



## The New York Times

# *Jonathan Gradess, Legal Defender of the Poor, Dies at 72*

For nearly 40 years, he opposed the death penalty and headed a New York group of lawyers that protected indigent suspects and fought for veterans.



By **Sam Roberts**

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Jonathan Gradess, a prominent death penalty opponent who for nearly four decades fought for New York's poor defendants by winning legal safeguards for them from the Legislature and guiding a legion of lawyers working on their behalf, died on Oct. 2 at his home near Albany. He was 72.

His wife, Diane Geary, said the cause was complications of pancreatic cancer. He had learned he had the disease five weeks earlier.

From 1978 until he retired in 2017, Mr. Gradess (pronounced gray-DESS) was executive director of the nonprofit New York State Defenders Association. The association was established in 1967 to help implement the benchmark rulings by the United States Supreme Court in *Gideon vs Wainwright* and other cases that granted poor defendants a constitutional right to counsel.

A membership association, the group lobbies for legislation and changes in criminal justice procedures. It also monitors rulings that affect defendants, including immigrants and veterans.

Its Public Defense Backup Center in Albany, which is under contract with New York State, provides training, technical assistance and legal advice to criminal defense lawyers as well as management support to local assigned-counsel and public defender offices in each county.

Mr. Gradess's work on behalf of indigent suspects and inmates who were entangled in the criminal justice bureaucracy extended beyond the courtroom to the capitols in Albany and Washington.

This spring, he helped lobby the New York Legislature to approve fundamental changes to the state's legal system. Those changes included curtailing the use of cash bail and pretrial detention and strengthening guarantees to speedy trials.

"He was the staunchest advocate — perhaps the father — of the criminal justice reforms we passed this year," said Assemblyman Joseph R. Lentol, a Brooklyn Democrat who is chairman of the Codes Committee, which oversees law enforcement legislation.

Mr. Gradess advanced programs that provided legal representation for immigrants; established so-called restorative justice, or rehabilitation of offenders, by reconciling them with their victims; and created alternatives to prison for convicted veterans who were mentally ill or addicted to drugs.

"The patron saint of public defenders" was how Mr. Lentol described Mr. Gradess in a tribute in *The New York Law Journal*, referring to their collaboration in opposing capital punishment, which was struck down by the state's highest court in 2004.

In 2006, a commission appointed by Judith S. Kaye, the chief judge of the state's highest court, the Court of Appeals, concluded that a patchwork system in which each county provided services to poor defendants created "an unconstitutional level" of legal defense.

Mr. Lentol credited Mr. Gradess with applying the sustained legal and political pressure that culminated in recent legislation that for the first time requires the state to reimburse counties for some of the cost of meeting basic standards for public defender services.

Jonathan Edward Gradess was born on Aug. 5, 1947, in Manhattan to Edward and Ella Mary (Pulsifer) Gradess. His father, who was trained as a lawyer, was a commercial real estate broker. His mother was a homemaker who worked as an office manager after the couple divorced when Jonathan was 10. She raised him in, among other places, Connecticut and Long Island.

After graduating from Paul D. Schreiber High School in Port Washington, N.Y., Mr. Gradess earned a bachelor's degree in sociology from Knox College in Galesburg, Ill., in 1969 and was considering a career in journalism.

But the Vietnam War intruded. Fearing prison as a draft resister, he applied for, but was denied, a conscientious objector exemption. He joined the Legal Aid Society as a paralegal, a job helping to defend poor people that he hoped his draft board would consider an acceptable alternative to military service.

The draft board lost interest, anyway: He was found physically unfit for service because of a weak trigger finger resulting from a poorly healed childhood wrist injury sustained when he fell off a horse.

Meanwhile, as a paralegal, he had developed an interest in the law. He enrolled in the charter class of Hofstra University's law school (now the Maurice A. Deane School of Law) and graduated in 1973. Working for Legal Aid, he said, exposed him to the hurdles faced by poor defendants.

"I came to see the justice system as its own incubator of violence, a juggernaut that chewed up and mindlessly destroyed hope," he told The Times Union of Albany in 2016. "We do not have a justice system, but rather a criminal control system that propels our most vulnerable and marginalized citizens on a trajectory that threatens to destroy their lives."

In addition to Ms. Geary, who has worked at the New York State Defenders Association as its training coordinator, he is survived by three sons, Benjamin, Michael and Sam, and a brother, Roger. The couple lived in Poestenkill, N.Y., in Rensselaer County.

Mr. Gradess and Gary A. Horton represented the Forgotten Victims of Attica, a group of prison employees and the families of those who died during the retaking of the Attica prison in western New York in 1971 following an uprising there. The

group was formed in 2000 after New York State had agreed to pay \$8 million to inmates beaten in the turmoil. In 2005, the state reached a separate \$12 million settlement with the Forgotten Victims group.

When Mr. Gradess retired in 2017 after a 43-year legal career, he gave his current and prospective colleagues advice.

“People charged with crime and parents faced with losing their children need caring advocates who are not afraid in the public arena to challenge governmental power and not afraid in the private arena to be humble and kind with clients,” he said. “The field needs imaginative, committed, long-distance runners filled with compassion, skill and commitment.”