



WELCOME

Prosecutors' Center for Excellence Pop-Up

How Prosecutors Help Fight Workplace Crimes and Injustice

February 7, 2023



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How Prosecutors Help Fight Workplace Crimes and Injustice

AGENDA

February 7, 2023

12:00 pm—2:00 pm (EST)

- 12:00 PM** **Kristine Hamann:** Executive Director, PCE
Welcome and Introduction
- 12:05 PM** **Terri Gerstein:** Director, State and Local Enforcement Project, Harvard Center for Labor and a Just Economy; Senior Fellow, Economic Policy Institute
Workplace Justice and the Role of the Modern Prosecutor
- 12:20 PM** **Susan Crumb:** Former Attorney Manager of the Complex Crime Unit, Hennepin County, Minnesota
Developing Labor Trafficking and Prevailing Wage Prosecutions
- 12:45 PM** **Veronica Mendez-Moore:** Co-Director, Centro de Trabajadores Unidos en la Lucha, Minneapolis, Minnesota
The Role of Advocacy Groups and Workers in Workplace Justice
- 1:00 PM** **Questions**
- 1:05 PM** **Richard Balletta:** Criminal Section Chief, Labor Bureau, Nassau County, New York
Case Study: Corporate Wage Theft
- 1:20 PM** **Lynn Feigenbaum:** Chief of the Major Felony Bureau, Suffolk County, Massachusetts
Case Study: Workplace Fatality
- 1:35 PM** **Elena Goldstein:** Deputy Solicitor, US Department of Labor
Working with the US Department of Labor
- 1:50 PM** **Questions**
- 1:55 PM** **Kristine Hamann:** Executive Director, PCE
Conclusion and Survey



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Speaker & Facilitator Bios



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Richard Balletta
Criminal Section Chief, Labor Bureau
Nassau County, New York

Richard Balletta has been involved with Labor Law enforcement since 1998 when he joined the New York State Office of the Attorney General's Labor Bureau. For ten years Mr. Balletta concentrated on affirmative litigation to protect the rights of workers in New York State. While at the AG's Office from 1988 until 2008 he was a participating member of the New York State Joint Enforcement Task Force on Employee Misclassification, lead counsel on prevailing wage litigation, bankruptcy priorities litigation, and surety litigation. Mr. Balletta also helped to form and shape the direction the Labor Bureau's Criminal Prosecution Section which concentrated on felony prevailing wage and failure to pay wage prosecutions arising under the New York State Labor Law. In 2008, Mr. Balletta joined the New York State Department of Labor as the Assistant to the Executive Director of the New York State Joint Enforcement Task Force on Employee Misclassification and Chief Unemployment Fraud Officer. During that time he directed investigations for the member governmental agencies of the Task Force, coordinated settlements, administrative hearings, and criminal prosecutions related to the misclassification of workers and failure to pay Unemployment Insurance Contributions. In 2011, Mr. Balletta joined the Nassau County District Attorney's Office as the Chief of the Labor Unit where he directed criminal investigations and prosecutions involving prevailing wage law violations, minimum wage law violations, unemployment insurance fraud, workers' compensations fraud and tax fraud. In June of 2014 Mr. Balletta returned to the New York State Office of the Attorney General where he served as the Criminal Section Chief in the Labor Bureau. Longing for home, he returned to the Nassau County District two months ago where he is the Attorney-In-Charge of Labor.

Prior to entering Public Service in 1998, Mr. Balletta practiced criminal defense with the Nassau County Legal Aid Society and as a member of the law firm of Barket, Insardi & Balletta PC. Mr. Balletta is a graduate of Hamilton College and St. John's University School of Law.



Susan Crumb
Former Attorney Manager of the Complex Crime Unit
Hennepin County, Minnesota

Susan Crumb was a Senior Assistant County Attorney with the Hennepin County Attorney's Office in Minneapolis, Minnesota. Susan recently retired after nearly 40 years prosecuting criminal cases and most recently served as the manager for the Complex Crimes Unit, investigating and prosecuting financial crimes including labor trafficking, wage theft and related offenses.



