



# WILLIAM J. HARRINGTON

Partner

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Bill Harrington is a seasoned trial lawyer and appellate advocate who focuses on the financial and healthcare industries. He formerly served as a federal prosecutor in the Southern District of New York. He has tried 11 federal criminal trials and argued eight federal criminal appeals.

## *Criminal and Regulatory Enforcement Matters*

Mr. Harrington's practice focuses on the financial and healthcare industries.

His experience in healthcare matters includes federal healthcare fraud, the Anti-Kickback Statute, the False Claims Act, and the Stark Act. Mr. Harrington won an acquittal at a jury trial for the former president of Warner Chilcott, a pharmaceutical company investigated for illegal marketing. He has also represented pharmaceutical and durable medical equipment companies in non-public DOJ investigations of billing practices, manufacturing processes, and sales strategies. He won dismissal for a durable medical equipment manufacturer in a False Claims Act suit alleging fraud in its sales distribution model. In private practice, Mr. Harrington has designed compliance materials imposing safeguards around pharmaceutical company-sponsored events for non-U.S. doctors and hospital executives.

Mr. Harrington also has extensive experience in both consumer banking and investment banking investigations. He successfully represented Countrywide Home Loans in defeating a FIRREA and False Claims Act case in which the DOJ contended a sales program known as "HSSL" fraudulently generated mortgage loans that were sold to Fannie Mae and Freddie Mac. Countrywide won the case with no liability. Mr. Harrington serves as counsel for multiple current and former bank executives in benchmark antitrust and fraud investigations, including those related to the foreign exchange markets, U.S. treasury bonds, LIBOR, precious metals, and ISDAFIX. Mr. Harrington has recently represented broker-dealer executives in FSA, DOJ and SEC trading-fee probes, bank executives in multiple mismarking investigations, and a former state investigator in an investigation related to a New York State anti-corruption commission. He also defends companies, senior executives, and hedge fund traders in insider trading investigations and prosecutions.

Mr. Harrington's practice frequently involves novel questions of how regulatory and criminal rules apply to new technologies. He represents a bitcoin service provider in a DOJ money-laundering investigation. He represented Symphony Communication Services, a provider of encrypted communications systems, in regulatory matters related to the use of encrypted communications; CloudFlare, a website optimizer, in disputes with copyright holders over the scope of federal injunctive authority; and GoFundMe, a crowdfunding platform, in sanctions compliance matters.

#### *Foreign Bribery and International Money Laundering*

Mr. Harrington has extensive experience in foreign bribery allegations and international money laundering matters. He is fluent in Spanish, so many of his matters have involved Spanish-speaking clients. On behalf of a client, he recently investigated bribery concerns in tax matters for a Mexican subsidiary. He is currently advising senior executives of a South American construction company in an international accounting and bribery investigation related to Brazil's Operation Car Wash. He represents a Spanish sports team in bribery investigations. Mr. Harrington also represented an athletic wear company in investigations related to the FIFA-bribery cases of sponsorship and advertising agreements. He also represented a senior human resources executive at an international bank in SEC investigations related to preferential hiring of the relatives of foreign government officials.

Previously, Mr. Harrington has represented consumer product companies, energy company executives, financial institutions, construction company executives, and military contractors in both corporate internal and grand jury Foreign Corrupt Practices Act investigations. He has also developed anti-corruption training materials, audits and policies for travel companies and consumer product companies. His matters have included those raising allegations of corruption or money laundering in Afghanistan, Argentina, Brazil, Colombia, Costa Rica, Ecuador, Ghana, Guatemala, Indonesia, Lebanon, Kenya, Mexico, Peru, Russia, Saudi Arabia, Spain, Switzerland and the Ukraine.

#### *False Claims Act*

Mr. Harrington regularly litigates federal civil fraud suits under the False Claims Act. Several such matters, including his successful defense of Countrywide Home Loans in the "HSSL" case, involve allegations that fraudulently generated mortgage loans that were certified for F.H.A. insurance or were sold to Fannie Mae and Freddie Mac. He recently represented two other financial institutions in similar DOJ investigations of mortgage origination practices, one of which resulted in a declination by the Department of Justice. Mr. Harrington has also represented services providers, military contractors and pharmaceutical companies in False Claims Act investigations. Mr. Harrington writes a regular column in the *New York Law Journal* on federal affirmative fraud suits.

#### *Pro Bono*

Mr. Harrington serves as co-chair of Goodwin's Pro Bono Committee, and represents indigent individuals as a member of both the Criminal Justice Act Panel for the Southern District of New York and the Second Circuit's

pro bono panel.

## AREAS OF PRACTICE

Securities + Shareholder Litigation

False Claims Act

Litigation + Dispute Resolution

White Collar Defense

Government Investigations + Enforcement

Life Sciences Securities Litigation + Healthcare Fraud

Healthcare Investigations

Healthcare Litigation

Healthcare

## EXPERIENCE

### PROFESSIONAL EXPERIENCE

Mr. Harrington worked in the Criminal Division of the U.S. Attorney's Office for the Southern District of New York from 2006 through 2012. His notable prosecutions, focusing broadly on corruption and fraud cases, include:

