

**Chief Judge Dora L. Irizarry's Remarks**  
**Accepting the Hon. Edward Weinfeld Award**  
**Wednesday, November 7, 2018**

Good afternoon. Thank you, Judge Weinstein, for your gracious and generous remarks in presenting me with this prestigious award. I was overjoyed when you agreed to do so.

I am particularly grateful to the New York County Lawyers Association for bestowing this great honor on me. I am humbled to receive the Weinfeld Award, not only because of the great judge for whom it is named, but also because of the august list of past recipients, including Judge Weinstein and others who are here today, and whose ranks I am so privileged to join.

I fondly recall that when I joined the Eastern District bench, Judge Weinstein came to my chambers to see how the “fledgling judge” was doing, something that Judge Weinfeld did as well, I’ve learned. The gesture immediately made me feel like part of the family. Over the years, Judge Weinstein always has been available to us all to consult on any matter: a prickly legal issue, the administration of the court, life in general, literature, theatre or world travel. Even at 97, he will tell you

that he does not know everything and learns something with each new case.

Like our other senior judges, Judge Weinstein carries a full caseload and for the last statistical year, he has tried the most cases of any judge, active or senior, within the entire Second Circuit. He has an incredible ability to come up with innovative solutions to reach the right and just result in a case, and to find ways to better serve the litigants who come before the Court. Like Judge Weinfeld, the efficient and fair administration of justice is always on his mind. Judge Weinstein is a role model for all of us.

I want to thank all of you for coming, especially my beloved EDNY colleagues, particularly those who came all the way from Central Islip, our colleagues from the Second Circuit and the Southern District, including Chief Judges Robert Katzmann and Collen McMahon, and my state court colleagues, past and present. There are so many others in this room who have been so supportive of me throughout my career, too many to single out. But I do want to take a moment of personal privilege to acknowledge just a few people: first, Robert Morgenthau, a

man who needs no introduction, who has supported and mentored me in all my endeavors over the years. Former New York State Court of Appeals Judge, Carmen Beauchamp Ciparick, for me, a role model, a mentor and true friend. And last but not least, my sister, Rosie, a visual arts specialist for the U.S. Army in Fort Buchanan, PR. I could not believe how many generals had to approve her taking time off to join us here today because of the valuable service she provides to them. We often debate who has the higher security clearance. We may be tied. She is my best friend and I am so fortunate that she is with me today. Finally, I want to acknowledge my chambers family, including all of my law clerks, past and present, and my right hand and left hand, my case manager, Christy Carosella. For all that they do to make me a better judge, I owe them a large debt of gratitude.

In considering the work of Judge Weinfeld, it struck me how different the world is now from what it was when he became a judge in 1950, through the end of his life in 1988.

While we still grapple with issues of race, ethnic and gender equality, we have seen many changes in the law pertaining to these

areas, particularly in this century. The revolution created by the Internet and exceptional advances in technology have opened up new legal frontiers, even within traditional areas such as privacy, copyright, trademark, and the 1<sup>st</sup> and 4<sup>th</sup> Amendments, to name a few. We saw our world changed forever by the events of September 11<sup>th</sup>, 2001, testing the balance between personal freedoms and national security. We have seen the growth of ever increasingly violent international narco-terrorist gangs, synthetic drugs, and the recent opioid epidemic that has infiltrated many neighborhoods and transcended every social stratum across the Nation.

A critical aspect of judging—sentencing—also has evolved dramatically. Towards the end of Judge Weinfeld’s life, the “new” mandatory Sentencing Guidelines in criminal cases had just come into play. Since then, we have seen the increasing overincarceration of our society, and the Sentencing Guidelines evolve from being mandatory to being discretionary and non-binding on the sentencing court.

For me, perhaps one of the most important changes in the criminal justice arena is a growing emphasis on the rehabilitation of offenders.

We have seen a marked evolution in theories of how best to supervise offenders to prevent recidivism. We have begun to see a shift from a time when punishment, incapacitation and further incarceration was the norm for violations of supervision, to an era that encourages a more therapeutic approach, with the goal of helping offenders successfully reenter society as productive citizens to stop what, all too often, has become a revolving door in and out of prison for so many.

