Program Faculty Biographies
Rex Smith is Editor and Vice President of the Times Union, the dominant communication medium in New York’s Capital Region. He has led the Albany newspaper since mid-2002 to national recognition for writing, reporting, photography and design, both in print and digitally. He is a former national correspondent and bureau chief for Newsday, and previously edited community newspapers in Troy, N.Y., and in Rensselaer, Ind.

Earlier in his career, he was a congressional aide in Washington for four years and a television reporter and anchor in the metropolitan New York region. He has received numerous professional citations and awards, including the Distinguished Service Award of the national Society of Professional Journalists, a Pulitzer Fellowship and a Rotary Fellowship. He is a graduate cum laude of Trinity University in San Antonio, Texas, and received his master’s degree with highest honors from the Columbia University Graduate School of Journalism.

Rex hosts a nationally syndicated weekly program, “The Media Project,” on Northeast Public Radio. He is chair of the New York News Publishers Association, vice-chair of the state Fair Trial/Free Press Conference and past president of the state editors association. He has been a national leader in efforts to build a news literacy curriculum in high schools and colleges. Rex is in demand as a speaker and contest judge, and has twice been a juror for the Pulitzer Prizes.

Outside journalism, Rex is known as a singer: He is a member of Albany Pro Musica, one of the Northeast’s premiere choral ensembles. Rex lives in Rensselaer County with his wife, the author Marion Roach Smith; their daughter, Grace, is a student at Georgetown University.
Mediation and Arbitration:
Experience shows that it is often better to try to resolve disputes out of court. To that end, McCabe & Mack offers services involving mediation and arbitration.

In the mediation process, the mediator brings the parties together to settle their differences without resorting to litigation. This device, often successful, saves parties the time and expenses associated with litigation in the courts.

In arbitration, the parties choose an arbitrator who hears the case and makes a ruling. The process is similar to litigation, but is more informal and can be considerably less expensive.

As a former County Court Judge, State Supreme Court Justice, and until 2007, a member of New York’s highest court, the Court of Appeals, he has vast experience in presiding over trials, appeals, and settlements.

Memberships/Affiliations:
Dutchess County Bar Association
New York State Bar Association

Judge Rosenblatt joined the Firm, of counsel, in 2007, after serving on New York’s highest court, the Court of Appeals, for seven years. Prior to that, he was Chief Administrative Judge of the State of New York from 1987 to 1989, a Justice of the Supreme Court, Appellate Division from 1989 to 1998 and a Justice of the New York State Supreme Court from 1981 to 1987.

As New York State’s Chief Administrative Judge from 1987 to 1989, Judge Rosenblatt had responsibility for the day-to-day administrative management of New York State’s Court System. He also served as Dutchess County Court Judge from 1975 to 1981 after two terms as Dutchess County District Attorney from 1969 to 1975.
He and his wife, Julia, a former Vassar College professor, reside in LaGrange. He is a squash player and an associate certified ski instructor. Judge Rosenblatt is also a member of the Baker Street Irregulars (a Sherlock Holmes Society). Julia, writes a weekly ski column for the Poughkeepsie Journal. Their daughter, Betsy, practices law in California. In addition to handling mediations and arbitrations, Judge Rosenblatt teaches part-time at the New York University Law School.

Areas of Practice
Arbitration
Mediation

Bar Admissions
New York, 1961
U.S. Court of Appeals 2nd Circuit, 1966
U.S. Supreme Court, 1967

Education
Harvard University Law School, Cambridge, Massachusetts
LL.B., Bachelor of Law - 1960
Honors: J.D. Conversion
University of Pennsylvania, Philadelphia, Pennsylvania
B.A., Bachelor of Arts - 1957
Major: American Studies
Sheriff Apple began his career with the Albany County Sheriff’s Office in 1987 as a Correction Officer. During the next several years, the Sheriff climbed through the ranks eventually becoming the Sheriff in June 2011. The Sheriff is a graduate of the NYS Law Enforcement Executive Program, a 2001 graduate of the FBI National Academy and a graduate of the John F. Kennedy School of Government, Executive Education.

