

PARTNER

Daniel M. Gitner

+1.212.930.1245

dgitner@lswlaw.com



GOVERNMENT SERVICE

Assistant U.S. Attorney, U.S. Attorney's Office, SDNY (1997-2005);

- Chief, General Crimes Unit (2003-2005)

Law Clerk, Hon. Barbara S. Jones, US. District Court, SDNY (1996-1997)

Law Clerk, Hon. Naomi Reice Buchwald, U.S. District Court, SDNY (1995-1996)

EDUCATION

Columbia Law School (J.D., 1995)

- Harlan Fiske Stone Scholar; Articles Editor, *Columbia Journal of Law and Social Problems*

Cornell University (B.A., 1992)

- *cum laude*; with honors and distinction in all subjects

ADMISSIONS

New York

New Jersey

U.S. Court of Appeals, Second Circuit

U.S. District Court, SDNY

Twice named the New York White Collar and Government Investigations Lawyer of the Year by *Chambers USA*, Dan has earned a national reputation for “his breadth of expertise and his deft handling of high-profile cases” (*Chambers USA*). A Fellow of the American College of Trial Lawyers, he is Chambers-ranked for both White Collar and Government Investigations and as a Trial Lawyer, and has been profiled by leading publications including the *New York Times* and *The American Lawyer*.

Dan has represented corporate executives, financial professionals, lawyers, accountants, artists, law firms, and corporations before a wide array of federal and state authorities and courts, as well as in internal investigations. Those matters have involved allegations of securities fraud, mail and wire fraud, insider trading, accounting fraud, market manipulation, criminal antitrust violations, obstruction of justice, perjury, workplace discrimination and harassment, tax fraud, bribery, extortion, environmental law violations, money laundering, off-label marketing, immigration violations, insurance fraud, the Foreign Corrupt Practices Act, trade secret violations, professional misconduct, asset forfeiture, and other criminal and regulatory issues. In addition, Dan has represented individuals and organizations in complex federal and state civil litigation and claimants in restitution proceedings.

Prior to joining LSW as a partner in 2005, Dan served in the Criminal Division of the U.S. Attorney's Office for the Southern District of New York. During his tenure, he received the Justice Department's Director's Award for Superior Performance and was named the Federal Prosecutor of the Year in 2003 by the Federal Law Enforcement Foundation.

Dan's contributions to the legal community are wide-ranging. He regularly sits on panels to discuss developments in insider trading law, trial skills, and other aspects of white collar criminal defense. Dan speaks at continuing education seminars, he has lectured at Columbia Law School and currently serves as an adjunct professor at New York Law School. Dan is also a lead author of *Business Crime*, a comprehensive treatise on white collar criminal matters, and publishes on white collar criminal and regulatory issues.

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Representative Matters

- Defended a hedge fund manager accused of criminal insider trading in a two-month jury trial in federal court in Manhattan, winning first insider trading acquittal in recent memory.
- Defended a corporate executive accused of bribery in a high-profile political corruption case, securing a hung jury after a two-month federal trial.
- Defended a financial executive in a month-long federal criminal trial brought by the DOJ Antitrust Division involving allegations of conspiracy and fraud in the municipal bond industry, which resulted in victory on appeal.
- Represented major quasi-governmental international organization in several high-profile corruption investigations.
- Represented non-U.S. financial professionals in major DOJ and CFTC investigation involving alleged manipulation of LIBOR benchmark rates, which resulted in no U.S. charges filed.
- Represented financial professional in DOJ and Federal Reserve investigation involving alleged manipulation of the foreign currency markets.
- Represented CFO of a major public company in SEC investigation regarding disclosure issues.

Publications

Articles

- “Off-Label Drug Promotion and the First Amendment,” *New York Law Journal* (February 1, 2013)
- “Obtaining Restitution for Crime Victims Without Sacrificing Privacy,” *New York Law Journal* (January 2, 2013)
- “Seeking Restitution for the Costs of Internal Investigations,” *New York Law Journal* (September 29, 2008)
- “Challenging the Guidelines’ Loss Table,” *Federal Sentencing Reporter* (February 1, 2008) (co-author with Gabrielle S. Friedman, Kan Nawaday)
- “Must a Firm Report Child Porn on Company Server?,” *New York Law Journal* (November 15, 2007) (co-author with Gabrielle S. Friedman)

Recognition

American College of Trial Lawyers

- Fellow

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Chambers USA

- White Collar and Government Investigations Lawyer of the Year – New York (2015 & 2019)
- Litigation: White-Collar Crime & Government Investigations New York, Band 1
- National Trial Lawyers

The Legal 500

Benchmark Litigation

- National Practice Area Star and Local Litigation Star in White Collar Crime

Expert Guides (White Collar Crime)

The New York Times

- Profiled in “Meticulous, Superstitious, and Victorious” (July 2014)

The American Lawyer

- Named “Litigator of the Week” (July 2014)

U.S. Department of Justice

- Director’s Award for Superior Performance (during service as AUSA)

U.S. Federal Law Enforcement Foundation

- Federal Prosecutor of the Year (2003) (during service as AUSA)

Activities

Professional Affiliations

New York Council of Defense Lawyers

National Association of Criminal Defense Lawyers

- NACDL Task Force for Rule 16

UJA Federation of New York

- Chair, Criminal Law Executive Group Council (2016-2018)

New York City Civilian Complaint Review Board

- Commissioner (2013-2015)

The Fund for Modern Courts

- Board Member

New York City Bar Association

- Criminal Law Committee

New York Law School

- Adjunct Professor

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Community Activities

Parkinson's Foundation
• Development Committee

Speaking Engagements

Dan Gitner Participates in Annual New York Fair Trial Free Press Conference, *New York State Bar Association* (October 30, 2019)

Dan Gitner Participates in "First Monday in October," OAD's Annual Mock Supreme Court Oral Argument, *Office of the Appellate Defender* (October 7, 2019)

Dan Gitner Speaks on "Lessons from Recent Trials" at 8th Annual White Collar Crime Institute, *New York City Bar Association* (May 15, 2019)

Dan Gitner Participates in Panel Discussion on Corporate Prosecutions, *Conference Board* (March 25, 2019)

Dan Gitner Moderates Panel Discussion on Insider Trading Law, *Practising Law Institute* (September 20, 2018)

Dan Gitner Serves as Panelist on Hot Topics in Antitrust Law, *New York City Bar Association* (April 30, 2018)

"Insider Trading Law 2017: A Pivotal Time for Insider Trading Law," Panelist, *Practising Law Institute* (July 21, 2017)

"Role of Experts," Panelist, *New York City Bar Association 5th Annual White Collar Crime Institute* (2016)

"Lessons Learned from Recent White Collar Trials," Panelist, *White Collar Crime 2015, Practising Law Institute* (2015)

"Lessons Learned from Recent Major Trials," Panelist, *American Bar Association Annual Institute on White Collar Crime* (2015)

"Investigating, Prosecuting, and Defending Insider Trading Cases," Panelist, *Navigant Consulting* (2014)

"Insider Trading 2014: New Developments in Investigating, Prosecuting & Defending Cases," Panelist, *New York City Bar Association* (2014)

"Insider Trading and SEC Investigations," Panelist, *Defending Corporations and Individuals in Government Investigations, Thomson Reuters* (2014)

"From the Trenches: High-Profile Trials 2013," Panelist, *Practising Law Institute* (2013)