8. DIVISION/COMMITTEE/PROJECT REPORTS

EQUAL JUSTICE DIVISION

Executive Directors: Janet Fink and Hon. Denise Langford Morris

Juvenile Justice
Chair: Ernestine Gray
Vice-Chair: Brittany Mobley

The committee met virtually on February 17, 2022 and May 5, 2022. The next meeting will be held virtually after the ABA Annual Conference. The committee Chair and Vice Chair attended committee leadership calls as well as meetings hosted by other committees.

Policy Development

The Committee has been working on a resolution limiting police presence in primary and secondary schools. It was determined that this matter needed to be referred to the JJ Standards Task Force as the proposed resolution calls for an amendment to Standard 3.3 of the Standards Relating to Dual Jurisdiction Youth. The goal is to have the Amended Resolution and Report ready for the HOD at Midyear 2023.

Other policy considerations include a potential resolution prohibiting police lying to juveniles during interrogation and a resolution to amend 2017AM10B opposing the imposition of mandatory minimum sentences for juveniles and repealing laws that allow the imposition of mandatory minimum sentences for juveniles.

GAO/Advocacy Efforts

The committee maintains ongoing communication with ABA GAO on advocacy efforts to oppose or support bills that relate to the juvenile justice system. Ken Goldsmith, ABA Senior Legislative Counsel & Director for State Legislation, attends the committee meetings and provides pertinent updates from Washington.

Juvenile Justice Standards Task Force

Both the Chair and Vice-Chair continue to attend the meetings of the Task Force. The Task Force is working to start submitting drafts to the Criminal Justice Section for review and approval.

Livingston Hall Award

The Awards Subcommittee successfully identified and recommended a recipient for the Award. The award was presented posthumously to Robert W. Mason during the awards luncheon at the Spring Meeting in Savannah, Ga.
Publications

Committee Chair, Judge Gray, co-authored, *The Right for Children to Be Present, Be Heard, and Meaningfully Participate in Their Own Dependency Court Proceedings*, with Brenda C. Robinson.

**Military Justice**

Chair: Eric Carpenter, Vice-Chairs: Phil Cave, Tara O’Brien Goble
Special Advisor: Stephen Saltzburg

The Military Justice Committee held its first of expected quarterly meetings and began the process of establishing subcommittees and work priorities.

**Racial Justice**

Co-Chairs: Cherise Burdeen & Theresa Coney

The Racial Justice and Diversity Committee (RJDC) is co-chaired by Cherise Fanno Burdeen (National Legal Aid and Defenders Association) and Theresa Coney (Racial Justice Trainer for the Committee for Public Counsel Services, Massachusetts). The RJDC seeks to improve membership diversity and engagement by including an informational and collaborative agenda during bi-monthly committee meetings, thereby providing both substantive and wellness support for committee members and others engaged in and supportive of the work of Racial Justice and Diversity.

The committee approved a work plan that included the finalization and submission of a resolution arguing racial bias in criminal history records used to evaluate pretrial risk. Development of the resolution started during the 2020-2021 ABA year, and in February 2022, named as Resolution 700 and sponsored by the National Bar Association, it was passed by the ABA House of Delegates. The article on the resolution can be found [here](#).

The committee held bi-monthly meetings, which were a combination of discussion among present members regarding issues they are facing at home and mini-training sessions offered in support of advancing racial justice and diversity. Co-Chair Coney also organized a presentation by Jeff Robinson, Esq. Jeffery Robinson is the founder and CEO of The Who We Are Project, a nonprofit organization focused on correcting the narrative of our shared history. The current narrative about the impact of anti-Black racism and the myth of white supremacy on the United States’ social, legal, political, and economic systems is based on a “re-telling” of history that is incomplete, inaccurate, and misleading. The Who We Are Project will correct this false narrative by providing objective and true accounts. Reckoning with our true history is the only way for our country to move towards a path of racial equity and justice. Co-Chair Burdeen organized a presentation of “Desiloing Data to Advance Racial Equity”, by Luminisoty, Inc. and government staff of Mecklenburg County, NC.

As the committee winds down the 2021-2022 bar year, they are working in support of a policy statement related to JustLeadershipUSA’s *End the Exception* campaign. This is a federal initiative aimed at ending the exception clause of the 13th amendment that has been understood throughout history to allow slavery and involuntary servitude to be used as punishment for crime.

**Women In Criminal Justice**

Co-Chairs: Gloria Ochoa-Bruck & Hon. Rachel Pickering

The Women in Criminal Justice held a virtual meeting on Feb 10, 2022. The committee discusses Spotlight women practitioners’ careers and successes. The committee members have served as guest speakers on the Section’s podcasts, conducted interviews, and attended virtual meetings/webinars.
The committee will continue to highlight career options for women in criminal justice. They will also create leadership positions within the committee. The Women in Criminal Justice Taskforce hosted a panel entitled: First But Not the Last at the CJS Spring Conference.

