



## Douglas R. Young

Partner

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Clients hire Doug Young to handle sensitive cases with complicated facts. These cover multiple subject areas, including internal investigations; international antitrust or FCPA claims; intellectual property including theft of trade secrets; securities and antitrust; white collar criminal defense; and parallel civil/regulatory proceedings. Doug has tried over 50 cases to verdict and has argued over 45 appellate matters. Reflecting his unusually diverse experience, and his 35-plus years of courtroom and counseling experience, Doug is in demand for both his judgment and his technical expertise.

In his practice, Doug adopts a primarily three-point philosophy: (1) Apply discipline and rigorous preparation to every case, no matter its size. (2) Understand the client and the client's needs, yet be willing to challenge the client's views if advisable. (3) Be appropriately discreet, recognizing when, where, and under what circumstances advocacy (and what type of advocacy) will be the most effective. Clients, peers, and judges attest to these principles: For example: "He is an endless source of wisdom and strategic thinking . . . the kind of guy whom I bring the most serious problems to." (Client). "He is sharp and very experienced, with real valuable insight." (Peer). "An enormously skilled lawyer." (Ninth Circuit judge). "One of the finest lawyers ever to practice in our courts." (Federal district judge). "Exhibited considerable skill as an advocate [in complex jury trial], a high degree of professionalism, and a true commitment to his client and to the law." (Federal district judge).

His recent experience includes:

- Pursuing antitrust and price-fixing claims on behalf of global technology company against foreign-based suppliers of component parts.
- Defending public company CEO against SEC accusations concerning financial statements.
- Acting as counsel to special committee of the U.S. Court of Appeals for the Ninth Circuit investigating claim of judicial misconduct.
- Representing former cabinet-level federal official in connection with corruption investigation.
- Defending employees and officers of global public companies in federal investigations stemming from allegations of antitrust violations, FCPA violations, and other claims.
- Acting as lead defense counsel in multi-district class actions involving variety of industries.
- Acting in 2019 as Special Deputy Corporation Counsel for the City and County of Honolulu to conduct a confidential investigation into certain matters related to ongoing federal criminal prosecutions.
- Representing a Taiwanese individual in parallel multi-jurisdictional (U.S.-Taiwan) criminal and civil proceedings involving theft of trade secret and economic espionage allegations.
- By court appointment (California Supreme Court and three federal courts) successful representation of three inmates on California's Death Row.

### Distinctions

- Senior Fellow, Litigation Counsel of America
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Judge Learned Hand Award, American Jewish Committee of San Francisco (2021)

- California State Bar/California Appellate Project Award of Appreciation for work as appointed counsel in death penalty cases (1991)

### Services

- Antitrust
- Appellate Litigation
- Banking
- Business Litigation
- Financial Services
- Intellectual Property Litigation
- Patent Litigation
- Privacy and Cybersecurity
- White Collar Criminal Defense and Internal Corporate Investigations

### Education

- University of California, Berkeley, School of Law (J.D.)
  - Executive Editor, California Law Review; Moot Court Board
- Yale University (B.A.)
  - cum laude, highest honors

### Bar Admissions

- California

### Court Admissions

- 6th U.S. Circuit Court of Appeals
- 9th U.S. Circuit Court of Appeals
- U.S. Supreme Court
- U.S. District Court (N.D. Cal.)
- U.S. District Court (E.D. Cal.)
- U.S. District Court (C.D. Cal.)
- U.S. District Court (S.D. Cal.)
- U.S. District Court (Hawaii)
- Federal Circuit Court of Appeals

