

**American Bar Association
Criminal Justice Section**

Annual Report

2007-2008



Chair: Stephen A. Saltzburg

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I. CHAIR'S INTRODUCTION



My term as chair of the Criminal Justice Section has been a rewarding experience – something that I will look back on with much pride and pleasure. The membership numbers continued to grow – Section lawyer memberships are up 29.8 percent over last year – and our devotion to organizing more CLE programs and increasing the amount of policies developed by our committees is evident. We are the voice of criminal justice in the nation.

Our publications continue to provide important resources for our members and others interested in our work. The book board oversaw two new books (*Street Legal*, *Vouching: A Defense Attorney's Guide to Witness Credibility*, *Law and Strategy*) this Bar year and several others scheduled for publication the following year. In addition, the CJS staff has produced *Trial Tactics*, *DNA Evidence Standards*, and *The State of Criminal Justice*. Our periodicals, *Criminal Justice Magazine* and *Criminal Justice Section Newsletter*, continue to provide relevant information and practice tip articles. Online publications such as the monthly *Section E-News* and the quarterly *White Collar Crime Newsletter* provide additional information and resources to members and the general public.

It is a great understatement to say our committees had an active Bar year. A few of the many accomplishments by our committees include: the Committee on Ethics, Gideon and Professionalism developed a policy, which was adopted by the ABA House of Delegates in February, concerning prosecutorial disclosure of evidence under the ABA Model Rule 3.8; the Cyber Crime Committee developed the "Top Ten Tips for Parents to Protect Kids from Online Predators" which were turned into an Audio News Release featuring ABA President Bill Neukom that was broadcast on 982 stations with a listening audience of more than 8.3 million; the Standards Committee developed a set of Prosecutorial Investigation Standards, which were approved by the ABA House of Delegates in February, that address issues likely to arise when prosecutors become involved in the investigatory stage of the criminal justice process; the White Collar Crime Committee alone accounted for 20 of the more than 30 CLE programs the Section-sponsored this year, with the White Collar Crime Institute and the Money Laundering Conference drawing a combined 2,700 attendees; the Problems of the Elderly Committee – joining forces with the National District Attorneys Association – created a policy adopted by the ABA House of Delegates in February, calling for vigorous prosecution of crimes against the elderly and special elder abuse units to be established within prosecutors' offices.

All of this culminates into a remarkable year of achievement for our committees. However, we must not become complacent with these results. Policy development, publishing and CLE planning should remain a top priority so the Section can stay well-informed and at the forefront of the latest developments in the field of criminal law.

As I previously stated, serving as chair of the Criminal Justice Section has been a tremendously gratifying experience. There is no doubt in my mind that it would not have been possible without the hard work and tireless dedication from each and every one of you. I truly believe we are providing an excellent and much-needed service to the entire criminal justice community. Should you have any thoughts on the items contained in the report – or suggestions for the year ahead – please reach out to your committee leadership, Council members, or our outstanding staff.

Stephen Saltzburg

A handwritten signature in black ink that reads "Stephen A. Saltzburg". The signature is written in a cursive, flowing style.

II. POLICY OVERVIEW

POLICY GOING BEFORE THE ABA HOUSE OF DELEGATES IN AUGUST 2008

Criminal Procedure, Evidence and Police Practices Committee

Updating Current ABA Policy on Racial Profiling

The Criminal Procedure, Evidence and Police Practices Committee has drafted a recommendation calling for the updating and strengthening of the current ABA policy on racial profiling by law enforcement agencies, and urges Congress and all state legislatures to enact effective and appropriate legislation against racial profiling by law enforcement agencies and officers engaging in domestic law enforcement. The Committee proposal requires police departments to have a written policy banning racial profiling and focuses not only on training all line personnel but also to institute operational supervision to ensure compliance with the policies and training. Unlike the current ABA resolutions, the Committee proposal recommends not only analysis of the data, but publication of the data as well. The Committee's recommendation would provide funds – via legislation at the state or federal level – available to implement the policies, especially for training of officers. The entire recommendation and report is available at www.abanet.org/crimjust/policy/profiling.pdf.

Criminal Procedure, Evidence and Police Practices Committee

Witness Cross Racial Misidentification

The Criminal Procedure, Evidence and Police Practices Committee will be submitting a recommendation urging Federal, state, local, and territorial trial judges to consider giving a cross-racial identification jury instruction in certain cases to guard against the enhanced risk of misidentification. Additionally, it recommends jurisdictions develop measures, including procedures for the procuring and use of expert witnesses and the developing of model instructions, which address the increased risk of cross-racial misidentification in appropriate cases. The entire recommendation and report is available at www.abanet.org/crimjust/policy/eyewitness.pdf.

Corrections Committee

Guidelines for Effective Prison Oversight

The Corrections Committee's Subcommittee on Effective Prison Oversight will be submitting a recommendation that calls for federal, state, local, and territorial governments to take certain prescribed steps to ensure that the public is informed about conditions in correctional and detention facilities for adults and juveniles and that there is greater accountability to the public in the operation of those facilities. The resolution also urges federal and state governments to establish public entities that are independent of any correctional agency to regularly monitor and report publicly on the conditions in all prisons, jails, and other adult and juvenile correctional and detention facilities operating within their jurisdiction. The entire recommendation and report is available at www.abanet.org/crimjust/policy/prisonoversight.pdf.

Sentencing Committee

Improving Procedural Fairness in the Federal Sentencing Process

The Sentencing Committee will submit a recommendation regarding improving procedural fairness in the federal sentencing process. Specifically, it will focus on the proposed amendments to Rule 32 of the Federal Rules of Criminal Procedure set forth in the Constitution Project Report which calls for: (1) any party wishing to submit information to the probation officer in connection with a pre-sentence investigation shall, absent good cause, provide that information to the opposing party at the same time it is submitted to the probation officer; and (2) where information provided by a non-party has been used in the preparation of the pre-sentence report or otherwise submitted by the probation officer to the court, the probation officer shall, on request of any party, make such information available to the parties for inspection, copying, or photographing, or, if the information was provided to the probation officer in oral form, the probation officer shall provide a written summary of the information to the parties. The entire recommendation and report is available at www.abanet.org/crimjust/policy/proceduralfairness.pdf.

Promoting Expanded Interaction with the International Criminal Court

The Section will co-sponsor a resolution brought by the ABA Section of International Law urging the U.S. Government to expand and broaden its interaction with the International Criminal Court, including cooperation with the Court's investigations and proceedings. The resolution also calls on the United States to participate in all future sessions of the International Criminal Court's governing body, the Assembly of State Parties, and preparations for Review of Conference to be held in 2010.

Disproportionate Racial/Ethnic Minority Youth in Child Welfare

The Section will co-sponsor a recommendation brought to the House of Delegates by the ABA Commission on Youth at Risk that urges the federal government to change laws, including but not limited to Titles IV-E and IV-B of the Social Security Act, to broaden federal review and require states to track, report, analyze, and take and report on corrective action steps made in response to data and information gathered on the disproportionate representation of racial and ethnic minority children in the child welfare system. The recommendation also calls upon child welfare agencies, dependency courts and judges, and children's and parents' advocates to ensure racial and ethnic minority families are able to readily access needed services so that all families in the child welfare system are treated fairly and equitably.

Bi-Partisan Appointments to the Federal Bench

The Section will co-sponsor a recommendation submitted by the ABA Standing Committee on Federal Judicial Improvements that encourages senators in each state to jointly establish bipartisan commissions to evaluate the qualifications of prospective candidates for nomination to the U.S. district and courts of appeals and to recommend possible nominees whom their senators might suggest for the President's consideration. The bipartisan commissions should be made up of lawyers and others whose makeup reflects the diversity of the profession and community. The proposed resolution also recommends expeditious nomination by the president and consideration by the Senate, especially with regard to nominees who have been recommended by bipartisan commissions.

Amendment to Model Rule of Professional Conduct 1.10

The Criminal Justice Section Council will consider co-sponsoring during its meeting in August a recommendation submitted by the ABA Standing Committee on Ethics and Professional Responsibility that addresses the subject of screening lawyers who move from one private firm to another, so that their conflicts of interest from former representation would not be imputed to the other lawyers in their new firm.

Establishing Prescription Drug Monitoring Programs

The Criminal Justice Section Council will consider co-sponsoring during its meeting in August a recommendation submitted to the House of Delegates by the ABA Standing Committee on Substance Abuse that recognizes the growing problem of prescription drug abuse and that in confronting this problem, state, territorial and tribal legislative bodies, and governmental agencies should consider comprehensive strategies that foster and encourage the prescribing of medications for effective pain management while at the same time reduce the incidence of prescription drug diversion and abuse. If strategies addressing prescription drug diversion include the utilization of Prescription Drug Monitoring Programs ("PDMP"), such programs should be designed with appropriate attention to the authenticity, security, reliability, and integrity of patient information obtained, including limitations on law enforcement agency access to reported information to ensure that access is restricted to those acting within their official duties and conducting bona fide investigations, and contain appropriate notice to patients about the inclusion of their prescription information in the PDMP, with appropriate penalties for any violations of patient privacy.

Model Rule for Registration of In-House Counsel

The Criminal Justice Section Council will consider co-sponsoring a recommendation the ABA Section of Legal Education and Admissions to the Bar has submitted to the ABA House of Delegates for approval at the 2008 Annual meeting regarding a new Model Rule for registration of in-house counsel. The Rule is meant for consideration and use by jurisdictions intending to adopt amended Rule 5.5(d) of the Model Rules of Professional Conduct. Model Rule 5.5, Comment [17] states that lawyers who establish an office or continuous presence in the state "may be subject to registration or other requirements, including assessments for client protection funds and mandatory continuing legal education."

Proposed Legislative Changes Extending Statutory Deadlines

During its meeting in August the Criminal Justice Section Council will consider proposed legislative changes developed by the Judicial Conference of the United States Committee on Rules of Practice and Procedure that would slightly alter deadlines in certain statutes that affect court proceedings. These changes would take into account the effect of proposed amendments to the Federal Rules of Practice and Procedure on how to calculate time periods. Under the current rules, intermediate weekends and holidays are omitted when computing short time periods but include computing longer periods. To simplify calculating deadlines and to make the method consistent in each set of the Federal Rules, the proposed legislative changes would count intermediate weekends and holidays for all time periods.

POLICY APPROVED BY THE ABA HOUSE OF DELEGATES IN FEBRUARY 2008

The ABA Criminal Justice Section sponsored, or co-sponsored with various other entities, the below recommendations submitted to the House of Delegates for consideration at the Midyear Meeting in Los Angeles. All recommendations were approved as official ABA policy.

