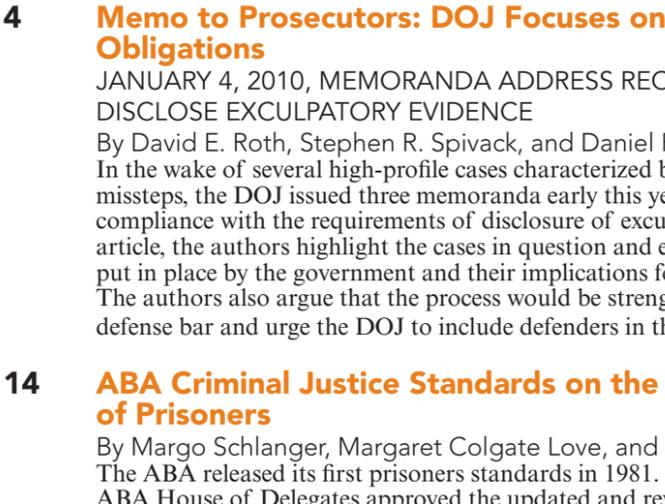
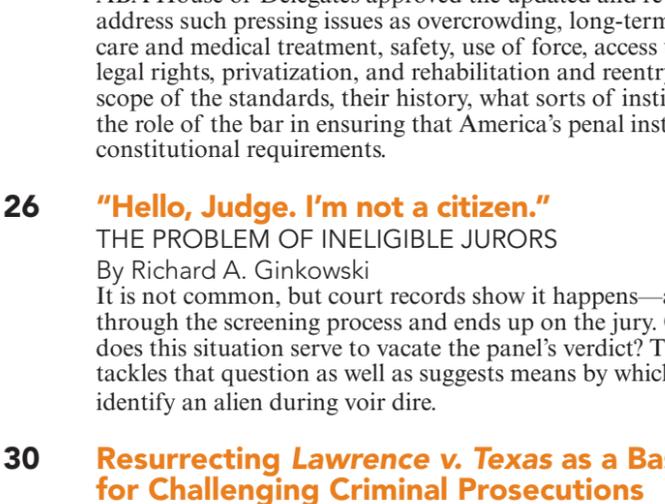
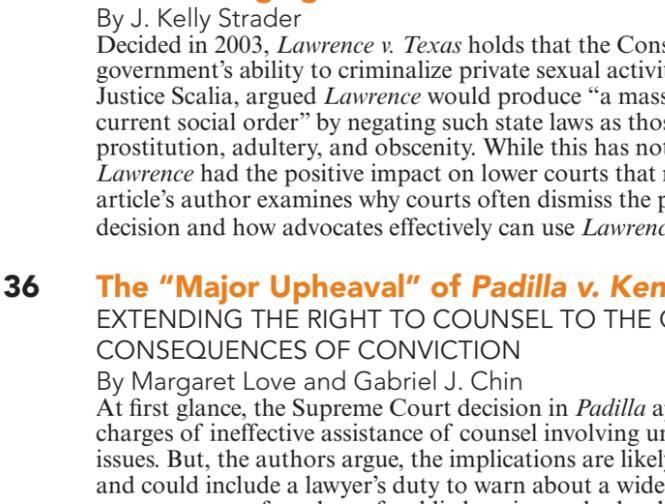
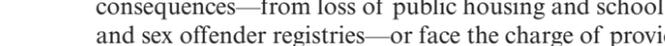


FEATURES

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- 4** **Memo to Prosecutors: DOJ Focuses on Discovery Obligations**
JANUARY 4, 2010, MEMORANDA ADDRESS RECENT FAILURES TO DISCLOSE EXCULPATORY EVIDENCE
By David E. Roth, Stephen R. Spivack, and Daniel P. Golden
In the wake of several high-profile cases characterized by prosecutorial missteps, the DOJ issued three memoranda early this year to encourage greater compliance with the requirements of disclosure of exculpatory evidence. In this article, the authors highlight the cases in question and examine the procedures put in place by the government and their implications for future criminal cases. The authors also argue that the process would be strengthened by input from the defense bar and urge the DOJ to include defenders in the ongoing discussions.
- 
- 14** **ABA Criminal Justice Standards on the Treatment of Prisoners**
By Margo Schlanger, Margaret Colgate Love, and Carl Reynolds
The ABA released its first prisoners standards in 1981. In February 2010, the ABA House of Delegates approved the updated and revised standards that address such pressing issues as overcrowding, long-term segregation, health care and medical treatment, safety, use of force, access to due process and other legal rights, privatization, and rehabilitation and reentry. The article looks to the scope of the standards, their history, what sorts of institutions are covered, and the role of the bar in ensuring that America's penal institutions meet legal and constitutional requirements.
- 
- 26** **"Hello, Judge. I'm not a citizen."**
THE PROBLEM OF INELIGIBLE JURORS
By Richard A. Ginkowski
It is not common, but court records show it happens—a noncitizen slips through the screening process and ends up on the jury. Once the trial is over, does this situation serve to vacate the panel's verdict? The author, a prosecutor, tackles that question as well as suggests means by which the trial attorney can identify an alien during voir dire.
- 
- 30** **Resurrecting *Lawrence v. Texas* as a Basis for Challenging Criminal Prosecutions**
By J. Kelly Strader
Decided in 2003, *Lawrence v. Texas* holds that the Constitution limits the government's ability to criminalize private sexual activity. Many, including Justice Scalia, argued *Lawrence* would produce "a massive disruption of the current social order" by negating such state laws as those against bigamy, prostitution, adultery, and obscenity. While this has not occurred, neither has *Lawrence* had the positive impact on lower courts that many expected. The article's author examines why courts often dismiss the precedent potential of the decision and how advocates effectively can use *Lawrence* at trial.
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- 36** **The "Major Upheaval" of *Padilla v. Kentucky***
EXTENDING THE RIGHT TO COUNSEL TO THE COLLATERAL CONSEQUENCES OF CONVICTION
By Margaret Love and Gabriel J. Chin
At first glance, the Supreme Court decision in *Padilla* appears limited to the charges of ineffective assistance of counsel involving unanticipated deportation issues. But, the authors argue, the implications are likely to be far greater, and could include a lawyer's duty to warn about a wide range of collateral consequences—from loss of public housing and school grants to firearm bans and sex offender registries—or face the charge of providing inadequate counsel.

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