Since taking office, Sheriff Apple has transformed the Sheriff’s Office from a policing agency to a policing and serving agency. The Sheriff and his staff have created and implemented several progressive programs to reduce recidivism and involve the community. Some of the programs include the SOLDIER ON program, which has counseled over 200 Veterans with only two returning to jail; the SHERIFF’S HEROIN ADDICTION RECOVERY PROGRAM (SHARP) to provide treatment to addicts while incarcerated and then releasing them to a treatment facility; the inmate workforce providing free labor to not for profits, while teaching inmates to be productive members of society; the RAPE AGGRESSION DEFENSE team to help women thwart off an attacker by building their confidence; a team to keep persons with Autism and Alzheimer’s safe; and many more programs aimed at community education and preparedness.

The Sheriff ran for his second unopposed term in 2015.
Thomas A. Breslin, Albany County Court Judge and Acting Supreme Court Judge, was born in Albany in 1946. He was appointed by Governor Cuomo in June of 1990 to fill the newly created Family Court judgeship position in Albany County. In November of that year he was elected to a full 10-year term.

In November 1993, he was elected to a 10-year term in Albany County Court, and re-elected to a second 10-year term in the fall of 2002. In 1999 Chief Administrative Judge Jonathan Lippman appointed Judge Breslin to be the Supervising Judge of Criminal Courts in the Third Judicial District, as well as an Acting Supreme Court Justice.

In Education includes a B.A., Boston College, 1968; J.D., University of Toledo College of Law, 1973; Editor-in-Chief of Law Review. He was admitted to New York State Bar, 1974.

The Judge has a varied background including terms as Assistant District Attorney, Assistant Public Defender and Corporation Counsel. Immediately prior to being appointed to the bench, he had practiced law with his two brothers in the law firm of Breslin, Breslin and Breslin.

The Judge is active in the New York State and County Bar Associations. He is also a member and past president of the County Judges Association of the State of New York. He is married to Judith Pennock Breslin. They have two sons.
Gary Craig
Investigative Reporter for Rochester Democrat and Chronicle
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Gary Craig is a member of the Democrat and Chronicle’s Watchdog team, and focuses on public safety and criminal justice. He has worked at Rochester newspapers since 1990, covering City Hall, politics and federal courts before joining the newspaper’s investigative team. He has won state and national investigative writing awards. He is married with two daughters.
Mae Avila D'Agostino is a United States District Judge for the Northern District of New
York. At the time of her appointment in 2011, she was a trial attorney with the law firm of
D'Agostino, Krackeler, Maguire & Cardona, PC. Judge D'Agostino is a 1977 magna cum
laude graduate of Siena College in Loudonville, New York. At Siena College Judge
D'Agostino was a member of the women's basketball team. After graduating from
College, she attended Syracuse University College of Law, receiving her Juris Doctor degree
in May of 1980. At Syracuse University College of Law, she was awarded the International
Academy of Trial Lawyers award for distinguished achievement in the art and science of
advocacy.

After graduating from Law School, Judge D'Agostino began her career as a trial attorney.
She has tried numerous civil cases including medical malpractice, products liability,
negligence, and civil assault.

Judge D'Agostino is a past chair of the Trial Lawyers Section of the New York State Bar
Association and is a member of the International Academy of Trial Lawyers and the
American College of Trial Lawyers.

Judge D'Agostino has participated in numerous Continuing Legal Education programs. She
is an Adjunct Professor at Albany Law School where she teaches Medical Malpractice. She
is a past member of the Siena College Board of Trustees, and Albany Law School Board of
Trustees. She is a member of the New York State Bar Association and Albany County Bar
Association.
Michael J. Grygiel focuses his practice on national media law, with an emphasis on defending news and entertainment organizations from news-gathering and publication-related claims, including defamation, copyright infringement and invasion of privacy matters. He also represents media companies and other clients in complex Lanham Act, trade secret and Internet-related litigation and counseling.

Michael has served as lead trial counsel to media and other clients in bet-the-company litigation, including a nationally watched news aggregation copyright case and a trade libel action against a major medical device manufacturing company. He is experienced representing the press in a wide range of matters involving applications for access to civil and criminal court proceedings and records, and freedom of information law cases in both federal and state courts.