### Clerkships

- Judicial Clerkship - Northern District of California, Alfonso J. Zirpoli

- American Bar Association Pro Bono Publico Award (1992)
- Criminal Justice Achievement Award, Criminal Trial Lawyers Association of Northern California (2002)
- D. Lowell Jensen award for Contributions to the Criminal Bar in recognition of contributions to the Bay Area criminal law bar (2012)
- Distinguished Jurisprudence Award from the Anti-Defamation League (2012)
- *The Best Lawyers in America* in Appellate Practice, Bet-the-Company Litigation, Commercial Litigation, Criminal Defense: White-Collar, Litigation–Antitrust, Litigation–Securities (2021-2023)
- Guide to World’s Leading Litigation Lawyers
- *Chambers USA*: Litigation: White Collar Crime & Government Investigations - California, Band 2 (2005-2021); Litigation: General - California and Litigation: White-Collar Crime and Government Investigations (2022)
- *Benchmark Litigation* (California, 2011-2023); Top 20 Trial Lawyers in California (2019-2020); Hall of Fame Award (2020)
- Who’s Who In America
- Who’s Who In American Law
- Who’s Who In California
- Strathmore’s Who’s Who Registry
- Northern California *Super Lawyers* in White Collar Crime since (2004-2022)

## Memberships and Affiliations

### Professional

- Member, Trial Law Institute
- Member, Diversity Law Institute
- Barrister, Order of Centurions Juris
- Advocate, Order of Certus
- Fellow, American Academy of Appellate Lawyers
- Advocate, American Board of Trial Advocates
- President (2019-2020), Fellow, American College of Trial Lawyers
- Fellow, International Academy of Trial Lawyers
- Fellow, International Society of Barristers
- Fellow, National Trial Lawyers
- Fellow, American Academy of Court-Appointed Neutrals
- Patron Life Fellow, American Bar Foundation
- Chair, Advisory Board, Ninth Circuit Court of Appeals (2019-2020)
- Member, American Institute of Criminal Law Attorneys
- Member, The American Law Institute
- Member, American Judicature Society
- Member and past-President, California Academy of Appellate Lawyers
- Lawyer Representative from the Northern District of California to the Ninth Circuit Judicial Conference
- Member, Criminal Justice Act Defense Panel, U.S. District Court, Northern District of California (1986-June, 2000)
- Appointed by Chief Judge to Ninth Circuit’s Advisory Committee on Rules of Practice and Internal Operating Procedures (28 U.S.C. § 2077) (1993-’99)
- Member (Master), San Francisco American Inn of Court (President, 1999-2000)
- Member, Association of Business Trial Lawyers, Northern California Chapter (President, 2000; member, Board of Governors, 1992-2000)
- Past President (2001), Bar Association of San Francisco (recipient, Award of Merit, 1989); (Secretary, 1998; Treasurer, 1999; President-Elect, 2000; board member 1988-’89).
- International Legal Exchanges: Trial and Appellate Advocacy Projects, 1989-’94. State Department task forces (under awards of Academic Specialist Grants by United States Information Agency or sponsorship

by Agency for International Development) in administration of justice legal exchange projects in Uruguay, Mexico, Panama, Egypt, and Bolivia, with protocol visits to Argentina, Chile, and Greece

- Founding Chair, Litigation Section, Bar Association of San Francisco, 1989
- Board member and Secretary, Institute for the Study and Development of Legal Systems.
- Appointed by California Chief Justice to Supreme Court's Advisory Committee on Lawyer Regulation

#### **Judicial**

- Five times appointed Special Master in federal litigation
- Judge Pro Tem: San Francisco Superior Court
- Counsel to Ninth Circuit Special Committee under 28 U.S.C. § 353(1) (2012)

#### **Military**

- Veteran, United States Marine Corps
- Life Member, The American Legion
- Life Member, Vietnam Veterans of America
- Life Member, Marines' Memorial Association
- Member, Consensus for American Security, an initiative of the American Security Project
- Member, Yale Veterans Association

