

**Richard W. Brewster**  
**Brewster ADR**  
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## **PROFESSIONAL**

### **May 2016 to date**

Alternate dispute resolution practice with emphasis on mediation. Mediator in Community Mediation Centers and Civil Court in New York and Kings Counties; Certified Mediator with the New York Peace Institute; Panel of Neutrals, Commercial Division, Supreme Court, New York County; Mediation Panel, United States District Court Eastern District of New York.

Consultant in public policy cases, including prison reform and other systemic challenges to law enforcement agencies. Available to parties and the courts for monitoring, auditing, special master and expert witness functions.

Co-sponsor and instructor, mediation and circle-based conflict resolution and life skills programs for men and women impacted by the criminal justice system, whether incarcerated, or in re-entry or diversion programs.

### **2014 to May 2016**

Special Litigation Counsel  
New York State Attorney General's Office  
As lead attorney, litigated, counseled clients and negotiated settlements of correctional and other law enforcement cases. Drafted settlement agreement implementing systemic reform of solitary confinement in New York State's prison system.

### **2001 to 2014**

Assistant Attorney General  
Deputy Bureau Chief, Litigation Bureau  
New York State Attorney General's Office  
In Charge Of Law Enforcement Group (25 attorneys)

Lead attorney, institutional reform challenge to mental health services in the State's prisons; drafted settlement agreement implementing landmark reforms in prison mental health.

**1993 to 2001**

Litigation Practice  
Civil commercial litigation and criminal defense.

**1991 to 1992**

Sabbatical - personal writing project

**1979 to 1991**

Moses & Singer, litigation partner  
Complex commercial litigation and appeals.

**1974 to 1979**

Chief, Criminal Division  
United States Attorney's Office  
Eastern District of New York (1978-79)  
Assistant United States Attorney (1974-79)

**1968 to 1974**

Milbank, Tweed, Hadley & McCloy, New York, N.Y.  
Associate, General Corporate and Securities Practice

**EDUCATION**

Harvard Law School, L.L.B., J.D. (1967)  
Princeton University, A.B. (1964)

**BAR ADMISSIONS**

New York State (1968)  
Federal courts:  
U.S. Court of Appeals for the Second Circuit (1974)  
Southern and Eastern Districts of New York (1975)

## **SYSTEMIC REFORM CASES AT NYS ATTORNEY GENERAL'S OFFICE**

Disability Advocates, Inc. v. NYS Office of Mental Health, et al., 02 CV 4002 (GEL), 8<sup>th</sup> Amendment challenge to mental health services within the prison system, primarily focused on prisoners with serious mental illness in solitary confinement. Systemic settlement (2007) establishing a heightened level of care, involving daily out-of-cell therapeutic activity, and alternative residential mental health programs, for prisoners with mental illness subject to disciplinary confinement in excess of 30 days. Post-settlement compliance audits, including expert tours and reports (2007-2011).

Peoples, et al. v. Fischer, et al. 11 CV 2694 (SAS), systemic 8<sup>th</sup> Amendment challenge to the State's prison disciplinary system and the use of solitary confinement as a disciplinary sanction. Class action settlement (approved April 2016), diverting juveniles, developmentally disabled prisoners and certain drug offenders to rehabilitative alternative programs; establishing behavioral incentives, including "step down" programs, to reduce length of sentences and change behaviors leading to disciplinary confinement; ameliorating conditions of confinement; and establishing comprehensive guidelines for disciplinary sanctions.

## **ADR TRAINING**

Advanced Mediation Training, Cardozo Law School (Instructors: Professors Lela Love and Joseph Stulberg), January 28, 2018.

New York State Civil Court mediation training program, New York Peace Institute, December 1, 2017. All required co-mediations completed; qualified as a mediator in Civil Court and Small Claims Court, New York and Kings Counties.

New York Peace Institute, Advanced Mediation Training, June 29 -30, 2017, trainers Brad Heckman and Will Nassau (14 hours).

