

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 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
 - ◆ *July 2010 – Compliance Coach: An IPS Happy Medium*
 - ◆ *June 2010 – Compliance Coach: Independence’s Issues*
 - ◆ *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*
 - ◆ *April 2007 – First, Hold on to Your Clients: Before selling your business, make sure restrictive covenants are in place*
 - ◆ *February 2007 – When Should You Register? A guide for when “tweeners” should register with the SEC*
 - ◆ *November 2006 – Defining Fiduciary: What is an advisor’s true fiduciary duty?*
 - ◆ *August 2006 – A Process, Not a Destination: Complacency and compliance do not mix.*
 - ◆ *July 2006 – Passing Muster: Is your electronic record keeping up to SEC snuff?*

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

RECENT NATIONAL SPEAKING ENGAGEMENTS

- 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*
(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)
- Charles Schwab Institutional – IMPACT 2003 – *How to Protect Your Practice*
November 2003 (Philadelphia, PA)
- Financial Research Associates, LLC – Fund of Funds Business Operations Forum – *Outsourcing to Third Party Service Providers*
November 13-14, 2003 (New York, NY)
- AIMR – Investment Counseling for Private Clients V – *The Importance of Proactive Compliance*
March 17 – 18, 2003 (Atlanta, GA)
- The Financial Planning Association – Broker-Dealer Conference – *Retirement Plan Sales Compliance – Best Practice*
January 31, 2003
- Association For Advanced Life Underwriting (AALU) 2002 Annual Meeting
April 15, 2002 (Washington, D.C.)

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
- *Avoiding Adviser Liability Through Good Practice Management*
Charles Schwab Institutional Compliance Review, November/December 2003
- *The Importance of Proactive Compliance*
AIMR Advocate, 2003

SELECT INTERVIEWS / COMMENTARY

- 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
- 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