

Looking to 'Modernize' Criminal Justice System and Examine It Through a 'Post-COVID Lens', NYSBA Launches 28-Member Task Force

By Jason Grant

In keeping with her stated bar association goal of focusing much of her presidency on equality-of-justice and criminal-system-reform issues, newly installed New York State Bar Association President Sherry Levin Wallach has launched a task force focused on the “modernization of criminal practice.”

The goal of the task force, which is staffed by 30 members that include area judges, prosecutors, defense attorneys, and parole and sentencing reform advocates, is to recommend new laws and policies aimed at improving “safety, fairness, access to justice and efficiency in administering criminal justice,” according to a news release issued about the newly formed group.

“The criminal justice system has benefited from several reforms in recent years, including more humane bail and parole laws and the Raise the Age Law, but there are opportunities for a more holistic review of criminal practice and the criminal justice system through the post-COVID lens,” Levin Wallach said in the release.

The task force will issue a “comprehensive report” within the next year, according to the bar association, which with some 70,000 lawyer-members says it is the largest voluntary state bar association in the United States. It is chaired by both Catherine Christian, a partner at Liston Abramson, and Andrew Kossover, a named partner at Kossover Law Offices,

Levin Wallach, who began her one-year term on June 1, is only the third bar association president in the last three decades to come directly from a legal services position to the presidency, according to bar association officials.

In an extensive interview with the Law Journal in May about her upcoming term, she said that her initiatives and focus for her presidency would be numerous and wide-ranging, but that a theme running through many of them will be equality of justice, criminal system reform and efficiency, and gathering and utilizing a diversity of viewpoints and life experiences.

“I have a deep passion to honor equal justice for all,” said Levin Wallach at the time via a Zoom interview. “I hope that this position will give me that privilege.”



Courtesy photo

Sherry Levin Wallach, president-elect of the New York State Bar Association.

During the interview, she also said she would spearhead initiatives that analyze and make recommendations on the modernization of state criminal law practice, among other issues. She added that the COVID-19 pandemic, and a return to courtrooms and other practices, provide a fresh “opportunity to really evaluate the criminal justice system and criminal justice practice throughout our state and see where we may be able to modernize it in a way that makes access to justice better, as well as improvements for the way the court systems and the programs that are being put in place are operating.”

Levin Wallach, who is also deputy executive director of The Legal Aid

Society of Westchester County and focuses her practice on criminal defense, said in May that the task force she had in mind would evaluate issues such as “sentencing, looking at the potential of sentencing reform,” such as by “providing opportunities for those individuals who need treatment or would be better served by an opportunity that is an alternative to incarceration.”

She named behavioral health, mental health, substance abuse and veterans programs as examples of some of the treatment programs and potential alternatives.

She also pointed to the task force examining the criminal jury-selection process and questions that surround it from progressives and others. Moreover, she pointed to technology in the state criminal courts and improved access to those courts, such as by instituting e-filing.

And Levin Wallach said that another important area of examination will be “best practices” for virtual criminal court in the state, “if and where” it is “appropriate” to use virtual court in the criminal system.

The newly formed “Task Force on the Modernization of Criminal Practice” is made up of three committees, according to the bar association’s news release from Thursday.

The Subcommittee on Justice Courts will be co-chaired by private practice attorney Greg Lubow and Monroe County District Attorney Sandra Doorley. The Subcommittee on Sentencing Reform is co-chaired

by retired state Supreme Court Justice Barry Kamins, partner at Aidala, Bertuna & Kamins; and Kate Cassidy, a partner at Morvillo Abramowitz Grand Iason & Anello. The subcommittee on Technology is co-chaired by Brooklyn Defender Services legal director Yung Mi Lee and Dentons senior counsel Ronald Hedges.

The task force also includes:

- Hon. James B. Bacon, town justice, New Paltz
- Mark E. Bini, partner, Reed Smith
- Hon. Jerald S. Carter, retired acting county court judge
- David J. Clegg, Ulster County district attorney
- Xavier Robert Donaldson, partner, Donaldson & Chilliest
- Hon. William C. Donnino, Supreme Court justice, retired
- Sandra J. Doorley, Monroe County district attorney
- Kathleen Dougherty, Onondaga County Bar Association Assigned Counsel Program
- Norman P. Effman, Wyoming County public defender
- Steven B. Epstein, founding partner, Barket Epstein Kearon Aldea & LoTurco
- Amy Orange Finzi, chief assistant, Westchester County District Attorney
- Renee Corley Hill, partner, Law Office of Richman Hill & Associates
- Seymour W. James, Jr., partner, Barket Epstein Kearon Aldea & LoTurco
- Lila E. Kirton, executive assistant district attorney for intergovern-

mental affairs and criminal justice initiatives, Westchester County District Attorney

- Greg D. Lubow, principal, Greg D Lubow, Attorney at Law
- Lorette D. Mulry, attorney in charge, Legal Aid Society of Suffolk County
- Karen L. Murtagh, executive director, Prisoners Legal Services of New York
- Andrea Luz Nieves, senior policy analyst, Special Litigation Team, New York County Defender Services
- Leah Rene Nowotarski, assistant public defender, Wyoming County Public Defender
- Hon. Adam Selden, attorney at law, and vice president, Ninth Judicial District, NYSBA Executive Committee
- Jonathan R. Sennett, bureau chief, Violent Criminal Enterprises Bureau, Queens District Attorney
- Kevin M. Stadelmaier, first deputy defender for the Erie County Assigned Counsel Program’s criminal division
- Hon. Jonah Triebwasser, town justice, Town of Red Hook
- David Louis Cohen, Law Office of David L. Cohen, is the liaison to the New York State Bar Association’s Executive Committee.