

## Joshua M. Robbins

Orange County, California  
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Shareholder

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### Areas of Practice & Industry Specialties

Dispute Resolution; White Collar & Investigations; Litigation; Health Care Law; Trade Secrets & Employee Mobility; State Attorneys General

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*"[A] top-notch litigator; superb legal writer; and skilled wordsmith who transforms complex legal arguments into simple and compelling narratives in the courtroom." – Benchmark Litigation*

Josh Robbins, a former federal prosecutor, is Co-Chair of the Firm's White Collar and Investigations Practice and has repeatedly been named by the *Daily Journal* as one of the Top White Collar Lawyers in California and by Benchmark Litigation as a Litigation Star. Mr. Robbins has led trials, appeals, and investigations involving hundreds of millions of dollars and major government enforcement proceedings, representing Fortune 500 companies, sovereign governments, and prominent individuals. His matters have involved allegations of criminal health care fraud, False Claims Act violations, civil and criminal securities fraud, tax evasion, and bank fraud, as well as complex business disputes. Many of his cases have received national and international public attention, including matters reported in the Wall Street Journal, New York Times, Los Angeles Times, CNN, and CNBC.

Mr. Robbins previously served as an Assistant United States Attorney in the Central District of California, where he was lead counsel in various federal jury trials and appeals before the U.S. Court of Appeals for the Ninth Circuit, as well as numerous grand jury investigations of fraud, kickbacks, and corruption. Among other matters, he led the prosecution of a \$900 million health care kickback scheme described as the largest insurance fraud case in California history. For his work on a major securities fraud trial, he was awarded the SEC's Director's Award for Criminal Coordination.

Before joining the Firm, Mr. Robbins also led the white collar defense practice of an elite boutique litigation firm, and practiced at two major international law firms, where he represented clients in matters ranging from Supreme Court appeals to international treaty-based arbitrations to DOJ and SEC investigations.

Mr. Robbins has been recognized in the *Best Lawyers in America*, Criminal Defense: White Collar and Litigation, and Securities, for 2023 and 2024.

Mr. Robbins is a graduate of Harvard Law School and Harvard College. After law school, he served as law clerk for the Honorable Stanley Marcus of the U.S. Court of Appeals for the Eleventh Circuit.

### Representative Matters

Government Investigations and Enforcement

- Defended one of the nation's largest COVID-19 testing services companies, which was raided by federal agents in a high-profile DOJ investigation covered by national press, as well as related state Attorney General enforcement actions, involving allegations of over \$150 million in fraudulent testing claims.

- Defended a national behavioral health care provider, which was raided by federal agents in a high-profile DOJ investigation, involving allegations of more than \$80 million in kickbacks and fraudulent claims.
- Defended a national medical supply company in a DOJ investigation, involving allegations of kickbacks and fraudulent claims.
- Defending the CEO of a national diagnostic laboratory in a DOJ investigation, involving allegations of more than \$150 million in kickbacks and fraudulent claims.
- Defending the CEO of a California-based COVID-19 testing services company in a DOJ investigation, involving allegations of more than \$75 million in fraudulent claims.
- Defending the former CEO of a lobbying organization in a DOJ investigation, involving allegations of fraud, tax evasion, and public corruption.
- Defended a behavioral health company in investigation by a state attorney general, involving allegations of kickbacks and fraudulent claims.
- Defends the COO of an auto equipment importer in a DOJ investigation, involving allegations of customs fraud.
- As prosecutor, led investigation and prosecution of \$900 million healthcare kickback and public corruption investigation involving spinal surgeries, as well as trials of \$170 million securities fraud scheme, \$200 million tax fraud scheme, and \$70 million health care fraud scheme

#### Business Trials and Appeals

- Obtained complete defense jury verdict for multinational water attraction manufacturer in \$200 million federal antitrust and RICO lawsuit
- Obtained complete defense jury verdict and affirmance on appeal for behavioral health company in bet-the-company whistleblower retaliation lawsuit alleging termination for reporting fraud
- Obtained complete defense award (with attorney fees) for auto dealership executive in multi-million dollar arbitration against leading national dealership chain
- Obtained complete claimant award (with attorney fees) for multinational technology company in international arbitration against Pakistan contractor regarding theft of trade secrets, breach of contract, and employee raiding scheme
- Obtained favorable defense jury verdict and dismissal of 96% of claims in patent lawsuit between world's largest waterslide manufacturers
- Defending telecom startup in RICO and fraud lawsuit brought by major international telecom provider
- Representing health care network as plaintiff in antitrust lawsuit against major competitor
- Represented plaintiff in RICO lawsuit against global religious organization for human trafficking and forced labor violations
- Represented plaintiffs in RICO lawsuit against city government and officials for public corruption in municipal real estate transaction
- Represented major national marketing company as plaintiff in \$100 million arbitration involving fraud in M&A transaction
- Defended artificial intelligence company in RICO and computer fraud lawsuit regarding alleged hacking and harassment campaign against opposing counsel in patent litigation
- Represented Maltese investment company as claimant in \$200 million international arbitration against the government of Austria

#### Publications

- Supreme Court's Remand of FDIC Enforcement Action: Any Larger Impact on Agency Deference?, *Buchalter Client Alert*, June 5, 2023

