

Daniel L. Feldman

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533.22 Haaren Hall, John Jay College of Criminal Justice, 524 West 59 Street, New York, NY

Experience

Director, MPA-Inspection and Oversight Program 2019-
Professor of Public Management 2014-2019
Associate Professor of Public Management 2010-2014

John Jay College of Criminal Justice, 445 W. 59 St., NYC 10019

Courses offered: Administrative Law; Ethics, Integrity, and Accountability in Public Management; Public Sector Inspection and Oversight; Oversight by Independent, Regulatory & Political Authorities; Policy Analysis

Special Counsel for Law and Policy 2007-2010
Office of the State Comptroller, 633 Third Avenue, NYC 10017

Advised Comptroller on legal and policy issues; supervised divestment of Iran- and Sudan-related holdings by New York Common Retirement Fund; recommended revision, approval, or overrule of hearing officer decisions on pension appeals; assessed relationship between corporate governance and social accountability policies and investment returns; drafted complete revision of body of New York's law on unclaimed funds.

Executive Director and General Counsel 2005-2007
New York State Trial Lawyers Association, 132 Nassau St., NYC 10038

Operating chief of 4000-member association of attorneys, with responsibility for overseeing research, lobbying, political fundraising, finance, media, and personnel. Reported to annually-elected president and board of directors. Reversed 7-year financial decline, strengthened representation in national body by 33 percent, created first new regional affiliate ("Mid-Hudson") in seven years, won enactment of two new laws, won crucial modifications sought by membership to new court rules on attorney advertising.

Assistant Deputy Attorney General 1999-2005
Office of the Attorney General, 120 Broadway, Rm. 26A82, NYC 10271

Member of Attorney General Eliot Spitzer's senior staff. Supervised Legal Policy & Program Development unit responsible for new initiatives including investigation, litigation, legislation, and policy analysis. Drafted and reviewed complaints, briefs, subpoenas, memoranda; supervised document review. Projects included initiatives in the financial and insurance industries, housing assistance programs, and handgun control; strengthening statutory penalties for money laundering, mental health care outpatient treatment legislation, election law reform. Cases included:

Spitzer v. Sturm Ruger and *Hamilton v. Accu-tek* (2001, handgun manufacturers litigation) provided factual and legal research, substantial contributions to litigation strategy; co-

authored A.G.'s *amicus* brief on questions certified to New York Court of Appeals
 Citibank (6/02), PayPal (8/02), and ten-bank (2/03) settlements (credit card industry)
 designed litigation strategy; with Internet Bureau negotiated Assurances of
 Discontinuance under Executive Law § 63(12)
 UnumProvident MultiState Settlement Agreement (11/04, disability insurance)
 led investigation of abusive practices by insurer and, assisted by Consumer Frauds
 Bureau, led national negotiations resulting in multistate settlement agreement

Member of Assembly **1981–1998**
New York State Legislature, 45th Assembly District, Brooklyn, N.Y.

Chaired Committee on Correction, 1987-1998. Author of over 140 New York State laws including Megan's Law, Organized Crime Control Act, Oral Search Warrant, Juvenile Felony Fingerprinting, Medical Parole, Rent Receipt Law, numerous laws protecting consumers, motorists, crime victims. Created Tax Assessment Small Claims Court for Homeowners, first home-sharing program for senior citizens in Brooklyn, first recycling program in southern Brooklyn, Transit Corps of Engineers. Led successful environmental protection battles against Port Authority dredge spoils dumping and New York City government-supported incinerators; and forced the Parking Violations Bureau to pay "fines" to motorists it harassed unduly.

Committee and Subcommittee Counsel to Charles Schumer, Chair **1977–1980**
New York State Assembly Investigations Committee, 2 WTC, NYC

Conducted investigations of City's asphalt purchasing procedures, drug abuse treatment, and real estate auctions. Developed strategies for revitalization of the New York City waterfront and strengthening of criminal justice services.

Executive Assistant **1974–1977**
U.S. Representative Elizabeth Holtzman, Brooklyn, N.Y.

Managed district office. Coordinated government efforts to maintain Ocean Parkway, preserved 70th Precinct station house, led investigation into nationwide reform of the Summer Feeding Program for Children resulting in criminal fraud convictions for seventeen perpetrators.

Associate **1973–1974**
Olwine, Connelly, Chase, O'Donnell & Weyher, 299 Park Av., NYC

Prepared memoranda of law for securities litigation and other matters.