CRIMINAL JUSTICE SECTION SPONSORED

105 A (Vigorous Prosecution of Crimes Against the Elderly) – Urging, amongst other things, the following steps be taken by federal, state, local, and territorial governments and their prosecutors to vigorously prosecute cases of elder abuse, neglect, and financial exploitation; (1) creation of special elder abuse units within the prosecutor's office or designate a specially trained prosecutor to handle elder abuse cases; (2) ensure that the victim assistance/services program within the staffing structure of their offices develop policies, procedures and funding for providing specialized victim services to the elder population due to the unique needs of elder abuse victims and the many types of abuse inflicted on them; and (3) update state criminal statutes dealing specifically with the physical abuse, sexual assault, neglect and financial exploitation of elders and the need to take into account the special nature of elder victims and the types of crimes committed against them. The entire recommendation is available at http://www.abavideonews.org/ABA496/media/pdf/hod_resolutions/105a.pdf

105 B (Revised Model Rule 3.8 – Prosecutorial Disclosure of Evidence) – Advocating that when a prosecutor knows of new, credible and material evidence creating a reasonable likelihood that a convicted defendant did not commit an offense of which the defendant was convicted, the prosecutor shall: (1) promptly disclose that evidence to an appropriate court or authority; and (2) if the conviction was obtained in the prosecutor's jurisdiction, promptly disclose that evidence to the defendant unless a court authorizes delay, and undertake further inquiry, or make reasonable efforts to cause an investigation, to determine whether the defendant was convicted of an offense that the defendant did not commit. The proposed additions to the ABA Model Rules also advocate that when a prosecutor knows of clear and convincing evidence establishing that a defendant in the prosecutor's jurisdiction was convicted of an offense that the defendant did not commit, the prosecutor shall seek to remedy the conviction. To view the complete recommendation visit http://www.abavideonews.org/ABA496/media/pdf/hod_resolutions/105b.pdf

105 C (Sentence Mitigation for Youthful Offenders) – Urges all federal, state, local and territorial governments to authorize and implement sentencing laws and rules of procedure that both protect public safety and give mitigating consideration to youthful offenders (i.e., those under 18 at the time of their offense who are subject to adult penalties upon conviction) by recognizing mitigating considerations endorsed by the United States Supreme Court in *Roper v. Simmons*, by authorizing and implementing sentences for youthful offenders that are generally less punitive than comparable sentences for older offenders, and by requiring that such offenders generally be eligible for parole consideration at a reasonable point during their sentences and, if parole is denied, be reconsidered for parole periodically thereafter. The full recommendation can be found at http://www.abavideonews.org/ABA496/media/pdf/hod_resolutions/105c.pdf

105 D (Prosecutorial Investigation Standards) – The Standards address issues likely to arise when prosecutors become involved in the investigatory stage of the criminal justice process. These include working with law enforcement agencies; contacts with victims, potential witnesses, opposing counsel and the public; decisions to initiate or continue investigations; using undercover agents and confidential informants; employing subpoenas, search warrants, the grand jury, and surveillance techniques; use of non-governmental resources; and responding to suspected misconduct by judges, defense counsel, witnesses, informants, or jurors. The need for oversight of investigations by government agencies and officials is also addressed. By sensitizing prosecutors to the issues and potential pitfalls of various aspects of investigations, the proposed Standards are expected to guide them through their decision making. A complete and final version of the recommendation is available at <http://www.abanet.org/crimjust/standards/pinvestigate.html>

CO-SPONSORED BY THE CRIMINAL JUSTICE SECTION

10D (New York State Bar Association) – Expresses support for and solidarity with the Pakistani bar and bench; and urges the immediate release of all detained judges and lawyers and calls upon President Pervez Musharraf to restore Pakistan’s constitution, to reinstate Pakistan’s Supreme Court justices and high court judges and to release all judges, lawyers and others people who were wrongly arrested during the state of emergency.

102B (Section of Administrative Law and Regulatory Practice) – Urges national, federal, state, tribal, territorial and local bar associations, in cooperation with state and local pro bono, lawyer referral, and legal aid programs, to establish programs for representation of victims of identity theft who need assistance in recovery from the crime.

108 (Section of Litigation) – Urges Congress to enact legislation, like the Veterans Advocacy Act of 2007, which promotes the provision of legal services to veterans and members of the Armed Forces to assist them in obtaining the full range of health care, benefits and services to which they are lawfully entitled.

111A (Commission on Immigration) – Supports fee levels for immigration and naturalization benefits that are not so burdensome as to deter eligible applicants from filing and urges Congress and the executive branch to ensure that adequate funds are appropriated to enable U.S. Citizenship and Immigration Services to implement these fee levels.

111B (Commission on Immigration) – Supports the issuance of federal regulations that codify the Department of Homeland Security Immigration and Customs Enforcement National Detention Standards, and supports improvement, periodic review, and increased oversight of detention standards implementation in order to ensure that detained non-citizens and their families are treated humanely and have meaningful access to counsel and to the legal process.

112 (Commission on Lawyer Assistance Programs) – Encourages law students to seek early treatment for substance abuse and/or mental health disorders without fear that professional help would prevent them from obtaining a license to practice law – states that an applicant who currently satisfies all essential eligibility requirements for admission to practice law, including

fitness requirements, and who possesses the requisite good moral character required for admission, may be conditionally admitted to the practice of law if the applicant demonstrates recent rehabilitation from dependency or successful treatment for mental or other illness, or from any other condition the court deems appropriate, that has resulted in conduct or behavior that would otherwise have rendered the applicant currently unfit to practice law.

300 (Commission on Youth at Risk) – Urges the federal government, states, territories and tribes to revise laws, court rules, policies and prosecutorial practices related to “dual jurisdiction” youth (defined as those with juvenile “dependency” cases that aid victims of child abuse or neglect, who are also charged with acts of delinquency).

Final and complete versions of the recommendations co-sponsored by the Criminal Justice Section, along with the entire list of recommendations brought before the ABA House of Delegates at the 2008 Midyear Meeting, are located at http://www.abanet.org/leadership/2008/midyear/docs/Daily_Journal.doc.

POLICY IN DEVELOPMENT

Ethics, Gideon and Professionalism Committee

Proposed Addition to the Confidentiality Exceptions of Model Rule 1.6(b)

The Section Council will consider a recommendation on a proposed addition to the confidentiality exceptions of Model Rule 1.6(b). The proposal would permit (but not require) a lawyer to disclose client confidences where reasonably necessary to prevent the wrongful incarceration of another, when disclosure will not significantly prejudice the client. It will be presented to the Section Council for discussion and comment at the meeting in August.

Prosecution Function Committee

Prosecutor Error v. Prosecutor Misconduct

The Section Council will vote on proposed policy that urges courts reviewing the trial conduct of prosecutors to distinguish between prosecutorial misconduct and prosecutorial error, and to use the term “prosecutorial misconduct” for conduct which was known by a prosecutor to be improper and prejudicial and which the prosecutor nevertheless pursued with the intent to affect the outcome of the case, and to use the term “prosecutorial error” for conduct which, even if constituting a ground for reversal, was unintentional, inadvertent, or negligent.

Victims Committee

Enhancing Legal Professionals’ Response to Victims of Child Abuse

The Criminal Justice Section – working in partnership with the ABA Center on Children and the Law – are developing policy calling for enhanced legal representation of child victims of crime through increased knowledge of victims’ rights, enhanced legal skills, and a deeper understanding of issues faced by child victims; development of leadership, infrastructure and capacity in child victims’ rights within the American Bar Association and across the legal professions, including lawyers, judges, legislatures, and policy makers; and to support better treatment of child victims in the criminal and juvenile justice system. The efforts are the result of

a grant submitted by the American Bar Association Fund for Justice and Education which has been approved for funding by the Department of Justice, Office for Victims of Crime.

ADR and Restorative Justice Committee

Mediation in Criminal Matters

The ADR and Restorative Justice Committee as a part of its ABA Board of Governors Enterprise Fund Grant entitled Mediation in Criminal Matters will be developing policy to support the implementation of mediation projects within the criminal justice system. Former Dispute Resolution Section Chair and current Co-Chair of the Criminal Justice Section ADR and Restorative Justice Committee Kim Kovach will be drafting the policy.

STANDARDS ACTIVITIES

The Standards Committee is winding up an extensive review of proposed "black letter" policy revisions to the *Legal Status of Prisoner Standards* which it hopes to forward to the Council by the end of this calendar year. The Committee expects to begin reviewing proposed revisions to the "black letter" *Prosecution and Defense Function Standards* around the same time.

Standards task forces are continuing to draft proposed "black letter" policies on accessing third party records and on diversion and special courts, and a new task force is being created to propose revisions to the *Post-Conviction Remedies Standards* last amended in 1978.

A task force of the Juvenile Justice Committee has begun work on "black letter" standards on the interaction of the juvenile justice system with entities that provide social, health, educational, and other services to juveniles.

For a summary of additional policy issues the Section of Criminal Justice is developing visit the Section's policy page at www.abanet.org/crimjust/policy

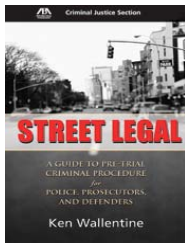
III. PUBLISHING AND TECHNOLOGY

The Criminal Justice Section's publications continue to provide important resources for Section members and others interested in criminal justice. The CJS book board oversaw two new books (*Street Legal: A Guide to Pre-Trial Criminal Procedure for Police, Prosecutors and Defense Attorneys*, *Vouching: A Defense Attorney's Guide to Witness Credibility, Law and Strategy*) this Bar year and several others scheduled for publication the following year. In addition, the CJS staff has produced *Trial Tactics*, *DNA Evidence Standards*, and *The State of Criminal Justice*.

The Section periodicals, *Criminal Justice Magazine* and *Criminal Justice Section Newsletter*, continue to provide relevant information and practice tip-oriented articles.

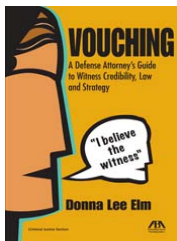
Online publications such as the monthly *Section E-News* and the quarterly *White Collar Crime Newsletter* provide additional information and resources to members and the general public.

BOOKS



Street Legal: A Guide to Pre-Trial Criminal Procedure for Police, Prosecutors and Defense Attorneys
by Ken Wallentine

This 396-page book provides specific guidance on pre-trial criminal procedure of all sorts, and explains in understandable terms "what you can do and what you can't do" under 4th Amendment search and seizure law. From traffic checkpoints and forceful felony arrest, from Miranda warnings to inmate and cell searches, it's all covered in this concise reference. Search warrants, electronic surveillance, and use of canine search and seizure are also covered in great detail.



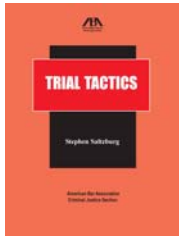
Vouching: A Defense Attorney's Guide to Witness Credibility, Law and Strategy
by Donna Lee Elm

What are those "proper bounds" when arguing credibility of witnesses? Specifically, what is "vouching?" Although ethics rules are explicit and firm, commentators are quick to point out that case law is inconsistent, fact-driven, and highly protective of convictions.

Most trial lawyers know vouching, like obscenity, when they see it -- even if they have trouble formulating a definition. Understanding the principles that underlie vouching has been confounded by how it is usually defined: not by why it is problematic, but instead by how it most commonly appears. The basic concept of vouching, then, is that it is an improper means of bolstering a witness's credibility. Witnesses' reliability and honesty virtually always arises at trial, so practitioners frequently find that they need to "rehabilitate" or support their witnesses' statements.

