

PARTNER

John S. Siffert

+1.212.930.1229

jsiffert@lswlaw.com



GOVERNMENT SERVICE

Assistant U.S. Attorney, U.S. Attorney's Office,
SDNY (1974-1979)

Law Clerk, Hon. Murray I. Gurfein, U.S.
District Court, SDNY (1972-1974)

EDUCATION

Columbia Law School (J.D., 1972)

- Articles Editor, *Columbia Journal of Law and Social Problems*

Amherst College (B.A., 1969)

- *cum laude*

ADMISSIONS

New York

U.S. Supreme Court

U.S. Court of Appeals, Second Circuit

U.S. District Court, SDNY

U.S. District Court, EDNY

John is a founding partner of LSW, where he has built a widely respected practice that encompasses every aspect of litigation. *Chambers USA* describes him as “a classic counselor who is also a superb trial lawyer.” A fellow of the American College of Trial Lawyers, he has also served on the organization’s Board of Regents and as a trustee of its foundation.

Over the course of four decades, John successfully has tried many civil and criminal trials to verdict and prevailed as claimant and respondent in commercial arbitrations. He also has argued before the United States Court of Appeals for the Second Circuit, the New York Court of Appeals, and the First and Second Departments of the New York State Supreme Court Appellate Division.

John’s abiding concern for his clients and his creative approach to problem solving frequently result in creative solutions that avoid the cost and risks of the courtroom. He also has proven effective in persuading governmental authorities to drop charges altogether.

John’s areas of practice range from commercial, contract, and other civil disputes to regulatory and criminal matters. He is adept at handling a wide range of allegations, including securities fraud, antitrust violations, professional misconduct, art law, intellectual property, cybercrimes, and Foreign Corrupt Practices Act violations. He has represented corporations, corporate boards, individual directors, and senior officers, as well as major law firms and individual lawyers both in court and before the Attorney Grievance Committee of the First Department. John also has been called upon to advise audit committees and special committees conducting internal investigations.

John was twice appointed by the Honorable John G. Roberts, Jr., Chief Justice of the Supreme Court of the United States, to the Judicial Conference Advisory Committee on Criminal Rules, where he served from 2012 to 2018. He currently serves on the Attorney Panel of the Committee on Grievances for the Second Circuit Court of Appeals. He previously served on the Disciplinary Committee of the First Department of the New York State Supreme Court.

John has been on the faculty at New York University School of Law for over 40 years and holds the title of adjunct professor. He also has taught at Harvard Law School, Hofstra Law School, Cardozo Law School, Columbia Business School, and the National Institute for Trial Advocacy Training (NITA).

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John is a co-author—along with the late Hon. Leonard Sand and the Hon. Jed Rakoff—of *Modern Federal Jury Instructions* (civil and criminal), published by Matthew Bender, as well as numerous articles and book chapters on a variety of topics.

John has handled numerous *pro bono* matters, including authoring an amicus brief to gain the resentencing of a juvenile who had been sentenced to mandatory life without parole.

John's commitment to "giving back" includes active participation in bar and community organizations, where he has served as chair, officer, and board member.

Earlier in his career, John served as an Assistant United States Attorney in the Civil and Criminal Divisions of the U.S. Attorney's Office for the Southern District of New York, where he prosecuted *U.S. v. Chiarella*, the first-ever criminal insider trading case.

Mediation and Arbitration Practice

John is an active mediator and arbitrator. He is a fellow of the Chartered Institute of Arbitrators (FCIArb). He also serves as distinguished neutral for Conflict Prevention & Resolution (CPR) and is a member of the London Court of International Arbitration (LCIA). In addition, John has been retained privately to serve as a neutral arbitrator in a variety of commercial disputes, including as panel chair.

John was appointed by the Honorable Kimba Wood to be special master in *Gulino, et al. v. The Board of Education*, currently pending in the United States District Court for the Southern District of New York. In this capacity, he is responsible for conducting hearings and recommending damage awards for approximately 4,500 minority New York City public school teachers who faced adverse employment consequences because they failed to pass a discriminatory test required for state certification. Previously, John was appointed to serve as the discovery master and then as the mediator in *Invista v. DuPont* and as the escrow agent for the Solomon Insider Trading and Investment Advisory Disorgement Funds. He also served as the SEC-approved independent counsel for MBIA Inc.

John's ADR practice includes extensive mediation experience. He has been privately retained to mediate a wide variety of commercial disputes, and he has been on the mediation panel of the Southern District of New York since its inception. He previously served as a special master for the First Department, mediating cases on appeal. The subjects of the mediations include international contracts, gas and oil pipelines, employment, copyright, law firms, royalty payments, and property claims. He also serves as court-appointed mediator in *Gulino* and previously in *Invista*, both referenced above.

