

New York Law Journal

Copyright 2010. ALM Media Properties, LLC. All rights reserved. New York Law Journal Online

Lippman Forms Task Force to Study Ways to Avoid Wrongful Convictions

Joel Stashenko
05-01-2009

ALBANY - Chief Judge Jonathan Lippman is appointing a task force to study instances where defendants were wrongfully convicted of crimes in New York and to recommend ways that mistakes can be avoided in the future.

He said he would formally propose the panel today during the annual Law Day address, his first as chief judge, at the Court of Appeals in Albany. Governor David A. Paterson and Attorney General Andrew M. Cuomo are also expected to speak.

The chief judge said in an interview that he wants to form the "Justice Task Force" as a permanent entity under the auspices of the judiciary because judges have as much to lose as anyone in the criminal justice system when people are convicted of crimes they do not commit.

"What could be worse for the branch of government whose constitutional responsibility is to administer justice than to have an injustice, a wrongful conviction?" Judge Lippman said.

Judge Theodore T. Jones Jr. of the Court of Appeals and Westchester County District Attorney Janet DiFiore will chair the task force, Judge Lippman said, adding that both have wide-ranging experience in the criminal justice system. Judge Jones was a criminal defense attorney before he became a judge and Ms. DiFiore was a Supreme Court justice before her 2005 election as district attorney.

The chief judge said the Codes Committee chairman in the two chambers of the Legislature, Assemblyman Joseph Lentol, D-Brooklyn, and Senator Eric Schneiderman, D-Manhattan, also have agreed to sit on the panel, as has Denise O'Donnell, Mr. Paterson's commissioner of the Division of Criminal Justice Services.

Judge Lippman said it is important that all three branches of state government be represented on the task force and while panels have been established in other states to review wrongful convictions, he said the New York group would be the first to incorporate judges, lawmakers, executive branch officials, prosecutors, defense attorneys and others in the criminal justice system.

The two chairs will select the other members of the group. Judge Lippman said he wants the panel to have about a dozen members.

The task force will not be investigating claims of innocence by defendants but will review cases where wrongful convictions have occurred and examine where the criminal justice system failed.

"They will be looking at where we went wrong, whether it was leading up to the courtroom or in the courtroom," Judge Lippman said. "This is not about finger-pointing. They have a mandate to look at what's happened, find out what went wrong and recommend steps to make it right."

The task force is to make its first report by Dec. 1. The chief judge said there have been 24 cases in New York where defendants were exonerated by DNA evidence in the last 20 years and at least 28 other cases where exonerations were made through means other than DNA.

The chief judge said his task force is designed to build on work done by the Innocence Project at Benjamin N. Cardozo School of Law and on a New York State Bar Association task force that studied why wrongful convictions occurred in 53 New York cases dating back to 1964 ([NYLJ, April 7](#)).

The chairman of the state bar task force, New York City Criminal Court Judge Barry Kamins, said he hopes to be named to Judge Lippman's panel.

"It is gratifying to know that we will have a permanent and independent commission that will address the extremely important topic of wrongful convictions," Judge Kamins said yesterday.

Joel.Stashenko@incisivemedia.com