



**AMERICAN BAR ASSOCIATION
CRIMINAL JUSTICE SECTION**

ANNUAL REPORT

2006-2007

Chair: Robert M.A. Johnson

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I. CHAIR'S INTRODUCTION



Robert M.A. Johnson

This has been a year of change and accomplishment for the Criminal Justice Section. The structure of the Section changed by doubling the number of committees and clustering them in six divisions. Each division is directed by a newly created vice chair position. Determining committee chairs and energizing the committees has been a learning experience for the chairs and the Section leadership. This coming year many of those appointed will be in at least their second year of committee leadership and can hit the ground running.

As this report details, the Section continues to work toward its long-term goals. Our criminal justice policy work this year has been significant. We must continue to encourage committees to develop policy as well as to react to policy issues presented by current developments in our field. The criminal justice standards effort continues its respected work with four task forces currently preparing chapters for committee consideration.

Our CLE and publications continue to be successful. From our “flagship” White Collar Crime Conference which drew a record 1,300 participants this year to CLE’s that are developed in a short timeframe addressing current developing issues, the Section has provided an important service for criminal justice practitioners. Our new CLE Board will help us do an even better job with CLE. Our publications continue to provide important resources for our members and others interested in our work. This year we revived the State of Criminal Justice and published a second work of fiction. As this report describes, we are poised to publish several new works that will be of significant interest to the criminal justice community.

We have had a good year. Membership is increasing as we continue to be recognized as an important voice in criminal justice. The Section is financially in very good shape. Our reserves have enabled us to explore additional policies, CLE’s and publications.

We must, however, always endeavor to improve our work. Committee policy development should remain a priority. New and improved CLE’s are important to the Section. Publications must be encouraged which means authors must be found and supported.

You are the most important resource of the Section. Participation of our members in any and all areas is critical if we are to provide the best service to the criminal justice community. If you have thoughts about our work or want to participate further, communicate your interest to committee chairs, Council members, or staff.

A handwritten signature in black ink, appearing to read 'R. Johnson'.

II. POLICY DEVELOPMENT

POLICY GOING BEFORE THE HOUSE OF DELEGATES IN AUGUST 2007

Healthcare for Prisoners and Recently Released Persons (CORRECTIONS COMMITTEE)

As approved by Section Council, the recommendation urges that the following steps be taken to ensure that prisoners and persons newly-released from custody are given access to adequate and humane health care: (1) Congress should consider repealing the inmate exception to the Social Security Act, amending 42 U.S.C. § 1396d(a) to permit states to receive federal matching funds for health services provided to otherwise-eligible incarcerated persons; (2) whenever feasible, state and territorial governments should suspend, rather than terminate, the Medicaid enrollment of persons who become incarcerated; and (3) correctional institutions should work with state and territorial governments to assist otherwise-eligible inmates in initiating or renewing applications for Medicaid so that benefits may commence immediately upon inmates' release from custody. For a full copy of the recommendation and report visit the Section's website <http://www.abanet.org/crimjust/policy/corrections.doc>

Limiting Access to Criminal History Information (COMMISSION ON EFFECTIVE CRIMINAL SANCTIONS)

The Section is co-sponsoring the Commission on Effective Criminal Sanctions' proposed policy for consideration by the House of Delegates urging jurisdictions to limit access to the following criminal history records except to agencies and employers in the law enforcement field: (1) records of closed criminal cases in which charges were dismissed, *not prossed*, or otherwise not pursued; cases that resulted in acquittal; cases in which the judgment of conviction was reversed or vacated; or cases in which a guilty plea was set aside; and (2) records of misdemeanor and felony convictions after the passage of a specified period of law-abiding conduct, which may vary depending on the seriousness of the offense, unless the conviction involves substantial violence, large scale drug trafficking, or conduct of equivalent gravity. Additionally, employers and other decision-makers should be prohibited from requiring individuals, as a condition of employment, disclose an arrest or conviction record to which access has been limited. For a copy of the recommendation and report go to <http://www.abanet.org/leadership/2007/annual/docs/hundrednineteen.doc>

Preserving the Rule of Law During Calamity

The Section is co-sponsoring the Section of Litigation's recommendation which includes but are not limited to the following principles designed so that the legal system maintains fidelity to the rule of law even in times of a major disaster: (1) the preservation of the rule of law requires proactive planning, preparation and training before a major disaster strikes; (2) all those involved in the justice system must work to assure the ongoing integrity of the system in times of major disaster; (3) in times of a major disaster the requirements of the Constitution regarding criminal prosecution must be respected; (4) Government assistance mandated by law should be distributed in an expeditious and efficient manner consistent with principles of equal treatment, due process and transparency; and (5) to the extent feasible, attorneys should provide pro bono representation to persons affected by a major disaster who seek either compensation or assistance. For a copy of the recommendation and report visit <http://www.abanet.org/leadership/2007/annual/docs/hundredthirteen.doc>

Bar Dues/CLE Waiver for Deployed Lawyers

The Section is co-sponsoring a recommendation brought by the Section of Public Contract Law urging all bar associations and other regulatory bodies to adopt a policy that provides for the waiver or suspension of association dues, CLE requirements and other membership obligations for members who are serving in the U.S. Armed Forces and are performing services in a Combat Zone. Under such policy, a waiver or suspension may be requested by the member or by an individual authorized by the member, and membership dues, CLE requirements and other membership obligations will be re-activated upon the member's release from duty in a Combat Zone. Suspension or waiver of one's general membership obligations does not relieve a member of his or her duty to meet the bar's ethical requirements. For a full copy of the recommendation and report visit www.abanet.org/leadership/2007/annual/docs/hundredfifteen.doc

Protection and Assistance for Victims of Human Trafficking

The Section is co-sponsoring a recommendation brought by the Task Force on International Rule of Law Symposia that urges Congress to pass legislation that strengthens protection and assistance for victims of trafficking in persons, both citizens and non-citizens, and encourages state, local, territorial, tribal, specialty, and foreign bar associations to engage members of the legal profession in raising awareness of trafficking in persons in their communities and in providing pro bono legal services to victims of trafficking. A complete copy of the recommendation and report is available at www.abanet.org/leadership/2007/annual/docs/hundredtenc.doc

POLICY IN DEVELOPMENT

Revised Model Rule 3.8

(ETHICS, GIDEON AND PROFESSIONALISM COMMITTEE)

The Section Council passed a recommendation to go to the House of Delegates at the Midyear Meeting in February advocating that when a prosecutor comes to know of new and material evidence creating a reasonable likelihood that a convicted defendant did not commit the offense for which the defendant was convicted, the prosecutor shall: (1) disclose that evidence to the convicted defendant and any appropriate court or authority; and (2) undertake such further inquiry or investigation as may be necessary to determine whether the conviction is wrongful. The proposed additions to the ABA Model Rules also advocate that when a prosecutor comes to know of clear and convincing evidence establishing that a conviction was wrongful, the prosecutor shall take appropriate steps to remedy the wrongful conviction. A complete copy of the recommendation and report is available at <http://www.abanet.org/dch/committee.cfm?com=CR209750>

Guidelines Governing Contact with Employees of a Business Organization

(WHITE COLLAR CRIME COMMITTEE)

The White Collar Crime Committee plans to submit policy recommendations to the Section Council at the Annual Meeting on August 9-12, 2007 on proposed guidelines under which the government would contact employees of a business organization. The draft analyzes whether the unintended effect of the DOJ's privilege waiver and other cooperation policies has been to encourage certain practices that may run afoul of numerous provisions of the Model Rules of

Professional Conduct. The report includes proposed guidelines to address the conflicts and ethical issues implicated by the foregoing practices.

**Vigorous Prosecution of Crimes Against the Elderly
(LEGAL PROBLEMS OF THE ELDERLY COMMITTEE)**

At the Fall Meeting on November 2-4, 2007, the Legal Problems of the Elderly Committee plans to submit policy recommendations to the Section Council urging the following steps be taken by federal, state, local, and territorial governments and their prosecutors to vigorously prosecute cases of elder abuse, neglect, and financial exploitation; (1) creation of special elder abuse units within the prosecutor's office or designate a specially trained prosecutor to handle elder abuse cases; (2) ensure that the victim assistance/services program within the staffing structure of their offices develop policies, procedures and funding for providing specialized victim services to the elder population due to the unique needs of elder abuse victims and the many types of abuse inflicted on them; and (3) update state criminal statutes dealing specifically with the physical abuse, sexual assault, neglect and financial exploitation of elders and the need to take into account the special nature of elder victims and the types of crimes committed against them.

STANDARDS COMMITTEE

New or revised ABA Criminal Justice Standards are being developed on a number of topics. See the Standards Committee report starting on page 35 for the status of projects on:

- Transaction Surveillance
- Diversion and Special Courts
- Prosecution and Defense Function
- Prosecutorial Investigations
- Legal Status of Prisoners

POLICY APPROVED BY THE ABA HOUSE OF DELEGATES IN FEBRUARY 2007

The ABA Criminal Justice Section endorsed the recommendations on the Prison Litigation Reform Act, Effective Criminal Sanctions, the Post Disaster out of state attorney Pro Bono Model Court Rule, the Right to Exclude Guns from Private Property, Opposition to changes in Fed.R.Crim P. 29, Post Conviction Relief for Incarcerated Domestic Violence Victims, and Representation of Guantanamo Detainees described below. These were submitted to the House of Delegates for consideration at the midyear meeting in Miami, FL. All recommendations were approved as official ABA policy. Visit the ABA House of Delegates Web Site for full resolutions and reports. <http://www.abanet.org/leadership/house/home.html>.

