23-615

United States Court of Appeals
For the Second Circuit

ALVIN L. BRAGG, JR., in his official capacity as District Attorney for New York County,

Plaintiff-Appellant,

v.

MARK F. POMERANTZ,

Defendant-Appellant,

and JIM JORDAN, in his official capacity as Chairman of the Committee on the Judiciary, COMMITTEE ON THE JUDICIARY OF THE UNITED STATES HOUSE OF REPRESENTATIVES;

Defendants-Appellees,

On Appeal from the United States District Court for the Southern District of New York

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BRIEF FOR *AMICI CURIAE*
FORMER STATE AND FEDERAL PROSECUTORS
IN SUPPORT OF PLAINTIFF-APPELLANT ALVIN L. BRAGG, JR.

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April 21, 2023

TABLE OF CONTENTS

Pages

TABLE OF AUTHORITIES

Cases **Page(s)**

Constitution, Statutes, and Rules

Other Authorities

STATEMENT OF INTEREST OF *AMICI CURIAE*

Amici are 49 former state and federal prosecutors (*see* attached Appendix), alumni of several prosecutorial offices.[1] Collectively, *amici* have decades of experience prosecuting every conceivable type of criminal matter at the state and federal level. With this collective experience, *amici* are uniquely qualified to share with the Court their perspectives on the profound issues at stake in this case, the most significant of which is nothing less than the independence of the prosecutorial function upon which our entire criminal justice system depends.

Amici submit this brief in support of the application of Plaintiff-Appellant Alvin Bragg, Jr. (the "District Attorney") for a stay pending appeal of the district court's denial of his motion for a temporary restraining order that would enjoin Defendants-Appellees Jim Jordan and the Committee on the Judiciary of the U.S. House of Representatives (the "Congressional Defendants") from taking the deposition of Defendant-Appellant Mark Pomerantz. *Amici* seek to alert the Court to the grave practical and policy implications that flow from the Congressional Defendants' troubling conduct and the district court's misguided decision.

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[1] All parties have consented to the filing of this *amicus* brief. Accordingly, the brief may be filed without leave of Court, pursuant to Rule 29(a) of the Federal Rules of Appellate Procedure. No party's counsel authored this brief in whole or in part; no party or party's counsel contributed money that was intended to fund preparing or submitting this brief; and no person—other than counsel for *amici curiae*—contributed money that was intended to fund preparing or submitting the brief.

PRELIMINARY STATEMENT

With great urgency, *amici* wish to convey to the Court just how profoundly wrong and threatening to the rule of law is the conduct of the Congressional Defendants. Among other things, as set forth in the Complaint, the Congressional Defendants have demanded confidential documents and testimony from District Attorney Bragg as well as his current and former employees and officials, served a Congressional subpoena on Mark Pomerantz (a former Special Assistant District Attorney), and have held a "field hearing" in New York City—all in response to the District Attorney's investigation and subsequent procurement of a Grand Jury indictment of one individual. These actions of the Congressional Defendants threaten to grossly undermine the role of the prosecutor, hinder the criminal investigative and trial processes, and upend this country's centuries-old balance of separation of powers and federalism.

Each of the *amici*, in their former role as prosecutor, has wielded a solemn power to act fairly and independently as a "minister of justice and not simply that of an advocate." ABA Model Rules of Professional Conduct, Rule 3.8, cmt. ¶ 1; *see also Berger v. United States*, 295 U.S. 78, 88 (1935) ("The United States Attorney is the representative not of an ordinary party to a controversy, but of a sovereignty . . . whose interest . . . in a criminal prosecution is not that it shall win a case, but that justice shall be done."). In carrying out this mission, they each have benefitted

from the longstanding constitutional precedent that Congress cannot and does not intrude upon individual criminal investigations or interfere with active criminal prosecutions. Congressional Defendants seek to erode this norm in unprecedented fashion. The district court's decision wrongfully gives them license to do so by failing to account for the extraordinary and improper nature of the Congressional conduct. Accordingly, *amici* urge the Court to recognize the troubling implications of the district court's ruling and to grant the District Attorney's application for a stay pending appeal.

ARGUMENT

POINT I

THE CONDUCT OF THE CONGRESSIONAL DEFENDANTS IS OBSTRUCTIVE TO THE ROLE AND FUNCTION OF A PROSECUTOR.

