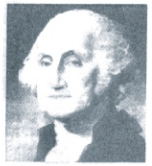
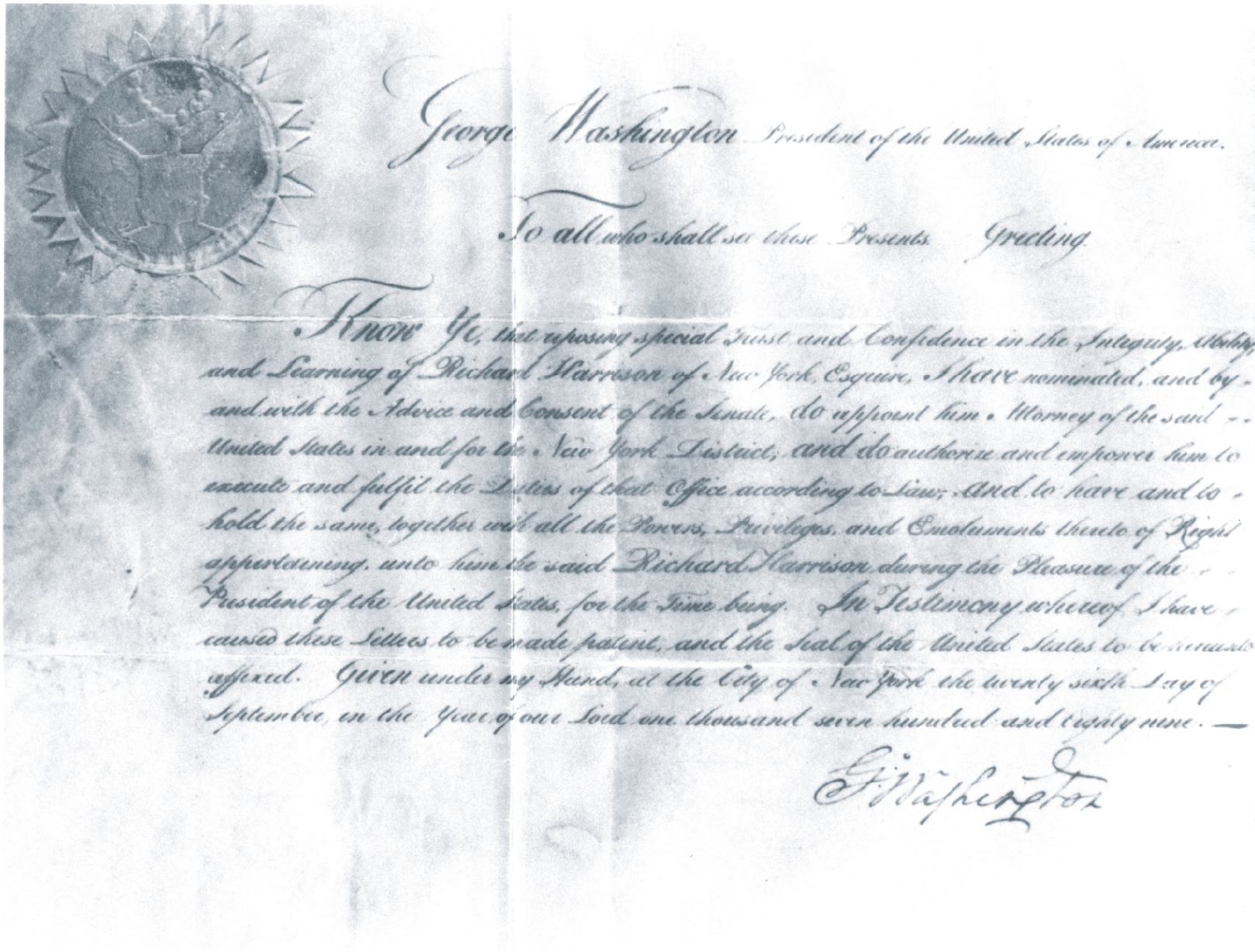
United States Attorney's Office
Southern District of New York

A Tradition of Excellence



On September 26, 1789, President George Washington appointed Richard Harison the first United States Attorney for the District of New York.



George Washington President of the United States of America.

