

Hilary Potashner

PARTNER

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OFFICE Los Angeles

The former Federal Defender for the Central District of California, *Chambers* ranked for White-Collar Crime & Government Investigations in California, and a Fellow of the *American College of Trial Lawyers*, Hilary Potashner is highly regarded by the bench and bar alike. As underscored by *Chambers USA* “she is held in particularly high regard for her excellent courtroom skills.”

Recognized by judges and peers for her “**unwavering commitment to high-quality, client-centered representation**,” Hilary applies this full-service approach by listening attentively, developing a strong working relationship with each client, and ensuring their perspective is clearly depicted through every stage of litigation. She uses a strategic blend of tenacity and creativity to excel at negotiation and prevail at trial. Even keeled in her demeanor and consistently thoughtful in her approach, Hilary “always remains calm, even when the roads get rough.” Having built her reputation as a skilled courtroom advocate, Hilary was honored by the *Los Angeles County Bar Association Criminal Justice Section* as the 2020 “Defense Attorney of the Year.”

Notable Experience and Results

Throughout her 30 years of practice, Hilary has tried dozens of cases to verdict and has argued before the U.S. Court of Appeals for the Ninth Circuit. She has developed a deep familiarity and impressive credibility with state, federal, and appellate courts, and her wealth of experience serves the advantage of her clients. Hilary successfully defends individuals facing charges in both state and federal court in a wide range of matters, including conspiracy, wire fraud, bank fraud, healthcare fraud, bankruptcy fraud, and other white collar cases. She also represents public and prominent figures and entities in pre-indictment investigations.

In her *civil* practice, Hilary represents individuals and entities in high-stakes *commercial litigation* and *appeals*. Her experience includes representing both plaintiffs and defendants in *intellectual property* and contract disputes, civil forfeiture, misrepresentation, negligence, civil theft, and garnishment cases. Her appellate victories include the *SEC v. Yang et al.* decision in which she *secured the reversal of a \$15.5 million judgment* in favor of her clients and *reduced their final judgment by millions*, and the *KST Data, Inc. v. DXC Technology Co. et al.* decision in which she *secured the reversal of a summary judgment and a \$5.24 million judgment* in a commercial contract dispute.



EDUCATION

- UC College of the Law, San Francisco, J.D.
- Duke University, A.B.

ADMISSIONS

- California
- New York
- U.S. Supreme Court
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals for the Fourth Circuit
- U.S.D.C. Central District of California
- U.S.D.C. Southern District of California
- U.S.D.C. Eastern District of New York
- U.S.D.C. Southern District of New York

PRACTICE AREAS

- Appellate Litigation
- Complex Civil Litigation

Professional Impact

Hilary's impact on the law extends outside her practice to her involvement in committees and professional organizations. Based on her system-building experience and acumen, Hilary was selected to serve on the United States Courts, Defender Services Offices Performance Measurement Working Group; the Ninth Circuit Jury Trial Improvement Committee; the Systems Builders Committee of the [National Association for Public Defense](#); and the Local Rules Advisory Committee of the Central District of California. In these current and former roles throughout her career, as well as through her role as a member of the Board of Directors for and the former president of the [Los Angeles Chapter of the Federal Bar Association](#) and as a member of [The Chancery Club of Los Angeles](#), Hilary collaborates with judges and other influential lawyers to effect systemic change in the law. She also serves on the Steering Committee of [Just the Beginning—A Pipeline Organization](#), a nonprofit dedicated to promoting the advancement of young adults from underrepresented backgrounds in the legal profession.

- Commercial Litigation
- Intellectual Property and Patent Litigation
- Internal Investigations and Compliance
- White Collar Defense and Government Investigations
- Environmental, Natural Resource, and Basic Materials Litigation

Prior Experience

Hilary joined Larson after years of public service, having started her career in the state court as deputy defender for the County of San Diego. In 2012, Hilary was selected to serve as the Acting Federal Defender for the Central District of California by the United States Court of Appeals by the Ninth Circuit. Hilary was then twice-appointed to serve as the Federal Defender for the Central District of California by Ninth Circuit, where she served for nearly two decades. As the chief defender, Hilary was responsible for leading the largest defender's office in the country, with more than 200 employees and an annual budget of nearly \$40 million, and oversaw the representation of thousands of individuals facing federal charges in magistrate and district court.