The conduct of the Congressional Defendants impedes the fundamental role and function of a prosecutor. Prosecutors at every level require, perhaps above all else, *independence* to thoroughly investigate, assess the facts, deliberate with colleagues, and make charging decisions in the interest of justice and fairness. In every investigation, prosecutors are given the awesome responsibility of making decisions that may impact individual liberty and public safety. Critically, prosecutors need the freedom to make these weighty decisions without intrusive or obstructive political second-guessing. "The state has a fundamental and overriding

interest in ensuring the integrity and independence of the office of district attorney." *Hoerger v. Spota*, 21 N.Y.3d 549, 553 (2013).

Denying the District Attorney's application for a temporary restraining order, the district court "reject[ed] the premise that the [Congressional] Committee's investigation will interfere with [the District Attorney's] ongoing prosecution," holding that "[t]he subpoena of Pomerantz, who was a private citizen and public commentator at the time Bragg indicted Trump, will not prevent or impede the criminal prosecution that is proceeding in New York state court." Op. and Order, No. 23-cv-3032 (MKV), ECF No. 44, at 8 (S.D.N.Y. Apr. 19, 2023). The district court focused on the fact that Pomerantz is a "*former* prosecutor," contending that therefore "[h]e is not involved in the state prosecution in any way." *Id.* at 17 (emphasis in original). The court's logic is flawed, as Pomerantz's current status as a private citizen does not erase his prior status as a prosecutor in the District Attorney's office who worked on the very investigation that led to the current, pending prosecution. If all prosecutors had the understanding that they could be compelled to testify about their investigative or decision-making process, they could not act with the impartiality and independence required to do the job fully and fairly. Indeed, prosecutors rely on candid discussions and deliberations with colleagues and the ability to assess facts and evidence free from outside influence.

Outside pressure—such as that brought to bear by the Congressional Defendants and condoned by the lower court here—grossly hinders and may even prevent prosecutors from fulfilling their duty to make decisions grounded in the law and facts. While public pressure, to be sure, is often unavoidable in high-profile investigations, to have such pressure come from a separate branch of government, let alone a separate sovereign, as here, is unconscionable. The conduct of the Congressional Defendants—including their apparent desire to seek to depose a former prosecutor of a separate sovereign about prosecutorial deliberations—poses a direct threat to the independence and confidentiality that facilitates the prosecutor's investigative and decision-making function. The district court's decision permitting such conduct threatens to cause an immediate and irreparable chilling effect not only upon the prosecutors in this case but upon others who may fear that their work product could likewise be the subject of similar legislative inquiry.

The Supreme Court has relied on this same reasoning in its well-settled jurisprudence affirming that prosecutors enjoy absolute immunity from civil suit. *See, e.g., Buckley v. Fitzsimmons*, 509 U.S. 259, 273 (1993) ("[A]cts undertaken by a prosecutor in preparing for the initiation of judicial proceedings or for trial, and which occur in the course of [the prosecutor's] role as an advocate for the State, are entitled to the protections of absolute immunity.") A prosecutor's immunity "is based upon the same considerations that underlie the common-law immunities of

judges and grand jurors acting within the scope of their duties. These include . . . the possibility that [prosecutors] would shade [their] decisions instead of exercising the independence of judgment required by [the] public trust." *Imbler v. Pachtman*, 424 U.S. 409, 422–23 (1976). In short, "[t]he office of public prosecutor is one which must be administered with courage and independence." *Id.* at 423 (quotation omitted). The threat of potential litigation "would tend toward great uneasiness and toward weakening the fearless and impartial policy which should characterize the administration of . . . [a prosecutor's] office." *Id.* at 424 (quotation omitted). "The public trust of the prosecutor's office would suffer if [prosecutors] were constrained in making every decision by the consequences in terms of [their] own potential liability. . ." *Id.*; *see also Taylor v. Kavanagh*, 640 F.2d 450, 452 (2d Cir. 1981) ("The efficient, and just, performance of the prosecutorial function would be chilled if Government attorneys were forced to worry that their choice of trial strategy and tactics could subject them to monetary liability. . .").

The potential threat of being subpoenaed to testify about confidential prosecutorial activities implicates the same concern of infringing on prosecutorial independence. If prosecutors credibly fear that they could be compelled to give sworn testimony regarding the innumerable decisions that must be made during the course of an investigation or prosecution, they could not function effectively, if at

all, and ever more so in high-profile and closely watched matters such as that here. The chilling effect would be insurmountable.