Prior to Michael’s career in private practice, he was the Director of the Arthur Levitt Public Policy Center at Hamilton College, where his teaching concentrated on First Amendment and constitutional law.
Kate Hogan is the Warren County District Attorney. After graduating from Washington and Lee University Law School, she began her legal career as an Assistant District Attorney in Brooklyn, where she specialized in trial work, prosecuting murders, rapes and serious felony cases. Kate entered private practice but soon returned to prosecution, accepting a position with the New York Prosecutors Training Institute where she helped trained prosecutors state wide on death penalty cases.

In 2001, Kate was elected Warren County District Attorney and currently is serving her fourth term. As District Attorney, Kate has tried a number of high profile cases, created a child advocacy center and helped implement the Warren County Treatment Court.

From 2009-2010, Kate served as the President of the New York District Attorneys Association. In that capacity, she successfully advocated for the passage of Leandra’s Law, Jack Shea’s Law and the implementation of a strangulation statute. She served as Chairman of the Board of Directors of the District Attorneys Association and currently serves on the Association’s Executive Committee. Kate served on Chief Judge Lippman’s Justice Task Force, Chief Judge Kaye’s Commission on the Jury, the New York State Arson Board and currently serves on the Sentencing Commission and the Children’s Justice Task Force where she continues to advocate for new legislation to protect children from abuse. In 2011, she was appointed to the New York State Law Enforcement Council and serves as the council’s chairperson. In July 2013, Governor Cuomo appointed Kate to the Moreland Commission which conducted an investigation that was turned over to the US Attorney’s Office and resulted in multiple convictions for systemic corruption in state government.

Kate has received awards from the United States Attorney’s Office for the Northern District of New York, the Spirit of Justice Award, for her work on behalf of victims of crime and from the Kings County District Attorney’s Alumni Association, as their most Distinguished Alumna. In 2012, the New York Prosecutors Training Institute awarded her the Prosecutor of the Year, Executive Leadership Award. In January 2016, the New York State Bar named Kate the Prosecutor of the Year.

Kate lives in Glens Falls with her husband, Kevin Bruen, and their three children.
Elaine Houston joined WNYT in January 1990. Today, she’s the anchor of News Channel 13 Live at 5:30 as well as a reporter. Her stories have taken her to the White House in 2015 where President Barack Obama posthumously presented WW1 soldier Sgt. Henry Johnson the Medal of Honor, to Oklahoma to cover tornado damage to Massachusetts and Sen. John Kerry’s bid for the White House, to Cuba to cover the custody battle of little Elian Gonzalez.

In 2016, she was presented the YOU GO GIRL award from HerLIFE Magazine for her stories on women impacting their community through her series Today’s Women on WNYT-13. She focuses on everything from the growing number of women who find themselves homeless, to the number of women changing their communities and the lives of other women through entrepreneurial enterprises, leadership roles, and non-profit organizations.

That same year she also received the MOM Prom award from the ZONTA club of Schenectady also for her inspiring stories on women. Elaine is so passionate about covering issues that are gender specific to women, as well as telling stories that give women a voice that she started her own website for women in 2014 www.SHEspeaks2me.com.

As the education reporter, Elaine highlights outstanding teachers and students with her Top Teacher and “The Best and the Brightest” programs. Her passion for education resulted in her creating an Education Forum for 100 teachers in 2011 to discuss the controversial Teacher Evaluation process. She received the Employee of the Month award for her efforts in that project.

In 1999, in her capacity as an education reporter, she organized a weekend trip to Space Camp in Canada for 30 educators. The goal was to help the teachers encourage their students to pursue careers in science and exploration.
Elaine has received numerous education awards including, the SAANY’s award in 2009 for outstanding education stories and the PTA lifetime award in 2000.

Elaine was recognized by WNYT in 2011, again with the Employee of the Month award for creating a company-wide lip dub video that was shown on television and later posted on the WNYT website and generating hundreds of hits.

Equally as important as her professional career is her work in the community and around the world. In 2012 Elaine’s humanitarian efforts were recognized in a cover story in the June issue of HERLIFE magazine. Also, in 2012, she received the Distinguished Community Service award from New York Gov. Andrew Cuomo.

In April 2005, Elaine received the Trefoil Award from the Hudson Valley Council of the Girl Scouts. The award recognizes outstanding members of the community who present positive role models to today’s Girl Scouts.