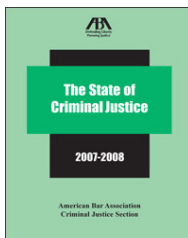
This one-of-a-kind book supplies all you need to know about this sometimes misunderstood concept. In fifteen chapters you'll find the topic of vouching covered from every angle, backed up

with relevant case citations whenever applicable. You'll discover when it's permissible, and when it's prohibited. You'll get a cleared picture of where the illusive grey areas lie, and learn to recognize when it's been crossed. If you are a trial lawyer, prosecution or defense, you need this book to help establish your expertise in the sometimes confusing area of vouching. (250 pages)



Trial Tactics
by Stephen Saltzburg

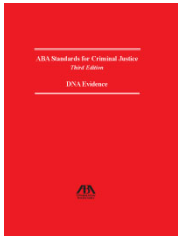
A compilation of high profile criminal cases, practice tips, legal analyses, and cautions that prepares defense counsel, prosecutors and judges to do outstanding work at trial and assists them in ensuring that justice is done each day in every court throughout the land. The text provides excellent statutory, case law and inside advice by George Washington University Wallace and Beverly Woodbury Professor of Law Stephen Saltzburg. The 54-chapter book is broken down in seven parts: Basic Principles; Examination of Witnesses; Lay and Expert Opinion; Hearsay, Confrontation and Compulsory Process; Character Evidence; Summaries and Exhibits, and; Opening and Closing Arguments. Produced in-house by the CJS office. (488 pages)



The State of Criminal Justice 2007-2008

The State of Criminal Justice, a resource for the criminal justice community dating back to 1993, has been revived in 2006 by the Section office in a new format, and has received kudos from members and academia. Rather than, as in the past, focusing on general criminal justice statistics, the publication contains submissions from the Section's substantive committees about hot issues, 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. Professor Victor Streib of Claude Pettit College of Law served as the editor of the 2006 and 2007/08 editions. Professor Myrna Raeder of Southwestern University School of Law will be the editor for the 2009 edition. Design and production details were done in-house by the Section office's publications staff.

Authors from across the criminal justice field provide essays on topics ranging from homeland security to military justice to immigration law. This annual publication examines and reports on the major issues, trends and significant changes in the criminal justice system. As one of the cornerstones of the Section's work, the publication serves as an invaluable resource for policy-makers, academics, and students of the criminal justice system alike. The 2007-2008 volume contains 16 chapters focusing on specific aspects of the criminal justice field, with new addition of full text and reports of all of the adopted official ABA policies passed in 2007-2008 that address criminal justice issues. (342 pages)



ABA Standards for Criminal Justice, Third Edition: DNA Evidence

This is one of a multi-volume set of publications containing ABA Standards on Criminal Justice on a wide range of topics. The "black letter" Standards contained and discussed in this publication relate to collecting, preserving and use of DNA evidence, DNA testing, pretrial proceedings, trial, post-conviction, charging by DNA profile, and DNA databases. The "black letter" Standards were approved by the American Bar Association's policymaking House of Delegates in August 2006. The commentary was approved by the Criminal Justice Standards Committee in July 2007. Although this publication is part of the Third Edition of the Criminal Justice Standards, this is the first volume relating to DNA Evidence. Produced in-house by the CJS office.

Practice Under the Federal Sentencing Guidelines, Fourth Edition (2007 release)

Practice Under the Federal Sentencing Guidelines provides extensive discussion and current citations of the hundreds of important cases interpreting the provisions. The volume is published through Aspen Publishers. The CJS office staff assisted in the preparations for the 2007 release by identifying a new editor, David Debold, and assisting in contacting various chapter authors. Substantial updates have been made to the chapters and new chapter authors have been identified. The 2008 release is expected to be available in the early fall of 2008.

PERIODICALS

Criminal Justice (Magazine)



Feature topics for issues in the 2007-2008 year were: The Criminally Mentally Ill (Symposium Issue, Fall 2007), Defending International Extraditions (Winter 2008), Instructing Jurors on Cross-Cultural Identification (Spring 2008), Miranda's Misconceptions (Summer 2008)

Criminal Justice Newsletter

The Section office continues to produce three newsletters per year (fall, winter, and spring), with editing and layout done in-house by the Section staff. The expanded newsletter features practice tips, ethics, legislative update, and committee reports, in addition to Section news and updates. Produce in-house by the CJS office.

For details and ordering information of CJS books and periodicals, see the Section's website at www.abanet.org/crimjust/pubs

TECHNOLOGY

Section E-News (Online)

Criminal Justice Section E-News has been distributed monthly (since January 2006) to CJS members via email with highlights of CJS activities, chair's message, event notices, case updates and new resources. E-newsletters are produced in-house by the Section office's technology staff.

White Collar Crime Newsletter (Online)

The White Collar Crime Committee has produced September 2007 and February 2008 editions. Produced in-house by the CJS office.

The Section Web Site

The Criminal Justice Section's web site (www.abanet.org/crimjust) features major portals (membership, leadership, law students, calendar, policy, publications, resources, etc.) Committee pages have been expanded with more committee-specific news items and resources.

E-mail List Services

The Section office maintains several list services to serve CJS members, committees and the leadership. The *CJS-MEM* list distributes timely information on events, case updates and resources to all CJS members who have not opted out of the ABA's email distribution system. The Council and committee chairs also participate in respective list services for Section business. In addition, all CJS committees maintain specific list service for particular committee work and discussion.

IV. CONTINUING LEGAL EDUCATION (CLE)

The Criminal Justice Section established a record number of CLE programs this year producing over thirty programs. This was almost a 42 percent increase in the number of CLE's accomplished. The CLE success owes much to the ABA CLE Division and its long term liaison to the Criminal Justice Section Earnestine Murphy who oversees our CLE Teleconferences and our Institutes. Much of the success can also be credited to the organizational efforts of the White Collar Crime Regional Committees. The Council created CLE Board continues to oversee all aspects of the Section's CLE offerings under the leadership of Chair Catherine Beane. Board members Jack Boese, Washington, DC; Maureen Essex, Baltimore, MD; Mary Galvin, Columbia, SC; Bruce Green, New York, NY; Stacy Sundstrom, St. Paul, MN; and Elizabeth Ziegler, Jefferson City, MO continued to serve with Ms. Beane. Section CLE programs posted impressive attendance throughout the year with the White Collar Crime Institute and the Anti-Money Laundering Conference we complete with the American Bankers Association together drawing over 2,700 attendees.

The CLE Board worked with committees and leadership to identify the topics for the fall CLE in Washington, D. C. and finally selected Sentencing Advocacy, Practice and Reform Institute from the many excellent suggestions. Sentencing Committee Chairs Barry Boss and James Felman are hard at work perfecting the agenda for the meeting on October 24th at the Marvin Center on the George Washington University Campus.

This will continue the CJS tradition of selecting topics for its fall meeting that bring the criminal justice field together around issues critical to the practice area. Cosponsors already include: the National Association of Attorneys General; National Legal Aid and Defender Association; National District Attorneys Association; National Association of Criminal Defense Lawyers; The Sentencing Project; U.S. Sentencing Commission; Vera Institute of Justice; National Crime Victims Law Institute; and the National Center for Victims of Crime. This will be a major conference to address a broad array of sentencing and post-sentencing issues, with a particular emphasis on sentencing practice in white-collar cases. The conference – which features all of the United States Sentencing Commissioners – will examine sentencing trends and opportunities for reform in both the federal and state courts. The program will begin with a plenary session on the state of the sentencing union including rates of incarceration, sentencing trends, racial disparity, alternatives to incarceration, and recent federal legislation.

On April 3, 2009, the CJS will convene an important conference in Birmingham, Alabama entitled, "How Prosecutors and Defense Attorneys Can Prepare for Cold Case Trials, Especially Cold Civil Rights Cases." The conference will feature trial techniques from some of the best and brightest from the Criminal Justice Section, the Alabama Bar and the field at large who have experience with such cases.

LIST OF CLE PROGRAMS IN 2007-08

October

10/3 – Teleconference & Webcast

Corporate Representation After DOJ's McNulty Memo

10/8 – San Francisco, CA

International Criminal Investigations

10/10 – Denver, CO

Reflections on the Trial of Joseph P. Nacchio

10/12 – Washington, DC

Criminal Enforcement of Intellectual Property Rights

10/17 – Washington, DC

Recent Developments and Current Issues Related To Foreign Corrupt Practices Act Cases

State False Claims Act Developments: How They Affect Your White Collar Practice Today
(Teleconference & Webcast)

10/18 – New York, NY

Subpoenaing Sources: Lessons from the Libby Case. This program was put on by the WCC Northeast region subcommittee and attracted about 70 attendees.

10/21-10/23 – Washington, DC

ABA/ABA Money Laundering Enforcement: This program continues to attract record attendance. Approximately 1300 attended this 19th conference done in conjunction with the American Bankers Association.

10/25- 10/26 – Washington, DC

National Institute on Securities Fraud

November

11/2 – Washington, DC (2007 Fall Conference)

Ethics and Professionalism in Plea Negotiations. The program examined the ethical issues that the practice of plea bargaining raises when attorneys zealously represent their clients, and had the participation of all prosecutors, defense attorneys. There were over 140 attendees at the program.

Highlights of the 2007 Fall Conference:



The “Best and Worst Negotiating Practices” program featured a plethora of top-notch legal minds that discussed, amongst other things, how recent Supreme Court decisions on the federal sentencing guidelines affect the plea bargaining process.



CJS chair Stephen Saltzburg moderated and oversaw the spirited discussion during the “How Prosecutors and Defense Lawyers Can Make Good Decisions About Plea Bargaining” program.

11/13 – Kansas City, MO

Standard of Proof for Sentencing Enhancements and Standards for Charging Corporations Under the McNulty Memo. This program was organized by the WCC Kansas City region subcommittee, and attracted about 65 attendees.

December

12/6-12/7 – San Francisco, CA

Criminal Tax Fraud

January

1/17 – Philadelphia, PA

Foreign Corrupt Practices Act

February

2/7 – Washington, DC

U.S. Antitrust Laws Go Global

2/8 – Los Angeles, CA

Are You are Star? Does it Matter – The Real Deal on DUI. This program was organized by the Defense Function Committee at the Midyear Meeting in Los Angeles.

Re-Approaching Jena. This program was also held during the Midyear Meeting, organized by the ADR & Restorative Justice Committee, and cosponsored by the Council on Race & Ethnic Justice.

Wrongful Convictions, Causes and Cures. The Section cosponsored this program with the Southwestern University Law School in Los Angeles.

2/14-2/15, Las Vegas, NV

Gaming Law Minefield

March

3/1 – Miami, FL

Immigration Law & Policy. The Section cosponsored this program with the University of Miami, Immigration Law Society

3/5-3/7 – Miami, FL

National Institute on White Collar Crime

Highlights:



A packed house greeted every panel, as attendance at this year's Institute was more than 1,400.



Steven W. Pelak talks to the crowd with props to make his case during the Export Crimes panel.

3/15 – San Francisco, CA

Confronting the Crisis: Current State Initiatives and Lasting Solutions for California’s Prison Conditions

3/18 (Teleconference & Webcast)

The New Federal Sentencing Landscape After Gall and Kimbrough

April

4/4 – Charleston, SC (2008 Spring Conference)

Superior Direct and Cross Examination: Demonstrations from Trial Masters of the ABA Criminal Justice Section and the S.C. Bar. This program was held during the Spring Meeting in Charleston and attracted over 140 attendees.

Highlights of the 2008 Spring Conference:



Judge Mathew Perry (center), a legend in the South Carolina legal system, oversaw Demonstration I of Direct and Cross-Examination. Other participants (from left-to-right) include William Witherspoon, I.S. Leevy Johnson, Anne Swern, Judge Ernestine Gray, CJS chair-elect Anthony Joseph, and Gary Walker.