Not only is prosecutorial independence at risk, but as a practical matter, permitting a legislative body to subpoena prosecutors in this manner could lead to unwarranted disruptions that would prevent prosecutors from carrying out their day-to-day activities. The Supreme Court in *Imbler* recognized as much in the context of discussing prosecutors' immunity from civil suit. The Court explained the "concern that harassment by unfounded litigation would cause a deflection of the [prosecutors'] energies from [their] public duties . . ." 424 U.S. at 423. To allow civil suits against prosecutors "would open the way for unlimited harassment and embarrassment of the most conscientious officials." *Id.* (quotation omitted). "If [prosecutors] could be made to answer in court each time such a person charged [them] with wrongdoing, [their] energy and attention would be diverted from the pressing duty of enforcing the criminal law." *Id.* at 425; *see also Harrison v. New York*, No. 14-CV-01296 (LDH)(AKT), 2021 WL 1176146, at *4 (E.D.N.Y. Mar. 29, 2021) ("[T]he prosecutorial function would be chilled if Government attorneys were forced to worry that their choice of trial strategy and tactics could subject them to . . . the inconvenience of proving a 'good faith' defense to a § 1983 action."). If a prosecutor had to answer to a legislative body each time that body disagreed with a

prosecutorial decision, the resulting disruption and inconvenience would be deleterious to prosecutors' ability to function efficiently and fairly.

The Congressional Defendants' intrusion into the well-established sphere of independence that prosecutors have long required to perform their duties is not only unconstitutional but also would have a severe chilling effect on further prosecutorial activities.

POINT II

THE CONDUCT OF THE CONGRESSIONAL DEFENDANTS UNDERMINES EACH STAGE OF THE PROSECUTORIAL PROCESS.

The conduct of the Congressional Defendants seriously burdens each stage of the prosecutorial process. At the investigative stage, confidentiality serves as a fundamental pillar of any criminal investigation. Without the assurance of confidentiality, witnesses will be reluctant to cooperate with law enforcement and may fear for their safety. Undue outside influence, such as that fomented by the Congressional Defendants here, could also alter or color witness recollections and testimony.

A Congressional subpoena would significantly undermine criminal procedure rules regarding investigations, including those concerning grand jury secrecy. *See, e.g., McKeever v. Barr*, 920 F.3d 842, 844 (D.C. Cir. 2019) ("The Supreme Court has long maintained that the proper functioning of our grand jury system depends

upon the secrecy of grand jury proceedings.") (internal quotations omitted); Fed. R. Crim. P. 6(e) (mandating secrecy of federal grand jury proceedings); N.Y. Crim. Proc. Law § 190.25(4)(a) (mandating secrecy of New York state grand jury proceedings); N.Y. Penal Law § 215.70 (punishing intentional disclosure of grand jury proceedings as a felony). Grand jury secrecy protects critical interests in: "(1) preserving the willingness and candor of witnesses called before the grand jury; (2) not alerting the target of an investigation who might otherwise flee or interfere with the grand jury; and (3) preserving the rights of a suspect who might later be exonerated." *McKeever*, 920 F.3d at 844. Here, Congressional Defendants seek to gather facts to be presented to the public unconstrained by rules of evidence and without regard for New York law governing grand jury secrecy. With the erosion of that secrecy, prosecutors' ability to gather facts and conduct fair investigations would be severely impaired. And that harm would be irreparable as statutes of limitations run and crimes remain unprosecuted.

With respect to those criminal investigations that result in charges being filed, the conduct of the Congressional Defendants threatens the integrity of the trial process. The overreach here is staggering as the Congressional Defendants effectively seek to create a dual-track discovery process that would circumvent New York's established laws of criminal procedure. At the trial phase, not only do the

same concerns apply regarding the impact on witness testimony and cooperation, but the defendant's liberty is more concretely at stake.

A Congressional subpoena seeking information about the investigative process could publicly reveal details that would undermine the presumption of innocence that a defendant enjoys throughout all stages of a criminal trial. Investigations often uncover information that would not ordinarily be admissible at trial, but if made public could prejudice the defendant. In high-profile cases, in particular, disclosing such information could also improperly tamper with the jury pool. Indeed, a Congressional subpoena could inflame public sentiment and politicize what should be a scrupulously fair trial. Even for an investigation of a suspect that is not ultimately charged, a subpoena could reveal details prejudicial and harmful to the suspect that otherwise would be kept confidential.