In May 2004, the College of St. Rose bestowed an honorary doctorate degree upon Elaine for her work in the community as well as her stories on teachers and her commitment to education. That same month the Women’s Press Club selected Elaine as the Media Person of the Year for her accomplishments in the community and her work at WNYT.

Elaine’s first book was published in March 2004. "The Friendships Between Women" is a compilation of letters from women on tragedy and triumph. The proceeds from the book go to women in the eastern Democratic Republic of Congo through Panzi Hospital. www.panzifoundation.org/panzi-hospital/

In February 2004, Elaine received the Journalist of the Year award from Urban Voices Newspaper for her positive stories on people of color. That same month she also received a community service award from the Chocolate Thunder Marching Band for her stories that chronicled the trials and triumphs of this award-winning marching band.

In January 2004, Elaine was awarded the NYS PTA life member award for her series Education Spotlight, Educator of the Week and other work celebrating teachers and students.

In February 2003 Elaine was awarded the governor’s African-Americans of Distinction Award for her contributions to her profession and the community.

In 2001 Elaine received the Governor’s Women of Courage and Vision Award for her contributions to her community and her profession. She also received the Colonie Chamber of Commerce Women in Professions Award for her professional and community achievements.
Elaine created a communications program at the Arbor Hill Community Center, teaching children ages 9-12 the basics of the broadcast business. In 1998 Elaine created the "Cookie House," an after school tutorial program for kids. Much of her spare time is spent traveling to schools, meeting with and talking to young people.

In 1996 she received an award for her community service from the Twin Rivers Council of Boy Scouts of America and the State University of New York’s Black Student Alliance.

Elaine is currently working on a project to provide sewing machines to African women in the eastern Democratic Republic of Congo. She has traveled to South Africa and Tanzania, Africa.

Elaine serves as host, mistress of ceremony and moderator of numerous community events and activities throughout the Capital Region.

A native of St. Louis, Missouri, Elaine earned a Master’s Degree in International Women’s Studies in 2009 from the State University of New York’s Empire State College and holds a B.S. in Journalism from Southern Illinois University-Carbondale.
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First Assistant United State Attorney
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Grant Jaquith is the First Assistant U.S. Attorney for the Northern District of New York, comprised of 32 counties of upstate New York that encompass over 30,000 square miles. In that capacity, Mr. Jaquith is responsible for the daily work of 45 lawyers in four offices who prosecute federal criminal cases and represent the United States in civil litigation. Office priorities are combatting terrorism, public corruption, gangs and violent crime, child exploitation, and financial crimes that cause broader harm, such as health care fraud, securities fraud, and environmental offenses, using appropriate criminal and civil remedies. Mr. Jaquith has been an Assistant U.S. Attorney since 1989, serving as Chief of the Criminal Division 2006-2010 and Chief of the Albany Office and Narcotics Chief, 1998-2006. Mr. Jaquith prepared the first Criminal Division and Civil Division Manuals for the District. Mr. Jaquith’s federal jury trials have included convictions for murder of a police officer, engaging in a continuing criminal enterprise, drug conspiracy, drug trafficking, firearms crimes, bank fraud, bank robbery, labor racketeering, and perjury, and he briefed and argued the appeals in such cases. Recent cases have included a $20.8 million resolution of a case involving misbranding of a drug by a pharmaceutical company, a Clean Air Act violation by a company monitoring asbestos abatement, an arson homicide investigation, and a perjury trial. Last year, Mr. Jaquith was honored with a Director’s Award for Executive Achievement.