COMMUNICATIONS, MEMBERSHIP AND SERVICES DIVISION
Executive Directors: Andrea Alabi and Hon. Sidney Butcher

Awards
Co-Chairs: Mathias Heck & Janet Levine

The Awards Committee oversees the nomination, selection and presentation processes of seven awards – Frank Carrington Crime Victim Attorney Award, Charles R. English Award, Livingston Hall Juvenile Justice Award, Curtin-Maleng Minister of Justice Award, Raeder-Taslitz Award and Albert Krieger Champion of Liberty Award.

See Membership and Awards.

Book Board
Chair: Michael McCrum

The Book Board has published one new title in Fiscal Year 2022: An International Guide to Corporate Internal Investigations. Published in the first quarter of the fiscal year, this title has anchored our finances for FY2022, generating roughly a quarter of our total year-to-date revenue. We are grateful to the authors for their work in writing and promoting it.

We had originally forecast more titles for FY2022, but our authors continue to be impacted by pandemic-related and life-event-related delays. As many of them have made significant progress on their manuscripts, however, we can look forward with confidence to at least three new publications in FY2023.

We are constantly looking for more authors and ideas for new books. Your committees in the Criminal Justice Section are fortunate to have experts in all areas of criminal law, each of which have a vast pool of potential authors in your respective fields. Please reach out to your respective network of experts to request book proposals on topics important to your committees.

Criminal Justice Magazine Editorial Board
Chair: Justin Murphy
Vice-Chair: Donna Elm

• Continued publication of the dynamic CJ magazine within-budget and on-time on a quarterly schedule, with Board members assisting with development of article and symposium ideas and topics, soliciting authors and reviewing all articles to ensure quality and accuracy. Published 2022 Symposium on Parole related issues, our first symposium on that topic. Specifically solicited and assigned 20-30 articles plus 40+ columns per bar year;

• Continued provision of a valuable resource for the Criminal Justice Section’s diverse membership, as well as for law libraries and criminal justice professionals, with a mix of timely practice-oriented articles and policy pieces that provide a wide variety of perspectives on innovative and cutting-edge legal issues and recent developments;
• Continued provision of a forum to highlight new reports, Section committee projects and publications, standards, policy positions and resolutions of the CJS and the ABA that are of interest to the Section’s members and, in particular, to provide a vehicle for Section members and others to publish articles that may be useful to their colleagues. By way of example, this includes publication of an article relating to the Workplace Parity for Women in Criminal Justice relating to data collected by the Women in Criminal Justice Taskforce;

• Published at or under the established budget;

• Planned future issues for FY2022-2023

• Held several “virtual face-to-face” meetings for editorial board and staff to discuss the administration of the Magazine and article/column ideas and topics;

• Continued publication of columns in specialized areas of interest to significant segments of the Section’s membership, including, among others, scientific evidence, trial tactics, technology, ethics, juvenile justice, white collar crime, women and the law, mental health and rules of criminal procedure, a new column on Courageous Leadership, and other developing areas of the law as well as reviews of new books and alerts regarding cases before the US Supreme Court; and

• Continued administration and judging of the William Greenhalgh student writing competition, including publication, if appropriate, of winning entry.

**DOJ Dialogue**

Chair: Jim Felman

The primary purpose of the DOJ Dialogue Committee is to conduct on a regular basis an ongoing informal dialogue with the Attorney General of the United States and other Department of Justice leadership concerning criminal justice issues of interest and importance. Another purpose of the Committee will be to suggest to the Attorney General and other DOJ leadership possible steps which might reform certain policies and practices of the DOJ and to discuss any concerns raised by the DOJ concerning practices of the criminal justice bar. The Committee will report back to the CJS leadership in regard to informal discussions which may be of benefit for other CJS purposes.

**Legislative and Policy**

Chair: Hillel Hoffman

Vice-Chair: Premal Dharia

On November 17, 2021, the Legislative and Policy Committee held a virtual meeting, attended by the Chairs, members of the Committee and Linda Britton, the Director of the Criminal Justice Standards Project. The meeting began with the participants introducing themselves to each other and a general discussion of the workings of the Committee.

Then Vice-Chair Premal Dharia chaired a discussion of Second Look Legislation. This is legislation that is designed to permit incarcerated individual to seek review of lengthy prison sentences or to require automatic review of sentences that exceed a prescribed number of years. The legislation can also provide for compassionate release of individuals suffering from serious or terminal illnesses or individuals who are needed to provide care to persons suffering from such illnesses. The legislation can also permit
incarcerated individuals who were convicted of crimes as young adults to apply for resentencing as youthful offenders. And the legislation can provide for sealing of criminal convictions after a period of years if a convicted person has been law abiding.

The Chairs asked the members to report on any pending legislation that contains second look provisions and to inform the Chairs of any further developments in this area.

