



FIRST MONDAY IN OCTOBER

**33rd Annual Gala
& Mock Supreme Court Argument**

October Term 2026
Jouppi v. Alaska



The Office of the Appellate Defender (OAD) is more than a nonprofit law office—it is a community of advocates, clients, and supporters working together to confront injustice and reimagine what fairness and dignity can look like in the criminal legal system.

OAD is one of the oldest institutional providers in New York City with a sole focus on mandated criminal appellate representation and post-conviction relief. We represent people experiencing poverty and convicted of felonies in Manhattan and the Bronx in the New York Supreme Court, the Appellate Division First Judicial Department, the New York State Court of Appeals, and the federal courts.

For 38 years, OAD has been a beacon of hope, ensuring that hundreds of New Yorkers each year—disproportionately people of color—receive not just legal representation, but the dignity, compassion, and fairness every person deserves. Despite systemic barriers such as poverty, trauma, mental health challenges, and racial bias, our clients show extraordinary resilience. OAD stands beside them with unwavering advocacy, client-centered services, and programs designed to address both their legal and human needs.

- **Client Services Program (2001):** Provides direct support with parole advocacy, confinement conditions, and re-entry, ensuring clients are not left to navigate these hurdles alone.
- **Reinvestigation Project (2007):** Challenges wrongful convictions by rigorously examining cases with hallmark signs of injustice at the earliest stage possible and fighting to correct them.
- **DVSJA Project (2019):** Elevates the voices of domestic violence survivors, advocating for relief that recognizes the impact of abuse and trauma.
- **Non-Citizen Client Project (2021):** Protects immigrant clients from devastating collateral consequences, including deportation, through specialized advocacy.

As a training office, OAD not only provides high-quality representation but also strengthens the field of indigent defense. Through our Criminal Appellate Defender Clinic at NYU Law School and our Volunteer Appellate Defender (VAD) Program with private law firms, we prepare the next generation of defenders to carry forward this mission.

Our work is only possible because of partners like you. Together, we can confront injustice, transform lives, and advance a fairer system for all. To learn more about OAD—and to join us in this fight—visit www.oadnyc.org.

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Office of the Appellate Defender's
33rd Annual

FIRST MONDAY IN OCTOBER

A Mock Supreme Court Argument

THE ADVOCATES

Deirdre von Dornum

Counsel for Petitioner

Lee S. Richards III

Counsel for Respondent

THE BENCH

Chief Justice

Brent McIntosh

Associate Justices

Shawn G. Crowley

James D. Gatta

Margaret Graham

Artie McConnell

Katherine C. Reilly

Danielle Sassoon

Rebecca S. Tinio

George D. Turner

COURT CRIER

Myrna Felder

SEATING

8

6

4

2

1

3

5

7

9

Advocates' Podium

Associate Justices' seniority was determined alphabetically.

1: Chief Justice McIntosh **2:** Shawn Crowley **3:** James Gatta **4:** Margaret Graham
5: Artie McConnell **6:** Katherine Reilly **7:** Danielle Sassoon **8:** Rebecca Tinio **9:** George Turner

WARMEST THANKS TO OUR GENEROUS SUPPORTERS

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Joanna C. Hendon James P. Loonam Lisa Vicens
Honorary Chair Myrna Felder

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& BIRD

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PERKINS
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& Plimpton

JONES
DAY

Lisa Opoku & Loki Muthu

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Deborah Colson	Katten Muchin Rosenman LLP	Joel B. Rudin
	Levine Lee LLP	

As of September 29, 2026

PROGRAM

OPENING REMARKS

Nicolas Bourtin

Sullivan & Cromwell LLP
Chair, OAD Board of Directors

Caprice R. Jenerson

President & Attorney-in-Charge
Office of the Appellate Defender

AWARDS PRESENTATION

GIDEON AWARD

Davis Polk & Wardwell LLP

Accepted by James Windels
Presented by Caprice Jenerson

BEACON OF HOPE AWARD

Brian Davis

Office of the Appellate Defender
Presented by Caprice Jenerson

THE ORAL ARGUMENT

Setting: The Supreme Court of the United States Courtroom

Time: Monday, October 5, 2026, 10:00 a.m. sharp

AWARDS PRESENTATION

GOULD AWARD FOR OUTSTANDING ORAL ADVOCACY

Lee S. Richards III

Ashurst Perkins Coie US LLP
Presented by James Loonam

Deirdre von Dornum

Sher Tremonte LLP
Presented by Sean Hecker

OAD COUNSEL FOR JUSTICE AWARD

Brent McIntosh

Citi
Presented by Nicolas Bourtin

THE SECRET DELIBERATIONS

Setting: The Supreme Court of the United States,
Chief Justice's Conference Room

Time: Friday, October 9, 2026, 3:00 p.m.

There will be no intermission.



2026 MILTON S. GOULD AWARD FOR OUTSTANDING ORAL ADVOCACY

LEE S. RICHARDS III

Lee Richards has devoted his career to representing clients in litigation involving their most consequential matters. A partner with Ashurst Perkins Coie US LLP, Lee represents businesses, corporate boards, and individuals in white-collar criminal defense, securities enforcement defense, regulatory proceedings, internal investigations, and complex commercial

litigations. He has extensive experience representing investment banks, hedge funds, public companies, investment advisers, corporate officers and directors, and other professionals in investigations and proceedings. These include matters before the U.S. Department of Justice, U.S. Securities and Exchange Commission, the Commodity Futures Trading Commission, New York Attorney General's Office, New York District Attorney's Office, Financial Industry Regulatory Authority, and other governmental entities and self-regulatory agencies. He also has significant trial experience in both criminal and civil matters.

Lee has served as the receiver in cases involving Bernard L. Madoff Investment Securities LLC and Westgate Capital Management, LLC. He was also appointed by the federal district court to serve as independent examiner for Computer Associates International, Inc. Lee leads Ashurst Perkins Coie's independent compliance consultant team for J.P. Morgan. He has also served as SEC special compliance counsel, receiver, and trustee in the liquidation of five securities firms, as well as three major insider trading cases.

A former assistant U.S. Attorney for the U.S. District Court for the Southern District of New York, Lee handled major prosecutions of insider trading and securities fraud, including the first successful criminal prosecution of an insider trading case in U.S. history. In that high-profile securities fraud case, he helped develop the misappropriation theory of insider trading still prevalent today.

Chambers USA has ranked Lee as a leading individual in white-collar and government investigations for 16 consecutive years and as a leading individual in securities regulation-enforcement from 2011 to 2025. He is also a fellow of the American College of Governance Counsel.



2026 MILTON S. GOULD AWARD FOR OUTSTANDING ORAL ADVOCACY

DEIRDRE VON DORNUM

Deirdre von Dornum is a highly experienced, relentless, and compassionate trial and appellate lawyer, who spent over two decades as a federal public defender, directly representing hundreds of people charged with federal crimes, and supervising the representation of thousands more in her role as Attorney-in-Charge of the Federal Defenders of the Eastern District of New York. She sees it as her

mission to help people in their darkest moments and to compel prosecutors and judges alike to treat her clients with fairness and grace. Deirdre uses her top-notch credentials – clerking for three federal judges, including Justice Ruth Bader Ginsburg; a Fellow of the American College of Trial Lawyers; a frequent speaker at law schools and trainings around the country; numerous acquittals and appellate victories – in service of her clients.

In October 2025, Deirdre joined Sher Tremonte so that she can affirmatively sue to enforce the civil and constitutional rights of individuals and organizations, as well as representing individuals charged with criminal or immigration offenses based on their political stance or identity. In the last year, she has helped bring two civil lawsuits against the Trump Administration, one challenging the constitutionality of the Department of Justice directing Apple to remove ICE-tracking apps from the Apple store, and the other seeking to enjoin the Department of Homeland Security from taking DNA from ICE protestors and submitting it to the FBI's national database. She proactively advises protestors and protest groups, while also representing pro bono dozens of protestors charged with state or federal crimes for their protest activity, including former New York City Comptroller Brad Lander.

