

New ABA Resolutions on Criminal Justice

The ABA House of Delegates passed two resolutions related to criminal justice at the February 2006 ABA Midyear Meeting in Chicago. Resolution 300—Relief from Automatic Deportation for Minor Criminal Conviction—sponsored by the Criminal Justice Section and the Commission on Immigration, “urges Congress to restore authority to state and federal sentencing courts to waive a non-citizen’s deportation or removal based upon conviction of a crime, by making a ‘judicial recommendation against deportation’ upon a finding at sentencing that removal is unwarranted in the particular case; or, alternatively, to give such waiver authority to an administrative court or agency.”

Resolution 302—Domestic Electronic Surveillance for National Security Purposes—calls upon “the President to abide by the limitations which the Constitution imposes on a president under our system of checks and balances and respect the essential roles of the Congress and the judicial branch in ensuring that our national security is protected in a manner consistent with constitutional guarantees.” This resolution was sponsored by the Criminal Justice Section, the Section of Individual Rights and Responsibilities, the Section of International Law, the Section of Science and Technology, the ABA Task Force on Domestic Surveillance in the Fight Against Terrorism, the Association of the Bar of the City of New York, the National Conference of Specialized Court Judges, and the Beverly Hills Bar Association. For details on these resolutions and a complete list of past ABA resolutions on criminal justice issues, see www.abanet.org/crimjust/policy.

Commission on Effective Criminal Sanctions Hearings

The Commission on Effective Criminal Sanctions, cochaired by former Illinois Governor James R. Thompson and Professor Stephen A. Saltzburg, is hearing from top criminal justice officials from around the nation on alternatives to incarceration and relief from collateral consequences. On March 3, 2006, representatives from Arkansas, Connecticut, Maryland, and New York highlighted their alternative sentencing and reentry programs

targeted at reducing recidivism during a conference at George Washington University Law School in Washington, D.C. On March 31, representatives from Illinois, Kansas, Michigan, and Oregon appeared at a hearing held at the American Bar Association headquarters in Chicago. In May, the commission met to approve policy recommendations to be presented to the ABA House of Delegates in August. In its second year, the commission will continue to build consensus among practitioners, working with other professional organizations such as NDAA, NLADA, the National Governors’ Association, and the Council of State Governments. For more information, contact April Frazier at (202) 662-1508 or visit www.abanet.org/cecs.

White Collar Crime Program

The 20th Annual National Institute on White Collar Crime 2006, held at San Francisco on March 2-3, brought together more than 1,100 lawyers, prosecutors, judges and members of the academic community from around the nation. Among the many continuing legal education offerings were programs on “Defending Corporations: Ways to Avoid Prosecution,” “Misunderestimated: Environmental Crimes in the New Millennium,” and “Dealing with Requests for E-discovery.” The National Institute on White Collar Crime is sponsored every year by the Criminal Justice Section and the ABA Center for Continuing Legal Education. The 2007 event is scheduled for March 1-2, 2007, in San Diego, California. For more information, see www.abanet.org/crimjust/calendar.

Youth-at-Risk Initiative

ABA President-Elect Karen Mathis will focus on youth at risk during her year as ABA president. The final recommendations from the conference to plan the “Youth-at-Risk” program noted that juvenile defense lawyers and juvenile prosecutors play extremely important roles as resources to help protect at-risk youth. Defenders can advocate in court for relief that focuses on the needs and rights of their teen clients, while prosecutors can balance their duty to protect the public with a focus on how prosecutorial actions can promote a youth person’s best interests. The recommendations further stated that lawyers should examine how meaningful involvement of teenagers in all hearings affecting them can be promoted, so that court proceedings become a positive participatory experience for vulnerable youth—in dependency, custody, family violence, and other cases. Juvenile defense lawyers can be invaluable

Kyo Suh is technology and publications manager for the Criminal Justice Section.

able in structuring novel ways that youth can communicate with judges while still protecting their rights, including protection from self-incrimination.

