

Justine A.
Harris
Partner

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jharris@shertremonte.com

Education

Columbia Law School, J.D., 1996;
Harlan Fiske Stone Scholar
Harvard College, A.B., 1991, magna
cum laude

Admissions

New York
U.S. Supreme Court
U.S. District Courts for the Eastern
and Southern Districts of New York
U.S. Court of Appeals for the First,
Second, and Sixth Circuit

Clerkships

Hon. Eugene H. Nickerson, U.S.
District Court for the Eastern District
of New York

Certifications



Justine represents individuals and companies in high-stakes criminal matters and complex regulatory proceedings. Praised by *Chambers USA* as “very strong...amazing...a fighter,” she draws on two decades of courtroom experience – including nine years as a federal public defender – to defend and protect her clients when their liberty and livelihoods are at stake.

Justine is known for her rigorous advocacy and unwavering dedication to her clients’ needs. She obtains jury acquittals in tough cases, wins pretrial motions to dismiss, and routinely achieves favorable sentencing outcomes; many of her clients have had their charges reduced or were able to avoid criminal or civil liability altogether. Her criminal defense experience includes a wide range of complex financial and legal issues, including insider trading, securities fraud, bank fraud, campaign finance fraud, RICO, mortgage fraud, terrorism, obstruction of justice, bribery, and tax fraud. She also represents individuals in sensitive federal and state grand jury proceedings; internal investigations; and investigations conducted by government agencies, including the SEC, the Consumer Financial Protection Board, and the New York State Attorney General.

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Prior to joining Sher Tremonte, Justine was a partner and co-founder at the litigation boutique Colson & Harris LLP. From 2001 to 2010, she served as an assistant federal defender for the Eastern District of New York, where she was lead counsel on hundreds of criminal cases in federal court. Her experience also includes an associate position at Kramer Levin Naftalis & Frankel LLP; in this role, she worked on a wide variety of criminal and civil cases, including civil enforcement actions before the SEC and the NASD, commercial arbitrations, and various pro bono and commercial civil matters.

Experience

High-profile defense of corporate advisor ends in dismissal of charges: Justine Harris represented one of four advisors at a leading proxy solicitation firm accused of conspiring to pay bribes to a proxy advisor employee in the form of concert and sporting event tickets in exchange for confidential information about the anticipated proxy votes of the advisor's clients. The government charged the four with multiple counts of wire fraud and honest services wire fraud. After three weeks of testimony, just before closing arguments were scheduled to begin, a juror left the case due to a family medical emergency. While the government consented to proceed if all four defendants agreed to this "constitutionally deficient jury of eleven" (as a circuit court judge later opined), one defendant balked and refused, resulting in the government withdrawing its consent. The court declared a mistrial. Justine, together with lawyers for two of the co-defendants who had wanted to proceed with closings and deliberations, argued that a retrial would be unconstitutional under the Double Jeopardy Clause; the district court judge agreed. Although the First Circuit later reversed the district court's dismissal, and all defendants were facing retrial, the government offered Justine's client a deferred prosecution agreement and all charges were dismissed in January 2023.

Convinced the government to drop all charges against a preeminent economist: Obtained the full dismissal of federal criminal charges against a senior United Nations employee in a visa fraud and foreign labor contracting prosecution in the U.S. District Court for the Southern District of New York. At the time it filed the criminal complaint, the U.S. Attorney's Office issued a press release alleging that the employee "took cruel advantage of his position of power." Multiple news sources reported on his arrest, comparing the case to a 2014 incident in which an Indian diplomat faced similar charges and left the country under diplomatic immunity. However, in a series of meetings with prosecutors and agents from the State Department, Justine and her team carefully laid out facts establishing that the accusations against the client were false. After reconsidering its charging decision at the highest levels, the U.S. Attorney's Office dropped the case entirely and updated its press release to reflect that the charges had been dismissed. (See media coverage of the case from *Reuters* .)

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Secured the outright dismissal of state criminal charges in a campaign finance prosecution: Justine and her team secured a total victory for their client, a campaign consultant, in a case brought by a special prosecutor arising out of the election of Debi Rose to the New York City Council. The special prosecutor had named Justine's client, along with the campaign treasurer and the campaign committee itself, in a 23-count indictment that charged him with grand larceny based upon a \$5,000 payment that he had received for his work on the campaign. Justine challenged the scope of the special prosecutor's authority, moved to dismiss the charges, sought to unseal the affidavit seeking his appointment, and successfully compelled the special prosecutor to produce discovery over his objection. After over two years of fighting the charges, and on the brink of trial, she convinced the special prosecutor that the case against her client was, as *The New York Times* described it, a "colossal ball of nothing." The special prosecutor finally moved to dismiss all counts against the consultant, putting an end to a years-long meritless prosecution. (See media coverage of the case from *The New York Times* .)

