

THOMAS D. GIACHETTI

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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 125 attorneys, and offices in Princeton, Marlton, Philadelphia, Newtown, 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: *The Compliance Coach*
 - ◆ *December 2011 – Seven Easy Rules for a Safe Policies and Procedures Manual*
 - ◆ *November 2011 – The Long Arm of Dodd-Frank*
 - ◆ *October 2011 – SEC Adopts Family Office Rule*
 - ◆ *September 2011 - Will the SEC Ever Learn? Don't Count On It*
 - ◆ *August 2011 - E&O Errors*
 - ◆ *July 2011 – Are You Prepared for a Regulatory Exam?*
 - ◆ *June 2011 – From Deadlines to Lifelines*
 - ◆ *May 2011 – You Can't Regulate Crooks*
 - ◆ *April 2011 - Dodd-Frank: An Overview of Pending Changes for Investment Advisors?*
 - ◆ *March 2011 – Get Form ADV Right*
 - ◆ *February 2011 – 2011 Compliance Checklist*
 - ◆ *January 2011 – Keeping Political Contributions Compliant*
 - ◆ *December 2010 – Will You Stay SEC Registered in 2011?*
 - ◆ *November 2010 – New Form ADV: Re-Arranging the Deck Chairs*
 - ◆ *October 2010 – Custody: Why You May Actually Have It*
 - ◆ *September 2010 - Will the SEC Ever Learn? Don't Count On It*
 - ◆ *August 2010 - Independent Advisors: Don't Violate the Protocol*
 - ◆ *July 2010 – An IPS Happy Medium*
 - ◆ *June 2010 – Independence's Issues*
- Columnist – Investment Advisor Magazine: *Expert's Corner*
 - ◆ *October 2009 – Look Before You Lay Off: If you're looking to reduce your payroll, make sure you do it legally*
 - ◆ *September 2009 – It Beats Getting Sued: What every investment advisor should know about securities arbitration*
 - ◆ *June 2009 - Complacency, Risk, and the SEC Audit*
 - ◆ *February 2009 – The Skinny on the Protocol*
 - ◆ *November 2008 – Reasoned and Reasonable: Making the case for regulation that makes sense*
 - ◆ *August 2008 – The Three Troubling Themes: How to combat compliance misunderstanding and misdirection*
 - ◆ *May 2008 - Got Unhappy Clients? How to protect yourself from client complaints in volatile times*
 - ◆ *February 2008 – Is An IPS the Answer? It can be, but remember, long documents aren't always better*
 - ◆ *December 2007 – Use Them, but Carefully: By all means place arbitration clauses in IA contracts, but do it right*
 - ◆ *November 2007 – Confusion and Misinformation: When it comes to hedge clauses, specificity is the order of the day*
 - ◆ *August 2007 – Internal Medicine: The options for structuring an internal succession plan*
 - ◆ *June 2007 – Look Before Leaping: When moving from one firm to another, be careful how you step*
- Expert Witness - Securities industry litigation and arbitration matters throughout United States

RECENT NATIONAL SPEAKING ENGAGEMENTS

- *Schwab IMPACT 2011*
November 2, 2011 (San Francisco, CA)
- *Capital Analysts: Wealth Management Forum*
October 17, 2011 (Cincinnati, OH)
- *2011 Avenue Advisors Wealth Management Forum*
October 13, 2011 (Chicago, IL)
- *2011 DWS Investments RIA Summit*
September 22, 2011 (Chicago, IL)
- *FOX Regulatory Workshop: Preparing for the New Era of Family Office Regulation*
September 7-8, 2011 (New York, NY)
- *Investment News: 2011 Going Independent Workshops*
June 21, 2011 (Philadelphia, PA); June 16, 2011 (San Francisco, CA); June 14, 2011 (Dallas, TX)
- *2011 Financial Planning Association Retreat*
May 5, 2011 (Bonita Springs, FL)
- *NAAIM: Uncommon Knowledge Conference 2011*
May 2, 2011 (San Diego, CA)
- *The Barron's Winner's Circle Independent Advisors Summit – Keynote Speaker*
March 23-25, 2011 (Orlando, FL)
- *FPA Major Firm's Regional Summit*
March 16, 2011 (New York, NY)
- *FPA Business Solutions 2011 Conference*
March 3-5, 2011 (Cambridge, MA)
- *Realty Capital Securities 2011 Conference*
February 16, 2011 (Orlando, FL)
- *TD Ameritrade 2011 National Conference*
February 2-4, 2011 (San Diego, CA)
- *FPA Regional Conference 2011*
January 28, 2011 (Washington, DC)
- *Schwab Regional Conference 2011*
January 25, 2011 (Philadelphia, PA)

