New York State Association of Criminal Defense Lawyers Foundation

2014 Annual Dinner & Award Ceremony

January 30, 2014

Prince George Ballroom
Manhattan

Guests of Honor

The Hon. William Brennan Award for Outstanding Jurist
Hon. John Gleeson, United States District Judge, EDNY

The Gideon Champion of Justice Award
Hon. Theodore T. Jones, Associate Judge of the Court of Appeals (posthumous)

The Hon. Thurgood S. Marshall Award for Outstanding Criminal Practitioner
Marianne Mariano, Federal Public Defender, WDNY
David Patton, Executive Director, Federal Defenders of New York
Lisa Peebles, Federal Public Defender, NDNY
Thank you Ben for your year of hard work and Congratulations to Aaron

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2014 ANNUAL DINNER
JANUARY 30, 2014

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Oath of Office Administered
To President Aaron Mysliwiec ......................President Benjamin Ostrer
Remarks ........................................................ President Aaron Mysliwiec

Presentation of Award
To President Benjamin Ostrer ...................... Aaron Mysliwiec

Presentation of The Honorable William Brennan Award
To The Honorable John Gleeson .....................John S. Wallenstein
NYSACDL Vice President
Remarks ..........................................................Hon. John Gleeson

Presentation of The Gideon Champion of Justice Award
to the family of Hon. Theodore T. Jones ...............Wayne Bodden
NYSACDL President-Elect
Remarks ..........................................................Wesley D. Jones

Presentation of Honorable Thurgood S. Marshall Award for Outstanding Criminal Practitioner to New York States Federal Public Defenders - Marianne Mariano, David Patton, and Lisa Peebles .........................Susan Walsh, NYSACDL Director
Remarks .........................................................Marianne Mariano, David Patton, Lisa Peebles

Closing Remarks ............................................ President Aaron Mysliwiec
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MESSAGE FROM BENJAMIN OSTRER  
NYSACDL PRESIDENT 2013

January 30, 2014

NYSACDL Members and Honored guests...

It has been a humbling experience to serve as the President of NYSACDL and interact with and on behalf of our diverse and committed membership. The assistance and availability of the former and current leaders of our association has been invaluable. It is difficult to describe the extent to which these interactions have deepened my appreciation for the efforts of those who have served before me. We have selected an exceptionally distinguished group of honorees who represent the finest of both the bench and bar within our criminal justice system. In recognizing this year’s honorees, NYSACDL focuses upon the importance of competent, committed advocacy and a learned judiciary. We raise our glasses this evening and toast each other and look forward to future accomplishments and battles won and lost but always hard fought.

On behalf of all who practice in the area of criminal defense, and for the people that we serve I invite you to contribute to Atticus, take advantage of our CLE offerings and most importantly lend your voice to our legislative efforts through your continued membership in NYSACDL. It has been my pleasure to work with the officers and members of the Board of Directors during the past year and I trust that incoming President Aaron Mysliwiec will find his term of office as satisfying and rewarding as I have found mine.

It is my distinct pleasure to welcome you to our 2014 annual dinner and invite your participation in NYSACDL during the coming year.

MESSAGE FROM AARON MYSLIWIEC  
NYSACDL PRESIDENT 2014

Tonight we celebrate, we renew friendships, and we draw strength and inspiration from one another. Every year, I leave this dinner reinvigorated and ready for the battles that lie ahead. NYSACDL members, you are a tremendous assembly of men and women devoted to humanizing our clients, improving our profession, and bringing a greater measure of justice and fairness to the criminal system. I am honored to serve as NYSACDL’s President in 2014 and to be a part of its talented and dedicated Board of Directors.

We are a statewide organization with a broad, inclusive and vibrant membership of over 750 private practitioners and public defenders. Our Board reflects this statewide reach with Directors coming from cities as far-flung as Brooklyn, Buffalo, Manhattan, Malone, and Syracuse. At a time when many bar associations have thinning ranks, ours are growing. This is a tribute to the camaraderie members share, the forum provided for exchanging ideas and learning to be better practitioners, and the importance of our cause.

Since NYSACDL’s founding in 1986, it has accomplished much as a voice on criminal justice issues. But, there is so much more to do. At the state level, we know there will be new efforts to increase mandatory minimums for certain kinds of offenses and to further slant the playing field against the defense by amending the criminal procedure law. At the federal level, we must continue to push the government and the bench to expand opportunities for alternatives to incarceration (like the initiatives occurring in the Eastern District of New York), to find new ways for deconstructing the Federal Sentencing Guidelines, and to demonstrate that lower sentences are “sufficient, but not greater than necessary” sentences. At both levels, we can count on seeing more cases where prosecutors fail to disclose Brady material, and resist much needed systemic Brady and discovery reforms, further undermining public trust in our system and eroding the right to a trial. We will remain vigilant and aggressive in our advocacy on these issues.

