

DAVID E. PATTON

LEGAL AND ACADEMIC EXPERIENCE

Federal Defenders of New York, New York, NY July 2011-present
Executive Director & Attorney-in-Chief

- Head of the federal public defender offices for the Southern and Eastern Districts of New York, with offices located in Manhattan, Brooklyn, White Plains, and Islip;
- Oversee all aspects of offices (\$19M budget) and employees (approximately 100);
- Chair the SDNY Panel Review Committee which makes recommendations about attorneys to be selected as appointed counsel on the SDNY CJA Panel;
- Chair the national federal defender legislative committee;
- Teach evidence to all new federal defenders at annual national training;
- Supervise casework of staff attorneys on federal criminal cases;
- Represent individual clients in federal criminal cases.

Trial Attorney, Southern District of New York 2002-2008

- Provided legal counsel to indigent criminal defendants charged in federal court in a wide range of cases involving drugs, weapons, immigration, RICO, Hobbs Act, copyright, and wire, bank and mail fraud.
- Experience included a three-month long capital murder trial resulting in acquittal, numerous other jury and bench trials, and Second Circuit appellate practice.

New York University School of Law, New York, NY 2012-present
Adjunct Professor of Law

- Teach two-credit seminar: Professional Responsibility in Criminal Law.

Adjunct Professor of Clinical Law 2002-2008

- Director of the Federal Defender Clinic.

Stanford Law School, Stanford, CA 2010-2011

Visiting Associate Professor of Law (offered a full-time tenure-track position)

Director, Criminal Defense Clinic

- Taught a seminar on all aspects of indigent criminal defense, including interviewing, counseling, ethics, race, class, criminal law and procedure, evidence, and trial advocacy.
- Supervised law students in a 12-credit, full-time clinic representing indigent defendants in San Mateo and Santa Clara Counties.

University of Alabama School of Law, Tuscaloosa, AL 2008-2011

Associate Professor of Law

Director of the Criminal Defense Clinic

- Taught Criminal Law to first-year law students.
- Directed the Criminal Defense Clinic
 - Supervised third-year law students representing indigent criminal defendants in the Tuscaloosa County Courthouse.
 - Taught a seminar on topics of client interviewing and counseling, ethics, race, class, criminal law and procedure, evidence and trial advocacy.

Sullivan & Cromwell, New York, NY 2000-2002
Litigation Associate

- Experience included white collar criminal litigation, general commercial litigation, and *pro bono* representation of criminal defendants and prisoner plaintiffs in §1983 cases.

The Honorable Claude M. Hilton, Alexandria, VA 1999-2000
Law Clerk to Chief Judge, United States District Court, Eastern District of Virginia

ADDITIONAL TEACHING EXPERIENCE

Gideon's Promise, Atlanta, GA 2008-present
Faculty Member & Member of the Board of Directors

- Teach new public defenders throughout the south in a client-centered training program.

Training Conference for New Assistant Federal Defenders, Santa Fe, NM 2011–present
Faculty Member

- Teach evidence to all new federal public defenders.

Bronx Defenders, Defenders' Academy, New York, NY 2014-present
Faculty Member

- Teach new public defenders all aspects of trial advocacy.

National Criminal Defense College, Macon, GA 2018-present
Faculty Member

- Teach all aspects of trial advocacy to criminal defense lawyers

ADDITIONAL WORK EXPERIENCE

Actor, New York, NY: Various theater, film, and television. 1993-96

EDUCATION

University of Virginia School of Law, Charlottesville, VA 1999
Editorial Review Board, *Virginia Law Review*

University of Virginia, Charlottesville, VA 1992
B.A., Foreign Affairs, Dean's Scholar

AWARDS & MEMBERSHIPS

Member, American Law Institute (2014-present).

Member, American College of Trial Lawyers (2017-present).

Member, SDNY Magistrate Judge Selection Committee (2011-present).

Chair, Federal Defender Legislative Committee (2014-present).

Recipient, 2018 NY Criminal Bar Assoc., Annual Award for Professional Excellence.

Recipient, 2017 Gideon's Promise Champion of the Community Award.

Recipient, 2013 Thurgood Marshall Award for Outstanding Criminal Practitioner, New York State Association of Criminal Defense Lawyers.

PUBLICATIONS

Selected Articles: *The Structure of Federal Public Defense: A Call for Independence*, 102 CORNELL L. REV. 335 (2017).

Federal Public Defense in an Age of Inquisition, 122 YALE L.J. 2578 (2013) (essay).

Guns, Crime Control and a Systemic Approach to Federal Sentencing, 32 CARDOZO L. REV. 1427 (2011).

Other Articles: *Justice Kennedy's Criminal Justice Legacy*, 34 CRIMINAL JUSTICE 29, Am. Bar Assoc., (Spring 2019).

Policing the Poor and the Two Faces of the Justice Department, 44 FORDHAM URB. L.J., 1431 (2017) (essay).

A Response to Judge Pryor's Proposal to "Fix" the Guidelines: A Cure Worse than the Disease, 29 FED. SENT. R. 104 (2017) (with Amy Baron Evans).

Federal Defender Analysis of Corrections Act of 2015, 28 FED. SENT. R. 151 (2015) (with Amy Baron Evans, Denise C. Barrett, Jennifer Niles Coffin, and Laura E. Mate).