#### **Public Interest**

- Co-founder, Berkeley Law Foundation (a public interest law foundation); Board Member, 1977-'78; Chairperson of Board, 1978-'79 (recipient, Award of Appreciation, 1983)
- Member, Board of Directors, Legal Aid Society of San Francisco, 1981-1995; Treasurer, 1988-'90; Vice President, 1991-'93; President, 1993-'95
- Member, Board of Directors, Public Interest Clearinghouse, 1981-'88; Chairperson of Board, 1987-'88 (recipient, Award of Appreciation, 1989)
- Member, Board of Directors (1988-'91), and Cooperating Attorney (pro bono counsel) American Civil Liberties Union of Northern California
- Chair, Attorneys' Task Force for Children, Legal Services for Children, 1987-'88
- Member, Legal Advocates, Native American Rights Fund, 1989-'91; Peta Uha Council, 1998
- Member, Lawyers' Committee for Civil Rights of San Francisco

#### **Teaching**

- Faculty: National Institute for Trial Advocacy; Hastings College of Advocacy; California Continuing Education of the Bar; Practising Law Institute; Litigation Section of the State Bar of California; Price Waterhouse/NITA Expert Witness Seminars; The Rutter Group; Federal Practice Program of the U.S. District Court for the Northern District of California; California Appellate Project; CACJ/CPDA Criminal Law Seminars; Federal Public Defender/CJA Seminars; ABA White Collar Crime Institute; ABA Institute on the Foreign Corrupt Practices Act; Association of Business Trial Lawyers Annual Institute
- Visiting Lecturer in Law, School of Law (Boalt Hall), University of California at Berkeley -- 1986 (Evidence Advocacy), 1990 (Advanced Appellate Advocacy), and 1991 (Advanced Appellate Advocacy)
- Adjunct Assistant Professor of Law, Hastings College of the Law, 1990-'91
- Miscellaneous other educational panels, lectures, etc.

#### **Publications**

- Purver, Young & Davis, California Trial Handbook 2d (Bancroft-Whitney, 1987); California Trial Handbook 3d, (Bancroft-Whitney, 1992) (with Honorable Richard P. Byrne as additional author)
- Purver, Young, Davis & Kerper, The Trial Lawyer's Book: Preparing and Winning Cases (Lawyers Cooperative Publishing Co., 1990)
- Lynch, Young, Taylor, Purver & Davis, Negotiation and Settlement for California Lawyers and Judges (Lawyers Cooperative Publishing Company, 1991)
- Lynch, Reed, Young, Taylor, Purver & Davis, Negotiation and Settlement (Lawyers Cooperative Publishing Company, 1992)

- Young, "Rethinking The Specific-General Intent Doctrine in California Criminal Law," 63 Cal.L.Rev. 1352 (1976)
- Young, "Attorney-Client Privilege in Federal Courts", CEB Federal Practice Institute (California Continuing Education of the Bar, 1991-'99 editions)
- Young, "Entrapment in Federal Bribery and Corruption Cases", Complex Crime Journal (ABA 1994)
- Young, "Advising the Corporate Client on the Duty to Preserve Electronic Evidence", White Collar Crime Institute 2001 (ABA 2001)
- Young, "Handling Federal Criminal Cases with Parallel Proceedings" 1997 Federal Practice Manual (California Attorneys for Criminal Justice 1997) 1
- Young, "Advising the Corporate Client on the Duty to Preserve Electronic Evidence", White Collar Crime Institute 2001 (ABA 2001) at T-19
- Young and Mann, "Litigation and Resolution of Complex Class Actions: Increased Scrutiny and Liability for Attorneys and Accountants and Internal Investigations in the Sarbanes-Oxley Era" 14<sup>th</sup> Annual Institute: Litigation and Resolution of Class Actions (Glasser Legal Works 2005) at 393
- Young and Mann, "Investigation and Enforcement: Selected Issues Related to Internal Investigations, Enforcement Actions, and Wells Submissions" 7<sup>th</sup> Annual SEC Disclosure, Accounting & Enforcement Conference (Glasser LegalWorks 2005)
- Young, "Issues General Counsel Must Consider in Navigating the Rubric of the SEC's "Reporting Up" Requirements", Internal Investigations CLE International 2005) at B2-1
- Young, "Shifting Boundaries" 8K Magazine (White Collar Crime Section), Fall 2006 at 34
- Young and Nall, "Considerations When Conducting an Internal Investigation", The Foreign Corrupt Practices Act: Coping with Heightened Enforcement Rules, (Practising Law Institute 2008) at 317; Young, Nall and Padian (Practising Law Institute 2009) at 429
- Young and Nall, "White-Collar Case Strategies in the Public and Non-Public Spheres", White Collar Case Strategies: Leading Lawyers on Developing Winning Strategies, Communicating With Clients, and Navigating High-Profile Cases, (Aspatore Books, 2009) at 35
- Member, Editorial Board, Northern District of California Digest (published by Bar Association of San Francisco), 1982-'84
- Miscellaneous other journal and educational publications