PRISON LITIGATION REFORM ACT

As approved by Section Council, the resolution on the PLRA seeks to ensure that prisoners are afforded meaningful access to the judicial process. It also calls upon Congress to repeal or amend specified provisions of the PLRA as follows: 1) repeal the requirement that prisoners

suffer a physical injury in order to recover for mental or emotional injuries caused by their subjection to cruel and unusual punishment or other illegal conduct; 2) amend the requirement for exhaustion of administrative remedies to require that a prisoner who has not exhausted administrative remedies at the time a lawsuit is filed be permitted to pursue the claim through an administrative-remedy process, with the lawsuit stayed for up to 90 days pending the administrative processing of the claim; 3) repeal the restrictions on the equitable authority of federal courts in conditions-of-confinement cases; 4) amend the PLRA to allow prisoners who prevail on civil rights claims to recover attorney's fees on the same basis as the general public in civil rights cases; 5) repeal the provisions extending the PLRA to juveniles confined in juvenile detention and correctional facilities; and 6) repeal the filing fee provisions that apply only to prisoners. The resolution also urges Congress to hold hearings to determine if any other provisions of the PLRA should be modified and to determine what other steps the federal government may take to foster the just resolution of prisoner grievances in the nation's prisons, jails, and juvenile detention and correctional facilities.

COMMISSION ON EFFECTIVE CRIMINAL SANCTIONS

The Commission on Effective Criminal Sanctions submitted six recommendations (co-sponsored by the Section) to the House of Delegates at its midyear meeting. The recommendations address: 1) alternatives to incarceration and conviction; 2) improvements in parole and probation supervision; 3) employment and licensure of convicted persons; 4) access to and use of criminal records for non-law enforcement purposes; 5) representation relating to collateral consequences; and 6) training in the exercise of discretion.

MODEL COURT RULE ON PROVISION OF LEGAL SERVICES FOLLOWING DETERMINATION OF MAJOR DISASTER

The ABA Standing Committee on Client Protection recommended that the ABA adopt the Model Court Rule on Provision of Legal Services Following Determination of Major Disaster ("the Model Court Rule"). The Model Court Rule allows out-of-state lawyers to provide pro bono legal services in a jurisdiction that has been devastated by a major disaster and in which they are not otherwise authorized to practice law. The Section Council voted to co-sponsor the recommendation.

RIGHT TO EXCLUDE GUNS FROM PRIVATE PROPERTY

The Special Committee on Gun Violence recommended that the ABA support the traditional property rights of private employers and other private property owners to exclude from the workplace and other private property, persons in possession of firearms or other weapons and opposes federal, state, territorial and local legislation that abrogates those rights. The Section Council voted to co-sponsor the recommendation.

OPPOSITION TO THE PROPOSED CHANGES TO FED.R.CRIM P. 29

The Criminal Justice Section recommended that the American Bar Association oppose any amendments to the Federal Rules of Criminal Procedure that would eliminate the authority of federal district judges to enter judgments of acquittal during trial. The recommendations also opposes any amendment that would require the accused to waive his or her Fifth Amendment Double Jeopardy rights as a condition of seeking a judgment of acquittal during trial. (The full text of the proposed changes and the report of the Advisory Committee on the Federal Rules of Criminal Procedure is available at <http://www.uscourts.gov/rules/newrules1.html>).

POST CONVICTION RELIEF FOR INCARCERATED DOMESTIC VIOLENCE VICTIMS

As approved by Criminal Justice Section Council, the resolution on Post Conviction Relief for Incarcerated Domestic Violence Victims advocates that (1) the American Bar Association urge bar associations and law schools to develop programs that encourage and train lawyers to assist victims of domestic violence with applying for pardon, restoration of legal rights and privileges, relief from other collateral sanctions, and reduction of sentence; (2) the American Bar Association urge federal, state, local, territorial, and tribal governments to ensure that judicial, administrative, legislative, and executive authorities consider and expand, as appropriate, the use of measures such as clemency, parole, and reduction of sentence in cases where incarcerated persons were subjected to domestic violence that played a significant role in their offense but the effect of that domestic violence was not fully litigated at trial or sentencing; and (3) the American Bar Association urge federal, state, local, territorial and tribal governments to establish re-entry services for domestic violence victims released from incarceration.

REPRESENTATION OF GUANTANAMO DETAINEES

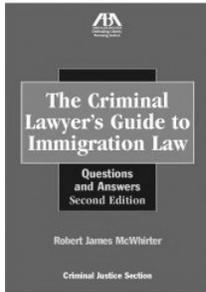
The resolution addressing representation of Guantanamo detainees calls upon governmental representatives to support the provision of pro bono representation, even when perceived to be contrary to government interests or current popular opinion. Specifically it urges that the American Bar Association call upon governmental representatives to immediately remedy any acts of intimidation by any governmental official designed to thwart the provision of pro bono assistance, including threatening financial repercussions or fanning public disapproval against those who provide volunteer legal services to any client or class of client, and to hold such officials accountable for any such conduct.

For a summary of additional policy issues the Section of Criminal Justice is developing visit the Section's website at <http://www.abanet.org/crimjust/policy>

III. PUBLISHING AND TECHNOLOGY

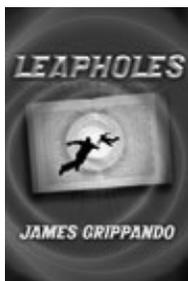
This year the Section Council established a Book Board with guidelines to oversee the book program of the Criminal Justice Section. The Board replaces the Book Committee which completed the following projects this year:

The *Citizenship Flowchart* was published during this ABA year. The publication and release of this product is also expected to spur further sales of *The Criminal Lawyer's Guide to Immigration Law, Second Edition*.



Street Legal: A Guide to Pre-Trial Criminal Procedure for Police, Prosecutors and Defense Attorneys was published during this ABA year.

ABA Publishing and the CJS staff are continuing to market, *The Criminal Lawyer's Guide to Immigration Law, Second Edition* and *Leapholes* (the young adult law-related novel by established best-selling author James Grippando) as well as the other Section's other current titles. *Leapholes* has been a tremendous success for us. It was originally published in September, 2006. The original 3,000 copies were sold out by the end of December, and we went back to press for a reprint of 2,000 additional copies to maintain stock both at the ABA fulfillment center and at the warehouse of the ABA's trade book distributor, National Book Network (the warehouse from which orders from Amazon.com and chain and independent book stores are filled). The book continues to sell in quantities dramatically greater than we'd hoped and we anticipate that future reprints will be necessary as well. Most recently, we received bulk orders from the Miami Public Library.



Additional Publications:

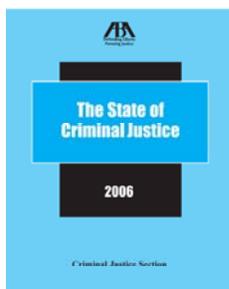
The State of Criminal Justice 2006

The State of Criminal Justice, a resource for the criminal justice community dating back to 1993, has been re-published by the Section office in a new format, and has received kudos from members and academia. Rather than, as in the past, focusing on general criminal justice statistics, the publication contains submissions from the Section's substantive committees about hot issues, overall trends, current state and federal statistical data, relevant case law, and legislative activity at the state and/or federal level relevant to committees' respective subject areas. Professor Victor Streib of Claude Pettit College of Law served as the editor of the publication. Layout, design, and production details were done in-house by the Section office's publications staff.

As one of the cornerstones of the Section's work, the publication serves as an invaluable resource for policy-makers, academics, and students of the criminal justice system alike. The 2006 volume was considerably expanded from earlier annual volumes (from 40 pages to 246 pages) and is noted for input and submission of chapters from the Section committees. Leading off is the analysis of criminal law decisions by the U.S. Supreme Court during its 2005-2006 term. Following in Part II are several chapters relating to the Criminal Justice Standards, the ABA's signal project begun in 1964. White collar crime is a major focus of the Criminal Justice Section, and the chapters in Part III deal with various issues within this topic: public corruption prosecutions, consideration of tax fraud prosecutions, computer-related crimes, parallel proceedings, and transnational issues.

Part IV includes chapters addressing professional development and specialized practice: rules of criminal procedure and evidence, needed changes to rules and procedures for release of inmates and integration back into the community, increasing effects of science and technology, analysis of a specialized practice of critical concern dealing with homeland security, and treatment of international crime.

The next part includes chapters from the Section's Equal Justice division: growing involvement of victims and victims' rights in the criminal justice process, women in criminal justice, disparate effects of race and racism in criminal justice, and juvenile justice issues. Corrections and sentencing issues are covered in Part VI: effective criminal sanctions, high profile issues of exonerations of innocent and wrongly convicted individuals, and issues surrounding the death penalty and the apparent decline in its use.



Practice Under the Federal Sentencing Guidelines (2007 edition)

Practice Under the Federal Sentencing Guidelines provides extensive discussion and current citations of the hundreds of important cases interpreting the provisions. The volume is published through Aspen Publishers. The CJS office staff assisted in the preparations for the 2007 edition by identifying a new editor, David Debold, and assisting in contacting various chapter authors. Substantial updates have been made to the chapters and new chapter authors have been identified. The 2007 edition is expected to be available in the early fall of 2007.

Criminal Justice Standards Books

Two volumes of third edition Criminal Justice Standards have recently been published: *Speedy Trial and Timely Resolution of Criminal Cases* and *Pretrial Release*. Both volumes contain "black letter" standards, the history and a discussion of the rationale for each Standard, and updated references to relevant case law, legislation, literature, and research. Both sets of Standards were developed by a Task Force chaired by Hon. Andrew L. Sonner. Prof. John Goldkamp was reporter for the pretrial release project. Mr. Mahoney was reporter for the speedy trial project and editor of the pretrial release commentary.

These and other books prepared by the Section staff since 2006 were designed and produced in-house by the Section office's publications staff.

