



THE UNITED STATES ATTORNEY'S OFFICE

THE SOUTHERN DISTRICT OF NEW YORK

A TRADITION OF EXCELLENCE

INTRODUCTION

On September 24, 1789, President George Washington signed into law the Judiciary Act, which marked the beginning of our national system of American law. Two days later, the President commissioned Richard Harison as the first “United States Attorney for the New York District.” On November 3, 1789, thirteen weeks before the Supreme Court held its first session, the United States District Court for the Southern District of New York opened its courtroom doors in a market building, located at the foot of Broad Street in lower Manhattan. One of its first orders of business was to record Richard Harison’s commission as the United States Attorney for this District. By spring of 1790, the United States Attorney’s Office had brought successfully its first criminal and civil cases before the New York Federal court.¹

From those early days and throughout its history, the United States Attorney’s Office for the Southern District of New York has distinguished itself as one of the nation’s prmer legal institutions by consistently taking center stage in the evolutionary process of our constitutional mandate, as well as spearheading innovative federal litigation and law enforcement efforts. Because of this leadership role and long standing tradition of independence, incorruptibility and dedication to the public interest, many bright men and women continue to be attracted to serve as Assistant United States Attorneys in this District. Over the years, the many men and women who have served in the Office have become leaders in their communities, law schools, the bench and the bar. Southern District alumni and alumnae have made enormous contributions in many of the nation’s leading judicial tribunals—the United States Supreme Court, the United States Court of Appeals, the United States District Courts, the New York Court of Appeals, the New York State Supreme Courts, and others. In the private legal sector, major law firms carry the names of former Assistants, names like Webster, Dewey, Schwartz, Thacher, Coudert, Leisure, Newton, Reavis, Cahill, Patterson. And, the Office alumni and alumnae frequently contribute to the political process as federal, state and local legislators and officials, and molders of the public administration and policy positions. Throughout their work, they have continued to be guided by a tradition learned in the Southern District—a tradition of excellence.

Felis Frankfurter, an early alumnus of the United States Attorney’s Office for the Southern District of New York (1906-09), observed that no one beginning a legal career in that Office “could possibly have a more desirable, more deepening, and altogether more precious influence during his formative years.” Justice Frankfurter’s observations continue true today. Assistant United States Attorneys have the opportunity to represent the interests of the United States of America and, in performing this important public service, to exercise responsibility that is unparalleled in any other job that a lawyer might undertake. The excitement and pride inherent in being an Assistant United States Attorney resonate throughout the Office and are echoed every day by former Assistants who say that this was the best job they have ever had.

¹

The First 100 Years (1789-1889): The United States Attorneys for the Southern District of New York; Compiled by the Second Circuit Historical Committee and the Federal Bar Council, New York, New York(1978).

ORGANIZATION AND OPERATION

The United States Attorney's Office for the Southern District of New York represents the United States in civil and criminal litigation in the United States District Court for the Southern District of New York, which consists of New York, Bronx, Dutchess, Orange, Putnam, Rockland, Sullivan, and Westchester counties. The main offices are located at One St. Andrew's Plaza near Foley Square in lower Manhattan, which houses the Executive Staff and the Criminal Division, while the Civil Division is located a few blocks away at 86 Chambers Street. There is also a branch office, located at 300 Quarropas Street in White Plains, New York, 10601, serving the northern counties in the District. The Office has more than 210 Assistant United States Attorneys serving in the Civil and Criminal Divisions. The two Divisions are supported by the Administrative Division which consists of numerous units, each performing vital tasks coordinated with each other to deliver various and necessary services to the legal and non-legal staff in the Office. Assistants are responsible for their cases from inception through trial and appeal and quickly became experienced trial and appellate lawyers. The cases handled are frequently of national and international significance in the most active and largest Federal court in the nation. In the ensuing paragraphs, we will set forth a more detailed description of the work performed by the Assistant United States Attorneys in the Civil and Criminal Divisions.