Additionally, Hilary was instrumental in creating one of the first federal diversionary courts in the country, the Central District's Court Conviction and Sentence Alternatives (CASA) program. This program successfully launched due in part to her effective collaboration with the Central District Court, the U.S. Attorney's Office, and U.S. Probation and Pretrial Services. As described at the time by U.S. Circuit Judge Kim McLane Wardlaw, who chairs the Ninth Circuit's Standing Committee on Federal Defenders, **"as the Federal Defender, Hilary has led by personal example, maintaining high morale within the office during the government shutdown, creating a non-capital habeas unit, working effectively with our courts and other stakeholders, and contributing on a national level. She has set a very high bar for anyone to follow."**

Hilary's Representative Matters

Hilary has a successful track record of representing companies, counties, and

individuals in a wide array of professions in civil and criminal matters and government investigations. Demonstrative of just some of her recent representations, Hilary:

Represents **lawyers** and **law firms**, including:

- Successfully defended a highly-regarded law firm and partner in a complex legal malpractice litigation and obtained a dismissal with prejudice of all claims during trial; and
- Successfully represented a lawyer who was being threatened with contempt of court.

Represents **companies**, including:

- Representing a commercial dive boat company and its owner in connection with a federal limitation of liability action and state wrongful death actions related to a multi-fatality fire that was one of California's deadliest maritime disasters in modern history and garnered national media attention;
- Representing Visit Anaheim in an internal investigation into allegations of misuse of public funding and with respect to an official inquiry from the California State Auditor;
- Represented a Fortune 100 company in the U.S. Court of Appeals for the Ninth Circuit, [securing a reversal](#) of the district court's grant of summary judgment and a \$5.24 million judgment in a commercial contract dispute;
- Represented multiple defendants in [an SEC action](#) in federal court after [successfully appealing and reversing](#) a \$15.5 million disgorgement and penalties judgment against them in the Ninth Circuit Court of Appeals;
- Represented a multinational oil and gas company in a civil dispute and successfully obtained an order granting the motion for summary judgment, which fully disposed of all of the plaintiff's claims against the client;
- Represented a multistate company in connection with a criminal investigation into a multiple-fatality wildfire, in which Hilary and her team secured a non-prosecution for their client;
- Representing four corporate defendants who are appealing their federal wire fraud, conspiracy, and international money laundering convictions and as well as a \$1.8 billion restitution order;
- Representing multiple corporate entities in related civil forfeiture actions;
- Represented a tech startup on appeal in the U.S. Court of Appeals for the Ninth Circuit in a federal trade secrets case; and
- Representing a company being criminally investigated for alleged Cal/OSHA violations.

Represents **counties** including:

- Retained by Riverside County to conduct an independent investigation into

allegations regarding the treatment of the 13 Turpin children while under the care of the County departments after being rescued from their abusive home in 2018, as well as into the care provided to all children and adults by the County departments. This matter gained national media attention and instigated state-wide policy changes to improve communication within government social service providers in California;

Represents **doctors** and other **medical professionals** including:

- Successfully represented a medical doctor who was charged with 32 felony counts of healthcare fraud in a multimillion dollar fraud case, and obtained a dismissal of all 32 felony counts and secured a non-custodial sentence for the client;
- Successfully represented a doctor who was being investigated by a state's Medical Board regarding their professional license, and secured a finding that there was no violation of statutes or regulation and closed the complaint; and
- Represents doctors and other medical professionals in administrative hearings before licensing boards and has obtained no action closure letters on multiple occasions.

