury to render a unanimous verdict on the trade-secret claim against his client's former controller and two competitor companies. The verdict was for \$6,154,810.40—literally every penny requested as damages during the trial

Defended the branch manager of a Los Angeles bank that predominantly services Los Angeles's Chinese community in a federal AML/Bank Secrecy Act prosecution. The case was investigated as part of a sting operation targeting the Asian-American and Asian immigrant community in the San Gabriel Valley and was one of the very few AML/BSA cases nationwide to go to trial.

Successfully defended a company in an AML/Black Market Peso investigation. Hired following the execution of search warrants at the business and seizure of substantial assets. Matter concluded with no prosecution and return of most seized funds to the business and its owners

Successfully defended an individual in an investigation of bank and a high-level executive in AML matter by the Department of Justice. Matter resolved with a non-prosecution agreement

Defended the owner of an online gold trading platform in AML investigation (an unlicensed money transfer investigation) brought by United States Attorney's Office in Los Angeles

Led the defense of the target of the multiyear investigation by the FTC and the U.S. Attorney's Office in Cleveland. The Department of Justice twice informed the firm that it intended to indict the client. However, following a series of vigorous presentations, the U.S. Attorney's Office declined to bring any charges whatsoever

Led the defense of a federal securities claim levied against a partner at a major national law firm. Dave succeeded in convincing the federal court in Los Angeles to dismiss the entire complaint against the client, with prejudice, at the outset of the matter

Recently led the defense of the CEO of a Fortune 500 company in an investigation by the SEC of insider-trading allegations. The matter was concluded with no action by the SEC as to Dave's client

Represented the former chief credit officer of First Bank of Beverly Hills, who was sued in Los Angeles Federal Court by the FDIC for negligence and fraud in connection with his tenure at the bank. The matter was recently settled and dismissed, with no judgment or bar against Dave's client

Recently served as lead counsel in a federal breach of contract and declaratory relief action in the Central District of California in a battle between two telecom heavyweights. After receipt of the motion for summary judgment, the opposing client withdrew half of its allegations, and the matter settled very favorably for the firm's clients

Recently served as lead counsel for the defense of a nationally recognized service company sued in California courts for a class action alleging violations of consumer protection laws

Earned a final arbitration award of more than \$34 million in a case that involved two large, multinational corporations following a lengthy and hotly contested arbitration. In this high-stakes litigation, the trial team convinced the arbitrator to award 100 percent of the damages, fees, and costs they requested on behalf of their client at the arbitration

Defended a manager of a \$5-billion fund who was accused of engaging in an illegal kickback scheme in a highly publicized matter stemming from the SEC's investigation into CALPERs. After a tenacious defense and presentation on behalf of his client, the SEC terminated its investigation and brought no charges

Recently represented a senior executive of a multinational corporation faced with intensive scrutiny for conduct occurring in several overseas jurisdictions in a highly publicized investigation by the Department of Justice and others under the FCPA

Led the defense of the individual charged with taking clandestine video of Erin Andrews, an international media figure and sports reporter for ESPN, in a case that garnered national media attention

Credentials

EDUCATION

J.D., University of Southern California

B.A., University of California-Los Angeles, cum laude

ADMISSIONS

U.S. Court of Appeals for the Ninth Circuit

U.S. District Court for the Central District of California

U.S. District Court for the Eastern District of California

U.S. District Court for the Northern District of California

U.S. District Court for the Southern District of California
California

ASSOCIATIONS

Lawyer Representative, Ninth Circuit Judicial Conference (2013–Present); Co-Chair (2015–2017)

President, Los Angeles Federal Bar Association (2015–2016)

Member of the board of directors, Los Angeles Federal Bar Association (2006–present)

Member, State Bar of California, Client Security Fund Commission (2005–2009)

Chairperson, American Bar Association, West Coast White Collar Crime Committee (2006–2008)

Recognition

Top 100 Lawyer in California, Daily Journal
2016-2019

Top Litigator & Trial Lawyer, L.A. Business Journal
2019

leading lawyer in White Collar & Government Investigations
CHAMBERS USA

Best Lawyers in America
2009–PRESENT

Southern California Super Lawyers
2011-PRESENT

Southern California Rising Star
2005-2010

Daily Journal Top 20 Lawyers Under 40
2010

AV Preeminent attorney in California
RATED BY MARTINDALE-HUBBELL

News

IN THE NEWS

September 14, 2020 • Source: Los Angeles Business Journal

Glenn Solomon and David Willingham compiled a set of guidelines to support litigators shifting from a courtroom to a Zoom room

RECOGNITION

October 23, 2020

GIR Names King & Spalding to List of Top 30 Global Investigations Firms for Sixth Year

August 21, 2020

The Best Lawyers in America Recognizes 128 King & Spalding Lawyers in its 2021 Guide

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