

# ABA Criminal Justice Section E-News

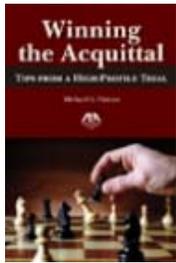
## April 2011

### CHAIR'S MESSAGE

Spring is here and it is the best time of the year to highlight new beginnings. This month, I am sharing with you some new and exciting publications that I am sure will make for great reading on an extensive scope of legal issues. I have also selected some of our most comprehensive Criminal Justice Standards just in time for our Spring Meeting in Miami. I am confident you will find all of these resources useful as they represent the best work from some of the brightest individuals in the criminal justice field.

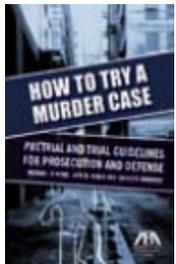


### NEW PUBLICATIONS AND THE STATE OF CRIMINAL JUSTICE



Criminal Justice has recently published two new books authored by old friends of the Section. *“Winning the Acquittal: Tips from a High-Profile Trial”* by [Michael S. Pasano](#), former CJS Chair 2005-2006 and *“How to Try a Murder Case: Pre-trial and Trial Guidelines for Prosecution and Defense,”* by ABA Book Board Member Mike Wims.

*“Winning the Acquittal: Tips from a High-Profile Trial”* is based on Michael’s intriguing diary documenting the day-to-day developments of the high-profile 2009 trial of **Luisa Inclán Bird**, an advisor to Puerto Rico’s former governor. Told in *“real time”*, Michael provides his own unique observations and comments on how criminal defense work is done; what succeeds and does not succeed; how criminal defense attorneys perform their work; and what well-planned steps they take toward winning a judgment for their clients. In *“How to Try a Murder Case”*, our friend Mike Wims explains, *“This book covers the preparation of a murder case from the very beginning – even before the crime is committed. We then progress from the investigation to searches, to arrest and interrogation. Readers will also find that specific advice to defense counsel begins to appear in this book, very quickly, particularly when most defense counsel would become involved in the defense of a murder case,”* says Wims. You can purchase both of these great reads and others by visiting the **CJS publications webpage** at [http://www.americanbar.org/groups/criminal\\_justice/publications.html](http://www.americanbar.org/groups/criminal_justice/publications.html).



A very special thanks to **Book Board Chair Jack Selden and his Committee** for continuing to publish and recommend great books like these to our members. Members of the **Book Board Committee** include: **Gary Collins, Robert Del Tufo, George Donnini, Elynn Garofalo, Peter J. Henning, Sharon Rubinstein, David Seide, and Michael Wims** (aided by ABA editor Sarah Orwig and Marketing Director Kelly Keane).

On the heels of the release of these new books, *The State of Criminal Justice 2011* will be published in April, and the 2011 volume will contain 18 chapters focusing on specific aspects of the criminal justice field. I must take a moment to mention **former Section Chair Myrna Raeder**, who graciously served as the editor of this publication. Thank you Myrna for the commitment of time and dedication you devoted to this project. A special thanks to CJS Publications Manager and veteran staff member, **Kyo Suh**, who continues to demonstrate an exemplary job in leading our publishing efforts. Information on the 2010 edition of the State of Criminal Justice can be viewed [here](#).

### **PADILLA RESOURCE GUIDE NOW AVAILABLE!**

The *Padilla v. Kentucky Resource Guide* is now available online for [purchase](#). As a follow-up to our recent *“Padilla and Beyond”* symposium at the Newseum in Washington D.C., the **CJS** has assembled a compilation of printed resources detailing the impact of *Padilla v. Kentucky* on the pressing implications of the recent Supreme Court Decision. The publication includes foundational articles on the general implications of Padilla and its impact on the treatment of collateral consequences; grouped materials for members of the legal community: defense, prosecutor and judicial resources; and concludes with an article that serves as a comprehensive guide to overall processes, proceedings, and attitudes following

