

Paul M. Smith to Receive Thurgood Marshall Award

Civil rights and First Amendment attorney Paul M. Smith will receive the 2010 Thurgood Marshall Award during a dinner and reception on Saturday, Aug. 7, during the ABA Annual Meeting in San Francisco.

Smith is a partner in the Washington, D.C. office of Jenner & Block LLP where he has had an active U.S. Supreme Court practice for two decades, including oral arguments in thirteen Supreme Court cases. Smith's most important contributions to civil rights and civil liberties have come in the past decade, beginning in 2003 when he argued and won *Lawrence v. Texas*, a landmark case involving the protection of gay rights and sexual privacy. He successfully argued that a Texas statute prohibiting members of the same sex to engage in "deviant sexual intercourse" violated the Fourteenth Amendment equal protection clause. In a 6-3 ruling, the Supreme Court voted to strike down the Texas law as a violation of due process and equal protection guarantees. Since *Lawrence*, Smith has continued to work to advance LGBT civil rights: he has filed a series of influential amicus briefs in state



litigation concerning same-sex marriage; he is currently leading a Jenner & Block team in a closely watched challenge to section 3 of the federal Defense of Marriage Act; and he is also co-counsel with the National Center for Lesbian Rights in the pending U.S. Supreme Court case *Hastings Christian Legal Society v. Martinez*.

Smith's commitment to civil rights also extends to the protection of voting rights and First Amendment freedoms. Smith has argued three times before the U.S. Supreme Court since 2004 in voting rights matters. In 2008, he argued *Crawford v. Marion County Election Board*, a case challenging an Indiana voter ID law, which has been called the most significant

election law case to reach the Supreme Court since *Bush v. Gore* in 2000. As a dedicated advocate of First Amendment freedoms, Smith has represented the video game industry in challenging numerous state and local laws regulating the sale or distribution of video games based on their content. He has led a Jenner & Block team to a perfect 8-0 record by repeatedly persuading courts to strike down such laws as unconstitutional violations of free speech.

Established by the American Bar Association and the Section of Individual Rights and Responsibilities in 1992, the Thurgood Marshall Award honors U.S. Supreme Court Justice Thurgood Marshall, who epitomized individual commitment, in word and action, to the cause of civil rights in this country. The award recognizes similar long-term contributions by other members of the legal profession to the advancement of civil rights, civil liberties, and human rights in the United States.

For more information, please visit <http://www.abanet.org/irr/tmaward>.

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Nominating Committee to Name Candidates for 2010-2011 Section Council

The 2010 Nominating Committee is set to recommend candidates for open Section Council positions in the 2010-2011 year. Chaired by past Section Chair Paul Igasaki, the committee also includes Section Council Members Kristen M. Galles, Gerald B. Gardner, and Shelley D. Hayes; Chair-elect C. Elisia Frazier (ex officio); and Section Delegate Richard M. Macias.

Section members will vote on the Committee's slate at a luncheon to be held at noon on Friday, Aug. 6, 2010, at

the San Francisco Marriott during the 2010 ABA Annual Meeting in San Francisco. Under the Section's bylaws, any Section member may nominate candidates other than those selected by the Nominating Committee by submitting a written statement of nomination, signed by one other member in addition to the member being nominated, to Section Chair Richard J. Podell or to Section Secretary James R. Silkenat at least six hours before the election. Nominations are not permitted from the floor at the time of the election.

Legislative Update

Healthcare has remained the top legislative priority during the spring session of the 111th Congress. On Mar. 23, 2010 President Obama signed into law one of the most sweeping legislative initiatives in over four decades. The Patient Protection and Affordable Health Care Act (HR 3590) was passed by the House by a vote of 219-212, on Mar. 21. On Mar. 25, the Senate passed, by a vote of 56-43, a package of “fixes” to the Patient Protection and Affordable Health Care Act that includes increased benefits for the elderly, and lower-income and middle-class families. Shortly thereafter, by a vote of 220-207, the House passed the Senate bill, which was the final step in the legislative process for the landmark healthcare legislation. President Obama is set to sign the complete bill on Tuesday, Mar. 30th.

