

Daily Journal

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TOP 100 LAWYERS IN CALIFORNIA 2018

LITIGATION

DAVID K. WILLINGHAM

BOIES SCHILLER FLEXNER LLP | LOS ANGELES, SANTA MONICA

SPECIALTY: WHITE COLLAR CRIMINAL DEFENSE,
GOVERNMENTAL INVESTIGATIONS

Willingham thrives in the courtroom.

“I like to perform,” Willingham said. “The art of presenting your theme, your story, and earning the jury’s trust is something that I really enjoy.”

Willingham understands the importance of trust in the courtroom. Without it, one can’t try a case, the attorney said, noting it has to be earned.

“It’s not given away freely,” Willingham explained, trust is earned by “how you conduct yourself in the trial, and the way you present the evidence.”

In order to be successful, an attorney must acknowledge when something is bad. It’s equally important, Willingham said, not to overplay “what’s good.” Noting that one must weave those elements into convincing themes, Willingham said, “I’ve never had a jury not trust me through that process.”

“And I’ve tried a number of cases,” he added.

In a recent case, Willingham represented RD Legal Funding LLC in a constitutional challenge to the Consumer Financial Protection Bureau’s structure after the bureau filed a suit against RD Legal Funding, its founder and two related entities.

The case garnered national attention after Willingham countersued the bureau for retaliation against his client, asserting that

the Consumer Financial Protection Bureau acted in excess of its jurisdiction.

Willingham pursued the jurisdictional claims in federal court in New York in a motion to dismiss the case brought by the bureau. Ultimately, U.S. District Judge Loretta A. Preska of New York ruled in favor of Willingham’s client.

“I am grateful to be able to stand up to regulators and hold them accountable on behalf of my clients,” he said. *Consumer Financial Protection Bureau v. RD Legal Funding LLC*, 1:17-cv-00890 (S.D. N.Y. June 21, 2018).

Willingham also represented Ansett Aircraft Spares & Services Ltd., a Sylmar-based aircraft spare parts company, in a recent case against Infinity Air Inc.

Willingham’s client sued its former controller and two competing companies for theft of trade secrets and tortious interference with contract. Willingham argued the defendants worked together to steal a lucrative contract, causing his client to lose close to \$4 million in commissions.

The January 2016 trial lasted three weeks, and after less than two hours of deliberation, the jury returned a unanimous verdict of over \$6 million in favor of Ansett on the trade secret claims. *Ansett Aircraft Spares & Services v. Infinity Air*, BC482166 (L.A. Super. Ct., filed June 4, 2012).



In May, the Court of Appeal unanimously upheld the trial results.

“We earned the jury’s trust,” Willingham said. “[We] were able to explain to them — in everyday language — why the documents taken by defendants were important to our client’s business and constituted a trade secret.”

— Skylar Dubelko