- *Schwab - A Compliance Update: The effect of Regulatory Changes for Investment Advisors*
January 20, 2011 (New York, NY)
- *Schwab IMPACT 2010*
October 28, 2010 (Boston, MA)
- *Raymond James – Wealth Management Conference*
October 27, 2010 (Tampa, FL)
- *NAPFA - PM&I Conference*
September 22-24, 2010 (San Diego, CA)
- *TD Ameritrade Regional Conference*
September 20, 2010 (San Francisco, CA)
- *Fidelity Institutional Wealth Services – IPS Webinar*
July 22, 2010
- *Schwab - Economic and Legal Considerations for Recruiting New Advisors*
July 21, 2010 (Philadelphia, PA)
- *Schwab –Surviving Regulatory Scrutiny in the Post-Madoff Era*
July 14, 2010 (Chicago and Milwaukee)
- *InvestmentNews - What You Need to Know About Going Independent*
June 14-16, 2010 (Los Angeles and Chicago)
- *Pershing – INSITE 2010 National Conference*
June 10, 2010 (New York, NY)
- *Barron's Winner's Circle – Top Independent Advisors Summit*
April 14-16, 2010 (Orlando, FL)
- *TD AMERITRADE Institutional – 2010 National Conference*
February 4, 2010 (Orlando, FL)
- *Schwab Impact 2009*
September 15, 2009 (San Diego, CA)
- *Capital Analysts Incorporated – Wealth Management Forum*
September 10, 2009 (Phoenix, AZ)
- *NAPFA National Conference*
June 3, 2009 (National Harbor, MD)
- *Barron's Top Independent Advisors Summit*
May 6-8, 2009 (Phoenix, AZ)

- NAAIM - *Uncommon Knowledge-2009 Conference*
May 5, 2009 (Denver, CO)
- TD AMERITRADE Institutional – *Partnership 2009 National conference*
February 4, 2009 (Las Vegas, NV)
- Investment Advisor Summit
December 2, 2008 (Washington, DC)
- Schwab – *IMPACT 2008*
October 25, 2008 (Atlanta, GA)
- Raymond James - *2008 Investment Managers' Inaugural Conference*
October 21, 2008 (St. Petersburg, FL)
- FPA – *Advisor Myths*
September 24, 2008 (Phoenix, AZ)
- Capital Analysts Incorporated – *Succession Planning Conference*
September 17, 2008 (Cincinnati, OH)
- TD AMERITRADE Institutional 2008 Fall Regional Conference
September 15, 2008 (Chicago, IL)
- Investment Advisor Compliance Conference
June 23, 2008 (New York, NY)
- FPA – *Financial Forum 2008*
June 16, 2008 (Chicago, IL)
- Fidelity – *Inside Track: Is your firm doing what is necessary to avoid critical compliance & business operational errors?*
June 10, 2008 (San Francisco, CA)
- Pershing – *INSITE 2008 – What every advisory firm, CCO and principal need to know to protect the firm's business*
June 4, 2008 (Hollywood, FL)
- Fidelity – *Inside Track: Is your firm doing what is necessary to avoid critical compliance & business operational errors?*
June 2-3, 2008 (Dallas, TX)
- FPA Nor Cal – *Compliance Mock Cross-Examination: How simple oversights become legal time bombs*
May 26, 2008 (San Francisco, CA)

- Fidelity – *Inside Track: Is your firm doing what is necessary to avoid critical compliance & business operational errors?*
May 22, 2008 (Chicago, IL)
- Investment News – *The Truth About Going Independent*
May 14-16, 2008 (Chicago, IL)
- FPA Symposium – *Advisor Myths*
May 1, 2008 (Albany, NY)
- Schwab – *Transition Planning: How to transform your business through mergers and acquisitions*
April 28, 2008 (Austin, TX)
- TD Ameritrade Regional Conference
March 12, 2008 (Maryland)
- Fidelity – *Inside Track: Is your firm doing what is necessary to avoid critical compliance & business operational errors?*
February 26, 2008 (Washington, DC)
- TD Ameritrade National Conference
February 8, 2008 (Orlando, FL)
- Raymond James Financial Services National Conference
January 14, 2008 (St. Petersburg, FL)
- Fidelity: Best Practices Conferences 2008
(Washington, DC, Dallas, San Francisco, Seattle, Boston, and Atlanta)
- 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, and Atlanta)
- Financial Planning Association – *Practice Management Issues for Investment Advisors*
May 30, 2007 (Northern California, San Francisco)

