

THE CENTER'S RECENT ACCOMPLISHMENTS

The Center launched The Mercy Project with the help of *pro bono* partners Jonathan Polkes, Esq. of Weil, Gotshal, Manges; Harlan Protass, Esq. of Claymen & Rosenberg, and David Patton, the Executive Director and Attorney-in-Charge of the Federal Defenders of New York. The mission of the Mercy Project is to pursue sentencing reductions or commutations for federal prisoners who have demonstrated remarkable rehabilitation, or who suffer from serious medical conditions. As such, we serve as both a “Second Look” center and a clemency center. Read more about the Mercy Project at www.law.nyu.edu/centers/adminofcriminallaw/mercyproject.

Faculty Director Rachel E. Barkow was confirmed and sworn in as a Commissioner on the United States Sentencing Commission in June of 2013.

On October 30, 2013, Faculty Director Prof. Rachel Barkow testified before the House Committee on the Judiciary Task Force on over-criminalization. In her testimony, Prof. Barkow gave an overview of the problem of over-criminalization as it relates to regulatory crime.

Andrew Weissmann, former general counsel to the FBI, joined the Center as a Senior Fellow.

Recently the Center, with co-counsel Lambda Legal, filed an amicus brief with the New York Court of Appeals in the case of *People v. Dwight DeLee* urging the court to reinstate the 2009 conviction of Dwight DeLee, who was found guilty of first-degree manslaughter as a hate crime in the 2008 shooting death in Syracuse of a transgender woman.

Tony S. Barkow, the Center's former Executive Director, and Beth George, a former student fellow, advocated for tighter media restrictions on prosecutors prior to conviction in *Prosecuting Political Defendants*, 44 Ga. L. Rev. 953 (2010), and are quoted in a decision by U.S. District Court Judge Kenneth Karas in *U.S. v. Malcolm Smith*.

Executive Director Nancy Hoppock was selected to serve as a Commissioner on NY's new anti-corruption Moreland Commission.

On June 17, 2013, the U.S. Supreme Court sided with defendant-petitioner and Center as amicus in *Alleyne v. United States* and held that any fact that increases the mandatory minimum sentence for an offense must be submitted and proven to a jury.

Center on the Administration of
Criminal Law's 6th Annual Conference

Mercy in the Criminal Justice System

Clemency and
Post-Conviction
Strategies

April 15, 2014

ABOUT THE CENTER

The Center analyzes important issues of criminal law, particularly focusing on prosecutorial power and discretion. It pursues this mission in three main arenas: academia, the courts, and public policy debates. Through the Center's academic component, the Center researches criminal justice practices at all levels of government, produces scholarship on criminal justice issues, and hosts symposia and conferences to address significant topics in criminal law and procedure. The litigation component uses the Center's research and experience with criminal justice practices to inform courts in important criminal justice matters, particularly in cases in which exercises of prosecutorial discretion create significant legal issues. The public policy component applies the Center's criminal justice expertise to improve practices in the criminal justice system and enhance the public dialogue on criminal justice matters. The Center is the first and only organization dedicated to defining good government practices in criminal prosecutions. No other organization is dedicated to improving prosecution practices through research, litigation, and the improvement of public policy.

TO JOIN

To contact, join, contribute to, or read more about the Center, please visit us at www.law.nyu.edu/centers_adminofcriminallaw or write to us at prosecutioncenter@nyu.edu.

9:30–10:30 A.M.

CLE registration and coffee

10:00–11:15 A.M.

PANEL I

The Role of Law Schools in Delivering Clemency and Post-Conviction Assistance

This panel will discuss how law school clinics and academic/pro bono partnerships are providing critical services to defendants through clemency clinics and other mechanisms. In addition to discussing how these clinics can be expanded, the panel will also provide practical training on how to effectively prepare clemency petitions, post-conviction motions and provide other reentry support to prisoners.

MODERATOR

Mark Osler, Professor, University of St. Thomas Law School

PANELISTS

J.P. "Sandy" Ogilvy, Professor, Columbus School of Law, Catholic University

Harlan Protass, Clayman & Rosenberg

Joann M. Sahl, Professor, University of Akron Law School

Anthony Thompson, Professor, New York University School of Law

11:15–11:30 A.M.

Break

11:30 A.M.–12:45 P.M.

PANEL II

What We Can Learn about Clemency from the States

This panel will examine the different ways clemency and pardon petitions are administered in selected states with effective systems.

MODERATOR

Nancy Hoppock, Executive director of the Center on the Administration of Criminal Law

PANELISTS

Matthew Denn, Lt. Governor, State of Delaware

Hon. Robert L. Ehrlich, Jr., King & Spalding and former Governor of Maryland

Margaret Love, former US Pardon Attorney

Jorge Montes, former Chairman of the Illinois Prisoner Review Board

12:45–2:00 P.M.

Lunch Break

2:00–2:45 P.M.

Keynote Address

Kathryn Ruemmler, White House Counsel

Kathryn Ruemmler currently serves as Counsel to the President, a position she has held since June of 2011. As the President's chief lawyer, Ms. Ruemmler advises the President on all legal and Constitutional issues across a broad spectrum of domestic and foreign policy matters. She provides strategic advice on significant litigation matters, including Supreme Court cases. Ms. Ruemmler also manages the White House and the Executive Branch's defense of congressional and other investigations and is responsible for the judicial selection and nomination process.

2:45–4:00 P.M.

PANEL III

The Future of Clemency

This panel will discuss recent developments in federal clemency and where clemency could and should be headed in the future.

MODERATOR

Rachel E. Barkow, Professor of Law, NYU School of Law

PANELISTS

Douglas A. Berman, Professor, Ohio State University Law School

Amy Baron-Evans, National Federal Defender Sentencing Resource Counsel

Paul G. Cassell, Professor, University of Utah Law School

Sam Morison

Daphna Linzer, Managing editor, MSNBC.com