

NEW YORK STATE ASSOCIATION OF
CRIMINAL DEFENSE LAWYERS FOUNDATION

2012 ANNUAL DINNER

JANUARY 26, 2012

Prince George Ballroom
Manhattan

GUESTS OF HONOR

Hon. Jonathan Lippman

Chief Judge of the State of New York

Recipient of the Hon. William Brennan Award for Outstanding Jurist



David A. Ruhnke

*Recipient of the Hon. Thurgood S. Marshall Award
for Outstanding Practitioner*



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CRIMINAL DEFENSE LAWYERS**

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NACDL's Amicus Committee Vice Chair

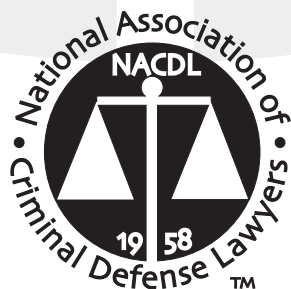
KEVIN D. O'CONNELL

For his exemplary service to the profession

Tonight's Outstanding Honorees:

DAVID A. RUHNKE

HON. JONATHAN LIPPMAN



"LIBERTY'S LAST CHAMPION"

**NEW YORK STATE ASSOCIATION OF
CRIMINAL DEFENSE LAWYERS FOUNDATION**

**2012 ANNUAL DINNER
JANUARY 26, 2012**

WELCOME Kevin D. O'Connell

OATH OF OFFICE ADMINISTERED

TO PRESIDENT

RICHARD D. WILLSTATTER Kevin D. O'Connell

REMARKS..... Richard D. Willstatter

PRESENTATION OF AWARD

TO KEVIN D. O'CONNELL Richard D. Willstatter

PRESENTATION OF

THE HONORABLE WILLIAM BRENNAN AWARD

TO HONORABLE JONATHAN LIPPMAN Hon. Barry Kamins

REMARKS..... Hon. Jonathan Lippman

PRESENTATION OF

THE HONORABLE THURGOOD S. MARSHALL AWARD

TO DAVID A. RUHNKE..... Jean D. Barrett

REMARKS..... David A. Ruhneke

CLOSING REMARKS..... Richard D. Willstatter



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**MESSAGE FROM
KEVIN D. O'CONNELL
NYSACDL PRESIDENT 2011**

As the year ends and a new President is about to be sworn in, I want to thank all those who contributed to the success of the Association. While we still have work to do, the Association is moving forward and has some important accomplishments to be proud of.

I am honored to have worked with a Board of Directors whose members have given up their time, energy and knowledge to edit and create the issues of ATTICUS that have showcased the articles and experiences of its authors. In addition, its legislative issue staked out our positions on criminal justice issues that can make a difference to us and our clients. Other Directors created and participated in CLE programs throughout the state that continue to give the members of our profession the tools to practice their trade. Still others wrote amicus briefs on significant issues and cases, a practice which surely enhances our standing in the courts of this state. Then there was the LISTSERV.....While I would have liked not to have to do quite as much policing as was necessary, the listservs continue to be invaluable forums to allow members to exchange ideas, strategies, and information even if all they do is to let members know there is someone else out there and we are not fighting the fight alone.

Also, I want to emphasize how none of this could have been accomplished without the work of our Executive Director Meg Alverson and her colleague Sandra Wissell. What they have done to make all these parts come together is remarkable and I thank them.

The fight goes on.

Thank you all for the opportunity to serve as the President of this wonderful Association.

Kevin D. O'Connell



**MESSAGE FROM
RICHARD D. WILLSTATTER
NYSACDL PRESIDENT 2012**

It has been 25 years since Justice William Brennan accepted the Outstanding Jurist Award at this Association's first Annual Dinner. Thanks to our founders, the Association flourished in the intervening years, growing in size and influence. This Association provides support and legal education to criminal defense lawyers all across the State of New York.