The Chairs will continue to explore Second Look Legislation at further meetings of the Committee.

**Long Range**

Co-Chairs: Hon. Bernice Donald, Janet Levine, Ann Macy & Kim Parker

The CJS Long-Range Planning (LRP) Committee will continue its work to develop a comprehensive LRP for the Section, focusing on membership growth; serving the policy and programmatic needs of constituents, strengthening communications, involving committees, creating transparency, and enhancing relationships with other ABA sections and entities.

**Membership**

Co-Chairs: Cynthia Orr & Joshu Harris

The Committee strives to improve Diversity and Inclusion within CJS Leadership and assists CJS in developing new programs to attract new members. The Law Student Development committee surveyed different schools about how they viewed the ABA and CJS, and what they would like to see. The Membership Committee has reviewed the survey and is in the process of acting upon the students priorities, interests, and challenges.

**CORRECTIONS AND SENTENCING DIVISION**

Executive Directors: Raul Ayala and Stephen Zeidman

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**Alternatives To Incarceration & Diversion**

Chair: Raul Ayala
Vice-Chair: Deanna Adams

The Committee is interested in hosting panels at the Midyear, Spring, Annual and Fall Institute meetings, providing updates on administrative/executive, legislative and judicial developments affecting alternatives to incarceration, diversion and treatment as well as updates from the treatment and therapeutic community. There is also interest in hosting a webinar in collaboration with other groups on evidence-based therapeutic interventions and a webinar on how to develop a collaborative or problem-solving court in any given jurisdiction. The committee has spearheaded the work of the Diversion Standards Task Force.

I. **Diversion Standards were reviewed and adopted by the CJS Council:**

Committee Chair, Raul Ayala, has also served as Chair of the Diversion Standards Task Force, presented the Standards First Reading to the CJS Council on November 20, 2021. The Second Reading of the Standards was presented on April 9, 2022 during the Spring Meeting, at which time they were approved as modified. It is now anticipated that the Standards will be ready for
review and adoption by the ABA House of Delegates during the 2022 Annual Meeting in Chicago. Substantial work has already been accomplished on Commentary by Reporter Prof. Ion Meyn and Rachel Dykema, Esq.

A concerted effort will begin to establish working relationships with organizations and individuals who may utilize the proposed Standards in their daily work. The Committee would like to maintain feedback for possible reviews, revisions and expansions in future edition(s) of the Diversion Standards.

II. The Committee hosted two CLE presentations:

- The Committee presented an in-person seminar at the 2021 Fall Institute, entitled Alternatives to Incarceration Roundtable: Views on Yesterday, Today & Tomorrow. Featured speakers included James Felman (former CJS Chair, and NACDL Decarceration Committee Member), Terrence Walton (COO, National Association of Drug Court Professionals), Miriam Krinsky (CEO, Fair and Just Prosecution), Nicole D. Porter (Senior Director of Advocacy, The Sentencing Project), and Prof. Kate Weisburd (GWU Law School). Committee Chair, Raul Ayala, acted as moderator. Initial discussions have been had to prepare a follow-up roundtable-style article for the CJ Magazine on the topics covered by the seminar.

- The Committee also hosted a virtual free CLE program at the 2022 Midyear Meeting in Seattle, WA entitled: The Lawyer’s Role in LEAD: Law Enforcement Assisted Diversion/Let Everyone Advance with Dignity. Featured speakers included Leandra Craft (Senior Deputy Prosecuting Attorney, King County, WA), Lisa Daugaard (Co-Executive Director/Policy, Public Defender Association, WA), Dan Satterberg (King County Prosecuting Attorney, WA), and Devin Majkut (LEAD Case Manager, REACH Program/Evergreen Treatment Services). Miriam Krinsky (CEO, Fair and Just Prosecution) served as moderator to this presentation was organized by Committee Vice-Chair, Deanna Adams.

III. Committee Contributions to CJS Publications:

- Committee Vice-Chair, Deanna Adams, wrote the chapter, “Post-Pandemic Justice Responses to People Who have Behavioral Health Needs: Deflection, Diversion, and Alternatives to Incarceration,” for the forthcoming 2022 section publication, State of Criminal Justice.

- The Committee contributed a committee update to the Spring 2022 CJS Newsletter. The update provided detailed information about the 2022 Midyear Meeting CLE program, The Lawyer’s Role in LEAD: Law Enforcement Assisted Diversion/Let Everyone Advance with Dignity.

IV. Plans for the 2022-2023 Program Year include:

- Vice-Chair, Deanna Adams will prepare a chapter for the 2023 edition of the Sections publication, State of Criminal Justice.