Deirdre continues to represent individuals charged with crimes as an active member of the CJA panel for the Eastern District of New York, *pro bono* and as retained counsel. She recently obtained favorable resolutions in two tricky child pornography cases, negotiating a non-prosecution agreement in one and a misdemeanor in the other. She has vowed not to stop practicing until Dzhokhar Tsarnaev, whom she has helped to represent for the last ten years on the appeal of his death penalty sentence in the Boston Marathon Bombing case, is no longer facing execution.



2026 COUNSEL FOR JUSTICE AWARD

BRENT MCINTOSH

Brent McIntosh serves as Citi's Chief Legal Officer & Corporate Secretary. Brent is a member of Citi's Executive Management Team and oversees Citi's Global Legal Affairs & Compliance organization, which comprises the Legal Department, Independent Compliance Risk Management, Citi Security and Investigative Services, and Citi's Regulatory Strategy and Policy function.

Prior to joining Citi in 2021, Brent served as Under Secretary of the Treasury for International Affairs. He led the U.S. Treasury Department's engagement in the G7 and G20, represented the United States on the Financial Stability Board, and managed U.S. participation at the IMF and World Bank. He oversaw Treasury's international economic and financial policy work, including significant engagements on investment security and regulation of digital currencies. During 2020, he coordinated initiatives to alleviate the COVID-19 pandemic's economic consequences.

From 2017 to 2019, Brent served as Treasury's General Counsel, leading the department's approximately 2,000 lawyers and spearheading its regulatory reform efforts. Prior to that, he was a partner in the law firm of Sullivan & Cromwell, where his practice focused on complex disputes involving financial institutions and multinational corporations.

Brent served in the White House from 2006 until 2009, first as Associate Counsel to the President and then as Deputy Assistant to the President and Deputy Staff Secretary. Before that, he was a Deputy Assistant Attorney General at the Justice Department, where his work focused on national security matters.

A Michigan native, Brent holds an A.B. in economics and political science from the University of Michigan and a J.D. from Yale Law School. Following law school, he was a law clerk to two federal appellate judges, Dennis Jacobs of the Second Circuit and Laurence H. Silberman of the D.C. Circuit. Brent serves on the Board of Directors of the Alexander Hamilton Society, the Board of Advisors for the National Security Institute at George Mason University's Antonin Scalia Law School, and the Advisory Council of the Official Monetary and Financial Institutions Forum. He is a member of the Council on Foreign Relations, where he previously served as an Adjunct Senior Fellow for International Economics and Finance, as well as the Bretton Woods Committee, the Economic Club of New York, and the International Institute for Strategic Studies.



2026 BEACON OF HOPE AWARD

BRIAN T. DAVIS

At twenty years old, Brian T. Davis was handed a future he had never imagined: a conviction for a crime he did not commit, and the prospect of spending the rest of his life in prison. He could have let that sentence define him. Instead, Brian made a choice that would shape everything that followed. If he could not control where he was, he could control who he became. He resolved to be a responsible man, a devoted father, and a member of the community, no matter the walls around him.

He did not have to look far for reasons. His young son gave him a purpose to hold onto. And in his mind he could still hear the lessons of his Aunt Hazel, who had taught him that real success is measured by how many people we lift as we climb. So Brian climbed, and he studied. Behind bars, he completed liberal arts programs at Dutchess Community College and humanities studies at North Country Community College. He sat in social and legal seminars with Yale Law School and the Project for a Calculated Transition (PACT), took family law coursework from Columbia University, and pursued studies at John Jay College. Between classes, he threw himself into countless vocational programs, each one a step toward preparing incarcerated people for the day they would come home.

Brian was never content to climb alone. As Treasurer of PACT, he launched the “Excel in School” program, which put book bags and school supplies into the hands of New York City kids who needed them. With help from the Fortune Society, Homes for the Homeless, Sister Tesa of Hour Children, and Senator Barbara Clark, the program grew, reaching children of incarcerated parents in Harlem, Queens, and Brooklyn. Brian pushed it further still, donating supplies to the children of mothers staying at the Dutchess County Battered Women’s Shelter. Service was never a chapter of his life. It was the thread running through all of it, from his seats on the boards of nonprofit organizations to his advocacy for elders, youth, and people in prison.

In 2021, Brian brought that thread to the Office of the Appellate Defender, joining as a Client Services Coordinator. He became a tireless advocate for people fighting for freedom and a way back home. He works alongside imprisoned men and women to confront systemic abuses, including physical assault, denial of medical care, and other constitutional violations. Brian’s story is not only one of surviving a wrongful conviction. It is a blueprint for turning trauma into collective progress. He is guided by a simple and profound belief: we are responsible not just for our own accomplishments, but for making sure others have the chance to rise.

That belief is the spirit of the OAD Beacon of Hope Award. Brian’s life proves that even against nearly impossible odds, knowledge and compassion can change the world.

2026 GIDEON AWARD

Davis Polk

Davis Polk proudly upholds a commitment to serve pro bono clients with the dedication and legal excellence that define our broader culture. We devote tens of thousands of hours to pro bono matters and advisory work each year, and our people are dedicated to corporate social responsibility and volunteering in communities around the world. Our pro bono program spans numerous practice areas, including litigation, racial justice, humanitarian immigration, corporate & transactional, tax, and real estate.

In the litigation and racial justice pro bono areas, Davis Polk lawyers work on civil rights litigation, family court matters, civil and criminal appeals, wrongful conviction investigations, criminal resentencing and clemency actions, and veteran appeals. Davis Polk attorneys also regularly assist clients at family law advice and pro se litigant guidance clinics.

Our corporate pro bono team assists with the creation of nonprofit organizations and advises on corporate governance matters, including drafting bylaws and policies and training of boards of directors. We help entrepreneurs form business entities and prepare operating agreements and bylaws defining governance structure and roles and responsibilities within businesses. In addition to full representations, we work with legal service providers to take on limited scope engagements and host clinics.

Our humanitarian immigration practice is focused on affirmative and defensive asylum matters and non-adversarial applications for immigration relief, including Special Immigrant Juvenile Status (SIJS) and U Non-Immigrant Visas (U Visas). Davis Polk conducts immigration clinics to assist domestic violence survivors with UVisas and juveniles with green card applications, and we help recent arrivals file for employment authorization.

Davis Polk's partnership with the Office of the Appellate Defender spans decades and is a greatly valued part of our pro bono program. We took on our first case with OAD soon after its founding and since then have worked in close collaboration with OAD lawyers on numerous matters, including several appeals this year. Our partnership with OAD allows us to contribute to the fundamental goal of ensuring that our system of criminal justice provides an equal opportunity for every person accused of a crime to be fully heard and zealously represented. Our work with OAD also provides opportunities for our lawyers to build critical skills essential to successful careers. With the help of our OAD co-counsel, every Davis Polk lawyer who works on an OAD appeal walks away with improved ability to analyze trial records, spot issues, draft briefs, and deliver oral arguments before appellate courts. We are sincerely grateful to OAD for our partnership over many years and look forward to working together in the future in support of our clients.

