

THOMAS D. GIACHETTI

Shareholder

tgiachetti@stark-stark.com

Princeton

Phone – 609.895.7255

Fax – 609.895.7395



Practice Areas

Securities

Thomas D. Giachetti, Shareholder, is Chair of the Securities Practice Group. A former investment banker and NASD registered representative, Mr. Giachetti's legal practice is devoted to investment-related matters, including the representation of investment advisers, financial planners, broker-dealers, public and private investment companies (e.g., mutual funds, hedge funds, etc.), CPA firms and registered representatives throughout the United States. He also advises claimants and respondents in securities regulatory, arbitration and litigation matters.

Mr. Giachetti is a recognized author and commentator on investment-related legal matters and a frequent lecturer at securities industry compliance seminars, annual meetings, and educational programs throughout the country. He also serves as an expert witness in securities litigation/arbitration matters throughout the United States.

The Securities Practice Group of Stark & Stark represents investment advisers, financial planners, broker-dealers, CPA firms, registered representatives, public and private investment companies (e.g., mutual funds, hedge funds, etc.), and investors throughout the United States. The firm, with over 100 attorneys, and offices in Princeton, Marlton, Philadelphia, and New York City serves clients located across the United States and Canada.

Education

J.D. - Syracuse University College of Law (1984)

M.A. - Economics; Syracuse University - Maxwell School (1984)

B.S. - Public Administration and Business; University of Scranton (1981)

RECURRING INDUSTRY ENGAGEMENTS

- Columnist
Investment Advisor Magazine – Expert’s Corner
 - ◆ *July 2006 – Passing Muster: Is your electronic record keeping up to SEC snuff?*
 - ◆ *August 2006 – A Process, Not a Destination: Complacency and compliance do not mix.*
 - ◆ *November 2006 – Defining Fiduciary: What is an advisor’s true fiduciary duty?*
 - ◆ *February 2007 – When Should You Register? A guide for when “tweeners” should register with the SEC*
 - ◆ *April 2007 – First, Hold on to Your Clients: Before selling your business, make sure restrictive covenants are in place*
 - ◆ *June 2007 – Look Before Leaping: When moving from one firm to another, be careful how you step*
 - ◆ *August 2007 – Internal Medicine: The options for structuring an internal succession plan*

- Expert Witness
Securities industry litigation and arbitration matters throughout United States

RECENT NATIONAL SPEAKING ENGAGEMENTS

- Schwab Institutional – IMPACT 2007
October 30, 2007 (Las Vegas)

- Schwab Regional Conferences 2007
(Cleveland, Cincinnati, Chicago, Philadelphia, Denver, Phoenix and St. Louis)

- Financial Planning Symposium
October 9, 2007 (Chicago, IL)

- TD Ameritrade: Fall Regional Conference
September 19, 2007 (Dallas, TX)

- Raymond James Financial Services Annual Conference
September 17, 2007 (Nashville, TN)

- Fidelity: Best Practices Conferences - 2007
(Phoenix, Seattle, Houston, Boston, Atlanta)

- FPA (Northern California, San Francisco)
May 30, 2007 – *Practice Management Issues for Investment Advisors*

- NAAIM National Conference
May 6-9, 2007 – Orlando, Florida

- NAPFA National Conference

May 2-6, 2007 Chicago, Illinois

- NICCP Annual Conference (Las Vegas, Nevada)
May 3, 2007 – *Compliance Issues Pertaining to College Planners*
- InterShow & Financial Advisor Magazine Financial Advisor Symposium
2007 – Las Vegas, Nevada – *The Applicability of the Pension Protection Act to Investment Advisers*
- TD Ameritrade 2007 National Conference (San Diego, California)
February 9, 2007 – *New Compliance Issues Facing Investment Advisers*
- IMCA National Conference (New York, New York)
January 30, 2007 – *Hedge Fund Regulation*
- Advisor Summit 2006 (Las Vegas)
November 30 – December 1 – *Staying Compliant*
- Charles Schwab Institutional – IMPACT 2006 (Washington, DC)
November 7, 2006 – *Regulation, Liability and Protecting Your Practice*
- 9th Annual Financial Advisor Symposium (Chicago)
September 25 – 27, 2006 – *Fiduciary Issues and Liability*
- National Association of Active Investment Managers (NAAIM) (Phoenix)
May 1 – 3, 2006 – *Regulatory Compliance for Active Asset Allocators*
- Financial Planning Association (FPA), Northern California Chapter (San Francisco)
April 3 – 4, 2006 – *Protecting Your Practice in an Ever-Increasing Regulatory Minefield*
- Financial Planning Association (FPA), Denver Chapter (Denver)
February 10, 2006 – *Protecting Your Practice: How to Avoid Regulatory Enforcement and Client Litigation/Arbitration Proceedings*
- TD Ameritrade Annual Conference (Orlando)
February 1 – 3, 2006 – *How to Protect Your Practice from Regulatory Enforcement Proceedings, Client Litigation and Departing Employees*
- Schwab Institutional New York Metro Regional Conference (New York)
January 19, 2006 – *Current Regulatory Hot Topics*
- Fortigent Annual Conference (Las Vegas)
January 12 – 13, 2006 – *Protecting Your Practice: How to Avoid Regulatory Enforcement and Client Litigation/Arbitration Proceedings*
- The Investment Advisor Wealth Advisor Summit (W. Palm Beach, Florida)
December 2, 2005 - *Advisor Compliance Roundtable*