## Experience

### **Wit et al. v United Behavioral Health**

Chief Magistrate Judge Spero of the United States District Court for the Northern District of California appointed Farella partner Doug Young as the Special Master charged with overseeing implementation of the injunctive relief ordered by the court in this landmark class action regarding coverage of behavioral health claims.

### **Wells Fargo Bank**

Serve as counsel for eighteen Wells Fargo current and former employees ranging from senior executives to a member of the Wells Fargo litigation department to private financial advisers in internal (Audit Committee) and multiple federal government (DOJ, SEC, OCC, and state attorneys general) investigations and civil suits regarding allegations of improper retail and wealth management sales practices and improper consumer lending practices.

### **CFO of Publicly Traded Company**

Represented current CFO of a publicly traded company in connection with internal disputes and issues with regard to public filings and SEC inquiries.

### **Pegastaff v. Corestaff**

Counsel for former PG&E executive and subject/target of parallel federal and state investigations, as a key trial witness in state court action alleging discrimination by PG&E in awarding contracts. Successful motion

for protective order in May 2017, followed by further law-and-motion activities during jury selection in June 2017.

#### **Hitachi America Auto Parts Investigation**

Counsel for a Hitachi Automotive Systems executive in this high-profile antitrust cartel investigation by the U.S. Department of Justice Antitrust Division. Based on the Farella team's efforts, the client has not been charged in the case and his identity remains confidential.

#### **U.S.A. v. Abrams; SEC v. Abrams**

Represented former CFO in U.S. DOJ prosecution and parallel SEC case relating to alleged backdating of stock option grants and tax evasion counts. Though she faced a potential sentence of up to six years, Ms. Abrams ultimately received a much more favorable sentence of only four months in custody.

#### **Former Secretary of State George Shultz**

Counsel for former Secretary of State George Shultz as non-party trial witness in two separate cases, one in federal district court in California and one in the Delaware Chancery Court. *Colman v. Theranos, et al.*, U.S. Dist. Ct. N.D. CA and *Partner Investments v. Theranos, et al.*, Delaware Chancery Court

#### **Toyota Unintended Acceleration Economic Loss Class Actions**

Co-lead defense counsel for Toyota in federal multidistrict proceedings alleging a putative nationwide class of vehicle owners who claim economic losses stemming from diminution of resale value due to purported concealed defects in electronic throttle control systems. Plaintiffs asserted claims under the UCL, FAL, CLRA and various statutory warranty and common law claims.

#### **Marks v. National Mortgage Insurance, et al.**

Represented a public company and executive leadership team in defense of civil trade-secret allegations.

#### **Federal and State Criminal Investigations of Alleged Misconduct and Public Corruption**

In *USA v Pacific Gas & Electric Company*, represented former vice-president at the public utility company who is target of federal and state criminal investigations into two matters: (1) a gas pipeline explosion; and (2) alleged public corruption issues involving utility and regulator.

#### **Auto Parts Investigation**

Representing several individuals in the ongoing antitrust investigations into alleged collusion in the auto parts industry.

#### **Brocade Derivative Litigation**

Represented public-company board member in federal derivative action by corporate litigation committee.

#### **U.S. v. Yang**

Represented Korean national, Woo Jin Yang of HLDS in U.S. DOJ antitrust price-fixing investigation and prosecution in the Optical Disk Drives industry. Mr. Yang was recently sentenced to six months imprisonment, the lowest sentence of any alleged cartel participant in the investigation.