In the midst of these ongoing efforts, other national and international issues have gained a substantial amount of attention. At home, the recent 5-4 Supreme Court decision in the *Citizens United* case, which lifts restrictions on corporate and union spending in elections by voiding a large portion of the McCain-Feingold Act, has prompted a notable backlash by President Obama and Congressional Democrats, who are already crafting legislation to reverse the effects of the decision and considering an additional Constitutional amendment. Abroad, the disaster situation in Haiti continues to remain in the public eye as Presidents Bush and Clinton, Congress, the White House, and various celebrities and international actors maintain their efforts to contribute to Haiti’s recovery.

Children/Families

On Mar. 10, Rep. Stark (D-CA) introduced HR 4806, to prohibit discrimination in adoption or foster care placements based on the sexual orientation, gender identity, or marital status of any prospective adoptive or foster parent, or the sexual orientation or gender identity of the child involved. The bill was referred to the House Committee on Ways and Means.

On Feb. 22, Rep. Lewis (D-GA) introduced H Res 1081, supporting the goals and ideals of National Teen Dating Violence Awareness and Prevention Month. The resolution was referred to the House Committee on the Judiciary and was subsequently agreed to by voice vote.

On Jan. 27, Rep. Polis (D-CO) introduced HR 4530, to end discrimination based on actual or perceived sexual orientation or gender identity in public schools. The bill was referred to the House Committee on Education and Labor.

Civil Rights/Constitutional Law

On Mar. 3, Sen. Lieberman (I-CT) introduced S 3065, to amend Title 10, United States Code, to enhance the readiness of the Armed Forces by replacing the current policy concerning homosexuality in the

Armed Forces, referred to as “Don’t Ask, Don’t Tell,” with a policy of nondiscrimination on the basis of sexual orientation. The bill was referred to the Senate Committee on Armed Services.

On Feb. 2, Rep. Edwards (D-MD) introduced HJ Res 74, proposing an amendment to the Constitution of the United States permitting Congress and the states to regulate the expenditure of funds by corporations engaging in political speech. The resolution was referred to the House Committee on the Judiciary.

On Jan. 26, Rep. Foster (D-IL) introduced HR 4504, to authorize the Federal Communications Commission to issue regulations against the censorship of Internet search results. The bill was referred to House Foreign Affairs.

On Jan. 26, Rep. Chaffetz (R-UT) introduced HJ Res 72, a joint resolution disapproving the action of the District of Columbia Council in approving the Religious Freedom and Civil Marriage Equality Amendment Act of 2009. The resolution was referred to the House Committee on Oversight and Government Reform.

On Jan. 19, Rep. Watson (D-CA) introduced HR 4470, to ensure that individuals detained by the Department of Homeland

Security are treated humanely, provided adequate medical care, and granted certain specified rights. The bill was referred to the House Judiciary’s Subcommittee on the Constitution, Civil Rights, and Civil Liberties.

Criminal Law

On Feb. 24, Rep. Sestak (D-PA) introduced HR 4688, to amend the Second Chance Act of 2007 to reauthorize the grants program carried out by the secretary of Labor to provide mentoring, job training and job placement services, and other comprehensive transitional services to assist eligible offenders in obtaining and retaining employment, and to require a study on best practices by nonprofit organizations participating in such grants programs. The bill was referred to the House Committee on the Judiciary.

On Jan. 29, Rep. Fudge (D-OH) introduced H Res 1049, recognizing the murders of the Imperial Avenue Eleven, 11 African-American women killed in Cleveland, OH, as a tragedy and an example of the need to continue the fight to eradicate violence against women. The resolution was referred to the House Committee on the Judiciary.

