FEATURES

4 Priming Postconviction Representation
By Andrew E. Taslitz
Issue editor for the symposium on postconviction practices, Prof. Andrew Taslitz, Howard University School of Law, here introduces the four major features with an overview of the topic and an explanation of how each feature helps nonspecialists—both defense and prosecution—understand and address the needs of this often-forgotten population within the criminal justice system.

6 Procedural Obstacles to Reviewing Ineffective Assistance of Trial Counsel Claims in State and Federal Postconviction Proceedings
By Eve Brensike Primus
The author, a law professor and former trial and appellate defender, compares state and federal postconviction review procedures, then examines the obstacles that bar successful postconviction claims: limited availability of evidentiary hearings, loss of witnesses due to delays, and no constitutional right to counsel at postconviction hearings, among others. Four defense options offer what she terms “partial solutions.”

14 Postconviction Claims of Innocence
By Myrna S. Raeder
Explaining the options and obstacles facing those who make postconviction claims of innocence, the author, a professor at Southwestern University Law School, notes that appellate remedies exist to ensure a fair trial and not to “second-guess” juries. She addresses the relief available under the Innocence Protection Act and the limitations of DNA testing after the Osborne decision. She also looks at the role of crime victims, the ethical obligations of prosecutors, the definition of “new” evidence, statutes of limitations on relevant claims, and “freestanding” constitutional claims of innocence.

26 Gubernatorial Clemency Powers: Justice or Mercy?
By Kathleen “Cookie” Ridolfi and Seth Gordon
Is a governor’s power of clemency strictly an act of mercy or is it an extension and, at time, correction to the course of justice? In this article the authors examine the two opposite sides of the coin to see how clemency has been applied by different governors and the legal reasoning employed. They conclude that clemency has been underutilized as a correction that is supported by both the courts and the Constitution as a fail-safe for an imperfect justice system. Included is a graph summarizing the procedures in all 50 states.

42 From Arrest to Reintegration: A Model for Mitigating Collateral Consequences of Criminal Proceedings
By J. McGregor Smyth, Jr.
Collateral consequences are the invisible, often unintended, punishments that those caught in the criminal justice system face. Indeed, the individual need not even be convicted of a crime—a simple arrest can initiate the process. Loss of job, eviction, deportation, severance of student loans, and denial of child custody are the triggers, the author argues, that so often lead to recidivism. Smyth suggests means by which defense and prosecution can reduce these effects, restore rights, and allow individuals a chance to reintegrate into society—rather than reoffend.
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Criminal Justice (ISSN 0887–7785) is published quarterly as a service to its members by the American Bar Association Section of Criminal Justice. Copyright © 2009 American Bar Association. Editorial, advertising, circulation, subscription offices: 321 N. Clark Street, Chicago, IL 60654-7598. Section offices: ABA, 740 15th Street, NW, Washington, DC 20005–1009.

The price of an annual subscription for members of the Section of Criminal Justice ($20) is included in their dues and is not deductible therefrom. Any member of the ABA may join the Section of Criminal Justice by sending annual dues of $40 to the Section; ABA membership is a prerequisite to Section membership. Individuals and institutions not eligible to join the ABA may subscribe to Criminal Justice for $48 per year, $57 for subscriptions addressed outside the United States and its possessions. Single copies are $10 plus $5.95 for postage and handling. For information on subscriptions and back issues, contact the ABA Service Center at (800) 285-2221.

Manuscript submissions and letters to the editor are encouraged. Articles accepted for publication are subject to editing and letters must run no more than 750 words. Opinions expressed in the magazine do not necessarily reflect the policies of the editorial board, the Section, or the American Bar Association.

Periodicals postage paid at Chicago, Illinois, and at additional mailing offices. POSTMASTER: Send changes of address to ABA Service Center, 321 N. Clark St., Chicago, IL 60654-7598. Members: Go online at www.abanet.org and click on “Member Tools” and “Change Your Address.”

Advising Sales: Director, William McDonough, 312/988-6114; Business Manager, Anne Bitting, 312/988-6115. Address all advertising orders, contracts, and materials to ABA Publishing Advertising Sales, 321 N. Clark Street, Chicago, IL 60654-7598. Email request for reprints to copyright@abanet.org.

American Bar Association  •  Section of Criminal Justice
Fall 2009  •  Volume 24, Number 3

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