*Padilla v. Kentucky*. The inside, back cover includes two discs showcasing the “*Padilla and Beyond*” symposium taped at the Newseum. Special thanks to the **Stephen Saltzburg, Chair of the Padilla Task Force and his Task Force Members: April Frazier, Bob Weeks, Cynthia Orr, Edwin Burnette, Gwen Washington, Jack Chin, Kathy Brady, Margaret Love, McGregor Smyth, Richard Cassidy, Robert Okun, Sara Dill, Scott Burns, CJS Director Jack Hanna, and CJS Senior Staff Attorney Christopher Gowen.** To purchase the *Padilla v. Kentucky Resource Guide* click [here](#).

## **CRIMINAL JUSTICE STANDARDS**

As you may already know, for the past forty years, the [ABA Criminal Justice Standards](#) have guided policymakers and practitioners working in the criminal justice arena. When the initial volumes were issued in 1968, Chief Justice Warren Burger described the Standards project as “*the single most comprehensive and probably the most monumental undertaking in the field of criminal justice ever attempted by the American legal profession in our national history.*” The Standards Committee determines the priorities for updating or revising existing volumes and for developing or expanding volumes to address issues not already covered.

There are 13 publications containing 16 sets of **Criminal Justice Standards**, in addition to a publication available on **Mental Health Standards**. There are so many relevant standards to review and choose from within our catalog. This month, I wish to highlight and share with you a few comprehensive offerings that may offer a wealth of knowledge in your respective field of practice:

**[PROSECUTION AND DEFENSE FUNCTION](#)** – This publication contains the “*black letter*” standards on the prosecution function, which were approved by the **American Bar Association's House of Delegates** in February 1992, and the “*black letter*” standards on the defense function, which were approved by the American Bar Association's House of Delegates (HOD) in February 1991. It also includes commentary on each.

**[GUILTY PLEAS](#)** - This publication contains the “*black letter*” standards, which were approved by the ABA HOD in August 1997, along with commentary.

**[DISCOVERY AND TRIAL BY JURY](#)** - This publication contains the “*black letter*” standards on discovery and trial by jury, which were approved by the ABA HOD in August 1994, along with commentary.

**[SENTENCING](#)** - This publication contains the “*black letter*” standards on sentencing, which were approved by the ABA HOD in February 1993, along with commentary.

**[COLLATERAL SANCTIONS AND DISCRETIONARY DISQUALIFICATION OF CONVICTED PERSONS](#)** - This publication contains the black letter standards approved by the ABA HOD in August 2003, along with commentary.

The “*black letter*” of new **Treatment of Prisoners Standards** was approved by the House of Delegates in February 2010 and can be viewed on the Standards webpage [http://www.americanbar.org/publications/criminal\\_justice\\_section\\_archive/crimjust\\_standards\\_treatmentprisoners.html](http://www.americanbar.org/publications/criminal_justice_section_archive/crimjust_standards_treatmentprisoners.html). Commentary for the publication is currently being reviewed by the Standards Committee.

Finally, I would like to extend a special thanks to **Martin Marcus, Chair Criminal Justice Standards Committee** and his Committee of dedicated members, who have worked tirelessly to develop the best in Criminal Justice Standards offered by the legal profession. In addition to Judge Marcus, the Criminal Justice Standards Committee includes **Mark Dwyer, Cheryl Jacobs, Nancy J. King, Harlan Levy, Peter Pope, Matthew Redle, and Pauline A. Weaver.** Liaisons include **Margaret Love (NLADA), John Wesley Hall (NACDL) and Patricia Weiss (DOJ).**

You can order **Criminal Justice Standards** by clicking onto [Standards Ordering Information](#). If you have additional questions, please contact [Susan Hillenbrand](#), CJS Standards Project Director.

See you at the Spring Meeting in Miami.

Warm regards,

*Bruce*