Disability Law

On Jan. 27, Rep. McMahon (D-NY) introduced HR 4544, to change references in federal law to mental retardation to references to an intellectual disability, and change references to a mentally retarded individual to references to an individual with an intellectual disability. The resolution was referred to the House Committee on Energy and Commerce.

Health Law

On Mar. 22, Sen. Vitter (R-LA) introduced S 5147, to repeal the Patient Protection and Affordable Care Act. The bill was referred to the Senate Committee on Finance.

On Mar. 22, Rep. Poe (R-TX) introduced HR 4904, to prohibit the use of funds for implementation or enforcement of any federal mandate to purchase health insurance. The bill was referred to the House Committee on Energy and Commerce.

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Legislative Update

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On Mar. 10, Rep. Barton (R-TX) introduced HR 4803, to ensure health care consumer and provider access to certain health benefits plan information and to amend Title XIX of the Social Security Act to provide transparency in hospital price and quality information. The bill was referred to the House Committee on Oversight and Government Reform.

On Mar. 10, Rep. DeGette (D-CO) introduced HR 4808, to amend the Public Health Service Act to provide for human stem cell research, including human embryonic stem cell research. The bill was referred to the House Committee on Energy and Commerce.

On Mar. 9, Rep. Grayson (D-FL) introduced HR 4789, to amend Title XVIII of the Social Security Act to provide for an option for any citizen or permanent resident of the United States to buy into Medicare. The bill was referred to the House Committee on Ways and Means.

On Mar. 4, Sen. Feinstein (D-CA) introduced S 3078, to provide for the establishment of a Health Insurance Rate Authority to establish limits on premium rating. The bill was referred to the Senate Committee on Health, Education, Labor, and Pensions.

Education Law

On Feb. 2, Rep. Wu (D-OR) introduced HR 4574, to amend the Internal Revenue Code of 1986 to repeal the limitations on the maximum amount of the deduction of interest on education loans. The bill was referred to the House Committee on Ways and Means.

On Jan. 27, Rep. Murphy (D-PA) introduced HR 4546, to amend the Higher Education Act of 1965 to require certain institutions of higher education to commit to, and provide notice of, tuition levels for students. The bill was referred to the House Committee on Education and Labor.

HIV/AIDS

On Feb. 23, Rep. Carson (D-IN) introduced HR 4657, to amend the Older Americans Act of 1965 to include information relating to the human immunodeficiency virus (HIV) in the disease prevention and health

promotion services authorized by such Act. The bill was referred to the House Committee on Education and Labor.

On Jan. 27, Rep. Lee (D-CA) introduced H Con Res 233, supporting the goals and ideals of National Black HIV/AIDS Awareness Day. The resolution was referred to the House Committee on Energy and Commerce.

Immigration Law

On Feb. 23, Sen. McCain (R-AZ) introduced S 3022, to impose sanctions on persons who are complicit in human rights abuses committed against citizens of Iran or their family members after the 6/12/09 elections in Iran. The bill was referred to the Senate Committee on Banking, Housing, and Urban Affairs.

On Feb. 23, Rep. Peterson (D-MN) introduced HR 4645, to remove obstacles to legal sales of U.S. agricultural commodities to Cuba and to end travel restrictions on all Americans to Cuba. The bill was referred to the House Financial Services.

On Feb. 23, Rep. Hastings (D-FL) introduced H Res 1102, commemorating the 20th anniversary of the release of Nelson Rolihlahla Mandela, recognizing the significance of his contribution to democracy and racial equality in South Africa, and honoring his life-long dedication to building a more equitable and united world. The resolution was referred to the House Committee on Foreign Affairs.

On Feb. 2, Sen. Lugar (R-TX) introduced S 2974, to establish the Return of Talent Program to allow aliens who are legally present in the United States to return temporarily to the country of citizenship of that alien if that country is engaged in post-conflict or natural disaster reconstruction. The bill was referred to the Senate Committee on the Judiciary.