Building a Better Mouthpiece, in IMAGINING LEGALITY: WHERE LAW MEETS POPULAR CULTURE (University of Alabama Press, 2010) (from the Knowledge and Law Symposium at the University of Alabama School of Law, 2009).

The Correct-Like Decision in United States v. Martignon, 16 FORDHAM INTELL. PROP. MEDIA & ENT. L.J. 1287 (2006).

Other: Opinion, *An Honest Assessment of Preet Bharara's Record*, N.Y. DAILY NEWS, March 15, 2017.

Book Review, *Hard Bargains: The Coercive Power of Drug Laws in Federal Court*, by Mona Lynch, THE CHAMPION, April 2017.

Opinion, *DNA Bill Invades Privacy*, THE BIRMINGHAM NEWS, March 29, 2009.

SELECTED PRESENTATIONS AND COMMENTARY

Speaker, Rebellious Lawyering Conference, *Prosecution in the Age of Sessions and Krasner*, Yale Law School, Feb. 17, 2018.

Speaker, Northern California Judicial Conference, *Should the Federal Sentencing Guidelines Be Mandatory: A Debate*, April 12, 2017.

Commentator, NPR Morning Edition, *For Female Inmates In New York City, Prison is a Crowded, Windowless Room*, Jan. 16, 2017, found at <http://www.wnyc.org/story/for-female-inmates-in-new-york-city-prison-is-a-crowded-windowless-room/>.

Subject, *Touted N.Y. Defender Joins Dzhokhar Tsarnaev's Legal Squad*, Matt Stout, BOSTON HERALD, Jan. 3, 2017, found at http://www.bostonherald.com/news/local_coverage/2017/01/touted_ny_defender_joins_dzhokhar_tsarnaev_s_legal_squad

Subject, *N.Y. Bombing Suspect Represented by Outspoken Critic of Criminal Justice System*, Jacob Gershman, Wall Street Journal, Sept. 21, 2016, found at <https://blogs.wsj.com/law/2016/09/21/n-y-bombing-suspect-represented-by-outspoken-critic-of-criminal-justice-system/>

Speaker, SALT Teaching Conference, Plenary, *Addressing Racialized Violence: The Role of the Legal Academy*, John Marshall Law School, Chicago, Ill., September 30, 2016.

Speaker, Congressional Black Caucus, *The Potential Impact of the Sentencing Reform and Corrections Act*, May 17, 2016.

Speaker, *Panel Series on Sex Offender Registration Laws*, NYU Review of Law and Social Change, April 6, 2015.

Speaker, The Charles Colson Task Force on Federal Corrections, *Defense Perspectives on Federal Justice Reform*, May 13, 2015.

Testimony, United States House of Representatives Judiciary Committee, *Over-Criminalization of Federal Criminal Law*, July 11, 2014 (found at <https://www.c-span.org/video/?c4503435/criminal-code-changes-federal-public-defender-david-patton-sdny-house-judiciary-committees>).

Member, Brennan Center for Justice, *Blue Ribbon Panel: Federal Prosecution for the 21st Century*, (2014).

Speaker, *A Conversation with Bill Keller*, Federal Judicial Center Advanced Defender Training, Cleveland, OH, June 2014.

Keynote Speaker, *The 50th Anniversary of the Criminal Justice Act: Golden Anniversary or Midlife Crisis*, National Conference of Criminal Justice Act Panel Attorneys, Alexandria, VA, February 2014.

Speaker, Thurgood Marshall Award Recipient Speech, New York State Association of Criminal Defense Lawyers, January 30, 2014.

Speaker, *The 50th Anniversary of the Criminal Justice Act*, The Law Library of Congress and the Federal Bar Association, Washington, D.C., August 20, 2013 (found at <https://www.c-span.org/video/?c4464980/david-patton>).

Speaker, *Honoring Our Federal Public Defenders*, The Federal Bar Association of the Southern District of New York, May 14, 2013.

Subject, *David E. Patton Named Federal Public Defender*, Benjamin Weiser, NEW YORK TIMES, April 26, 2011, found at <https://cityroom.blogs.nytimes.com/2011/04/26/david-e-patton-named-federal-public-defender/?mcubz=0>

Speaker, *Guns, Crime Control and a Systemic Approach to Federal Sentencing*, Southeastern Association of Law Schools, August 2010.

Speaker, *New Visions and Voices: Pedagogical Innovations*, Southeastern Association of Law Schools, August 2009.

Participant, Georgetown Summer Institute on Clinical Teaching, June 2009.

Commentator, Alabama Public Radio, *Making It Legal to Take DNA from Felony Arrestees in Alabama*, May 6, 2009 (found at http://www.publicbroadcasting.net/wual/news.newsmain?action=article&ARTICLE_ID=1502818).

Speaker, *Reflecting on Who We Are: How Can Adjunct/Practicing Lawyers Be Included in the Clinical Community*, American Association of Law Schools Conference on Clinical Legal Education, Tucson, AZ, May 2008.

Speaker, *Sentencing Under the Federal Guidelines After Booker*, New York Law School, April 2007.

Speaker, *United States v. Martignon: Case in Controversy*, Fordham Law School, Fordham Intell. Prop. Media & Ent. L.J. Symposium, September 2005.

Speaker, *"Congress Shall Have the Power" ... Recent Challenges to Copyright*, Copyright Society of the United States, April 2005.