

PARTNER

## John S. Siffert

+1.212.921.8399 ext. 229

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

U.S. District Court, D. Colo.

John is a founding partner of LSW, where he has built a widely respected practice that encompasses every aspect of litigation and alternative dispute resolution. Chambers USA describes him as “a classic counselor who is also a superb trial lawyer.”

John is engaged actively in the world of alternative dispute resolution. He is a Fellow of the Chartered Institute of Arbitrators (CI Arb), a CI Arb Accredited Mediator, and has been named to the National Roster of Commercial Arbitrators and the National Roster of Mediators of the American Arbitration Association. He also is a Distinguished Neutral for the International Institute for Conflict Prevention and Resolution (CPR), and has completed CPR training in online mediation. John was appointed by the Hon. Kimba Wood of the SDNY to be Special Master in *Gulino v. The Board of Education*, where he is tasked with recommending individualized backpay and pension awards for 4,700 claimants. With the parties' consent, he also serves as Court Appointed Mediator in that case. Previously, John was appointed by the Hon. Sidney Stein of the SDNY to serve as Discovery Master and then Mediator in *Invista v. DuPont*.

John also has been retained privately to serve as a neutral arbitrator in a variety of commercial disputes, including as panel chair. During the past 20 years, he has served as chair and wing arbitrator in a variety of disputes, including:

- a franchise agreement restricting the use of a service mark;
- a class action copyright infringement arbitration brought on behalf of photographers;
- a construction claim arising from a contract dispute;
- rights from a services agreement;
- an international supply contract for delivery of chemicals with claims of failure to pay and counterclaims of defect in delivery;
- the impact of a public utility regulation on a post-closing price adjustments, with complex issues of valuation, contract interpretation and utility regulation interpretation.

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John has over 30 years' experience as a mediator. He is on the National Roster of Mediators of the American Arbitration Association. He has been appointed by federal judges to mediate matters on their dockets and has served on the Southern District of New York Mediation Panel since its inception. He previously served as Special Master in the First Department to mediate cases on appeal. He also has been retained privately to mediate a variety of business disputes.

John draws upon a breadth of experience as a trial lawyer before juries and as an advocate at commercial arbitrations. During over 40 years in private practice, John handled a diversity of ADR proceedings involving intellectual property, copyright, music and publishing contracts, royalty agreements, securities claims, executive employment, labor wages and benefits, professional malpractice, including accountant liability, victims of sexual abuse, among others.

John's abiding concern for his clients and creative approach to problem-solving result in solutions that avoid the cost and risks of the courtroom. He has been effective in persuading governmental authorities to drop charges altogether. He also has conducted internal investigations for corporate boards and audit committees, advising on pending criminal and regulatory investigations and shareholder derivative demands.

John's extensive experience in dispute resolution includes a broad range of subject matters from commercial and employment to regulatory and criminal matters. He is adept at handling an array of allegations, including securities fraud, antitrust violations, professional misconduct, art law, intellectual property, environmental violations, cybercrimes, antitrust, tax conspiracies, and Foreign Corrupt Practices Act violations.

John's experience representing clients with differing cultural perspectives includes corporate and individual clients from around the globe, including Brazil, Chile, Norway, Switzerland, England, France, Spain, Germany, Israel, Bahrain, South Africa, India, Japan, China, and Canada. His clients have had diverse economic interests, including corporations, corporate boards, individual directors, and senior officers, employees, as well as major law firms and individual lawyers.

John has profound appreciation for the demands of trial practice as well as the collateral consequences that parallel regulatory proceedings may have on litigants. His perspective is based on his work as a prosecutor, defense counsel, and panel chair on the Disciplinary Committee for the New York State Supreme Court First Department. He currently serves on the Attorney Panel of the Committee on Admissions and Grievances for the Second Circuit Court of Appeals.

John was 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 the Federal Rules of Evidence for a three-year term beginning October 1, 2023. Previously Chief Justice Roberts had appointed John to the Judicial Conference Advisory Committee on Criminal Rules for two consecutive three-year terms from 2012 to 2018. A fellow of the American College of Trial Lawyers, he also has served on the organization's Board of Regents and as a trustee of its Foundation.

John is an Adjunct Professor at New York University School of Law, where he has taught for over 42 years. He also has taught classes at Harvard Law School, Hofstra Law School, Cardozo Law School, Columbia Business School, and the National Institute for Trial Advocacy Training (NITA).