To all who shall see these Presents Greeting

Know Ye, that reposing special Trust and Confidence in the Integrity, Ability, and Learning of Richard Harrison of New York, Esquire, I have nominated, and by and with the Advice and Consent of the Senate, do appoint him Attorney of the said United States in and for the New York District; and do authorize and empower him to execute and fulfil the Duties of that Office according to Law; And to have and to hold the same, together with all the Powers, Privileges, and Emoluments thereto of Right appertaining, unto him the said Richard Harrison during the Pleasure of the President of the United States, for the Time being. In Testimony whereof I have caused these Letters to be made patent, and the Seal of the United States to be hereunto affixed. Given under my Hand, at the City of New York the twenty sixth Day of September, in the Year of our Lord one thousand seven hundred and eighty nine. —

G. Washington

Note: It is interesting to point out that the calligrapher who prepared Richard Harison's Presidential appointment certificate misspelled the last name by adding a second "r" to his name

SouthernDistrict of New York

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 appointed Richard Harison as the first Attorney of the said United States 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 the Exchange 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 the spring of 1790, the United States Attorney's Office had brought successfully its first criminal and civil cases before a 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 premier 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 a 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 Courts 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.

The Exchange Building served as the first site of the United States Federal Courthouse in 1789[*]

Felix Frankfurter, an 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

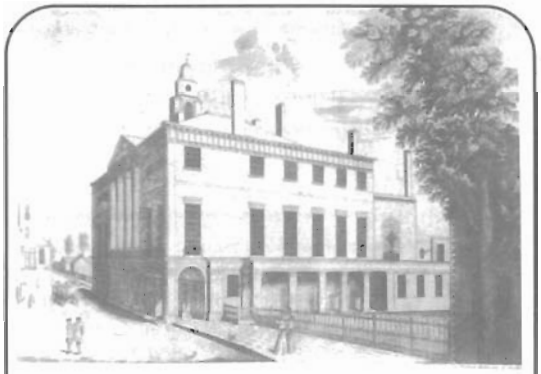
[1] *The First 100 Years (1789-1889); The United States Attorneys for the Southern District of New York*, compiled by the Second Circuit Historical Committee and the Federal Bar Council, New York, New York (1987)

[*] This illustration and the other courthouse illustrations included in this brochure appear in *"The First 100 Years (1789-1889): The United States Attorneys for the Southern District of New York"*

echoed every day by former Assistants who say that this was the best job they have ever had.[2]

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 temporarily located a few blocks away at 33 Whitehall Street. There is also a branch office, located at 300 Quarropas Street in White Plains, New York, serving the northern counties in the District.



The second site of the District and Circuit Courts (1791-1812) was established at the intersection of Wall and Broad Streets.

The Office has approximately 225 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.

2 "The Best Public Law Job in the Nation", Whitney North Seymour, Jr., United States Attorney for the Southern District of New York, 1970-1973.

Civil Division

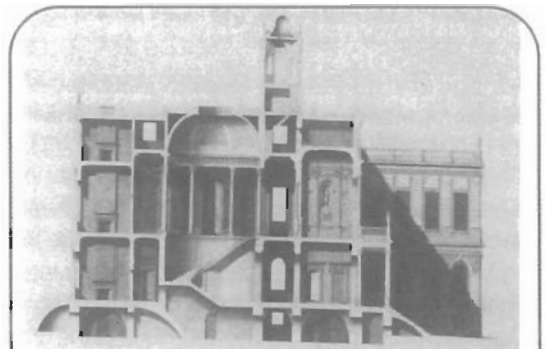
The work of the Civil Division mirrors the varied activities of the Federal Government and offers perhaps the most challenging and diverse civil caseload of any law office, public or private, in the United States. Civil Division Assistants, on behalf of the United States and its agencies, handle virtually every conceivable variety of affirmative and defensive civil cases file in the Southern District of New York, at both the trial and appellate level. Civil Division Assistants handle every aspect of civil litigation, including factual investigations, pleadings, motions, pre-trial discovery, settlement counseling and negotiations, bench and jury trials, and appeals in the United States Court of Appeals for the Second Circuit and state appellate courts, including the New York State Court of Appeals. Civil Division Assistants often handle cases which involve issues of first impression, complex issues, and enormous sums of money, frequently litigating against the most able and experience counsel in the country. Service in the Civil Division quickly brings not only significant responsibility and court experience, but also requires a Civil Assistant to assume the mantle of skilled investigator, negotiator and client counselor, as well as courtroom advocate, performing legal work that can rival that found in this nation's premier law firms. The work of the Civil Division requires a broad repertoire of legal skills of the highest caliber. In nurturing these skills and allowing them to flourish, the Division has a tradition of producing exceptional lawyers who go on to serve in positions at the forefront of the legal community.