- NAAIM National Conference
May 6-9, 2007 (Orlando, FL)
- NAPFA National Conference
May 2-6, 2007 (Chicago, IL)
- NICCP Annual Conference – *Compliance Issues Pertaining to College Planners*
May 3, 2007 (Las Vegas)
- InterShow & Financial Advisor Magazine Financial Advisor Symposium – *The Applicability of the Pension Protection Act to Investment Advisors*
2007 (Las Vegas)
- TD Ameritrade 2007 National Conference – New Compliance Issues Facing Investment Advisors
February 9, 2007 (San Diego, CA)
- IMCA National Conference – *Hedge Fund Regulation*
January 30, 2007 (New York, NY)
- Advisor Summit 2006 – *Staying Compliant*
November 30 – December 1 (Las Vegas)
- Charles Schwab Institutional – IMPACT 2006 – *Regulation, Liability and Protecting Your Practice*
November 7, 2006 (Washington, DC)
- 9th Annual Financial Advisor Symposium - *Fiduciary Issues and Liability*
September 25 – 27, 2006 (Chicago, IL)
- National Association of Active Investment Managers (NAAIM) – *Regulatory Compliance for Active Asset Allocators*
May 1 – 3, 2006 (Phoenix, AZ)
- Financial Planning Association (FPA), Northern California Chapter – *Protecting Your Practice in an Ever-Increasing Regulatory Minefield*
April 3 – 4, 2006 (San Francisco, CA)
- Financial Planning Association (FPA), Denver Chapter – *Protecting Your Practice: How to Avoid Regulatory Enforcement and Client Litigation/Arbitration Proceedings*
February 10, 2006 (Denver, CO)
- TD Ameritrade National Conference – *How to Protect Your Practice from Regulatory Enforcement Proceedings, Client Litigation and Departing Employees*
February 1 – 3, 2006 (Orlando, FL)
- Schwab Institutional New York Metro Regional Conference – *Current Regulatory Hot Topics*
January 19, 2006 (New York, NY)

- Fortigent Annual Conference – *Protecting Your Practice: How to Avoid Regulatory Enforcement and Client Litigation/Arbitration Proceedings*
January 12 – 13, 2006 (Las Vegas)
- The Investment Advisor Wealth Advisor Summit - *Advisor Compliance Roundtable*
December 2, 2005 (W. Palm Beach, FL)
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 – *Protect Your Practice When Adding New Partners*
October 25, 2005
- Charles Schwab Institutional – IMPACT 2005 – *Hedge Fund Legal and Regulatory Issues and What They Mean for Your Clients*
September 25, 2005 (Seattle, WA)
- Financial Planning Association (FPA), DFW Chapter – *How to Protect Your Investment Advisory Practice in the Current Regulatory Environment*
July 19, 2005 (Dallas, TX)
- National Association of Active Investment Managers (formerly Society of Asset Allocators and Fund Timers, Inc. SAAFTI) - *Advertising Regulations for Investment Managers*
February 2005 (St. Louis, MO)
- The National Association of Active Investment Managers – Uncommon Knowledge 2005 – *Compliance Hot Spots*
April 25, 2005 (Houston, TX)
- Fund of Funds Forum 2004 – *New Regulations for Hedge Funds*
December 2004 (New York, NY)
- Charles Schwab Institutional – IMPACT 2004 – *Restrictive Covenants and other Practice Transition matters for Investment Advisers*
November 7, 2004 (Philadelphia, PA)
- JP Morgan Fleming Asset Management – 6th Annual Wealth Management Symposium
May 24 – 26, 2004 (Oak Brook, IL)
- The National Association of Personal Financial Advisors Annual Conference – *Regulatory Compliance and Future Trends*
April 21, 2004 (Toronto, Canada)

RECENT AUTHORED ARTICLES

- *An Overview of External Transition Planning for the Registered Investment Advisor.*
Charles Schwab Institutional Compliance Review, July 2009

- *An Overview of Internal Succession Planning for the Registered Investment Advisor.*
Charles Schwab Institutional Compliance Review, June 2009
- *So You Think Your Marketing Practices Are Compliant?*
IMCA The Monitor, May/June 2007
- *Thinking of Leaving your Brokerage Firm And Going Solo? Make Sure You Know Your Rights*
TD Ameritrade Institutional Transition News, March 2007
- *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
- *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

SELECT INTERVIEWS / COMMENTARY

- *Regulation for Regulation Sake Not the Answer for Advisors.* OnWallStreet.com. February 3, 2011.
- *At TD Ameritrade Conference, Differing Views on Implementing Fiduciary Standard.*
AdvisorOne.com. February 3, 2011.
- *AdvisorOne.com: SEC's New Form ADV Requirements: Fidelity Offers Guidance*
By: Joyce Hanson, December 2010
- *Investment Advisor Magazine: Simple, Not Simplistic*
By James J. Green, May 2010
- *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