- CLE presentations proposals for the Fall Institute, Mid-Year, Spring, and Annual Meetings

- Call for article submissions to CJS Newsletter and CJ Magazine

- Host a meeting(s) via a virtual platform to encourage greater participation in the Committee and Section; propose regular meetings during CJS events

- Committee membership survey

- Designate responsibilities to specific members for increased communication and committee activities (responsibilities may include: posting messages in the ABA Connect community, providing updates for the web/social media, identifying guest speakers for
Committee meetings etc.)

- Chair and Vice-Chair will collaborate on all of these tasks. Vice-Chair Deanna Adams has experience with Hivebrite and working with staff for web and social media posts, and will take the lead on those activities.

**Corrections**
**Co-Chairs: David Ball & Keramet Reiter**

The Corrections Committee helped coordinate a JustPod podcast on COVID-19 in prisons and jails.

Former Chair of the Corrections committee and Current Committee member Lynn Branham did a webinar about "person-first" language.

The committee worked on a resolution against private prisons resolution and is working on a resolution about the 13th Amendment slavery exception for punishment.

We also helped committee member Michele Deitch, leading expert on prison oversight, network with ABA members engaged with BOP policy.

The Committee held two virtual meetings Midyear & Fall 2021

**Law Enforcement**
**Chair: Chief Anthony Holloway**
**Vice-Chair: Chief Gina Hawkins**

The Law Enforcement Committee met virtually at Fall 2021 and in-person at Spring 2022, where they were joined by representatives from the FBI to learn about the National Use-of-Force Data Collection efforts. The committee continues work on a policy resolution to uniformly define and standardize use of force policies for law enforcement. Co-chairs Chief Holloway and Hawkins remain actively engaged in supporting the work of the ABA Legal Education Police Practices Consortium, ensuring lessons from their respective jurisdictions feed into the work of the Consortium.

**Parole & Probation**
**Co-Chairs: Ana Bermudez & Robert Capers**

Attended committee leadership meetings throughout the year.

**Pretrial Justice**
**Chair: TBD**

The committee promotes evidence based practices to improve pre-trial justice and police practices. The Committee works to develop projects and policies that decrease or prevent crime and its underlying causes such as drug and alcohol abuse and criminal violent behavior especially involving guns. The committee supports evidence-based government and community programs to reduce the risk factors related to criminal participation and victimization. The committee addresses topics such as safety training for citizens and removing dangerous career criminals from society. In cooperation with other Section Committees the committee supports diversion, reentry and other efforts that have proven to reduce recidivism.
Re-Entry & Collateral Consequences

Co-Chairs: Eddie Ellis & Chiquisha Robinson
Vice-Chair: Brooke Hyman

Attended committee leadership meetings throughout the year.

Sentencing

Co-Chairs: Shima Baradaran, Rebecca Brodey, Carlos Garcia and Tess Lopez

The Sentencing committee is developing a survey inviting members to share sentencing outcomes in particular types of cases so that other practitioners have access to this data which is under reported and difficult to find.

PROFESSIONAL DEVELOPMENT DIVISION

Executive Directors: Ann Ratnayake Macy and Nina Marino

CLE Board

Co-Chairs: Nina Marino & Kevin Napper

Since September this year the ABA slowly began their in-person programs and meetings. The Section hosted both its Southeastern White Collar Crime Institute in September in Braselton, GA; and the National Institutes on White Collar Crime in October in Miami, FL both in person. Because of the omicron variant the ABA/ABA Financial Crimes Enforcement Conference as well as the Midyear meeting converted to virtual in January and February. At the midyear meeting the CLE Board proposed a new program, details as follows:

See Programs and Continuing Legal Education in this report.

Defense Function

Co-Chairs: Josh Dratel & Stan German
Vice-Chair: Marissel Descalzo

Attended committee leadership meetings throughout the year.

Ethics, Gideon & Professionalism

Co-Chairs: Lara Bazelon & Ron Paschal

Provided support in leadership search for the next bar year.

Past Chairs Function

Co-Chairs: Kim Parker & April Frazier-Camara

The Past Chairs Committee's goal is to use the collective experience and wisdom of the former Chairs to develop programs to enhance criminal reform for the county’s Criminal Justice System.

This Committee supports the Chair in accomplishing her goals during the year, works with the Long Range Planning Committee in identifying and evaluating new endeavors for the Section to consider as it accomplishes its mission and goals.
Prosecution Function  
Co-Chairs: Michael Moore & Melba Pearson

The Prosecution Function Committee held several meetings in 2021/22. The following are committee accomplishments and highlights:

1. Provided advice and partnership, with an eye to the prosecution point of view, in the area of criminal justice reform. This includes resolutions, providing speakers for panels, and other types of collaboration.
2. Set an example for guidance and goals in the area of criminal justice reform.
3. Continue to develop and promote CLE programs needed in the area of prosecution
4. Completed Book for publication regarding Prosecutor Discretion: “Can They Do That?”
5. Promoted “Implicit Bias Training for Prosecutors Toolkit” to ensure prosecutors are receiving this important training, available on the CJS website.
6. Drafted resolution regarding prosecution sharing of data.
7. Working on resolution opposed to forced examinations of victims and witnesses in criminal cases.
8. Members of the committee authored articles for criminal justice magazine and journal.
9. Members working on Victim Rights standards.
10. Participate in the drafting of a Pre-Trial Manual for Prosecutor Offices
11. Committee took a position on numerous resolutions brought before the CJS.
12. Continue to be involved in the Annual Prescription for Criminal Justice Forensics Seminar held in June each year.
13. Actively work to increase participation by members of the committee at meetings and during the year.
14. The Committee continues to work with NDAA and NBPA on a variety of issues that are of concern to prosecutors across this country.