Indian Law

On Mar. 3, Rep. Owens (D-NY) introduced HR 4747, to amend the Controlled Substances Import and Export Act to prevent the use of Indian reservations located on the U.S. borders to facilitate cross-border drug trafficking. The bill was

referred to the House Committee on Energy and Commerce.

On Feb. 23, Rep. McCollum (D-MN) introduced HR 4475, to amend Sections 14006 and 14007 of the American Recovery and Reinvestment Act of 2009 to reserve funds under the programs established under such sections for payments to the Bureau of Indian Education of the Department of the Interior for Indian children. The bill was referred to the House Committee on Education and Labor.

On Jan. 20, Rep. Lee (D-CA) introduced H Res 1021, expressing condolences to and solidarity with the people of Haiti in the aftermath of the devastating earthquake of 1/12/10. On Jan. 21, the resolution passed.

International Law

On Mar. 10, Rep. Meeks (D-NY) introduced H Res 1160, calling for the establishment of a Haiti Marshall Plan Committee to coordinate aid and development initiatives from multilateral development banks, international financial institutions, U.S. bilateral aid programs, and major international charities and non-governmental organizations in response to the earthquake that struck Haiti 1/12/10, and encouraging them to work in a coordinated manner. The resolution was referred to the House Committee on Foreign Affairs.

On Mar. 4, Rep. Kucinich (D-OH) introduced H Con Res 248, directing the president, pursuant to Section 5(c) of the War Powers Resolution, to remove the U.S. Armed Forces from Afghanistan. The resolution failed in the House by roll call vote.

On Mar. 1, Sen. LeMieux (R-FL) introduced S Res 428, expressing concern about violations of civil liberties taking place in Venezuela and commending the people of Venezuela for their steadfast support of democracy. The bill was referred to the Senate Committee on Foreign Relations.

On Feb. 4, Sen. Feingold (D-WI) introduced S Res 409, calling on members of the Parliament in Uganda to reject the proposed "Anti-Homosexuality Bill." The bill was referred to the Senate Committee on Foreign Relations.

Supreme Court Update

The Court will decide in **Christian Legal Society v. Martinez** (No. 08-1371) whether the Constitution permits a state law school to deny official recognition to a religious student organization that excludes gay and lesbian students on religious grounds. The ABA has filed a Section-sponsored amicus brief in support of respondent.

The University of California-Hastings College of the Law forbids discrimination based on "race, color, religion, national origin, ancestry, disability, age, sex or sexual orientation" in all of its sanctioned programs. While a school-sanctioned group, the student-led chapter of the Christian Legal Society (CLS) broke with the school's non-discrimination policy and decided not to accept gay or lesbian students or others who do not adhere to the national CLS policy that "unrepentant participation in and advocacy of a sexually immoral lifestyle is inconsistent with an affirmation of the Statement of Faith." In response, the school stripped the CLS chapter of its official status and thus of the financial and logistical benefits that go with it.

CLS filed suit in the U.S. District Court for the Northern District of California, contending that the school had violated its members' right to expressive association, free speech, free exercise of religion, and equal protection of the law. The district court upheld the school's non-discrimination policy as an acceptable regulation of conduct and not of speech, and the U.S. Court of Appeals for the Ninth Circuit affirmed. The group appealed to the Supreme Court, which granted certiorari in December.

In its amicus brief, the ABA argues that public universities have a substantial and justified interest in uniformly enforcing their non-discrimination policies, and that the uniform and neutral enforcement of a university's non-discrimination policy does not offend First Amendment rights.

"This case," asserts the ABA,

involves an effort by a public law school to balance two deeply held values that are central to the ABA's mission and the mission of our Nation's public institutions of higher education, but are sometimes in tension: combating discrimination, and protecting students' First Amendment rights. In striking that balance, [Hastings], like other public institutions of higher education, is called on to reconcile two well-established principles: first, that government may elect not to subsidize organizations that discriminate in ways that undermine the government's identified mission or conflict with its own messages, and, second, that government may not use its financial assistance to suppress or discourage disfavored speech. Hastings' student-organization policy strikes a sound and constitutional balance between these values and conforms to both of these principles.