Achieving Justice: Freeing the Innocent, Convicting the Guilty

The Ad Hoc Innocence Committee to Ensure the Integrity of the Criminal Process has produced a 170-page report, edited by co-chairs Paul Giannelli and Myrna Raeder, that alerts state and federal criminal justice professionals to the policy development in this area by the ABA. It features recommendations and commentary on issues affecting those wrongfully convicted.

Criminal Justice (Magazine)

Feature topics for issues in the 2006-2007 year were: Reining in Bounty Hunters (Fall 2006), Life Without Parole for Juveniles (Winter 2007), The Fifth Amendment and the Grand Jury (Spring 2007), In the Wake of *Garcetti v. Ceballos* (Summer 2007).

Criminal Justice Newsletter

The Section office continues to produce three newsletters per year (fall, winter, and spring), with editing and layout done in-house by the Section staff. The expanded newsletter features practice tips, ethics, legislative update, and committee reports, in addition to Section news and updates.

The Winter 2007 issue was a special issue featuring *Disaster Preparedness and Criminal Justice System*, with articles based on proceedings at the Section-sponsored 2006 Fall Conference in New Orleans, in which breakout sessions provided prosecutors, defense counsel, corrections officials, judges and judicial personnel to meet in three separate groups. The separation enabled each group to examine how its part of the criminal justice system responded to Katrina and what plans have been or should be made to deal with the next unanticipated calamity.

For details and ordering information of CJS books and periodicals, see the Section's website at <http://www.abanet.org/crimjust/pubs>

Technology:

Section E-News (E-newsletter)

E-News has been distributed monthly (since January 2006) to CJS members via email with highlights of CJS activities, chair's message, event notices, case updates and new resources. E-newsletters are produced in-house by the Section office's technology staff.

White Collar Crime E-Newsletter

The White Collar Crime Committee has launched a quarterly e-newsletter. The May 2007 edition featured: (1) recent federal legislation relating to the government's stepped-up enforcement of internet gambling, (2) legislation signed into law on December 20, 2006, that would substantially enhance and strengthen the IRS's whistleblower program, (3) a recent 9th Circuit opinion that discusses the tension between F.R.C.P. 16(a)(1)(E) and F.R.C.P. 16(a)(2), and (4) the slow and steady movement toward extending constitutional protections to United States citizens awaiting extradition. (www.abanet.org/crimjust/wcc/newsletter.htm)

The Redesign of the Section Web Site

The Criminal Justice Section's web site (www.abanet.org/crimjust) has undergone a complete overhaul in design and content arrangement by the Section office's technology staff. The new streamlined look is consistent with the ABA-wide design elements and features rearranged portal pages (membership, leadership, law students, calendar, policy, publications, resources, etc.) that have more relevant navigation menus and resources. Committee pages have also been expanded with more committee-specific news items and resources.

E-mail List Services

The Section office maintains several list services to serve CJS members, committees and leadership. The *CJS-MEM* list distributes timely information on events, case updates and resources to all CJS members who have not opted out of the ABA's email distribution system. The Council and committee chairs also participate in respective list services for Section business. In addition, all CJS committees maintain specific list service for particular committee work and discussion.

IV. Continuing Legal Education (CLE)

The Criminal Justice Section produced a banner year in CLE programs. The Council created a CJS CLE Board to oversee all aspects of the Section's CLE offerings and Robert Johnson appointed members and a Chair in consultation with Stephen Saltzburg. Catherine Beane was appointed to Chair the Board composed of following members: Jack Boese, Washington, DC; Maureen Essex, Baltimore, MD; Mary Galvin, Columbia, SC; Bruce Green, New York, NY; Stacy Sundstrom, St. Paul, MN; and Elizabeth Ziegler, Jefferson City, MO. The Board had its first meeting in June and is poised to enter the coming year in full support of achieving its mission. Section CLE programs posted impressive attendance throughout the year.

The Section continues to have a strong working relationship with the ABA Center for CLE. Our annual curriculum produced record numbers in attendance for Gaming Law (February 15-16); White Collar Crime (March 2-3); Health Care Fraud (May 16-18) for the live in-person format. The Section produced a teleconference on Guantanamo Trials in September 2006. A second teleconference was sponsored on Congressional Investigations in March 2007 combined with a live audio webcast and in-person presentation.

The planning process has begun for the annual National Institute for the 2007-2008 fiscal year. In addition, we will add the Civil False Claims program presented every 18 to 24 months. We have scheduled a one-day National Institute on Criminal Enforcement on Intellectual Property Rights in cooperation with the ABA Section of Intellectual Property, US Chamber of Commerce and the DC Bar Intellectual Property Law Section. Our 2007-2008 curriculum will also include a minimum of six (6) teleconferences.

A summary of CLE events in 2006-2007:

August 23, 2006, Washington, DC

From Truancy to Zero Tolerance: The Changing Border of Education and Juvenile Justice:

This program featuring ABA President Karen Mathis and Section Vice Chair at Large Susan Gaertner drew close to 150 participants to the Washington Hilton Hotel. ABA President Karen Mathis presented the Livingston Hall Award at a reception following the event.



September 28-29, 2006, Washington, DC

National Institute: Securities Fraud

October 8-10, 2006, Washington, DC

ABA/ABA Money Laundering Conference: A Record number of 1,200 participants attended this 17th Annual Money Laundering Conference done in conjunction with the American Bankers Association.

October 13, 2006, Atlanta, GA

Tax Fraud: Do You Know It When You See It, or Is It All in the Eyes of the Government: The CJS cosponsored this event with the State Bar of Georgia, Atlanta Bar Association, and Institute of CLE in Georgia

November 2-3, 2006, New Orleans, LA

Disaster Preparedness and the Criminal Justice System: The CJS Fall CLE is organized around a unity issue for the criminal justice. Section Chair Robert Johnson took the meeting on Disaster Preparedness to New Orleans. The major criminal justice entities within the ABA and without cosponsored the event that drew 150 attendees.

November 29, 2006, Kansas City, MO

Roundtable Discussion for Kansas City Criminal Defense Lawyers and U.S. Attorneys

January 12, 2007, Boston, MA

Building Consensus around Successful Re-Entry: This CJS-cosponsored conference with the Suffolk University Law School drew over 150 attendees in Boston. Committee Co-Chair Mike Festa helped organize the event at which Council member Joe Hynes spoke.

January 25, 2007, Los Angeles, CA

Back-Dating Stock Options: Accepted Practice or Criminal Fraud?

February 9, 2007, Miami, FL (3 Programs at the ABA Mid Year Meeting)

Collateral Consequences Concerns for the Representation and Prosecution of Non-Citizens in Criminal Proceedings: This program organized by the CJS Immigration Committee at the ABA Mid Year meeting drew a standing room only crowd of over 50 people.

Subverting the Rule of Law: A Case Study and Discussion: This program drew another standing room only crowd of 50 attendees and featured International Criminal Law Committee Chair Luz Nagle and CJS Chair-Elect Steve Saltzburg.

Summit on Indigent Defense Improvement: The CJS Also cosponsored this event with the Standing Committee on Legal Aid and Indigent Defense.

Feb. 15-16, 2007, Las Vegas, NV

11th Annual National Institute on Gaming Law Minefield

March 1-2, 2007, San Diego, CA

21st Annual National Institute on White Collar Crime

March 30, 2007, Chicago, IL

Collateral Consequences of a Criminal Proceeding: The Role of the Legal Community in Assisting with Reentry: The CJS was a co-sponsor with the Commission on Effective Criminal Sanctions of this continuing legal education training program on reentry. The seminar provided an overview of collateral consequences, described the implementation of the Illinois certificate of relief from disabilities and certificate of good conduct program, and discussed how the legal community can use this new form of relief to assist with reentry. McGregor Smyth (Civil Action Project, Bronx Defenders), Jorge Montes, (Chair, IL Prisoner Review Board) and Jodina Hicks (Vice President, Safer Foundation) were speakers for this event.

April 25, 2007, Chicago, IL

Electronic Discovery In the Wake of the Balco Investigation: Lessons from the Field in Defending Against Subpoenas Demanding the Production of Electronic Data

April 30-May 1, 2007, Chicago, IL

Spring Conference on Legal Barriers to Reentry: The CJS co-sponsored with the Commission on Effective Criminal Sanctions a national conference on “The Legal Barriers to Reentry.” This conference brought together policy-makers, government officials, business leaders, and community advocacy groups from across the country to explore ways in which they can together encourage successful offender reentry within their respective jurisdictions.

May 16-18, 2007, New Orleans, LA

17th Annual National Institute on Health Care Fraud

May 23-25, 2007, Salt Lake City, UT

16th Annual National Seminar on the Federal Sentencing Guidelines: the CJS cosponsored this program with the Federal Bar.

May 24, 2007, Baltimore, MD

The New Frontier: Defense Procurement Fraud Investigations

May 24, 2007, Los Angeles, CA

Public Corruption Cases: A Primer on What to Expect in State and Federal Court from the Experts Who Prosecute and Defend These Cases

June 7, 07, Chicago, IL

Staying on Track When Worlds Collide: Practical Advice for Corporations Conducting Internal Investigations and Responding to Government Inquiries: Kudos to the White Collar Crime Committee for the excellent program it sponsored in Chicago on June 7, 2007: *Staying on Track When Worlds Collide: Practical Advice for Corporations Conducting Internal Investigations and Responding to Government Inquiries* the 2.5 hour CLE drew over 150 participants and featured Carol Lam as a speaker introduced by Patrick Fitzgerald. The Section produced a pod cast of the program and has posted this along with conference materials on the White Collar Crime Committee web site.

June 25-26, San Francisco, CA

The CJS Sponsored the first ***National Institute on Computing and the Law*** in San Francisco which was organized by the Science and Technology and the Computer Crimes Committees.