Science Technology & Forensics  
Co-Chairs: Sarah Chu & Barry Scheck

Attended committee leadership meetings throughout the year.
SPECIALIZED PRACTICE DIVISION
Executive Directors: Marissel Descalzo and Anthony Musto

Amicus Practice
Co-Chairs: Hon. Mark Dwyer, Daniel Harawa, Rory Little, & Matt Redle

The Amicus Committee currently has four members, Rory Little, Judge Mark Dwyer, Daniel Harawa and Matt Redle. Marisa Chun resigned because she was appointed to the bench in San Francisco, and Marsha Levick, Chief Counsel for the Juvenile Law Center, Philadelphia, PA, will join the Committee beginning September 1. Thus far this year, the Committee reviewed several cases but has not made application for an ABA amicus brief.

Appellate & Habeas Practice
Co-Chairs: Jessica Langsam & Terri Rosenblatt

The Committee held a virtual meeting during the ABA Midyear meeting and discussed a Model Resolution for Post-Conviction Testing and brainstormed new ideas for committee work.

Global Anti-Corruption Committee
Co-Chairs: Andrew Boutros, T. Markus Funk, Preston Pugh and Mara Senn

The ABA Criminal Justice Section Global Anti-Corruption Committee was excited to start its 12th year since inception, despite the ongoing nature of COVID-19. For more than a decade, the Section’s Global Anti-Corruption Committee has been a strong voice in the international anti-corruption stage. As Committee Chairs, we have worked to continue to carry forward the Committee’s mandate in that strong tradition. Over the last several months, we continued to support the many constituents who practice in, and follow, the anti-corruption space. We also made diversity an important focus of our work. That was especially so given that we have the good fortune to be able to draw on talent and experiences from all over the world. Against this backdrop, what follows are some concrete year-end Committee accomplishments:

First, and foremost, we continued to make diversity a key priority. We worked to achieve diversity across our memberships, activities, and ideas. That is reflected in the numerous new members we have attracted from all over the world, making our membership among the most diverse in the Section.

Second, as it has done in past years, the Committee worked to increase its membership. We view such growth as yet another sign of the Committee’s vitality—and demonstrative proof of the strength of its work and the market’s recognition of that strength. In that regard, and as the numbers reflect, we have been successful in this effort as we continue to grow our membership.

Third, the Committee continued to manage and update the LinkedIn ABA Global Anti-Corruption Group. This LinkedIn page is home to one of the largest anti-corruption groups of its kind, with more than 1,100 diverse members from around the world and an average of 5-10 daily entries. During the global pandemic, we viewed our online presence as more important than ever because it ensured that our members remain in close contact with one another and don’t lose touch with the pulse of the Committee or its work.

Fourth, as part of its ongoing efforts to support and help collaborate on the important work
being done by the CJS and other ABA Sections, we continued to collaborate closely with other ABA and external constituents, such as the CJS’s Committee on International Criminal Law and International Section and its Anti-Corruption Committee. In this regard, we advertised the Committee on International Criminal Law’s event on Current and Emerging Anti-Corruption Trends in the Caribbean.

Fifth, Co-Chairs Markus Funk and Andrew Boutros continued to promote and bring attention to their Oxford University Press book on global anti-corruption.

Homeland Security, Terrorism & Treatment of Enemy Combatants
Co-Chairs: Arjun Sethi & Joe Whitley

The Homeland Security, Terrorism & Treatment of Enemy Combatants Committee held a meeting in February 2022 (via zoom). The committee convened again in Savannah at the CJS Spring Council meeting (in person). The committee continues to monitor developments in Guantanamo Bay, assess issues of disproportionate impact in the context of immigration and homeland security policy, and hopes to collaborate with the Military Justice Committee in the coming months.

International
Co-Chairs: Tyler Hodgson & Bruce Zagaris

For THE STATE OF CRIMINAL JUSTICE 2021, Bruce Zagaris authored Chapter 4 (US Anti-Money Laundering Act Includes Corporate Transparency and New Regulation of Cryptocurrency and Antique Dealers).

On July 15, 2021, the Committee sponsored in cooperation with the National Security Committee of the ABA Section of International Law a webinar entitled Abusing INTERPOL’s Resources to Persecute Expatriate Dissidents.