Co-presenters: John Walsh, U.S. Securities & Exchange Commission
Rick White, Deputy Director, Office of Financial Regulation, State of Florida

- Financial Planning Association (FPA) Webinar
October 25, 2005 – *Protect Your Practice When Adding New Partners*
- Charles Schwab Institutional – IMPACT 2005 (Seattle)
September 25, 2005 – *Hedge Fund Legal and Regulatory Issues and What They Mean for Your Clients*
- Financial Planning Association (FPA), DFW Chapter (Dallas)
July 19, 2005 – *How to Protect Your Investment Advisory Practice in the Current Regulatory Environment*
- National Association of Active Investment Managers (formerly Society of Asset Allocators and Fund Timers, Inc. SAAFTI) (St. Louis) February 2005 - *Advertising Regulations for Investment Managers*
- The National Association of Active Investment Managers (Houston) – Uncommon Knowledge
2005 - April 25, 2005 – *Compliance Hot Spots*
- Fund of Funds Forum 2004 – New York City
New Regulations for Hedge Funds
- Charles Schwab Institutional – IMPACT 2004 (Philadelphia) – *Restrictive Covenants and other Practice Transition matters for Investment Advisers*
November 7, 2004
- JP Morgan Fleming Asset Management – 6th Annual Wealth Management Symposium (Oak Brook, IL) May 24 – 26, 2004
- The National Association of Personal Financial Advisors Annual Conference (Toronto, Canada)
April 21, 2004 – *Regulatory Compliance and Future Trends*
- Charles Schwab Institutional – IMPACT 2003 (Philadelphia) November 2003 – *How to Protect Your Practice*
- Financial Research Associates, LLC – Fund of Funds Business Operations Forum (New York)
November 13-14, 2003 – *Outsourcing to Third Party Service Providers*
- AIMR – Investment Counseling for Private Clients V (Atlanta) March 17 – 18, 2003 – *The Importance of Proactive Compliance*
- The Financial Planning Association – Broker-Dealer Conference
January 31, 2003 – *Retirement Plan Sales Compliance – Best Practice*
- Association For Advanced Life Underwriting (AALU) 2002 Annual Meeting (Washington, D.C.)
April 15, 2002 – *Compliance Today Versus Litigation Tomorrow*

RECENT AUTHORED ARTICLES

- *So You Think Your Marketing Practices Are Compliant?*
IMCA The Monitor, May/June 2007
- *First, Hold On to Your Clients: Before selling your firm, make sure restrictive covenants are in place*
Investment Advisor Magazine, April 2007
- *Thinking of Leaving your Brokerage Firm And Going Solo? Make Sure You Know Your Rights*
TD Ameritrade Institutional Transition News, March 2007
- *Come Right In – If you want to welcome a SEC examiner, get prepared now*
Investment Advisor Magazine, August 2005
- *An Overview of Internal Transition Planning for the Registered Investment Adviser*
Charles Schwab Institutional Compliance Review, October 2005
- *An Overview of External Transition Planning for the Registered Investment Adviser*
Charles Schwab Institutional Compliance Review, September 2005
- *Keeping Them on Your Side – Here’s how to defend your practice from your own employees*
Investment Advisor Magazine, May 2005
- *Establishing an Email Policy as Part of New Required Rule 206(4)-7 Written Policies and Procedures*
Merrill Lynch Money Manager Services Newsletter, Second Quarter 2004
- *Contingency Planning And Rule 206(4)-7*
Financial Advisor Magazine, October 2004
- *Avoiding Adviser Liability Through Good Practice Management*
Charles Schwab Institutional Compliance Review, November/December 2003
- *The Importance of Proactive Compliance*
AIMR Advocate, 2003
- *Preparing for and Participating in an SEC Examination*
Schwab Money Manager Services Newsletter, Second Quarter 2002
- *The Proactive Advisor: Enhancing Compliance And Reducing Exposure*
Schwab Institutional Compliance Review, June 2002
- *Preparing for and Participating in an SEC Examination*
Merrill Lynch Money Manger Services Newsletter, Second Quarter 2002

