Neuroscience and Criminal Justice Reform

The American Bar Association Criminal Justice Section’s Spring Meeting, co-sponsored by the State Bar of New Mexico, featured the CLE program “Neuroscience: Paving the Way for Criminal Justice Reform” on April 29. The Spring Meeting (also including council and committee meetings) was held April 28-30, 2016 in Albuquerque, New Mexico.

New Mexico Supreme Court’s Chief Justice Charles Daniels served as the luncheon keynote speaker. Roberta Cooper Ramo, first woman to become President of the American Bar Association, provided opening remarks.

Key panels included: “A Neuroscience Primer for the Criminal Justice Practitioner: How neuroscience is paving the way to criminal justice reform”; “Neuroscience and Environmental Factors: Is It Nature or Nurture”; “Neuroscience and Solitary Confinement”; “The Neuroscience of Hate: The Making of Extremist Groups.”

Other programs during the meeting included “Border Patrol Excessive Force and Profiling: Reforming the Nation’s Largest Federal Police Force with Policing Best Practices” and “Women in Criminal Justice Networking Meet and Greet.”

30 Years of White Collar Crime Institute

Criminal law experts from around the world gathered to celebrate the 30th Annual “ABA National Institute on White Collar Crime” on March 2-4, 2016 in San Diego. The conference theme focused on the development of white collar crime as a practice over the past 30 years.

The Criminal Justice Section honored Raymond Banoun, creator of the Institute, with a plaque and the establishment of a diversity scholarship in his honor. The scholarship will cover the costs for a young lawyer to attend future conference. The Section also honored Earnestine Murphy, Associate Director, CLE Programming for the ABA Center for Professional Development, for 30 years of service.

Hon. Paul L. Friedman, United States District Judge for the District of Columbia, provided a judicial retrospect of major trends and developments of white collar litigation covering increased criminalization of behavior to large case investigations.

U.S. Deputy Attorney General Sally Yates provided an in-depth discussion on the Yates Memo and its significance to the white collar crime litigation. The conversation was held during Law-
“Dismantling the School-To-Prison Pipeline” Held in Memphis

The ABA Criminal Justice Section and the Ben F. Jones Chapter of the National Bar Association hosted the joint town hall “Dismantling the School-To-Prison Pipeline” on April 21 in Memphis, TN. Nearly 200 educators, lawyers, judges, students and community members discussed the issue of the school-to-prison pipeline, which funnels youth into the criminal justice system due to societal shortcomings in addressing issues of poverty, race, and other group identities.

Section Chair Judge Bernice Donald and Sarah E. Redfield, Professor of Law, University of New Hampshire led the town hall. Dorsey E. Hopson, II, Superintendent of Shelby County Schools provided opening remarks. Attendees also heard from various stakeholders including Ebony Howard from the Southern Poverty Law Center.

CJS Pushes for Sentencing Reform During ABA Day

Saltzburg encourages state, local and federal bar leaders to address sentencing reform and the Juvenile Justice and Delinquency Prevention Act during ABA Day.

During ABA Day 2016 on April 25-27 in Washington, DC, the American Bar Association advocated for sentencing reform and pushed to reauthorize the Juvenile Justice and Delinquency Prevention Act.

The three-day conference brought together leaders of the ABA, state and local bars from across the country to meet with members of Congress to discuss funding for legal services and other topics of importance.

As the unified voice of criminal justice, the Section has led the ABA in the development of sentencing reform policies and the association’s efforts to influence the national discourse.

Stephen Saltzburg, ABA Criminal Justice Section Delegate and former chair of the Section presented the criminal justice advocacy issue during ABA Day’s Wednesday morning briefing.
**Clemency Project 2014 Update**

In his second set of clemency grants in under six weeks, President Barack Obama commuted the sentences of 58 prisoners today, 28 of whom were applicants whose petitions were supported by Clemency Project 2014, for which the ABA is a partner organization.