The Northern District includes the Mohawk, Oneida, Onondaga, and Cayuga Nations and over 300 miles of the international border with Canada, with the St. Regis Mohawk territory straddling the border. Mr. Jaquith has worked to promote public safety in tribal communities and participated in periodic consultations with tribal governments. He has worked to enhance border security and improve collaboration with Canada, promoting the establishment of border area drug task forces and HIDTA expansion, organizing a Northern Border Summit, serving on the Cross Border Crime Forum Steering Committee and the committee responsible for the Beyond the Border initiative on the next generation of integrated cross-border law enforcement, and helping establish the U.S. – Canada Border Operations Leadership Team.
Mr. Jaquith served in the U.S. Army Judge Advocate General’s Corps from 1982-2011, rising to the rank of Colonel (in 2004). His military awards include the Legion of Merit. Mr. Jaquith served as an Army circuit judge from 2001-2010, presiding over courts-martial at forts throughout the continental United States and in Alaska, Germany, and Korea, including trials on charges of solicitation to murder, rape, aggravated assault, indecent assault, conspiracy, and internet solicitation of sex with children. In the spring of 2006, Mr. Jaquith was activated and served as the trial judge at Fort Bragg, North Carolina, for three months. Mr. Jaquith served as the Chief of Military Law (IMA) for U.S. Army Forces Command 2010-2011.

Before joining the U.S. Attorney’s Office, Mr. Jaquith was an associate in the litigation department of Bond, Schoeneck & King, in Syracuse, 1988-89, and a Judge Advocate on active duty in the U.S. Army, 1982-88, where his work included administrative law, labor law, settlement of civil claims, legal assistance to soldiers and their families, and criminal prosecutions. While on active duty, Mr. Jaquith also taught federal income taxation and juvenile law at the Ft. Leonard Wood Campus of Drury College (of Springfield, Missouri).

Before active military service, Mr. Jaquith worked as a Certified Legal Intern at the Public Defender’s Office, Eighth Circuit, Gainesville, Florida (1982), conducting misdemeanor trial defense, and as a Judicial Clerk in the Seventh Circuit, Volusia County, Florida (1981). Mr. Jaquith received his Juris Doctor from the University of Florida College of Law in 1982, and a Bachelor of Science (cum laude) in business administration/accounting from Presbyterian College, Clinton, South Carolina, in 1979, from which he was a Distinguished Military Graduate.
Terence L. Kindlon, Esq.
Defense Lawyer
The Kindlon Law Firm, PLLC
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(518) 434-1493

Terence L. Kindlon has practiced as a criminal defense lawyer in New York's capital city since 1974. He began his career as an assistant public defender and entered private practice in the late 1970's. Over the years Terry has defended many people charged with serious crimes and has tried more than 175 felony cases to verdict. Additionally, he has maintained an extensive appellate practice.

Certified in capital defense, he has zealously represented a number of men facing the death penalty in both state and federal court. One of the founding members of the New York State Association of Criminal Defense Lawyers, Terry has served as a lecturer for that group as well as for the Criminal Justice Section of the Criminal Justice Section of the New York State Bar Association.

Among the professional awards Terry has received are the New York State Defenders Association Service of Justice Award, the New York State Bar Association’s David S. Michaels Memorial Award for Courageous Efforts in Promoting Integrity in the Criminal Justice System, the Thurgood Marshall Unity Award by the NAACP Oneonta Area Branch, the Disabled American Veterans Certificate of Appreciation for the DAV Vietnam Veterans Outreach Program and a Commendation from the Veterans Administration Vet Center for Legal Assistance.

Terry has received the Martindale Hubble AV rating (highest ratings for Legal Ability and General Ethical Standards) and has also been selected for inclusion in "New York Super Lawyers" for the past several years.

During the War in Vietnam Terry served in the United States Marine Corps. He was medically retired as Sergeant as a result of serious wounds received in combat in Quang Tri
Province during the Tet Offensive of 1968. As a result of his actions, Terry received the Purple Heart medal and was awarded a bronze star with a combat "V" for valor.

Terry resides in the Capital District, flies a twin-engine Cessna 340 and is an active volunteer pilot with Angelflight NE.
Brendan Lyons has been a reporter for 23 years and has been with the Times Union as an Investigations Editor/Senior Writer since 1998. Before that, he was employed as a Staff Reporter for the Post-Star in Glens Falls, NY for six years.

Brendan’s areas of interest in reporting include business, government, court/criminal justice and investigative reporting. His specialties include computer-assisted reporting, investigative research and public records access, including extensive experience with freedom of information laws at state and federal levels.

Brendan received his B.A. in English from Siena College in 1986.
Judge Lawrence K. Marks was appointed to the Court of Claims by then-Governor David Paterson in 2009; he was re-appointed to that position in 2015 by Governor Andrew Cuomo. Judge Marks has been a Commercial Division judge since January 2011, sitting first in Nassau County, and since 2012, in New York County.