In recent years, we have made efforts to influence more directly legislative decisions, particularly in Albany, with the assistance of our able lobbyist, Sandra Rivera and our active Legislative Committee. We now have a voice among legislators and a seat at the table. We expect the usual politician's cry to increase punishments in response to the outrage *du jour* but our voice, that of reason and experience, can counterbalance those of our opponents. We all agree that the withholding of favorable information by prosecutors is the single biggest cause of wrongful convictions. With that belief in mind, we hope to advance the cause of discovery reform this year.

One of our best acquisitions has been that of our current Executive Director, Margaret Alverson, who is herself an experienced criminal defense lawyer here in New York City and in her native Louisiana. Having a criminal defense lawyer at the helm of this Association is a real advantage to the members and to the Board.

We now have a charitable foundation, the NYSACDL Foundation, Inc., which we expect to create a Trial Lawyers College. Thanks are due to Matthew Kluger and to our pro bono counsel William Gaske for assisting us to set up the Foundation. The Association is likewise very proud to have re-created its topnotch magazine, Atticus, which is edited by Benjamin Ostrer, John Wallenstein and Cheryl Myers Buth and published by the Niki Jones Agency. And we now have an outstanding website, www.nysacdl.org, which was assembled by Board Member JaneAnne Murray, Ms. Alverson, and web designer Lynn Koble of Parasee Designs.

Since Past President Joshua Dratel asked me to Chair our Amicus Curiae Committee in 2005, it has been my privilege to represent the Association, with the assistance of volunteer authors, on variety of significant appellate issues. The new co-chairs, Marshall Mintz and Marc Fernich, are well-equipped to take those reins. We have had some important successes in 2011, including our successful defense of judicial independence in the *Brown v. Blumenfeld* Article 78 case in the Appellate Division, Second Judicial Department and our victory along with NACDL this week in *United States v. Jones*, GPS decision from the Supreme Court

We are also pleased to announce that our new Board of Directors consists of an impressive and diverse array of criminal defense lawyers from across New York. Among our new board members are: a federal criminal lawyer from a well-known Buffalo firm, an outstanding Albany lawyer who was one of our founders, a respected Brooklyn defense lawyer, the Federal Public Defender for the Northern District of New York, a former board member from Rockland County who has agreed to rejoin us, and an experienced appellate lawyer from Manhattan. They join a Board whose current members possess a great deal of talent and enthusiasm. With a team like this, we are assured of a successful year.



**HONORABLE JONATHAN LIPPMAN
HONORABLE WILLIAM BRENNAN AWARD
FOR OUTSTANDING JURIST**

Jonathan Lippman was born in New York City and raised on Manhattan's Lower East Side. He is a product of the New York City public school system and received his B.A. in 1965 from New York University, from which he graduated Phi Beta Kappa and cum laude, with a major in Government and International Relations. He received his J.D. from New York University School of Law in 1968, the same year he was admitted to the New York Bar.

Chief Judge Lippman's career in the court system spans four decades, starting as an entry level court attorney in Supreme Court and including service as a law clerk in Supreme Court and Surrogate's Court. In 1977, he became Principal Court Attorney for Supreme Court, New York County, Civil Term. In 1983, he was named the Chief Clerk and Executive Officer of that court, a position he held until 1989 when he was appointed Deputy Chief Administrator for Management of the statewide court system. In 1995, he was appointed as a Judge of the New York Court of Claims by Governor George E. Pataki, who subsequently reappointed him to a full nine-year term on that court in 1998. In 2005, he was elected as a Justice of the Supreme Court for the Ninth Judicial District. He also served as an Associate Justice of the Appellate Term, Ninth and Tenth Judicial Districts.

From January 1996 to May 2007, he served, by appointment of Chief Judge Kaye, as the Chief Administrative Judge of all New York State Courts. As the longest tenured Chief Administrative Judge in state history, Judge Lippman played a central role in many far-reaching reforms of New York's Judiciary and legal profession, including problem-solving community courts, drug courts, and domestic violence courts; specialized commercial and matrimonial parts; overhauling the state's jury system; opening Family Court to the public; and adopting new rules governing fiduciary appointments; mandatory continuing legal education, attorney-client fee dispute arbitration, and written letters of engagement.