CIVIL DIVISION

The work of the Civil Division mirrors the varied activities of the Federal Government and offers perhaps the most diverse caseload of any law office, public or private, in the United States. Civil Division Assistants, on behalf of the United States and its Federal department or agencies, handle virtually every conceivable variety of affirmative and defensive civil cases that are filed in the United States District Court for the Southern District of New York and in the state courts located in the Southern District. Civil Division Assistants also handle appeals of these cases before the United States Court of Appeals for the Second Circuit and in state appellate courts.

The Office has a sophisticated civil rights practice and is a leader in the enforcement of the civil rights laws, including the Americans with Disabilities Act, the Freedom of Access to Clinic Entrances Act, the Fair Housing Act, and Title VII of the Civil Rights Act of 1964. Civil Division Assistants also work with Criminal Division Assistants to investigate and prosecute violations of the criminal provisions of the Civil Rights laws, including presentation of evidence to the Grand Jury, negotiation of plea agreements, and trial.

The Civil Division has an active, diverse, and highly successful affirmative practice that encompasses issues such as healthcare, commercial, civil rights, environmental, RICO, tax, postal fraud, drug enforcement, and defense contractor issues. In recent years, the Civil Division has recovered hundreds of millions of dollars in False Claims Act cases, brought to this Office by private persons or by the federal agencies, concerning fraud or abuse in Government programs. The Civil Division also has obtained substantial injunctive relief in significant, precedent-setting cases affecting the public health and safety. The Civil Division's large and established health care practice includes vigorous enforcement of complex laws and regulations against providers such as hospitals, laboratories, medical equipment suppliers, medical practice groups, individual physicians, and universities, on a wide range of issues such as false billing, cost reporting fraud, and research grant fraud.

In addition, the Office's environmental practice is widely known and well-respected for its enforcement of a variety of federal statutes protecting our air and water, including the Clean Air Act, Clean Water Act, and the Rivers and Harbors Act of 1899. Civil Division Assistants also actively enforce the Superfund laws to clean up sites where hazardous substances have been disposed of and to recover the costs of the Government's cleanup.

The Office also has been at the forefront of developing and prosecuting civil RICO actions. Using original investigative materials and information from prior criminal prosecution, Civil Division Assistants have brought significant cases aimed at removing organized crime elements and influence from important sectors of the national economy. This Office has effectuated widespread institutional reform of various local, regional, and international labor unions by obtaining innovative and unprecedented relief in consent decrees.

The Office is one of the few in the country to handle its own tax cases, and collect

millions of dollars in unpaid taxes, interest, and penalties. Because the Southern District of New York is home to numerous corporations and large financial institutions, the caseload is usually large and challenging. The Civil Division represents the United States in the District Court, Bankruptcy Court, and New York State Surrogate's Court, in cases that range from simple plain nonpayment to those involving complex and novel commercial transactions and corporate reorganizations.

On the other side of the aisle, the Civil Division has a diverse docket of defensive cases that involve issues such as challenges to administrative or regulatory actions, novel constitutional claims, complex tax and bankruptcy issues, immigration cases such as habeas corpus petitions challenging deportation orders by the Immigration and Naturalization Service, and all varieties of tort and discrimination claims against the United States and its officers and employees. Civil Division Assistants frequently appear in the Court of Appeals for the Second Circuit, defending petitions by individual aliens for the review of Board of Immigration Appeals administrative orders of deportation, exclusions or removal, as well as in appeals of other cases.

Representation of the United States' interests in litigation requires Civil Division Assistants to be skilled investigators, negotiators, client counselors, and courtroom advocates. Civil Division Assistants often handle cases which involve issues of first impression, complex issues, and large sums of money, frequently litigating against the most able and experienced counsel in the country. Assistants investigate the facts, draft pleading and motions, conduct pre-trial discovery, explore settlement options, prepare and try cases before the court or jury, write appellate briefs, and argue appeals. Civil Division Assistants also counsel clients, which usually are federal agencies, on litigation strategy, and possible settlement options.

In summary, Assistants in the Civil Division have the unique opportunity of handling important matters on behalf of the United States, while developing a range of essential skills and knowledge required of successful litigators.