Cynthia W. Roseberry, project manager for Clemency Project 2014, said: “On behalf Clemency Project 2014 and the thousands of volunteer lawyers who have stepped up to help countless prisoners seeking a commutation of their excessive sentences, I want to express how pleased I am with the seemingly accelerating rate at which President Obama is commuting these sentences. As the administration is aware, there are a significant number of deserving applicants whose petitions have been submitted to the Office of the Pardon Attorney, including over 900 through Clemency Project 2014, and are awaiting action by the administration. We look forward to even more grants over the remainder of President Obama’s term in office.”

Clemency Project 2014, an unprecedented, independent effort by the nation’s bar, has recruited and trained nearly 4,000 volunteer lawyers from diverse practice backgrounds and completed screening of nearly 30,000 of the more than 36,000 federal prisoners who have requested volunteer assistance. As of today, Clemency Project 2014 has submitted more than 900 petitions to the Office of the Pardon Attorney, with many more nearing submission. For more information and to volunteer for Clemency Project 2014, please visit www.clemency-project2014.org.

**Temple Law Wins Criminal Justice Trial Competition**

ABA Criminal Justice Section Chair Judge Bernice Donald served as the luncheon speaker during the “National Criminal Justice Trial Competition,” held March 17-19 in Chicago, IL. The event was co-sponsored by the ABA Criminal Justice Section and the John Marshall Law School. Temple University Beasley School of Law took home first place in the competition.

**White Collar Crime Institute**

Continued from page 1

“’The Past As a Prologue: The Future of White Collar Criminal Law’ panel discussed major trends, developments, and events that have characterized white collar litigation over the past thirty years from the increased criminalization of behavior to the emergence of mega case investigations. The program was moderated by Morris “Sandy” Weinberg, Zuckerman Spaeder LLP. Panelists included Robert S. Bennett, partner at Hogan Lovells US LLP in DC; Hon. Leslie R. Caldwell, Assistant Attorney General Criminal Division, US Department of Justice; Robert B. Fiske, Jr., partner at Davis Polk & Wardwell LLP in New York, NY; John W. Keker, partner at Keker & Van Nest LLP in San Francisco, CA; Gary P. Naftalis, partner at Kramer Levin Naftalis & Frankel LLP in New York, NY; Karen Patton Seymour, partner at Sullivan & Cromwell LLP New York, NY; Larry D. Thompson, partner at Finch McCranie LLP, Atlanta, GA; and Dan K. Webb, partner at Winston & Strawn LLP Chicago, IL.

A panel focused on implicit bias, and its impact on the legal profession. The session was developed and moderated by Judge Bernice Donald, ABA Criminal Justice Section Chair.

Other panel topics ranged from health care fraud, women in the courtroom, criminal tax fraud, federal sentencing and internal investigations. Former Department of Justice representatives such as James Cole, former U.S. Deputy Attorney General, and Katheryn Kennelly, former U.S. Assistant Attorney General of the Criminal Tax division, attended and spoke on panels.
For the 5th straight year, the Criminal Justice Section will host a one and a half day conference that will feature topflight legal practitioners from across the globe tackling such topics as sports & corruption, trafficking and supply chain, combating market misconduct, and international enforcement cooperation.

**Luncheon Keynote Speaker:** Heidi Blake, *BuzzFeed’s* UK Investigations Editor

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Corruption and Public Works: Maintaining an Integrity Edge

By Manny A. Alas and Peter Zanolin

A Tale of Two Companies

A global construction and engineering firm found itself under investigation over a large Prevailing Wage and Disadvantaged Business Enterprise scandal involving federally funded public works. As bad as the investigation and subsequent settlement were, the reputational harm that resulted from news coverage of the scandal led to significant delays in the awarding and payment of hundreds of millions of public dollars in other jurisdictions. Although the company had focused on defending itself against the federal investigation, it was blindsided by the reputational damage — and severely challenged in winning back the trust of public entities by assuring them of the soundness of their integrity and new compliance programs.