With the backdrop of our mission and cause in mind, we join with our guests to honor an awesome group of individuals. The Honorable Theodore T. Jones was a lawyer and jurist of exceptional intellect, unmatched compassion and integrity. The Honorable John Gleeson has been outspoken in his support for indigent defense and in shining a light on the unfairness of mandatory minimum sentences and the government’s plea bargain practices. Finally, we recognize three outstanding practitioners who are also members of Gideon’s Army and who spent the past year fighting attempts to gut federal indigent defense funding. Please join me in conveying our admiration for each of these honorees.

Best wishes for an enjoyable evening and to new successes in 2014.
John Gleeson was appointed as a United States District Judge for the Eastern District of New York by President Clinton on September 28, 1994, and entered on duty on October 24, 1994.

Judge Gleeson went to college at Georgetown University and received his law degree in 1980 from the University of Virginia School of Law. After serving as a law clerk for a year for the Hon. Boyce F. Martin, Jr., United States Circuit Judge in the Sixth Circuit, Judge Gleeson was a litigation associate at Cravath, Swaine & Moore from 1981 to 1985.

In 1985, Judge Gleeson became an Assistant United States Attorney in the Eastern District of New York. During the next ten years, he served as Chief of Appeals, Chief of Special Prosecutions, Chief of Organized Crime, and Chief of the Criminal Division, the position he occupied when he was appointed to the bench.

Judge Gleeson has been an Adjunct Professor of Law at New York University School of Law since 1995. From 1990 to 1997, he was an adjunct professor at Brooklyn Law School. In 1994, he served as the John A. Ewald, Jr., Distinguished Visiting Professor of Law at the University of Virginia School of Law. He is a co-author of the treatise Federal Criminal Practice: A Second Circuit Handbook, LexisNexis (2009) (with Gordon Mehler and David C. James), and has authored numerous articles in various law reviews.

Judge Gleeson was a member of the Defender Services Committee of the Judicial Conference of the United States from 1999 to 2008, and was Chair of that committee from 2005 to 2008. While serving on the Defender Services Committee, Judge Gleeson was instrumental and vocal in his efforts to assure adequate funding and support for indigent defense, particularly the Federal Defenders and CJA panel attorneys.

Most recently, Judge Gleeson has been outspoken (or outwritten) in his decisions regarding the unfairness of mandatory minimum sentences in the federal system, and critical of the use of prior felony informations by prosecutors as a “hammer” to force defendants to plead.

NYSACDL is pleased to be able to honor Judge John Gleeson with the Hon. William Brennan Award for Outstanding Jurist at the 2014 NYSACDL Foundation Dinner.

Hon. Theodore T. Jones
ASSOCIATE JUDGE OF THE COURT OF APPEALS
THE GIDEON CHAMPION OF JUSTICE AWARD

Hon. Theodore T. Jones, our Gideon Champion of Justice honoree (posthumous) was an Associate Judge of the Court of Appeals from 2007 until his untimely passing on November 6, 2012. Judge Jones was born in Brooklyn and attended public schools in New York City. He graduated from Hampton University in 1965, and from St. Johns University School of Law in 1972. Judge Jones served in the U.S. Army in Viet Nam, attaining the rank of Captain. Upon his admission to practice in New York he worked as Law Secretary to Judge Howard A. Jones Court of Claims. He entered criminal practice as a Defense Attorney with the Legal Aid Society, and later went into private practice in Brooklyn.

Judge Jones was elected to New York State Supreme Court in 1989, and reelected in 2003; he was appointed to the Court of Appeals in 2007. In 2009, Chief Judge Jonathan Lippman, (NYSACDL's Brennan Honoree 2012) chose Judge Jones to lead the newly established Justice Task Force, with the goal of reducing wrongful convictions. He was always available to assist people, and had just returned from an upstate appearance at the time of his passing.

Judge Jones was married to the former Joan Sarah Hogans for more than forty years. He will be remembered as a lawyer and jurist of exceptional intellect, unmatched compassion and integrity. who understood how the law impacted ordinary people, and it was that understanding that animated his public service.

