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January 18, 2024

New York City Conflicts of Interest Board
2 Lafayette Street
New York, NY 10007

Re: Consulting arrangement with John Castellano

Honorable Members of the Board:

This letter serves to notify the Conflicts of Interest Board that, in accordance with COIB Rule 1-07(d), the Queens County District Attorney's Office has retained John Castellano as a consultant. Mr. Castellano retired from City service on December 31, 2023, after more than 40 years with this agency. As Chief of Appeals and later Deputy Executive of the Division including the Appeals Bureau, he oversaw as many as 40 appellate attorneys and directed all post-conviction litigation for the office at the state and federal level for over 20 years. After taking on the job of Counsel to the District Attorney in 2020, he continued to oversee and edit all of our briefs in the New York Court of Appeals, the State's highest court, and the United States Court of Appeals for the Second Circuit. He has also provided critical advice on pressing legal issues faced by the Office over the last four years, particularly those involving post-conviction matters, his area of expertise, and he has acted as a liaison with various city agencies, including the Conflicts of Interest Board and the New York City Law Department.

In the past year and a half, the New York Court of Appeals has dramatically increased the number of our cases in which leave to appeal has been granted. There were as many as seventeen cases in the state's highest court pending at one time during this period, which constituted a substantial portion of the Court's criminal docket, and Mr. Castellano has had substantial involvement in each of these cases. At the same time, we have experienced a dearth of appellate attorneys capable of such high-level work. As a result, we have on occasion had to rely on attorneys with significantly less experience in that Court, who have needed detailed guidance in the briefing of their cases, which Mr. Castellano has provided. As a result of this scarcity of experienced appellate attorneys, Mr. Castellano has had to personally write multiple briefs in the Court of Appeals, which he was either argued personally or agreed to argue.

In view of these needs and the fact that Mr. Castellano's professional expertise and skills are not otherwise available among the agency's employees, he has been retained as a consultant as of January 22, 2024. His duties will include supervising the remaining Court of Appeals caseload, still upwards of eleven cases, and editing all briefing in these cases, as well as training newer assistants in the skills required to file briefs in the state's highest court. I will also take advantage

of his invaluable appellate and institutional expertise acquired over many years to advise me and my staff on important legal issues involving our currently pending cases. And he will use his knowledge acquired over the last four years to continue to act as a liaison with The New York City Law Department, specifically as to particular matters currently being handled by that agency in which Mr. Castellano has been substantially involved, and with the Conflicts of Interest Board.

Mr. Castellano is being retained for a period of one year, which is no longer than reasonably necessary to continue and complete the work as described above. If it is determined that Mr. Castellano's services are still needed at the conclusion of that period, we will consider renewing this arrangement for an additional period. Mr. Castellano's last earned yearly salary was \$203,700 and his hourly consulting rate is \$113.74, which is commensurate with his former salary.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Melinda Katz', written in a cursive style.

Melinda Katz
District Attorney
Queens County