The Civil Division does not generally require Assistants to specialize, thus providing a challenging and demanding civil practice covering a variety of areas in which every Civil Assistant can participate, depending on his or her interests. For instance, the Civil Division has an active, diverse, and highly successful affirmative practice that encompasses issues such as health care, 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 whistle blowers or by 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 governing health care practice providers, on a wide range of issues such as false billing, cost reporting fraud, and research grant fraud.

The Office has a sophisticated civil rights practice and is a national 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 the 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 provision of the Civil Rights laws, including presentation of evidence to the Grand Jury, negotiation of pleas agreements, and trial.

The Offices environmental practice is widely known and well-respected for its enforcement of a variety of Federal statues 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 cost of the Government's cleanup.

The Office also has played a pivotal role in developing and prosecuting civil RICO actions. Using original investigative materials and information from prior criminal prosecutions, Civil Division



An internal view of the third site of the District and Circuit Courts which was located in the New York City Hall building from 1812 to 1835.

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, often embodied in comprehensive consent decrees.

The Office is one of the few in the country to handle its own tax cases, and collects 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, and is a preferred venue for many large, complicated bankruptcies, the tax caseload is unusually varied and challenging. The Civil Division represents the United States in tax cases in the District Court, Bankruptcy Court, and the New York State Surrogate's Court, handling issues that range from simple nonpayment to those that arise from complex and novel commercial transactions and corporate reorganizations. The Civil Division also represents a host of Federal agencies in all manner of bankruptcy cases filed in this District, both reorganizations and liquidations. The

bankruptcy practice encompasses situations where Federal agencies have claims, which can be in the magnitude of billion of dollars, as well as situations where the Government intervenes to protect the public interest.

On the other side of the aisle, the Civil Division has a diverse docket of defensive cases, including challenges to administrative or regulatory actions, novel constitutional claims, complex tax and bankruptcy issues, immigration matters 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. Defensive cases often involve some of the most challenging regulatory and constitutional issues of the day, and have in recent years included challenges involving the Internet, telecommunications, First Amendment issues, energy policy, new and generic drug approvals and regulatory freezing of assets. The Office also has an active amicus curiae practice, through which it represents the national and international interests of the United States where implicated in otherwise private cases.

In sum, Assistants in the Civil Division are given the unique challenge of having responsibility for some of the most important and difficult matters, affirmative and defensive, that the legal system has to offer, and for handling those matters on behalf of the United States of America. The type and variety of cases, along with the opportunity to exercise independent judgement and serve the interests of justice, combine to produce a public service experience in the civil sector that is paralleled by none.

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 world, as well as a major center for organized crime and narcotics trafficking, we are presented with unusually large and sophisticated criminal schemes in both the white collar and violent crime arenas. The defense bar is the most erudite, savvy and aggressive in the nation. And the unique tradition of the Office, which has produced numerous leaders of government, bench and bar, provides a particular pride to those who serve here.

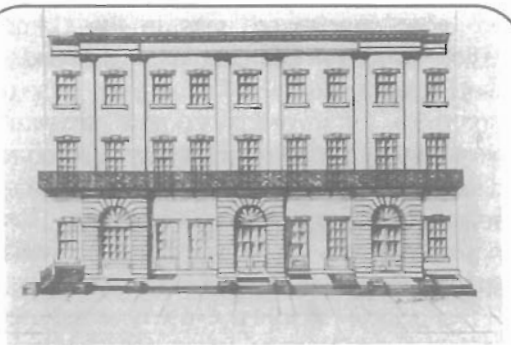
The fourth site of the District and Circuit Courts covering the period 1835 to 1854 sat in a building (shown on the left) located north of City Hall facing Chamber Street.