NYSACDL will proudly bestow the Gideon Champion of Justice Award upon a remarkable man who is sorely missed by all in the defense community and everyone who aspires to improve the delivery of justice in New York.
MARIANNE MARIANO  
FEDERAL PUBLIC DEFENDER, WESTERN DISTRICT OF NEW YORK  
DAVID PATTON  
EXECUTIVE DIRECTOR, FEDERAL DEFENDERS OF NEW YORK  
LISA PEEBLES  
FEDERAL PUBLIC DEFENDER, NORTHERN DISTRICT OF NEW YORK  
The Hon. Thurgood S. Marshall Award For  
Outstanding Criminal Practitioner

Marianne Mariano is the Federal Public Defender for the Western District of New York, a position she has held since 2008. Prior to her appointment, she was an Assistant Federal Public Defender with that office beginning in 1995. Ms. Mariano started her career as a Confidential Law Clerk to the Hon. Carol E. Heckman, then-U.S. Magistrate Judge for the Western District of New York. From 2001 to 2002, as an Assistant Federal Public Defender, Ms. Mariano participated in a year-long temporary detail in Washington, D.C. She served the first six months as Special Counsel to the United States Sentencing Commission. The second half of the detail was spent as an Attorney Advisor with the Office of Defender Services of the Administrative Office of the United States Courts. In 1998, Ms. Mariano also spent three months as the Assistant Federal Public Defender in Yosemite National Park.

Since 2002, Ms. Mariano has been a member of the Federal Public and Community Defenders National Sentencing Guidelines Committee. In 2008 and again in 2010, Ms. Mariano testified at a public hearing before the United States Sentencing Commission on behalf of Federal Public and Community Defenders regarding proposed amendments to the Sentencing Guidelines. In 2006, she was a participant in a roundtable discussion hosted by the United States Sentencing Commission, focused on ways to simplify the Sentencing Guidelines in the wake of the Supreme Court’s landmark decision in United States v. Booker, which rendered those guidelines advisory. For the past decade, as a member of the Guidelines Committee, Ms. Mariano has helped formulate the Defenders’ position on important national topics, including the unjust 100 to 1 ratio between crack and powder cocaine, recently remedied by the Fair Sentencing Act.

In 1994, Ms. Mariano graduated cum laude from the University of Buffalo, School of Law. In 1991, she received a BA in History, with honors, from the State University of New York at Binghamton. She is a member of the Defender Services Advisory Group and she is the Federal Defender’s liaison to the Criminal Law Committee of the Judicial Conference. Ms. Mariano is a Director for the Bar Association of Erie County and has previously served on the board of directors for the New York State Association of Criminal Defense Lawyers and the UB Law Alumni GOLD Group. She is currently a member of the Western District of New York CJA Committee, Local Rules Committee, and Court Security Committee. Ms. Mariano belongs to many organizations, including the Women’s Bar Association of the State of New York and the National Association for Criminal Defense Lawyers. Ms. Mariano was born and raised in Niagara Falls, N.Y., but moved to Buffalo in 1991. She currently lives in the city of Buffalo with her husband, Joe, and their dog, Atticus Finch, who is also committed to fighting injustice one squirrel at a time.

David Patton has been the Executive Director and Attorney-in-Chief of the Federal Defenders of New York since July 2011. From 2002 to 2008, he worked at the Federal Defenders as a trial attorney in the Manhattan office. During that time, he also served as an Adjunct Professor at N.Y.U. School of Law, where he taught the Federal Defender Clinic.

In 2008, Mr. Patton began teaching full time as an Assistant Professor of Law at the University of Alabama. From 2010 to 2011, he was a Visiting Associate Professor of Law at Stanford Law School where he founded the school’s first trial-level criminal defense clinic. He currently teaches Professional Responsibility in Criminal Law as an Adjunct Professor of Law at N.Y.U. Mr. Patton is also on the faculty of the Gideon’s Promise, a non-profit organization dedicated to training new public defenders.

Among other publications, he is the author of Federal Public Defense in an Age of Inquisition, 122 Yale L.J. 100 (2013) and Guns, Crime Control, and a Systemic Approach to Federal Sentencing, 32 Cardozo L. Rev. 1427 (2011). Mr. Patton is a graduate of the University of Virginia School of Law, where he served as an editor of the Virginia Law Review. He clerked for the Honorable Claude Hilton of the U.S. District Court for the Eastern District of Virginia. Prior to joining the Federal Defenders in 2002, Mr. Patton was an associate at the law firm Sullivan & Cromwell.