It is this aspect of judging that I want to focus on today. In my humble opinion, while punishment must play a role and often is an important consideration, redemption and second chances are equally important considerations in reducing recidivism and ensuring public safety. Not only is this view informed by my collective 21 years on the bench, it comes from deep within me.

I always wanted to be a lawyer, as far back as I can remember. I grew up in the tenement slums of the South Bronx, and the housing projects of Morrisania Heights, areas that the police officers I worked with in the DA's office referred to as "Little Rikers." I thought that there had to be a way to make life better for the people of my community, and

early on, I recognized that lawyers were a powerful instrument for change. I also dreamed that, someday, I would become a judge.

As you heard, my parents, Rosario and Anselmo Irizarry, believed in hard work and a good education as the keys to success. How proud my parents would be to see this honor bestowed on their daughter. My father worked for GSA at 40 Foley Square when both the Southern District and the Circuit were housed there. He retired just a year after Judge Weinfeld died. I loved hearing his stories about the judges who dispensed justice there. They always treated him with respect and kindness, something that I try to emulate as a judge.

In so many other ways, these early days are never lost on me. Given the neighborhoods I came from, I always think: “There but for the Grace of God and my amazing family go I.” I am grateful that I had the parents I did, for my sister, and other supportive family members. Despite incidents of discrimination that I encountered in my life, there were kind and generous people who believed in me and gave me an opportunity to prove myself. These mentors – “angels” – came in all shapes, sizes, colors and genders, and many are in this room today.

They all had in common generosity of spirit, human kindness, compassion, sympathy, and empathy.

From my own experience, I believe that I have an obligation to pay it forward so that others, no matter where they come from, may have some of the same opportunities that I have had and maybe even more. And that brings me back to sentencing.

As a state court judge in New York City Criminal Court in the Bronx and Manhattan, and in Supreme Court in Brooklyn and Manhattan, I handled thousands of cases a week, literally. The volume and the pace were incredible. It was impossible to know much about the defendant who appeared before you for sentencing. However, at the time, New York State was leading the nation in the development of drug courts and alternatives to incarceration programs or ATI's.

When I first learned of these programs, I was skeptical. I had spent most of my 16 years as a prosecutor handling the most serious narcotics cases involving suppliers and importers, and some of the defendants who were benefitting from these programs were the very same types of people that I had worked so hard to prosecute. And New

York City had (and still has) a serious drug problem. However, I came to recognize that these programs had successful results—indeed, life altering results for the participants, closing the revolving doors of prisons and opening avenues for productive and law abiding lives in their communities for themselves and their families.

So, as a new judge in the EDNY, with less than a year on the bench, I learned that Judges Weinstein and Charles Sifton sought to recruit some of their colleagues to start their own drug court. They were pioneers in this area in the federal courts, hoping to provide offenders with intensive supervision, access to education, job training, counseling, and other support services as an alternative to pretrial detention or post-conviction incarceration. I thought, “I have seen these programs work in the state,” and I decided to join my colleagues. And so, I created my own program, STAR, which stands for Supervision to Aid Reentry. One of my first two participants was a young man with a serious drug problem who was enticed by a woman he met on the internet to import five kilos of cocaine. He went on to graduate with a 4.0 GPA from Pace



University and enrolled in Columbia University's Biology Graduate Program. I was convinced more than ever of the value of these efforts.

Over the years, the STAR Program has served both to divert offenders from prison, and to aid the reentry of offenders back to the community from prison. It offers those with drug problems more assistance, stricter accountability and greater rewards for completing their supervision successfully. It was founded on the principle that there is greater likelihood of recidivism among addicts because of the greater difficulty they face in avoiding criminal conduct. Often, addicts are incarcerated for behavior directly related to their drug abuse, and are not given sufficient help in controlling their addiction either while in custody or upon release. Consequently, they repeatedly commit similar offenses. The program is based on the belief that, if offered the right assistance with full accountability, addicted offenders stand a better chance of leading a drug-free and law-abiding life than they would otherwise. I can tell you, it works.

