National Summit on Collateral Consequences
February 27, 2015
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#ABACJS
#CollateralConsequences

Law Offices of Jones Day
51 Louisiana Avenue, N.W.
Washington, DC 20001
Welcome From the Criminal Justice Section

Welcome to the first National Summit on Collateral Consequences. On behalf of the ABA Criminal Justice Section, it is our pleasure to bring together the collective minds of the leadership of a myriad of distinguished organizations to address the crisis of collateral consequences of criminal convictions. These consequences impact the work of all of the stakeholders in the criminal justice arena, but most importantly the lives of millions of individuals with convictions and their families. Our mutual responsibility to help close the opportunity gap for those people, those families – that is our common ground, our common goal. Today we gather together to examine and debate potential solutions, to further this important dialogue on systemic reform, and find new ways to collaborate with one another on the local, state, and national levels.

While planning the National Summit on Collateral Consequences, we took great care to be equally inclusive in the selection of speakers as well as the extension of invitations to attendees. The advancement of thought leadership and real reform in the criminal justice arena demands inclusiveness and a diversity of stakeholders.

You will hear from our keynote luncheon speaker Carrie Johnson, the Justice Correspondent at NPR, who has investigated and covered a wide range of criminal justice topics over her career, from collateral consequences to law enforcement, from human trafficking to terrorism, and others.

We would like to extend a special thanks to Professor Stephen N. Saltzburg, former Chair of the ABA Criminal Justice Section who has served as the Chair of the Advisory Board of the National Inventory of Collateral Consequences of Conviction since its inception.

We know you will enjoy the Summit. This is just the start of what we hope to be a great and continued collaboration of our organizations and leadership in thoughtful, fair, economical criminal justice reform.

Sincerely,

Cynthia Orr
Chair, ABA Criminal Justice Section
Friday, February 27, 2015

ABA Criminal Justice Section National Summit on Collateral Consequences

8:00 – 9:00 a.m.
Registration

9:00 – 9:40 a.m.
Welcoming Remarks

James E. Felman
Chair, ABA Criminal Justice Section

Opening Keynote Addresses

William C. Hubbard
President, American Bar Association

Amy Solomon
Senior Advisor to the Assistant Attorney General
U.S. Department of Justice

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@ABACJS @OJPNIJ

William C. Hubbard, a partner with the Columbia, S.C., office of Nelson Mullins Riley & Scarborough, is president of the American Bar Association. Hubbard established the ABA Commission on the Future of Legal Services, which will make recommendations on how technology and innovation can help expand the availability of affordable legal services to the poor and middle class. He is also emphasizing the ABA’s advocacy on criminal justice and sentencing reform, strengthening the association’s legal efforts on behalf of domestic violence victims, and leading the ABA’s commemoration of the 800th anniversary of Magna Carta in June 2015.

Amy Solomon serves as Senior Advisor to the Assistant Attorney General at the U.S. Department of Justice’s Office of Justice Programs. She provides policy guidance on prisoner reentry, justice reform, urban policy and place-based initiatives. Solomon chairs the Federal Interagency Reentry Council working group, which supports the Cabinet-level Council, spearheading policy improvements impacting public safety, housing, employment, education, veterans’ issues, and access to treatment, healthcare and benefits. Prior to joining DOJ, Solomon spent 10 years at the Urban Institute, directing projects relating to prisoner reentry and public safety. Solomon previously worked at the National Institute of Justice, developing crime-reduction and reentry initiatives.
9:40 – 11:00 a.m.
**Plenary Session I – Collateral Consequences as a Barrier to Reentry, A Dialogue with Stakeholders**

This will be a free-ranging discussion of the scope of collateral consequences including the history and the effects on adults convicted of crime. The panelists bring law enforcement, judicial, prosecutorial, policy, and academic perspectives to the problems that collateral consequences pose for individuals trying to make successful reentry into their communities following incarceration. Two important questions the panel will address are: (1) how to balance public safety and reentry considerations; and (2) who should decide on the collateral consequences that are appropriate for various offenses and offenders.

**Moderator:** Stephen A. Saltzburg, Professor, George Washington University Law School, Washington, DC

James Cole, Former Deputy U.S. Attorney General
Nadine Wettstein, Attorney, Maryland Office of the Public Defender
William C. Hubbard, President, American Bar Association
Judge Sterling Johnson, Jr., U.S. District Court, Eastern District of New York, Brooklyn, NY
Jenny Roberts, Professor and Associate Dean, Washington College of Law, American University, Washington, DC
David Singleton, Executive Director, Ohio Justice & Policy Center, Assistant Professor at Northern Kentucky University Chase College of Law, Cincinnati, OH
Charles B. Thornton, Director, Office on Returning Citizen Affairs, Washington, DC

11:00 – 11:20 a.m.
**Coffee & Tea Networking – Featuring: The “We Are All Criminals” Exhibit (Foyer)**

11:25 a.m. – 12:30 p.m.
**Plenary Session II – Real Life Collateral Consequence: Stories from the Field**

This panel will explore the real-world collateral consequences of criminal convictions and prosecutions. Comprised mainly of leaders who practice in the field, the panel will discuss federal, state, and local practices. Panelists will also share their own experiences with pre-trial diversion opportunities.

