



Seth Farber

Partner

New York

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Chair of Winston's New York Litigation Practice, and a former federal prosecutor in the Southern District of New York, Seth focuses his practice on white collar criminal defense, corporate internal investigations, and related civil litigation. He also handles SEC investigations, securities litigation, civil RICO litigation, corporate governance litigation, and antitrust litigation.

Seth has tried numerous federal cases to juries and is an experienced appellate advocate who has argued both civil and criminal appeals in federal circuit courts around the country. He has also provided pro bono representation to indigent criminal defendants, both as a member of the Criminal Justice Act Panel in the Southern District of New York, and as appointed counsel in other jurisdictions.

Prior to joining the firm, Seth worked for five years as an Assistant U.S. Attorney for the Southern District of New York, where he concentrated in prosecuting white collar crime, including commercial fraud and securities fraud.

Key Matters

REPRESENTATIVE MATTERS

- Represents former chief financial officer of the National Rifle Association in civil enforcement action filed by the New York attorney general
- Represents America's Rehab Campuses, LLC and its owner and affiliates in defense of SEC enforcement action filed in District of Nevada
- Represents GoITV in civil RICO litigation in Southern District of Florida relating to international soccer corruption scandal
- Represented Zoltek Companies, Inc. in investigation of violations of U.S. sanctions laws by Office of Foreign Assets Control
- Represented high-profile government official in SEC municipal bond investigation
- Represented Pennsylvania Attorney General Kathleen Kane in jury trial on charges of perjury, official oppression, and obstruction of justice
- Represented multinational corporations and executives in international criminal antitrust investigations of global cartels
- Represented multinational corporations and executives in parallel Foreign Corrupt Practices Act (FCPA) investigations by the U.S. Department of Justice (DOJ) and the SEC
- Represented senior executive of global investment bank in parallel investigations of foreign exchange markets by DOJ Fraud Section, DOJ Antitrust Division, and SEC
- Represented Deutsche Bank in criminal tax shelter investigations and parallel nationwide fraud and civil RICO litigation
- Represented BNP Paribas (BNPP) executive in connection with parallel criminal investigations of BNPP for violations of U.S. sanctions law
- Represented board of directors of a public company in connection with an FCPA investigation of one of its members
- Represented Gregory Bell, hedge fund manager and owner of Lancelot Investment Management, LLC, in parallel federal criminal prosecution and SEC enforcement action
- Represented the outside directors of Kmart Corporation in connection with investigations by the DOJ, the SEC, and Congress, as well as in breach of fiduciary duty litigation regarding Kmart's 401(k) plan
- Represented the controller of Dreier LLP in connection with investigations by the DOJ and SEC
- Representation of an investment bank in civil litigation and government investigations relating to the collapse of National Century Financial Enterprises, Inc
- Represented Omnicare, Inc. in its successful hostile tender offer for NCS Healthcare, Inc
- Internal investigation of accounting issues for the Audit Committee of a Fortune 500 company
- Internal investigation of suspected accounting errors for the Audit Committee of the Board of Directors of Warnaco
- Represented a mutual fund executive in connection with parallel investigations by the New York State attorney general and the SEC
- Represented an investment banker in connection with the research analyst investigations conducted by the New York State attorney general and the National Association of Securities Dealers
- Represented a former Arthur Andersen partner in Enron matters
- Represented a former CEO in an insider trading investigation
- Represented the CEO of a pharmaceutical distribution company in a federal grand jury investigation into counterfeit drugs

Recognitions

Seth was recognized by *Lawdragon's* "500 Leading Litigators in America" for White Collar, Investigations, and Securities Litigation in 2023 and 2024. He was named a "Recognized Practitioner" by *Chambers USA* 2018–2019 in the area of New York Litigation: White-Collar Crime & Government Investigations. He was ranked in *Chambers USA* 2021–2023 for Antitrust in New York and named in *Chambers USA* 2012–2014 as one of the nation's top lawyers in tax fraud practice. Seth has also been recognized by *The Legal 500 US* for Cartel, Corporate investigations & White-Collar Criminal Defense, and International Litigation. Seth was recognized as a "Key Lawyer" in the 2022 edition of *The Legal 500 US*. From 2006–2018, Seth was recognized by *Super Lawyers* (New York-Metro) in the fields of White Collar Criminal Defense, Business Litigation, and Securities Litigation. He is part of the group awarded the "2015 Team of the Year" in Cartel Defense by *The Legal 500 US*. Seth also received the "Burton Award for Legal Achievement" in 2007.

