



David C. Scheper

Partner

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David practices in the areas of complex business litigation, internal investigations, and white-collar criminal defense. A fellow of the American College of Trial Lawyers, David has been lauded by *Chambers USA* as a “premier, go-to lawyer” as well as “tour de force” with “wonderful judgment” and “extraordinary talent.” A client notes, “[David] is an iconic lawyer, who has been a very impactful player on the legal market.”

David is the former Chief of the Criminal Division at the United States Attorney’s Office for the Central District of California. He previously managed his own firm for 17 years and led a team of 16 litigators. In February 2021, David and his team joined Winston and immediately bolstered the firm’s already formidable litigation practice on the West Coast.

As demonstrated below, David’s practice in the civil arena is both international and varied, having represented numerous businesses, financial institutions and individuals in federal and state courts throughout the country. Of special note is that from the time David left the United States Attorney’s Office and returned to private practice, he has consistently been hired to represent major law firms along with individual partners at such firms in a wide variety of engagements. Based upon more than twenty-five years of such representations, David is a proven lawyers’ lawyer.

Most notably, he recently served as lead counsel for an AmLaw 20 firm and one of its partners facing securities fraud allegations arising out of its defense of a client that operated a Ponzi scheme. After granting in its entirety a motion to dismiss, the Los Angeles Superior Court judge assigned to the case stated that David's client was "fully entitled to hire the A-team and get a great service as they did. I've never used the word 'superb' before in a fee motion and I don't know if I'll ever use it again, but [your] work was certainly superb." Other illustrative engagements include:

- Representation of the general counsel of a diversified holding company in an SEC investigation into securities fraud. After Wells submission, no charges were brought against client.
- Representation of senior counsel of an AmLaw 40 firm under investigation for obstruction of justice and destruction of evidence; no charges were brought against client or their firm.
- Secured dismissal with prejudice, affirmed on appeal, for an AmLaw 20 firm and one of its partners for failure to state a cognizable claim alleging malpractice.
- Representation of an AmLaw 100 firm and individual partner in a legal malpractice action. The case was dismissed with prejudice by the trial court and affirmed on appeal.
- Representation of a partner of a national firm in a malicious prosecution action. Secured dismissal with prejudice under the anti-SLAPP statute.
- Representation of an AmLaw 40 firm and two of its partners in a legal malpractice case involving a fee dispute. The case settled on favorable terms.
- Representing a partner of a national firm in a baseless criminal action alleging violations of criminal state conflict of interest law.
- Representation of a regional managing partner of an AmLaw 20 firm in an investigation by federal prosecutors into allegations of securities fraud. No charges were brought.
- Representation of a national firm and individual partner in a legal malpractice action, resulting in a directed verdict after opening statements.

Key Matters

Some of the experience represented above and below may have been handled at a previous firm.

OTHER KEY CIVIL MATTERS

David is more than a lawyers' lawyer. In recent years, David has represented major banks in a variety of forums and served as lead counsel for a German-based manufacturer of wind turbines in multiple international arbitrations involving allegations of design defects and fraudulent inducement, resulting in a favorable outcome for his client. His engagements also include:

- Obtained a unanimous ruling in the Ninth Circuit Court of Appeals, affirming an earlier win dismissing a lawsuit where a plaintiff claimed she was owed a 10% commission on client LaMelo Ball's multimillion-dollar shoe endorsement deal.
- Served as lead trial counsel and helped obtain a favorable settlement for a California software company in a trade secrets and patent infringement case. After the settlement's terms were announced, the client's market cap doubled.
- Served as lead trial counsel in an across-the-board defense verdict in federal court in Los Angeles for the chairman and CEO of a public company in a securities and insider trading action brought by the SEC.
- Served as lead counsel in an arbitration in which his client was sued for more than US\$100M. The claimant secured a small fraction of the recovery sought, after which the case settled on advantageous terms for the client.