PREVIOUS HONOREES

THE MILTON S. GOULD AWARD FOR OUTSTANDING ORAL ADVOCACY

is awarded annually to two of the nation's most accomplished lawyers. We have proudly presented the Gould Award to the following individuals since 1994:

ELKAN ABRAMOWITZ
FLOYD ABRAMS
MYRON BELDOCK
JAMES J. BENJAMIN, JR.
BARRY H. BERKE
SHEILA L. BIRNBAUM
LISA S. BLATT
DAVID BOIES
BENJAMIN BRAFMAN
ZACHARY W. CARTER
EVAN R. CHESLER
PAUL J. CURRAN
EVAN A. DAVIS
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HELEN GREDD
CAITLIN J. HALLIGAN
CONRAD K. HARPER
MICHELE HIRSHMAN
DANI R. JAMES
KATYA JESTIN
HON. JEH C. JOHNSON

HON. BARRY KAMINS
ROBERTA A. KAPLAN
NEAL KUMAR KATYAL
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MARTIN LONDON
HON. LORETTA E. LYNCH
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GARY P. NAFTALIS
SHARON L. NELLES
BURT NEUBORNE
GUSTAVE H. NEWMAN
BERNARD W. NUSSBAUM
OTTO G. OBERMAIER
DAVID PATTON
BETTINA B. PLEVAN
MARK F. POMERANTZ
ANTHONY L. RICCO
E. JOSHUA ROSENKRANZ

ANJAN SAHNI
PAUL C. SAUNDERS
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BARRY C. SCHECK
FREDERICK A.O. SCHWARZ, JR.
KAREN PATTON SEYMOUR
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HON. DONALD B. VERRILLI, JR.
ALAN VINEGRAD
HERBERT M. WACHTELL
THEODORE V. WELLS, JR.
MARY JO WHITE
DAVID M. ZORNOW

THE COUNSEL FOR JUSTICE AWARD

recognizes a prominent in-house counsel who exemplifies OAD's commitment to justice. We have proudly presented the Counsel for Justice Award to the following individuals since 2014:

CHRISTINA B. DUGGER
STACEY R. FRIEDMAN
CARI GALLMAN
DANIELLE C. GRAY

ELLEN ORAN KADEN
JENNIFER NEWSTEAD
ELLEN R. PATTERSON
CHRISTOPHER P. REYNOLDS

TERESA WYNN ROSEBOROUGH
KATHRYN RUEMMLER
AUDREY STRAUSS
TONY WEST

THE BEACON OF HOPE AWARD

celebrates a former client whose life stands as a powerful example of the human capacity for resilience and highlights the importance of centering the administration of criminal justice around the inherent potential of every person. We have proudly presented the Beacon of Hope Award to the following individuals since 2018:

MARVIN CLARK
KHALIL A. CUMBERBATCH
DESHEEN EVANS
RICARDO JIMENEZ

CLEVELAND LOVETT
FAYOLA McINTOSH
DEXTER MURRAY
EZEQUIEL OCHOA

THE GIDEON AWARD

honors a law firm that has demonstrated exemplary commitment to indigent appellate defense through its participation in OAD's Volunteer Appellate Defender program. We have proudly presented the Gideon Award to the following firms since 2018:

CRAVATH, SWAINE & MOORE LLP
DEBEVOISE & PLIMPTON LLP
FRESHFIELDS
FRIED, FRANK, HARRIS, SHRIVER
& JACOBSON LLP

JONES DAY
ORRICK
WACHTELL, LIPTON, ROSEN & KATZ
WEIL, GOTSHAL & MANGES LLP

AWARDS PRESENTERS



Nicolas Bourtin is the Managing Partner of Sullivan & Cromwell’s Criminal Defense and Investigations Group and a co-head of the FCPA and Anti-Corruption Group. His practice focuses on white collar criminal defense and internal investigations, regulatory enforcement matters, and securities and complex litigation. He has conducted numerous jury trials and has represented individuals and corporations in high-profile matters.

Previously, Nic served as an Assistant U.S. Attorney in the Eastern District of New York. He has been recognized by *The National Law Journal* as a White Collar, Regulatory and Compliance Trailblazer, and by *Chambers USA* as a leader in White-Collar Crime & Government Investigations. Nic is the Chair of the Board of Directors of the Office of the Appellate Defender and serves on the Criminal Justice Act Panel of the U.S. District Court for the Eastern District of New York.



Sean Hecker is a nationally recognized trial lawyer who focuses on white collar defense, investigations, complex litigation, and regulatory matters. A former federal defender, he draws on that experience to represent corporations, boards, executives, and individuals in high-stakes investigations, enforcement actions, and litigation involving significant legal, financial, and reputational risk.

A Fellow of the American College of Trial Lawyers, Sean is consistently recognized by *Chambers USA* and *Chambers Global* among the leading trial lawyers in the United States and internationally. Chambers ranks him as a “Star Individual” for white collar crime and government investigations and also recognizes him nationally for commercial litigation and FCPA matters.

Sean has been named White Collar Crime/Investigations Litigator of the Year by *Benchmark Litigation* three times and has long been recognized by the publication as one of the Top 100 Trial Lawyers in the United States.



James Loonam is a member of OAD’s Board of Directors, Host Committee that helped organize tonight’s First Monday Gala. James is a partner at Jones Day where he regularly advises companies, boards of directors, and senior executives in sensitive investigations by the Department of Justice, the Securities and Exchange Commission, and other criminal and regulatory authorities. He is currently the Chair of the New York City Bar Association, White Collar Crime Committee. According to *Chambers*, “James is a powerful and thoughtful voice for his clients.” Prior to joining Jones Day, James was an Assistant United States Attorney in the Eastern District of New York.

THE BENCH

CHIEF JUSTICE

Brent McIntosh

ASSOCIATE JUSTICES



Shawn G. Crowley, a partner at Hecker Fink LLP, is a nationally recognized trial lawyer and former federal prosecutor, with a practice focusing on white collar criminal defense, government and internal investigations, and complex civil litigation.

Shawn served as co-lead counsel for E. Jean Carroll in her sexual assault and defamation trials against Donald Trump, securing landmark verdicts totaling \$88.3 million. As a prosecutor in the U.S. Attorney's Office for the Southern District of New York, Shawn supervised and tried dozens of cases involving terrorism, sanctions violations, murder, and international narcotics trafficking.

Shawn has an expansive white-collar practice, advising individuals, companies, and universities facing criminal investigation, regulatory inquiry, and civil enforcement action. She has achieved significant and rare results for her clients, including obtaining the dismissal of federal bribery charges and declinations in numerous other federal criminal investigations. Shawn also litigates and advises clients on civil matters involving claims for defamation, harassment, and discrimination.

Before joining Hecker Fink, Shawn held senior leadership positions at SDNY, including co-Chief of the Narcotics Unit and the Terrorism and International Narcotics Unit. Shawn is ranked by *Chambers USA* and has been recognized by *Benchmark Litigation*, *Legal 500*, *Lawdragon*, *New York Law Journal*, and *The National Law Journal*.



James D. Gatta is a member of Goodwin Procter's Government Investigations and Enforcement and White Collar Defense practice, and leader of the firm's Litigation Department in New York. A former federal prosecutor, Jim represents and advises corporations, boards, board members, and executives regarding internal investigations, regulatory compliance, criminal defense, and related civil and administrative matters. Jim is an experienced courtroom advocate and has successfully tried several federal criminal trials as a prosecutor and defense counsel, and he has argued numerous federal criminal appeals.

Previously, Jim served as the Chief of the Criminal Division at the United States Attorney's Office for the Eastern District of New York (EDNY). In that role, Jim oversaw all of the EDNY's criminal investigations and prosecutions, including some

of the nation's most significant corporate, securities and healthcare fraud, public corruption, foreign bribery, cybercrime, sanctions and export enforcement, international terrorism, and organized and violent crimes cases. Jim earned an Executive Office of United States Attorneys Director's Award for Superior Performance as an Assistant U.S. Attorney and was named a "Prosecutor of the Year" by the Federal Law Enforcement Foundation. Jim is currently a member of the Criminal Justice Act panel for the U.S. District Court for the EDNY, accepting assignments from the court to represent indigent defendants in federal criminal cases.

Jim received his J.D. from Fordham Law School and was a law clerk to the Honorable Frank Maas in the U.S. District Court for the Southern District of New York. Prior to law school, Jim was a New York City Urban Fellow.



Margaret Graham is a partner at Latham & Watkins, where she represents clients in high-stakes investigations and enforcement actions, including matters involving complex financial crime and crisis management. A former federal prosecutor, she leverages extensive government, investigative, and trial experience, as well as her strong relationships with a broad network of government officials and lawyers, to counsel clients on their most sensitive matters involving white collar defense, internal investigations, securities litigation, and complex commercial litigation. Margaret applies her wide-ranging industry experience, particularly in the Artificial Intelligence space and financial services sector, to provide strategic advice to her clients.