A local construction firm with a long history of ties to organized crime — now under new ownership — had “cleaned house” and implemented robust new compliance programs. Still, they recognized that the stigma attached to the brand in the minds of law enforcement and public contracting agencies would not be so easy to overcome. So the company commissioned an outside independent monitor to conduct a comprehensive review of its compliance environment. They also had the monitor accompany them to meetings they had proactively scheduled with major public contracting agencies in order to address the “elephant in the room” — and to demonstrate the great lengths to which the company had gone to strengthen its culture, compliance program and controls.

Although the hurdles may have seemed higher for the second company because of its reputation and smaller size, its willingness to address these issues head on gave comfort to procurement officials — who are answerable to the public — and allowed it to more quickly and effectively “get ahead” of the issues that plagued the first company in the bidding and award processes.

Corruption risk is a special challenge for firms engaged in public works

Corruption threatens companies in every industry, but construction and engineering firms face special challenges. Those risks are higher still in the sphere of public works contracting — which is, according to Transparency International, the most bribery-prone sector globally — especially given the scope, visibility and use of public funds in such projects.

First, of course, is the issue of public safety. Shoddy or sub-standard workmanship or materials enabled by unscrupulous side deals can carry catastrophic consequences for both workers and the public at large. Then there’s the issue of public financing, which triggers added layers of compliance and accountability, often at multiple levels of government.

Finally, there is the potential legal exposure for a parent company — and even individual executives — which can accompany revelations of corruption. Not only are firms held accountable for the actions (or omissions) of subcontractors, suppliers and other third parties, public works contracts also require additional vetting procedures and compliance with more stringent regulations. A breakdown can create a long chain of business, legal and reputational headaches.

Despite the amplified risks triggered by contracting in the public works sphere, there are several steps construction and engineering companies can take to stay ahead of both potential problems and competitors. The key is to focus on maintaining an integrity edge.

Third-party risk: Ignorance is no defense

Otherwise-sound compliance programs often fall short when it comes to third parties — especially in the highly interconnected construction industry, with relationships that typically involve chains of subcontractors, suppliers, trades, unions and other third parties.

The traditional “red flags” may not be readily apparent due to complex payment mechanisms and contracting strategies, and more-sophisticated corruption strategies might not be identified through standard internal controls, project oversight or governance. The audit trail for revenues and expenses can become extremely complex, often making it more difficult for management to maintain accurate and reliable financial records — a challenge that’s amplified for those who conduct business internationally.

Accepting integrity risks — or otherwise unacceptable behavior and payment practices — when working outside of the U.S. as “local custom” or “business as usual” is no defense: even if carried out by partners or subsidiaries, the risks to the parent company remain the same. In fact, as we stress below, they are growing.

The business consequences of enforcement actions

A successful prosecution for corruption in public works contracting can result in debarment from future government contracts and create significant cost overruns, delays, and brand damage. But the reality is that virtually any enforcement action
can carry significant problems for a construction company — especially given the sometimes narrow window of opportunity in the government bid or request for proposal processes.

Reports of a criminal investigation into public contracting agencies can stall pending projects and hinder a company’s ability to land new contracts. Should a contractor have real or perceived integrity issues, the bid can be compromised; even an awarded contract or ongoing job can be lost. Past problems can also have adverse implications for an organization’s reputation, a stigma that can be difficult to overcome.

Finally, responding to a government investigation can introduce significant costs, particularly for firms who lack a proactive response strategy. And, even if the company itself is ultimately cleared, reputational challenges can linger, potentially giving pause to clients, prospects, employees and other stakeholders.

**Limiting vicarious, civil and criminal liability**

Businesses involved with public works projects should be prepared to navigate widely varying vetting procedures and degrees of due diligence, and should understand the scale of the compliance risks they face. The absence of strong internal controls or a lack of understanding about the practices of subcontractors and vendors can expose them to investigations, enforcement actions and prosecutions.

Laws governing public works, such as the Davis-Bacon Act, often extend civil liability for transgressions by subcontractors to the general contractor or construction manager. A company also can find itself dragged into a costly and brand-damaging criminal investigation involving a subcontractor.