Two prominent South Carolina jurists and longtime friends helped Section chair Stephen Saltzburg introduce Judge William Wilkins, as he received a lifetime achievement honor from the Criminal Justice Section. Pictured from left-to right: 4th U.S. Circuit Judge William B. Traxler, Columbia lawyer William C. Hubbard, Judge William Wilkins, and CJS chair Stephen Saltzburg.

May

5/14-5/16 - Ft. Lauderdale, FL

18th National Institute on Health Care Fraud

5/21 - Chicago, IL

U.S. Antitrust Law and Global Enforcement

5/21-5/23 - Orlando, FL

Federal Sentencing Guidelines. This program is in its 17th year, and we cosponsor it with the Federal Bar Association (Tampa Chapter) and the US Sentencing Commission.

June

6/11-6/13 - Washington, DC.

Civil False Claims Act & Qui Tam Enforcement (National Institute)

6/13 - Baltimore, MD

Collateral Consequences of Criminal Proceedings

6/18-6/20 - Washington, DC

CyberLaw: Expanding the Horizons (National Institute)

6/27 - Chicago, IL

Legal Implications of Political Patronage Hirings

August

8/8 New York, NY (Annual Meeting)

It's Time for Justice: How to Handle Financial Exploitation of the Elderly

The Legality and Practicality of Remote Witness Testimony

Annual Survey of Supreme Court Decisions – Criminal Cases

8/9

The Rule of Law and Juvenile Justice

Defining the Boundaries: The Use of Private Contractors in Contingency Operations

8/10

Miranda Warnings and Waivers: The Latest Research and Its Practical Applications

V. OUTREACH

REPORT ON STRATEGIC COMMUNICATION

The scope of the Section's Outreach efforts fall into three distinct areas: keeping membership updated on all the latest Section-wide and criminal law developments; informing other ABA entities about CJS programs, policies and various endeavors for possible co-sponsorships; and ensuring that all outside criminal law-related organizations and the general public are aware of and have input in policies in development and projects the Section is undertaking so as to have a balanced voice and perspective.

Updating Membership on All Section Activities and Relevant Criminal Justice Information:

- Expanded and improved the Section Newsletter.
- Sent out monthly E-News with chair's message, which features list of programs and activities for the month.
- Distributed daily a multitude of news articles of interest to pertinent committees, as well as produced and posted the cumulative "Weekly News Round-up" on the Section website.
- Released Supreme Court case summaries to members as soon as they are issued by the court.
- Encouraged Section committees to get more active in policy development. Sponsored trainings for new committee chairs in policy development and aggressively encouraged policy development by committees. Several committees have been active in this regard including: Criminal Procedure, Evidence and Police Practices; Corrections; Ethics, Professionalism and Gideon; Sentencing; Victims; Corrections; Juvenile Justice; Legal Problems of the Elderly; Defense Function; and the Standards Committee.
- Implemented a system for committee chairs to comment on criminal law policies to be presented at Section Council meetings, ensuring that all related-entities have a voice in the early stages of policy development.
- Audio recorded keynote speeches, Fall and Midyear Meeting panels, and Section-sponsored CLE programs for distribution to pertinent committee listserves and posting on the Section website.

Working With Other ABA Entities:

- Co-sponsored with the Science and Technology Law Section on the CyberLaw Conference, collaborated with the Section of Litigation for the "The Comparison of Jury Trials and Mystery Art Theft" program, and the Section of International Law for the Foreign Corrupt Practices Act Conference, amongst numerous others. The 2007 Fall Conference was co-sponsored by five ABA entities (Commission on Effective Criminal Sanctions, Standing Committee on Substance Abuse, Standing Committee on Legal Aid & Indigent Defendants, Center for Professional Responsibility, and the Government and Public Sector Lawyers

Division) and thus far, four have agreed for the 2008 Fall Conference.

- Implemented a system for ABA entity staff directors and their leadership to co-sponsor criminal law policies going before the House of Delegates, ensuring that the Section achieves optimum sponsorship. The following ABA entities co-sponsored CJS policies submitted to the House of Delegates: Section of Individual Rights and Responsibilities; Section of Litigation; Section of State and Local Government Law; Section of Real Property, Trust and Estate Law; Section of Tort Trial and Insurance Practice; Senior Lawyers Division; Commission on Domestic Violence; Commission on Law and Aging; Government and Public Sector Lawyers Division; Young Lawyers Division; Death Penalty Representation Project; and the Standing Committee on Ethics and Professional Responsibility.
- Participating in three ABA Enterprise Fund grant projects with other ABA entities that will play a major role in advancing and expanding the field of criminal law: Mediation in Criminal Matters (Section of Dispute Resolution, Section of State and Local Government Law, Standing Committee on Legal Aid and Indigent Defense, Government and Public Sector Lawyers Division, Commission on Domestic Violence, Commission on Effective Criminal Sanctions, and the Judicial Division.); Improving Cross-Cultural Communication in the Criminal Justice System (Section of Individual Rights and Responsibilities, and the Council on Racial and Ethnic Justice); and Child Victims' Rights Project (Center on Children and the Law).
- Published two columns in the ABA Section Officers Conference quarterly publication addressing the member/staff working relationship in the development of a Section publication (*The State of Criminal Justice 2007-08*) and a high profile meeting (2008 White Collar Crime Institute).

Ensuring that Outside Organizations and the Public Are Included in the Discussion

- Completed and implemented new outreach implementation plan that calls for Section liaisons to State and local Bars. As well as keep the Bars and United States Attorneys, Public Defenders, Prosecutors, Criminal Justice schools, and other criminal law-related entities to alert them to the policy work of the section via Policy Bulletins -- which are sent quarterly and reach over 550 key individuals involved in criminal justice. The outreach implementation plan also calls for the creation of kits for the presentation in states and localities of an annual CLE program on selected criminal justice policies and standards adopted by the ABA during the preceding year.
- Mailed the DNA Standards book with a cover letter coordinated with the ABA Governmental Affairs Office to all State Supreme Courts.
- *The State of Criminal Justice 2007-08* has been mailed to all State and local bar criminal justice committee chairs, to national criminal justice groups, and a press release on the book has been distributed to media outlets nation-wide, as well as hundreds of Section members and individuals outside the Section such as professors at colleges of criminal justice.
- The Section – spearheaded by the Problems of the Elderly Committee – teamed with the National District Attorneys Association to develop a resolution calling for vigorous

prosecution of crimes against the elderly. The resolution, modeled after policy previously passed by the NDAA, became official ABA policy after it was unanimously approved by the ABA House of Delegates at the 2008 Midyear Meeting.

- ABA President William Neukom delivered the Audio News Release that introduced listeners to the "Top Ten Tips for Parents to Protect Kids from Online Predators" developed by the CJS Cyber Crime Committee Chair David Goldstone. The Audio News Release (ANR) was broadcast on 982 stations with a listening audience of more than 8.3 million. The tips were translated, and an ANR was produced, in Spanish.
- Establishing the Section Fall and Spring Meetings as a gathering place for the criminal justice field to focus on issues of high importance to the field and obtaining cosponsors from outside the ABA. The 2008 Spring Conference was cosponsored by the Charleston School of Law; the South Carolina Bar; the South Carolina Solicitor's Association; and the South Carolina Association of Criminal Defense Lawyers. The Fall Conference on Ethics and Professionalism in Plea Negotiations Conference in Washington, D.C. had six outside-the-ABA cosponsors (NACDL, NAAG, NDAA, Federal Public Defenders, National Criminal Justice Association, and the National Legal Aid and Defenders Association). We already have the National Association of Attorneys General; National Legal Aid and Defender Association; National District Attorneys Association; National Association of Criminal Defense Lawyers; The Sentencing Project; the U.S. Sentencing Commission; the Vera Institute of Justice; the National Crime Victims Law Institute; and the National Center for Victims of Crime as cosponsors for the Fall 2008 Conference that will focus on Sentencing.
- Posted the Spring issue of the Section magazine on the Section web site for the general public to view free of charge and sent announcements to major segments of the criminal law field.
- Made available the special Mental Health and the Criminal Justice System issue of the *Section Newsletter* on the web for all to view and sent notice of this to individuals and groups inside and outside the ABA.



CJS Staff Outreaches to the ABA Staff: On April 22, 2008, the Section staff participated in the ABA Brown Bag Series, which offered both the Chicago and Washington offices the opportunity to meet the Section staff and become informed about the Section's activities and programs. The program drew record Brown Bag crowd in DC and via video conferencing in Chicago. From left: Regina Ashmon, Committees Coordinator; Carol Rose, Meetings Coordinator; Shamika Dicks, Assistant to the Standards Project; Susan Hillenbrand, Director of the Standards Project; Jack Hanna, Section Director; Stacey Brown, Membership Coordinator; Robert Snoddy, Outreach Coordinator; Kyo Suh, Technology/Publications Manager.

VII. MEMBERSHIP AND AWARDS

SECTION MEMBERSHIP UPDATE

Lawyer Membership Activity

Overall total Section membership is 20,586 as of June 30, 2008. Lawyer Section memberships totaled 9,350 in June 2008, up 29.8%, or 2,144 memberships over this time last year. Overall Section memberships are up over last year, due to continued increases in the law student category and new growth in the lawyer category as a result of the *Race to 10K* initiative. Associate memberships are down.

- Cumulative adds for the year are 3,307, which is 1,705, or 106.4%, higher than last year. The change is primarily caused by an increase in the Law Student Transfer Add category because of timing in receiving new bar admittee names from states.
- The year-to-date Section membership adds are 28.1% Section-only, 15% ABA+Section, and 56.9% Law Student Transfers.
- Cumulative cancels for the year are 2,194, which is 226, or 11.5%, more than last year. The change is due to increased drops in the ABA+Section cancel category because of the September drop for non-payment that was done for the first time this year.
- The year-to-date Section membership cancels are 32.9% Section-only and 67.1% ABA+Section.

