

David Zisser

OF COUNSEL

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David Zisser is a trial lawyer whose practice focuses on corporate and securities law. He focuses on representing individuals and entities in investigations and litigation involving the U.S. Securities and Exchange Commission (SEC), the Colorado Division of Securities, the Financial Industry Regulatory Authority (FINRA), and other regulatory bodies.

Mr. Zisser has prevailed at trial on behalf of clients charged with financial fraud, false reporting, stock manipulation, and trading on inside information. He has been involved in internal corporate investigations, both as counsel to special committees of boards of directors, and as counsel for directors and officers whose activities come within the scope of such investigations. He also has had substantial experience, and success defending private and class action litigation seeking damages under federal and state securities laws, shareholder derivative actions, and common law and statutory claims governing the conduct of all types of business entities.

Mr. Zisser is a fellow of the American College of Trial Lawyers. He is consistently selected for inclusion in Colorado Super Lawyers by Thomson Reuters in the discipline of Securities Litigation. He has been named as a leading individual in the areas of White Collar Criminal Defense and Governmental Investigations in *Chambers USA* since 2004 and was named in *The Best Lawyers in America* in the discipline of Criminal Defense: White Collar and Litigation: Securities. He has earned an AV® Preeminent Peer Review Rating from Martindale-Hubbell.

Significant Representations

- Represented a Denver businessman in an administrative proceeding brought by the SEC which found violations of various provisions of the federal securities laws arising from his getting various friends and family members involved in a Ponzi scheme in which he had been ensnared. On Petition for Review the 10th Circuit Court of Appeals vacated the SEC's order because the presiding administrative law judge was appointed in violation of the U.S. Constitution. *Bandimere v. SEC*, ___ F.3d ___, 2016 WL 7439007 (10th Cir. December 27, 2016).
- Represented a vice-president of an energy exploration company accused by the SEC of committing securities fraud. A trial determined that no violations were committed. *SEC v. St. Anselm Exploration Co.*, 2013 WL 1313765 (D. Colo. Mar. 29, 2013)
- Secured the dismissal of a claim by a receiver appointed in an SEC action to recover compensation paid to an alleged unregistered broker. *Weiss v. Altholtz* 2011 WL 4538459 (N.D. Ill. Sept. 29, 2011)
- Secured the dismissal by the United States Court of Appeals for the District of Columbia of a claim by the

SEC that the in-house counsel for a public company violated the anti-fraud and reporting provisions of the Securities Act and the Securities Exchange Act. *Zacharias v. SEC* 569 F.3d 458 (D.C. Cir. 2009)

- Represented a client sued by the purchaser of senior life settlements. Claims asserted under the Oregon Securities Law were dismissed on summary judgment. A remaining claim was tried to a jury, and resulted in a defense verdict, which was affirmed on appeal. *Amerivest Financial, LLC v. Malouf* (Ct. App. Ore, June 14, 2014)
- Represented the former chief executive officer and chairman of the board of directors of a mining company in a financial fraud action brought by the SEC. A trial to the Court resulted in a judgment in favor of the client, as well as an award of attorney fees. *SEC v. Coffman* 2007 WL 2412808 (D. Colo., Aug. 21, 2007); *SEC v. Coffman*, 2008 WL 4452334 (D. Colo., September 30, 2008).
- Represented an individual accused by the SEC of engaging in a stock manipulation. The claims were dismissed by the United States Circuit Court for the District of Columbia as being unsupported by substantial evidence. *Rockies Fund, Inc. v. SEC*, 428 F.3d 1088 (D.C. Cir. 2005).
- Represented the former assistant controller of a public company accused by the SEC of financial fraud. Charges were dismissed after trial. *SEC v. Guenthner and Samuelson*, 395 F.Supp.2d 835 (D.Neb. 2005).
- Represented a corporate officer in a securities fraud class action brought by shareholders of a corporate business partner. A motion to dismiss the claims against our client was granted.
- Represented a businessman accused by the SEC of engaging in a stock manipulation. A jury trial resulted in a verdict for our client. *Securities and Exchange Commission v. Donald Rutledge and Gregory Skufca* Case No. 1:00-cv-01751-JLK United States District Court for the District of Colorado
- Represented a lender providing credit in connection with subprime mortgages which was sued by a borrower alleging fraud, breach of contract, wrongful interference with contract and prospective advantage, and negligent misrepresentation. Certain claims were dismissed on a motion to dismiss, with the remaining claims dismissed on summary judgment. The dismissals were affirmed on appeal. *National Mortgage Corporation v. Greenwich Capital Financial Products, Inc.*, 55 Fed. Appx. 5 (10th Cir. 2002)
- Represented a stockbroker accused by the SEC of insider trading. A jury trial resulted in a defense verdict. *Securities and Exchange Commission v. Ralph L. Cotton, John F. Long and James J. Baudo*, Case No. 1:94-cv-02222-JLK, United States District Court for the District of Colorado

HONORS AND DISTINCTIONS

- Best Lawyers in America®, Commercial Litigation and Litigation – Securities, 2012 – 2026

LICENSED IN

Colorado

Virginia

District of Columbia

EDUCATION

Georgetown University Law Center, J.D., 1974

The Johns Hopkins University, B.A., 1971

PRACTICE AREAS

Litigation

BADGES