Lynn Sara Feigenbaum
Chief of the Major Felony Bureau
Suffolk County District Attorney's Office, Massachusetts

Lynn Sara Feigenbaum is an Assistant District Attorney with the Suffolk County District Attorney's Office, and currently serves as a Chief of the Major Felony Bureau. She has previously been assigned to various Superior Court units, including the Senior Trial Unit, the Domestic Violence and Sexual Assault Unit, the Major Felony Bureau, and the Juvenile Unit. She began her prosecutorial career in Roxbury District Court. She is a graduate of Northeastern University School of Law and Northwestern University.



Terri Gerstein
Director, State and Local Enforcement Project
Harvard Center for Labor and a Just Economy

Senior Fellow
Economic Policy Institute

Terri Gerstein is the director of the State and Local Enforcement Project at the Harvard Law School Center for Labor and a Just Economy, and a senior fellow at the Economic Policy Institute. Previously, she was the labor bureau chief in the New York State Attorney General's Office and a deputy commissioner in the New York State Department of Labor. Before her government service, Terri was a nonprofit lawyer in Miami, Florida representing immigrant workers. Her writing on workers' rights issues has appeared in the New York Times, The Washington Post, Slate, The American Prospect, NBC News THINK, Teen Vogue, and more. She is a member of the American Law Institute, and is a graduate of Harvard College and Harvard Law School.



Elena Goldstein
Deputy Solicitor of Labor
US Department of Labor

Elena Goldstein serves as the Deputy Solicitor of Labor. Immediately prior to rejoining the Department in 2021, Ms. Goldstein served as Deputy Chief of the Civil Rights Bureau in the New York State Office of the Attorney General, where she served as a lead counsel in numerous cases challenging federal executive and agency actions and supervised a wide range of civil rights matters.

Ms. Goldstein previously spent nine years as a career employee in the Office of the Solicitor, litigating cases involving minimum wage and overtime laws, workplace safety, whistle-blower statutes, and a variety of other labor and employment laws. She also worked as a Skadden Fellow and senior staff attorney at the New York Legal Assistance Group, where she helped to start a workers' rights project focusing on the rights of low-wage and immigrant workers. She also served as a law clerk for the Honorable Jed S. Rakoff in the Southern District of New York and the Honorable Robert A. Katzmann on the Second Circuit Court of Appeals.

Ms. Goldstein is a graduate of the University of Michigan and Harvard Law School.



Kristine Hamann
Executive Director
Prosecutors' Center for Excellence

Kristine Hamann is the Executive Director and founder of Prosecutors' Center for Excellence (PCE). PCE provides consulting, publications, national meetings, and research services for prosecutors to promote best practices, spur innovations and implement solutions. PCE conducts assessments of prosecutor offices of all sizes providing recommendations for improved practices and efficiencies. From 2013 to 2016, Kristine Hamann was a Visiting Fellow at DOJ/Bureau of Justice Assistance where she worked with prosecutors in over 30 states on best practices. She chairs the NY State Best Practices Committee for prosecutors and teaches at Georgetown Law School. She was a member of the American Bar Association (ABA) Criminal Justice Council and is on the ABA Criminal Justice Journal Editorial Board. From 2008 to 2013, Ms. Hamann was the Executive Assistant District Attorney for the Special Narcotics Prosecutor for the City of New York. From 2007 to 2008, Ms. Hamann was the New York State Inspector General. From 1998 to 2007, Ms. Hamann served as the Executive Assistant DA to DA Robert Morgenthau in the Manhattan District Attorney's Office in New York City. Prior to 1998, Ms. Hamann held several other positions in that office including Deputy Chief of the Trial Division and Director of Training. She started her career as a violent crime prosecutor. She has received various awards for her public service, including The Ethics and Accountability Award (City and State NY, 2018), Outstanding Prosecutor of 2013 (NY State Bar Association), Prosecutor of the Year for Executive Leadership (NYS District Attorney's Association 2010), Excellence in Government Award (Albany Law School, 2008) and Public Service Award for Outstanding Public Service (NY County Bar Association, 2005).