August 9-12, San Francisco, CA

Criminal Justice Section Programs at the ABA Annual Meeting: The Criminal Justice Section presented five major programs in San Francisco at the ABA Annual Meeting including: Invasion of the Personal Information Snatchers: Pretexting, Caller ID Spoofing and Beyond; Annual Review of Supreme Court Decisions – Criminal Cases; Modern Day Plea Negotiations; Dred Scott! 150 Years Later; and Back to the Future: Forty Years of *In Re Gault*. The Section cosponsored several other programs at the Annual.

V. OUTREACH

REPORT ON STRATEGIC COMMUNICATION

Four Messages

1. The Criminal Justice Section provides members the tools, expert resources and information to assist them in achieving the highest level of professional expertise.
2. The ABA Criminal Justice Section is the voice of criminal justice in the nation.
3. Using our unparalleled expertise, we provide information, insight and policy perspectives that serve the cause of justice.
4. The ABA Criminal Justice Section is the voice of criminal justice in the nation.

IMPLEMENTATION AND ACTIONS TO START THE PLAN:

REPORT ON EACH OF THE THREE PHASES

Phase One: Convince Leadership and Membership of the Messages.

Objectives Achieved:

- ▶ Hiring a Technology and Publications Manager and revamping web site
- ▶ Expanding and Improving the Section Newsletter
- ▶ Sending out monthly E-News
- ▶ Returning the *State of Criminal Justice* as a Section product
- ▶ Reorganizing Section Committees and creating new committees to meet member needs
- ▶ Sending Supreme Court case summaries to members as soon as they are issued by the court.
- ▶ Targeting specific professional settings in the ABA to recruit new members. Robert Johnson has signed a letter to Prosecutors and Anthony Joseph and Vince Aprile have signed a letter to defense attorney members of the ABA interested in criminal justice, but not in the Section. This summer we added white collar crime practitioners to the target list.
- ▶ We have increased the number of press release requests to the Media Relations division and the number of op/eds we draft. Op/eds on felon voting rights, the PLRA, gun violence and other issues have been crafted. We completed an audio op/ed on identity theft as a promo for the new book *The State of Criminal Justice* and ABA President Karen Mathis delivered the audio op/ed that introduced listeners to *13 Tips to Protect Yourself from Identity Theft* developed by CJS Cyber-crime Committee Chair David Goldstone. The audio press release was played on radio stations across the country with combined listener-ship of close to 7 million.

Phase Two: Convince Fellow ABA Entities of the Messages

Steps:

- ▶ Reached out to other ABA groups on criminal justice policy, projects and CLE. Cosponsored with International Section on the Foreign Corrupt Practices Act and the Business Law on the Anti Money Laundering Conference. The fall 2006 CLE was cosponsored by over a dozen ABA entities and Five have agreed for fall 2007.
- ▶ Implemented a system for Council to comment on criminal law policies before the ABA house of Delegates even when presented between Council meetings and just before the HOD meets resulting in the CJS being able to endorse other Section developed policy and go on record in the HOD as having done so.

- ▶ Worked to sponsor more policy recommendations and encouraged Section committees to get more active in policy development. Sponsored trainings for new Committee chairs in policy development and aggressively encouraged policy development by committees. Several Committees have been active in this regard including Corrections, Ethics, Professionalism and Gideon, White Collar Crime, Juvenile Justice, Legal Problems of the Elderly, Victims, Commission on Effective Criminal Sanctions, Defense Function, and the Standards Committee.
- ▶ Jointly submitting a number of grant proposals with other ABA entities and Cosponsoring CLE and policies of other ABA groups.
- ▶ Participating in three ABA Enterprise Fund applications for financial assistance for project ideas and taking the lead on the Mediation in Criminal Matters proposal which was funded by the ABA Board of Governors. Two other enterprise proposals that included the CJS were funded as well that will allow the CJS to work with 11 other ABA entities on these enterprise endeavors.

Phase Three: Convince the Criminal Justice Field Outside the ABA of the Messages

- ▶ Staff has completed and implemented new outreach plan to states and other entities to alert them to the policy work of the section. U. S. attorneys, local prosecutors, public defenders and colleges of criminal justice have been added to the outreach list in addition to state and local bars. Reports are sent quarterly and reach over 350 key individuals involved in criminal justice.
- ▶ Returned the *State of Criminal Justice* as a Section product. The Book has been mailed to all state and local bar criminal justice committee chairs, to national criminal justice groups and a press release on the book has been distributed to hundreds of Section members and individuals outside the Section such as professors at colleges of criminal justice. Several press contacts have requested copies of the book.
- ▶ Mailing approximately 200 copies of the Innocence Committee book *Achieving Justice: Freeing the Innocent, Convicting the Guilty* without cost to policymakers and entities throughout the country that were identified as being key to eliminating wrongful convictions in their jurisdictions including State and local bar associations.
- ▶ Establishing the Section fall meeting as a gathering place for the criminal justice field to focus on an issue of high import to the field and obtaining cosponsors from outside the ABA. The Disaster Preparedness Conference in New Orleans had over a dozen outside the ABA cosponsors. We already have 6 for Fall 07 conference that will focus on Plea Negotiations.
- ▶ Helping convince the NDAA, NLADA and others to cosponsor the CESC Resolutions before the ABA HOD. We completed a triple op/ed on Loan Forgiveness with the NDAA and NACDL that will be published in the *Prosecutor*, the *Champion*, and *Criminal Justice Magazine*. Our Elder Law Committee has drafted a resolution that will have the ABA endorse the substance of the 2003 NDAA Resolutions on vigorous enforcement of crimes against the elderly.
- ▶ Posting the Spring issue of the Section magazine on the Section web site for all to view free of charge and send announcements to major segments of the field.
- ▶ Posting the special disaster preparedness issue or the *Section Newsletter* on the web for all to view and send notice of this to individuals and groups inside and outside the ABA.

VII. MEMBERSHIP AND AWARDS

Membership Activity

Overall total Section membership is 17,572. Lawyer memberships totaled 7,206 in June 2007, an increase of 6.8% over this time last year. Overall Section membership is up 59.9% over last year, primarily due to continued increases in the law student category.

- Cumulative total lawyer “adds” for the year to date are 1,602, which is 119, or 7.4%, higher than this time last year. Of the 1,602 lawyer “adds” 701, or 43.8%, were Section-only “adds” and 379, or 23.7%, were ABA “adds.” Section-only “adds” are current ABA members who are joining our Section. ABA “adds” are individuals who are joining both the ABA and our Section.
- Cumulative total lawyer cancels for the year are 1,968, which is 316, or 16.1%, higher than last year; most are attributable to members dropped for non-payment of dues. This is true for the vast majority of Sections. Of the 1,968 lawyer “drops” 654 were Section-only “drops” and 1,314 were ABA “drops.” Section-only “drops” are current ABA members who dropped our Section. ABA “drops” are individuals who dropped their ABA membership. Of the 1,968 lawyer “drops” 152 were reinstated after paying their dues, bringing the total lawyer cancels to 1,816.

Recruitment

- Sent email invitation to join the Section to 2006 WCC Institute attendees that were not ABA members or not Section members and paid the full registration fee. They save \$50-\$175 as ABA and/or Section members.
- Sent email to criminal justice colleges, state bars and state prosecutors with links to the special Winter 2007 edition of the Section *Newsletter* on disaster preparedness and related materials.
- Sent letter inviting all ABA members that have an interest in white collar crime and are not Section members to join the Section and its White Collar Crime Committee. Also included the 2007 ABA/ABA Money Laundering Conference flyer. A total of 695 letters were mailed.
- Sent letter inviting all ABA members that have an interest in criminal justice (excluding white collar crime) and are not Section members to join the Section. A total of 5,000 letters were mailed.
- Upcoming ABA Membership & Marketing Division campaigns
 - ABA annual telemarketing campaign: new ABA members are offered a free Section if they pay their ABA dues immediately.
 - 07-08 New Bar Admittee Welcome Stream Letter: new lawyer members who were not ABA members as law students receive a free section offer; last year we recruited 47 new members through this promotion.
 - 07-08 New Bar Admittee Postcard: new lawyer members who recently joined the ABA but did not respond to section recruitment efforts in the Welcome Stream Letter and have not provided an area of concentration receive a free section offer; last year we recruited 26 new members through this promotion.
- Exhibited Section membership materials at several conferences:
 - ABA-ABA Money Laundering Conference (October 2006)
 - National Asian-Pacific Bar Association (November 2006)
 - ABA Professional Services Division Law Student Outreach (February 2007)
 - ABA Division for Bar Services *Taste of ABA Services and Resources* (March 2007)

- National Native American Bar Association (April 2007)
- National Conference for the Minority Lawyer (June 2007)

Retention

- Personalized welcome letter sent to new members at the beginning of every month.
- Thank you letter to new members since June 2006 was sent in January and July.
- Membership reception at Midyear Meeting in Miami.

Dues

- Section dues will increase to \$40 in 2007-08.
- Joint dues with Government Division will increase to \$60 in 2007-08.

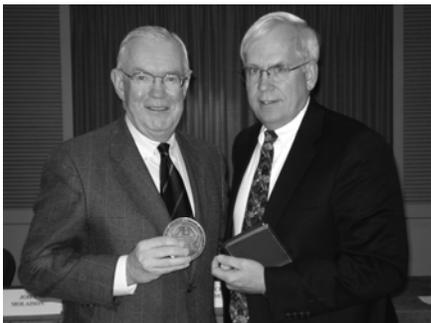
Proposed publication – Careers in Criminal Justice

- The Membership Committee proposed to the publications committee that it undertake the publications of this new book specifically targeted to law student members to increase the likelihood of later keeping students as lawyer members of the section.