Activities

Seth is a member of the American Bar Association's Litigation, Criminal Justice, and Antitrust sections and a member of the Executive Committee of the New York State Bar Association's Antitrust Section, as well as a former chair of that section's Cartel and Criminal Practice Committee. He is also a member of the Federal Bar Council and Vice-President of the Federal Bar Foundation, as well as a former Trustee of the Council and former Chair of the Council's Program Committee.

Credentials

EDUCATION

Seth received a J.D., *cum laude*, from Harvard Law School in 1989, where he was an editor for the *Harvard Law Review*. He received a B.A., *summa cum laude*, from Harvard University in 1986.

ADMISSIONS

- Massachusetts
- New York

CLERKSHIPS

- USDC - District of MA for the Honorable Joseph L. Tauro

Related Insights & News

SPEECHES AND PANELS

- "The Newest, Biggest Extra-Territorial FCPA Risks Confronting Industry in Mexico: Former DOJ Officials Discuss the Intensifying Landscape," Summit on Anti-Corruption & Compliance Programs Mexico, American Conference Institute, Panelist, March 13, 2024
- "Money Laundering and Asset Forfeiture: Navigating the Risks and Challenges in an Evolving Landscape," White Collar Crime 2024, American Bar Association, Panelist, March 6, 2024
- "Good Faith, Advice of Counsel, Lawyers in the Room and the Sam Bankman-Fried Trial," Federal Bar Council, Nov. 15, 2023

- “Supreme Court Preview,” Federal Bar Council, Program Coordinator, Sept. 20, 2023
- “Compliance and White-Collar Challenges: Are We Seeing a Greater Focus Towards US-MX Enforcement?” El Encuentro en México, Hispanic National Bar Association / La Barra Mexicana, Jun. 12, 2023
- “Update on Anti-Corruption Efforts in Mexico,” New York City Bar Association, May 18, 2023
- “Supreme Court Preview,” Federal Bar Council, Program Coordinator, Sept. 13, 2022
- “*United States v. Glencore Ltd.* – Victims’ Rights to Restitution,” ABA International Law Section Anti-Corruption Committee Meeting, Dec. 15, 2022
- “Combating Corruption in Mexico: What’s Happening with Mexico’s National Anti-Corruption System?” New York City Bar Association, Apr. 21, 2022
- “Perspectives on FCPA Enforcement, Compliance Expectations and External Oversight from former DOJ officials and Defense Counsel: What’s on the Horizon for Industry in Mexico,” ACI Mexico Summit on Anti-Corruption and Compliance, Mexico City, Mexico, Mar. 23, 2022
- “Supreme Court Preview,” Federal Bar Council, Program Coordinator, Sept. 28, 2021
- “Supreme Court Preview,” Federal Bar Council, Program Coordinator, Oct. 6, 2020
- “A Discussion with the Antitrust Division’s New Deputy AAG for Criminal Enforcement,” New York State Bar Association Antitrust Section Annual Meeting, Jan. 17, 2019
- “Cross-border Transactions: The Importance of Proactive Risk Management Under the U.S./Mexico Regulatory Framework,” Winston & Strawn and Kaye Trueba Abogados Co-Hosted Program, Mexico City, Mexico, Aug. 7, 2018
- “Criminal Practice: Recent Leniency Developments in North America,” New York State Bar Association Antitrust Section Annual Meeting, Jan. 25, 2018
- “I’ve Got Your Back: The Ethics of Indemnified Representations,” Pennsylvania Association of Criminal Defense Lawyers 2017 White Collar Seminar, Nov. 3, 2017
- “Successful Crisis Management,” Latin Lawyer – GIR Anti-Corruption & Investigations Conference, Sao Paulo, Brazil, Nov. 1, 2017
- “Recent Developments in Cartel Enforcement,” New York State Bar Association Antitrust Section, Cartel and Criminal Practice Committee, Oct. 27, 2017
- “Avoiding the Front Page: Drawing the Lines Between Aggressive Tax Positions and Criminal Conduct,” 29th Annual All Hands Meeting, Oct. 17, 2017
- “Public Corruption,” Federal Bar Council, Program Coordinator, Oct. 3, 2017
- “Supreme Court Preview,” Federal Bar Council, Program Coordinator, Sept. 14, 2017
- “Topics in Cartels and Criminal Enforcement,” New York State Bar Association Antitrust Section Annual Meeting, Jan. 26, 2017
- “Supreme Court Preview,” Federal Bar Council, Program Coordinator, Sept. 14, 2016
- “Supreme Court Preview,” Federal Bar Council, Program Coordinator, Sept. 29, 2015
- “The Rules of the Game: The Role of Federal Litigation in Governing Sports in the 21st Century,” Federal Bar Council, Program Coordinator, Sept. 18, 2014
- “The Brazilian Courts and Damages Claims Involving Competition Infringements,” Instituto Brasileiro de Estudos de Concordancia, Consumo e Comercio Internacional (IBRAC) Conference (Iguassu Falls, Brazil), Oct. 31, 2013
- “Supreme Court Preview,” Federal Bar Council, Program Coordinator, Sept. 11, 2014
- “Sanctions Enforcement,” Federal Bar Council, Program Coordinator, Jun. 4, 2013
- “Supreme Court Review,” Federal Bar Council, Program Coordinator, Feb. 26, 2013