And now there’s a new white-collar dimension to the enforcement angle. The Justice Department recently released a high-profile memorandum that instructs its prosecutors and civil attorneys to ensure that individuals behind corporate misconduct are investigated and fully prosecuted. The so-called “Yates Memo” sends a very clear message to organizations and their counsel about their responsibilities in identifying individual culpability through internal investigations. Quantifying a loss and writing a check are no longer enough: individuals behind bad decisions are liable to be investigated and charged — and, crucially, companies will have to play a key part in connecting the dots, in order to avoid being denied cooperation credit.

So how to avoid falling into a liability trap? A proper due diligence process can help guard against entering into business relationships with high-risk third parties. A credible internal anticorruption program, bolstered with robust monitoring and internal controls, can help root out weak spots before they become major issues. And an effective crisis-response plan can swiftly convince regulators and prosecutors that the company should be viewed as a witness to — or even a victim of — fraud, rather than as the target of an investigation.

**Maintaining an integrity edge: Five steps every construction company should take**

It is often challenging for a contractor to develop one set of consistent standards across the complex thicket of construction stakeholders. But with the right support and informed decision making, a company can enhance its understanding of third-party risks and the federal and local contracting processes. The ability to recognize potential hazards that can precipitate or complicate a government investigation can position your entity to make a responsive, transparent and compelling case to a contracting or regulatory agency if the need arises.

The key to maintaining an integrity edge is to be proactive in protecting the company’s reputation, both at home and in foreign markets. Here are five steps that can help you get there:

- Internally, develop clear anticorruption policies, backed up with robust internal training and monitoring, with a focus on continual improvement
- Externally, strengthen the due diligence and vetting process for subcontractors and other third parties
- Communicate and consistently reevaluate ethics and compliance standards for all subcontractors
- Monitor projects mid-stream, with random anticorruption reviews
- Build constructive working relationships with regulators, law enforcement and state and local officials, and promote the company as an ethics thought leader with industry groups and other stakeholders

**The way forward**

Public-works corruption diverts public funds, inflates project costs, and can lead to crippling consequences, both legal and financial. But it doesn’t have to go that way. The ability to recognize potential hazards — and act before falling victim to them — can help companies stay out of trouble. And if they should ever end up in a compliance breakdown, being able to point to their integrity edge can help them find the optimal resolution.

**Endnotes**

1. Transparency International-USA, a non-profit, non-partisan organization focused on fighting corruption in government and international business and development, scores sectors on scale of 0-10, where a maximum score of 10 corresponds to the view that companies in that industry never bribe, and a 0 corresponds with the view that they always do.
2. www.justice.gov/dag/file/769036/download
Conflicts of Interest

Firms Can’t Lobby if They Hire Legislator as Consultant

A consulting firm and the law firm that owns it must completely stop lobbying the state legislature if a lawyer/legislator joins the consulting firm, according to a proposed opinion from the Virginia bar’s ethics committee (Va. State Bar Standing Comm. on Legal Ethics, Proposed Op. 1884, 3/17/16).

The opinion, if adopted, casts a wide net, covering not only lawyers who are state legislators but those who are members of any public body. No lawyers or nonlawyers in a consulting firm may lobby a public body if a lawyer in the consulting firm serves on that body, nor may anyone in the law firm that owns the consulting firm, the committee advised.

Inquiry From Lawyer/Legislator

The draft opinion addresses a situation in which a lawyer who is a member of the Virginia General Assembly (legislature) joins a consulting firm. The firm employs lawyers and nonlawyers who lobby state and federal legislators. A law firm composed of Virginia lawyers owns the consulting firm. The lawyer/legislator asked the committee whether the lawyers and nonlawyers in the consulting firm would be barred from lobbying the state legislature if he joined the consulting firm and, if so, whether that prohibition would extend to the lawyers in the law firm. The committee said a total ban on lobbying would be the result. Both lawyers and nonlawyers in the consulting firm, as well as the lawyers in the law firm that owns the consulting firm, can’t represent clients or otherwise lobby before the state legislature if a lawyer in the consulting firm is a legislator, according to the draft opinion.