Awards:

Minister of Justice Award

At the Section’s Fall meeting in November 2006, the Minister of Justice Award was presented to former Section Chair **Norman Maleng**. The Award recognized that in his service as Washington State’s King County Prosecutor since 1978, Mr. Maleng had embodied the principles enunciated in the *ABA Standards for Criminal Justice*, Prosecution Function, particularly the one stating “The duty of the prosecutor is to seek justice, not merely to convict.” His impact on the justice system was statewide and included involvement in victims’ rights, laws involving the civil commitment of sex offenders, and a juvenile justice act that provides an improved framework for intervening in the lives of troubled youth. The Section was saddened by the passing of Mr. Maleng this May, and has requested ABA Board approval to rename the Minister of Justice Award the Norman Maleng Minister of Justice Award.



Norman Maleng (left) receives the Minister of Justice Award from Bob Johnson.

Norman Maleng: In Memoriam

With the unexpected death of Norman Maleng on May 24, Seattle lost its popular prosecutor of 29 years. The ABA Criminal Justice Section lost a longstanding friend and leader.

Mr. Maleng had chaired the Section in 2003-04 and in had served on its Criminal Justice Standards Committee in the early 1990's. In 2006, he was given the Section's Minister of Justice award recognizing his embodiment of three principles: (1) the prosecutor's obligation is to protect the innocent as well as to convict the guilty, (2) the prosecutor must guard the rights of the accused as well as enforce the rights of the public, and (3) the prosecutor's commitment to the legal and ethical standards must be unwavering.

Soft-spoken and the consummate gentleman whose very presence commanded respect (a fact accounting for an admiring defense attorney confessing it difficult to call him by his first name), Mr. Maleng was a very effective and, in many ways, a tough prosecutor. He was particularly protective of those he viewed as vulnerable, creating special prosecutorial units to deal with child abuse, sexual assault and domestic violence.

Yet Mr. Maleng saw his responsibilities as going beyond prosecuting cases. His commitment to a broad view of "justice" was dramatically demonstrated in his handling of the highly-publicized Green River Killer case. The decision he made in that case — what he later described as "the most difficult of my professional career"— involved putting aside his policy of refusing to negotiate death penalty cases. That policy had been grounded on his belief that the death penalty should not be used as leverage for a plea to aggravated murder. However, his realization that adhering to the policy for the seven murders that could be charged without a plea would potentially foreclose for all time information about 41 unsolved but presumably connected cases led him to choose a resolution that spared the life of a serial killer but provided opportunity of closure for the "mothers, fathers, sisters, brothers, and children of the victims."

Perhaps Mr. Maleng's primary legacy will be his commitment to viewing criminal cases not just as convictions to be won but as human problems that the prosecutor's office often has a unique clout to ameliorate. For example, he described drug addiction primarily as a "great human tragedy," and refused to choose between prosecution and treatment, observing that "Given the choice between treatment and drugs, addicts will choose drugs. Given the choice between treatment and incarceration, addicts will choose treatment. If treatment is applied with persistence, some people will turn the corner and realize that sobriety is their best chance for life."

He was also adept on the political front. As an architect of the state's Sentencing Reform Act, he was successful in obtaining reduced sentences for drug dealing while capturing the resulting savings for drug treatment of defendants charged with felony crimes. In describing the "win-win" solution, he noted that "Drug dealers still go to prison in Washington, but for a shorter period of time, and with the opportunity to receive drug treatment both in prison and upon release back into the community."

Self-described as a "simple farm boy," Mr. Maleng was born in 1938 and raised on a small dairy farm in northwestern Washington State. After receiving an economics and law degrees from the University of Washington, he served as staff attorney for the U.S. Senate Committee

on Commerce before being elected King County prosecutor in 1978. At the time of his death, he oversaw a staff of 500 employees including 250 deputy prosecutors. He is survived by his wife Judy and their son Mark. A daughter, Karen, was killed in 1989 by a sledding accident.

A simple line drawing of Mr. Maleng appeared in the Seattle Post-Intelligencer the day after his death. It was very aptly accompanied by the single Shakespearean quote: "And earthly power doth then show like God's when mercy seasons justice."

Charles R. English Award

On March 1, 2007, at the opening session for the 21st annual CJS White Collar Crime Conference, the ABA Criminal Justice Section bestowed the Charles R. English Award upon Raymond Banoun, head of the Cadwalader's Business Fraud and Complex Litigation practice. The site of the award was most appropriate since Mr. Banoun has been the Program Chair for this the most successful CLE event the Section sponsors for the past 21 years. In doing so the CJS recognized Ray's contribution to the Section and to the criminal justice field. The award is given to lawyers who exemplify the highest standards of professional ethics and service to the criminal justice system.



One of the leading business fraud litigators in the nation, Mr. Banoun is the Managing Partner of Cadwalader's Washington, D.C. office and oversees the firm's Business Fraud practice. A Fellow of the American College of Trial Lawyers who has been named among the top 500 litigators in the country, he represents corporations, financial institutions, investment firms, law firms and individuals in all aspects of criminal investigations and litigation, both pre- and post-indictment, as well as in complex civil litigation, including class, shareholders, whistleblower and RICO actions in federal and state courts. He is well-versed in the money laundering laws of the United States and foreign countries, including the USA PATRIOT Act and the Bank Secrecy Act and is coauthor of "Money Laundering, Terrorism and Financial Institutions," published by The Civic Research Institute. He is a past Chairman of the ABA Criminal Justice Section's White Collar Crime Committee and the Business Crimes Committee of the International Bar Association's Section of Business Law.

Livingston Hall Award

Eileen Hirsch is this year's recipient of the ABA CJS's Livingston Hall Award. The name of Eileen Hirsch is synonymous with juvenile justice in the state of Wisconsin. In her 24 year career in juvenile justice, Eileen has worked on behalf of juveniles in virtually every imaginable capacity. She has helped to rewrite Wisconsin's Juvenile Code, authored numerous training manuals for attorneys, instituted class actions on behalf of

incarcerated juveniles, represented countless individual juvenile clients at trial and on appeal, and has supervised and trained young lawyers and law students. Through her work, she has ensured that juvenile justice is not the stepchild to criminal justice in Wisconsin. As an appellate attorney, who operates behind the scenes and out of the public eye and as someone who does not draw attention to herself, many of Eileen's accomplishments have gone unnoticed by those outside of Wisconsin.

Eileen has succeeded in winning cases in the Wisconsin Supreme Court on critical issues in juvenile justice, issues which have gained little traction in other jurisdictions around the country. For example, in *In re Cesar G.*, 2004 WI 61, 272 Wis.2d 22, she persuaded the Wisconsin Supreme Court to hold that what appeared to be mandatory sex offender registration requirements for juveniles were, in fact, discretionary, allowing juvenile court judges to stay the registration requirement, conditional on successful completion of other conditions of the dispositional order. As one who has lost in the Illinois Supreme Court in a challenge to our state's mandatory sex offender registration requirements, I can attest to the fact that this was a herculean accomplishment.

According to Wisconsin Governor Jim Doyle, "Throughout her career, Eileen has dedicated her life, both in and outside the courtroom to children in need of guidance and support. She has positively affected the lives of countless individuals through her commitment to juvenile justice."

VII. BUDGET REPORT

The Section continues to operate in the black and within a very solid financial framework. Non-dues income from CLE and National Institute programming and interest income from our invested reserves continues to grow. Dues income for lawyer and associate members remains consistent with levels at this time last year. Section reserves are strong, providing not only annual growth from interest income but also providing fiscal stability and ensuring continuity of Section activities in event of economic downturns that would adversely affect future income to the Section.

The most recent financial reports show that the bulk of total FY06-07 revenues have already been received, but our heaviest expenses will not be incurred until the last half of the year and probably not recorded until the final quarter.

- **CLE and National Institute** programs account for the bulk of income to the Section. The White Collar Crime National Institute and the Money Laundering CLE program held jointly with the American Bankers Association continue to be extraordinarily successful.
- **DUES INCOME:** Regular lawyer member dues were budgeted at \$190,000 for the current year based on actual dues income received for last fiscal year. Actual collections for the current year now stand at \$182,235 or \$7,765 less than budgeted for the year. Associate dues collections are slightly in excess of the \$6,500 budgeted for the year. Efforts to stabilize existing membership numbers and to increase our regular lawyer base continue. We hope to see an increase in regular lawyer and associate members that will translate into increased income for the remainder of this year and in coming years.
- **FY2007-08 GENERAL REVENUE REQUESTS:** Section activities are supported by more than our Section resources. The Section receives substantial general revenue support from the ABA toward our basic operations.

It must be noted that the level of activity proposed by the Standards Committee far exceeds that which could be undertaken within the general revenue support. Accordingly, the proposed FY07-08 Standards Committee budget assumes a commitment of additional financial support from the Criminal Justice Improvement Fund (CJIF) and/or Criminal Justice Section funds. The Council will be asked to approve this additional financial support for the Standards Committee as part of the FY2007-08 budget approval process at its meeting during the Annual Meeting.

VIII. DIVISION/COMMITTEE REPORTS

EQUAL JUSTICE DIVISION

Division Co-Directors: Victor Streib and Gary Walker

Juvenile Justice Committee

Chair: Robert Schwartz

During the past several months, the Juvenile Justice Committee drafted a policy recommendation and report addressing the sentencing of juveniles as adults. The committee plans to present the recommendation to the Criminal Justice Section Council in August and hopes to have the recommendation approved by the ABA House of Delegates at the ABA Annual Meeting in February. Other policy projects underway include girls in the justice system and a new Standards volume to address the borders of juvenile justice and other child-serving systems (education, child welfare, mental health).