Veronica Mendez Moore
Co-Director
Centro de Trabajadores Unidos en la Lucha, Minnesota

Veronica Mendez Moore is a Co-Director at Centro de Trabajadores Unidos en la Lucha (CTUL; Center of Workers United in Struggle), a Workers Center in Minneapolis. For over 19 years, she has organized and developed leadership with low-wage workers to fight for fair wages, working conditions and a voice on the job in different industries across the Twin Cities and worked to shift the balance of power between low-wage workers of color and the large corporations that drive our economy. CTUL plays a crucial role in the labor movement, creating innovative, new models of organizing that re-organize the economy to build more power with and for workers. Most notably, CTUL organized with retail janitors across the Metro Area resulting in Target implementing a Responsible Contractor Policy with its cleaning contractors as well as industry-wide wage increases. This policy is the first of its kind in this industry nationwide and ensures organizing rights for janitors who clean Target. Following this, the Twin Cities has become the only metropolitan area in the country where the majority of this industry is union.

Veronica Mendez Moore is Co-Director at Centro de Trabajadores Unidos en Lucha (CTUL; Center of Workers United in Struggle), a Workers Center in the Twin Cities. For 15 years, she has organized and developed leadership with low-wage workers to fight against corporate giants for fair wages, working conditions and a voice on the job. CTUL plays a crucial role by creating innovative models of organizing that re-organize the economy to build more power for workers.



Sophia Roach
Senior Attorney
Prosecutors' Center for Excellence

Sophia Roach was a prosecutor in the San Diego County District Attorney's Office (SDCDA) for 23 years, where she assisted in the management of four divisions, issued and prosecuted over 600 vertical gang, narcotics, and family protection cases, and prosecuted 77 jury trials to verdict, including 11 murder cases and oversaw large scale investigations and wiretap projects. Ms. Roach is an expert in gang prosecution, the development of informants, protecting confidential information and vulnerable witnesses, complex wiretap investigations, inclusive *voir dire*, and elimination of bias in prosecution work. She is a veteran instructor of lawyers, law enforcement, and students at both the law school and collegiate level. She also served as an in-house Ethics Advisor from 2010-2021.

Ms. Roach previously served as a liaison to the FBI Violent Crime Task Force, the East County Gang Task Force, the Jurisdictions United for Drug and Gang Enforcement Task Force, and the San Diego Crime Laboratories. She was a training advisor for the California District Attorneys Association Narcotics Section, a member of the SDCDA Legal Training Advisory Board from 2009-2021, and the advisory board for the SDCDA Committee on Race and Equity.

Ms. Roach helped form the NDAA Women Prosecutors Section, San Diego Women Prosecutors, and Power League, a school based SDCDA outreach program. She served on the board of directors for the California District Attorneys Association and the San Diego Deputy District Attorneys Association, which awarded her their 2009 "Outstanding Prosecutor" and 2019 "Prosecutor of the Year" awards as well as two service awards. Ms. Roach has received 3 FBI Director Commendations and numerous other local law enforcement commendations.

Ms. Roach is currently employed as a senior attorney with Prosecutors' Center for Excellence and a consultant and trainer for Fair and Impartial Policing, where she has helped develop and teach their Science of Bias program for prosecutors. She also holds an LLM in Prosecutorial Science.



Related Materials



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Materials about criminal prosecution of worker exploitation cases

Compiled by Terri Gerstein Harvard Center for Labor and a Just Economy

Reports

- Terri Gerstein, [How district attorneys and state attorneys general are fighting workplace abuses](#), Economic Policy Institute and Harvard Labor and Worklife Program, May 17, 2021. (NOTE: Appendix A contains sample pleadings; Appendix C contains guidance on getting started for prosecutors' offices new to this work).
- [Protecting Workers: Wage Theft Enforcement for the Local Prosecutor](#) Issued by the Institute for Innovation in Prosecution at John Jay College, July 2022.
- [Preventing Death and Injury on the Job: The Criminal Justice Alternative in State Law](#), Center for Progressive Reform, March 2016.

Webinars

- [Prosecutions of wage theft and other employer crimes](#), webinar hosted by Economic Policy Institute, May 18, 2021, featuring Boulder County (CO) DA Michael Dougherty and Travis County (TX) DA Jose Garza, among other speakers.
- [Video recording](#) of Economic Justice panel webinar hosted by Travis County DA's office (Austin TX), September 8, 2021
- [Criminal Enforcement of Environmental Violations 3: Workplace Safety Prosecutions](#), webinar hosted by NYU State Energy & Environmental Impact Center, September 12, 2022.

