

Fall Conference Addresses Sentencing and Reentry Issues

BY ROBERT SNODDY AND KYO SUH

On November 6, 2009, at the Marvin Center located on the George Washington University campus in Washington, D.C., the ABA Criminal Justice Section presented the “Second Annual Sentencing Advocacy, Practice and Reform Institute with a Special Emphasis on Reentry.” This one-day seminar addressed a broad array of sentencing and reentry issues, with a particular emphasis on sentencing practice in white-collar cases. The conference examined sentencing and reentry trends and opportunities for reform at both the federal and state levels. The program began with a plenary session on the state of the sentencing union, including rates of incarceration, sentencing trends, racial disparity, alternatives to incarceration, and recent federal legislation. There were two tracks of instruction focused on reentry and two focused on sentencing, each addressing issues of concern to different segments of the criminal justice community, including probation and parole officials, white-collar crime defense attorneys, prosecutors, academics, public defenders, judges, sentencing consultants, mitigation specialists, corrections personnel, victim advocates and policy experts. One track focused on practice and procedure issues of particular concern to criminal defense attorneys in general and white-collar practitioners in particular. Speakers included Jeremy Travis, president of the John Jay College of Criminal Justice and the U.S. Sentencing Commission.

U.S. Attorney General Holder Speaks at Annual Meeting

The Criminal Justice Section’s 2009 Annual Meeting (July 30-Aug. 2, in Chicago) featured a plethora of programs that addressed issues ranging from the roles and responsibilities lawyers assume when

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representing juveniles to an in-depth discussion on the factors that contributed to the current financial crisis and what steps both prosecutors and government regulators will take in moving forward with investigations.

The materials for all the Section’s programs that took place during the Annual Meeting, as well as audio recordings of selected programs, can be found at www.abanet.org/crimjust/calendar/2009annual.html.

During its Annual Awards Reception on July 31 at the John Marshall Law School the Section honored the following individuals: Susan Gaertner, Ramsey County (Minn.) district attorney, recipient of the Norm Maleng Minister of Justice Award; Janet Levine, partner in the law firm of Crowell & Morning, recipient of the Charles English Award; and Winston A. Peters, Los Angeles County assistant public defender, recipient of the Livingston Hall Juvenile Justice Award.

One final awards note—the Section was singled out by the ABA Section Officers Conference to receive its 2009 Meritorious Service Award for the “Mediation in Criminal Matters Project.”

U.S. Attorney General Eric Holder gave a keynote address to the ABA House of Delegates outlining his department’s priorities for the nation’s criminal justice system. He discussed issues such as sentencing reform, incarceration guidelines, reentry, health care fraud enforcement, and the need for drastic improvements to the indigent defense system. The audio of his remarks can be found at <http://www.abanet.org/crimjust/annual/annual080309.asx>.

Additionally, the ABA House of Delegates approved the lone resolution brought by the Section, which supports the enactment of legislation such as S. 714 (111th Congress) that would provide for a national study of the state of criminal justice in the United States to consider ways to reduce crime, lower incarceration rates, save taxpayer money, enhance the fairness and accuracy of criminal justice outcomes, and increase public confidence in the administration of the criminal justice system. The entire recommendation and report is available at www.abanet.org/crimjust/policy/am09111b.pdf.

New Publications

Trial Tactics, Second Edition. A compilation of high-profile criminal cases, practice tips, legal analyses, and cautions that prepares defense counsel, prosecutors and judges to do outstanding work at trial and assists them in ensuring that justice is done each day in every court throughout the land. The

text provides excellent statutory, case law, and inside advice by George Washington University Professor of Law Stephen Saltzburg. The 54-chapter book is broken down in seven parts: Basic Principles; Examination of Witnesses; Lay and Expert Opinion; Hearsay, Confrontation and Compulsory Process; Character Evidence; Summaries and Exhibits, and; Opening and Closing Arguments. Additional chapters are included in this second edition.

The Privilege of Silence: Fifth Amendment Protections Against Self-Incrimination. The United States Constitution provides that “no person shall be compelled in any criminal case to be a witness against himself.” While this portion of the Fifth Amendment contains only 15 words, its application can be deceptively complex. Using the Fifth Amendment

right against self-incrimination is dependent on the factual setting in which the privilege is asserted, with the values served often balanced against the competing interests at stake. This book explains the contours of the Fifth Amendment privilege against self-incrimination in practice, providing a guide for both the civil litigator who may encounter it infrequently, as well as the criminal lawyer who seeks to advance his or her client’s interests through the use of the Fifth Amendment.

For information on these and other Section books, visit the ABA Web site at www.abanet.org and click on “Store” at the top of the page or go to the Section Web site at www.abanet.org/crimjust/home.html and scroll down to “New Publications.” Special pricing is available to Section members. ■