The committee also continues to educate its members with updates on federal and state legislation and model programs. At the committee's meeting on April 21, 2007, a presentation on the status of federal legislation of interest was given by two Hill staffers from the U.S. Senate Judiciary Committee. Additionally, Vinny Schiraldi, Director, and Marc Schindler, Chief of Staff, of the Department of Youth Rehabilitation Services in D.C. gave a report about juvenile justice reforms in the District.

The committee will meet at the ABA Annual Meeting on Sunday August 12. On Saturday, August 11, the committee will sponsor a CLE program, *Back to the Future: Forty Years of In Re Gault*. The program will focus on the Right to Counsel for defendants in juvenile delinquency cases with a discussion of the 1967 Supreme Court decision in *In Re Gault*, how that decision has been implemented, and its implications for the 21st Century. Following the CLE program, ABA CJS Chair-Elect Stephen Saltzburg will present the Livingston Hall Juvenile Justice Award. The award is given each year to recognize lawyers practicing in the juvenile delinquency field who have demonstrated a high degree of skill, commitment and professionalism in representing their young clients.

Military Justice Committee

Co-Chairs: Gary Jackson and Carol Hatstrup

The Military Justice Committee reviewed proposals to:

(1) amend the Rules For Courts-Martial to eliminate the fact finder's ability to reconsider findings of not guilty while retaining the ability to reconsider findings of guilty; and

(2) amend Article 27, UCMJ to: grant service secretaries the authority to promulgate rules of professional responsibility; to require such rules to be based on the ABA Rules; to have such rules preempt conflicting state bar rules; and to codify, via statute (Article 27), the federal preemption.

The committee voted unanimously not to support the proposals and not to forward the proposals to the CJS council for consideration. With respect to the first proposal, the committee believes the current rules pertaining to reconsideration are fair in that they offer the greatest protection to the accused (less votes needed to reconsider finding of guilty but more votes needed to reconsider findings of not guilty) while preserving the trier-of-fact's ability to render its "true verdict." With respect to the second proposal, the committee believes such an amendment would be unnecessary in that the service TJAGs already have the authority to promulgate rules of professional responsibility, to require to require service rules to be based on the ABA rules may diminish each service TJAG's responsibility to maintain professional supervision and discipline over individuals practicing in his/her service, and federal preemption would be at odds with the current federal (military and non-military) practice.

The committee currently awaits notice of the proposed UCMJ/MCM changes from the Joint Service Committee on Military Justice and will review and make recommendations to the CJS on whether it should comment on, support, or oppose such.

Problems of the Elderly Committee **Co-Chairs: Lori Levin and Benjamin Overton**

Committee has taken the policy positions on the prosecution of elder abuse, neglect, and financial exploitation of the National District Attorneys Association together with the positions presented in the APRI Reports and put them in an ABA format for the adoption by the House of Delegates at the earliest possible time. Committee has included and will seek the help of elder law entities in the ABA to accomplish this approval.

Once ABA approval is accomplished there will be a special drafting committee appointed to put this policy in statutory language to the extent the policy requires statutory adoption for presentation to the Uniform Commission of State Laws for its approval.

Race and Racism in the Criminal Justice System Committee **Chair: Wayne McKenzie**

This is year the duties of chair of the committee were passed from Ken Nunn to Wayne McKenzie. Wayne is from the Vera Institute of Justice in NY where he is the director of the Prosecution and Racial Justice Program. He is currently of a leave of absence from the Kings County District Attorney's Office (Brooklyn, NY) and the Immediate Past President of the National Black Prosecutors Association. The committee offers much thanks to Ken and his work on behalf of the committee. A debt of gratitude is also owed to Patrice McFarlane for her tireless labor in pursuit of the committee's mission. Patrice's consistent commitment and support of the committee's work has been the glue that has held us together. We wish her well in her new assignment. Thanks also goes out to Jolanta (JJ) Juskiewicz for agreeing to again serve as vice-chair. Finally, we welcome Regina Ashmon, who has joined the Section staff as a committee coordinator, and has certainly hit the ground without breaking stride.

So far this year the committee has convened meetings in N. Orleans, LA and Miami, FL. We have also hosted two committee meetings via conference call.

The committee will focus its work on strategies to address racial disparity in the criminal justice system. To that end, extensive discussions were had regarding the feasibility of using two Maryland jurisdictions as pilot sites for establishing Racial Justice Tasks Forces. Additionally, we will evaluate the newly released suggested guidelines for Federal Prosecutors to Reduce Racial Disparity in Sentencing prepared by the Brennan Center in collaboration with NILE, with a view towards obtaining ABA support in favor of the guidelines, including having the guidelines considered by the Standards Committee. We will further seek ways to support the work of the Vera Institute's Prosecution and Racial Justice Program, an innovated effort aimed at creating data collection and management tools for prosecutors to address bias in the exercise of prosecutorial discretion.

Victims Committee

Co-Chairs: Russell Butler and Margaret Garvin

The start of 2007 has been a busy time for the Victims Committee. Three new projects have been the focus of the Committee's work. First, in January 2007, the Committee, working closely with the rest of the Criminal Justice Section, reviewed the proposed amendments to the Federal Rules of Criminal Procedure to determine their impact on the rights of victims. This review revealed that the proposed amendments to FRCP 17 did not comport with existing ABA policy. As a result, Robert Johnson submitted a letter to the Committee on Rules of Practice and Procedure urging the Committee to adopt changes to Rule 17 that would be in conformance with ABA policy, which supports greater protection for the privacy interests of victims. Next, in March 2007, co-chairs Russell Butler and Meg Garvin had the opportunity to present at the Equal Justice Conference in Denver, Colorado. The presentation addressed the critical need for attorneys provide *pro bono* representation to crime victims. As Mark I. Schickmann Chair of the Standing Committee on Pro Bono and Public Service, stated, "Recent years have seen *pro bono* opportunities expand beyond traditional areas of law, such as family and housing, and to new populations of attorneys, including transactional, government, and corporate attorneys. The outcome of this expansion has increased advocacy in innovative areas such as assisting victims of domestic violence with employment issues and advocating for crime victims' rights." The presentation was well attended and generated tremendous interest in both the Victims Committee and victims' issues. Finally, the Committee is proposing to the Section Council the creation of the *Frank Carrington Victim Attorney Award*. This award will posthumously honor Frank Carrington, who substantially contributed to the crime victims' rights movement in the United States, and will be awarded to annually to an attorney or legal service provider who has worked to promote or implement policies to improve the treatment of crime victims in the criminal justice system.

Two ongoing projects have remained a focus for the Committee. The Victims of Crime Act (VOCA) funding is again being threatened by congressional and presidential maneuvering. The Committee is once again working to ensure not only that funding for crime victims funds not be diminished, but in fact that the cap on VOCA funding be lifted to ensure proper services to victims nationwide, as well as to ensure victims can obtain those rights provided by law. The Committee is also continuing to review the "ABA Guidelines for Fair Treatment of Crime Victims and Witnesses" in order to recommend revisions to the now 24 year old document to

ensure it once again can provide guidance on victims issues the criminal justice system. The committee participated in the development of two grant proposals submitted to the DOJ OJP.

Women in Criminal Justice Committee
Co-Chairs: Jane Aiken and Sarah Buel

The Women in Criminal Justice Committee is relatively new and arose from our deep frustration with the large numbers of battered women serving long sentences, in large part due to ineffective assistance of counsel, and then with little or no recourse, depending on state laws and availability of appellate counsel. The committee drafted resolutions with a supporting report and helped to marshal through what ultimately became ABA Resolutions. See item II, Policy Development.

CORRECTION AND SENTENCING DIVISION

Division Co-Directors: Dino Amoroso and Charles Hynes

Corrections Committee
Co-Chairs: Martin Horn, Brett Dignam, and Marc Elias

The Corrections Committee has been hard at work on three exciting policy efforts. The ABA House of Delegates endorsed the recommendation of the committee to reform the PLRA. Under the leadership of Cecelia Klingele and with advice from William Rold, Michael Hamden and Tammy Seltzer a work group has written a report on the need for federal reimbursement of local prison and jail medical costs for the care of incarcerated persons. At the May meeting the committee reviewed the report and its accompanying draft resolution forwarded to the Criminal Justice Section which endorsed it. The resolution will be presented to the ABA House of delegates in August. See item II, Policy Development.

Another work group under the leadership of Lynn Branham has just commenced work on an effort to develop a report and draft standards for the best means of effectuating public oversight of local prisons and jails. The workgroup hopes to have something for the committee to consider at the summer meeting in time to pass along for consideration by the House of Delegates next winter.

Re-Entry and Collateral Consequences Committee
Co-Chairs: Michael Festa, Lisa Smith, and Lance Ogiste

The Re-Entry and Collateral Consequences Committee has undertaken several initiatives during the last six months. On January 12, 2007 we co-sponsored the *Massachusetts Public Policy Forum: Building Consensus Around Successful Reentry* at Suffolk Law School. We are currently planning a forum in New York City to discuss collateral consequences of criminal convictions. One of the foremost collateral consequences often discussed is the issue of loss of voting rights. The Committee chairs worked with the ABA to raise this issue in Kentucky and to foster discussion in the press regarding legislative changes by developing an op/ed.

The Committee has also visited a number of Re-Entry Courts including the Harlem Parole Re-Entry Court and the Lancaster Job Court. A presentation about these Courts was made at the May 2007 Criminal Justice Section meeting in Michigan.

We updated and greatly expanded our website to include practical tips on understanding collateral consequences and to enable attorneys to locate reentry programs.

Sentencing Committee

Co-Chairs: Barry Boss and James Felman

On the state side, Vice-Chair Carl Reynolds has been extremely active in studying and reporting on state sentencing policies and constitutional issues. In addition, he has been in contact with Bob Johnson about taking up the mantle of "training in the exercise of discretion" as recommended by the Commission on Effective Criminal Sanctions. We are working with Doug Dretke, the former head of prisons in Texas, who now runs the Correctional Management Institute at Sam Houston State University, and working toward a November sentencing conference for judges in Texas, in conjunction with the state's community corrections department.