The panel discussed recent developments in INTERPOL abuse as well as issues that attorneys representing individuals on INTERPOL’s international wanted list come across in their daily practice. The panelists reviewed: Red Notices, diffusions, the Stolen and Lost Travel Documents database, and the other INTERPOL resources that are most often abused by repressive governments; the most pressing problems faced by the Commission for the Control of INTERPOL’s Files (CCF), an independent body with the exclusive jurisdiction to adjudicate requests from individuals; potential challenges to INTERPOL’s legal immunity in light of ongoing human rights violations; the CCF’s application of key provisions of the INTERPOL Constitution and rules (the INTERPOL “case law”); and the latest cases involving INTERPOL Red Notices and diffusions before U.S. immigration courts.

Bruce Zagaris, Committee co-chair, moderated. The panelists were: Ted Bromund, The Heritage Foundation (Washington DC); Laurent Grosse-Kozlowski, former General Counsel and Director of the Office of Legal Affairs at INTERPOL (Lyon, France); Michelle Estlund, Estlund Law (Miami); Yuriy Nemets, Law Office of Yuriy L. Nemets PLLC (Washington DC); Rebecca Shaeffer, Fair Trials International, Washington, D.C.

On August 5, 2022, the Committee held a virtual meeting during the ABA Annual Conference. Antenor Madruga and Ana Belotto, both of Feldens Madruga, in Brazil, will discuss "US-Brazilian Joint Criminal Settlements: Trends and Implications for Stakeholders"? The panelists discussed recent joint settlements between the U.S., Brazil and other countries, including the Amec Foster Wheeler settlements (June 25 in the US and July 2 in the UK), Rolls-Royce, and others. They will discuss the trends and implications for stakeholders of joint settlements and other developments in international criminal cooperation.

On November 20, 2022, at the fall CJS program the Committee met. Lemarque Campbell, a lawyer from
the Bahamas working on rule of law and transnational and comparative corruption, gave a presentation on anti-corruption developments in the Caribbean.

On April 7, 2022, the Committee met during the CJS Spring Meeting. There was discussion of the Committee’s proposed resolution on application of the DOJ policy for joint resolutions to corporate entities to individuals.

On April 25, 2022, the Committee, in cooperation with the Caribbean Policy Consortium, hosted a webinar entitled “The Fight Against Illicit Trafficking of Firearms in Latin-America and the Caribbean.” The webinar discussed efforts to combat illicit trafficking of firearms in Latin America and the Caribbean. The webinar focused on the Inter-American Convention against the Illicit Manufacture of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (CIFTA), the Protocol against the Illicit Manufacturing and Trafficking in Firearms, Their Parts and Components and Ammunition (Firearms Protocol), and other treaties with respect to the trafficking of firearms. It will also discuss the lawsuit pending in U.S. District Court in Massachusetts (Mexico v. Smith & Wesson) brought by the Mexican Ministry of Foreign Affairs against firearm manufacturers and distributors.

Bruce Zagaris, Berliner Corcoran & Rowe LLP and co-chair of the Committee, moderated. Panelists included: Sheridon Hill, Public Information Officer of the Trinidad and Tobago Police Service; Alejandro Celorio, Legal Adviser, Ministry of Foreign Affairs of Mexico; Pier Angelli De Luca, Specialist of the Department of Public Security, Organization of American States; and Simonetta Grassi, UNTOC’s Firearms Protocol Secretariat, UN Office on Drugs and Crime. The Committee is grateful to Kristin Smith, in her help in organizing and producing the webinar.

Bruce Zagaris, co-chair of the Committee, has been active in working on policy resolutions and responses by the ABA Criminal Justice Section to the Corporate Transparency Act and the ABA Standing Committee on Professional Regulation’s release of a discussion draft of possible amendments to model rules of professional conduct for attorneys’ due diligence obligations. He has authored “The Status of U.S. Entity Transparency and Gatekeeper Regulations, which appears in 106 TAX NOTES INT’L 1045 (May 23, 2022). The article looks at recent U.S. regulatory developments in corporate transparency and professional conduct and their potential collateral impact on foreign investment in the United States. He presented written statement co-authored with Mara Senn of the CJS and made an oral statement at the hearing organized by the ABA Standing Committee on Professional Regulation.

**International White Collar**

**Co-Chairs: Patrick Hanes & Mark Beardsworth**

The International White Collar Crime (IWCC) Committee has made substantial progress toward achieving its 2021-22 goals. Leadership of the IWCC Committee produced and publicized a major publication with
For its next major project, the Committee has solicited membership interest to serve as a working group to address the role and rights of individual employees in transborder internal investigations. The charge to the working group is to identify and study relevant issues—e.g., rights to counsel, the use of personal data, and employee discipline—of interest to our membership. The work product of the working group is to be a concise “white paper” describing those issues and recommending ways the Committee might work within the ABA CJS through publication, advocacy, or interaction with relevant authorities in affected jurisdictions to further address those issues. A chair of the working group has been selected, and additional members have now volunteered to serve.