Before joining Latham, Margaret served for almost 11 years in the U.S. Attorney's Office for the Southern District of New York (SDNY) and held several prominent roles, including Deputy Chief of the Criminal Division and Acting Chief of the General Crimes Unit. During her tenure, including five years as a member of SDNY's Securities and Commodities Fraud Task Force, Margaret investigated, tried, and supervised some of SDNY's most sensitive and complicated white-collar matters, including two of SDNY's most significant recent corporate resolutions. Margaret led nine jury trials to verdict and argued and briefed more than 15 cases before the U.S. Court of Appeals for the Second Circuit. As the Deputy Chief of the Criminal Division, Margaret supervised the Securities and Commodities Fraud Task Force, Illicit Finance and Money Laundering Unit, and the Narcotics Unit. Margaret also served as Co-Chair of SDNY's Artificial Intelligence Working Group, coordinating efforts on AI matters and liaising with other government agencies on AI issues.



Artie McConnell is a partner in BakerHostetler's Litigation Practice Group and co-leads the firm's National Security Task Force. Artie represents companies and individuals in high-stakes criminal and civil enforcement actions, cross-border regulatory matters, internal investigations and compliance issues. Over the course of his career, he has tried nearly 50 criminal cases to verdict and handled numerous appeals in federal and state appellate courts.

Before entering private practice, Artie served as an Assistant United States Attorney in the Eastern District of New York, where he tried complex, high-profile cases across nearly every practice area. He held several leadership roles, including Deputy Chief of the National Security and Cybercrime Section, where he supervised some of the nation's most sensitive terrorism, espionage and cybersecurity matters. He is a two-time recipient of Attorney General awards, including the John Marshall Award for trial advocacy and the Distinguished Service Award for his sanctions and export control work. He also received the Charles E. Rose Award for Outstanding Performance by an AUSA from the Eastern District Association. He began his

career as an Assistant District Attorney in the Manhattan District Attorney's Office, where he investigated and tried homicides, sex crimes and other serious felonies.



Katherine C. Reilly is the Co-Chair of Pryor Cashman's White Collar + Regulatory Enforcement Practice. Kate joined Pryor Cashman after serving for more than a decade as a federal prosecutor in the U.S. Attorney's Office for the Southern District of New York, including as Chief of the Complex Frauds & Cybercrime Unit. As a prosecutor, Kate tried or supervised more than a dozen criminal jury trials. She supervised the prosecution of groundbreaking actions including the first criminal charges for music streaming fraud, a first-of-its-kind prosecution arising from a hack of the Ethereum blockchain, and the first ever conviction stemming from a hack of a decentralized financial exchange.

In private practice, Kate advises corporations, financial institutions, and individuals on high-stakes government investigations, internal compliance matters, and litigation strategy. She represents clients in matters brought by the Department of Justice, the SEC, the CFTC, OFAC, and state regulators, as well as on internal investigations and compliance strategy.

Kate previously served as a law clerk to the Honorable Paul Gardephe of the U.S. District Court for the Southern District of New York and the Honorable Faith Hochberg of the U.S. District Court for the District of New Jersey. Kate is a graduate of Princeton University and Harvard Law School.



Danielle Sassoon is a Senior Fellow at the Manhattan Institute and a partner at Clement & Murphy, where she represents individuals and corporations in high-stakes white-collar, appellate, and commercial matters.

Danielle is the former interim United States Attorney for the Southern District of New York, following over eight years as an Assistant United States Attorney, including as the Chief of Appeals for the Criminal Division. As a prosecutor, Danielle handled high-profile investigations and criminal trials, including against Samuel Bankman-Fried, for perpetrating a multi-billion-dollar cryptocurrency fraud, and against Lawrence Ray, for racketeering conspiracy, sex trafficking, and other offenses related to his abuse and exploitation of his daughter's college roommates.

Danielle was awarded the FBI Director's Award for Outstanding Criminal Investigation and the Women in Federal Law Enforcement Top Prosecutor Award. A graduate of Harvard college and Yale Law School, Danielle clerked for Judge J. Harvie Wilkinson III of the U.S. Court of Appeals for the Fourth Circuit and for Associate Justice Antonin Scalia of the U.S. Supreme Court.



Rebecca S. Tinio is a partner at the litigation boutique KKL LLP, where she represents companies and individuals in a wide range of affirmative and defensive civil matters. A seasoned and versatile advocate, Rebecca's practice runs the gamut from the False Claims Act and other civil frauds statutes to complex commercial disputes, internal investigations, shareholder matters, employment and contract law, arbitration, and matters involving federal agencies. Rebecca is passionate about thoughtful, strategic client counseling and finding effective solutions to complex problems.

Before joining KKL, Rebecca served for 14 years as an Assistant United States Attorney in the U.S. Attorney's Office for the Southern District of New York, where she was Deputy Chief of the Civil Division and Co-Chief of the Civil Frauds Unit, overseeing dozens of civil fraud investigations and litigations. She litigated some of the Civil Division's most difficult matters and scored numerous wins at trial and on appeal. Rebecca earned her J.D. from Yale Law School, clerked on the Southern District of Texas and the Second Circuit Court of Appeals, and has been a member of the adjunct faculties of NYU Law School and Fordham Law School.



George D. Turner is a seasoned government trial lawyer and former senior national security official. A partner at Jones Day, George advises clients on complex, high-stakes enforcement and regulatory matters, internal investigations, and cybersecurity issues, with a national security-related focus. Prior to joining Jones Day, George served as the Associate Deputy Attorney General (ADAG) for National Security at the Department of Justice (DOJ), one of DOJ's most senior national security positions.

At DOJ, George was responsible for many of DOJ's most significant and sensitive enforcement and policy matters, including investigations, prosecutions, and rulemakings related to sanctions, export controls, cyber threats, counterterrorism/terrorist financing, artificial intelligence, economic espionage, money laundering, and mishandling of classified material. He also led DOJ's engagements with the National Security Council on a wide range of domestic and international legal and policy matters.

Prior to serving as ADAG, George had a distinguished tenure as a federal prosecutor at the Southern District of New York (SDNY), where he ultimately served as Chief of the National Security Unit. During his time at SDNY, George conducted or supervised more than 20 jury trials, briefed/argued numerous appeals in the Second Circuit, and investigated, prosecuted, and oversaw hundreds of national security, white collar, narcotics, violent crime, and other cases.

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A former Chair of the New York State Bar Association's Committee on Courts of Appellate Jurisdiction, Ms. Felder organized the State Bar's day-long CLE program on New York appellate practice and has been a frequent lecturer on appellate practice for the Appellate Division, First Department; the New York State Bar Association; the American Bar Association; the Women's Bar Association of the State of New York; and other bar groups. Ms. Felder serves on the Subcommittee on Appellate Practice of the New York State Office of Court Administration's Advisory Committee on Civil Practice, of which she has been a member since 1983, and authored the chapter, "Special Considerations in Matrimonial Appeals" in Thomas Newman's New York Appellate Practice.

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A SPECTATOR’S PRIMER

NO. 25-246

IN THE MOCK SUPREME COURT OF THE UNITED STATES

Kenneth John Jouppi

Petitioner

v.

State of Alaska

Respondent

Introduction

This moot court hypothetical is based on an actual case where the Supreme Court of the United States has granted *certiorari*. At issue in the case before this Mock Supreme Court is whether courts, in determining whether a fine contravenes the Excessive Fines Clause—which holds the amount of the fine “must bear some relationship to the gravity of the offense that it is designed to punish”—may consider the gravity of the underlying offense purely in the abstract or should only consider the gravity of the specific defendant’s wrongdoing.

In this case, that translates to whether the State of Alaska can confiscate Jouppi’s airplane because he was willfully blind to the transportation of (at least) a six-pack of beer by his passenger to the town of Beaver, Alaska, which prohibits the importation and possession of alcohol.

Factual and Procedural Background

A. Alaskan Law: “Dry Villages” and Criminal Offenses Concerning the Importation of Alcohol

In the 1980s, Alaska’s Legislature was concerned about alcohol abuse in rural communities. Specifically, the Legislature concluded that these communities often lack sufficient law enforcement and health care facilities necessary to combat the impact of such abuse, as well as being financially unable to absorb the economic costs associated with alcohol abuse. Therefore, the State of Alaska authorized municipalities and villages to declare themselves “dry villages” and set limits on alcohol in their communities. In 2004, the residents of Beaver, Alaska voted to follow a stringent policy (permissible under Alaska Law) that prohibits the possession, sale, and importation of alcohol.

