

REPORT TO THE PEOPLE OF QUEENS: LEGAL TRAINING

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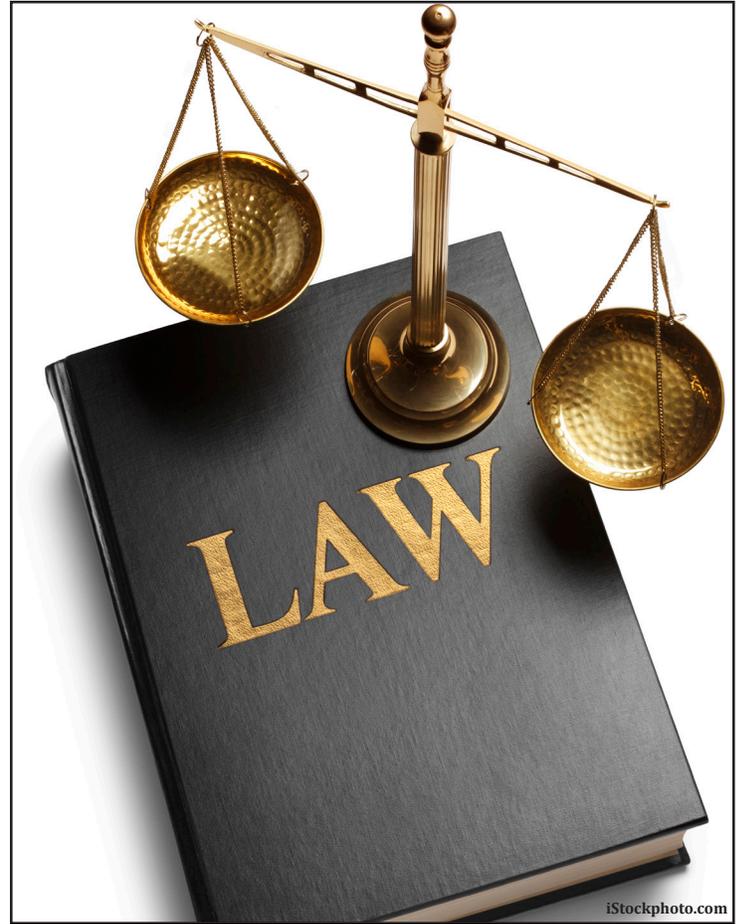
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Last week, on behalf of the men and women of this office, I issued the first in a series of reports to the people of Queens, informing them of all Judge Brown has done to ensure that we have the finest criminal justice system in the state, as they select the county's next District Attorney. That report focused on the more than 30 alternative sentencing and treatment programs that the office sponsors and operates.

In this report, I will describe our extensive legal training programs, many of which have been duplicated by other offices around the state. The residents of Queens should be aware of resources we devote to ensure that we have the best trained and most knowledgeable legal staff possible.

Let us start at the beginning. One of the first things DA Brown did upon taking office in 1991 was to institute a comprehensive and multi-tiered training regimen for the entire staff of professional prosecutors. The person whom he recruited and put in charge of this effort was Barbara D. Underwood. Her qualifications are beyond stellar. Ms. Underwood clerked for Associate Justice Thurgood Marshall of the U.S. Supreme Court. She was a professor at Yale Law School for ten years. She then served as Principal Deputy Solicitor General of the United States. From January to June 2001, she was the Acting Solicitor General of the United States. She recently served as New York State's Attorney General and is now again serving as Solicitor General, New York's top appellate attorney. The DA's mandate was, in his words, to "raise the level of professionalism" of the office and that is what he did. Our training programs continue today to be a comprehensive system of tiered training events overseen by a full-time director and assistant director of training. Our training programs are such that many applicants for ADA positions have told us that they picked Queens because of our training program.

On day one of an ADA's tenure in Queens they are told within the first few minutes of arrival that we will summarize their job in three words. They are told that their job is "to do justice." Shortly thereafter they are



told that the most important asset they own is their integrity and that they should guard their reputation jealously. Those words are but the introduction to their extensive ethics training.