On the federal side, we have made our top priority addressing the unfair disparity between sentences for crack and powder cocaine and addressing other potential legislative action. The Sentencing Commission has taken the first step of proposing changes to reduce the disparity between crack and powder cocaine sentences, and we are optimistic that Congress will not reject this proposal. We are attempting to persuade the Sentencing Commission to consider broader alternatives to incarceration during the 2008 amendment cycle and are taking an active role in the Congressional debate about mandatory minimum sentences.

SPECIALIZED PRACTICE DIVISION

Division Co-Directors: James Cole and Steven Solow

Cybercrime Committee

Co-Chairs: Christopher Painter and David Goldstone

The Cybercrime Committee has actively supported the Criminal Justice Section's efforts on the ABA's National Institute on Computing and the Law. It was held on June 24-25 in San Francisco. Both Christopher Painter and David Goldstone attended and participated.

The Cybercrime Committee completed work on its project, developing a "Top 10" list for ways to avoid identity theft. See item V, Outreach.

Homeland Security Committee

Co-Chairs: Barbara Berman and Robert Litt

The Homeland Security Committee held its first meeting in connection with the CLE program in New Orleans in November 2006. That CLE program provided all attendees a hard look at

the effect Katrina had on the criminal justice system in New Orleans and Louisiana and the steps taken to try to deal with those problems. The presentations were powerful and provided a useful framework for examining whether local criminal justice systems are ready to deal with another large-scale emergency in the future.

Several steps were taken to build on the program and disseminate the lessons learned. The Section posted on the website a variety of resources from the sessions. A special issue of the section newsletter on Disaster Preparedness and Criminal Justice was published in January. And Mary Boland wrote an article entitled *Will Your Criminal Justice System Function in the Next Emergency?* for the Spring 2007 issue of the *Criminal Justice* magazine.

The Committee is preparing a report and recommendations for the Council on the material witness statute. This project was originally taken up by the White Collar Crime Committee but was passed on to Homeland Security as being the more appropriate body. Jeff Green of Sidley & Austin is leading the working group.

The Committee will hold its next meeting in connection with the annual meeting. We intend to propose to Assistant Attorney General Ken Wainstein, head of the National Security Division, a series of dialogue meetings similar to those that the White Collar Crime Section has with the Criminal Division, and solicit any suggestions as to topics we should cover. Mr. Wainstein has agreed to join the committee meeting in San Francisco and will also appear before CJS Council during the annual meeting.

Immigration Committee

Co-Chairs: Robert McWhirter and Sara Dill

In its second year, the Immigration Committee continues to grow and actively support the Criminal Justice Section. The Committee successfully sponsored a CLE at the ABA Midyear Meeting in Miami, Florida. Committee Co-Chairs Bob McWhirter and Sara Elizabeth Dill presented a program on the representation of non-citizens in criminal proceedings. The CLE was well attended.

The Committee provided important comments on the recommendation before the ABA House of Delegates concerning Protection and Assistance for Victims of Human Trafficking (see item II, Policy). The Committee continues to grow its numbers, including the addition of many young lawyers from around the country, as well as participation from lawyers in the government sector that now provide a much-needed voice in this area.

PROFESSIONAL DEVELOPMENT DIVISION

Division Co-Directors: Barbara Berman and Martin Marcus

CLE Board

Chair: Catherine Beane

The CLE Board of the Criminal Justice Section is a relatively new committee for the Criminal Justice Section. The CLE Board's primary responsibilities are to take a major role in coordinating the section's Annual Fall meeting, to work closely with section committees on the mid-year and annual meetings and other CLE events, and to oversee and support the CLE-related work of the section.

The new CLE Board is comprised of seven members: Catherine Beane, Beane Consulting, Chair; John T. Boese, Fried Frank Harris Shriver & Jacobson; Maureen Essex, Maryland Public Defenders Office; Mary Galvin, National College of District Attorneys; Bruce Green, Fordham University; Stacy Sundstrom, Minnesota County Attorney Association; and Elizabeth Ann Ziegler, US Trustees Office. The CLE Board held its first meeting on June 4. See item IV, CLE.

Criminal Procedure, Evidence and Police Practices Committee

Co-Chairs: Clifford Fishman and David Leonard

At the request of Section Chair Robert Johnson, the Committee will study legal issues raised by the use of private security to perform policing functions. The issue has become more important as private security forces have proliferated.

The Committee continues to monitor progress on proposed Federal Rule of evidence 502, dealing with waiver of the attorney-client privilege. A large number of practitioners and scholars commented on the Evidence Advisory Committee's proposal during the comment period, which ended in February.

The Committee has begun drawing plans for a possible CLE program to take place at the 2008 Annual Meeting. If approved, the program will focus on remote testimony and will include a demonstration of cutting-edge technology that eliminates many of the drawbacks of not having witnesses testify live in front of the jury.

Innocence Subcommittee

Co-Chairs: Paul Giannelli and Myrna Raeder

The Subcommittee's publication *Achieving Justice: Freeing the Innocent, Convicting the Guilty* has sold approximately 500 copies to date, which essentially covers the cost of publication. These sales indicate the national interest in finding solutions to wrongful convictions and highlights the leadership role of the CJS in developing ABA policies on these issues. In addition, the possibility of a wrongful conviction symposium to be sponsored by Southwestern Law School's law review with co-sponsorship of the Section is being discussed

for spring or fall of 2008. Individual members of the Subcommittee have remained active in discussing ABA policies at the conferences they attend.

Defense Function Committee

Co-Chairs: Jon May and Cynthia Orr

The Defense Function Committee focused its attention on growth of the committee and involvement in projects which provide value to committee members.

The Attorney-Client Privilege Protection Act: The Committee will be preparing a recommendation to the Criminal Justice Council, Prosecution Function Committee, the White Collar Crime Committee and the President's Task Force on the Attorney-Client Privilege recommending that the ABA promote the passage of the Attorney-Client Privilege Protection Act pending in Congress.

Federal Rules of Criminal Procedure: The Committee prepared comments to proposed rules 29 and 17. Its comments regarding rule 29 were ultimately adopted by the Criminal Justice Council and ABA House of Delegates and presented to The Advisory Committee on the Federal Rules of Criminal Procedure on behalf of the ABA. Special thanks go to John May, Peter Goldberger, Robert Buschel, Robert Johnson and Steven Saltzburg for contributing to the successful presentation of our comments regarding rule 29.

Practice Tips: The Committee has also submitted practice tips for inclusion in the Criminal Justice Section's newsletter. John May has submitted a piece which he wrote regarding notice of expert witness testimony and Cynthia Orr submitted one concerning increasing the odds of obtaining a grant of certiorari before the United States Supreme Court.

CLE: Brice L. Aikens and Robert Buschel presented a proposal for the ABA 2007 annual meeting which was approved. The presentation will concern "Modern-Day Plea Negotiations in Criminal Cases." Cynthia Orr assisted Barry Boss in outlining a telephonic conference concerning the Rita and Claiborne cases to be held upon issuance of the decision in these important cases pending before the United States Supreme Court.

Tribal Justice: John May and Cynthia Orr have been conducting an analysis of tribal Justice issues for consideration by the defense function committee. We were alarmed to learn that *Gideon v. Wainwright*, 372US 335, 83 S.Ct. 792, 9 L.Ed.2d 799 (1963), is not deemed to apply on Indian reservations. In addition, there have been recent efforts made to encourage the creation of death penalty offenses on Indian reservations.

Department of Justice policies: The Committee is also preparing proposed ethical standards for defense counsel conducting internal investigations regarding alleged corporate misconduct.

Standards: In addition to seeking information concerning appropriate standards for habeas corpus and appellate practice, the defense function services committee had a conference call concerning the proposed Investigative Standards for prosecutors. The committee will be providing comments to the Standards Committee prior to the next reading based on the fruits of

the Defense Function conference call. The team working on this effort to include Jon May, Elizabeth Kelly, Robert Buschel, Jennifer Thompson and Cynthia Orr.

Recommendation for post-conviction relief in innocence cases not involving biological evidence: The Committee will continue to pursue a recommendation for post-conviction relief measures allowing defendants a process to review their wrongful convictions in appropriate cases. The key components of such a measure should include a screening process to avoid frivolous litigation and the exemption of appropriate cases from any procedural bars.

New criminal code: The Committee also continues to participate in and coordinate efforts with NACDL and the Heritage Foundation concerning reform of the federal criminal code. Unrealized goals of the committee include a survey of our members regarding law enforcement and prosecutorial misconduct and a joint effort with The Prosecution Function concerning standards for civility.

Ethics, Gideon and Professionalism Committee
Co-Chairs: Bruce Green and Ellen Yaroshefsky

This newly-formed Committee held its first meeting on January 5, 2007 in Washington D.C., coinciding with the annual meeting of the AALS. Members agreed to help develop the committee's website and to contribute to various CLE programs and publications. Since that time, the Committee circulated a Report and Recommendation to amend Rule 3.8 of the ABA Model Rules of Professional Conduct to include two provisions that would address prosecutors' post-conviction obligations upon learning of material evidence of innocence. The draft has been circulated within the Section as well as to the ABA's ethics committee and to the litigation section and we await comment. The committee co-chairs have also been working with Section chair-elect Steve Saltzburg and a planning committee to organize the Section's November 2, 2007 program in Washington, D.C. on *Ethics and Professionalism Issues in Plea Bargaining*.