Represents **individuals** including:

- Successfully obtained a non-prosecution agreement for a high-level administrator being investigated for violation of a state's reporting requirements;
- Successfully defended a college student against a Title IX accusation for which he was found not responsible, and after facing expulsion due to the allegation, he was able to graduate and start his career;
- Successfully represented an individual who was being investigated by the federal government for soliciting and receiving illegal remuneration for medical referrals and first negotiated a single count resolution, and then secured a non-custodial sentence for the client;
- Representing an individual accused of a \$12 million conspiracy to commit wire fraud, aggravated identity theft, money laundering, and criminal forfeiture;
- Representing an individual in a civil action pursuant to the Drug Dealer Liability Act (DDLA);
- Represented multiple public officials who were being investigated by the Fair Political Practices Commission;
- Representing an individual charged with conspiracy to commit International Emergency Economic Powers Act (IEEPA) violations and money laundering; and
- Representing an individual seeking transfer to their home country in an international prisoner transfer.

Significant Prior Representations:

- Obtained a complete dismissal for a tax professional charged with dozens of counts of tax fraud.

- Obtained a complete dismissal for a doctor charged with extensive healthcare fraud.
- Obtained pretrial diversion for a person charged with theft of government property.
- Secured a favorable disposition for a client charged with multiple conspiracies to commit mortgage and bank fraud case for properties in California and New York with allegations of loss in excess of \$13 million dollars.
- Secured a favorable disposition for a former Major League Baseball Player charged with bankruptcy fraud, concealment of assets, and money laundering with allegations of loss of over \$200,000.
- Prevailed at trial for a client charged with international smuggling of goods into the U.S. and making a false statement, obtaining an acquittal on the smuggling count and a time-served sentence for the false statement.

Hilary's Associations

- [American College of Trial Lawyers](#), *Fellow*
- [Los Angeles Chapter of the Federal Bar Association](#), *Board Member and Former President*
- [The Chancery Club of Los Angeles](#), *Member*
- Executive Committee, [Los Angeles County Bar Association](#), [Litigation Section](#), *Member*
- U.S.D.C. Central District of California, Local Rules Advisory Committee, *Member*
- [Loyola Law School](#), [Project for the Innocent](#), *Board Member*
- California Courts of Appeal, Proposal 66 Regional Committee, *Member*
- [American Bar Foundation](#), *Fellow*
- [National Association for Public Defense](#), [Fund for Justice](#), *Board Member*
- [California Attorneys for Criminal Justice](#), Capital Case Defense Seminar, Planning Committee, *Member*
- [National Association for Public Defense](#), Systems Builders Committee, *Member*
- [American Inns of Court](#), Los Angeles Chapter, *Member*
- [Just the Beginning—A Pipeline Organization](#), Steering Committee, *Member*
- [Judicial Council of the Ninth Circuit](#), Jury Trial Improvement Committee, *Former Member*
- U.S. Court of Appeals for the Ninth Circuit, *Former Lawyer Representative*
- U.S. Courts, Defender Services Offices Performance Measurement Working Group, *Former Member*

Hilary's Awards & Recognitions

- [Chambers USA](#), "Litigation: White Collar Crime & Government Investigations" Ranking, 2022-2023
- [Daily Journal](#), Top Women Lawyers, 2022-2023
- [Daily Journal](#), Top White Collar Lawyers, 2023
- [The Best Lawyers in America®](#), for Commercial Litigation and Criminal Defense:

White Collar, 2022-2023

- [Benchmark Litigation](#), Top 250 Women in Litigation, 2023
- [Benchmark Litigation](#), Litigation Star, 2022-2023
- [Los Angeles County Bar Association](#), Defense Attorney of the Year, 2020
- [Los Angeles Business Journal](#), Women of Influence: Attorneys, 2021-2023
- [Los Angeles Business Journal](#), Leaders of Influence: Litigators & Trial Attorneys, 2020-2021
- [Los Angeles Business Journal](#), Top Women Attorneys in Los Angeles, 2020