- Represented a Chinese technology company in a dispute brought by a customer. After the client's motion to dismiss was filed, the customer dismissed the case, and the matter was quickly resolved in the client's favor.
- Defense verdict after a federal court trial in Fresno on behalf of a major beverage manufacturer sued for breach of a licensing agreement.
- Successful defense of a major supplier of medical equipment in an injunctive action, leading to swift dismissal of the action.
- Successful defense at trial of a national investment real estate firm accused of intentional interference with contractual relations.
- Representation of a Fortune 20 telecommunications firm in a variety of actions.
- Successful representation of a defense contractor in a False Claims Act (FCA) case involving the National Missile Defense Program.
- Representation of an international architectural firm in a multimillion-dollar uninsured FCA case resulting in a nuisance value settlement on the eve of trial.
- Successful representation of a Midwest bank in a RICO case.
- Negotiation of multimillion-dollar severance packages for high-level executives at a closely held corporation.
- Multiple representations of individuals and companies in securities and antitrust litigation.

KEY WHITE-COLLAR AND INVESTIGATORY ENGAGEMENTS

David's white-collar practice is similarly diverse. He currently serves as lead counsel for a partner of an international law firm facing conflict of interest charges, and recently negotiated a deferred prosecution agreement in a food contamination case for an international restaurant chain. His engagements also include:

- Led a large team of Winston attorneys and paralegals in an internal investigation on behalf of the Audit Committee of an investment bank relating to its relationship to a suspected fraudster. Despite a relentless and reckless onslaught from short-sellers, the company received a clean audit and its stock price soared upon release of Winston's findings.
- Prevailed in an evidentiary hearing in federal court on the question of whether a client's unreported income was derived from honest services fraud. Under a preponderance of the evidence standard, rather than proof beyond a reasonable doubt, David's client was found not guilty.
- Secured a declination in a case arising under the Clean Air Act on behalf of a construction project management firm four years after the company received a target notice.
- Helped secure a non-criminal resolution for a prominent international restaurant in a Fortune 300 food safety case.
- Secured post-indictment dismissal of all federal criminal charges in a closely watched theft of trade secrets case.
- Obtained declinations, after his client had received target notices, from both the Manhattan United States Attorney's Office and the Los Angeles office of the SEC in an insider trading case.
- Achieved a non-prosecution agreement for a Fortune 300 company in a case arising in Hawaii under the Clean Water Act.
- Represented senior executives and companies in investigations involving, among other things, export violations, FCPA violations, backdating stock options, off-label promotion in the pharmaceutical arena, Medicare and Medi-Cal fraud, bankruptcy fraud, tax fraud, securities fraud, investment fraud, and federal and state antitrust defense.
- Led internal investigations around the world into allegations of wrongdoing by employees of multiple Fortune 500 companies.

Recognitions

- *Chambers USA*—Ranked “Band 1” in California for Litigation: White-Collar Crime & Government Investigations for more than ten years
 - American College of Trial Lawyers—Fellow
 - *The Best Lawyers in America*® —Recognized for Criminal Defense: White-Collar (2023–2025)
 - *Lawdragon*
 - “500 Leading Litigators in America”—Recognized for Complex Business Litigation, White Collar, and Investigations (2023–2025) and for Trials (2024)
 - “500 Global Leaders in Crisis Management”—Recognized for White Collar, Investigations, and Litigation (2025)
 - *Who’s Who Legal* – Recognized as a “Thought Leader” for Business Crime Defence and Investigations (2024)
 - *International Who’s Who of Business Lawyers* – Listed
 - *Super Lawyers* – Recognized in Southern California
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Activities

David is a past president of the Chancery Club in Los Angeles, an elite association of lawyers and judges founded in 1925.

He has taught classes in white collar crime at Loyola Law School, the Practising Law Institute and CLE International. He has also taught trial advocacy at the University of Southern California Law Center, the National Institute for Trial Advocacy, and the Attorney General’s Advocacy Institute.

Credentials

EDUCATION

David received a J.D., *cum laude*, from the University of Notre Dame Law School in 1985, and was a member of the National Moot Court Appellate Team. He received an A.B. in history from Harvard College in 1980, where he was the starting center on the football team and the voice of Harvard basketball on the student radio station.

ADMISSIONS

- California

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RECOGNITIONS

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OCTOBER 5, 2022

Capabilities

Litigation/Trials

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White Collar & Government Investigations

Government Program Fraud, False Claims Act & Qui Tam Litigation

Insurance Litigation