The brief is available on the IRR Section Web site at <http://www.abanet.org/irr/publications.html>.

Recent Decisions

In **Maryland v. Shatzer** (No. 08-680) (9-0, opinion by Scalia, concurrences by Stevens and Thomas), the Court held that a break in *Miranda* custody lasting more than two weeks between first and second attempts at interrogation does not mandate suppression of statements made during the second investigation.

In 2003, a police detective tried to question Shatzer, who was incarcerated at a Maryland prison pursuant to a prior conviction, about allegations that he had sexually abused his son. Shatzer invoked his *Miranda* right to have counsel present

during interrogation, so the detective terminated the interview. Shatzer was released back into the general prison population, and the investigation was closed. Another detective reopened the investigation in 2006 and attempted to interrogate Shatzer, who was still incarcerated. Shatzer waived his *Miranda* rights and made inculpatory statements. The trial court refused to suppress those statements, reasoning that *Edwards v. Arizona*, 451 U. S. 477, did not apply because Shatzer had experienced a break in *Miranda* custody prior to the 2006 interrogation. Shatzer was convicted of sexual child abuse. The Court of Appeals of Maryland reversed, holding that the mere

passage of time does not end the *Edwards* protections, and that, assuming, *arguendo*, a break-in-custody exception to *Edwards* existed, Shatzer's release back into the general prison population did not constitute such a break.

Edwards' fundamental purpose is to "[p] reserv[e] the integrity of an accused's choice to communicate with police only through counsel," *Patterson v. Illinois*, 487 U. S. 285, 291, by "prevent[ing] police from badgering [him] into waiving his previously asserted *Miranda* rights," *Michigan v. Harvey*, 494 U. S. 344, 350. It is easy to believe that a suspect's later waiver was coerced or badgered when he has been held in uninterrupted *Miranda* custody since his first refusal to waive. He remains cut off from his normal life and isolated in a "police-dominated atmosphere," *Miranda v. Arizona*, 384 U.S. 436, 456, where his captors "appear to control [his] fate," *Illinois v. Perkins*, 496 U. S. 292, 297. But where a suspect has been released from custody and returned to his normal life for some time before the later attempted interrogation, there is little reason to think that his change of heart has been coerced. Because the *Edwards* presumption has been established by opinion of this Court, it is appropriate for this Court to specify the period of release from custody that will terminate its application. See *County of Riverside v. McLaughlin*, 500 U. S. 44. The Court concluded that the appropriate period is 14 days, which provides ample time for the suspect to get reacquainted to his normal life, consult with friends and counsel, and shake off any residual coercive effects of prior custody. Shatzer's release back into the general prison population constituted such break in *Miranda* custody.

The Court held in **Florida v. Powell** (08-1175) (8-1, opinion by Ginsburg, dissent by Stevens) that advice that a suspect has "the right to talk to a lawyer before answering any of [the law enforcement officers'] questions," and that he can invoke this right "at any time . . . during th[e] interview," satisfies *Miranda*.

After arresting respondent Powell, but before questioning him, Tampa Police read him their standard *Miranda* form, stating, *inter alia*: "You have the right to talk to a lawyer before answering any of our

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Supreme Court Update

questions” and “[y]ou have the right to use any of these rights at any time you want during this interview.” Powell then admitted he owned a handgun found in a police search. He was charged with possession of a weapon by a convicted felon in violation of Florida law. The trial court denied Powell’s motion to suppress his inculpatory statements, which was based on the contention that the *Miranda* warnings he received did not adequately convey his right to the presence of an attorney during questioning. Powell was convicted of the gun-possession charge, but the intermediate appellate court held that the trial court should have suppressed the statements. The Florida Supreme Court agreed. It noted that both *Miranda* and the State Constitution require that a suspect be clearly informed of the right to have a lawyer present during questioning. The advice Powell received was misleading, the court believed, because it suggested that he could consult with an attorney only before the police started to question him and did not convey his entitlement to counsel’s presence throughout the interrogation.