CRIMINAL DIVISION

The Criminal Division has the privilege and responsibility of representing the sovereign in criminal cases. The heavy responsibilities of the prosecutor in our criminal justice system make this job not only a significant exercise of public authority, but also a challenge to the skills of any lawyer. To serve as a prosecutor in the Southern District of New York is to experience that challenge in the highest possible degree. Our cases are often very complex and significant. Because the District includes within it the financial capital of the country, as well as major center for organized crime and narcotics importation and distribution, we are presented with unusually large and sophisticated criminal schemes in both the white-collar and violent-crime arenas. The bench and the defense bar are the most erudite, savvy and aggressive in the nation. And the unique tradition of the Office, which has produced numerous leaders of the government, bench and bar, provides a particular pride to those who serve here.

Service in the Criminal Division affords rapid and significant responsibility and courtroom experience to all members of our legal staff. Assistants handle cases from the initial investigative stage through appeal, conferring with investigators, local police and federal agents to plan strategy, presenting cases to the grand jury, negotiating with defense counsel, handling all court appearances and motion practice, trying cases before bench and juries, and briefing and arguing appeals to the United States Court of Appeals for the Second Circuit. The unusually sophisticated caseload combines the excitement of an urban criminal court with the demanding legal work of a major law firm. Southern District Assistants routinely try major securities fraud, environmental, organized crime, firearms, terrorism, tax, narcotics trafficking, political corruption, and a wide variety of white collar crime cases against the nation's leading defense lawyers.

All new Assistants initially are assigned to the General Crimes Unit, where they are introduced to the various aspects of federal criminal prosecution. They are taught how to investigate, bring to trial, and handle any appeals from criminal cases. In addition to this training function, Assistants in the General Crimes Unit handle the daily intake of cases referred to the Office by virtually every law enforcement agency within the District. Following a "tour" in General Crimes, Assistants are then assigned to the various senior units within the Office where the larger and more complex cases are handled.

The prosecution of white-collar crime has long been a high priority of the Office and is now receiving even greater attention and resources within the Office with the rising use of computers and the Internet to perpetrate all manner of financial frauds and economic espionage. Specialized units within the Federal Bureau of Investigation and other federal investigative agencies, as well as within regulatory agencies such as the Securities and Exchange Commission, have grown in size and expertise in uncovering and tracking these types of crimes and those responsible for them, leading to an increase in prosecutions in this area. Depending on the nature

of these cases, they are generally assigned to either the Securities and Commodities Fraud Task Force or the Major Crimes Unit. As its name indicates, the Securities and Commodities Fraud Task Force is the unit responsible for investigating and prosecuting crimes relating to the operation of the country's securities and commodities markets, which includes everything from insider trading to market manipulation schemes to accounting and regulatory reporting frauds to penny stock "pump and dump" schemes. Major Crimes is the unit responsible for the most varied caseload in the Office, handling such diverse matters as computer hacking, bank robbery, art theft and environmental crimes, as well as virtually all major financial crime cases (other than those related to the securities and commodities markets), including such sophisticated crimes as money laundering, tax fraud, customs fraud, health care fraud, and corporate fraud and embezzlement.

Organized Crime, on the defensive since the early 1990's following numerous successful federal prosecutions many of which were handled by this Office, has increasingly moved from its traditional revenue sources, such as gambling and extortion, to newer schemes that attempt to take advantage of the growth of the stock market and the Internet. As a result, it is not uncommon now for investigations that used to be handled exclusively by the Securities or Major Crimes units to also enlist the assistance and resources of the Organized Crime and Terrorism Unit. As its name suggests, Organized Crime and Terrorism is the unit specializing in the prosecution of traditional organized crime groups (such as La Cosa Nostra and the Russian mob), as well as emerging organized crime enterprises with similar hierarchies and operations (such as certain gangs). The unit is also responsible for handling the prosecution of international and domestic terrorist cases. Over the past decade, the unit has successfully obtained convictions in trials relating to the World Trade Center bombing, Sheik Omar Abdel Rahman, the bombings of the American Embassies in Kenya and Tanzania, as well as the plan to bomb Los Angeles International Airport around the time of the millennium. The unit has indicted members and associates of the Qaeda terrorist organization, including the leader, Usama Bin Laden, and has conducted numerous investigations concerning threats to national security.