Lisa Peeses joined the Federal Public Defender’s Office for the Northern District of New York in August 1999. She was appointed First Assistant Public Defender in 2005 and Federal Public Defender in November 2010. She is a native of Cleveland, Ohio and has practiced law in the Syracuse area for the past 20 years. She graduated from Akron University with a Bachelor of Science in Political Science and thereafter worked as an investigator for the Stark County Public Defender’s Office.

In 1992, she graduated with her law degree from Syracuse University. Lisa worked as a clerk in the U.S. Attorney’s Office in Syracuse while attending law school. Upon being admitted to the Bar, she worked from 1993-1994 in the Jefferson County Public Defender’s Office. Thereafter, she operated a private practice for five years with emphasis on criminal defense matters.

Lisa Peeses
NYSACDL thanks its *Amicus* authors and co-chairs for their time, effort and energy in researching and briefing issues of state-wide and national importance to the criminal defense practice.

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NYSACDL thanks the speakers who dedicated their time and expertise to serve as faculty at our 2013 Continuing Legal Education programs. We commend your dedication to promoting excellence in the criminal defense practice.

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Best wishes to
Aaron Mysliwiec

for a successful year ahead

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and

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- Benjamin Ostrer

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With appreciation for your contributions to the criminal justice system.

~ ♦ ~

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Thanks for a great job, Ben!

Congratulations to Judge Gleeson,
David, Lisa and Marianne.

Looking forward to Aaron’s leadership.

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Congratulations to the Honorees
from the NYSACDL Foundation Board of Directors

Congratulations to the honorees for their well-deserved awards.
  Thank you to Benjamin Ostrer for your service to the NYSACDL
  and
  Good Luck to Aaron Mysliwiec as you rise to the Presidency.

Lisa Schreibersdorf
Executive Director of the Brooklyn Defender Services
and Past President of NYSACDL

From the Rockland Crew!

Congratulations to Ben Ostrer – on the completion of a ground-breaking year as President

Aaron Mysliwiec – incoming President. The reward for work is the opportunity to do still more work!

Jennifer Van Ort – for many creative new ideas!

Kevin D. O’Connell
Past President - New York State Association of Criminal Defense Lawyers
New York County Defender Services

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369 Lexington Ave., 2d Fl #224
New York, New York 10017

Many Thanks to Ben, Aaron and The 2013 NYSACDL Board of Directors

Richard D. Willstatter
Theodore S. Green
Green & Willstatter
200 Mamaroneck Avenue
White Plains, New York 10601

Congratulations to the Honorees from the NYSACDL Foundation Board of Directors

Heartiest Congratulations to Hon. John Gleeson and Marianne Mariano
  David Patton and Lisa Peebles

Many Thanks to Ben, Aaron and The 2013 NYSACDL Board of Directors

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Kevin D. O’Connell
Past President - New York State Association of Criminal Defense Lawyers
New York County Defender Services

Tacopina Seigel & Turano, P.C.
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Congratulations to Our Honorees!

Kramer Levin Naftalis & Frankel LLP
is proud to support NYSACDL and its members
and congratulates
Judge Gleeson for receiving The Hon. William Brennan Award for Outstanding Jurist
and
David Patton for receiving the Hon. Thurgood S. Marshall Award for Outstanding Criminal Practitioner

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Congratulations to the Honorees!
New York State Defenders Association

Thank you, Benjamin Ostrer.

Congratulations to incoming president Aaron Mysliwiec and to this year’s Guests of Honor.

We look forward to our continued collaboration with NYSACDL to protect the rights of clients and preserve the Constitution.

Congratulations to incoming President Aaron Mysliwiec and all of tonight’s honorees on making New York a little more just.

OSSOSOYER Law Offices, LLP

Brooklyn Defender Services

Celebrates the life and career of Hon. Ted Jones, a great man (from Brooklyn) who embodied all the values of the NYSACDL ~ justice, fairness, humanity and human decency.

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The National Association of Criminal Defense Lawyers

Congratulations to incoming President BenjamiN osTrep and Installing 2014 NYSACDL President Aaron Mysliwiec.

Hon. Thurgood S. Marshall Award for Outstanding Criminal Practitioner Marianne Mariano David Patton Lisa Peebles

The Hon. William Brennan Award for Outstanding Jurist Hon. John Gleeson

The Gideon Champion of Justice Award Hon. Theodore T. Jones

We are proud to support the NYSACDL Foundation’s 2014 Annual Dinner and congratulate David Patton

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SULLIVAN & CROMWELL LLP
We congratulate the Honorable John Gleeson, a truly extraordinary jurist.

Robert C. Gottlieb
Celia A. Gordon
Justin F. Heinrich
Derrelle M. Janey
Mendy M. Piekarski