Congressional subpoenas issued to a prosecutor in an ongoing case also invite harmful delay. For one, delay can hinder a prosecution. Witnesses' memories can fade, witnesses can become unavailable to testify at trial, and evidence can be destroyed or become more difficult to uncover. *United States v. Stanzione*, 466 F. Supp. 838, 843 (E.D.N.Y. 1979) ("Lapse of memory, like loss of witnesses and evidence, is a possible consequence of any delay . . ."). Delay also can prejudice the defendant in a criminal case. In addition to the same issues related to witness testimony and availability, undue delay can implicate defendants' constitutional

speedy trial rights. The Sixth Amendment guarantees that "[i]n all criminal prosecutions, the accused shall enjoy the right to a speedy . . . trial . . ." U.S. Const. amend. VI. Thus, "the court and the government owe an 'affirmative obligation' to criminal defendants and to the public to bring matters to trial promptly." *United States v. Black*, 918 F.3d 243, 253 (2d Cir. 2019). This obligation "weighs particularly heavily on the government, which owes the additional duty of monitoring the case and pressing the court for a reasonably prompt trial." *Id.* at 253-54 (internal quotation omitted). Compulsory interrogation of prosecutors regarding their motives in initiating pending prosecutions—as sought by the Congressional Defendants and condoned by the district court here—would severely burden the prosecutors' fulfilment of this "affirmative obligation."

The district court either overlooked or unreasonably discounted these very practical considerations. In short, permitting the Congressional Defendants to compel testimony from former or current employees of the District Attorney's office will unquestionably have a deleterious effect not only on the currently pending criminal case but on future investigations and prosecutions.

POINT III

THE CONDUCT OF THE CONGRESSIONAL DEFENDANTS UNDERMINES PRINCIPLES OF SEPARATION OF POWERS AND FEDERALISM.

The conduct of the Congressional Defendants is additionally troubling because it runs roughshod over our nation's well-established principles of separation of powers and federalism. Under our criminal justice system, "so long as the prosecutor has probable cause to believe that the accused committed an offense defined by statute, the decision whether or not to prosecute, and what charge to file or bring before a grand jury, generally rests entirely in [the prosecutor's] discretion." *Bordenkircher v. Hayes*, 434 U.S. 357, 364 (1978); *see also Matter of Holtzman v. Goldman*, 71 N.Y.2d 564, 573 (1988) (District attorneys are "constitutional officers charged with the responsibility for prosecuting offenders in the county they represent and possessing broad discretion in determining when and in what manner to do so.").

In New York, this discretion includes whether to pursue a matter, *People v. Di Falco*, 44 N.Y.2d 482, 487 (1978), which charges to bring, *People v. Cajigas*, 19 N.Y.3d 697, 702-03 (2012), and what sentence to seek, *Matter of Johnson v. Pataki*, 91 N.Y.2d 214, 226 (1997). "The responsibilities attendant the position of [district attorney] necessitate the exercise of completely impartial judgment and discretion." *People v. Murray*, 129 A.D.2d 319, 321 (1st Dep't 1987) (quotations omitted), *aff'd sub nom. People v. Robles*, 72 N.Y.2d 689 (1988). Those responsibilities also

require independence. *Matter of Hoerger*, 21 N.Y.3d at 553 (holding that "[t]he state has a fundamental and overriding interest in ensuring the integrity and independence of the office of district attorney").

Other branches of government are not properly suited or equipped to undertake the decisions that prosecutorial offices make on a daily basis. *See Wayte v. United States*, 470 U.S. 598, 607 (1985) ("Such factors as the strength of the case, the prosecution's general deterrence value, the Government's enforcement priorities, and the case's relationship to the Government's overall enforcement plan are not readily susceptible to the kind of analysis the courts are competent to undertake."). "Examining the basis of a prosecution delays the criminal proceeding, threatens to chill law enforcement by subjecting the prosecutor's motives and decisionmaking to outside inquiry, and may undermine prosecutorial effectiveness by revealing the Government's enforcement policy." *Id.* Owing to these "substantial concerns," the judiciary is "properly hesitant" to examine a prosecutor's decision "whether to prosecute." *Id.* at 607-08.

