

# LEADING THE DEFENDERS

## *Marianne Mariano '94 heads federal public defender's office*

**M**arianne Mariano '94 has committed herself to a career in public service, most of it with the Office of the Federal Public Defender in the Western District of New York. Now she has been appointed to head that office and its staff of 25, including 11 attorneys.

The office, which covers both Buffalo and Rochester, represents people who have been accused of federal crimes and cannot afford to hire an attorney. That means a lot of cases—about 1,000 new clients each year, a number bolstered by Western New York's proximity to the Canadian border.

Mariano, who has been an assistant public defender since 1995, said the caseload is heavy with drug cases, both local trafficking cases and cross-border smuggling, as well as other border-related cases such as alien smuggling and false documentation.

"We will represent a client from Day One," she says, from an initial bail or detention hearing, through hearings on evidentiary issues, and on to trial and appeal if necessary. The office also includes a manager who coordinates the work of private attorneys appointed to represent federal defendants under the Criminal Justice Act,

a collaboration that Mariano hopes to strengthen.

"This office enjoys an outstanding reputation for its representation of its clients," Mariano says. "I feel so fortunate and honored to have been given this opportunity, especially so soon in my career." She succeeds Joseph B. Mistrett '71, who has retired.

A native of Niagara Falls whose father, John E. Mariano '60, was a Niagara Falls City Court judge, she clerked for U.S. Magistrate Judge Carol E. Heckman after graduating from the Law School. "I went to law school knowing I wanted to go into public service," she said.

She joined the Office of the Federal Public Defender at a time when it was doubling its staff to four attorneys; "I was at the right place at the right time," she says. Her career ever since has been for the defense—a commitment so all-encompassing that she even named her dog, a Wheaten terrier, Atticus Finch, after the heroic defense lawyer in *To Kill a Mockingbird*.

"The attorneys in our office feel privileged to serve the community by representing those least able to help themselves when faced with such serious charges," Mariano says. "It is that commitment that make us successful."

As an assistant public defender, she

has served on the Federal Sentencing Guidelines Working Group and the Federal Defender's National Sentencing Guideline Committee, an advisory group to the U.S. Sentencing Commission.

One of the challenges of running the Western District office is managing attorneys and staff in two cities. She generally makes the 90-minute drive to Rochester once a week, and an instant messaging system keeps staffers in constant touch with each other. She will maintain her own roster of cases. The office also is charged with providing two Continuing Legal Education seminars each year for the defense bar.

At UB Law School, where she graduated cum laude, Mariano served on the Moot Court Board, and honed her litigation skills in national and local moot court competitions. "That experience helped a lot," she said. "Moot court, coupled with my one-year clerkship, taught me that everything I learned in Law School could translate into any area of the law." She also cites the Trial Technique program as a formative experience.

In the federal Second Circuit Court of Appeals, Mariano is the first woman to head a public defender's office.

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