



William E. Johnston

Partner

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☎ 310.201.2100

Practices:

Securities Fraud and Insider Trading, Internal Investigations, Health Care Fraud and Regulatory Enforcement, Business and Financial Crimes, Fraud, Qui Tam, Civil RICO, Complex Business Litigation

William (Will) Johnston is a former federal prosecutor and accomplished trial lawyer who represents corporations and individuals in government investigations, enforcement matters, and complex business disputes.

Mr. Johnston is a respected white collar defense and business trial lawyer. He represents companies and individuals in government enforcement matters and high-stakes business litigation in state and federal court. His experience spans a range of industries, including the technology sector, cryptocurrency, financial services, healthcare, and government programs. As a prosecutor, Mr. Johnston worked extensively alongside civil enforcement agencies such as the Securities and Exchange Commission (SEC), Commodity Futures and Trading Commission (CFTC), and Federal Trade Commission (FTC). He uses this experience to his clients' advantage when they face parallel investigations or civil enforcement matters.

Prior to joining Bird Marella, Mr. Johnston served as Assistant Chief in the Fraud Section of the Criminal Division of the U.S. Department of Justice in Washington, D.C. During his decade-long tenure at the DOJ, Mr. Johnston was the lead prosecutor on dozens of complex fraud cases against corporations and individuals involving the full range of white collar offenses, including allegations of insider trading, accounting fraud, securities fraud, bribery, money laundering, and obstruction of justice. He has tried numerous complex criminal cases before juries around the country. Some of these cases include:

- Investigation and eleven-week trial of former executives from Outcome Health, a high-profile Chicago-based healthcare technology startup, in a \$1 billion corporate, bank, and investor fraud scheme, described by *Crain's Chicago Business* as "one of the most high-profile and lengthy white-collar cases in Chicago history." Mr. Johnston delivered a seven-hour closing argument, resulting in convictions of all three defendants.
- Five-week trial of a former CEO of a Las Vegas and Tokyo-based investment company for running a \$1.56 billion Ponzi scheme involving the sale of medical debt – one of the largest

Ponzi scheme cases ever to go to trial. Obtained convictions on all counts.

- Four-week trial of Boston-based executive vice president of State Street Corporation for a scheme to charge hidden commission on billions of dollars of securities trades for pension fund clients. Obtained convictions on most serious charges.

Mr. Johnston also has extensive experience litigating complex asset forfeiture issues. For over four years, Mr. Johnston supervised many of the Fraud Section's enforcement programs, including its portfolio of consumer, investor, and bank fraud cases, where he coordinated closely with the FTC, SEC, and the Office of the Inspector General of the FDIC. For the first two years of the COVID-19 pandemic, Mr. Johnston oversaw the Paycheck Protection Program enforcement initiative where he supervised approximately 30 prosecutors and over 100 investigations. Through this initiative, he and his team charged over 160 defendants in over 30 different judicial districts involving losses of over \$180 million.

Well respected by his peers, Mr. Johnston served as a thought leader within the DOJ on issues concerning electronic evidence gathering and discovery. Mr. Johnston has received several awards and honors throughout his career. Some of these include the Assistant Attorney General's Award for Exceptional Service and the Investigations Award for Excellence from the Council for Inspectors General on Integrity and Efficiency. Mr. Johnston is a graduate of Stanford Law School and Harvard College.

Education, Clerkship & Admissions

- Stanford Law School, J.D., 2012
- Harvard College, B.A., summa cum laude, Phi Beta Kappa, 2008

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- Law Clerk to the Hon. Timothy Tymkovich, U.S. Court of Appeals for the Tenth Circuit

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- California, 2012
 - District of Columbia, 2016

Notable Matters

Representative Matters at Bird Marella

Trial counsel for one of the country's largest real estate firms in a nearly four-week jury trial in Los Angeles Superior Court in a case involving allegations of defective construction and material non-disclosures in a multi-unit, mixed-use development.

Obtained \$1.4 million stipulated judgment in federal court on behalf of publicly-traded shipping and logistics company against former regional executive accused of embezzling over \$1 million in company funds. Filed complaint and obtained no-notice temporary restraining order freezing employee's bank and investment accounts within two weeks of being retained. Frozen accounts later liquidated to satisfy judgment.

Represented health care company CEO in a federal criminal health care fraud investigation related to COVID-19 testing.

Representing medical doctor charged by the Department of Justice with fraud and money laundering in connection with Paycheck Protection Program loan.

Represented founder/CEO of technology start-up accused by venture capital investor of misappropriating company funds. Successfully negotiated confidential exit from company.

Successfully negotiated settlement for software company to threatened class action lawsuit alleging violations of the California Invasion of Privacy Act.

Representative Matters at the Department of Justice

Investigation and two-week trial of former executives and employees of a now-defunct Small Business Administration (SBA) lending partner in the Indianapolis area for a scheme to fraudulently obtain SBA loan guarantees for ineligible borrowers.

Investigation and one-week trial of Wells Fargo branch manager for scheme to launder proceeds of consumer fraud through Los Angeles-area Wells Fargo bank branch.

Investigation and prosecution of Las Vegas-based owner of cryptocurrency and metaverse companies for scheme to defraud over 10,000 retail investors.

Supervision of prosecution of nationwide multi-level marketing business for operating as an illegal pyramid scheme.

Investigation and prosecution of Texas-based owner of oil and gas development company for investor fraud and obstructing SEC investigation.

Prosecution of owner and employees of Miami-based mortgage company for \$64 million scheme to defraud the Federal Housing Administration through originating fraudulent mortgages.

Awards & Recognitions

- Assistant Attorney General's Award for Exceptional Service, 2024
- Assistant Attorney General's Award for Exceptional Service, 2020
- Investigations Award for Excellence, Council for Inspectors General on Integrity and Efficiency, 2015
- Attorney General's Honors Program, 2013

Articles & Publications

- Author, "[Trump Faces Uphill Battle If He Tries To Target Prosecutors](#)," *Law360*, November 2024
- Quoted, "[Boeing Has Four Weeks to Stop Possible Prosecution Over Crashes](#)," *Bloomberg*, May 2024
- Author, "[Discord Stock Case Toss Means Little For Fraud Defendants](#)," *Law360*, April 2024