Recruitment

- *Race to 10K*

In May, Section Chair Steve Saltzburg along with Membership Co-Chairs Vince Aprile and Cheryl Jacobs announced the Race for 10K, an effort to bring Section lawyer membership above 10,000 for the first time. To accomplish this goal we undertook the following tasks:

- Email to ABA members not in CJS in the following areas of concentration (AOC): white collar crime, criminal justice public and private defense, criminal justice prosecution, military, constitution law, judicial administration, children's law, human rights. The email contained a membership blurb and links to relevant Section committees, policies sponsored or co-sponsored by CJS, Section projects and criminal justice Standards.
- Letter to 7,500 ABA members not in CJS in the following AOCs: criminal justice, white collar crime, public and private defense.
- Letters signed by Section Council and committee members to ABA members not in CJS:
 - White collar crime AOC in Alabama – signed by Anthony Joseph
 - White collar crime AOC in Florida – signed by Al Krieger and Mike Pasano
 - Criminal justice prosecution AOC in Florida – signed by Bill Shepherd and Neal Sonnett
 - Criminal justice prosecution AOC in New York – signed by Joe Hynes
 - White collar crime and criminal justice private defense AOCs in California – signed by Brian Hennigan and Janet Levine
 - Academic AOC in Washington, DC – signed by Steve Saltzburg

- Email invite to 2007 CJS Plea Bargaining CLE non-CJS attendees to join the ABA and/or Section.
- Email invite to 2007 White Collar Crime Institute non-CJS attendees to join the ABA and/or Section and receive discounts on 2008 WCC Institute registration fee.
- Email invite to ABA members in California with a criminal justice area of concentration (AOC) to join the Section and attend the Midyear reception and CLE. Sent similar invite to members of Section of Environment, Energy and Resources and Government and Public Sector Layers Division in California.
- Email notice of *Criminal Justice Magazine* Fall 2007 Special Issue and invite to join the Section sent to ABA members with a criminal justice AOC and Commission on Mental & Physical Disability Law.
- ABA Membership & Marketing Division campaigns
 - The ABA Membership & Marketing Department conducted two campaigns (telemarketing and mail) this membership year that tested a \$40 coupon vs. a free Section offer. Criminal Justice gained 20 members during these campaigns – 18 through telemarketing and 2 through mail. Of the two campaigns the telemarketing campaign was most successful, with the free offer outperforming the \$40 coupon by a ratio of four to one. The Section is being reimbursed for the full dues value of the memberships.
- Exhibited Section membership materials at various conferences:
 - ABA-ABA Money Laundering Conference (October 2007)
 - White Collar Crime Institute (March 2008)
 - Taste of ABA (March 2008)
 - CJS Spring Meeting (April 2008)
 - Collateral Consequences of a Criminal Proceeding (June 2008)
 - Civil False Claims Act and Qui Tam Enforcement (June 2008)

Retention

- Personalized “thanks for joining” letter sent to new members since June 2007.
- Email Midyear reception invite to CJS members in California.
- Personalized welcome letter sent to new members at the beginning of every month.
- Email sent to law student members informing them when current issues of Section periodicals are available online.
- Personalized welcome letter sent to new lawyer and associate members every month.
- Personalized email sent to new law student members every month.
- Email sent to law student members informing them when current issues of Section periodicals are available online.

Dues

- Section dues will increase to \$45 for 2008-09 membership year.
- Joint dues with Government and Public Sector Lawyers Division are \$60 for 2008-09 membership year.

AWARDS

Frank Carrington Crime Victim Attorney

The 2007-08 award was given to the late attorney Frank Carrington, who had a tremendous impact on the crime victim movement in this country. Mr. Carrington founded and served as Executive Director of the Victims Assistance Legal Organization (VALOR) in Virginia, was a Director of the National Organization for Victims Assistance, and was a member of the California Attorney General's Commission on Victims. Following his service on the Attorney General's Task Force on Violent Crime (1981), he was appointed to the President's Task Force on Victims of Crime (1982). From 1980-82, he was Vice-Chair of the ABA Criminal Justice Section's Victims Committee and was its Chairman in 1982-83 when the ABA approved a comprehensive set of Guidelines for Fair Treatment of Crime Victims and Witnesses that subsequently served as a significant basis for the reconsideration of the interests of victims by both state and federal governments. Mr. Carrington's children accepted the award at the ABA Midyear Meeting in Los Angeles on February 8, 2008.

Charles R. English

Michael S. Pasano will receive the *Charles R. English Award* at the ABA Annual Meeting in New York, at the Section reception on August 8, 2008. A seasoned trial attorney, Mr. Pasano focuses his practice primarily on complex criminal and civil litigation in both federal and state court. His areas of concentration include the defense of a wide array of white collar matters including fraud and money-laundering; forfeitures; tax issues; FDA, FTC and SEC cases; antitrust and environmental issues; and others. His clients include a wide array of professionals in the corporate arena, including attorneys, doctors, accountants, corporate executives and other professionals. He also handles appeals.

Prior to joining Carlton Fields, Mr. Pasano worked for seven years in the U.S. Attorney's Office, where he was a member of the major crimes, public corruption and fraud units. In March, 1993 he became chief of the Fraud Section, and in October of that year was named chief of the U.S. Attorney's Ft. Lauderdale and West Palm Beach offices.

Mr. Pasano is an active member of the American Bar Association. He has served as chair of the Defense Function Committee and has chaired the White Collar Crime Committee's Florida Regional Subcommittee. In August 2005 he was named as Chair of the American Bar Association Criminal Justice Section for 2005-2006. He remains a member of the Criminal Justice Section Executive Council and the White Collar Crime Committee. Mr. Pasano is a past member of the Eleventh Circuit Lawyer Disciplinary Committee, the Eleventh Circuit Federal Public Defender Committee and the Southern District Criminal Justice Act Panel Committee. Routinely every year, he is named one of South Florida's Top Lawyers by the South Florida Legal Guide and other publications. Mr. Pasano is co-author of the jury study *The Effect of Lie Detector Evidence on Jury Deliberations: An Empirical Study*, *Journal of Police Science and Administration* (June 1977). He is a frequent contributor to the *ABA Criminal Justice Magazine* and lectures regularly on the range of criminal litigation issues.



At the 2007 Section Fall Conference in Washington, DC, the Section awarded the 2007 Charles English Award to the Guantanamo Military Commissions Military Defense Counsel.

Norm Maleng Minister of Justice

Gary L. Walker will receive the *Norm Maleng Minister of Justice Award* at the ABA Annual Meeting in New York, at the Section reception on August 8, 2008. Mr. Walker has served as the Prosecuting Attorney for Marquette County, Michigan since 1974, having been elected seven times. He is a member of the Board of Directors and past President of the Prosecuting Attorneys Association of Michigan. He is chairperson of the Prosecuting Attorneys Coordinating Council (PACC), a five member board that oversees the education and training of prosecutors in Michigan.

Mr. Walker serves on the Board of Directors of the National District Attorney's Association. He is a past vice president of NDAA and co-chairs the Association's Juvenile Justice Advisory Committee.

The Michigan Supreme Court appointed Mr. Walker to the Michigan State Bar Commission as its representative on the governing body for the State Bar where he served from 1983 to 1987. He has also served on the Committee on Rules of Criminal Procedure and the task force on Racial Ethics issues in the courts, both committees appointed by the Supreme Court. He was appointed to Michigan's Community Corrections Board in 1989 by the Governor and served until 1993.



At the 2007 Section Fall Conference in Washington, DC, the Section presented the 2007 Norm Maleng Minister of Justice Award to Lt. Colonel Stuart V. Couch, who is accompanied by Wall Street Journal Reporter Jess Bravin (left) and CJS chair Steve Saltzburg (right).

Livingston Hall Juvenile Justice Award

Professor Barry Feld will receive the *Livingston Hall Juvenile Justice Award* at the ABA Annual meeting in New York, at the Livingston Hall Award Reception on August 10, 2008. Professor Feld, a Centennial Professor of Law at the University of Minnesota Law School, has for over three decades devoted his entire professional career as a legal scholar and academic activist to improving the juvenile justice system through his teachings and scholarship, policy advocacy, hands on involvement with state agencies, bar associations and other groups.

Professor Feld served on the Minnesota Juvenile Justice Task Force, a joint commission appointed by the Governor, Supreme Court, and Legislature to recommend revisions in Minnesota's juvenile code and which produced substantial revisions in the law. He was a co-reporter for the Minnesota Juvenile Court Rules of Procedure Advisory Committee, as well as the reporter for the ABA-IJA Juvenile Justice Standards Project, co-authoring *Juvenile Justice Standards Relating to Rights of Minors*.

Professor Feld is currently a fellow of the American Society of Criminology. He is also a member of the American Sociology Association, the Academy of Criminal Justice Sciences, the Society for the Study of Social Problems, and the Law and Society Association. He currently teaches Criminal Procedure, Torts, and Juvenile Justice at the University of Minnesota Law School.

William W. Greenhalgh Writing Competition

Pilar Kraman will receive the award at the CJS Fall Meeting in Washington, DC, at the Section reception on October 25, 2008. She graduated in May 2008 from the University of Pittsburgh School of Law. She is taking the Delaware bar examination in July and will be joining the Wilmington, Delaware firm, Young Conaway Stargatt & Taylor, in September 2008, working in their Intellectual Property Litigation Section. Ms. Kraman has a bachelor's in Social Work (University of Kentucky) and a masters' in Public Administration (Eastern Kentucky University).

VII. BUDGET REPORT

The Section continues to operate in the black and within a very solid financial framework. Non-dues income from CLE and National Institute programming and interest income from our invested reserves continues to grow and this year we have increased our efforts to diversify our funding base with a greater focus on sponsorships and publications. Dues income for lawyer and associate members has increased over levels at this time last year. Section reserves are strong providing fiscal stability and ensuring continuity of Section activities in event of economic downturns that would adversely affect future income to the Section.

The most recent financial reports show that the bulk of total FY07-08 revenues have already been received, but our heaviest expenses will not be incurred until the last half of the year and probably not recorded until the final quarter.

CLE and National Institute programs account for the bulk of income to the Section. The White Collar Crime National Institute and the Money Laundering CLE program held jointly with the American Bankers Association continue to be extraordinarily successful.

DUES INCOME: Regular lawyer and associate member dues were budgeted at \$196,500 for the current year and to date we have received \$236,000 actual collections for the current year. Efforts to increase existing membership numbers and to retain our regular lawyer base continue. We hope to see an increase in regular lawyer and associate members that will translate into increased income for the remainder of this year and in coming years.

FY2007-08 GENERAL REVENUE REQUESTS: Section activities are supported by more than our Section resources. The Section receives substantial general revenue support from the ABA toward our basic operations.

It must be noted that the level of activity proposed by the Standards Committee far exceeds that which could be undertaken within the general revenue support. Accordingly, the proposed FY08-09 Standards Committee budget assumes a commitment of additional financial support from the Criminal Justice Improvement Fund (CJIF) and/or Criminal Justice Section funds. The Council will be asked to approve this additional financial support for the Standards Committee as part of the FY2008-09 budget approval process at its meeting during the Annual Meeting.

VIII. DIVISION/COMMITTEE REPORTS

EQUAL JUSTICE DIVISION

Division Co-Directors: Ernestine Gray and Victor Streib

Juvenile Justice Committee

Co-Chairs: Kathryn Richtman and Robert Schwartz

- 1) The Juvenile Justice Standards project has been launched;
- 2) The committee proposed a resolution on sentence mitigation for juveniles tried as adults. The resolution was adopted by the Council in November and by the House of Delegates in February;
- 3) The committee planned a CLE for the August 9th Annual Meeting on the Rule of Law as it relates to juveniles;
- 4) The committee has advised ABA legislative counsel Bruce Nicholson on federal juvenile justice issues; and
- 5) The committee has selected a Livingston Hall Award recipient - the award will be presented during the Annual Meeting in August.

Military Justice Committee

Co-Chairs: Carol Hattrup and Gary Jackson

No report submitted.

Problems of the Elderly Committee

Co-Chairs: Lori Levin and Benjamin Overton

The resolution drafted by the committee urging more vigorous prosecution of crimes against the elderly and incorporating policy positions of the National District Attorneys Association and other entities became official ABA policy after unanimous approval by the ABA House of Delegates at the ABA 2008 Midyear Meeting. Calling for the creation of elder abuse units to be established within prosecutors' offices, the policy also supports the formation of a National Center for the Prosecution of Elder Abuse, Neglect, and Exploitation, and recommends a multidisciplinary team approach to prosecuting elder abuse cases.

The Charlotte (N.C.) News & Observer covered the resolution's adoption by the ABA House of Delegates.

Another committee highlight is its sponsorship of a CLE program at the 2008 Annual Meeting, "It's Time for Justice: How to Handle Financial Exploitation of the Elderly."