Closely related to the Organized Crime prosecutions have been the prosecutions of large, highly organized gangs operating in the City, which is the province of the Violent Gangs Unit. This unit has been responsible for putting away for life many of New York City's most brutal and prolific killers, and for dismantling the leadership and disrupting the operations of the City's largest and most violent gangs, such as the Latin Kings and the Bloods. Working closely with the New York City Police Department, the Federal Bureau of Investigation and the Bureau of Alcohol, Tobacco and Firearms, among other agencies, the unit has played a major role in substantially reducing the level of violent crime in New York by hitting gang leaders, contract killers and violent recidivists with federal racketeering charges that, unlike the routine state prosecutions these criminals had come to expect, result in very lengthy, and even lifetime, prison sentences.

Narcotics distribution is also attacked by both the Organized Crime and Violent Gangs prosecutions since that activity is one of the primary sources of income for many of those criminal enterprises. The Office's commitment to investigating, apprehending and prosecuting major narcotics traffickers is the focus of the Narcotics Unit, which is the second largest senior

unit after Major Crimes. The Narcotics Unit is the first senior unit to which most Assistants in the Criminal Division are assigned after leaving General Crimes, and it is generally where they first receive significant experience in the more demanding and sophisticated criminal investigation techniques, such as wiretaps, use of informants and cooperating defendants. Working together with the Drug Enforcement Agency, the New York City Police Department and various other local, state, and federal agencies, this unit handles the investigation of large local, national and international distribution networks rather than small and isolated street sellers, and the Assistants routinely prosecute cases involving numerous defendants, multiple kilograms of controlled substances, millions of dollars in drug money, and major distributors and importers, including leaders of the drug cartels.

Two other specialized units in the Criminal Division are the Public Corruption Unit and the Asset Forfeiture Unit. Public Corruption is the unit responsible for investigating and prosecuting cases related to criminal activity involving corrupt federal, state, and local law enforcement officers, elected officials, and other public officers. Cases range from misuse of the public trust for financial gain to civil rights abuses. Asset Forfeiture is the unit responsible for some of the most fast-paced litigation in the Division, where the Government seizes civilly, or through criminal proceedings, cash and/or property that are the instruments or proceeds of criminal activity. Working closely with the FBI, the DEA, the Customs Service, the Postal Inspection Service, and other law enforcement agencies, including foreign law enforcement, the unit successfully investigates, litigates and forfeits millions of dollars of criminal assets each year.

The professional challenge and independence accorded to Criminal Division Assistants, along with a unique opportunity for important public service, make service in the Division a truly invaluable and satisfying experience.

APPOINTMENT OF ASSISTANTS

The appointment of Assistant United States Attorneys is based on merit, and merit alone. Because each Assistant has the responsibility of representing the United States in court and making critical decisions affecting individuals and the public, the concept of merit is more difficult of definition than might be the case for positions with more limited dimension. Experience, academic record, character, interest in public service, courtroom presence, and the ability to work with and relate to a wide variety of people are all taken into account. The Office seeks a diverse complement of lawyers with a wide range of skills, unified by keen intelligence and sincere commitment to public interest. Due to the complex and sophisticated nature of the work and its importance on the local and national level, it is generally desirable for applicants to have approximately one to two years of legal experience beyond law schools such as clerking or associate work in a law firm.

An important consideration in the hiring of new Assistants has been the effort to obtain a broad diversity in the overall complement of the Office. Assistants are recruited not only from large law firms, and federal and state clerkships, but also from backgrounds other than private practice. Current and former Assistants have come to us directly from one and two year federal and state clerkships, from other federal and state agencies, from some of the New York City District Attorney's Offices, and several Assistants have been hired from a variety of community law groups.