Miranda requires that a suspect “be warned prior to any questioning . . . that he has the right to the presence of an attorney.” 384 U.S., at 479. This *Miranda* warning addresses the Court’s particular concern that “[t]he circumstances surrounding in-custody interrogation can operate very quickly to overbear the will of one merely made aware of his privilege [to remain silent] by his interrogators.” *Id.*, at 469. Responsive to that concern, the Court stated, as “an absolute prerequisite to interrogation,” that an individual held for questioning “must be clearly informed that he has the right to consult with a lawyer and to have the lawyer with him during interrogation.” *Id.*, at 471. While the warnings prescribed by *Miranda* are invariable, the Court has not dictated the words in which the essential information must be conveyed. See, e.g., *California v. Prysock*, 453 U. S. 355, 359. In determining whether police warnings were satisfactory, reviewing courts are not required to “examine [them] as if construing a will or defining the terms of an easement. The inquiry is simply whether the warnings reasonably ‘conve[y] to [a suspect] his rights as required by *Miranda*.’” *Duckworth v. Eagan*, 492 U. S. 195, 203.

The Court concluded that the warnings Powell received satisfy this standard. By informing Powell that he had “the right to talk to a lawyer before answering any of

[their] questions,” the Tampa officers communicated that he could consult with a lawyer before answering any particular question. And the statement that Powell had “the right to use any of [his] rights at any time [he] want[ed] during th[e] interview” confirmed that he could exercise his right to an attorney while the interrogation was underway. In combination, the two warnings reasonably conveyed the right to have an attorney present, not only at the outset of interrogation, but at all times.

In **Jamal Kiyemba et al. v. Barack H. Obama** (No. 08-1234), the Court, in a *per curiam* opinion, vacated the judgment and remanded the case to the U.S. Court of Appeals for the District of Columbia to determine, based on changed facts, whether a federal court exercising habeas jurisdiction has the power to order the release of prisoners held at Guantanamo Bay “where the Executive detention is indefinite and without authorization in law, and release into the continental United States is the only possible effective remedy.” Since the Court’s grant of certiorari, each of the detainees at issue in the case has received at least one offer of resettlement in another country. Most of the detainees have accepted an offer of resettlement; five detainees, however, have rejected two such offers and are still being held at Guantanamo Bay. Because the change in the underlying facts may affect the legal issues presented and no court has yet ruled in this case in light of the new facts, the Court declined to be the first to do so. The Court of Appeals was instructed to determine, in the first instance, what further proceedings in that court or in the District Court are necessary and appropriate for the full and prompt disposition of the case in light of the new developments.

Recent Oral Arguments

Samantar v. Yousuf (08-1555) (Mar. 3, 2010) – Whether a former Somali prime minister is immune from civil suit in the United States for alleged human rights abuses committed in Somalia.

McDonald v. Chicago (08-1521) (Mar. 2, 2010) – Whether the Second Amendment extends to state and local gun laws.

Holland v. Florida (09-5327) (Mar. 1, 2010) – Whether “gross negligence” by a state-appointed defense attorney in a capital case provides a basis for extending the time to file a federal habeas challenge filed late

despite repeated instructions from the client.

Berghuis v. Thompkins (08-1470) (Mar. 1, 2010) – How far police officers can go in non-coercively persuading suspects to cooperate once they say they understand their *Miranda* rights but don’t immediately invoke them.

Renico v. Lett (09-338) – Whether the Michigan Supreme Court erred in denying a defendant’s appeal on double jeopardy grounds where he was convicted of second-degree murder after his first trial resulted in a mistrial when the jury foreperson indicated that the jury could not reach a verdict.