Law review VIDEOS

- Anthony Damelio, [Making Wage Theft Costly: District Attorneys and Attorneys General Enforcing Wage and Hour Law](#), 49 Fordham Urb. L.J. 109 (2021).
- Terri Gerstein, [State and Local Workers' Rights Innovations: New Players, New Laws, New Methods of Enforcement](#), 65 St. Louis U. L.J. 45 (2021) (see pp. 63-71 regarding prosecutors)
- Ben Levin, [Wage Theft Criminalization](#), 54 U.C. DAVIS L. REV. 1429 (2021) (opposing).
- César F. Rosado Marzán, [Wage Theft as Crime: An Institutional View](#) (March 21, 2020). 20 Journal of Law & Society 300 (2020).
- Annie Smith, [The Underprosecution of Labor Trafficking](#), 72 S.C. L Rev. 477 (2020).

Op-eds on criminal prosecution of wage theft

- Diana Florence, [Defending workers is now life-and-death: What essential employees need in the coronavirus crisis](#), New York Daily News, April 5, 2020.
- Terri Gerstein, [Stealing From Workers is a Crime. Why Don't More Prosecutors See It That Way?](#), The Nation, May 24, 2018.
- Terri Gerstein, [More states should follow new Colorado policy on wage theft](#), The Hill, May 30, 2019.

- Lucy Lang, [Prosecutors should protect workers from white collar crime](#), City & State New York, April 14, 2020.
- Nathan Newman, [Progressive Policing Requires a Well-Funded War on Corporate Crime](#), The American Prospect, February 2, 2021.

Select news coverage about wage theft and prosecutors' role in bringing worker exploitation cases

- Chris Hacker, Ash-Har Quraishi, Amy Corral, Ryan Beard, [Wage Theft Often Goes Unpunished Despite State Systems Meant To Combat It](#), CBS News, January 24, 2023. (VIDEO) (Describes the extent of the problem, lack of enforcement, need for prosecution).
- Christina Bravo, [DA Announces Dedicated Unit to Prosecute Workplace Crimes](#), NBC San Diego, Feb. 22, 2021.
- Ben Christopher, [Cracking Down on Wage Theft](#), Cal Matters, October 24, 2022.
- Jamie Goldberg, [Multnomah County district attorney moves to prosecute employers who intentionally cheat workers out of pay](#), The Oregonian, April 29, 2022.
- Max Nesterak, [Commerce Fraud Bureau to get new powers to investigate wage theft, other financial crimes](#), Minnesota Reformer, May 25, 2022.
- Chris Opfer, [Prosecutors Treating 'Wage Theft' as a Crime in These States](#), Bloomberg Law, June 26, 2018.
- Daniela Porat, [A Growing Trend: Treating Wage Theft As A Criminal Offense](#), Law 360, September 23, 2021.
- Radmilla Suleymanova, [Bad bosses: US prosecutors crack down on labour violations](#), Aljazeera, May 18, 2021.

OnLabor Blog posts regarding criminalization of wage theft (pro and con):

- Ben Levin, [Rethinking Wage Theft Criminalization](#), April 13, 2018 (con).
- Terri Gerstein and David Seligman, [A Response to "Rethinking Wage Theft Criminalization,"](#) April 20, 2018 (pro).
- Ben Levin, [Prosecutorial Power, Prisons, and the Problem with Wage Theft Criminalization: A Reply](#), April 30, 2018 (con).
- Michael Migiel-Schwartz, [Why District Attorneys Should Take Up Wage Theft Criminalization](#), February 22, 2021 (pro).