Publications

Treatises

Modern Federal Jury Instructions – Criminal Volumes (three volumes), Matthew Bender Elite Products (co-author with Hon. Leonard B. Sand, Hon. Jed S. Rakoff, Steven Alan Reiss, Walter P. Loughlin, and Steven W. Allen)

Modern Federal Jury Instructions – Civil Volumes (two volumes), Matthew Bender Elite Products (co-author with Hon. Leonard B. Sand, Hon. Jed S. Rakoff, Steven Alan Reiss, and Steven W. Allen)

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Business Crime: Criminal Liability of the Business Community (six volumes), Matthew Bender Elite Products (co-author with Stanley S. Arkin, Hon. Jed S. Rakoff, Earl C. Dudley Jr., and Donald Re)

Chapters

“Obstruction of Justice,” *The Encyclopedia of Criminology and Criminal Justice* (2011) (co-author with Kathryn Malizia)

Articles

“New Federal Rule of Criminal Procedure 16.1 Will Initiate Sea Change in Pretrial Disclosures — If Judges, Prosecutors and Defense Bar Take It Seriously,” *The Champion (NACDL)* (November 1, 2019)

“Insider Trading as Fraud: Economic Benefit as an Element,” *New York Law Journal* (June 22, 2016)

“Understanding Insider Trading as Breach of Duty of Loyalty,” *New York Law Journal* (January 20, 2016)

“Lawyer-Mediator’s Dilemma to Report Misconduct but Maintain Confidentiality,” *New York Law Journal* (2013) (co-author with Julia C. Green)

“Insuring Defense Costs Arising From Disgorgement Claims,” *New York Law Journal* (2012) (co-author with Matthew G. Coogan)

“Using Hypotheticals During Jury Selection,” *Trial by Jury* (2012) (co-author with Deepa Rajan and Julie Blackman)

Recognition

Chambers USA

- “Senior Statesperson,” *Litigation: White-Collar Crime & Government Investigations – New York*

Legal Media Group

- *Guide to the World’s Leading Litigation Lawyers*

America’s Top 100 Lawyers

American Society of Legal Advocates

Benchmark Litigation

- National Practice Area Star and Local Litigation Star in General Commercial, Securities, and White Collar Crime

Expert Guides

- Best of the Best USA White Collar Crime

The Legal 500

Who’s Who

- Top Lawyers in New York

The Best Lawyers in America

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Super Lawyers

- Top 10 Lawyers in New York (2008)

Awards

New York Lawyers for the Public Interest

- Law & Society Award (2020)

American Friends of the Hebrew University

- George A. Katz Torch of Learning Award (2018)

Marquis Who's Who

- Albert Nelson Marquis Lifetime Achievement Award (2018)

Campaign for the Fair Sentencing of Youth

- Healing and Hope Award (2014)

American Inns of Court, Second Circuit

- Professionalism Award (2009)

Activities

Professional Affiliations

New York University School of Law

- Adjunct professor (1979-present)

American College of Trial Lawyers

- Fellow
- Former Regent
- Former Foundation Trustee
- Former Chair, New York Downstate Committee
- Former Chair, Admission Fellowship

Judicial Conference Advisory Committee on Criminal Rules (2012-2018)

Practising Law Institute

- Trustee
- Former Member, Executive Committee
- Former Co-Chair, Pro Bono Committee
- Faculty Presenter on numerous programs involving white collar crime, trial strategy, and trial advocacy

New York Lawyers for the Public Interest

- Member, Emeritus Board
- Former Chair

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Federal Bar Council Inn of Court

- Co-founder
- Member, Executive Committee
Former President

Chartered Institute of Arbitrators (CI Arb)

- Member

London Court of International Arbitration (LCIA)

- Member

Litigation Counsel of America (trial lawyer honorary society)

- Fellow

National Association of Criminal Defense Lawyers

- Life Member
- NACDL Task Force for Rule 16

New York Council of Defense Lawyers

- Former Board Member

American Bar Foundation

- Fellow

American Bar Association

New York City Bar Association

- Former Member, Executive Committee, Nominating Committee, and Honors Committee
- Former Chair, Federal Legislation Committee

New York State Bar Association

Historical Society of the Courts of New York

- Board Member
- Member, Executive Committee
- Vice Chair, Projects and Initiatives

Community Activities

Attorney Advisory Group for the Second Circuit

- Civic Education Program Committee
- Member, Civics Education and Speakers Bureau Subcommittee

Supreme Court Historical Society

- Trustee

American Friends of Hebrew University

- Former President, Greater New York Regional Board

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Just The Beginning - A Pipeline Organization, NYC

- Member, Executive Committee (2016)
- Co-chair, Robes in the Classrooms

New York Civil Rights Coalition

- Advisory Board

Speaking Engagements

John Siffert on Panel Comparing French and American Criminal Legal Systems at the American College of Trial Lawyers Annual Program (2014)

John Siffert Interviews Hon. Justice Sonia Sotomayor, at the American Trial of College Lawyers Annual Program (2009)

John Siffert has participated in every Practising Law Institute Trial by Jury Program since 2008

Speaking Engagements

John Siffert Speaks on Conducting an Effective Direct Examination at PLI's Annual Trial By Jury Program, *Practising Law Institute* (November 1, 2019)

John Siffert on Discovery Trends Panel at NACDL's Annual White Collar Defense Seminar, *National Association of Criminal Defense Lawyers* (November 8, 2018)

John Siffert Speaks on Making a Compelling Closing Argument at PLI's Annual Trial By Jury Program, *Practising Law Institute* (November 7, 2018)

John Siffert Speaks on Making a Compelling Closing Argument at PLI's Annual Trial By Jury Program, *Practising Law Institute* (November 13, 2017)

John Siffert Speaks on Making a Compelling Closing Argument at PLI's Annual Trial By Jury Program, *Practising Law Institute* (November 21, 2016)

John Siffert Interviews Justice Sonia Sotomayor, *Just the Beginning - A Pipeline Organization* (September 15, 2016)