Another equally important and major priority in the recruiting and hiring of new Assistants has been to increase the number of minorities and women. The Office has and will continue to build upon its commitment to develop and maintain a dedicated and diverse staff of Assistant United States Attorneys in serving the public.

Approximately ten years ago, the Office established a part-time policy for men and women for the purpose of child-rearing. On August 4, 1997, a newly revised part-time policy became effective. Under the current policy, non-supervisory Assistants in both the Criminal and Civil Division will become eligible for part-time work schedule –four days a week– after serving a minimum of two years in their respective Division. Assignment of an Assistant to a part-time schedule is a decision to be made on an individual case by case basis in the sole discretion of the United States Attorney in consultation with the Division and appropriate Unit Chief. The Office believes that the flexibility offered by part-time work schedules is extremely important to the dedicated Assistant United States Attorneys who are trying to balance their commitments to the important work they perform, the high degree of professionalism they bring to that work, and responsibilities they have as parents. The Office will continue the long standing tradition of hiring the highest caliber of lawyer possessing the requisite qualifications needed for the position.

For more information on the process of applying for a position as an Assistant United States Attorney, applicants should write to Federico E. Virella, Jr., the Executive Assistant United States Attorney, One St. Andrews Plaza, Room 834, New York, New York, 10007; or call Ms. Evelyn Sanchez-Olmeda at (212) 637-2568.

STUDENT INTERNSHIPS

For many years, our Office has prided itself on conducting an active and exciting summer internship program for law students from schools throughout the nation. The program accepts both first-year and second-year law students into the Civil Division and Criminal Division. Students participate in the full range of work that Assistant United States Attorneys perform, and are encouraged to take advantage of the wonderful observation opportunities available to them. Our Office also traditionally hosts a variety of summer events designed to educate our interns about government lawyering and the legal profession in general. In the past, these events have included among others, a question-and-answer session with the United States Attorney, panel discussions on the value of judicial clerkships, panel discussions with judges from the Southern District of New York, and tours of the Metropolitan Correctional Center, the local federal prison facility.

There is one hiring process for both Division. Furthermore, while we ask interns to designate their Division preference (i.e., Civil or Criminal), all assignments are made at the ultimate discretion of the summer program coordinators. Interns are required to commit to working a minimum of ten weeks in our Office, beginning in May or June. In limited instances, law students may be permitted, upon request, to split their summer between our Office and another employer. In those instances, an eight-week minimum stay at our Office will be required which must begin in the first part of the summer.

Approximately fifty to sixty law students work with the Civil and Criminal Divisions each summer. All “Civ Div or Crim Div interns” are paired with one of two Assistants, who are responsible for their work assignments. Typical intern assignments include research and writing projects, participation in witness interviews, document analysis, assistance in preparing for depositions and court conferences, and assistance with trials. Interns are assigned to the full range of cases that Assistants in the two divisions handle. Traditionally, the Civil and Criminal Divisions also host a series of training sessions and brown bag lunches designed to introduce interns to the Office’s different practice areas and improve interns’ research and writing skills.

In addition, during the school year, students attending law schools in the New York City metropolitan area may join the Office as part-time student assistants. Second and third year students may apply and are expected to commit approximately 12-15 hours a week to the program. Some students from further away are permitted by their law schools to join the Office on a full-time basis for a semester as interns.

Funding Your Internship. Because of fiscal constraints, the Office can not itself fund any summer internships. However, students who demonstrate financial need may apply for stipends

that are generously offered by several private fellowship associations founded by former Assistants of this Office. Furthermore, other privately funded stipends or public service fellowships may be available through individual law schools. Finally, this Office is happy to cooperate with school programs that provide academic credit for the internships. We are not able, however, to provide matching funds for work-study programs.

For more information on the Summer Internship Program, law schools students should write to Ms. Vicky Borkowsky, United States Attorney's Office, Administrative Division, 86 Chambers Street, 3rd Floor, New York, New York 10007; or call her at (212) 637-2653.