

## *Defending the Disadvantaged: Secondment to the Federal Defenders of New York*

The Federal Defenders of New York is an independent, nonprofit corporation with which S&C has had a close relationship for many years. Solely dedicated to defending those accused of federal crimes who cannot afford representation, the organization is led by S&C alumnus David Patton, who was named executive director and attorney-in-chief in 2011. Through S&C's Federal Defenders secondment program, eight S&C lawyers have been seconded there, spending six months working closely with federal defenders on a wide range of criminal matters on a full-time basis. Secondees' responsibilities include arguing motions, conducting hearings and assisting at trial. Litigation associate Siji Moore, who worked there from September 2014 to March 2015, gave *The S&C Experience* the insider's perspective.



### **Talk me through what your day looked like at the Federal Defenders.**

My schedule varied depending on whether I was in court, but one of the more exciting days was "Duty Day." On duty day, any new cases that come in are assigned to you, and you see those cases all the way through. After a schedule was made for motions, the first thing I did was meet the client, talk about what the expectations were for the case and determine whether we had any viable motions. Many times, the motions were dispositive. If you won a suppression motion, the case was often dismissed, but if you lost, it was usually in the client's best interest to consider a plea deal. Most cases end in plea deals, and that is especially true

in the Southern District of New York. A large part of case preparation was evaluating whether we had any sort of leverage to push for a better plea than the prosecutor was offering. After identifying weaknesses in the prosecution's case, you could negotiate with the prosecution and hopefully reach an agreement that was fair to your client. That was a typical day.

### **How was your S&C training helpful in your work at the Federal Defenders?**

A lot of the work I've done at S&C has been on large financial crime cases in which there were significant numbers of documents and complicated formulations were used to determine loss. Because of this background, I had a deep understanding of the flaws in the methodology the government used and felt very prepared to challenge its audit during a hearing for a client who embezzled money from his employer over about four years. I then took the lead on the damages hearing and drafted a motion in relation to the government's audit.

### **Of the cases you worked on, which were most interesting to you?**

We got a lot of cases involving felons in possession of a firearm or illegal reentry, which were interesting because they were not the typical cases in which someone committed a crime against an identifiable victim. I also saw a few fraud cases, including one with a guy who got involved in a Ponzi scheme. He initially was a victim of the scheme; he invested a lot of his own money and lost it. But midway through, he figured out what was going on and realized that the only way to get his money back was to encourage other people to also "invest." Now he's being charged as one of the participants in the Ponzi scheme. The client has an exemplary background, and this is his first-ever run-in with the law. He just made some bad decisions and got pulled into the scheme. Often you feel sympathetic toward the defendants in cases like this. Although they've done something wrong, you work very hard to mitigate the damage that could come to them. ■