In addition to presiding over an active commercial part, Judge Marks is the Chief Administrative Judge of the New York State court system. As Chief Administrative Judge, he oversees the day-to-day administration and operation of the statewide court system, with a budget of over $2.5 billion, 3,600 state and local judges and 15,000 nonjudicial employees in over 300 locations across the state. He previously served as the First Deputy Chief Administrative Judge, Administrative Director of the Office of Court Administration, Special Counsel to the Chief Administrative Judge and OCA’s Deputy Counsel for Criminal Justice.

Prior to joining the court system, he was a senior supervising attorney with the Legal Aid Society in New York City, a litigation associate with Hughes Hubbard & Reed and a law clerk to U.S. District Judge Thomas C. Platt.

Judge Marks is a graduate of the State University of New York at Albany (magna cum laude) and Cornell Law School (cum laude), where he was an editor of the law review.
David E. McCraw, Esq.
The New York Times
Deputy General Counsel
620 Eighth Avenue
New York, NY 10018
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(212) 556-4031

David McCraw is the Vice President and Deputy General Counsel for The New York Times Company, where he has worked since 2002. He serves as the Company’s principal newsroom attorney. Mr. McCraw also serves as the lead litigation attorney for freedom-of-information lawsuits brought by The Times and its journalists. He is a graduate of the University of Illinois, Cornell University, and Albany Law School. Mr. McCraw is an adjunct professor at the NYU School of Law.
Mickey H. Osterreicher, Esq.
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200 Delaware Avenue
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Mickey H. Osterreicher is of Counsel to Barclay Damon, LLP in the Media & First Amendment Law Practice Area and serves as general counsel to the National Press Photographers Association (NPPA). He is on the governing board of the American Bar Association Communications Law Forum, co-chair of the Fair Use committee of the American Bar Association Intellectual Property Law Committee, a member of the New York State Bar Association Media Law Committee, the Media Law Resource Center (MLRC) newsgathering committee and the First Amendment Lawyers Association (FALA). He is an award winning photojournalist with over forty years’ experience in print and broadcast. His work has appeared in such publications as the New York Times, Time, Newsweek and USA Today as well as on ABC World News Tonight, Nightline, Good Morning America, NBC Nightly News and ESPN.

As a lawyer, Mr. Osterreicher is actively involved in such issues as: cameras in the courtroom, the federal shield law, media access, public photography, ag-gag legislation, anti-paparazzi statutes, drones, copyright, fair use and orphan works. He has testified before Congress regarding electronic coverage of federal court proceedings and before state legislatures regarding use of drones for newsgathering. He has provided training on First, Fourth and Fourteenth Amendment issues to law enforcement agencies and associations throughout the United States and has moderated and participated on panels nationwide, speaking about the right to photograph and record in public. Osterreicher has trained officers and helped develop policies and guidelines for law enforcement agencies throughout the country. He writes regularly for the NPPA and MLRC as well as other online publications and has been quoted in the news nationally on many of these issues.

Mr. Osterreicher has been an adjunct lecturer in photojournalism at SUNY at Buffalo and an adjunct law professor in media and the law at the University at Buffalo Law School. The Society of Professional Journalists honored him in 2015 as a “Fellow of the Society,” the
highest professional honor given by the Society for extraordinary contribution to the profession. In 2013 he was awarded the Joseph A. Sprague award by the NPPA as the highest honor in the field of photojournalism. He is a Trustee of the Alexia Foundation, promoting world peace and cultural understanding through the power of photojournalism. Osterreicher has been a uniformed reserve deputy with the Erie County Sheriff’s Department since 1976 and is a member of the Public Recording of Police Advisory Committee of the IACP as well as ILEETA. He is also certified as having been trained under the National Incident Management System (NIMS).

Mr. Osterreicher graduated cum laude in 1973 from SUNY at Buffalo with a Bachelor of Science degree in Photojournalism/Photography and received his Juris Doctor, cum laude from the University of Buffalo Law School in 1998. He is admitted to practice in New York State, U.S. District Court for the Western District of New York and the U.S. Supreme Court.