John is a co-author—along with the late Hon. Leonard Sand and 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, including “Lawyer-Mediator’s Dilemma to Report Misconduct but Maintain Confidentiality” (*NYLJ*).

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.

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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.

## 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)

*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*

"Mitigating Incarceration's Impacts On Foreign Nationals," *Law360* (May 21, 2024) (co-author with Jillian B. Berman, Zachary Baron Shemtob)

"A Closer Look at Novel Jury Instructions in Forex Rigging Case," *Law360* (February 12, 2024) (co-author with Michael D. Longyear, Zachary Baron Shemtob)

"SDNY Ruling Warns Parties To Heed Amended Disclosure Rule," *Law360* (December 12, 2023) (co-author with Brandon G. Davis)

"It's Time to Revisit Mens Rea In Criminal Price-Fixing Cases," *Law360* (February 16, 2023) (co-author with Lise Rahdert)

"An Examination of Institutional Arb-Med-Arb Protocols and Practices," *Dispute Resolution Journal, Volume 76, Issue 1* (August 16, 2022) (co-author with Peter Pettibone)

"The Due Process Protection Act: How Rule 5(f) Came to Be and Where Do We Go from Here?," *The Champion* (April 15, 2021) (co-author with Hon. Donald W. Molloy)

"New Criminal Rule 5(f) Could Alter Brady Disclosure Timing," *Law360* (November 30, 2020)

"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* (November 1, 2019) (co-author with David Angelatos)

"Insider Trading as Fraud: Economic Benefit as an Element," *New York Law Journal* (June 22, 2016) (co-author with Leigh Llewelyn)

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“Understanding Insider Trading as Breach of Duty of Loyalty,” *New York Law Journal* (January 20, 2016) (co-author with Michael Herman)

“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

### Super Lawyers

- Top 10 Lawyers in New York (2008)

### Awards

### American College of Trial Lawyers

- Leon Silverman Award (2024)

### 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)

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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

### *Mediation & Arbitration Qualifications*

Chartered Institute of Arbitrators (CI Arb)

- Fellow
- Accredited Mediator

American Arbitration Association (AAA)

- National Roster of Commercial Arbitrators
- National Roster of Mediators

International Institute for Conflict Prevention and Resolution (CPR)

- Distinguished Neutral

Southern District of New York Mediation Panel

- Member

Southern District of New York

- Court appointed Special Master

New York State Supreme Court First Department

- Court appointed Special Master

London Court of International Arbitration (LCIA)

- Member

### *Professional Affiliations*

New York University School of Law

- Adjunct Professor (1979-present)

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### American College of Trial Lawyers

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

### Judicial Conference Advisory Committee on Evidence Rules (2023- present)

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

### Practising Law Institute

- Trustee Emeritus
- 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

### Federal Bar Council Inn of Court

- Co-founder
- Member, Executive Committee
- Former President

### 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

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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

Second Circuit Committee on Attorney Admissions and Grievances

- Member (2015- present)

Supreme Court Historical Society

- Trustee

American Friends of Hebrew University

- Former President, Greater New York Regional Board

Just The Beginning – A Pipeline Organization, NYC

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

Citizens Crime Commission of New York City

- Lawyers Council Member (2021)

## Speaking Engagements

John Siffert Joins PLI Panel on “Conducting a Killer Cross-Examination”, (October 17, 2023)

John Siffert Featured at three-part PLI program on “Drafting an Arbitration Agreement in 2023: Practical Lessons”, (September 19, 2023)

John Siffert Speaks on Conducting An Effective Direct Examination at PLI’s Annual Trial By Jury Program, (October 20, 2022)

John Siffert Speaks at Yale Law School on White Collar Criminal Defense: Critical Issues and Strategies, (April 15, 2022)

John Siffert Addresses Ninth Circuit Chief Judges’ Conference, (February 23, 2021)

John Siffert Featured at Pennsylvania Association of Criminal Defense Lawyers’ Annual White Collar Practice Webinar, (November 20, 2020)

NYU Conference on Insider Trading Features John Siffert & Rusty Wing, (November 5, 2020)

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

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John Siffert speaks on French and US Criminal Law at the ACTL Annual Program, (January 1, 2014)

John Siffert Interviews Justice Sonia Sotomayor at the ACTL Annual Program, (September 24, 2009)