**Moderator:** Andrew S. Boutros, (in his personal capacity), Assistant U.S. Attorney, N.D. of Illinois, Chicago, IL

April Frazier-Camara, Special Assistant, Law Office of Shelby County Public Defender, Memphis, TN
Charles "Joe" Hynes, Former Kings County District Attorney, Brooklyn, NY
Marcel Johnson, Vice President of Business Development, Port Authority of San Antonio, San Antonio, TX
Runa Rajagopal, Civil Action Practice Supervising Attorney, Bronx Defenders, New York, NY
Matthew F. Redle, County and Prosecuting Attorney, Sheridan County, WY

12:30 – 2:00 p.m.
**Luncheon**

**Luncheon Keynote Speaker**

**Carrie Johnson**

Justice Correspondent
Washington Desk, NPR
@johnson_carrie

Carrie Johnson is a Justice Correspondent for the Washington Desk. She covers a wide variety of stories about justice issues, law enforcement and legal affairs for NPR's flagship programs Morning Edition and All Things Considered, as well as the Newscasts and NPR.org. While in this role, Johnson has chronicled major challenges to the landmark voting rights law, a botched law enforcement operation targeting gun traffickers along the Southwest border, and the Obama administration's deadly drone program for suspected terrorists overseas. Outside of her role at NPR, Johnson regularly moderates or appears on legal panels for the American Bar Association, the American Constitution Society, the National Association of Criminal Defense Lawyers, and others. She has talked about her work on CNN, MSNBC, Fox News, PBS, and other outlets.
2:00 – 3:10 p.m.
Plenary Session III – Criminal Records in the Digital Age

The rise of the digital age substantially alters what it means to have a criminal record in this country. This panel will explore the impact of digitized criminal records information, from mug shots to online sex offender registries, and will also explore the efficacy of federal and state regulatory structures governing the use of criminal records data for employment, education and housing.

Moderator: Rebecca Green, Professor of Practice, William & Mary Law School, Williamsburg, VA
Sharon Dietrich, Litigation Director, Community Legal Services, Philadelphia, PA
Eric J. Ellman, Senior Vice President for Public Policy and Legal Affairs at the Consumer Data Industry Association, Washington, DC
James B. Jacobs, Warren E. Burger Professor of Law, New York University School of Law, New York, NY
Gregg Leslie, Legal Defense Director, Reporters Committee for Freedom of the Press, Washington, DC

3:30 – 4:45 p.m.
Plenary Session IV – Judges on Justice: A Discussion of Sentencing Considerations & Collateral Consequences

Before entering a plea or going to trial, defendants have constitutional and statutory rights to information about immigration and sometimes certain other collateral consequences. The trial judge plays a central role in this process, either through direct advisement or oversight of defense counsel's duty to advise. In some jurisdictions, the judge may also have the ability to relieve individuals of one or more collateral consequences of a conviction, or to take likely consequences into account in determining the appropriate sentence. In addition to these issues, this panel will explore collateral consequences concerning individuals convicted of sex offenses as well as how the Model Penal Code Sentencing Project is addressing collateral consequences.

Moderator: Jenny Roberts, Professor and Associate Dean, Washington College of Law, American University, Washington, DC
Judge Patricia A. Broderick, Superior Court of the District of Columbia
Judge Paul L. Friedman, U.S. District Court, District of Columbia
Judge Michael L. Rankin, Superior Court of the District of Columbia

4:45 – 5:00 p.m.
Closing Remarks

Cynthia Orr
Chair, Criminal Justice Section

5:00 – 6:30 p.m.
Networking Reception

ABA National Inventory of the Collateral Consequences of Conviction

The National Inventory of the Collateral Consequences of Conviction (NICCC) is available to the public free of charge cataloging each jurisdiction's laws and rules imposing collateral consequences. This resource, authorized by the Court Security Act of 2007 and funded by the Justice Department (NIJ/OJP), for the first time make it possible for criminal and civil lawyers and the public to determine the collateral consequences that are triggered by particular categories of offenses, for affected individuals to understand the limits collateral consequences impose on their rights, benefits, and opportunities, and for lawmakers and policy advocates to understand the full measure of a jurisdiction's collateral sanctions and disqualifications.

The NICCC database is accessible online at www.abacollateralconsequences.org. It facilitates searches of state and federal databases by categories of consequences, common keywords, and creates
the potential for academic and policy engagement through inter-jurisdictional comparison and national analysis. However, a disclaimer makes clear that information available through the Inventory website is solely for educational and informational purposes, and does not constitute legal advice. Furthermore, the construction of the Inventory database does not include an examination of judicial interpretations that may affect the territorial-specific application of a collateral consequence. Links are provided to the free, online databases of each jurisdiction's code of laws and regulations so that users may compare the data in the NICCC database against an official source so as to clarify any ambiguities that may exist.