Academic Experience

Adjunct teaching, John Jay College of Criminal Justice, Fordham Law School, Baruch College,

Brooklyn Law School, College of the Holy Cross, NYU, LIU **1977-2010**

Visiting Lecturer, American Law and Politics, Oxford University 11/82, 11/90
lectures: American Constitutional Jurisprudence; Administrative Law;
current legal issues in American politics

U.S. Delegate, Int'l Symposium on Correctional Services, Pilisszentkereszt, Hungary 10/92

Visiting Lecturer, Oversight and Inspection, Fudan University, Shanghai, China 6/14

Expert Adviser on Anticorruption, Justice Academy, Yerevan, Armenia, 7/18

Visiting Fellow, Institute for Study of Regionalism, Federalism and Self-Government, National
Research Council, Rome Italy, 9-18-12/18

Education

J.D. '73, Harvard Law School. Recipient, Williston Prize for Contract Negotiation
A.B. '70, Columbia College. Recipient, Alfred P. Sloan Foundation NYC Urban Fellowship

Bar Admissions, Civic and Professional Associations

Bar Admissions: New York (1975); S.D.N.Y., E.D.N.Y., 2nd Circuit, U.S. Supreme Court (1996)

Steering Committee, (National) Campaign for Effective Crime Policy (1992-2001)

Association of the Bar of the City of New York (2000-present), Committee on Alternative
Dispute Resolution (2000-2003); State Affairs Committee (2003-2006); chair,
Subcommittee on Taxation and Finance, Task Force on the Proposed New York State
Constitutional Convention (2017-2018)

Chief Judge's New York Fair Trial/ Free Press Conference Executive Committee (2004-2008)

Chief Judge's Commission on the Future of New York State Courts (2006-2008)

Albany Law School Government Law Center Advisory Board (2011-2014)

Fellow, National Academy of Public Administration (2016 to present)

PUBLICATIONS

Books

ADMINISTRATIVE LAW: THE SOURCES AND LIMITS OF GOVERNMENT AGENCY
POWER, Sage/CQ Press, Thousand Oaks, California, 2016

THE ART OF THE WATCHDOG: FIGHTING FRAUD, WASTE, ABUSE AND
CORRUPTION IN GOVERNMENT, SUNY Press, with co-author David Eichenhal, Albany,
N.Y., 2013

TALES FROM THE SAUSAGE FACTORY: MAKING LAWS IN NEW YORK STATE,
SUNY Press, with co-author Gerald Benjamin, Albany, N.Y., 2010

NEW YORK CRIMINAL LAW, West Publishing Company, Inc., St. Paul, Minn., 1996,
legislative editor and co-author

THE LOGIC OF AMERICAN GOVERNMENT, William Morrow & Co., Inc., N.Y., 1990

REFORMING GOVERNMENT, William Morrow & Co., Inc., New York, 1981

Chapters

Corruption in Italy: Indigenous Impediments to Reform, 53-62, in *Global Corruption and Ethics Management*, Rowman & Littlefield, Lanham, Maryland, 2020

New York State's Allegedly Unified Court System, with Marc Bloustein, in *New York's Broken Constitution*, Peter Galie, Christopher Bobst, and Gerald Benjamin, eds., SUNY Press, Albany, N.Y. 2016

The New York State Office of the Attorney General, in *New York State Government Handbook*, Gerald Benjamin, ed., Oxford University Press, New York, 2012

New York's Born-Again Money Laundering Statute, 224 *New York Law Journal*, with Kevin Suttlehan, Oct.31, 2000, 4. Reprinted as Chapter 8 of *New Responsibilities & Obligations Under the Money Laundering & Financial Anti-Terrorism Act of 2001*, Practising Law Institute, New York, 2002

Realpolitik, or The First Machine to Beat is the Mimeograph, *Up Against New York*, William Morrow & Co., New York, 1970

Journal editing

Perspective and Commentary Editor, *Public Administration Review*, July 2013-December 2017

Member, Editorial Board, *Public Administration Review*, 1992-2000, January – June 2013

Guest editor, *Government, Law & Policy Journal*, Volume 13, Number 2 (Winter 2011) and Volume 14 Number 1 (Spring 2012)