One grandmother who had suffered from a 25-year addiction to multiple substances faced eviction together with her two teen daughters,

one of whom already was a mom and the other with a baby on the way. Through the support provided by the program, the grandmother was enrolled in a culinary internship. Volunteer lawyers from Gibson Dunn, an integral part of our program, convinced the New York City Housing Authority to allow these women to remain in stable housing, and to forgive the rent arrears. Grant money was secured for a few months' rent going forward. This early support filled the program participant with hope, and self esteem. There were people who cared about her, and people who depended on her. She needed to pay it forward. She graduated from the internship with honors – and with a job. To see her daughters express to her their love and admiration for what she had accomplished was a very emotional and uplifting moment. Those two young women were on that pipeline to addiction and jail themselves. With the assistance the program offered, this grandmother was able not only to save herself, but to save her young daughters from ruining their lives and those of their children.

These programs work, as it did for another young man, facing many years in prison. In all of our meetings, he showed no emotion

whatsoever, his eyes were lifeless, hopeless. His children were already in foster care, and he was about to lose his parental rights. More than anything, he wanted to be with his children. Gradually, as he progressed in the program, and with the help of pro bono counsel, he reunited with his children and ultimately, obtained custody. He got a job as a counselor in a sober home, was promoted, and then helped our program participants obtain rooms at the home. I will never forget the first time I saw him smile. It filled me with joy. He, like so many of our program participants, wanted to give back, to volunteer to speak to at risk youth or become drug counselors themselves. All because they got a second chance. They want to pay it forward.

Of course, we judges do not do this alone. We are so fortunate to have the expertise of the Probation Department and Pretrial Services, and dedicated defense counsel from the Federal Defenders Office. As I mentioned, we have been blessed to have the assistance of pro bono counsel from the firm of Gibson Dunn, who assist our program participants with the collateral consequences of addiction and criminal

convictions, including housing, employment and family court matters, and domestic violence assistance, among others.

We meet once a month in court, in a formal proceeding at which I get a full report from Probation, the participant and defense counsel have an opportunity to discuss the progress being made and the issues they are struggling with. We encourage them to make amends with their families and unite them. We stress the importance of education, as my parents did in our family. To successfully complete the program, the participant must be drug-free for a consecutive 12-month period, increase his or her level of education, be employed, have a savings and checking account, and stable home. They must pay outstanding taxes, child support, fines or other court-imposed financial obligations.

We understand that relapses happen and so we have a system of graduated sanctions. Thus, the participation of defense counsel is critical to the program so that the participant's 6<sup>th</sup> Amendment rights are preserved at all times. This was a change that I brought about when I created my STAR program and all programs since have followed suit. The ultimate reward is early termination of supervised release. For

some, it is a difficult struggle and they may not be able to save much time on supervision; however, for those who diligently pursue the program, the time on supervised release can be reduced significantly, sometimes by many years.

The most gratifying moments come at a graduation ceremony for each successful participant. We encourage family, friends and loved ones to attend. We recount the person's life journey to acknowledge proudly what each graduate has accomplished. It is always a poignant and moving ceremony. We also include an accounting of the resources that have been saved by virtue of the person's participation in the program. Over the years, we have saved the federal government millions of dollars in probation supervision costs, and avoiding entirely the costs of incarceration.

But as that MasterCard commercial goes: the rewards are truly priceless: seeing persons become drug free, employed with stable finances and stable homes, paying their taxes, and reunited with their families. And, of course, there are the immeasurable savings to society in preventing future crimes.

I am not naïve; I recognize that there is a place for punishment and there are those who commit heinous crimes for which there is no other solution but incarceration. However, there are those who deserve a chance at redemption and we should not be so quick to throw these souls away.

In accepting the Fordham Stein Prize, Judge Weinfeld spoke of the tremendous responsibility of the trial judge:

*“The trial judge knows that his final judgment may have a profound impact on individuals who have appeared before him. It will affect their well-being for better or for worse, their property, their reputation and, at times, their very liberty.”*

Let us not forget that we have the power to affect lives profoundly for the better by:

- Giving deserving offenders a second chance;
- Educating offenders and providing them with the tools for financial independence and stability;
- Enhancing their confidence and feelings of self worth;

- Mending and strengthening the bonds of families;
- Inspiring offenders to live law abiding, sober lives and ending the pipeline from cradle to jail.

The rewards of exercising my judicial power to benefit these offenders, and ultimately society, have given me immense joy and satisfaction. These rewards are indeed priceless.

I am deeply grateful for this award and am humbled to be included with Judge Weinstein and other past Weinfeld Award recipients. I vow to do my best to adhere to the high standards set by Judge Weinfeld as I continue to serve the people of the EDNY. Thank you.

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