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 unmatched by any major law firm. Southern District Assistants routinely try

major securities fraud, 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 handle criminal matters at every stage, including investigation, trials, appeals and collateral challenges to conviction. In addition to this training, Assistants in the General Crimes Unit handle the daily intake of matters 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 prosecuted.

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 insider trading, market manipulation schemes, accounting and regulatory reporting frauds, and "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, financial institutions fraud, customs fraud, health care fraud, and corporate fraud and embezzlement.



From 1859-1875, the United States District and Circuit Courts were housed in this fifth site on Chambers Street.

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 previously would have been 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. The unit is also responsible for handling the prosecution of international and domestic terrorism cases. Over the past decade, the

unit has prosecuted cases relating to the first 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 New York City metropolitan area, which is the province of the Violent Crimes Unit. This unit has been responsible for incarcerating 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 Crimes Units' 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 one of the largest units in the office. 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 and national 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.

In April 2002, the International Narcotics Trafficking Unit ("INT") was created. The INT is composed of senior AUSAs primarily from the Office's Narcotics Unit who work with the Organized Crime Drug Enforcement Task Force, the Drug Enforcement Administration, the U.S. Customs Service, the Federal Bureau of Investigation, the New York City Police Department, and other law enforcement agencies to investigate and prosecute the world's largest narcotics trafficking organizations. The INT Unit focuses on the so-called "National Priority Targets", those drug dealers who have been identified as America's largest sources of cocaine, heroin, and orher illegal drugs, and will continue to expand the Office's strong working relationship with law enforcement authorities in South and Central America in order to build cases and bring defendants to the United States for trial. The Unit uses, among other investigative and prosecutive tools, money laundering operations to target the narcotics proceeds that are the lifeblood of the drug trade and the international 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 long standing tradition, first developed by Henry L. Stimson shortly after he was appointed the United States Attorney in 1906 by President Theodore Roosevelt, mandates that the appointment of Assistant United States Attorneys be 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 a more limited dimension. Experience, academic record, intellectual prowess, 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 a sincere commitment to the 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 school 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 a 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 by 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., 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 summer events designed to educate our interns about government lawyering and the legal profession in general. 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.

The foot of City Hall Park served as the sixth site of the federal courts in New York City from 1875-1936

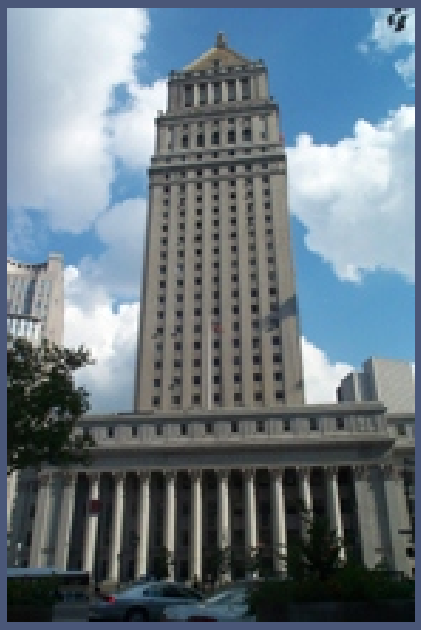
There is one hiring process for both Divisions. Furthermore, while we ask interns to designate their Division preference (i.e., Civil or Criminal), all assignments are made at the ultimate discretion of the summer program coordinators. Interns are required to commit to working a minimum of ten weeks 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, a six-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 or 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 farther 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 funded 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 law 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 school 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



On January 6, 1936, the United States Courthouse opened its doors in its seventh site at 40 Foley Square. Currently, the building, affectionately known as the "Old Courthouse", houses the United States Court of Appeals for the Second Circuit and a number of Southern District Court judges. On August 20, 2001, President George W. Bush signed legislation authorizing the naming of the Courthouse as the Thurgood Marshall Building

The United States District Court for the Southern District of New York is currently housed in its eighth site, the Daniel Patrick Moynihan Building at 500 Pearl Street, located diagonally across from the Old Courthouse. Its doors opened on August 11, 1994 for the District Court's support services and the District Court judges who moved into their new chambers and courtrooms in January 1995.

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Southern District of New York and
United States Attorney's Office
White Plains Division
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