There are approximately 45,000 distinct collateral consequences identified and catalogued in the NICCC database, this number is variable as the database is continually updated to reflect changes in each jurisdiction's laws and rules. About 62% of all identified collateral consequences affect employment or occupational and professional licensing opportunities. The rest affect business opportunities, housing and residency, public benefits (including grants and loans), family relationships, education, motor vehicle licensure and registration, and civic participation. Many of these consequences have been enacted or adopted in the past 10 years, and more are coming online every year, making the task of maintaining the NICCC database an ongoing challenge.

The NICCC data describes each consequence, identifies who it is imposed on and for how long, and specifies whether there is relief provided. The categories of crimes that trigger each consequence are identified, and more specific information about triggering offenses is included where appropriate. In many cases the statute imposing a consequence specifically extends it to dispositions not resulting in conviction, including juvenile adjudications. In many cases the statute or rule imposing a consequence specifically extends it to dispositions not resulting in conviction, including juvenile adjudications and convictions that have been sealed. In a surprisingly large proportion of cases, consequences are imposed as a result of minor misdemeanors as well as felonies, and even noncriminal dispositions like infractions may result in collateral penalties.

The success of the NICCC project is due to the strong leadership and support by Stephen A. Saltzburg, Chair of the Advisory Board, and Jonathan Gitlen, former Director of the NICCC project from May 2013 to December 2014. Under their supervision and guidance, the NICCC project completed major work in July 2014, and now has transitioned to the goal of maintenance and updating, a task that falls to the incoming Project Director, Jerome Galang.
About CJS

Founded in 1920, the Criminal Justice Section of the American Bar Association has over 20,000 members including prosecutors, private defense counsel, appellate and trial judges, law professors, correctional and law enforcement personnel, law students, public defenders, and other criminal justice professionals. With its diverse, multi-disciplinary membership, the Criminal Justice Section is uniquely situated to address the pressing issues facing today’s criminal justice system.

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Related Criminal Justice Section Committees

Committees are the lifeblood of the Criminal Justice Section. They offer members the best opportunity for direct involvement in Section activities, such as organizing many of the Section’s CLE offerings, developing publications, and preparing policy resolutions and supporting background reports that become the basis for the ABA policies to initiate changes in criminal justice law and policy.

Reentry & Collateral Consequences
Focuses on the barriers that offenders face in re-entering society after receiving a criminal conviction. Reviews obstacles that offenders face in the area of employment, housing, educational opportunities, and other areas, which impact their ability to become a law-abiding citizen. Examine ways to assist in neutralizing the effects of criminal convictions on persons trying to rebuild their lives.

Alternatives to Incarceration and Diversion
Focuses on analyzing and promoting workable alternatives to incarceration for offenders who may benefit from treatment and other forms of community sanctions. The committee also studies treatment and diversion options for offenders who suffer from treatable conditions, such as substance abuse and mental illness to avoid burdening them with the stigma of a conviction and incarceration and to avoid resultant great expense to the community. The committee will look at ways these programs can be used to improve the efficacy of the criminal justice system.

Sentencing
Examines matters related to sentencing, such as sentencing alternatives, mandatory sentencing, etc. Prepares testimony before the U.S. Sentencing Commission on such issues as offense and offender characteristics, judicial discretion with the federal sentencing guidelines, availability of probation, and sentence severity.

Parole & Probation
Works with the professionals who are responsible for completing pre-sentence reports for Courts to ensure that fair and appropriate information is provided so that the Courts can make informed and just decisions; works towards maximizing relationships and strategies with those who supervise more than five million individuals on probation or parole; advances public safety issues regarding those on pretrial and post-sentencing community supervision.

Racial Justice & Diversity
Examines the causes of disproportionate representation of minorities in the criminal justice system and develops proposed solutions; engages in activities concerning the role of minority lawyers and oversees the Section’s efforts to reduce discriminatory conduct affecting racial and ethnic minorities in the criminal justice system.

For a complete list of all of the Criminal Justice Section committees visit: http://www.americanbar.org/groups/criminal_justice/committees.html

Special Thank You to the National Summit on Collateral Consequences Planning Committee

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Eric Martin
Social Science Analyst
National Institute of Justice

Jonathan Gitlen
Special Advisor
National Inventory of the Collateral Consequences of Conviction Project
2015 CJS Events

29th Annual National Institute on White Collar Crime
March 4-6
New Orleans, LA

CJS Spring CLE
Breaking Developments in Criminal Practice
May 15
San Antonio, TX

National Institute on Health Care Fraud
May 13-15
Miami Beach, FL

Sixth Annual Prescriptions for Criminal Justice Forensics Conference
June 5
New York, NY

ABA/CJS Annual Meeting
July 30-Aug. 4, Chicago, IL

4th Annual International White Collar Crime Institute
Oct. 12-13, London, UK

CJS Annual Fall Institute
Oct. 22-25, Washington, DC

Global White Collar Crime Institute
Nov. 19-20, Shanghai, China