New York Peace Institute Apprenticeship Program, March 15, 2017 to January 24, 2018, mentor Michael Cassandra (10 week classroom sessions, video evaluation and all required observations and co-mediations completed; qualified as mediator in Community Mediation Centers in New York and Kings County).

New York Peace Institute, Basic Mediation Training Program, January 25-29, 2017, lead trainers Brad Heckman and Will Nassau (40 hours).

Commercial Mediation Training Program, New York State Bar Association, September 27-29, 2016, lead trainers Simeon Baum and Steven Hochman (24 hours).

Straus Institute for Dispute Resolution, Pepperdine University School of Law, August 1-6, 2016, Mediating the Litigated Case (basic mediation training), lead trainer Peter Robinson (42 hours).

Fair Labor Standards Act Mediation Training, ADR Department, United States District Court, Eastern District of New York, June 15, 2016, Robyn Weinstein, program chair (7 hours).

### **ADDITIONAL PROFESSIONAL ACTIVITIES**

Rikers Island - Participant in curriculum design and teaching in conflict resolution program for female inmates at Rose M. Singer Center, Rikers Island; curriculum design December 2016 to May 2017, followed by weekly two-hour classes at Rikers Island between May and July 2017

Article re Rikers Island program published in Mediate.com, November 6, 2017, <http://www.mediate.com/articles/rikerspilot.cfm> (co-authored with fellow instructors)

Presentation to the Association for Conflict Resolution of Greater New York (ACR-GNY) concerning Rikers Island program, December 7, 2017 (with fellow Rikers Island instructors)

Speaker on recent landmark prison reforms in New York State, addressing mental health and solitary confinement issues, Federal Bar Council, Committee on Sentencing and Alternatives to Incarceration, April 17, 2017

Expert witness and consultant, reasonableness of legal fees in prison reform litigation under Section 1988 of the federal Civil Rights Act and the Prison Litigation Reform Act, Jones, et al. v. Stack, et al., 76 CV 6086 (S.D. Fl.), February 2017 to August 2017

Contributing editor, prison issues brief, Impact NYC, March 16, 2016 New York City forum on criminal justice reform

Joint Local Rules Committee for the Southern and Eastern Districts of New York

Federal Bar Council, Committee on Sentencing and Alternatives to Incarceration

New York City Bar Association, Alternative Dispute Resolution Committee

New York State Bar Association, Dispute Resolution Section

Association for Conflict Resolution – Greater New York Chapter

Global Pound Conference on Dispute Resolution, voting participant, September 2016

Family and Divorce Mediation Council of Greater New York

New York State Council on Divorce Mediation

Federal Courts Committee, New York County Lawyers, Sub-committee Chairman, Subcommittee on Proposed Changes to Federal Rules of Civil Procedure and Evidence (1998 -1999)

Arbitrator, Eastern District of New York Compulsory Arbitration Panel (1990 to 2001)

Special Prosecutor, fraud investigation, Kings County (1988-1990)

Member - Panel of Attorneys, representing indigent defendants under the federal Criminal Justice Act, S.D.N.Y. and E.D.N.Y. (1994 to 2001)

Instructor, National Institute for Trial Advocacy, intensive trial advocacy programs, at Cardozo Law School and Attorney General's Office (1994 to 2007)

Panelist, Electronic Discovery, National Association of Attorneys General, Baltimore, Maryland, February 2007.

Panelist, Section 1983 Litigation, Federal Bar Council Program for federal law clerks within the Second Circuit, New York, New York, October 2007

Panelist, Electronic Discovery Program, New York State Attorney General's Office, Albany, New York, 2011

Panelist, The Art of Summation, New York State Attorney General's Office, New York, New York, 2012

## **BAR ADMISSIONS**

New York State (1968)

Federal:

U.S. Court of Appeals for the Second Circuit (1974)

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