The Committee has held two formal meetings since September 2021, as well as a number of informal conversations. The Committee expects to hold additional in-person meetings in conjunction with the ABA Global White Collar Conference this summer and the London Conference in October.

WHITE COLLAR CRIME DIVISION
Executive Directors: Morris “Sandy” Weinberg and Robb Adkins

White Collar Crime
Co-Chairs: Michael Leotta and Jason Linder
Vice-Chairs: Aisling O’Shea and Christine Wong

The White Collar Crime Committee focused this year on three goals: supporting the ABA’s mission, supporting the Criminal Justice Section’s programming and related ABA programming, and supporting the initiatives, recommendations, and programming of its subcommittees.

To support the ABA’s mission, the Committee represented white collar practitioners as part of the DOJ Dialogue Group in July 2021; met with SEC leadership in December 2021 to discuss diversity and inclusion issues related to SEC recruiting; and in March 2022 met with the Deputy Attorney General to discuss the Department’s policies related to corporate criminal enforcement.

To support CJS and related ABA programming, the Committee sponsored a White Collar Town Hall (on priorities in white collar enforcement) at the CJS Fall Institute in November 2021; helped plan and moderated a panel (on regulatory and enforcement trends and priorities) at the ABA’s joint Financial Crimes Enforcement Conference with the American Bankers Association in January 2022; and helped plan and moderated a panel (on ethical issues in white collar investigations) at the National Institute on White Collar Crime in March 2022. The committee is also engaged in planning for the March 2023 National Institute on White Collar Crime.

To support the initiatives of its subcommittees, the Committee held in-person meetings at the National Institutes on White Collar Crime in October 2021 and March 2022 and helped recruit members to serve on and plan events with the various regional and topical subcommittees.

In this way, the Committee has facilitated discussion and thought leadership, and helped to improve policies and legal practices in the United States.
Women in White Collar Crime  
Co-Chairs: Jennifer Belveal, Ilene Jaroslaw, Jessica Nall

The Women in White Collar Subcommittee presented its Annual Luncheon at the 37th National Institute on White Collar Crime in San Diego, CA. The Keynote speaker was Principal Deputy Assistant Attorney General Doha Mekki, U.S. Department of Justice, Antitrust Division, in conversation with co-chair Jennifer Belveal.

PROJECTS

STANDARDS
Chair: Sam Kamin

The Standards Committee began this year with its new chair, Professor Sam Kamin. For most of the year the Committee met by Zoom but in late June it resumed its first in-person meeting in Chicago. This year’s members of the Standards Committee are: Kimberly Foxx, Terry Wiley, Nina Marino, Judge Tracie Todd, Judge Abdul Kallon, Randy Gioia, Travis Stearns, Kimberly Spahos, Jonathan Wroblewski, Lesli Houston, Mark Schamel, Eric Olsen and Joshu Harris.

The Committee focused its work on three areas this year. First, the new black letter Diversion Standards went to Council in the fall and spring for first and second readings. Council approved the Diversion Standards at the Spring Meeting. The Diversion Standards are now on the August 2022 agenda of the House of Delegates for enactment as ABA policy. Second, the Committee did two reviews of the Prosecution and Defense Function commentary in small groups and then at the June meeting. The Committee intends to send the entire Prosecution and Defense Standards to ABA Publishing for hard copy and e-copy publication by the end of this year. Finally, the Juvenile Justice Committee forwarded to the Standards Committee a proposed resolution on policing in schools to determine whether any amendment to Standard 3.3 of the Dual Status Youth Standards should be proposed by the Committee for Council review.

Standards task forces continued to meet by Zoom and resumed in person meetings in April 2022. Here are brief summaries of the work on its other current projects:

1. The Juvenile Justice Task Force is completing draft standards in the area of records, sealing and expungement.
2. The Sentencing Task Force is working on draft standards on to encourage reviews of prison sentences in multiple circumstances.
3. The Victims Task Force is reviewing proposed language from its subcommittees to put together an initial draft of Standards.
4. Jennifer Laurin, reporter for the Discovery Standards, is completing commentary to those Standards.
5. The Dual Status Youth Standards will go to hard copy and e-copy publication this fall.
6. Once enacted, Ion Meyn, reporter for the Diversion Standards, will draft commentary to those Standards.

At the close of this year, we will lose two Committee members. Terry Wiley, a veteran prosecutor for Alameda County, California, will rotate off the Standards Committee after serving three two-year terms. And, Judge Todd, a state district judge in Birmingham, Alabama, resigned this year. We are deeply
grateful to Terry and Judge Todd for their hard work and commitment to the Standards project.