To effectuate these policies, it is also a crime in Alaska to “knowingly send, transport, or bring an alcoholic beverage” to villages who have banned the sale, importation, and possession of alcohol. The penalties for such a crime depend primarily on the amount of alcohol at issue and whether the defendant is a repeat offender. As relevant here, first-time offenders who transport minor quantities of alcohol are guilty of only a class A misdemeanor.

The minimum sentence is 3 days’ imprisonment and a \$1,500 fine. The legislature has further mandated that using a plane to transport the alcohol subjects the plane to mandatory forfeiture—no matter the quantity of alcohol or the seriousness of the offense.

B. Ken Jouppi, His Air-Taxi Service (“KenAir”) Using a 1969 Cessna U206D, and a Six-Pack

As an experienced air-taxi service provider, shuttling tourists and locals over the Alaskan Wilderness, Jouppi knew of Alaska’s dry-village system. Though he asserted that he would never deliberately transport alcohol illegally, he also

explained that he would not violate his customer's privacy by rifling through their luggage to hunt for alcohol.

On April 3, 2012, Jouppi was scheduled to fly a repeat passenger from Fairbanks, Alaska to Beaver, Alaska. That morning, along with many other groceries, Jouppi's passenger brought aboard three cases of beer packed in the passenger's luggage, which the passenger was bringing to her husband in Beaver as a gift for his birthday, clearly in violation of the dry village law.

Reportedly, Jouppi and his company were already under investigation for felony importation of alcohol related to a previous flight service. Arriving with a warrant to search Jouppi's plane related to that investigation, state troopers observed Jouppi opening and closing his passenger's boxes and bags and redistributing their contents to fill up the containers. When the state troopers searched the plane, they discovered the alcohol.

While Jouppi insisted he had no idea there was any alcohol in his passenger's luggage, the officers maintained that, at a minimum, one six-pack of beer was visible in a plastic shopping bag within plain view. Troopers also testified regarding three prior instances in which Jouppi flew alcohol into different communities in violation of the state prohibition on such conduct.

Jouppi, his company, and the passenger were charged with the misdemeanor offense of knowingly transporting alcohol into a dry community.

C. State Legal Proceedings: Jouppi Found Guilty and His Plane Forfeited

After Jouppi was found guilty of transporting alcohol into the dry village of Beaver, the court ordered, as "required," the forfeiture of his airplane. That forfeiture was briefly avoided, when the trial court decided on reconsideration that Jouppi had never actually transported anything (the plane never left Fairbanks); but, on appeal, the State successfully argued the plane was used to facilitate the transportation of alcohol, which was enough to order the forfeiture.

On remand, Jouppi invoked the Excessive Fines Clause, arguing that forfeiture of his plane constituted an excessive fine. Assuming, without deciding, that Jouppi's culpability extended to all of the beer on the airplane, it found that the gravity of his offense consisted of his having attempted to bring in approximately 1,152 ounces (72 cans) of beer to a community in which it was banned. It further found this quantity of beer "could have plausibly all been intended for his passenger's personal consumption or her family's personal consumption." Thus, while the offense was serious it was not nearly as egregious as other conduct that could result in mandatory forfeiture of a plane under the applicable statutes. (*Jouppi I*)

The State again succeeded in the intermediate appellate court, with that court holding the trial court had failed to correctly apply the test for excessiveness articulated in the Supreme Court's decision in *United States v. Bajakajian*. The intermediate appellate court would have remanded for further analysis of: a) the relationship between this offense and Jouppi's other illegal activities, b) what would have happened if the troopers had not stopped Jouppi, and c) whether Jouppi would be able to make a living without the airplane. (*Jouppi II*)

The Supreme Court of Alaska, however, granted review and took a different position. Where the intermediate court had called for further fact-finding, the Alaskan high court held unanimously that forfeiting Jouppi's airplane was constitutional as a matter of law, basing its analysis of Jouppi's violation of the dry-village statute only as to one six-pack of beer.

While the court acknowledged that Jouppi was only convicted of one instance of alcohol importation unconnected to other criminal activity, the nature and extent of the crime was serious. Jouppi knowingly transported (at least) a six-pack of alcohol in plain view while acting in his professional capacity as the operator of an air taxi company, which to the court suggested that forfeiture of his airplane was not grossly disproportional. As an airplane owner who knowingly

facilitated the importation of alcohol for consumption into a dry village, Jouppi was also within the class of persons targeted by the statute. Further, the legislative history showed that the mandatory forfeiture scheme had replaced a previous discretionary version to better deter the unlawful importation of alcohol.

Deferring to the Legislature, the Supreme Court of Alaska concluded this second factor weighed strongly in favor of forfeiture not being disproportional. The value of Jouppi's airplane was only 9.5 times the maximum fine that could have been imposed, suggesting that forfeiture was not grossly disproportional. Moreover, the court concluded that the nature and extent of "harm caused by Jouppi's illegal alcohol smuggling" was a grave societal harm also suggesting that forfeiture was not grossly disproportional.

Applicable Law

A. Constitutional Provisions and Alaska Law

The Eighth Amendment to the U.S. Constitution provides: "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."

Section 04.16.220(a) of the Alaska Consolidated Statutes provides that "aircraft, vehicles, or vessels used to transport or facilitate the transportation of" "alcoholic beverages imported into a municipality or established village in violation" of the dry village law are "subject to forfeiture." *Id.* § 04.16.220(a)(3) (C).

B. Supreme Court Precedent

The Supreme Court has only once explained the nature of excessiveness at any length as it relates to excessive fines under the Eighth Amendment. See *United States v.ajakajian*, 524 U.S. 321 (1998) (below). This case presents an opportunity for the Court to refine the standard applied in this context. This is particularly

appropriate now that the Court has explicitly incorporated the protections of the Excessive Fines Clause through the Fourteenth Amendment—meaning it applies to the States. *Timbs v. Indiana*, 586 U.S. 146 (2019).

- *United States v. Bajakajian*, 524 U.S. 321 (1998)

Hosep Bajakajian [bah-jə-kah-jee-ən] attempted to leave the United States without reporting, as required by federal law, that he was transporting more than \$10,000 in currency. Any person convicted of willfully violating this federal reporting requirement was required to forfeit to the Government “any property ... involved in such offense.” The question presented was whether forfeiture of the entire \$357,144 that Bajakajian failed to declare would violate the Excessive Fines Clause of the Eighth Amendment. *Bajakajian*, 524 U.S. at 324.

The district court had concluded that such forfeiture would be “extraordinarily harsh” and “grossly disproportionate to the offense in question,” ordering forfeiture of \$15,000 instead. The Ninth Circuit affirmed, holding “to satisfy the Excessive Fines Clause, a forfeiture must fulfill two conditions: [t]he property forfeited must be an ‘instrumentality’ of the crime committed, and the value of the property must be proportional to the culpability of the owner.” See *id.* at 325-26.

The Supreme Court took the case and announced a framework by which to evaluate whether a punitive forfeiture violates the Excessive Fines Clause as “grossly disproportional to the gravity of a defendant’s offense.”

The Court found two considerations particularly relevant. First, “judgments about the appropriate punishment for an offense belong in the first instance to the legislature;” and second, “any judicial determination regarding the gravity for a particular criminal offense will be inherently imprecise.” See *id.* at 336.

Applying this standard to the facts of the case, the Court found that Bajakajian's crime was solely a reporting offense unrelated to any other illegal activities. Further, he did not fit into the class of persons for whom the statute was principally designed to impact (i.e., not a money launderer, drug trafficker, or tax evader); and the statute imposed a maximum fine of \$5,000. See *id.* at 336. The harm caused by the failure to report was minimal as only the Government was impacted in a relatively minor way and there was no loss to the public. See *id.*

It was relevant that Bajakajian came from a culture in which government agents often seize money on the spot for their own personal use. He had told the agent that he had only \$8,000 and his wife had \$7,000 when in reality he had \$357,144. That said, the money was legally earned through Bajakajian's gas station business and was meant to pay back relatives. In fact, Bajakajian was legally allowed to transport the money after he disclosed that he was transporting it.