- The bribery scheme involving former New York State Senator Carl Kruger, New York State Assemblyman Anthony Seminerio, two hospital CEOs and a registered lobbyist
- The conviction of investment adviser Ken Starr for embezzling tens of millions of dollars in client funds and defrauding clients through speculative securities investments
- A Lebanon-based money-laundering organization that laundered tens of millions of dollars in fraud proceeds throughout the Americas, Europe and Asia
- A bank employee's scheme to mine bank computer systems, steal customer identities and misappropriate millions of dollars in home mortgages
- The conviction of the employee of a U.S. military contractor for accepting corrupt payments in Afghanistan
- A scheme to commit access device fraud by using stolen identities, including information obtained by "phishing" financial institution and credit reporting agency data
- The prosecution of retired Long Island Railroad workers in a widespread, billion dollar disability and health care fraud scheme

In his last two years at the S.D.N.Y., Mr. Harrington regularly worked on parallel investigations with the Civil Division of the U.S. Attorney's Office, including the management of criminal investigations based on *qui tam* complaints. He was appointed Criminal Health Care Fraud Coordinator, responsible for the S.D.N.Y.'s fraud prosecutions involving health care providers and pharmaceutical companies. He oversaw a broad range of investigations, including:

- International and U.S.-based kickback payments paid by U.S. pharmaceutical companies
- Federal program fraud, including fraudulent billing of Medicare and Medicaid and off-label marketing
- Embezzlement from hospitals and healthcare organizations

From 2007 through 2012, Mr. Harrington served as an adjunct professor at New York University School of Law, teaching a course covering the ethical and strategic considerations in exercising federal prosecutorial authority.

Mr. Harrington speaks Spanish.

## RECOGNITION

Mr. Harrington has been widely recognized in his field. In its rankings of leading white collar defense attorneys in New York, Chambers USA recommends Mr. Harrington as “an extremely quick study with a great mastery of complex detail and a lot of savvy” and as a lawyer who has “great style and manner with both client and with juries.” Mr. Harrington is also recognized as a top white collar lawyer by *U.S. News Best Lawyers* and *Super Lawyers*; as one of the world’s leading white collar crime lawyers by *Euromoney’s Expert Guides: White Collar Crime Lawyers*; as a highly regarded investigator in *Global Investigations Review 100*, a guide to the world’s leading firms for corporate investigations; by *LMG Life Sciences* as a Star Individual in litigation and enforcement; and by *Benchmark Litigation* as a local litigation star in New York.

At Yale Law School, Mr. Harrington earned the Potter Stewart Prize (Best Team) in the Morris Tyler Moot Court competition and he served as an editor of the *Yale Law Journal* and the *Journal of Law and Humanities*.

## AWARDS





## PUBLICATIONS

Mr. Harrington frequently writes and comments on government investigations and enforcement, the False Claims Act, and other topics related to healthcare, consumer and investment banking investigations. Recent publications include:

- “To Fight Pandemic, Health Care Companies Face New Opportunities But Old Legal Risks,” *New York Law Journal* (April 2020)
- “Enforcement Risks For Recipients of U.S. CARES Act And Other Federal Funds,” *Goodwin Client Alert* (April 2020)
- “New Attack on Physicians Compensation Models Under the Stark Law,” *New York Law Journal* (December 2019)
- “Does Violating Medicare Regulatory Guidance Still Create False Claims Act Liability?,” *New York Law Journal* (June 2019)
- “Circuit Rulings on CIDs Show Agency Deference is Not Unconditional,” *New York Law Journal* (September 2018)
- “Two Recent Cases Illustrate Need to Rely on Casual Concepts in FCA Cases,” *New York Law Journal* (June 2018)
- “A Simple Solution to End the Encryption Debate,” *TechCrunch* (May 2018)
- “DOJ Gives Mixed Messages on False Claims Act Enforcement,” *New York Law Journal* (February 2018)
- “Fraud and Abuse Enforcement Goes High Tech,” *New York Law Journal* (June 2017)
- “Under Sessions-Led Justice Department, FCA Enforcement Likely to Continue Apace,” *New York Law Journal* (February 2017)
- “False Claims Act Round Up: Attacking Claims Post-‘Escobar’,” *New York Law Journal* (November 2016)
- “Supreme Court Limits Scope of Asset Forfeiture,” *New York Law Journal* (July 2016)
- “Supreme Court to Review Theory of Implied False Claims Act Liability,” *New York Law Journal* (February 2016)
- “Turning an Exacting Eye to Physician-Hospital Compensation,” *New York Law Journal* (November 2015)
- “The False Claims Act and Corporate Integrity Agreements,” *New York Law Journal* (August 2015)
- “Where Rules Collide: the Problem of Confidentiality and Whistleblowers,” *New York Law Journal* (May 2015)
- “Collateral Consequences of Individual Liability,” *New York Law Journal* (February 2015)
- “Recent Challenges to Administrative Adjudication of Fraud Claims,” *New York Law Journal* (December 2014)
- “Dodd-Frank’s New Deputies of Federal Consumer Financial Laws – States,” *New York Law Journal* (September 2014)
- “Civil Enforcement Actions: Whither the Fifth Amendment?” *New York Law Journal* (May 2014)
- “Quality Control Breakdowns Form Basis of Government Action,” *New York Law Journal* (February 2014)

## CREDENTIALS

## EDUCATION

**J.D., 1999**

Yale Law School

**B.A., 1995**

Yale College

*(magna cum laude)*

## **CLERKSHIPS**

1999-2000 U.S. District Court for the Southern District of New York, Honorable Sidney H. Stein

2001-2002 U.S. Court of Appeals for the Second Circuit, Honorable Chester J. Straub

## **ADMISSIONS**

### **BAR**

New York

### **COURTS**

U.S. Court of Appeals for the Second Circuit

U.S. District Court for the Eastern District of New York

U.S. District Court for the Southern District of New York

## **LANGUAGES**

Spanish