Race and Racism in the Criminal Justice System Committee

Chair: Wayne McKenzie

This year the Race and Racism Committee established the following goals for the ensuing year:

Theme: The committee will focus its work on strategies to address racial disparities in the criminal justice system; focusing on the following goals:

- 1) To explore and design a pilot project based on the Justice Kennedy Commission's recommendation to strive to eliminate racial bias in the criminal justice system by establishing a Racial Justice and Ethnic Task Force to address the issue of racial and ethnic disparities in the various stages of the criminal justice process. To that end, we will continue to examine the feasibility of using two Maryland jurisdictions as pilot sites for establishing Racial Justice Tasks Forces;
- 2) Seek to establish closer working relationship with other committees where interests, tasks and/or programs are related to or overlap with committee interests and activities;
- 3) Increase committee membership and participation;
- 4) Examine strategies for reducing racial bias in the exercise of prosecutorial discretion. In this regard we will evaluate the newly released suggested guidelines for Federal Prosecutors to Reduce Racial Disparity in Sentencing prepared by the Brennan Center in collaboration with NILE, with a view towards obtaining ABA support in favor of the guidelines, including having the guidelines considered by the Standards Committee. Additionally, we will explore ways to support the work of the Vera Institute's Prosecution and Racial Justice Program, an innovated effort aimed at creating data collection and management tools for prosecutors to address racial bias in the exercise of prosecutorial discretion; and
- 5) To work with CJS leadership and its nominating committee to ensure that appropriate people of color and women are included among council members, committee chairs and liaisons for the CJS.

The following details the committee's progress to date, followed by planned future activities and efforts:

Goal 1: There were several discussions regarding potential jurisdictions and partners for a pilot project. Baltimore City, Prince George's County and Montgomery County were proposed as potential sites due to the professional contacts and relationships that exist with key principals in the criminal justice system in those jurisdictions. While Baltimore City was a consensus location, the point was made that for comparison reasons we should make sure the demographics of the second potential site were different. Consequently, Montgomery County emerged as the preferably second site.

Ultimately, planning on this effort stalled. The two primary reasons were 1) the question of project management -would do the heavy lifting- is unresolved; and 2) a second proposal was presented to the committee – the development of a cultural competency curriculum – and this proposal has gained more traction.

The proposal to develop a cultural competency curriculum for the primary actors – prosecutors, defenders and judges – in the criminal justice system aims to build community trust through

improving cross cultural communication -both internal and external. The goals of the curriculum are: (1) Increase the effectiveness of cross-cultural communication between primary actors in the criminal justice system and the members of the communities they represent.(2) Improve the effectiveness of managers within prosecution, defender, and court agencies in identifying and addressing cross-cultural personnel, communication and management issues; (3) Improve community perceptions of and confidence in the criminal justice system; and (4) Provide tools for local criminal justice entities to reduce disparate racial impact in the criminal justice system. Thanks to the efforts of Catherine Beane, a concept paper was drafted and a proposal has been submitted to the ABA Enterprise Grant Fund. A modified proposal was also created by Catherine for the purpose of submission to other potential funding sources.

Goal 2: This year the committee has partnered and is working with other ABA and section entities on two efforts. The ABA Section on Individual Rights and Responsibilities, and the ABA Council on Racial and Ethnic Justice have partnered with the section and the committee on the above-mentioned cultural competency curriculum project.

Earlier this year at the ABA meetings in L.A. we co-sponsored a CLE program, *Re-Approaching Jena* along with the Council on Racial and Ethnic Justice, Government and Public Lawyers Division, Judicial Division, Sections of Dispute Resolution, Individual Rights & Responsibilities, State & Local Government Law, Standing Committee on Legal Aid and Indigent Defendants, and the Commission on Effective Criminal Sanctions.

The committee will continue to establish meaningful relationships with other entities as opportunities present themselves. For example, goal 5 will open the door to engaging the Young Lawyers Division and The Commission on Racial & Ethnic Diversity in the Profession as we seek to develop a diversity policy/plan for the Section.

Goal 3: While new members continue to join the committee, no targeted efforts have been undertaken to date.

Goal 4: The committee chair is currently part of a group, lead by CJS Chair Stephen Saltzburg, which is currently discussing proposed legislation concerning federal prosecutorial discretion and racial justice. Additionally, the committee chair participated in a Racial and Ethnic Fairness symposium hosted by the Delaware Judicial Conference. This fall, the chair will also present at a training conference for the Delaware judiciary. In the future, the committee will discuss presenting to the section on the findings & status of the Prosecution & Racial Justice Program (Vera Institute).

Goal 5: The committee chair has attended two meetings as the CJS liaison to the Commission on Racial and Ethnic Diversity in the Profession, and is scheduled to represent the section at an upcoming meeting in April. The committee chair also represented the section at a diversity meeting hosted by the Young Lawyers Division.

The Commission's Goal IX Reports recognizes the Section's continued positive performance in the area of diversity in leadership roles within the section: *"For the fourth consecutive year, minority leadership participation is at its highest level since reporting began."*

The next step is to create a diversity subcommittee. The immediate charge to the subcommittee will be to create an official diversity policy for the Section.

Victims Committee

Co-Chairs: Russell Butler and Margaret Garvin

The committee, with a grant funded by U.S. Department of Justice's Office for Victims of Crime award to the Criminal Justice Section, is working in concert with the ABA Center for Children and the Law to improve legal protections for child victims of crime. The ABA's Child Victims' Rights Project will develop expertise to assist with the enforcement of child victims' rights, with a special focus on child victims of abuse, and will disseminate knowledge through training, policy development, and technical assistance to attorneys and guardians *ad litem* nationwide. The committee will take a leadership role in ensuring the success of the grant.

On behalf of the Section, the committee also participated on a recently approved ABA report and resolution on victims of identity fraud and fraud in concert with the Section of Administrative Law. Related to this work, the Section, through the committee, has applied for a potential Enterprise grant to help assist in implementing the recommendations in the report to have attorneys provide comprehensive pro bono assistance to victims of identity theft and fraud to assist in implementing the recommendations in the report.

In 2007, the committee proposed, and the Section Council and ABA approved, the creation of the *Frank Carrington Victim Attorney Award*. In February 2008, at the meeting in Los Angeles, California, the first award was given posthumously to honor Frank Carrington, who substantially contributed to the crime victims' rights movement in the United States. In attendance to receive the award were Mr. Carrington's two daughters and a grandson. Leading attorneys and victim advocates from across the country submitted written tributes that are now compiled in the committee's website. The award was presented to the family and a perpetual plaque will be displayed for a year at the University of Michigan Law School where Mr. Carrington attended. Moving forward, the award will be given annually to an attorney or legal service provider who has worked to promote or implement policies to improve the treatment of crime victims in the criminal justice system. The recipient will select the next location for the perpetual plaque.

In addition to the projects highlighted above, two others remain a focus for the committee. The Victims of Crime Act (VOCA) funding continues to be threatened by congressional and presidential maneuvering. The committee continues its work to ensure not only that VOCA funding for crime victims funds is secure, but also that there is sufficient funding for comprehensive services to crime victims. Second, the Committee continues its intensive review of the "ABA Guidelines for Fair Treatment of Crime Victims and Witnesses." The goal of the project is to recommend specific revisions to the now outdated document so that the ABA will once again be viewed as providing leadership on this topic.

Women in Criminal Justice Committee

Co-Chairs: Jane Aiken and Sarah Buel

The Women and Criminal Justice Committee (WCJC) successfully drafted recommendations and a detailed report concerning battered women in the criminal justice system that was adopted by the ABA in 2007. Over the past year, the WCJC has held several conference calls to discuss an action plan for implementation of our three resolutions. The committee is looking at federal and state jurisdictions' policies, practices, and procedures regarding women and female juveniles in the criminal justice system who are defendants, convicted persons, or victims to ensure that such policies and programs are gender-responsive.

Several members are collaborating on an article for the ABA Criminal Justice Section's journal, describing the committee's work and making recommendations for state and local assistance. The task focusing on female juveniles was drawn from recommendations of the ABA Youth at Risk Task Force. Some of the other issues that we have identified include the arrest and incarceration of trafficked women, dealing with trauma from underlying sexual and physical abuse as a prerequisite to rehabilitation in women's prisons, cross-gender supervision in prisons and the problem of the sexual abuse of prisoners, and the shackling of pregnant women including shackling during labor and delivery. Members of the sub-committee have been charged with looking at their own jurisdiction and identifying examples of non-gender-responsive approaches in criminal justice. Once we have members' observations, we will then attempt to draft an appropriate recommendation for the August annual meeting. The Corrections Subcommittee has approached us to join in this process. We continue to collaborate with other ABA entities, including the Commission on Domestic Violence and other committees and task forces charged with relevant issues.

CORRECTIONS AND SENTENCING DIVISION

Division Co-Directors: Dino Amoroso and Bruce Zagaris

Alternative Dispute Resolution and Restorative Justice Committee

Co-Chairs: Karen Gopee and Kimberlee Kovach

To date the committee has:

1) Conducted an extensive survey of Mediation and Restorative Justice Programs nationwide and posted the results on a link to the ABA website. The committee will continue to work on the survey and plans on adding additional programs throughout the year.

meetings.abanet.org/webupload/commupload/CR100000/relatedresources/mediationsurvey.doc

2) Received grant from the ABA Enterprise fund for 2008 Mediation in Criminal Matters Project. Set up an application process and encouraged existing, as well as established mediation and/or restorative justice programs within the criminal area to apply for grants. Awarded the following grants:

In an effort to encourage more innovation and experimentation that the Mediation in Criminal Matters project selected its mini-grant recipients all of whom will utilize a train the trainers approach to project implementation.

- The Alabama Bar Association will design a pilot program to implement mediation processes and services in an area of practice where previously mediation has not been used.
- The Scottsbluff Nebraska Center for Conflict Resolution will engage the local judiciary and corrections officials in a countywide restorative justice project.
- The Anne Arundel and Montgomery County Maryland offices of State's Attorney (prosecutors) will expand their highly successful adult pre-indictment mediation programs into the juvenile arena.
- The Superior Court of Maricopa County Arizona will provide training for general jurisdiction judicial officers on settlement conferences and other techniques which support early disposition of felony criminal cases.
- The Alabama Court of Criminal Appeals and the Alabama Center for Dispute Resolution will work to design and implement a criminal appeals mediation program to relieve what is one of the heaviest state appeals court case loads in the country.
- The Pima County Juvenile Court will design programs to improve parent/child communication in delinquency cases involving domestic violence and to improve communication within the juvenile detention facilities by training detention supervisors and others in conflict resolution techniques.
- The Safe Horizon Project will work with the King's County Prosecutor's office to offer a range of services including mediation, conflict coaching, restorative justice and restitution regarding cases referred by the prosecutor.
- Jefferson Parish Louisiana department of Juvenile Services will provide training in dispute resolution and restorative justice techniques such as family group conferencing and increase the capacity of the juvenile justice system and the adjudicate youth alternative school to divert youth into restorative justice.
- The 21st Judicial District of North Carolina will train prosecutors, defense lawyers and mediators to conduct mediated settlement conferences in criminal cases with priority given to case involving jail time. The program will include certain felony cases.
- The Vera Institute of Justice will create a participatory justice mediation demonstration project in cooperation with the Kings County New York District Attorney's Office and the Defense Bar of Brooklyn, NY contingent upon victim agreement. Cases including felonies will be diverted as soon as possible to minimize court contact and save resources.