- “Navigating the Globe: Cartel Enforcement Around the World, Chapter 3: Japan,” ABA Antitrust Section, Cartel and Criminal Practice Committee and International Committee, May 17, 2012
- “Practical and Strategic Considerations – International Cartel Investigations,” ABA Antitrust Section, Cartel and Criminal Practice Committee, May 27, 2010
- “Partnering with the Board for Proper Tax Risk Oversight,” Tax Director Roundtable, May 25, 2010
- “Standards for Corporate Criminal Liability,” Federal Bar Council, Program Coordinator, Mar. 11, 2010
- “The Intertwined Roles of Attorneys and Forensic Accountants,” NYU School for Continuing and Professional Studies: Prevention and Detection of Fraudulent Financial Reporting, Guest Lecturer, Jun. 29, 2009
- “Lawyers as Criminal Defendants: Have the Rules Changed?” American Bar Association Annual Meeting, Aug. 2004
- “*Omnicare, Inc. v. NCS Healthcare, Inc.*,” Healthcare Transactions 2003, Apr. 1, 2003
- “Defending the Corporation Against Indictment: Cooperation or Confrontation?” American Bar Association Annual Meeting, Aug. 2002

PUBLICATIONS

- “Restitution in Corporate Criminal Cases: An Underappreciated But Effective Remedy,” New York Law Journal, Co-author, Sept. 17, 2023
- “Bail the Rich: Armed Guards, Private Prisons, and Special Treatment for the Wealthy Under the Bail Reform Act,” New York Law Journal, Co-author, Mar. 29, 2019
- “Why the Public (and the President) Are Wrong About What It Means to Take the Fifth,” New York Law Journal, Co-author, Dec. 7, 2018
- “Criminal Antitrust Fines and Penalties: Reductions Based on Ability to Pay,” Antitrust Magazine, American Bar Association, Spring 2017
- *Commercial Litigation in New York State Courts, (4th ed.) (2018–19 supp.), Vol. 3, Ch. 13*, Co-author
- “Corporate Remediation: One Justice Department, Two Approaches...And Now a Third?” American Bar Association, Section of Antitrust Law, Cartel & Criminal Practice Committee Newsletter, Fall 2014
- “Buyer Beware: Understanding and Mitigating Parent Company FCPA Liability in the Context of Private Equity Acquisitions,” The FCPA Report, Co-author, Jul. 24, 2013
- “Sentencing in Criminal Antitrust Cases: The Judiciary Has The Last Word After All,” American Bar Association, Section of Antitrust Law, Cartel & Criminal Practice Committee Newsletter, Mar. 2013
- “The Policy Case For Eliminating The Public Identification Of Carve-Outs In Antitrust Plea Agreements,” Bloomberg BNA, Antitrust & Trade Regulation Resource Center, Mar. 2013
- “Klein Conspiracies In The Wake Of US v. Coplan,” Law360, Mar. 4, 2013
- “An Unnecessary Complication to Defending International Cartel Investigations: Is it Really Necessary for U.S. Counsel To Travel Overseas To Review Foreign Documents?” American Bar Association, Section of Antitrust Law, Cartel & Criminal Practice Committee Newsletter, 2010