Impact on Consulting Firm

This conclusion follows from prior Virginia ethics opinions that said a lawyer can’t lobby a public body if another member of the lawyer’s firm is a member of that body, the committee said. These opinions emphasize the need for lawyers in public bodies to avoid even an appearance of impropriety and avoid diminishing public confidence in the administration of government, it said. The committee cited Virginia Rule of Professional Conduct 1.11(a), which prohibits lawyers who hold public office from using that position to obtain a special advantage for the lawyer or a client contrary to the public interest, as well as Rule 8.4(d) (similar to ABA Model Rule 8.4(e)), which bars lawyers from implying they can exert improper influence on a legislature, public official or tribunal.

There is no reason to distinguish between lawyers associated in a law firm and lawyers associated in a consulting firm for purposes of those rules, the committee said. It also advised that lawyers in the consulting firm can’t permit their nonlawyer colleagues to lobby the state legislature if a lawyer/legislator joins the firm. Allowing nonlawyers to lobby when their lawyer colleagues can’t do that would signal that a lawyer’s ethical obligations are mere technicalities that can be evaded by using nonlawyers, it said.

The panel acknowledged that the lawyers in the consulting firm may not have supervisory or managerial authority over the nonlawyers for the purpose of responsibility for the nonlawyers’ conduct under Rule 5.3. However, Rule 8.4(a) forbids lawyers to circumvent ethics rules by using others to do things the lawyers themselves are prohibited from doing, it said.

Law Firm Affected Too

The committee also concluded that lawyers in the law firm that owns the consulting firm can’t lobby state legislators once a lawyer/legislator joins the consulting firm. A contrary conclusion—letting the law firm lobby when its consulting firm employs a lawyer/legislator—would elevate form over function and essentially allow the two firms to use an artifice to get around the conflict arising from the lawyer/legislator’s employment with the consulting firm, the panel said.


Confidentiality

Client Names Aren’t Always Top Secret in New York

Lawyers in New York may reveal the names of current or past clients without even asking for their permission in some circumstances, the state bar’s ethics committee said in a March 31 opinion (N.Y. State Bar Ass’n Comm. on Prof’l Ethics, Op. 1088, 3/31/16).

The committee said the New York Rules of Professional Conduct forbid use of client names in advertising without their written consent, and require a client’s name and the fact of representation to stay secret if the client has requested that. But outside those situations, lawyers may name a client without even asking if the information is publicly known or if the
lawyer is positive the disclosure won’t embarrass or harm the client, the panel advised. The opinion is important reading for New York lawyers asked by prospective clients to reveal whom they have represented. It’s also instructive for attorneys who want to brag about their client list. For lawyers in other states with different confidentiality rules, the opinion serves as a reminder to analyze the need for client consent before disclosing clients’ names.

**Unique View of Protected Information**

The question the committee addressed was when a lawyer may tell a potential client the names of other current or past clients. The inquiring lawyer wanted to know whether he could tell a potential client—a co-op board—the names of other co-op boards he has represented.

The committee noted that Rule 7.1(b)(2) allows lawyers to include client names in advertising if the client has given prior written consent. But that’s not the only situation in which a lawyer may disclose client names, the committee said. A client’s identity may be disclosed without specific client consent in circumstances where the information isn’t “confidential information” under Rule 1.6(a), it said. That rule defines “confidential information” as information that is acquired during or relating to a client’s representation and is (a) attorney-client privileged; (b) likely to be embarrassing or detrimental to the client if disclosed; or (c) information the client has requested be kept confidential.

The definition expressly excludes information generally known in the local community or in the trade, field or profession to which the information relates. In contrast, ABA Model Rule 1.6—the basis for most states’ lawyer conduct rules—covers a broader range of information. It protects all information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized to carry out the representation or an exception applies.