The Supreme Court, thus, concluded that the fine was grossly disproportional to the gravity of the offense and bore no articulable correlation to the Government's injury. See *id.* at 338-39.

C. Federal Courts of Appeals and State Supreme Courts Come to Differing and Sometimes Conflicting Results When Applying Bajakajian

- *United States v. Schwarzbaum*, 127 F.4th 259 (11th Cir. 2025)
 - o *Major penalties for failing to report foreign bank accounts*

Schwarzbaum was a wealthy naturalized citizen of the United States with significant assets abroad, which had to be reported under U.S. law (FBAR). Although Schwarzbaum read the foreign bank accounts instructions and engaged accountants, he failed to report his foreign bank accounts for several years. See Schwarzbaum, 127 F.4th at 264. The district court found that he did so recklessly, thus satisfying the willful requirement for a higher penalty. See *id.*

The Eleventh Circuit followed its own previously identified non-exhaustive factors: “(i) whether the defendant is in the class of persons at whom the statute was principally directed; (ii) how the imposed penalties compare to other penalties authorized by the legislature; and (iii) the harm caused by the defendant.” See *id.* at 276. The Eleventh Circuit began with the “strong presumption” that the penalties Congress created were constitutional. See *id.* at 281.

With respect to Schwarzbaum, there was no question that the FBAR penalties were concerned with individuals precisely like him, and Congress specifically reserved the severe penalties for individuals who “willfully” violated the statute, like Schwarzbaum. See *id.* Further, that Congress “authorized ‘five years’ imprisonment for willfully violating the statutory report requirement ... suggests that it did not view the reporting offense as a trivial one.” See *id.* at 283.

The court could not say the penalties imposed were grossly disproportionate in this case to the serious offenses of willfully concealing foreign bank accounts containing many millions of dollars—as Congress sought to deter precisely the harm for which Schwarzbaum was culpable, Congress considered that harm to be a very serious one, and Congress’s method of deterring that harm was rational. Although substantial, the penalties assessed (\$2.9m) were not violative of the Excessive Fines Clause.

- *Yates v. Pinellas Hematology & Oncology, P.A.*, 21 F.4th 1288 (11th Cir. 2021)
 - o *Major penalties for repeatedly defrauding the Government*

Here, the Eleventh Circuit developed its “non-exhaustive” factors that guide its *Bajakajian* analysis. Pinellas violated the False Claims Act on 214 occasions; the United States had sustained \$755.54 in damages. See *Yates*, 21 F.4th at 1294.

The court concluded that the value of the judgment (\$1.179m) based on \$755.54 in actual damages may raise an eyebrow; however, that concern is negated when one realizes that the total is the result of repeated instances of fraud against the United States and the monetary award imposed represented the lowest possible sanction under the False Claims Act. *See id.* at 1314.

Indeed, because the monetary award in this case was the statutory minimum, the court allowed a strong presumption of constitutionality and concluded that the medical practice did not rebut that presumption. *See id.* at 1316. Furthermore, the harm was considerable because fraud harms the United States in ways untethered to the value of any ultimate payment. *See id.* at 1316. When the United States is defrauded, that “corruption causes a diminution of the public’s confidence in the government.” *See id.* The imposition of the lowest-possible monetary award properly balanced the need to deter potential fraudsters with the gravity of the conduct.

- *United States v. \$100,348.00 in U.S. Currency*, 354 F.3d 1110 (9th Cir. 2004)
 - o *Forfeiture of all unreported money would be excessive*

Eytan Mayzel attempted to leave the United States without declaring an amount exceeding \$10,000. *See U.S. v. \$100,348*, 354 F.3d at 1113. Mayzel’s checked luggage also contained a roll of plastic shrink film, a heat gun, and a heat sealer machine—items typically associated with packaging of illegal drugs. Mayzel was convicted of knowingly making a false statement and sentenced to 205 days imprisonment without a fine because Mayzel did not have the ability to pay.

Closely tracking *Bajakajian*, the Ninth Circuit found that forfeiture of all \$100,348 would be excessive but that a \$10,000 fine would not be. Though Mayzel’s itinerary was unusual and luggage found in his possession contained

items often used in packaging drugs, Mayzel was never charged with any criminal activity.

- *Pimentel v. City of Los Angeles*, 974 F.3d 917 (9th Cir. 2020)
 - o *Initial fine OK but 2-3x that amount after a 21-day failure to pay may be excessive*

Pimentel sued the City of Los Angeles asserting that the fines and late payment penalties for parking meter violations were excessive. See *Pimentel*, 974 F.3d at 920. The fine for overstaying the allotted time at a parking meter is \$63, which is then doubled if a driver fails to pay that fine within 21 days. And the amount continues to increase. In short, a person who overstays a metered parking spot faces a fine of anywhere between \$63 to \$181. *Id.*

The Ninth Circuit developed a four-factor balancing test to determine if a fine is grossly disproportional to the offense. These factors are: (1) the nature and extent of the underlying offense; (2) whether the underlying offense related to other illegal activities; (3) whether other penalties may be imposed for the offense; and (4) the extent of the harm caused by the offense.

In determining the nature and extent of the underlying offense, courts look to the violator's culpability to assess this factor. See *id.* at 922. Even if the "underlying violation is minor, violators may still be culpable" for benign actions. As to the fourth factor, "[c]ourts may also consider how the violation erodes the government's purposes for proscribing the conduct." See *id.* at 923.

Applying this test, the Circuit concluded the initial fine of \$63 was not grossly disproportional under the Eighth Amendment. See *id.* at 925. The court remanded, however, for consideration of whether a late payment penalty of one hundred percent of the initial fine was grossly disproportional to the offense of failing to pay the initial fine within 21 days. See *id.* at 925.

- *Commonwealth v. 1997 Chevrolet*, 160 A.3d 153 (Pa. 2017)
 - o *The circumstances of the individual whose property is forfeit must be considered*

Young, a 71-year-old grandmother, had owned her home for approximately four decades and purchased the 1997 minivan for her transportation needs. Her adult son lived with her and used the home and vehicle in connection with repeated marijuana sales. Although Young was never charged with a crime, the Commonwealth sought forfeiture of both properties.

The Pennsylvania Supreme Court concluded that if the specific property was used as an instrumentality of the underlying offense, then the court must analyze whether the forfeiture is grossly disproportionate to the gravity of the offense.

The court emphasized that proportionality requires consideration not merely of the property's market value, but also of the harshness of the forfeiture to the particular property owner. The valuation inquiry therefore includes fair-market value, the property's subjective importance as a residence or necessity, the consequences for the owner and innocent third parties, and whether forfeiture would impair the owner's livelihood. Critically for Young, the Court held that the culpability of the property owner is itself relevant to the proportionality analysis, even where the owner has failed to establish the statutory innocent-owner defense.

In assessing the gravity of the offense, courts must consider the nature of the offense, its relationship to other illegal activity, the maximum authorized penalty compared with the actual penalty imposed on the criminal offender, the regularity of the criminal conduct, and the actual harm caused—not merely generalized societal harm. The court further recognized that Young's own

culpability mattered because the forfeiture was being imposed on property belonging to someone who was not the person convicted of the underlying crime.

As the trial court had failed to account for the individualized harshness of forfeiting Young's home and vehicle and had not adequately considered her circumstances and degree of culpability, remand was required.

- *State v. Timbs*, 169 N.E.3d 361 (Ind. 2021) (on remand from the U.S. Supreme Court)
 - o *Harshness of forfeiture, severity of offense, and individual's culpability relevant*

Timbs pled guilty to dealing a controlled substance after selling two grams of heroin to an undercover officer. There was no dispute that his Land Rover was used as an "instrumentality" of the offense to facilitate the drug transaction. Nevertheless, the Indiana Supreme Court rejected the State's argument that an instrumentality finding alone was sufficient to satisfy the Excessive Fines Clause. Instead, the court reaffirmed its prior holding that use-based civil forfeitures must satisfy both an instrumentality requirement and a proportionality requirement.