Articles

Key Elements of a More Effective Civil Service: An Armenian Perspective, with lead author Vache Kalashyan, *Banber: Bulletin of Yerevan University* 1(31):61-68, Yerevan, Armenia: Yerevan State University Publishing, <http://www.ysu.am/science/en/1593421061>, 2020, print edition forthcoming

Should Judges Justify Recourse to Broader Contexts When Interpreting Statutes?, *International*

Journal for the Semiotics of Law - Revue internationale de Sémiotique juridique, 1-12, DOI 10.1007/s11196-020-09696-8, 2020, print edition forthcoming

The Efficacy of Anti-Corruption Institutions in Italy, *Public Integrity* 1-16, DOI: 10.1080/10999922.2020.1739362, 2020, print edition forthcoming

The Warren Court's Pursuit of Kant's Realm of Ends, 33 *Notre Dame Journal of Law, Ethics & Public Policy* 275 (2019)

Offices of Inspector General in the United States, in A. Farazmand, ed., *Global Encyclopedia of Public Administration, Public Policy, and Governance*, doi:10.1007/978-3-319-31816-5_3578-1, with David R. Eichenenthal and Robin L. Kempf, 2018

The Inspector General: Political Culture and Constraints on Effective Oversight, 19(6) *Public Integrity* 593-606, Nov./Dec. 2017

The Legitimacy of U.S. Government Agency Power, 75 *Public Admin. Rev.* 75, Jan./Feb. 2015

Progressive Policy and Legislation in New York State, Continued: The Last Four Decades, 16 *Government, Law & Policy Journal* 4, Winter 2014

Commentary: Public Value Governance or Real Democracy, 74 *Public Admin. Rev.* 504, July/Aug. 2014

Who Guards the Guardians? 35 *Legislative Gazette* 5, Number 15, December 6, 2011 (Albany, New York)

Tough Love – Tightening Administrative Hearing Procedures To Get Better Substantive Justice, 25 *The NAPPA Report* 7, November/December 2011 (published by National Association of Public Pension Attorneys, Sacramento, California), with Deborah Richards

State Law Encourages Insurers to Cheat, 237 *New York Law Journal*, January 10, 2007, 2 (annotated letter)

State Limits on Damage Awards in Bad Faith Insurance Litigation, in *ATLA [Association of Trial Lawyers of America] Education Reference Materials*, Vol. 1, Washington, D.C.: ATLA, July 2006

Office of the Comptroller of the Currency Preemption, 231 *New York Law Journal*, with Mark Fleischer, April 6, 2005, 4

Legislating or Litigating Public Policy Change: Gunmaker Tort Liability, 12 *Va. J. of Social Policy and the Law* 140 (Fall 2004)

Conflict Diamonds, International Trade Regulation, and the Nature of Law, 24 *U. Pa. J. of Internat'l Economic Law* 835 (Winter 2003-4)

Not Quite High Noon for Gunmakers, But It's Coming: Why *Hamilton* Still Means Negligence Liability in Their Future, 67 *Brooklyn L. Rev.* 293 (Winter 2001)

The "Scarlet Letter Laws" of the 1990's: A Response to Critics, 60 *Albany L. Rev.* 1081, June 1997

20 Years of Prison Expansion: A Failing National Strategy, 53 *Public Admin. Rev.* 561, Nov./Dec. 1993

Imprisoners' Dilemma, 14 *The American Prospect* 106, Summer 1993

Public Administration and the Constitution, Introduction to Forum, 53 *Public Admin. Rev.* 237, May/June 1993

J.S. Mill and the Middle Road for American Constitutional Jurisprudence, 20 *Perspectives on Pol. Sci.* 197, Fall 1991

Constitutional Dimensions of the Iran-contra Affair, 2 *Int'l. J. of Intelligence and Counterintelligence* 381, Fall 1988

Ethical Analysis in Public Policymaking, 15 *Policy Studies J.* 441, March 1987

Principled Compromise, 6 *Crim. Justice Ethics* 50, Winter/Spring 1987

Teaching Law, 37 *News for Teachers of Pol. Sci.* 1, Spring 1983

Book review, 77 *Amer. Pol. Sci. Rev.* 216, 1983

Games of Skill, 8 *Political Methodology* 59, 1982

Reformers as Legislative Watchdogs, 10 *The Bureaucrat* 49, 1981

Combating Waste in Government, 6 *Policy Analysis* 467, Fall 1980

Administrative Agencies and the Rites of Due Process, 7 *Fordham Urban L. J.* 229, 1978-79