Media coverage of recent cases around the country:

- Minnesota [LINK TO VIDEO](#)
- Colorado [LINK TO VIDEO](#)
- Massachusetts [LINK TO VIDEO](#)
- Florida [LINK TO VIDEO](#)
- Pennsylvania [LINK TO VIDEO](#)
- California [LINK TO VIDEO](#)
- Texas [LINK TO VIDEO](#)

Materials compiled by Susan Crumb, Former Senior Assistant County Attorney, Hennepin County, Minnesota

1. [Victim and Witness Advocacy for Wage Theft and Labor Trafficking](#)
2. [Process for dealing with Criminal Referrals from State, Federal and non-profit agencies](#)
3. [Labor Trafficking and Insurance Fraud Complaint](#)
4. [Newell—Theft of Wages Complaint](#)



CLE Credit and Survey



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Instructions to Receive CLE Credit

Please Read Carefully

The Prosecutors' Center for Excellence has not requested continuing legal education accreditation for this program. Instead, we will supply you with a **Uniform Certificate of Attendance**. This certificate will include Prosecutors' Center for Excellence (PCE) as the sponsor, the title of this conference, the dates of this conference, the location of this conference as well as a calculation of the CLE Credit Hours under both a 60-minute and 50-minute hour system. We believe that these hours accurately reflect the CLE credit you should receive. However, each state has its own rules on the accrediting process which could affect this calculation.

At the end of each session, you will receive a conference evaluation. You will need to fill out the survey in order to receive the **Uniform Certificate of Attendance.**

As part of the meeting materials, PCE will supply you with this meeting's agenda, a description of the various content to be covered throughout this conference, as well as the names and biographies of the speakers.

You will need to apply for CLE credit on your own through your state's specific process. Most jurisdictions have this as an option. Some jurisdictions require members to apply and report within 30 days of the original program date. We hope that the **Uniform Certificate of Attendance** will aid you in this process.

Sign-In Sheets

To obtain CLE credit, most states require attendees to sign in at the time of the meeting. PCE will maintain a copy of the registration list as well as a record of who attended each session (present at start and end of each session) and send copies upon request.

Here are some specific sign-in rules from a variety of states. There will be no physical sign-in sheet, instead PCE will be taking time-stamped log of participants from zoom reports. If you need a copy of our records please contact PCE.

Delaware Attorneys: Delaware Attorneys and speakers seeking CLE credits must **sign in** at each individual session you attend.

Illinois Attorneys: Illinois Attorneys and speakers seeking CLE credits must **sign in** at each individual session you attend. The sign-in documentation is used to verify your total number of CLE hours.

New York Attorneys: New York Attorneys and speakers seeking CLE credits must **sign in** and **sign out** of each individual session you attend.

Pennsylvania Attorneys: Pennsylvania Attorneys must complete the Pennsylvania CLE Credit Request form to report attendance at in-person programs.

Texas Attorneys: Texas Attorneys must complete the Texas CLE Course Attendance Form to report attendance at in-person programs.



PROSECUTORS' CENTER FOR EXCELLENCE

UNIFORM CERTIFICATE OF ATTENDANCE

SPONSOR: Prosecutors' Center for Excellence
ACTIVITY TITLE: PCE Pop Up – How Prosecutors Help Fight Workplace Crimes and Injustice
DATE: February 7, 2023
LOCATION: Virtual

____ **Full Program:** 2 hours of CLE credit (not Ethics), PENDING STATE APPROVAL.

TO BE COMPLETED BY ATTORNEY

By signing below, I certify that I attended the activity described above and am entitled to claim
_ 2 _ CLE credit hours of which _ 0 _ were in Ethics.

ATTORNEY'S NAME *(please print)*


SIGNATURE

BAR MEMBERSHIP, REGISTRATION
OR SUPREME COURT NUMBER

DATE

STATE WHERE CREDITS ARE TO BE
REGISTERED

ACKNOWLEDGED BY:

 Digitally signed by
Kristine Hamann
Date: 2023.02.04
09:55:40 -05'00'

Kristine Hamann
Executive Director / Founder
Prosecutors' Center for Excellence
Phone: 917.885.9065

NOTE: PLEASE DO NOT RETURN THIS FORM TO PCE

Meeting Survey

The February 7, 2023 PCE Pop-Up, *How Prosecutors Help Fight Workplace Crimes and Injustice*, survey will be available at the end of the meeting. If you need proof of your survey for CLE credit please email PCE at contactpce@pceinc.org.

Survey Link:

[Survey](#)

Questions about Survey:

Marissa D'Amore– mdamore@pceinc.org

Kristine Hamann- Khamann@pceinc.org



Thank you for participating!