In May 2007, Governor Eliot Spitzer appointed Judge Lippman to serve as the Presiding Justice of the Appellate Division of the Supreme Court, First Department, one of the largest and most influential appellate courts in the country. In that capacity, he dramatically reduced the court's pending backlogs and served on the Administrative Board of the Courts, the policy and rule making body of the New York State Court System.



In February 2009, Governor David A. Paterson appointed Judge Lippman to serve as the Chief Judge of the State and Chief Judge of the Court of Appeals. In that capacity, he presides over New York's highest court while heading a statewide court system with a \$2.6 billion budget, 3,600 state and locally paid judges, and over 15,000 non-judicial employees in over 350 locations around the State.

During his tenure on the Court of Appeals, Chief Judge Lippman has authored a number of major decisions addressing constitutional, statutory and common law issues shaping the law of our state, the contours of state government and the lives of all New Yorkers. As the State's Chief Judge he has championed equal access to justice issues and taken an active leadership role in identifying permanent funding streams for civil legal services, strengthening the state's indigent criminal defense system, addressing the systemic causes of wrongful convictions, and reforming New York's juvenile justice system, among many other areas.

Judge Lippman's four decades in the courts have been marked by a deep commitment to fostering a justice system that is independent, open, accountable and responsive to the people it serves. He has pursued these goals with a work ethic, energy and passion that can only be described as legendary. He is widely respected in legal and governmental circles for his competence, credibility and encyclopedic knowledge of the courts.

Judge Lippman is active in court improvement efforts at the national level, as a member of the Conference of Chief Judges, and as a former President of the Conference of State Court Administrators (COSCA). He also served as Vice-Chair of the Board of the National Center for State Courts. In 2008, Judge Lippman received the William H. Rehnquist Award for Judicial Excellence, presented each year by the nation's Chief Justice to a state court judge who exemplifies the highest level of judicial excellence, integrity, fairness, and professional ethics. Judge Lippman was selected for his "unparalleled ability to promote and achieve reform in the state courts. His leadership in the New York courts has contributed to numerous improvements in that state's justice system and has served as an example for courts across the country."

Judge Lippman lectures frequently in New York and around the country, has published numerous articles and essays, and has received many awards and honors from the legal community. Judge Lippman resides in Manhattan with his wife, Amy.



DAVID A. RUHNKE
HONORABLE THURGOOD S. MARSHALL AWARD
FOR OUTSTANDING PRACTITIONER

David A. Ruhnke, who served as a Peace corps Volunteer in the late 1960's, is now in his 36th year as a criminal defense attorney. He has a B.A. from Dartmouth College in English Literature and a J.D. from Seton Hall University School of Law where he was class valedictorian. For the first seven years of his legal career (1976-1983), Mr. Ruhnke was an Assistant Federal Public Defender for the District of New Jersey. Since 1983, he has been in private practice in partnership with his wife and frequent trial partner, Jean D. Barrett. Their law firm, Ruhnke & Barrett, has offices in New York City and Montclair, New Jersey. Mr. Ruhnke presently serves as a member of the Federal Death Penalty Resource Counsel Project. In the course of his career, Mr. Ruhnke, whose practice involves trial and appellate work, has tried more than 100 jury trials, in state and federal courts, and argued numerous appeals, also in state and federal courts. He has tried 16 capital cases, 10 in federal court, and six in the state courts of New Jersey. 14 of those cases ended with life verdicts. Both death verdicts were later set aside. Mr. Ruhnke teaches frequently on the topic of defending capital cases and is on the faculty of the Death Penalty College at Santa Clara University School of Law.