#### **SEC v. Leslie**

We represented a former software company CEO in defense of a civil enforcement action brought by the SEC alleging accounting improprieties. After obtaining a ruling on summary judgment that significantly narrowed the claims against our client, we negotiated a favorable settlement with the SEC.

#### **Dajani v. Dell**

We defended Dell Inc. in federal court consumer class action alleging violations of various California and Texas consumer protection statutes and common law claims arising from alleged false advertising and misrepresentations concerning ink level warnings in inkjet printers. We obtained dismissal of all claims at the pleading stage.

#### **U.S. v. Sun Woo Lee**

Represented a high-level Korean national executive at Samsung in one of the first in a recent spate of prosecutions by the DOJ Antitrust Division for violation of the Sherman Antitrust Act, Section 1, through participation in alleged cartel conspiracy to fix prices for DRAM semiconductors sold in the United States.

#### **People v. Broderick Boys**

We worked with the ACLU to set aside a sweeping permanent injunction issued against alleged members of West Sacramento's 'Broderick Boys' gang. The permanent injunction covers 80% of the city, imposes a lifetime 10 p.m. curfew and affects over 350 individuals, most of whom were never provided notice of the injunction or an opportunity to oppose its imposition. (Pro bono)

#### **Foreign Corrupt Practices Act**

Represent individuals and corporations in various FCPA issues.

- Represented executive of international software corporation in investigation of Foreign Corrupt Practices issues arising out of activities in Brazil.
- Represented a former Chief Technology Officer of a publicly traded health care company in federal Foreign Corrupt Practices Act investigation regarding business of China subsidiary.
- Represented Silicon Valley private software company in federal investigation regarding alleged H-1 visa fraud.
- Conducted two-month internal investigation into Foreign Corrupt Practices Act-related issues involving China for the Audit Committee at a NASDAQ-traded Silicon Valley computer hardware company.

#### **U.S.A. v. Wittenberg; S.E.C. v. Wittenberg**

Represented senior law firm partner criminally prosecuted and civilly accused for trading on client trade secrets.

#### **Silverado Resort and Country Club**

We thwarted an attempt by the owner of The Silverado Resort in Napa Valley to terminate our client's long-term management agreement. We also provided pre-litigation counseling on a variety of property management issues, and general business counseling on the management of the luxury resort.

#### **Cadence v. Avant!; People v. Avant!**

In these parallel civil/criminal proceedings, the firm represented the CEO of Avant!, who was among several individual defendants alleged (along with the corporation) of having been involved in the theft of source code belonging to the plaintiff/"victim." The issues involved Integrated Circuit Design Automation, defined generally as the field of automated software tools for the design and creation of sophisticated integrated circuits. The case settled favorably for our client.

#### **Criminal and Civil Investigations**

- Two investigations for public companies and company boards of directors regarding allegations of stock backdating, one allegedly involving senior executives.
- Representations of individual corporate executives for involvement in alleged antitrust price-fixing conspiracies in the (i) airline passenger, (ii) airline shipping, (iii) computer-parts (several, including DRAM, SRAM, and TFT-LCD), (iv) automotive-parts (three), and other federal antitrust investigations.

- Representation of senior corporate executive in FCPA investigation of bribery allegations arising in connection with Brazilian corporate office.
- Representation of senior officer of “Top Four” international accounting firm in federal criminal and S.E.C. civil investigation regarding inappropriate accounting for corporate transactions.
- Representation of former public utility executive in parallel investigations by DOJ, AG and other organizations.
- Representation of individual corporate employee in federal criminal investigation into causes of passenger airline crash with multiple fatalities.
- Representation of individual as target in federal grand jury investigation into alleged bribery in connection with negotiations leading to contract for construction in public club.
- Multiple representations of individuals as targets in S.E.C. investigations in a wide variety of accounting-related probes at public companies.
- Representation of public-entity in grand jury investigation into alleged bribery by State Senator.
- Representation of public company in internal review of compliance standards.
- Representation of public-company board member in internal investigation following “whistleblower” allegations of sexual and other improprieties by company CEO and alleged cover-up of same.
- Representation of individuals in connection with I.R.S. investigations of alleged tax improprieties and issues.
- Representation of California Independent Service Operator in State Senate investigation of issues pertaining to purchase and distribution of power supplies.
- Appointed as counsel to Ninth Circuit special committee to investigate and report on conduct of sitting judge, under 28 U.S.C. § 353(1) (2012).

