

PARTNER

## Jillian B. Berman

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jberman@lswlaw.com



### GOVERNMENT SERVICE

Assistant U.S. Attorney, U.S. Attorney's Office,  
SDNY (2004-2013)

- Securities and Commodities Fraud Task Force (2009-2013)

Law Clerk, Hon. Dennis Jacobs, U.S. Court of Appeals, Second Circuit (2001-2002)

Law Clerk, Hon. Richard L. Williams, U.S. District Court, ED Va. (2000-2001)

### EDUCATION

University of Chicago Law School  
(J.D., 2000)

- Member, *University of Chicago Law Review*;  
Founding Member and Articles Editor,  
*Chicago Journal of International Law*; Co-Director, Street Law Program

Cornell University (B.S., 1997)

### ADMISSIONS

New York

District of Columbia

U.S. Supreme Court

U.S. Court of Appeals, Second Circuit

U.S. Court of Appeals, Fourth Circuit

U.S. District Court, SDNY

U.S. District Court, EDNY

Recognized by Chambers USA as a "smart," "well-respected, savvy lawyer" who "earns her clients' trust and forges the best strategic path for them," Jillian defends individuals and companies in white collar criminal matters, regulatory investigations and enforcement proceedings, internal investigations, and complex commercial litigation.

Her client roster includes corporate executives, portfolio managers and finance professionals, law firms, broker-dealers, real estate firms, and other companies. She also advises companies and boards of directors on securities, regulatory issues, and corporate governance issues.

Jillian's matters have spanned securities and commodities fraud (including insider trading, market manipulation, and accounting fraud), antitrust and price fixing, money laundering, asset forfeiture, restitution, bribery, public corruption, election fraud, legal ethics, cryptocurrency, and cyber fraud, among others.

Before entering private practice, Jillian served as a federal prosecutor in the U.S. Attorney's Office for the Southern District of New York for nine years, where she tried 10 criminal cases, including a high-profile insider trading case, and argued numerous appeals before the U.S. Court of Appeals for the Second Circuit. As a member of the Securities and Commodities Fraud Task Force, Jillian investigated and prosecuted a wide range of federal securities and commodities fraud offenses and coordinated parallel civil enforcement proceedings with the Securities and Exchange Commission, the Commodity Futures Trading Commission, and other regulatory agencies. She also directed white collar investigations and prosecutions related to insider trading, investment advisor fraud, market manipulation, stock loan fraud, Ponzi schemes, and private placement offerings. Earlier in her career, Jillian practiced complex commercial litigation at Covington & Burling in Washington, D.C.

A frequent speaker on legal issues, Jillian previously served as a lecturer in law at Columbia Law School. Currently, she is the chair of the program committee for the New York chapter of the Women's White Collar Defense Association as well as a board member and the membership chair of New York Council of Defense Lawyers. Jillian also serves on the board of directors for the Adams Street Foundation, which funds and implements individualized programming for low-income high school students in downtown Brooklyn to prepare them for college and career success.

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### Representative Matters

- Represented former executive indicted in a federal antitrust case charging price fixing and bid rigging in the supply of chickens to fast food chains. Our efforts resulted in the DOJ dismissing all charges against our client prior to trial.
- Defended an investment adviser charged with securities fraud, who received a non-jail sentence.
- Defended a former CFO and public accountant charged with insider trading, who received a non-jail sentence.
- Defended former CFO of a public technology company in SEC investigation and federal securities class action, resulting in favorable resolutions.
- Representation of a senior executive of a global medical technology company in a criminal fraud investigation and a parallel civil False Claims Act investigation, resulting in no charges being filed.
- Representation of Chief Technology Officer of online lending platform in connection with criminal and civil investigation into potential securities fraud.
- Representation of CEO/founder and CFO of a start-up marketing analytics company in connection with an internal investigation involving corporate governance issues surrounding potential wrongdoing by a company employee.
- Conducted an internal investigation on behalf of an audit committee of the board of a not-for-profit in connection with a whistleblower complaint alleging financial improprieties concerning charitable contributions.
- Conducted an internal investigation on behalf of a special committee of an information technology company concerning potential fraud by a company employee.
- Representation of a global advisory and accounting firm in an SEC investigation regarding potential securities fraud violations.
- Representation of a real estate management company and its principals in connection with a federal investigation involving alleged campaign finance improprieties and bribery, resulting in no charges being filed.
- Representation of top-ranked consulting company in a federal investigation and prosecution of individuals involving market manipulation.
- Representation of New York City oversight entity in connection with federal civil litigation pending in the Southern District of New York.
- Representation of former employees of global investment bank in connection with a FINRA investigation into allegedly improper trading activities.

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## Publications

### Articles

“Chicken Cases Show Benefits Of Pretrial Hearsay Probes,” *Law360* (January 31, 2023) (co-author with Lise Rahdert, Julie Withers)

“COVID-19 Considerations for Recipients of a Federal Grand Jury Subpoena To Testify,” *Practical Law* (April 29, 2020) (co-author with Lise Rahdert)

## Recognition

### Chambers USA

- Litigation: White-Collar Crime & Government Investigations, New York
- White-Collar Crime and Government Investigations, “Up and Coming” (2019)

### The Legal 500

### Who’s Who Legal: Business Crime Defence

### Super Lawyers New York Metro List

- Top 50 Women Lawyers
- Top 100
- Criminal Defense: White Collar, Business Litigation, Securities Litigation

### Best Lawyers

- Criminal Defense: White Collar

### Benchmark Litigation

## Activities

### Federal Bar Council

- Inn of Court
- Federal Criminal Practice Committee
- Committee on Sentencing and Alternatives to Incarceration

### New York City Bar Association

- White Collar Crime Committee
- Women in the Legal Profession
- Government Ethics and State Affairs Committee (2012-2017)

### Women’s White Collar Defense Association

- Chair, New York Chapter Program Committee

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New York Council of Defense Lawyers

- Board of Directors
- Chair, Membership Committee

Adams Street Foundation

- Board of Directors

## Speaking Engagements

Jillian Berman joins PLI Panel on Corporate Internal Investigations, (June 29, 2023)

Jillian Berman Interviews CFTC Commissioner at 2023 White Collar Crime Institute, (May 23, 2023)

Jillian Berman Participates in ABA Antitrust International Cartel Workshop, (June 28, 2022)

Jillian Berman Speaks about Individual Defense at 10th Annual White Collar Crime Institute at NYC Bar Association, (April 27, 2022)

Jillian Berman Speaks at Practising Law Institute's Insider Trading Law Program, (October 21, 2021)

Jillian Berman Moderates Panel of Federal Judges at WWCCA, (November 17, 2020)

Jillian Berman Speaks on "Hot Trends in DOJ and SEC Enforcement" at Sandpiper Partners Conference, (September 15, 2020)