**What to Figure Out**

Prior New York ethics opinions have concluded that a client’s identity isn’t generally protected by the attorney-client privilege. Even so, a lawyer can’t disclose a client’s identity if the client has requested that it stay secret, the panel said. If a client hasn’t asked for the fact of representation to remain private, the lawyer must determine whether that information is generally known and, if not, whether disclosing the client’s identity and the fact of representation would be likely to be embarrassing or detrimental to the client. This determination will depend on the client as well as the facts and circumstances of the representation, the committee said.

Information is “generally known” under Rule 1.6(a) when it’s known to a sizeable percentage of people in the local community or in the relevant trade, field or profession, or when it’s readily available in public materials such as trade periodicals or regulatory filings, it said. The fact of representation may be generally known if the lawyer has represented the client in publicly reported litigation, if a client website identifies the lawyer as representing it or if the representation is widely known in the industry, according to the opinion. Information that’s generally known isn’t confidential, and a lawyer may freely disclose it, the committee said.

‘Embarrassing or Detrimental?’

If the client’s identity and representation aren’t generally known, the lawyer may disclose that information only if she makes a fact-specific determination that the information wouldn’t be embarrassing or detrimental to the client, the committee advised. The subject matter of the representation is one factor, according to the opinion. Disclosure is more likely to be harmful or embarrassing where the representation involves criminal law, bankruptcy, debt collection or family law, the committee said.

Other factors may also enable a lawyer to conclude that the information wouldn’t be embarrassing or detrimental, the panel said. For example, the client may have told other people that the lawyer was his attorney in a matter, or the lawyer may hear from other people that the client identified the lawyer as his counsel in a matter. There’s no apparent reason why co-op board clients would be embarrassed or harmed by the disclosure of their identity or the fact of representation, the committee said. However, it advised the lawyer to consult with the clients before disclosing the information unless she’s reasonably confident about their views on being identified.

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**CJS Diversity Goal**

The ABA Criminal Justice Section values diversity in all aspects of our membership, participation, publications, and programming. The ABA CJS encourages and seeks active involvement of lawyers and associate members of color, women, members with disabilities and LGBT members in ABA CJS’s publications.
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DOJ: During DOJ’s National Reentry Week, Deputy Attorney General Sally Q. Yates announced several policy initiatives aimed at strengthening families of incarcerated individuals. These initiatives include ensuring that video visitation services are available in all female BOP facilities, parental programming offered to inmates, training for staff on how to properly handle parent-child interactions, and tips for children and their mentors on how to manage relationships with incarcerated parents. Additionally, DOJ and the Department of Health and Human Services authored a guide for incarcerated parents to help them better understand the child welfare system. More information on DOJ’s reentry initiatives can be found at www.justice.gov/reentry.

NACDL: NACDL’s 59th Annual Meeting & Seminar: “Winning Even When They Cheat! Exposing & Fighting Misconduct in Criminal Cases” will be held in West Palm Beach, FL, August 10-13, 2016. The event will cover many topics from juror misconduct to Brady issues, and will feature an appearance by “Making a Murder” defense attorney Jerry Buting. More information on this conference can be found at www.nacdl.org/Annual2016.

NDAA: The NDAA will be hosting its Summer Conference & Board Meeting and National Victims’ Rights Summit 2016, July 16-19, 2016. This victims-focused meeting will cover important topics such as sexual assault on college campuses and the intersection of prosecutors, University Title IX Staff, victims and survivors, witness intimidation, and community engagement. More information can be found at www.ndaa-justice.org.

NLADA: The National Legal Aid and Defender Association will be hosting their annual conference on November 9-12, 2016 in Indianapolis, IN. The theme for this event is “Advocacy at a Crossroads: Equality, Justice, and Human Rights.” More information can be found at www.nlada.org/conferences-and-training.

NAAG: Vermont Attorney General Bill Sorrell is hosting this year’s NAAG Summer Meeting in Burlington, Vermont, June 21-23. This event includes many exciting programs including the U.S. Supreme Court Perspectives luncheon, with the latest assessment of cases, an ethics session covering social media use and the courtroom, and the annual state dinner and awards ceremony on Thursday evening. More information can be found at www.naag.org/meetings-training.

