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Swearing In Ceremony: Investiture of Beth Cozzolino as District Attorney of Columbia County

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Roger J. Miner
U.S. Circuit Judge

Investiture of Beth Cozzolino
as District Attorney of Columbia County
Columbia County Courthouse
Hudson, New York
Monday, January 1, 1996
Noon

It is an honor and a privilege to preside at this ceremony marking the investiture of Beth Gabel Cozzolino as District Attorney of Columbia County. Before I administer the oath of office, I would like to say a few words about Beth and about the important work she is about to undertake. I shall also recognize some others who wish to be heard. After all the remarks are completed and the oath is administered, I am going to do something I never thought that I would do -- kiss a District Attorney!

By my calculations, Beth Gabel was in the fifth grade when I was first sworn in as Columbia County District Attorney by County Clerk Harold Leggett. I do not think that my investiture would have had very much significance for Beth at the time, even if she had known about it. But it had a great deal of significance for me, and I was a little bit awe-struck by the whole thing. It took a while for me to realize that I had taken on some very important responsibilities. In fact, it took some time for me even to realize that I held the position. Looking back, I think that the years I served in this office were in many ways the most satisfying of my career.

I well remember my first day in this courtroom as District Attorney. I came up from the office and sat in that last row of

chairs on this side of the bar. A number of attorneys were present on each side of me. In my hands, I held a number of files for arraignments. Bill Christiana, the County Judge, entered the courtroom, and we all rose. When we were seated, the Judge spoke: "Mr. District Attorney," he said. I looked around, waiting for the DA to appear. "Mr. District Attorney," he said a second time. Then it hit me, "He means me!" And for the next seven years, from 1968-1975, I always answered when called.

It is much different for Beth. She has answered to "District Attorney" before, having served as Acting District Attorney after Paul Czajka became County Judge. Before that, she served as Paul's First Assistant District Attorney for more than eight years. And a very successful prosecutor she was, with a conviction rate second to none. She comes to this office with more prosecutorial experience than anyone who has ever held the position. She knows how to try a case, and she knows the criminal law and procedure. Since her graduation from Western New England Law School in 1985, she has spent the greater part of her career in the courtroom prosecuting criminal offenders.

I think that Beth Cozzolino will prove to be the best District Attorney in the history of Columbia County, present company not excepted. I believe this because she brings to the position more than her technical abilities, her experience, her management techniques and her courtroom savvy. She brings to the position a good heart, compassion, understanding, ability to relate to her fellow citizens, patience and great strength of character. A District Attorney conducts a continuing dialogue

with the citizens of the county. During jury service, during trials, during grand jury proceedings and on the street, the citizens provide feedback to the District Attorney. And the District Attorney is responsible to no one but the citizens who elected her. Beth will never need to ask: "How am I doing?" The people will tell her, and Beth knows how to listen. A favorite story of mine is about the jury foreman who, when asked by the judge for the jury's verdict, said: "Your honor, we have decided not to get involved." I do not think that any case Beth prosecutes will elicit such a response.

And the people expect from a District Attorney more than just someone who is tough on crime. That "tough on crime" rhetoric may be okay for campaign literature, but there certainly is much more to the job than that. And Beth has a great understanding of what the "much more" is. Speaking of campaigns, I pause here to recall a newspaper report that I read in which Beth's opponent proclaimed a policy of "take no prisoners." This opponent in fact took no prisoners, because you have to win the battle in order to take prisoners! And yes, there is more to it than "tough on crime," because the focus of the prosecutor from time to time must be turned to other participants in the Criminal Justice System. Ten years ago, I wrote a law review article entitled "Victims and Witnesses: New Concerns in the Criminal Justice System." In the article, which grew out of a speech I had given earlier, I noted a shift in emphasis in the Criminal Justice System to the interests of victims and witnesses -- their protection, assistance and compensation.

Beth has been in the forefront of those concerned with victims of crime. She long ago implemented crime victims' assistance procedures in Columbia County and has been especially active in programs for child abuse victims. I know that she is concerned about the safety of witnesses, adequate compensation for them and conservation of their time as they become enmeshed in the system. She is concerned about the working conditions, compensation and selection of jurors and about the needs of court personnel and of her office staff. And I know that she is interested in the training and education of police officers. I am proud to have instigated some educational programs for police officers during my tenure as District Attorney. It was always a privilege for me to work with the dedicated men and women of the police agencies serving Columbia County, and I know Beth feels the same way. But some tips from the District Attorney are often very helpful. I know that Beth has been very active in the training of one police officer -- Deputy Sheriff John Cozzolino -- he seems very well trained to me.

And when it comes to the prosecution of offenders, the judgment of the District Attorney takes on immeasurable importance. The District Attorney decides what charges will be prosecuted and, in the initial stages of prosecution, has more power than the judge who will ultimately hear the case. A prosecution cannot be brought to court unless the DA brings it there. We therefore look for a prosecutor who knows when to hold 'em and when to fold 'em. We look for the best judgment, and we are fortunate that Beth has that best judgment. All offenders

are not equal, and different offenses call for different punishments. Some offenders must be shut away for a very long time, but others should have a second chance. All should make full restitution to their victims. The judgment of the DA is vital in these matters.

In this courtroom many years ago, I prosecuted a woman for the murder of her husband. The jury found the defendant guilty and the verdict was affirmed after I argued two appeals in the case. A great many years later, after the woman had served a substantial prison term, she sought an early release. I was by that time on the bench but, after reviewing her record in prison and other factors, I joined with those who urged the Parole Board to release her. My judgment in that case has been vindicated. Even in the case of serious crimes, it is important to know that human beings are involved, that all those incarcerated will one day be released from prison and that the families of offenders often suffer the most. Beth will know when to hold 'em and when to fold 'em.

The ethical responsibilities of a prosecutor are far different from those of a defense attorney. The defense attorney must use all legal resources at his or her command to represent his or her client in the best way possible. That is the duty of defense counsel in our adversary system. It is much different for a lawyer engaged in public prosecution. Our Rules of Professional Conduct say: "A prosecutor has the responsibility of a minister of justice and not simply that of an advocate. This responsibility carries with it specific obligations to see that

the defendant is accorded procedural justice and that guilt is decided upon the basis of sufficient evidence." Yes, the duty of the prosecutor is to protect the innocent as well as to convict the guilty. During my days as a federal trial judge, I always ended my charge to the jury with this admonition: "The question is not whether the government wins or loses this case. The government always wins when justice is done." I am confident that Beth will see that justice is done for your sake, for my sake, for the sake of Joseph Gabel Cozzolino, who is named after Beth's beloved father, and for the sake of all the citizens of Columbia County.

Ladies and Gentlemen, this is an historic occasion. It is historic not because Beth is the first woman to be elected District Attorney of Columbia County. It is historic because we are to have a District Attorney who brings to that office the best credentials of anyone who has ever taken the oath that I will administer today.

OATH

I, BETH GABEL COZZOLINO, DO SOLEMNLY SWEAR (OR AFFIRM) THAT I WILL SUPPORT THE CONSTITUTION OF THE UNITED STATES, AND THE CONSTITUTION OF THE STATE OF NEW YORK, AND THAT I WILL FAITHFULLY DISCHARGE THE DUTIES OF THE OFFICE OF COLUMBIA COUNTY DISTRICT ATTORNEY, ACCORDING TO THE BEST OF MY ABILITY. [SO HELP ME GOD]