3) Planned training sessions in Minnesota for September 12-14, to train teams of three from the programs that have been selected to receive mini-grants as part of the Enterprise Fund, 2008 Mediation in Criminal Matters Project.

4) Co-sponsored and assisted in planning the CLE program titled "Re-Approaching Jena, Exploring How Mediation and Restorative Justice Efforts Could Alleviate Tensions," at the Midyear Meeting in Los Angeles.

5) Co-sponsoring a CLE at the Annual Meeting in NYC this year, titled "Successful Collaborative Courts."

6) Submitted an article for the *The State of Criminal Justice* publication.

7) Submitted article for the *Dispute Resolution Magazine and Newsletter* and the *Criminal Justice Section Newsletter*.

Corrections Committee

Co-Chairs: Brett Dignam, Marc Elias, and Martin Horn

The Corrections Committee celebrated the August adoption by the House of Delegates of its resolution and report on the need for federal action to insure proper funding of medical care for inmates and urging the Federal Government and the States to insure the prompt reactivation of Medicaid benefits for eligible persons released from prison and jail.

Under the leadership of Lynn Branham, a subcommittee drafted a resolution and report calling on the States and the Federal Government to assure transparency of operations in the nation's prisons and jails. The resolution calls for each State, Tribal Authority and the Federal Government to create public oversight bodies with sufficient resources and authority to monitor and report publically on the conditions of confinement in all places within their jurisdiction where persons are held in custody. The various drafts were circulated to the entire committee using the listserve. The committee adopted the draft at the April meeting during which several members participated by teleconference. The Criminal Justice Section Council adopted the resolution at its April meeting and we are hopeful that the House of Delegates will likewise adopt it at the August meeting.

The committee considered a report prepared by Cecelia Klingele on the impact of the "usual residence rule" of the U. S. Census Bureau pursuant to which persons confined in prisons and jails are counted for purposes of apportionment and distribution of federal funds as residents of the census tract in which the prison which confines them is located. The effect of the rule is to skew the size of some congressional and state legislative districts in favor of rural areas and to the detriment of urban areas where persons in confinement are drawn from. After consideration of the difficulties quantifying the scope and actual effects of the problem the committee chose to lay the issue aside.

The committee will next be working with the Women's Committee, studying the unique challenges encountered by women in prison and jail and the intersection of those challenges with the challenges faced by the mentally ill in prisons and jails. Committee co-chair Brett Dignam will be leading that effort.

The committee also was pleased to see its membership grow during the year. We look forward to more new members joining us in the year ahead.

Diversion Committee

Co-Chairs: Mathew D'Emic and Ann Swern

The Diversion Committee is committed to keeping its members and the association informed of current practices in alternative to incarceration programs and courts. Dissemination of current articles and studies of interest will be used for this purpose. In addition, the chairs seek input from committee members and hope to establish a member dialogue over the course of the coming year.

As a result of the committee meeting at the Criminal Justice Section Meeting in Charleston, the committee will also formulate a continuing legal education program concerning ethical dilemmas that may face programs, prosecutors, practitioners and presiding judges in problem-solving courts.

Re-Entry and Collateral Consequences Committee

Co-Chairs: Michael Costello, Lisa Smith, and Lance Ogiste

This year, the committee saw the resignation of co-chair, Michael Festa, Secretary of Elder Affairs for the Commonwealth of Massachusetts. The committee thanks him for his service.

Massachusetts State Representative Michael Costello was introduced as the new co-chair of the committee. Representative Costello has dedicated his life to public service, as an Essex County Assistant District Attorney, a Newburyport City Council member, and currently serving as a State Representative for the First Essex District. He has been an avid defender of individual rights and battered women while in the State Legislature, and was named the 2007 Legislator of the year for the Massachusetts Bar Association.

The committee has been very involved in educating the legal community about current re-entry issues and programs. The committee made presentations at the Criminal Justice Section meetings in both November and April. At the November 2007 committee meeting in Washington D.C., the committee sponsored presentations by Executive Director of the New York State Division of Parole Felix Rosa and Illinois Prisoner Review Board Commissioner Jorge Montes. At the April 2008 committee meeting in Charleston, S.C., the committee sponsored a comprehensive presentation on the Second Chance Act of 2007 by Gene Guerrero with the Open Society Institute.

The committee has also co-sponsored conferences throughout the Northeast. In September 2007, the committee co-sponsored the Second Annual Brooklyn Re-Entry Conference along with the Kings County District Attorney's Office. In January 2008, the committee and the ABA Commission on Effective Criminal Sanctions co-sponsored a conference in Washington, D.C on the employment of ex-offenders. Lastly, co-chairs Lance Ogiste and Lisa Smith spoke at the New York State Women's Bar Association Annual Conference, along with Michael Pinard, a professor of law at University of Maryland School of Law, on the collateral consequences of criminal convictions and offender re-entry.

In addition, co-chair Lance Ogiste has also made several presentations and been a member of several panels on offender re-entry throughout the nation. In September 2007, Ogiste gave a presentation to federal prosecutors at the Project Safe Neighborhoods Conference in Atlanta, Georgia. Throughout this summer Ogiste will participate in a panel for judicial training on the collateral consequences of criminal convictions in Rye Brook, NY and will also participate in a panel at the National Black Prosecutor's Association's Annual Conference in Miami, Fla. this July.

The committee has created a listserv to allow members to keep each other up-to-date on the most recent re-entry news. The committee recently published the first edition of its newsletter, with information on re-entry conferences, news, and the Second Chance Act of 2007.

Sentencing Committee

Co-Chairs: Barry Boss and James Felman

In our 2006-07 report, the committee noted that our top priority was addressing the unfair disparity between sentences for crack and powder cocaine. During the past year, we are pleased to report that, after receiving input from our committee (and many other groups), the U.S. Sentencing Commission, in fact, did amend the crack guidelines to lower sentences by a modest amount for this group of offenders. After passage of that amendment, the committee turned its attention to having the new guideline made retroactive in order to provide relief to incarcerated inmates. Co-Chair Barry Boss testified before the United States Sentencing Commission in support of retroactivity of the amendment. Despite vehement opposition from the Department of Justice, the amendment was made retroactive by the Commission and Congress accepted the Commission's decision.

The committee then turned its efforts to addressing the crack/powder disparity in a more comprehensive way. Co-Chair Jim Felman testified before the United States Senate Committee on the Judiciary and presented the policy of the ABA that the sentencing disparity between crack and powder cocaine should be eliminated in its entirety. Several bills are pending in the Congress which would accomplish this goal, and the Committee remains committed to continuing its efforts to support passage of such legislation in the coming year.

An additional priority of the committee has been to urge the Sentencing Commission to make greater use of alternatives to imprisonment. The committee submitted written comment to the Sentencing Commission in this regard, and is pleased to observe that the Commission has announced that it will be conducting a symposium on alternatives to imprisonment.

In addition, the committee is organizing the CLE that will be held in conjunction with the Fall Section Meeting. The Sentencing Advocacy, Practice and Reform Institute is scheduled for Friday, October 24, 2008 in Washington, DC. The seminar will feature some of the most well-known sentencing experts in the country, such as Professor Doug Berman and Deputy Solicitor General Michael Dreeben. In addition, there will be three tracks and one will be dedicated to sentencing practice for white collar defense attorneys.

The committee also helped sponsor a telephone CLE in March on the significance of the recent Supreme Court decisions in *Gall v. United States* and *Kimbrough v. United States*.

The Pew Charitable Trusts' Center on the States has an initiative underway to help states advance fiscally sound, data-driven policies and practices in sentencing and corrections to protect public safety while holding offenders accountable and controlling corrections costs. The Pew project is working actively in 13 states, including Texas, and ABA Sentencing Committee vice-chair Carl Reynolds is involved in the Texas work, as well as helping to steer the overall effort on an advisory committee to the National Center for State Courts.

Finally, the committee has proposed a resolution for procedural reform in the federal sentencing process. The resolution supports the recent recommendation of the Sentencing Initiative of the Constitution Project regarding improving procedural fairness in the federal sentencing process.

See *Recommendations for Federal Criminal Sentencing in a Post-Booker World*, available at <http://www.constitutionproject.org/pdf/SentencingRecs-Final.pdf>.

Specifically, the resolution endorses the proposed amendments to Rule 32 of the Federal Rules of Criminal Procedure set forth in the Constitution Project Report. The proposed amendments to the Rule would ensure that both the government and the defense have an opportunity to review the information to be considered by the sentencing court in determining the appropriate punishment. The resolution was adopted by the Criminal Justice Section Council in April and will be considered by the House of Delegates in August.

SPECIALIZED PRACTICE DIVISION

Division Co-Directors: Lynn Branham and James Cole

Amicus Practice Committee

Co-Chairs: Terence Anderson and Rory Little

During the 2007-08 Association Year, the Amicus Committee shepherded two ABA amicus briefs through the amicus brief process, resulting in two Section-sponsored briefs on the merits filed in the U.S. Supreme Court. The committee has also recommended a third brief to support a petition for certiorari. Other Section amicus-related activities included co-sponsorship of a brief submitted by another ABA entity, and an unsuccessful recommendation for an ABA brief in support of a petition for certiorari.

Upon the Section's recommendation, on December 10, the ABA filed an amicus brief in the U.S. Supreme Court in *Virginia v. Moore* (No. 06-1082). Despite a Virginia law requiring citations rather than arrests for such minor offenses, the defendant had been arrested for driving with a suspended license. A search incident to the arrest yielded drugs, and the defendant was subsequently convicted of possession of cocaine with intent to distribute. Upon request of the state of Virginia, the U.S. Supreme Court had granted certiorari to review the state Supreme Court decision affirming the appellate court's reversal of the conviction. The ABA brief, drafted by Rory Little, Peter Drobac and Jeffrey Mikon, informed the Court about the *ABA Criminal Justice Standards on Pretrial Release* that call for citations in lieu of arrest in minor cases in the absence of other aggravating factors. It also explained the rationale of the Standards and the rigorous approval process that ABA Criminal Justice Standards undergo. The brief was cited by the State in the January 14 oral argument. On April 23, the Court remanded the case to the Virginia Supreme Court.

Upon recommendation of the Section, on February 11, the ABA filed an amicus brief in the U.S. Supreme Court in *Indiana v. Edwards* (No. 07-208). The issue before the court in that case is whether states may adopt a higher standard for measuring competency to represent oneself at trial than for measuring competency to stand trial. Defense Committee Co-Chair Jon May drafted the brief which asked the Court to consider the broad-based consensus views embodied in the *ABA Mental Health Standard 7-5.3* and *Special Functions of the Trial Judge Standard 6-3.6(b)* which require counsel for defendants who are mentally incompetent to waive counsel or defend themselves at trial without counsel. The Court issued its opinion on June 19, holding that the Constitution does not forbid States from insisting upon representation by counsel for those

competent enough to stand trial but who suffer from severe mental illness to the point where they are not competent to conduct trial proceedings by themselves. The opinion was the subject of a National Public Radio interview that day with ABA President William Neukom.