Congress has even less of a basis to interfere. "The Constitution excludes Congress from any involvement in prosecutorial decisions in individual cases even more forcefully than it excludes the judiciary [and] . . . requires federal prosecutorial independence from congressional interference in order to protect individual liberty and preserve the integrity of the criminal justice system." Todd D. Peterson, *Federal*

Prosecutorial Independence, 15 Duke J. Const. L. & Pub. Pol'y 217, 260-61 (2020). Congress is not "a law enforcement or trial agency. These are functions of the executive and judicial departments of government." *Watkins v. United States*, 354 U.S. 178, 187 (1957). Indeed, Congressional inquiries "must be related to, and in furtherance of, a legitimate task of the Congress" and those inquiries that are "conducted solely for the personal aggrandizement of the investigators or to 'punish' those investigated are indefensible." *Id.*

The Department of Justice's pushback on Congressional overreach into its investigatory and prosecutorial process has been longstanding. For example, the Office of Legal Counsel ("OLC"), in addressing the Independent Counsel Act, 28 U.S.C. §§ 591 et seq., issued an opinion explaining that even where Congress has a general legislative interest in reviewing a prosecution, "the policy of the Executive Branch throughout our Nation's history has generally been to decline to provide committees of Congress with access to, or copies of, open law enforcement files except in extraordinary circumstances." *Response to Congressional Requests for Information Regarding Decisions Made Under the Independent Counsel Act*, 10 Op. Off. Legal Counsel 68, 76 (1986). OLC objected to disclosure of information to Congress on the following additional grounds:

> the potential damage to proper law enforcement that would be caused by the revelation of sensitive techniques, methods, or strategy; concern over the safety of confidential informants and the chilling effect on other sources of information; sensitivity to the rights of innocent

> individuals who may be identified in law enforcement files but who may not be guilty of any violation of law; and well-founded fears that the perception of the integrity, impartiality, and fairness of the law enforcement process as a whole will be damaged if sensitive material is distributed beyond those persons necessarily involved in the investigation and prosecution process.

Id. Each of these reasons applies here and counsels *against* permitting the Congressional Defendants to undertake the course of conduct on which they have embarked. Prosecutors "cannot effectively investigate if Congress is, in a sense, a partner in the investigation." *Id.*

The interference in this case would thus be troubling enough were the Congressional Defendants seeking to influence a federal prosecution. It is ever *more* objectionable where, as here, the federal interference seeks to undermine a state prosecution. "[T]he Founders reposed [police powers] in the States." *United States v. Morrison*, 529 U.S. 598, 618 (2000); *see also United States v. Lopez*, 514 U.S. 549, 561 n.3 (1995) (internal quotations omitted) ("Under our federal system, States possess primary authority for defining and enforcing the criminal law."); *Federal Prosecutorial Independence* at 237 ("The Founders recognized that the combination of legislative and prosecutorial power is a much more explosive mixture than the combination of judicial and prosecutorial power because the former would likely lead to the abuse of power due to the highly political nature of the legislature."). The Constitution reflects our principles of federalism and dual sovereignty, by which the states "remain independent and autonomous within their proper sphere of authority."

Printz v. United States, 521 U.S. 898, 928 (1997). The conduct of the Congressional Defendants, condoned by the district court, threatens to upset those venerated principles.

CONCLUSION

For the foregoing reasons, *amici* respectfully request that the Court grant the District Attorney's application for a stay pending appeal.

Dated: New York, NY
April 21, 2023

Respectfully submitted,

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By: /s/ *Jeffrey A. Udell*

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CERTIFICATE OF COMPLIANCE

Jeffrey A. Udell, an attorney at Walden Macht & Haran LLP, hereby certifies that this brief complies with the typeface and volume limitations of Rules 29 and 32 of the Federal Rules of Appellate Procedure and Second Circuit Rule 29.1(c) because this brief contains 3,482 words, excluding the parts of the brief exempted by Fed. R. App. P. 32(f), and has been prepared in a proportionally spaced typeface using Microsoft Word in Times New Roman 14-point font, in accordance with Fed. R. App. P. 32(a)(5)-(6).