NBPA: The National Black Prosecutors Association will host its 33rd Annual Conference and Job Fair on July 10-16, 2016 in St. Louis, Missouri. The CLE portion of the conference will include such topics as improving community-police relations, mental health and substance abuse challenges, and maintaining public relations in highly-sensitive matters. Melba Pearson, Co-Chair of the ABA Criminal Justice Section’s Prosecution Function Committee and President of the NBPA has also organized multiple panels on implicit bias. The Conference will also include the NBPA’s annual Profiles in Courage Award Luncheon on July 13. More information can be found at blackprosecutors.org.

CALENDAR OF EVENTS

Seventh Annual Prescriptions for Criminal Justice Forensics: June 3, New York, NY

Civil False Claims Act and Qui Tam Enforcement: June 18-20, Washington, DC

CJS Programs & Meetings During the ABA Annual Meeting, San Francisco, CA: Aug. 4-7

Southeastern White Collar Crime Institute: Sept. 8-9, Braselton, GA (near Atlanta)


CJS Fall Institute & Meetings: Nov. 3-5, Washington, DC

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Sonnett Receives ABA Grassroots Advocacy Award

ABA President Paulette Brown presents Criminal Justice Section Delegate Neal Sonnett with ABA Grassroots Advocacy Award. Left to right: President Brown, Sonnett, and Robert Carlson, ABA Day Chair.

ABA Criminal Justice Section Delegate Neal Sonnett was honored with the ABA Grassroots Advocacy Award on April 20 during ABA Day kick-off in Washington, DC. ABA President Paulette Brown said Sonnett was honored in large part because of his work on Guantanamo Bay.

Following the Sept 11 attacks, Congress and the Administration took unprecedented steps to secure the safety of this nation. Suspected terrorists were being detained incommunicado; the Administration announced that it was reinstituting military commissions; enemy combatants at Guantanamo Bay were denied meaningful review of their status; attorney-client communications were being monitored by the government; and allegations of rendition and torture of suspected terrorists by U.S. personnel dominated the news, Brown said.

“The ABA needed policy to become a meaningful participant in the debate on these pressing and legally challenging issues and turned to Neal for assistance,” said President Brown. “Time and again, Neal, the consummate lawyer, was able to build consensus among members of his task force and with other ABA entities over principled policy proposals that protected both the nation’s security and our civil liberties.”

Sonnett is one of three Section leaders to receive the honor, which include Stephen Saltzburg (2014) and James Felman (2011).

2016-2017 Criminal Justice Section Council Nominees

Chair: Matt Redle
Chair Elect: Morris “Sandy” Weinberg
First Vice Chair: Lucian Dervan
5 Vice Chairs at Large (1-Year Term):
   April Frazier-Camara
   Justine Luongo
   Martin Marcus
   Wayne McKenzie
   Kim Parker
5 Council Members (3-Year Term)*:
   Andrew Boutros
   Sidney Butcher
   Kevin Curtin
   Jaime Hawk
   Sarah Redfield
   Steven Zeidman
2 Council Seats for Young Lawyers Under Thirty-Six (1-Year Term):
   Michael Dean (P)
   Katherine Rankin (D)

*Six nominees were selected instead of five to replace Lucian Dervan, who moves to First Vice Chair.

Book Board Member Del Tufo Passes Away

Former New Jersey Attorney General Robert J. Del Tufo, 82, of Princeton, who fought organized crime but was a prominent dissenting voice in the conduct of the Abscam political corruption investigation, died March 2. Del Tufo was a member of the ABA Criminal Justice Section book board.
This book surveys the law regarding claims and defenses that commonly arise in a client fraud scenario. It focuses on identifying some of the most promising defenses and other strategies to help professional firms minimize the fallout from such events. Each of the chapters is devoted to claims against professionals of a discrete type or from a distinct source.

For the full listing of books, see www.ambar.org/cjsbooks.