**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.**

Marc Fernich • Marshall A. Mintz
Richard D. Willstatter, co-chairs

Roger A. Ford • Brian D. Ginsberg • Andrew L. Kalloch
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**NYSACDL thanks the speakers who dedicated
their time and expertise to serve as faculty at our
2011 Continuing Legal Education programs. We
commend your dedication to promoting excellence
in the criminal defense practice.**

Marc Agnifilo • Michael Baker • James Benjamin
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congratulates

The Honorable Jonathan Lippman
Chief Judge of the State of New York

and

David A. Ruhnke, Esq.

for their respective remarkable
accomplishments and as the 2012
honorees of the New York State Association
of Criminal Defense Lawyers.

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THANK YOU

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CLE PRESENTERS, ATTICUS AUTHORS,
AND (MOST) LISTSERV PARTICIPANTS FOR MAKING
THIS PAST YEAR A SUCCESS!

CONGRATULATIONS

AND

BEST WISHES

TO IN-COMING PRESIDENT RICHARD WILLSTATTER
AND
THE 2012 BOARD OF DIRECTORS
FOR ANOTHER SUCCESSFUL YEAR!

KEVIN D. O'CONNELL



MICHAEL KELTON
of
ABRAMS AF FENSTERMAN

Abrams, Fensterman, Fensterman, Eisman, Grenberg, Formato & Einiger, LLP
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Congratulates

RICHARD D. WILLSTATTER
ON HIS ASCENSION TO
THE PRESIDENCY OF THE NYSACDL

*Michael Kelton has been representing physicians
and other health care licensees in professional misconduct,
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CONGRATULATIONS

TO

OUR NEW PRESIDENT:

RICHARD WILLSTATTER

WE LOOK FORWARD TO YOUR CONTINUED

CONTRIBUTION AND LEADERSHIP

Never give in--never, never, never, in nothing great or small, large or petty, never give in except to convictions of honour and good sense. Never yield to force; never yield to the apparently overwhelming might of the enemy.

Sir Winston Churchill, *Speech, 1941, Harrow School*

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The Law Offices of
Joel B. Rudin
heartily congratulate
Richard Willstatter
on his well-deserved
recognition as
President of the
Association and all the
honorees.

Joel B. Rudin
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**Congratulations
to
JUDGE LIPPMAN
for an honor that has
been long overdue.
He has been outstanding
in his relentless struggle
to garner support
for quality indigent
representation in a
hostile climate.**

Gerald B. Lefcourt

Heartiest Congratulations

to

Chief Judge

Jonathan Lippman

and

David A. Ruhnke

Many Thanks to

Kevin D. O'Connell,

NYSACDL President 2011

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Julie E. Howe, Ph.D.
actively supports NYSACDL
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Congratulates

Chief Judge
Jonathan Lippman,
David A. Ruhnke
and outgoing and incoming
Officers and Board Members



We must
all stand together
or
we will all hang
separately.

Michael G. Dowd

Congratulations
to all of our
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from the
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Brooklyn Defender Services
congratulates
all our attorneys
and especially
Benjamin Moore and
Paul Lieberman for their
tireless pursuit of justice for
their clients.

Thanks to
Kevin O'Connell for his year of
service to NYSACDL

Good luck to
President Richard Willstatter

Lisa Schreibersdorf,
Past-President

CONGRATULATIONS

TO

MY GOOD FRIEND

DAVID RUHNKE

JERRY SHARGEL



NYSACDL FOUNDATION, INC.

On May 26, 2011, the long-awaited NYSACDL Foundation, Inc. became a reality. The NYSACDL Foundation is a 501(c)(3) charitable foundation whose mission and purposes are to provide and to support charitable and educational programs and projects which advance the goals of justice by developing or improving the knowledge and skills of lawyers, students, and members of the public interested in the goals of criminal defense and in preserving and protecting the rights guaranteed under the Constitution and laws of the United States and the State of New York.

**NYSACDL and the NYSACDL FOUNDATION thank
William F. Gaske, Esq.
Patterson Belknap Webb & Tyler LLP
for his guidance and efforts in making the
Foundation a reality**

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