- “War on Tax Fraud and in Afghanistan: Who Knew They Were Linked?” New York Law Journal, May 10, 2010
- “Definitely Avoid ‘Utter Failure’: Dodging Risk Can Be a Taxing Job,” Corporate Counsel at law.com, Apr. 7, 2010
- “Antitrust Enforcement: Focus on Criminal Cartels”, Co-editor
- “Facing Criminal Price-fixing Investigations in the U.S.,” Law360, Feb. 17, 2009
- “New Risk in Employee Interviews,” National Law Journal, Jul. 24, 2006
- “Shoring Up Compliance Programs In the Wake of ‘Booker/Fanfan,’” GC New York, Oct. 11, 2005

- “Corporate Internal Investigations in the Age of Cooperation: Strategies for Limiting Disclosure of Confidential Information,” *Andrews Securities Litigation & Regulation Reporter*, Vol. 9, No. 17, Dec. 31, 2003
- “Corporate Internal Investigations in the Age of Cooperation: Strategies for Limiting Disclosure of Confidential Information,” *Andrews Corporate Officers & Directors Liability Litigation Reporter*, Vol. 19, No. 10, Dec. 1, 2003
- “Cooperating with the Government In Corporate Criminal Investigations: Has Andersen Changed the Landscape,” American Bar Association Annual Meeting, Section of Litigation Written Materials, Aug. 2002

IN THE MEDIA

Seth Farber Discusses International Corporate Criminal Defense in Q&A with *Corporate Crime Reporter*
OCTOBER 10, 2023

ARTICLE

Restitution in Corporate Criminal Cases: An Underappreciated But Effective Remedy
SEPTEMBER 17, 2023

RECOGNITIONS

Winston & Strawn Partners Recognized in 2024 *Lawdragon* 500 Leading Litigators in America
SEPTEMBER 8, 2023

RECOGNITIONS

Winston & Strawn Recognized in *Chambers USA* 2023
JUNE 6, 2023

RECOGNITIONS

Winston & Strawn Antitrust/Competition Practice Recognized in 2023 GCR 100
DECEMBER 19, 2022

RECOGNITIONS

Winston & Strawn Partners Recognized in 2023 *Lawdragon* 500 Leading Litigators in America
OCTOBER 5, 2022

ARTICLE

Uncertainty Lingers Around DOJ’s Antitrust Leniency Shift
SEPTEMBER 29, 2022

BLOG

Lessons From the International Cartel Workshop
JULY 28, 2022

BLOG

Fifth Circuit Holds That SEC's Use of In-House Courts to Adjudicate Enforcement Actions Is Unconstitutional
JUNE 15, 2022

RECOGNITIONS

Winston & Strawn Recognized in *The Legal 500 U.S.* 2022
JUNE 8, 2022

RECOGNITIONS

Winston & Strawn Recognized in *Chambers USA* 2022
JUNE 3, 2022

RECOGNITIONS

Winston & Strawn Recognized in *Chambers USA* 2021
MAY 19, 2021

Capabilities

Antitrust/Competition

Litigation/Trials

Commercial Litigation & Disputes

Government Investigations, Enforcement & Compliance

Compliance Programs

Class Actions & Group Litigation

Government Program Fraud, False Claims Act & Qui Tam Litigation

Financial Services

Professional Services