Dated: New York, NY
April 21, 2023

/s/ *Jeffrey A. Udell*
Jeffrey A. Udell

Appendix

Name	Former Affiliation
Temidayo Aganga-Williams	Assistant United States Attorney, Eastern District of New York (2017-2021)
Daniel Alonso	Assistant United States Attorney, Eastern District of New York (1996-2005) Assistant District Attorney, New York County (1990-1995; 2010-2014)
Pete Baldwin	Assistant United States Attorney, Eastern District of New York (2013-2018) Assistant United States Attorney, Central District of California (2009-2013)
Elaine Banar	Assistant United States Attorney, Eastern District of New York (1995-2008)
Paul Bergman	Assistant United States Attorney, Eastern District of New York (1972-1976)
Lee Bergstein	Assistant District Attorney, Queens County (2007-2014) Assistant Attorney General, Office of the New York State Attorney General (2014-2016)
Michael Paul Bowen	Assistant District Attorney, New York County (1999-2006)
Adam K. Brody	Assistant District Attorney, Queens County (2012-2018)
Zachary Carter	Corporation Counsel of the City of New York (2014-2019) United States Attorney, Eastern District of New York (1993-1999) Assistant United States Attorney, Eastern District of New York (1975-1980)
Daniel J. Castleman	Assistant District Attorney, New York County (1979-2009)
Eric Chaffin	Assistant United States Attorney, Eastern District of New York (1999-2004)
Derek Cohen	Deputy Chief of Fraud Section, Department of Justice (2010-2013) Assistant United States Attorney, Eastern District of Pennsylvania (2004-2013) Assistant District Attorney, New York County (1995-1998)
John Curran	Assistant United States Attorney, Eastern District of New York (1990-2005) Deputy General Counsel for National Security Affairs for the Federal Bureau of Investigation (2003-2004)
Soumya Dayananda	Assistant United States Attorney, Eastern District of New York (2009-2020) Assistant District Attorney, New York County (2001-2009)
Patricia Gatling	First Assistant District Attorney, Kings County (1983-2002)
Sean Haran	Assistant United States Attorney, Eastern District of New York (2009-2011)
Mitra Hormozi	Assistant United States Attorney, Eastern District of New York (2001-2008)
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Ilene Jaroslaw	Assistant United States Attorney, Eastern District of New York (1991-2013)
Christopher Jensen	Assistant United States Attorney, Eastern District of New York (1975-1980)
Doreen Klein	Assistant District Attorney, New York County (1987-2001)
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John Libby	Assistant United Stated Attorney, Central District of California (1989-1995)
John Martin	Assistant District Attorney, New York County (1985-2003) Assistant United States Attorney, Eastern District of New York (2003-2008)
Michele Mayes	Assistant United States Attorney, Eastern District of New York (1979) Assistant United States Attorney, Eastern District of Michigan (1979-1982)

Sharon L. McCarthy	Assistant United States Attorney, Southern District of New York (1994-2006)
Glen McGorty	Assistant United States Attorney, Southern District of New York (2001-2012)
Gordon Mehler	Deputy Assistant Attorney General, Department of Justice (1999-2000) Assistant United States Attorney, Eastern District of New York (1984-1999)
Jaimie L. Nawaday	Assistant United States Attorney, Southern District of New York (2010-2017)
Kan M. Nawaday	Assistant United States Attorney, Southern District of New York (2009-2018)
Kevin O'Brien	Assistant United States Attorney, Eastern District of New York (1983-1987)
Silda Palerm	Assistant United States Attorney, Southern District of New York (1993-1995)
Daniel S. Parker	Assistant District Attorney, New York County (1984-1991)
Avni Patel	Assistant District Attorney, Bronx County (2011-2015)
Deanna Paul	Assistant District Attorney, Kings County (2014-2017) Assistant District Attorney, Queens County (2011-2014)
Benjamin Pred	Assistant District Attorney, Queens County (2011-2016)
Roland G. Riopelle	Assistant United States Attorney, Southern District of New York (1992-1198)
Victor Rocco	Assistant United States Attorney, Eastern District of New York (1976-1983)
Elizabeth Roper	Assistant District Attorney, New York County (2006-2022)
Ephraim Savitt	Assistant United States Attorney, Eastern District of New York (1982-1989)
Shira Scheindlin	United States District Judge, Southern District of New York (1994-2016) Assistant United States Attorney, Eastern District of New York (1977-1981)
David Shapiro	United States Attorney, Northern District of California (2001-2002) Assistant United States Attorney, Eastern District of New York (1986-1992) Assistant United States Attorney, District of Arizona (1992-1995) Assistant United States Attorney, Northern District of California (1995-2001)
Larry Silverman	Assistant United States Attorney, Eastern District of New York (1978-1982)
Peter Sobol	Assistant United States Attorney, Southern District of New York (1982-2009)
Brendan Tracy	Assistant District Attorney, New York County (2010-2019) Assistant District Attorney, Richmond County (2019-2022)
Adam Uris	Assistant District Attorney, Kings County (2008-2017)
Jim Walden	Assistant United States Attorney, Eastern District of New York (1993-2002)
Deirdre Waldron Power	Assistant District Attorney, New York County (1991-1998)
Milton Williams	Assistant United States Attorney, Southern District of New York (1990-1994) Assistant District Attorney, New York County (1986-1990)