**ATROCITY CRIMES INITIATIVE**

The [Atrocity Crimes Initiative](#) was established in 2019 to strengthen projects jointly supported by the Criminal Justice Section and Center for Human Rights focused on atrocity prevention, response, and accountability, and is directed by Kristin Smith (Staff Attorney for CJS). Through 2021-2022, projects of the Atrocity Crimes Initiative worked in various ways to translate ABA policies and the expertise of members into support for international justice and accountability for atrocity crimes.

Throughout 2021-22, the International Criminal Court Project (chaired by Michael S. Greco) continued to educate the legal profession and public about the International Criminal Court’s role in international justice, contribute to civil society efforts to strengthen the ICC’s procedures, and advocated for greater US cooperation with the International Criminal Court and other accountability efforts. In May 2021, the ICC Project published a virtual *Arguendo* roundtable of six experts’ views on “Next Steps for the US-ICC Relationship.” At the December 2021 ICC Assembly of States Parties meeting (held virtually), the project co-hosted with leading international justice organizations a virtual side event highlighting global civil society perspectives on next steps in the International Expert Review on the ICC. The ICC Project closely followed progress on the Review of the ICC throughout 2021-22. The ICC Project submitted comments (through CJS blanket authority) to the ICC Office of the Prosecutor’s consultation on developing its policy on crimes of gender persecution.

Many ICC Project board members [published analyses](#) in their personal capacities of the evolving war in Ukraine and alleged atrocities throughout 2022. The ICC Project hosted a virtual webinar in May 2022 (“US Support for Atrocity Accountability through the International Criminal Court: Challenges, Legal Limits, and Opportunities”) where experts outlined the legal framework limiting US-ICC engagement and offering suggestions for future US support for ICC investigations in Ukraine and elsewhere.

The Crimes Against Humanity Working Group (chaired by Amb. David Scheffer) helped to organize several briefings and discussions with peer organizations and with policymakers on the need for a US crimes against humanity statute, as well as other measures to strengthen the domestic legal framework on atrocity crimes. Members participated in a virtual discussion hosted by the U.S. Commission on International Religious Freedom on “Accountability for Crimes Against Humanity” in September 2021.

The Atrocity Prevention and Response Project (chaired by Raymond Brown and Tod Lindberg) published a white paper authored by Dr. Beth Van Schaack on strengthening US atrocity prevention institutions and policy (“Atrocities Prevention and Response: A Good Governance Blueprint”). The project is also helping to plan an upcoming webinar in summer 2022 on ABA Resolution 605 (adopted at the Midyear Meeting 2022), the use of the Security Council veto power, and its impact on the United Nations’ response to atrocities.

The International Criminal Law Practice Project (formerly the International Criminal Justice Standards Project) (chaired by David Akerson) Steering Committee met in The Hague, Netherlands in March 2022 and discussed the project’s progress and made several changes to strengthen the project’s working structure, drafting, and review processes. The Steering Committee also welcomed seven new members who contribute expertise from different institutional perspectives (defense, victims, etc.) and from diverse global legal systems. The ICL Practice Project is collecting feedback from its Council of Experts on its first publication, “Judgment Drafting in International Criminal Law,” which will be published in summer 2022, and has several other draft publications upcoming in 2022.
The ABA Legal Education Police Practices Consortium was established in 2020 to provide guidance on and coordinate projects related to policing reform and public safety at participating law schools. To date, the Consortium has garnered the financial and academic commitment of 60 law schools across the United States. From 2021-2022, the Consortium worked with students and staff at member schools on key issues related to policing, including introducing a fellowship program (photo below), maintaining a webinar series, and developing a new website (to be launched in mid-August 2022).

The Consortium fellowship program works to understand the needs and advance change within police departments at the local levels represented by participating law schools. The inaugural class began in spring 2022 and enrolled 39 fellows from 33 Consortium member law schools, representing 25 states and the District of Columbia. Student researchers worked under the guidance of the Consortium’s Executive Director as well as a campus faculty member to conduct research related to their campus, local, and state police agencies as well as sheriff’s departments, highway patrol, state attorneys and governing officials, and civic and legal aid organizations. Their research included collecting publicly available contact information for departmental leadership, as well as policies, procedures, training manuals, and organizational charts. This data will be compiled into one searchable database in 2023. In addition to their research, students met every other week to hear from a variety of experts on subjects related to policing and reform efforts. The fellowship is anticipated to run twice annually, with a fall cohort running from August-November and a spring cohort operating from January-April. Future iterations will investigate research areas of relevance to each respective community and determine, where appropriate, ways in which individual law school might partner with local or state police agencies.

The Consortium (chaired by Dean Madeleine Landrieu, Loyola University New Orleans College of Law) works with ABA advisors and staff to review policing policies and ensure they reflect the growing body of academic research in this space. The Consortium remains committed to growing membership and accepts new law schools on a rolling basis.