Consequently, the Criminal Justice Section has been asked to collect and disseminate: 1) best practices of prosecutors in diverting youth from a court's status offender jurisdiction, and 2) best practices for juvenile defense lawyers in preparing their teen clients, after adjudication, to engage in productive dialogue with judges and probation personnel. The tasks will be headed by Susan Gartner, Section delegate to the House of Delegates, and Victor Streib, Juvenile Justice Committee cochair. For more information, contact Kristie Kennedy at (202) 662-1511.

Human Trafficking, DNA Evidence Top Spring Meeting

Who is—or should be—included in forensic DNA databases and how is information in the databases being used? How severe is the problem of human trafficking to obtain forced labor? The American Bar Association Criminal Justice Section's Spring Meeting, held April 27-30 in San Francisco and Napa Valley, California, addressed these questions.

During the April 28 program on DNA databases and profiles, panelists Thomas Callaghan from the Combined DNA Index System at the FBI and Edward Imwinkelried from the University of California Davis discussed the capabilities, limitations, and implications of expanding DNA databases. The program on labor trafficking was held on April 27 at the University of California Hastings College of the Law, and featured Kamala Harris, San Francisco District attorney, as moderator.

Hawaii Annual Meeting

This year's ABA Annual Meeting will take place in Honolulu, Hawaii, from August 3-8. The Criminal Justice Section's CLE programs will include "Military Tribunals Begin: Must Fairness Give Way to National Security?" "Deferred Prosecution Agreements: An Effective Way to Punish Corporate Misconduct or the End of the Adversary System?/Attorney Client Privilege in a Corporate Setting," "Sex Slaves in the 21st Century: The Investigation and Prosecution of Human Trafficking," and "Annual Review of Supreme Court Decisions—Criminal Cases." These programs will be held at the ABA CLE Showcase Center at the Hawaii Convention Center. A variety of CJS committee meetings will be scheduled throughout the conference at the CJS headquarter

hotel, the Hyatt Regency Waikiki. Visit the Section website at www.abanet.org/crimjust for the complete calendar of events and latest program schedules and registration information.

Disaster Preparedness, Section Fall Meeting in New Orleans

In announcing this topic and location for the Criminal Justice Section's 2006 Fall meeting, November 2-5, Section Chair-Elect Robert M.A. Johnson states: "We have a unique opportunity to pull together criminal justice lessons learned from Mississippi, Alabama, Louisiana, and other locales affected by last summer's Hurricane Katrina. The Section plans to pull all the players in the justice system together to learn how to avoid the problems that presented on such a massive scale in New Orleans and surrounding areas. We want to go right into the eye of the disaster, so to speak, and learn first-hand how to help the system better respond." The Section is off to a great start in attracting the various players to one conference with the National District Attorney's Association, the National Legal Aid and Defender Association, the National Association of Criminal Defense Attorneys, the Louisiana Bar, the Alabama Bar, the Louisiana District Attorneys Association, and other groups onboard to support the event.

The conference will focus on identifying best approaches for the future of criminal justice in preparing for and recovering from a disaster. The Program Planning Committee consists of Terry Stoltzman, Robert Litt, Roxie Barrios, Michael Hamden, and Keith Nordyke, among others. Please make plans now to join us in New Orleans for an interesting, informative, and very important meeting. For more information, see www.abanet.org/crimjust/calendar.

State of Criminal Justice

Dating back to 1993, *The State of Criminal Justice*, has been a resource for the criminal justice community. It will now be republished by the Section in a new format in Fall 2006. Rather than focusing on general criminal justice statistics, as was done in the past, the updated version will contain submissions from the Section's substantive committees on hot topics, overall trends, current state and federal statistical data, relevant case law, and legislative activity at the state and/or federal level relevant to committees' respective subject areas. Members of the Criminal Justice Section are welcome to submit ideas to their committee chairs or to the Section office at crimjustice@abanet.org.