#### **Federal Criminal Justice Act Representations**

For 18 years served as a court-appointed member of the Federal Criminal Justice Act panel to represent indigent defendants at the trial level. Multiple federal trials and other representations. Also appointed by federal courts, at the trial and appellate levels, to represent three individuals on California’s Death Row: one three-week trial and two Ninth Circuit arguments.

#### **McKesson HBOC Securities Litigation, civil and criminal actions**

Represented acting CFO of public company as defendant in internal corporate investigation, federal civil class actions, S.E.C., and as target (but not-prosecuted witness) in federal criminal prosecutions involving alleging inflated earnings as a result of accounting fraud.

#### **Attorney Representations**

Regularly represents law firms and individual lawyers in cases where malpractice, conflicts, or ethical issues are at stake. Multiple investigations, 3 trials, and approximately 10 appellate arguments.

#### **Ball v. GTE Moblinet, et al.**

Represented public-company cellular phone provider in class action alleging unfair and unlawful business practices in connection with bills for “non-communication” time.

#### **Bell Savings**

Represented CEO of public savings and loan in parallel civil class actions and federal criminal investigations.

#### **Budwin v. American Psychological Association**

Represented professional association on appeal of court order in favor of member alleging improper censure.

#### **Clark v. Pinnacle, et al.**

Represent individual as defendant in two state and one federal fraud action in connection with operation and

insurance coverage for Army bases on East and West coast bases.

**Deluxe Data Systems v. Visa USA**

Represented corporation and individual defendants in state-court trial alleging theft of trade secrets.

**First Amendment**

Represented a local television station and its employees in a wide variety of issues including First Amendment, antitrust, and employment issues.

**LCD Price-Fixing Antitrust Cases**

Co-lead counsel for corporate direct-purchaser class action opt-out plaintiff in federal multidistrict antitrust cases alleging price-fixing in the LCD markets.

**Public-Company Employment Cases and Investigations**

For two public companies, have handled multiple individual and federal class actions alleging employment discrimination, and investigations and negotiations involving issues concerning employment of senior-level executives from alleged competitors.

**State of Hawaii v. BHP**

Represented Australian oil company in connection with state attorney general investigation and antitrust litigation regarding pricing of gasoline.

**State of New Mexico v. General Electric, et al.**

Represented corporation in connection with state attorney general litigation alleging pollution of ground water.

**U.S.A. v. Craig**

Represented former corporate stock company vice-president in federal jury trial alleging securities fraud.

**U.S.A. v. Grabske**

Represented former public-company CEO in federal jury trial alleging improper income-recognition and "side-letter" cover-up.

**U.S.A. v. O'Neill**

Represented CEO of public company against federal criminal prosecution for alleged theft of trade secrets.

**Windsor Square Homeowners Association v. Citation Homes**

Represented homeowners association in action against builder/developer alleging negligence in connection with construction of condominium.

## Publications

July 21, 2022

**The Humility To Prepare and the Confidence To Pull It off With Doug Young**

*Trial Tested: A Podcast by the American College of Trial Lawyers*

August 14, 2020

**Jurors, Justice and Technology**

*Daily Journal - Podcast*



9/29/2017

**4th Amendment And Shared Servers: Lessons From Shkreli**

4/15/2009

**Inside the Minds: White Collar Case Strategies in the Public and Non-Public Spheres**

3/27/2009

**Internal Investigations 2009: How to Protect Your Clients or Company**

*Commencing The Internal Investigation - PDF*