- The People vs. ChatGPT?, *Daily Journal*, March 15, 2023
- Ninth Circuit bars cannabis companies from pursuing RICO claims, *Daily Journal*, February 9, 2023
- In *Bittner v. United States*, the rule of lenity awaits its renaissance, *Los Angeles Daily Journal*, October 27, 2022
- The Eliminating Kickbacks in Recovery Act in False Claims Act Cases: The Coming Battleground, *Westlaw Today*, September 28, 2022
- High Court Ruling Boosts Defenses In DOJ Health Care Cases, *Law360*, July 11, 2022
- Application of Wire Fraud Statute to Digital Asset Insider Trading, *Bloomberg Law*, June 22, 2022
- Recent Court Decision Highlights the Risk of Corporate Privilege Waiver when Cooperating with Government Investigation, *Buchalter Client Alert*, June 6, 2022
- Increasing EKRA Enforcement May Expose Gaps in the Statute, *Journal of Health Care Compliance*, April 20, 2022
- UNLEASHING THE LEVIATHAN: Tips for Companies Referring Cases to Law Enforcement, *Buchalter Client Alert*, September 28, 2021
- When Can Companies Recoup Advancement of Executives' Criminal Defense Costs? A Recent Decision Highlights Some Limits, *Buchalter Client Alert*, May 25, 2021
- Treasury's New Bank Secrecy Act Whistleblower Program, January 25, 2021
- New Whistleblower Program May Lead to Surge in Bank Secrecy Act Enforcement, *Bloomberg Law*, January 22, 2021
- SEC Enforcement Expansion May Face Constitutional Limits, *Law360*, January 20, 2021
- US Congress makes sweeping changes to AML enforcement, *Money Laundering Bulletin*, January 13, 2021
- Congress Makes Sweeping Changes to Money Laundering Enforcement, *Buchalter Client Alert*, January 4, 2021
- Enforcement 2020: Telehealth Providers Move to the Top of OIG's Watch List, *American Health Law Association*, December 16, 2020
- Buchalter COVID-19 Client Alert: SBA Issues New PPP Guidance Regarding Required Approval for a Sale of Assets or Transfer of Ownership of a PPP Borrower; Use of Escrow Accounts to Avoid Requirement of Prior SBA Approval, *Buchalter Client Alert*, October 5, 2020
- Buchalter COVID-19 Client Alert: Entrapment-by-Estoppel: A Potential Future Defense for Lenders in PPP Fraud Cases, *Buchalter Client Alert*, September 15, 2020
- First Circuit Decision Underlines Risk of Criminal HIPAA Enforcement, *Buchalter Client Alert*, August 19, 2020
- From Frying Pan to Fire: Strategic Issues When Reimbursement Disputes Turn Into Criminal Investigations, *Buchalter Client Alert*, July 28, 2020
- DOJ Criminal Health Care Enforcement: It's Not Just for Federal Programs Anymore, *Buchalter Client Alert*, July 14, 2020
- Flynn Dismissal Raises Bar(r) for False Statements Prosecutions, *The Daily Journal*, May 13, 2020
- COVID-19 Test Providers, Beware Kickback Enforcement Tool, *Law360*, April 16, 2020
- 5th Amendment Strategy For Parallel Civil, Criminal Litigation, *Law360*, August 8, 2019
- Taking the Fifth in Parallel Criminal and Civil Proceedings, *Los Angeles Daily Journal*, July 22, 2019
- New Lessons About Data Breaches And Insider Trading, *Los Angeles Daily Journal*, July 11, 2018
- Once More Unto The Breach, *Criminal Justice*, April 1, 2018
- Gag Orders on Grand Jury Subpoenas to Banks: The Next First Amendment Frontier?, *California Lawyer*,

December 12, 2017

- In Microsoft Case, the Supreme Court Considers Law Enforcement Power in a Globalized and Digital World, *Orange County Register*, December 1, 2017
- Growing Risk of Insider Trading on Data Breaches, *Los Angeles Daily Journal*, October 19, 2017

### **Presentations**

- Panelist, "Examination of Expert Witnesses," Association of Business Trial Lawyers Annual Conference, October 14, 2023
- Speaker, "Disrupting Justice," Law@Tech 2023, March 2, 2023
- Speaker, "EKRA Enforcement Trends," California Society of Healthcare Attorneys, April 1, 2022
- Moderator, "The Future of Cryptocurrency Law," Harvard Law School Association of Orange County Virtual Panel, February 17, 2022
- Presenter, "The Latest in Healthcare Criminal and Civil Enforcement," LACBA's 18th Annual Healthcare Law Compliance Symposium Part III, October 21, 2021
- Speaker, "Health Care Fraud Investigations: An Insider's View," Orange County Bar Association, Health Care Section, October 10, 2019
- Speaker, "Stepping Through the Minefield: Legal and Ethical Issues in Internal Investigations," Orange County Bar Association, Corporate Counsel Section, July 8, 2019
- Speaker, "Hard Lessons in the MeToo Era," Orange County Bar Association, Corporate Counsel Section, July 18, 2018
- Speaker, "When Trade Secrets Go Criminal," Bridgeport CLE Webinar, November 2, 2017
- Speaker, "Hard Lessons from Recent Disasters Such as Wells Fargo and Yahoo," Orange County Bar Association, Corporate Counsel Section, August 8, 2017

### **Education**

Mr. Robbins received his J.D., *cum laude*, from Harvard Law School. He received his M.A.L.D. from Tufts University, Fletcher School of Law and Diplomacy, and his A.B., *magna cum laude*, from Harvard College, where he was awarded the John Harvard Scholarship.

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### **Bar Admissions**

- California
- District of Columbia
- New York

### **Court Admissions**

- U.S. Court of Appeals for the Ninth Circuit
- U.S. District Court for the Central District of California
- U.S. District Court for the District of Columbia
- U.S. District Court for the Northern District of California
- U.S. District Court for the Southern District of California

### **Community**

- President, Harvard Law School Association of Orange County