- *How To Protect Your Practice*
Financial Advisor, July 2001

SELECT INTERVIEWS / COMMENTARY

- Registered Rep. Magazine: *They're Watching You*
By John Churchill, June 2007
- Investment News: *Schwab Up Close and Personal with Confab Attendees*
By Brooke Southall, December 11, 2006
- Dow Jones News Service: *Practice Management: What to Know Before You Break Away* By
Kristen McNamara, November 2006
- Financial Advisor Symposium: *Advisor Fiduciary Duties: What Can Go Wrong?*
By Tracey Longo, September 2006
- Investment Advisor: *Piling On: How to Cope with a Growing Compliance Burden*
By Melanie Waddell, March 2006
- Journal of Financial Planning: Solutions Magazine: *Red Alert: Compliance Deadline Requires
More Than Lip Service*
By: Amy Buttell Crane, March – April 2006
- TD Waterhouse Compliance News: *FPA Compliance Workshop: A New Regulatory Climate*
August 2005
- Financial Planning: *Angst Over Compliance*
By: Juliette Fairley, June 2005
- NAPFA Advisor: *Q&A with Tom Giachetti*
By: David Drucker, April 2005
- TIAA-CREF Case Study: *Disaster Planning for An Advisor's Practice*
By: Ed McCarthy, CFP
- Investment News: *Hedge Fund Managers Reeling From October Surprise*
By: Mark Elzweig and Nancy Miller, November 8, 2004
- Bloomberg Wealth Manager: *Form Over Function*
By: Elayne Robertson Demby, November 2004
- Investment Advisor: *Compliance*
By: Melanie Waddell, June 2004
- Investment News: *No Place to Run, No Place To Hide – SEC tightens reins on smaller advisers*

By: Brooke Southall, May 17, 2004

- InvestorInsight.com: *Market Timers or Market Cheaters?*
By: John Mauldin, September 5, 2003
- CPA Financial Services Advisor: *Many Firms Seek SEC Registration In Error*
April 2002
- Bloomberg Wealth Manager: *Bracing For Disaster*
By: David Drucker, March 2002
- Bloomberg Wealth Manager: *The Undotted “i”*
By: Juliette Fairley, October 2001
- Bloomberg Wealth Manager: *Much Ado About Custody*
By: Ann Monroe, September/October 1999
- Dow Jones Investment Advisor: *Look Who’s Talking Now*
By: Robert Veres, April 1999
- Bloomberg Wealth Manager: *Year 2000 Bug Repellent*
By: Katherine Vessenes, 1999
- Financial Planning: *Caught In The Web – Planners can be held liable for what they “say” in online chat rooms and on message boards*
By: Ellen Jovin, December 1998
- Compliance Reporter: *Compliance Clarified – Non-cash Compensation For Fund Sales*
September 28, 1998
- Compliance Reporter: *Prior Performance, IA Reporting Duties*
July 20, 1998
- Dow Jones Investment Advisor: *Zero Concern*
By: Eric L. Reiner, April 1998
- Dow Jones Investment Advisor: *Under Siege*
By: Eric L. Reiner, March 1998
- The Washington Post: *Mediation Has Merits in Broker Disputes*
By: Jane Bryant Quinn, January 1997
- Registered Representative: *Smith Barney is Slam-Dunked in TRO Case*
May 1996
- Compliance Reporter: *New Jersey Weighs Exemption for Homegrown IAs*
September 18, 1995

- Compliance Reporter: *N.J. to IA Solicitors: Pass NASD Exams*
August 21, 1995
- World Arbitration & Mediation Report: *Annual Reports – Practice & Perspective*
July 1992
- Trenton Times: *Oil Investment Suits Haunt Prudential*
By: Chris Biddle, July 25, 1992
- New York Times: *New Questions About Arbitration*
By: Barbara Presley Noble, June 14, 1992
- Trenton Times: *1st Investors to Pay \$24.7M in Junk-bond Case*
By: Chris Biddle, June 12, 1992
- Star Ledger: *Ex-broker Under Fire Will Pay \$2.6 Million*
By: Steven Rosenbush, June 2, 1992
- Financial Planning on Wall Street: *Brokers on the Move*
By: Amey Stone, Summer 1992
- Trenton Times: *States Seek Returns on Junk Funds*
By: Chris Biddle, November 19, 1990
- Trenton Times: *Trusting Your Broker – Experts tell you how to pick, what to ask*
By: Chris Biddle, May 14, 1990
- Business for Central New Jersey: *Interview: Thomas Giachetti on the very special relations between an investor and a broker*
May 14, 1990
- Trenton Times: *Protecting Investors from Brokers*
By: Douglas A. Sachs, November 28, 1989