No prosecutor in the Queens DA's Office enters a courtroom or is given a caseload without having first undergone a comprehensive introductory training program. The incoming classes of new ADAs are led by the training directors with the assistance of the office's supervisory staff in instruction on the law, skills development and the ethical standards demanded of a prosecutor. This training takes the form of not only lectures and materials, but also interactive workshops, discussions on the ethnic diversity of the county, a legal writing assignment, educational trips to police training and testing facilities, and a visit to a correctional facility. Their initial training

includes a thorough education on our many alternative sentencing programs and a visit to a rehabilitation facility associated with our alternative sentencing program. The new hires are also tested on what they have learned during the incoming training program.

During their first year in the office, the new prosecutors are required to attend additional weekly training sessions designed to further hone their skills and help them more fully understand their ethical obligations. No prosecutor moves on from handling misdemeanor cases to felony prosecutions without undergoing a comprehensive course in skills development and legal issues necessary for the mastery of prosecutions by indictment in the Supreme Court of the State of New York. During this program, the attendees are completely removed from their caseload assignments and given over full-time to the training directors, who with the assistance of senior staff, examine the trainees in mock trial settings, critiquing their arguments, their examination techniques and communication skills. Throughout all these training programs, the prosecutor's ethical obligations are highlighted as a paramount duty. The ethics training goes well beyond a mere explanation of the rules. The trainees are challenged to address ethical problems in hypothetical situations created from a wealth of collective experiences encountered over the years by senior staff.

A word about the people we recruit as new prosecutors is also in order here. Senior members of our office have partnered with the law schools at Columbia, Fordham and St. John's Universities to create clinical programs for law students. The students are invited to the office to practice under a special practice order issued by the Appellate Division Second Department while simultaneously earning school credit for the work they do. These senior ADAs are adjunct professors at the schools and develop and implement the course curricula. This arrangement serves as a highly effective recruiting tool for the office in obtaining the best, the brightest and the most motivated students to become assistant district attorneys upon graduation. These exceptionally well qualified recruits most often cite their clinical experience and the promise of being well trained as their principal motivation for wanting to work in the Queens DA's Office.

In addition, every fall we run a mock trial competition hosting law student trial teams from 16 law schools from all around the country. In our program, sitting Criminal Court and Supreme Court judges volunteer to preside

over the trials and, uniquely, police officer students from the NYPD Police Academy serve as jurors. Both the students and police officers get a dose of realism they can't find in other trial competitions. In return we get to see these students perform in near real world situations. We recruit from the best of the best in our competition. Furthermore, several of our ADAs coach mock trial teams at Fordham, St. John's, Hofstra and Pace Law Schools, again giving us the opportunity to recruit the best qualified candidates.

Moreover, in addition to these dedicated programs and clinical arrangements, every ADA, no matter their level of experience is required to attend monthly lectures in order to comply, not only with the state's continuing legal education requirements, but also the office's high standards for staying abreast of new developments in criminal law, procedure and ethics. These sessions include annual reviews of cases decided by both the New York Court of Appeals, and the Supreme Court's Appellate Division, as well as ethics topics identified as crucial by the training director.

Significantly, every ADA receives, via email, every criminal-related Court of Appeals and Appellate Division decision, as well as published lower court decisions involving Queens cases and most other significant cases in New York.

Finally, the Queens DA's Office, under the leadership of Judge Brown, was instrumental in the founding of the New York Prosecutors Training Institute (NYPTI) which is the principal source of attorney training for many prosecutors throughout the entire state. DA Brown has served as the Chair of the NYPTI Board of Directors for the last 17 years. NYPTI frequently calls upon members of the Queens DA's staff to lecture and provide instruction to prosecutors in its many statewide training programs which are attended by prosecutors from virtually every DA's office in New York, many of which lack the resources to implement the kind of training programs that Queens prosecutors enjoy. The training regimen Judge Brown instituted has become the standard by which others are measured throughout the entire State of New York.

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