Carr v. U.S. (08-1301) (Feb. 24, 2010) – Whether it was unconstitutional for the Attorney General to apply the Sex Offender Registration and Notification Act retroactively to an individual whose underlying crime occurred before the law was enacted by Congress.

Holder v. Humanitarian Law Project; Humanitarian Law Project v. Holder (08-1498; 09-89) (Feb. 23, 2010) – Whether portions of the USA PATRIOT Act that make it a crime to provide “material support or resources” to designated terrorist groups are unconstitutional.

Cert Granted

Snyder v. Phelps (09-751) – Whether the First Amendment protects picketing the funerals of soldiers killed in combat.

Ontario v. Quon (08-1332) – Whether the Fourth Amendment protects the privacy of text messages that a government employee sends by an electronic paging device.



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**Fall Meeting
October 20-23, 2010**

**Peabody Hotel
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ALL NEW FORMAT. Activities for everyone whether you are a Section leader, committee member, or someone interested in civil rights, individual rights, or human rights.

Join us in Memphis next fall for three days of CLE programming, networking opportunities, and social events. At this meeting, you'll have the opportunity to network with experts in the fields of civil rights, civil liberties, human rights, and social justice, and you'll receive updates on cutting-edge issues in these areas of law.



2010 Thurgood Marshall Award Dinner

Honoring Paul M. Smith

**Westin St. Francis Hotel
San Francisco, Calif.
Aug. 7, 2010**

8:00 p.m. – 11:00 p.m.
Reception to begin at 7:00 p.m.

Individual Tickets \$150

Table sponsorships starting from \$2500

To purchase tickets, visit the event webpage:

<http://www.abanet.org/irr/tmaward/>

ABA2010

**SAN FRANCISCO Annual Meeting
August 5-10**



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AIDS Committee Hosts Midyear Conference

The ABA AIDS Coordinating Committee, chaired by IRR Council member Shelley D. Hayes of Washington, DC, and housed administratively in the Section, hosted a highly successful biannual conference on *HIV/AIDS Law and Practice: Taking Stock, Looking Ahead*, on Feb. 3-4, 2010, at the ABA Midyear Meeting in Orlando, Florida. Among the many speakers were Dr. Anthony Fauci, Director, National Institute of Allergy and Infectious Diseases, National Institutes of Health; Christopher Bates, Director, Office of HIV/AIDS Policy, U.S. Department of Health and Human Services; Frances Ashe-Goins, Acting Director, Office on Women's Health, U.S. Department of Health and Human Services; and Dr. Barry Zuckerman, Founding Director, National Center for Medical-Legal Partnership. The more than 130 attendees included AIDS lawyers, policymakers, healthcare providers and case managers, and both Continuing Legal Education and Continuing Medical Education credit were offered. Generous sponsors included Chevron Corporation and Gilead Sciences, Inc., among many others. Complete information about the conference, including the program and materials, is available on the Committee's Web site at www.abanet.org/AIDS.

The next conference will be held on July 20-21, 2012, in Washington, DC, in conjunction with the 2012 International AIDS Conference. Ms. Hayes will represent the ABA at the 2010 International AIDS Conference in Vienna, Austria, in July. More than 25,000 stakeholders are expected to converge for ten days of programs and meetings exploring cutting-edge issues in HIV-related science, policy and law. The AIDS Coordinating Committee will participate as part of a track entitled "Policy, Law, Human Rights, and Political Science." The 2010 Conference marks the first year a programming track focusing on legal issues surrounding HIV/AIDS will be included, an inclusion that the ABA AIDS Coordinating Committee was instrumental in securing.

