

Winston Y. Chan

Partner

wchan@gibsondunn.com

T: +1 415.393.8362

San Francisco

Winston Y. Chan is a litigation partner in Gibson, Dunn & Crutcher's San Francisco office, and serves as co-chair of the firm's global White Collar Defense and Investigations practice group, and also its False Claims Act/Qui Tam Defense practice group. He 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 category of White Collar Crime and Government Investigations, and *Benchmark Litigation* recognizes him as a Litigation Star for being "recommended consistently as a reputable and effective litigator by clients and peers." He is regularly included in *Best Lawyers*, *The Legal 500*, and *Who's Who Legal* for Investigations. In addition, *Global Investigations Review* ranks Winston in its annual Global Guide of Recommended Investigations Counsel, and he is a *LMG Life Sciences* "Star" in White Collar and Government Investigations.

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 criminal matters as part of that office's Business and Securities Fraud Section. Winston additionally prosecuted cases in the Organized Crime and Racketeering Section, where he handled matters involving Italian, Eastern European and Asian criminal enterprises, for which the Attorney General awarded Winston one of the Department of Justice's highest awards for his "exemplary and historic work." As a senior prosecutor, Winston served in a number of supervisory roles at the U.S. Attorney's Office, including as Deputy Chief of the General Crimes section, where he supervised and trained that office's line prosecutors, as well as Health Care Fraud Coordinator, where he oversaw criminal health care fraud and qui tam matters.

Recent significant engagements involving government enforcement defense include:

- Defending a leading technology company in connection with investigations by the DOJ, U.S. Attorney's Office, SEC and State Attorney General's Office relating to cybersecurity practices, controls and disclosures, for alleged violations of securities laws, the False Claims Act and unfair competition laws.
- Representing a leading social media company in connection with multiple State Attorneys General lawsuits alleging that the platform is harmful to users' mental health, in alleged violation of unfair and deceptive business practices laws.
- Defending a financial institution in connection with civil and criminal investigations by the DOJ and multiple U.S. Attorney's Offices relating to federal guaranteed loan programs (PPP, SBA, USDA), for alleged violations of the False Claims Act.
- Defended a major pharmaceutical company in connection with a False Claims Act



Capabilities

White Collar Defense and Investigations
Accounting Firm Advisory and Defense
Anti-Corruption & FCPA
Environmental Litigation and Mass Tort
FDA and Health Care
False Claims Act / Qui Tam Defense
Life Sciences
Litigation
Privacy, Cybersecurity, and Data
Innovation
Securities Enforcement
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

and Anti-Kickback Statute investigation by the DOJ, U.S. Attorney's Office and HHS-OIG into the company's charitable public health initiatives, and successfully obtained a declination and dismissal of the sealed qui tam complaint.

- Defended a national 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 issues, successfully resulting in a full declination of charges.
- Defended a leading technology company in connection with a FCPA and sanctions investigation by the DOJ and U.S. Attorney's Office relating to alleged market entry and regulatory approval practices in Russia, which was successfully closed with further action.
- Defended a leading technology company in connection with a FCPA investigation by the SEC relating to alleged marketing practices in East and South Asia, and successfully obtained a no-action letter.
- Defended an international transportation public 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 a leading investment firm in connection with a purported Sarbanes-Oxley Act (SOX) whistleblower allegation relating to fraud, kickbacks and self-dealing, as well as employment discrimination and retaliation by management.
- Conducted an internal investigation in India on behalf of an international technology services company into alleged criminal trade secrets and criminal copyright violations.
- Conducted an internal investigation on behalf of a leading technology company in connection with purported revenue recognition and accounting misconduct allegations.
- Conducted an investigation on behalf of a private equity fund into alleged consumer protection and investor fraud allegations involving a portfolio company.
- Conducted an internal investigation in a dozen Asian jurisdictions on behalf of a leading technology company into alleged FCPA and antitrust violations relating to its distributor and channel partners.

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* and president of the Pacific Islander, Asian and Native American Law Students' Association. 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 and a first-year lawyering course at Fordham University School of Law.

He speaks conversational Mandarin Chinese and Taiwanese, and serves on the Diversity Committee of the firm's Bay Area offices.

Winston Y. Chan

Partner

wchan@gibsondunn.com

T: +1 415.393.8362

San Francisco