Judicial Function Committee
Co-Chairs: James Holderman and Sheila Murphy

The Judicial Function Committee, in the first six months of its existence, continues to maintain progress toward its goals of enhancing membership, creating an informative home page, developing a "Best Practices" program, and providing a mechanism for an informal exchange of ideas among active committee members.

Committee members will be participating and providing a judicial perspective on issues addressed at the CJS program on plea bargaining on November 2, 2007 in Washington, D.C.

Committee members are also planning programs and further participation with an eye toward meeting our goals in the coming year.

Past Chairs Function Committee

Chair: Michael Pasano

Former chairs committee is still forming. Calls and letters have gone out to former chairs. Plans include a former chairs CLE panel at upcoming section meetings.

Prosecution Function Committee

Co-Chairs: Cheryl Jacobs, David Simon, and Michael Moore

The Prosecution Function Committee is participating in the CLE program on Plea Bargaining to be presented at the Fall meeting. The committee is also reviewing and preparing comments on the "Investigation Standards for Prosecutors," and the proposed resolution concerning Sentence Mitigation for Youthful Offenders, both of which will be taken up by the Council in San Francisco.

Science and Technology Committee

Co-Chairs: Andrew Grosso and Joseph Savage

The Committee for Science and Technology is organizing the ABA's first National Institute on Computing and the Law, entitled *Steps to Strides into the New Age*. Panels include Government Security, Surveillance and Civil Liberties; Litigating the High Tech Case; Issues in Prosecutions and the Sentencing Guidelines; Government Initiatives; and The Future of Computing, the Internet, & Society. The institute took place at the Nikko Hotel in San Francisco on June 25-26th.

COMMUNICATION, MEMBERSHIP AND SERVICES DIVISION

Division Co-Directors: Susan Gaertner and Andrew Taslitz

Book Board

Chair: Amie Clifford

The Board continues to work with ABA Publishing on publishing and marketing ideas for CJS Book Board to undertake. See item IV, Publications.

***Criminal Justice* Magazine Editorial Board**

Chair: J. Vincent Aprile II

The *Criminal Justice* magazine editorial board met at the ABA Headquarters in Washington, D.C., on March 30, 2007. In addition to the ongoing pursuit of authors and articles, the board continues its work on a variety of magazine topics, such as: the design and implementation of a new readership survey (probably electronically); the creation of a new readership subcommittee, primarily composed of section members not on the board, to provide additional perspectives and diversity on articles and authors; design revisions to the magazine, including the possibility of introducing additional color, at least on an experimental basis; devising a method of assessing the impact of the articles and columns published in the magazine by

tracking where those works are cited, whether in other publications, cases, or on the internet; an effort by the board to identify new sources for commercial advertisements for the magazine; and an attempt to run several articles and/or columns on *Careers in Criminal Justice*, to create interest in a new ABA book proposal on that same topic.

Criminal Practice Management/Solo and Small Firm Committee

Chair: Solomon Wisenberg

We prepared a Practice Tip for the Spring CJS Newsletter on *What I Have Learned from the Masters on Running a Great Small Firm Criminal Practice*.

Communications, Awards and Membership Committee

Co-Chairs: J. Vincent Aprile II, and Cheryl Jacobs

See item IV, Membership.

Legislative and Policy Committee

Chair: Matt Redle

11/7/06: Contacted all individuals expressing interest in serving as committee members as indicated on the ABA/CJS website.

12/12/06: Participated in conference call training facilitated by Steve Saltzburg and Lynn Branham on ABA Policy Development within the CJS.

1/8/07: Participated in conference call with Jack Hanna and Bruce Nicholson (ABA Governmental. Affairs) to discuss niches which might be filled by this committee, resources available from ABA.

1/19/07: Conference call discussion identified that the committee may be able to track issues currently of interest to State Legislatures through the Council of State Governments and National Conference of State Legislatures. Items of current interest include Re-entry issues, Identity Theft, People Trafficking and Involuntary Servitude and others. The committee can help inform the CSG and National Conference of the work of the Section and the Policies as developed. It was suggested that we might attempt a pilot program with five to seven State Bar Associations to try to insure that as issues arise in state legislatures those bodies become aware of ABA/CJS Policy provisions relevant to those issues.

WHITE COLLAR CRIME DIVISION

Division Co-Directors: Stephen Bronis and Anthony Joseph

White Collar Crime Committee

Co-Chairs: Gary Collins and Ronald Nessim

This past quarter was highlighted by the 21st Annual National Institute on White Collar Crime which was held March 1-2, 2007. This year, a record number of more than 1300 practitioners gathered in San Diego to benefit from the expertise and insights of a unique blend of judges, federal, state and local prosecutors, other law enforcement officials, defense attorneys, corporate in-house counsel, and members of the academic community. Our nation's highest ranking federal law enforcement official, Attorney General Alberto Gonzales delivered the keynote at the Institute's luncheon during which he addressed the priorities of the Department of Justice.

Our Institute, founded by former Committee Co-chair and National Institute Program Chair, Ray Banoun, stands alone as the preeminent gathering of criminal justice practitioners in the country. Ray's vision and foresight were honored at the conference when he was awarded the Charles English Award.

CRIMINAL JUSTICE STANDARDS COMMITTEE

Chair: Irwin Schwartz

The 2006-07 Association Year saw considerable activity relating to new or revised ABA Criminal Justice Standards on Transaction Surveillance, Diversion and Special Courts, the Prosecution and Defense Function, Legal Status of Prisoners, Prosecutorial Investigations, Biological Evidence, and Pretrial Release.

Individual Standards projects typically take four to five years, starting with the drafting of "black letter" Standards, progressing through the rigorous review and approval process followed by the preparation and approval of explanatory commentary, and culminating in a publication containing both "black letter" and commentary. By design, therefore, at any given time different projects are at various stages in the "pipeline." This year, under the continuing leadership of Chair Irwin Schwartz, two new projects got underway; a set of draft Standards was submitted to the Standards Committee for review and another was brought to the Section Council for a first reading; commentary to two sets of Standards was completed and approved; and one publication was printed. These efforts involved numerous drafts reviewed at ten Task Force meetings, two Standards Committee meetings, two Council meetings, as well as in many telephone conference calls and countless e-mail exchanges at all levels of the process.

Transaction Surveillance

In the fall of 2006, a Task Force was appointed to develop new Standards on law enforcement access to private third party records about individuals' transactions including, but not limited to, telephone calls, e-mail exchanges, internet use, credit card purchases, etc. The proposed Standards are to complement existing Standards on Electronic Surveillance of Private

Communications and on Technologically-Assisted Physical Surveillance. The Task Force is chaired by Justice Michael Bender of the Colorado Supreme Court. The Reporter is Prof. Stephen Henderson of Widener University Law School. The Task Force held its first meeting in May, and has scheduled a second meeting for October.

Diversion and Special Courts

In the summer of 2006, a Task Force was appointed to develop Standards expanding upon the section on “Conditional Release Pending Diversion” that had appeared in the Second Edition, Revised Pretrial Release Standards. That section had been deliberately omitted from the 2002 Third Edition of those Standards so that diversion – and the increasingly popular special courts – could be considered in a context broader than pretrial release. The Task Force is chaired by Judge Irma Raker of the Maryland Court of Appeals, and the reporter is Prof. Walter Dickey of the University of Wisconsin Law School. It held its first three meetings during the past year.

Prosecution and Defense Function

In late 2005, Judge John Tunheim of the U.S. District Court in Minneapolis, was invited to chair the first Task Force working on 4th Edition Standards. Prof. Rory Little of the University of California Hastings College of Law agreed to serve as Task Force Reporter. During the 2006-07 Association year, it held four meetings, for a total of six to date. Two additional meetings are scheduled for the new year.

Prosecutorial Investigations

A project to develop a new set of Standards to elaborate on Part III (“Investigation for Prosecution Decision”) of the 3rd Edition Prosecution Function Standards was launched in the fall of 2002. Ronald Goldstock, independent private sector investigator, was appointed Task Force Chair and Steven Solow then of Maryland University Law School (now at Hunton & Williams) was named Task Force Reporter. After nine meetings, in December 2005, the Task Force submitted its draft Standards to the Standards Committee. During the past Association Year, the Committee held the last two of four in-person meetings to review the draft and in April circulated the proposed Standards to the Council and interested parties for the first of two required readings by the Criminal Justice Section Council. The first reading, begun in May, was continued to the August meeting to allow the Committee to draft a preamble clarifying the scope of the proposed Standards and to reorganize the General Principles section.

Legal Status of Prisoners

Between January of 2005 and July 2006, the Task Force on the Legal Status of Prisoners held five meetings. During the past Association Year, Task Force Co-Chairs Margaret Love, private practitioner, and Alvin Bronstein, Director Emeritus, ACLU Prison Project, together with Reporter Michele Deitch, Adjunct Professor, University of Texas LBJ School of Public Affairs, led the Task Force through its last two meetings. In May, the Task Force approved the draft Standards. They will be considered by the Standards Committee during the new Association Year.

Biological Evidence

In June, the Standards Committee approved commentary to accompany new “black letter” Standards on Biological Evidence adopted by the House of Delegates in August 2006. The

publication is expected to be printed early in 2007-08. Task Force Reporter Paul Giannelli, Professor of Law at Case Western Reserve University, was the commentary's principal author. Martin Marcus, New York Supreme Court, was Task Force Chair. The project began in the summer of 2003.

Pretrial Release

Finally, during the past year, commentary to the Pretrial Release Standards was approved by the Standards Committee and published along with the "black letter" that had been approved in 2002. The commentary was prepared by Task Force Reporter John Goldkamp of Temple University and edited by Barry Mahoney of the Justice Management Institute. Judge Andrew Sonner, Maryland Court of Special Appeals (now retired) had served as Task Force Chair.

CRIMINAL JUSTICE SECTION LEADERSHIP, 2006-2007

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