

ASSOCIATE

## Rachel S. Berkowitz

+1.212.930.1259

rberkowitz@lswlaw.com



### GOVERNMENT SERVICE

Law Clerk, Hon. Richard J. Sullivan, U.S.  
District Court, SDNY (2013-2014)

Law Clerk, Hon. Rosemary Barkett, U.S. Court  
of Appeals, Eleventh Circuit (2012-2013)

### EDUCATION

Duke University School of Law (J.D., 2012)

Duke University (M.A., 2012)

University of Pennsylvania (B.A., 2007)

### ADMISSIONS

New York

U.S. District Court, SDNY

U.S. District Court, EDNY

Rachel's practice focuses on white collar defense, government investigations, and complex civil matters. Rachel has represented individuals in a wide variety of industries in matters involving government entities including the U.S. Attorney's Offices for the Southern and Eastern Districts of New York, the Department of Justice, the Securities and Exchange Commission, and the New York Department of Financial Services.

Rachel has represented clients in every stage of a criminal case. She has advised individuals who are the subject of complex criminal and regulatory investigations, often preparing them for interviews and to testify at trials and depositions. She is a zealous advocate for her clients during the investigation phase, making detailed presentations to line prosecutors and supervisors in favor of leniency and the exercise of discretion. Notably, Rachel was a core member of a trial team in a two-month federal public corruption trial that resulted in a hung jury. She has also represented clients who have achieved resolutions such as non-prosecution and cooperation agreements.

Rachel has a diverse civil practice in federal and state court. In addition to her experience with commercial disputes, she has also represented law firms and lawyers in connection with malpractice claims and ethics issues.

Rachel has a special interest in matters involving art law. Among other things, she successfully represented a client in a federal criminal investigation concerning looting and smuggling of antiquities. Rachel has a strong background in art history, graduating with distinction in art history from the University of Pennsylvania and earning a master's degree in the subject from Duke University. She is also a member of the New York City Bar Association's Art Law Committee.

Prior to joining the firm, Rachel clerked at the federal appellate level for the Honorable Rosemary Barkett in Florida, and then at the federal trial level for the Honorable Richard J. Sullivan in New York.

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### Representative Matters

- Representation of an executive at an energy company in a two-month federal criminal trial involving allegations of bribery and public corruption, which resulted in a hung jury.
- Representation of a City Hall employee in a federal criminal investigation into potential misconduct in connection with campaign finance and fundraising, which resulted in no charges being filed.
- Representation of an individual in a federal criminal investigation concerning smuggling of antiquities, which resulted in no charges being filed.
- Representation of a chemical company employee in a federal criminal investigation by the DOJ Antitrust Section involving allegations of price fixing, bid rigging, and customer allocation, which resulted in no charges being filed.
- Representation of a non-U.S.-based witness who testified pursuant to a non-prosecution agreement in a federal criminal trial involving bribery and money laundering.
- Representation of a trader in various FX investigations by the DOJ Fraud Section and the New York Department of Financial Services, which resulted in no charges being filed.
- Representation of members of the board of directors of a public company, including the Chairman of the Audit Committee, in an internal investigation concerning improper executive compensation.
- Representation of a real estate investment company in a civil contract dispute in the Commercial Division of the New York Supreme Court, and successfully defeated a motion to dismiss.
- Defended an AmLaw 200 law firm against malpractice claims in the SDNY, which resulted in an advantageous disposition.

### Recognition

Best Lawyers in America “Ones to Watch” (2021)

- Criminal Defense: White Collar

### Activities

Federal Bar Council

- Inn of Court

New York City Bar Association

- Professional Ethics Committee
- Art Law Committee (former member)

*Speaking Engagements*