WHO DAT? Spring Meeting to Take Place in New Orleans

On April 16-17, the Section will gather in New Orleans for its Spring Council Meeting. This year's meeting is being held concurrent with the meetings of the ABA Family Law Section, Senior Lawyers Division, and the Section-housed ABA AIDS Coordinating Committee. Joint events will include a welcome reception at the Louisiana Supreme Court, a dinner event at Muriel's in Jackson Square, and a CLE program entitled, *The Intersection of Marriage, Long Term Care and the Rights of Those Involved*. The program will examine issues of elderly long term care associated with marriage, second marriage, and divorce. Discussion topics include prenuptial agreements, Social Security, Medicare, Medicaid, nursing homes, spousal refusal and the ethical issues involved with joint representation. The program will be moderated by Jeffrey Snell, co-chair of the



Section's Committee on Elder Rights. Panelists include Walter Burke and Paul Sturgul, also co-chairs of the Section's Committee on Elder Rights, and Mary Vidas, co-chair of the ABA Family Law Section's Taxation Committee.

As part of its Spring Meeting, the AIDS Coordinating Committee is presenting a screening and discussion of the documentary film, *Why Us? Left Behind and Dying*, about HIV/AIDS in the African-American community. The film was created by Diversity Films in conjunction with African-American teenagers from Westinghouse High School in Pittsburgh, Penn. "Our [goal] was to demonstrate how HIV flourishes in the intersection between science, race, and culture in the black community, and to do it through the narrative voice of young, inner-city African-Americans," said filmmaker Claudia Pryor Malis. The post-screening discussion will feature film director and Executive Producer, Claudia Pryor Malis, and Dr. Preston Marx, a tropical medicine specialist and professor at Tulane University, and consultant on the project.

Thursday, April 15, 2010

Executive Committee Meeting
3:30 p.m. – 5:00 p.m.
Boardroom
Royal Sonesta Hotel

Joint Welcome Reception with IRR, Family Law Section, and Senior Lawyers Division at Louisiana Supreme Court
5:30 p.m. – 7:00 p.m.
400 Royal Street

Friday, April 16, 2010

Council Breakfast
8:00 a.m. – 9:00 a.m.
South Ballroom
Royal Sonesta Hotel

Council Meeting
9:00 a.m. – 12:00 p.m.
South Ballroom
Royal Sonesta Hotel

Council Lunch
12:00 p.m. – 1:00 p.m.
Bienville Gallery
Royal Sonesta Hotel

ABA AIDS Coordinating Committee Meeting
12:00 p.m. – 4:00 p.m.
Royal Conti
Royal Sonesta Hotel

CLE Program – *The Intersection of Marriage, Long Term Care, and the Rights of Those Involved*
2:00 p.m. – 3:30 p.m.
North Ballroom
Royal Sonesta Hotel

ABA AIDS Coordinating Committee Film Screening and Discussion
Why Us? Left Behind and Dying
4:00 p.m. – 6:00 p.m.
North Ballroom
Royal Sonesta Hotel

Joint Dinner with IRR, Family Law Section, and Senior Lawyers Division at Muriel's in Jackson Square
7:00 p.m. – 10:00 p.m.
801 Chartres Street at St. Ann

Saturday, April 17, 2010

Council Breakfast
8:00 am – 9:00 a.m.
South Ballroom
Royal Sonesta Hotel

Council Meeting
9:00 a.m. – 12:00 p.m.
South Ballroom
Royal Sonesta Hotel

ABA AIDS Coordinating Committee Meeting
8:00 a.m. – 12:00 p.m.
Royal Conti
Royal Sonesta Hotel



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Upcoming Events

IRR Spring Council Meeting

Apr. 15-18, 2010
New Orleans, La.

ABA Day in Washington

Apr. 20-22, 2010
Washington, DC.

ABA Annual Meeting

Aug. 5-10, 2010
San Francisco, Calif.

2010 Thurgood Marshall Award Dinner

Aug. 7, 2010
Westin St. Francis Hotel
San Francisco, Calif.

IRR Fall Council Meeting

Oct. 20-23, 2010
Memphis, Tenn.

IRR News Report is published quarterly by the American Bar Association Section of Individual Rights and Responsibilities.

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