

## Pamela L. Johnston

### Partner

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Clients facing investigations by the Department of Justice (DOJ) and other agencies turn to Pamela Johnston for her sound judgment. Informed by her extensive trial experience, successful handling of various types of fraud and corruption investigations, depth in the area of parallel False Claims Act (FCA) and criminal investigations, and her understanding of the criminal system and ability to navigate effectively that system on behalf of her clients, clients value her ability to defend them effectively in court when required. She is a partner in the firm's Government Enforcement Defense & Investigations, Securities Enforcement & Litigation, and the Health Care and Life Sciences Sector. She leads the firm's False Claims Act Health Care Working Group.

Pam represents companies and individuals in investigations and cases involving the False Claims Act (FCA), health care fraud, complex criminal laws, and SEC/DOJ securities issues. She is an experienced trial lawyer who has tried more than 30 cases in federal and state courts, and who has written more than 60 federal appellate briefs. Pam honed her trial skills during her 14 years as an Assistant United States Attorney (AUSA), ending her DOJ tenure in the Los Angeles United States Attorney's Office as a Deputy Chief of the Major Frauds Section. She began that tenure as a civil AUSA, prosecuting FCA, FIRREA, and forfeiture cases. Pam is well-known as a Los Angeles insider-trading and health care lawyer. Pam also represents companies in complex commercial disputes.

According to Chambers USA, clients and market sources describe Pam as a "really fine lawyer" who particularly stands out for her "tremendous insight" into the strategies of government agencies." They also say she is "very strong and very effective," "extremely knowledgeable and experienced," and has "impeccable judgment."

Pam has "strong litigation credentials and expertise" in False Claims Act cases and a "range of white-collar criminal matters, including securities enforcement." A client noted, "I was very pleased with her availability to promptly get back to me anytime, day or night," adding, "she has great judgment and is tough when she

needs to be.”

## Awards and Recognition

- Recognized, *Chambers USA: America’s Leading Lawyers for Business* – White-Collar Crime and Government Investigations (2008 – 2009, 2012 – 2024).
- Selected by her peers for inclusion in *The Best Lawyers in America*® in the field of White-Collar Criminal Defense (2007 – 2024).
- Selected for inclusion in the Southern California Super Lawyers® list in the field of White-Collar Criminal Defense (2007 – 2023).
- Received two *Department of Justice Director’s Awards for Superior Performance as an Assistant U.S. Attorney*.
- *Appellate Clerkship*, the Hon. Irving L. Goldberg, Fifth Circuit Court of Appeals.
- *District Court Clerkship*, the Hon. Truman Hobbs, Middle District of Alabama.

## Presentations and Publications

- Speaker, “Outlook 2023: With Enforcement Picking Up, Expect More Private Equity, MA, and Telehealth Cases,” *HCCA’s Report on Medicare Compliance* (January 9, 2023).
- Co-author, “Better Handling of Electronic Communications During Government Investigations and Discovery: What Health Care Companies Can Learn from Other Industries,” *American Health Law Association’s Health Law Connections* (July 2022).
- Co-author, “Bracing for The Next Wave Of Health Care Enforcement,” *Law360* (May 11, 2021).
- Co-author, “Top 10 Insights from the SBA’s PPP Loan Forgiveness Application,” *Foley’s Coronavirus Resource Center: Back to Business* (May 18, 2020).
- Co-author, “SBA Issued New Guidance Regarding Recipients’ Certifications of Necessity for PPP Loans,” *Foley’s Coronavirus Resource Center: Back to Business* (May 13, 2020).
- Co-author, “Accepting CARES Act Assistance: Congressional and Other Investigative Risks” *Foley’s Coronavirus Resource Center: Back to Business* (May 12, 2020).
- Co-author, “Applied for a PPP Loan? Simple Steps Now to Avoid Government Scrutiny Later – Updated as of May 6, 2020,” *Foley Coronavirus Resource Center: Back to Business* (May 6, 2020).
- Co-author, “Applying for a CARES Act Loan? Take Three Simple Steps Now to Avoid Government Scrutiny Later,” *Foley’s Coronavirus Resource Center: Back to Business* (April 8, 2020).
- Speaker, “Beware the Flashing Lights: Hot Button Issues in EMS Agreements,” 21st Annual Conference on Emerging Issues in Healthcare Law (March 11, 2020).
- Panelist, “A Kickback Discussion on Civil and Criminal Trends in Health Care,” ABA White Collar Committee (June 25, 2019).
- Author, “Ambulance Suppliers: CMS Launches ET3 – A New Triage Model for EMS,” *Health Care Law Today, Foley Blog* (February 27, 2019).
- Co-author, “A Review of Recent Whistleblower Developments,” *Foley & Lardner LLP Legal News: Whistleblower Developments* (2014 – 2023).

## Sectors

- Health Care & Life Sciences
- Racial Justice & Equity
- Sports & Entertainment

## Practice Areas

- Consumer Law, Finance & Class Action Group
- False Claims Act
- Financial Institutions
- Government Enforcement Defense & Investigations
- Litigation
- Privacy, Security & Information Management
- Securities Enforcement & Litigation
- State Attorneys General

## Education

- University of California Berkeley School of Law (J.D.)
  - Order of the Coif (top 10%)
  - Executive editor and founding member, *Berkeley Technology Law Journal*
- University of California, Davis (B.S.)
  - Studied Botany and English

## Admissions

- California
- United States Appellate Courts
  - Second, Ninth and Eleventh
- United States District Courts
  - Central District of California
  - Southern District of California
  - Northern District of California