Numerous successes on behalf of indigent clients in Criminal Justice Act (CJA) appointments: Justine and her team secured a full acquittal in a federal weapons trial in the Southern District of New York. They scored an early victory in the case, persuading the judge to suppress statements obtained in violation of *Miranda v. Arizona* . At trial, they conducted vigorous cross-examinations of the government's law enforcement and forensic expert witnesses, and the jury returned a not guilty verdict after less than two hours of deliberation. This was the first acquittal in federal court in New York City since the onset of the COVID-19 pandemic and the resumption of jury trials. Justine's other CJA victories include obtaining not guilty verdicts on the murder count in a multi-week federal criminal trial in the Southern District of New York; obtaining numerous deferred prosecution agreements for clients charged with gang and drug crimes in the Southern District of New York; and securing probationary sentences in serious cases based on the clients' rehabilitation, including in a gang shooting prosecution.

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Other notable work includes:

- Obtained a probationary sentence for a bookkeeper charged in the NXIVM RICO prosecution in the U.S. District Court for the Eastern District of New York. (See media coverage of the case.)
- Obtained no jail time for a former prominent neurological researcher after he pled guilty to the theft of thousands of dollars of government funds. (See media coverage of the case.)
- Successfully convinced New York District Attorney's Office not to seek criminal charges of check cashing business principal in large scale insurance fraud prosecution in the construction industry.
- Successfully convinced United States Attorney's Office not to seek criminal charges against doctor for his participation in the INSYS speakers' program.
- Represented the chief financial officer of a \$200 million charity investigated by the New York State Attorney General's Office.
- Obtained probationary sentence for Guatemalan soccer chief in the FIFA corruption prosecution.
- Represented a real estate consultant in a federal election fraud prosecution.
- Represent an individual charged in an Amazon bribery prosecution in the U.S. District Court for the Western District of Washington.
- Obtained a probationary sentence for a business owner charged with a \$9 million tax fraud prosecution in the Eastern District of New York.
- Obtained compassionate release for clients incarcerated during COVID-19 despite vehement objection from the government, including a 72-year-old client who had served 12 years of a 20-year sentence for a non-violent drug offense.
- Represented a hedge fund analyst in a \$57 million insider trading prosecution in the Southern District of New York.
- Represented employees of one of the nation's largest mortgage service providers in a CFTB investigation.
- Represented a senior hedge fund executive in an SEC insider trading investigation.
- Represented a manager at a national energy company in an SEC investigation.
- Represented an executive of a Fortune 100 Wall Street financial institution in federal RMBS investigations.
- Represented a health care company employee in a DOJ health insurance fraud investigation.
- Obtained a deferred prosecution in the Southern District of New York for an individual charged with commercial bribery.
- Represented an individual accused of computer hacking in the Southern District of New York.
- Won the pre-trial dismissal of criminal immigration charges following a full evidentiary hearing.
- Won motions to suppress evidence in federal court based on constitutional violations by law enforcement.

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Recognitions

Fellow, American College of Trial Lawyers

Band 2 in Litigation: White-Collar Crime & Government Investigations – New York, *Chambers USA* (2020-2021)

Recipient of the 2022 Gideon's Promise Ian Yankwitt Equalizer Award in recognition for leadership seeking compassionate release for inmates during the pandemic.

Named as a Top-Rated White Collar Crimes Attorney (2013-2023) as well as one of the Top 100 Lawyers (2018, 2020-2023) and the Top 50 Women in New York (2017-2023), Thomson Reuters' *Super Lawyers*

Ranked in Criminal Defense: White-Collar by *U.S. News – Best Lawyers* (2016-present)

Recognized in Lawdragon 500 Leading Litigators in America: White-Collar & Investigations (2024)

Affiliations

Chair, Board of Directors, Federal Defenders of New York Inc.

Treasurer/Secretary, Board of Directors, New York Council of Defense Lawyers

Thought Leadership Subcommittee, Women's White Collar Defense Association

Board of Directors, Center for Appellate Litigation

Adjunct Professor, Federal Defender Clinic, NYU Law School (2007, 2009-2011)

News and Publications

Panelist, "Hot Topics in White Collar Law," New York Council of Defense Lawyers (Spring 2023)

Panelist, "Fundamentals of Trial Practice II," American Bar Association White Collar Institute (March 2022)

Panelist, "Winning a Non-COVID Based Compassionate Release Application," New York County Bar Association (January 2021)

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Panelist, "Compassionate Release and COVID-19," Federal Defenders of New York (May 2020)

Panelist, "COVID-19 & Federal Prisons," Federal Bar Council (April 2020)

Panelist, "Current Issues in Cross-Border and International Prosecutions," New York Council of Defense Lawyers (October 2017)