Winston Y. Chan

Partner

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San Francisco



Winston Y. Chan is a litigation partner in Gibson Dunn's San Francisco office, and serves as co-chair of both the firm's global White Collar Defense and Investigations practice group, and also its False Claims Act/Qui Tam Defense practice group.

Winston leads matters involving government enforcement defense, internal investigations, and compliance counseling, and regularly represents clients before and in litigation against federal, state, and local agencies, including the U.S. Department of Justice, Securities and Exchange Commission, and State Attorneys General.

Winston is a Chambers-ranked attorney in the categories of White Collar Crime and Government Investigations, and also False Claims Act. He has been recognized by the *Daily Journal* as a Top White Collar Lawyer for being one of "California's most influential and effective white collar practitioners of the year," and by *Benchmark Litigation* as a Litigation Star for being "recommended consistently as a reputable and effective litigator by clients and peers." He is regularly listed in *Best Lawyers*, *The Legal 500*, and *Who's Who Legal* for Investigations, with *The Legal 500* highlighting his work on False Claims Act matters. Winston is also featured in *Global Investigations Review's* annual Global Guide of Recommended Investigations Counsel, and is recognized as a "Star" in White Collar and Government Investigations by *LMG Life Sciences* and as a Leading Litigator in America by *Lawdragon*.

Winston is co-chair of the ABA's White Collar Crime Committee for Northern California. Prior to joining the firm, Winston served as an Assistant United States Attorney in the Eastern District of New York, where he investigated a wide range of corporate and financial matters as part of that office's Business and Securities Fraud Section. Winston additionally prosecuted cases in the Organized Crime and Racketeering Section, for which the Attorney General awarded Winston one of the DOJ's highest awards for his "exemplary and historic work." As a senior prosecutor, Winston served in a number of supervisory roles, including as Deputy Chief of the General Crimes section, where he led and trained that office's line prosecutors, as well as Health Care Fraud Coordinator, where he oversaw health care fraud and qui tam matters.

Recent significant engagements involving government enforcement defense include:

- Representing a technology company in connection with federal investigations into alleged tariff evasion relating to goods exported to the United States.
- Representing a financial institution in connection with civil and criminal investigations by the DOJ and multiple U.S. Attorney's Offices into alleged fraud relating to federal guaranteed loan programs (PPP, SBA, USDA).
- Defended a technology company in connection with parallel investigations by the DOJ, U.S. Attorney's Office, SEC, and State Attorney General's Office relating to

Capabilities

White Collar Defense and Investigations
Accounting Firm Advisory and Defense
Anti-Corruption & FCPA
Consumer Protection
Environmental
FDA and Health Care
False Claims Act / Qui Tam Defense
Life Sciences
Litigation
Privacy, Cybersecurity, and Data Innovation
Securities Enforcement
State Attorneys General
Tech and Innovation
Technology Litigation
Trials

Credentials

Education

Yale University - 2000 Juris Doctor

Yale University - 1997 Bachelor of Arts, magna cum laude

Admissions

California Bar

Clerkships

US Court of Appeals, 2nd Circuit, Hon. Chester J. Straub, 2002 - 2003

USDC, Southern District of New York, Hon. Leonard B. Sand, 2000 - 2001

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purported deficiencies in cybersecurity practices, controls, and disclosures, successfully convincing authorities to close all investigations across the board.

- Defended a pharmaceutical company in connection with a False Claims Act and Anti-Kickback Statute investigation by the DOJ, U.S. Attorney's Office, and HHS-OIG into the company's medical affairs initiatives, and successfully obtained a non-intervention and dismissal of the sealed qui tam complaint.
- Defended a health care services system in connection with a nationwide False Claims Act investigation by the DOJ, U.S. Attorney's Office, and HHS-OIG relating to alleged medical necessity and billing violations, successfully resulting in a full declination of charges.
- Defended a technology company in connection with a sanctions enforcement investigation by the DOJ and U.S. Attorney's Office, which was successfully closed without further action.
- Defended a technology company in connection with a FCPA investigation by the SEC relating to alleged sales, marketing, and third-party practices abroad, successfully obtaining a no-action letter.
- Defended a transportation company in connection with multiple state and federal government investigations relating to alleged Clean Water Act and Refuse Act violations.

Recent significant engagements involving internal investigations include:

- Served as the independent investigator appointed by a national professional sports team in connection with allegations of sexual abuse involving the team's youth development program.
- Conducted an internal investigation on behalf of an investment firm in connection with Sarbanes-Oxley Act (SOX) whistleblower allegations relating to fraud, kickbacks, and self-dealing, as well as purported employment discrimination and retaliation.
- Conducted an internal investigation on behalf of a technology company into alleged criminal trade secrets and criminal copyright violations.
- Conducted an internal investigation on behalf of a technology company in connection with revenue recognition and accounting misconduct allegations.
- Conducted an investigation on behalf of a private equity firm into alleged consumer protection violations and investor fraud involving a portfolio company.

Winston earned his undergraduate degree, *magna cum laude*, from Yale University, and his Juris Doctor from Yale Law School, where he was on the *Yale Law Journal*. Following law school, Winston served as a law clerk for the Honorable Leonard B. Sand of the United States District Court for the Southern District of New York, and then for the Honorable Chester J. Straub of the United States Court of Appeals for the Second Circuit. While a federal prosecutor, Winston taught a clinical course at Columbia Law School on the principles of federal prosecution, as well as a first-year lawyering course at Fordham University School of Law.

Winston is a Mandarin Chinese and Taiwanese speaker.

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