Under that framework, courts must consider the totality of the circumstances, including three principal considerations: the harshness of the forfeiture, the severity of the underlying offense, and the claimant's culpability.

The court acknowledged that Timbs's culpability was high because he personally used his vehicle to commit the offense. It concluded, however, that the other factors collectively established gross disproportionality. The Land Rover was worth approximately \$35,000 and was Timbs's only asset; forfeiture therefore imposed a substantial economic hardship, given Timbs' limited financial resources. The forfeiture also came on top of significant criminal sanctions—including six years of imprisonment and approximately \$1,200 in fees and costs. The court also characterized Timbs's particular offense as relatively limited in

severity: he sold only two grams of heroin to an undercover officer, received the minimum sentence the State had agreed was appropriate, and the offense did not involve specific injuries to identifiable victims. The court emphasized that generalized societal harm from drug crimes could not substitute for an examination of the actual harm caused by the defendant's conduct.

Taken together, the Court concluded that the forfeiture was considerably punitive and that Timbs had met the "high burden" of demonstrating gross disproportionality.

- *One 1995 Toyota Pick-Up Truck v. District of Columbia*, 718 A.2d 558 (D.C. App. 1998)
 - o *Amount of forfeiture must bear some relationship to the gravity of the offense that it is designed to punish.*

Claimant solicited a prostitute and was, as a first-time offender, subject to a statutory penalty, the maximum amount being \$300. The solicitation occurred from his personal truck, which was then subject to forfeiture under the Safe Streets Forfeiture Act. On appeal, the appellate court concluded that the attempted forfeiture would violate the Excessive Fines Clause of the Eighth Amendment. *See One 1995 Toyota*, 718 A.2d at 559.

Specifically, the forfeiture of the truck was punishment for Claimant's solicitation of the undercover officer and was therefore a fine subject to Eighth Amendment scrutiny. *See id.* at 562. The value of the truck (\$15,500) made forfeiture constitutionally excessive under the proportionality standard. *See id.* at 564. That is, the amount of the forfeiture must bear some relationship to the gravity of the offense that it is designed to punish. The gravity of the offense, with an emphasis on the culpability of the Claimant himself, rather than the crime in the abstract was central to that test. *See id.* at 565.

In that regard, solicitation for prostitution, particularly for a first-time

offender, has historically been treated as a minor crime. As such, Claimant was exposed to a maximum criminal fine of \$300 and no incarceration. Forfeiting a vehicle valued at \$15,500 inflicts a penalty on the order of fifty times the fine authorized (\$300) and one hundred times the fine actually imposed (\$150) on the Claimant. While the Claimant fit within the class of persons for whom the statute was principally designed, he could not be made to bear grossly disproportionate responsibility for the problem of prostitution in the District of Columbia or for the attendant consequences of that crime. The forfeiture of the truck would impose a punishment that greatly outweighed his particular contribution to these multifaceted problems and could not fairly be said to compensate the District of Columbia for any loss associated with his crime. 718 A.2d at 564-66.



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Brent McIntosh

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Dierdre Von Dornum

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**Lee S. Richards III and
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And we applaud his fellow OAD First Monday in October 2026 honorees and celebrate their achievements in advocacy, leadership, and dedication to the legal profession. We are proud to support the Office of the Appellate Defender's mission to advance justice through appellate advocacy.

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We also congratulate **Brent McIntosh** of Citi on receiving the OAD Counsel for Justice Award.

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Sher Tremonte congratulates Deirdre von Dornum on the Gould Award for Outstanding Oral Advocacy

For more than two decades, Deirdre has fought tirelessly to give voice to the voiceless – first as a federal public defender, then as Attorney-in-Charge of the Federal Defenders of the Eastern District of New York, and now as a partner at Sher Tremonte. Her fearless, compassionate advocacy has changed outcomes and changed lives.

We are proud to call her our partner, and prouder still to see her honored by the Office of the Appellate Defender. OAD's commitment to equal access to justice is as central to Deirdre's work as it is inspiring to all of ours.

Congratulations to Deirdre and her fellow honorees – this recognition is richly deserved.

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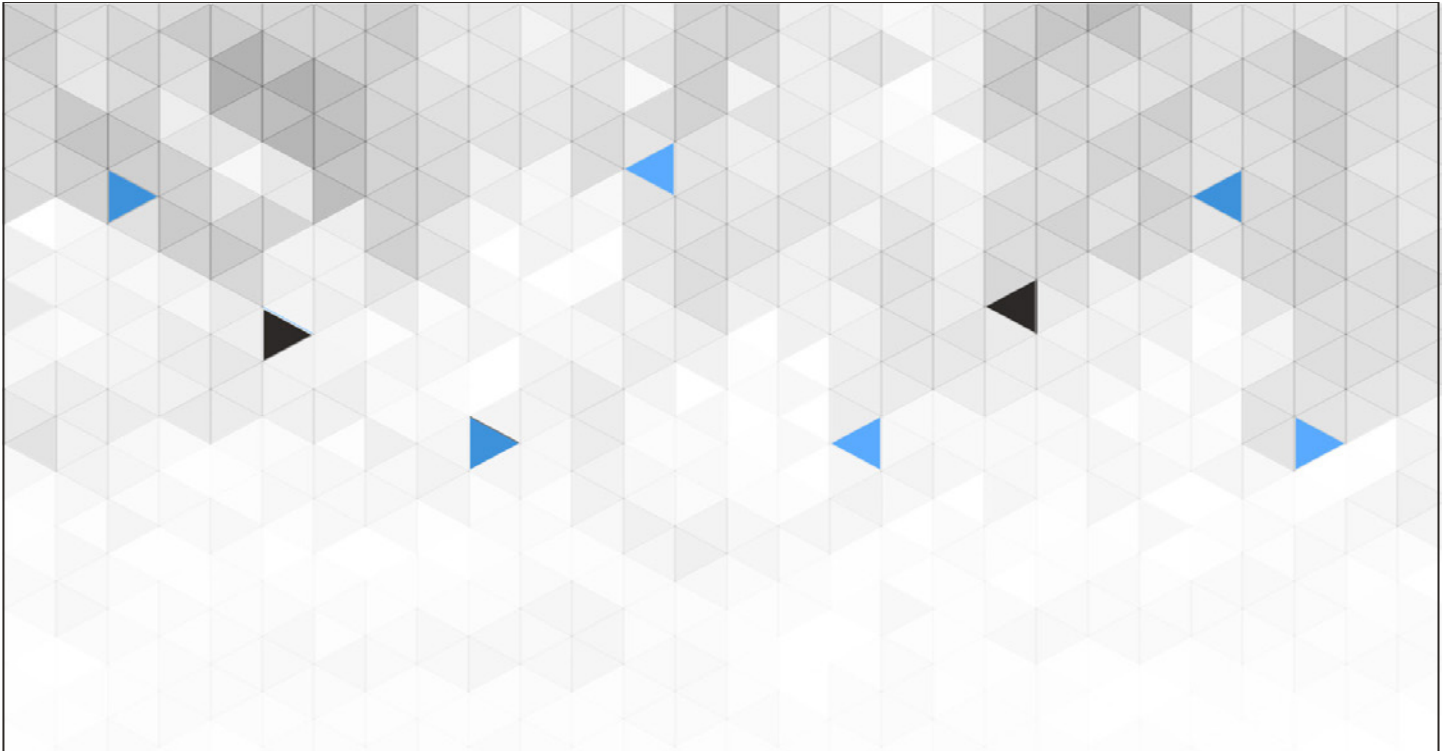
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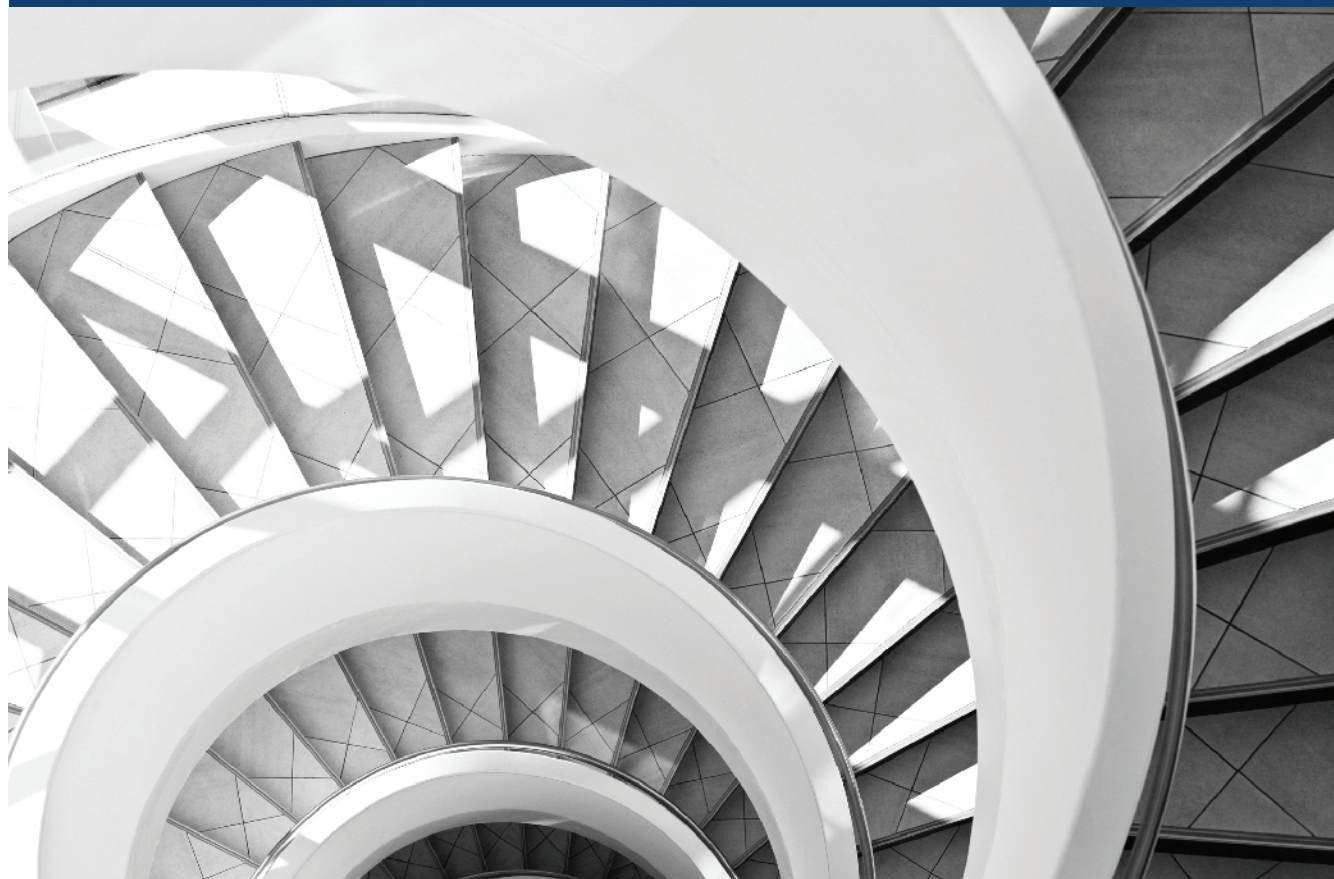
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for their well-deserved recognition by the Office of
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SCENES FROM FIRST MONDAY IN OCTOBER 2025



OAD Board Chair Nicolas Bourtin presents the 2025 Gould Award to OAD Board member Katya Jestin.



2025 Gould Award Recipient Anjan Sahni.



2025 Counsel for Justice Award Recipient and Chief Justice Cari Gallman (center left) with the 2025 First Monday Bench (from left): Benjamin Naftalis, Michelle Levin, Victor Hou, Deborah Colson, Teny Geragos, Edward Imperatore, David Massey, and Avi Weitzman.



OAD President Caprice Jenerson (center front) with members of the OAD staff.



2025 Beacon of Hope Award Recipient Dexter Murray.

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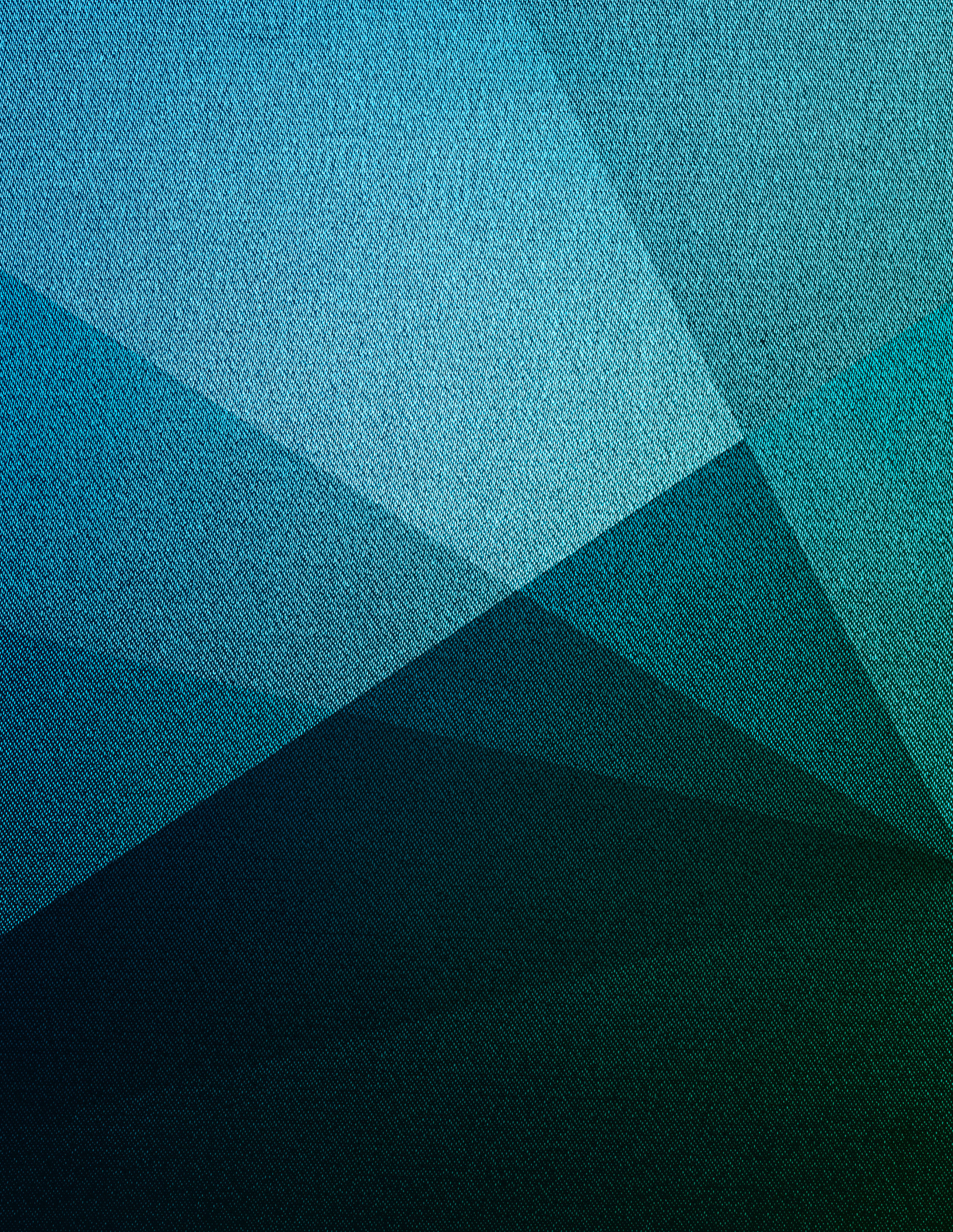
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