At its November Council meeting, the Section approved the Juvenile Justice Committee's request to ask the ABA to file an amicus brief in support of a petition for certiorari in *Pittman v. South Carolina* (No. 07A219). The proposed brief would ask the U.S. Supreme Court to review the South Carolina Supreme Court's decision affirming a mandatory minimum 30-year sentence for a 12 year old boy who had murdered his grandparents. It was based on the *ABA Criminal Justice Standards on Sentencing* that oppose mandatory minimum sentences, and the *IJA-ABA Juvenile Justice Standards* that prohibit trying 12 year olds as adults. Committee Co-Chair Robert Schwartz worked with the law firm of Ballard Spahr Andrews & Ingersoll in drafting the brief. However, in January, the ABA Amicus Committee decided the ABA policy was not sufficiently on point with respect to the length of sentence issue before the Court and accordingly declined to recommend the Board of Governors approve the filing of the brief, at least at the petition for cert stage.

On June 16, the Section's Executive Committee agreed the Section would recommend the ABA file an amicus brief in *Lee v. Louisiana* (No. 07-1523), supporting a cert petition asking the U.S. Supreme Court to consider whether the Sixth Amendment right to jury trial, as applied to the States through the Fourteenth Amendment, allows a criminal conviction based on a non-unanimous jury verdict. The basis for the proposed brief, drafted by Thomas Goldstein of Akin, Gump, is ABA policy calling for unanimous jury verdicts as set forth in the *ABA Criminal Justice Standards on Trial by Jury* (Standard 15-1.1) and the *ABA Jury Principles* (Principle 4.B). If approved by the ABA Board of Governors, the brief will be filed by July 7.

On November 27, the Section's Executive Committee agreed to co-sponsor a subsequently-approved application of the ABA Standing Committee on Gun Violence for a U.S. Supreme Court brief in opposition to a challenge to D.C. handgun possession laws. In *D.C. v. Heller* (No. 07-290), an applicant who was denied registration for a handgun is arguing that the laws violate the Second Amendment. The District of Columbia's motion to dismiss the case was granted by the District Court for the District of Columbia on the grounds that the Second Amendment does not grant any individual the right to bear arms, separate and apart from service in the militia; however, a divided panel of the D.C. Circuit reversed – the first time that a federal appellate court has struck down a gun law based upon the Second Amendment. Filed on January 11, the ABA brief informs the Court of ABA policies supporting the long-established interpretation of the Second Amendment that ties the right to possess firearms to service in the militia. The case was argued on March 18.

Appellate and Habeas Committee

Chair: Jeffrey Green

No report submitted.

Cyber Crime Committee

Co-Chairs: Christopher Painter and David Goldstone

The Cyber Crime Committee co-sponsored and co-organized a very popular panel at the Annual meeting in San Francisco in August 2007. The panel was titled "Invasion of the Personal Information Snatchers" and discussed pre-texting, caller ID spoofing, phishing and other types of online identity theft.

In March 2008, the Cyber Crime Committee completed work on its project, developing and releasing the "Top Ten Tips for Parents to Protect Kids from Online Predators." The tips – which were developed in conjunction with the National Center for Missing & Exploited Children – were turned into an Audio News Release featuring ABA President Bill Neukom that was picked-up by radio stations nationwide and reached a listening audience of more than 8.3 million.

The Cyber Crime Committee has actively supported the Criminal Justice Section's efforts on the ABA's National Institute on Computing and the Law. It was held on June 18-20, 2008 in Washington, D.C. Both co-chairs Christopher Painter and David Goldstone attended and participated.

Homeland Security Committee

Co-Chairs: Barbara Berman and Steven Solow

The Homeland Security Committee has expanded its membership and currently has over sixty members.

The committee posted on its website the article by Criminal Justice Section Chair Stephen Saltzburg, *A Different War: Ten Key Questions About the War on Terror*, 75 Geo. Wash. L. Rev. 101 (August 2007). The committee oversaw the updating of the article summarizing key developments in Homeland Security law, which was published in *The State of Criminal Justice 2007 - 2008*.

Committee member Evan Wolff gave the following presentations: *Chemical Security Briefing*, Critical Manufacturing Sector Coordinating Council, Washington DC, March 27, 2008 and *State & Local Emergency Preparedness - National Response Framework: Will We Be Prepared the Next Time?*, ABA Homeland Security Institute, Washington DC, January 17, 2008, which was co-sponsored by the Criminal Justice Section.

The committee continues to serve as liaison for the Criminal Justice Section to the Advisory Committee of the ABA Enterprise Fund on National Security Debates. As a result, the Criminal Justice Section is a co-sponsor of the presentation, *Privacy and National Security: Is It Time to Afford Greater Protection to Business Records?*, on Saturday, August 9 at the New York Annual Meeting. The committee will continue to participate and comment on the development of other materials by the Advisory Committee during July and August.

In April, the Department of Justice informed the committee that it would stand on its previous comments regarding the material witness statute. This permits the committee to finalize the

report and recommendations for the Council. Jeff Green of Sidley & Austin continues to lead this working group and it is hoped that the report will be available prior to the November meeting.

Prior to the departure of Ken Wainstein as head of the National Security Division, the committee began the process of establishing a series of dialogue meetings similar to those that the White Collar Crime Section has with the Criminal Division. With Mr. Wainstein's departure, the committee will renew this effort with his successor, Pat Rowan, who became the AAG at the end of March, 2008. The committee will propose to Mr. Rowan that the meetings begin starting in the Fall of 2008, with an eye on discussing issues likely to face the next Administration in this area in light of both current events and legal developments.

With regard to the United States Supreme Court's recent decision in *Boumediene Et Al v. Bush, President of The United States, Et Al*, committee members are working on legal analysis and on a colloquium to be held in Washington, D.C. Finally, the committee has prepared summaries of more than fifteen recent criminal prosecutions by the Department of Justice related to Homeland Security, which will be posted on the committee's webpage.

Immigration Committee

Co-Chairs: Sara Dill and Robert McWhirter

In its third year of existence, the Immigration Committee continued its efforts to develop the committee, legal education programs, ABA policy and publications. Over the past year, membership continued to increase as awareness rose, especially with law students and young lawyers.

On March 1, 2008, the Immigration Committee and the ABA sponsored an Immigration Law Symposium at the University of Miami Law School. Committee co-chair Robert McWhirter gave a presentation on the immigration consequences of criminal convictions and co-chair Sara Elizabeth Dill spoke to audience regarding identifying, preventing, and assisting victims of human trafficking. Other notable speakers included: R. Alexander Acosta, United States Attorney for the Southern District of Florida, Honorable Denise Noonan Slavin, United States Immigration Judge, and Attorney Ira Kurzban. The event was attended by over fifty practitioners and students, and was approved for continuing legal education credits.

The committee also published a chapter in the Section's *The State of Criminal Justice*, highlighting the developments in immigration and criminal law, as well as alerting practitioners to important issues on the horizon. Publications also continue to be a strong focal point of the committee, including the continued sale of *The Criminal Lawyer's Guide to Immigration Law* and the new publication, written by Robert McWhirter, *The Citizenship Flowchart*.

Most notably, the committee commenced work with the Standards Committee in an effort to draft additional language for standards for prosecutors and defense counsel in criminal cases involving non-citizen. The committee hopes to improve representation of non-citizens and ensure that all rights and collateral consequences are considered during any criminal proceeding.

Throughout the year the committee continued to develop proposed resolutions and to work with other entities within the ABA on pending resolutions and coordinating efforts. The committee

continues to actively monitor developments in the law, changes in local and state laws affecting immigrants, and current proposed programs and legislation that impact immigration and criminal practitioners.

International Committee

Co-Chairs: Luz Nagle and Buddy Parker

The International Committee has endeavored throughout the year to coordinate and liaise with the Business Crime Committee of the International Bar Association. Efforts began last June when the IBA held its annual Transnational Criminal Conference in Washington, D.C., which was co-sponsored by the ABA Criminal Justice Section. These efforts were furthered when the committee, with the assistance of the Criminal Justice Section, obtained permission from the Operations and Communications Committee of the Board of Governors to co-sponsor this year's Transnational Criminal Conference, to be held in London, June 12-14. With greater coordination between these respective committees, more attorneys, solicitors and judges with interest in international criminal issues will be attracted to participate in both the ABA and the IBA. Also, more joint programs should be offered with an eye on furthering a truly international effort in addressing transnational crimes, particularly in the area of white collar crime.

International Committee co-chair Luz Nagle participated in several events on behalf of the ABA and in her capacity as vice-chair of the Criminal Law Section of the International Bar Association. Her efforts on behalf of both the ABA and the IBA have been intended in part to serve as a bridge to improving relations between the two organizations. In April 2008, Luz was a delegate for the International Bar Association to the United Nations Seventeenth Commission on Crime and Justice in Vienna. While there she took the opportunity to inform other delegates about the work of the IBA and ABA and the interests both organizations share in pressing international law and international criminal law issues. A report of the conference was prepared and distributed to committee members. In October 2007, Luz was the Session Chair for a joint program with the IBA's Anti-Corruption Section on *Organized Crime, Corruption and Terrorism: All about the Money*, held at the IBA's annual conference in Singapore. During that program, Luz informed the participants of the ABA's efforts to address these issues, especially noting the white paper on corruption drafted by the ABA last year. Also in October 2007, Luz was a panelist speaking on the destruction of water resources by narcotraffickers and internal armed combatants in Andean nations at the program, *Wetlands in War: International Environmental Law and Damages to Aquatic Resources during Conflict*, at the ABA Fall Meeting in London. In August 2007, Luz served as a panelist on the CLE Showcase Program: *Lessons of Nuremberg*, at the ABA Annual Meeting in San Francisco. Luz continues to work to inform the IBA about the work of the ABA and to attempt to bring the two organizations closer together on compelling issues of international law and mutual common interests regarding international practice.

Efforts to compile a practical guide to assist lawyers involved in the international extradition law and practice were not successful, however, because the topic was substantially addressed in a well-written lead article in the *Criminal Justice Magazine*. Thus, the entire Criminal Justice Section was informed of the various pitfalls to representation of individuals sought by other governments for alleged criminality in foreign jurisdictions.

Lastly, the committee was represented in December 2007 in a BBC radio production of a discussion among British barristers and American lawyers about the US-UK extradition treaty. The principal case used as a basis for the dialogue was the prosecution in Houston, Texas of the Enron spinoff involving the British bankers known as the NatWest Three.

PROFESSIONAL DEVELOPMENT DIVISION

Division Co-Directors: Barbara Berman and Robert Litt

CLE Board

Chair: Catherine Beane

The CLE has focused considerable energy this quarter on planning the Fall 2008 CLE Program. Spearheaded by section members Jim Felman and Barry Boss, the CLE program will focus on sentencing issues, trends, and innovations in the criminal justice system. The program has been designed to appeal as broadly as possible to attendees from across the criminal justice spectrum – from those who focus on white collar issues to those prosecutors, judges, and defenders involved in garden-variety criminal matters; from litigators to policy advocates and sentencing specialists; from federal to local practice. The program will begin with an opening plenary session on “the state of the sentencing union,” followed by concurrent breakout sessions on a range of topics, including: a five-year retrospective on Sarbanes-Oxley; sentencing advocacy and mitigation practice and pointers; alternatives to imprisonment, such as mediation, diversion and drug courts; an update on sentencing law from the US Supreme Court, appellate courts, and Congress; sentencing practice and procedure; prison conditions, good time, and other sentence reduction issues; and the future of federal sentencing law.

See also the Continuing Legal Education report on page 15.

Criminal Procedure, Evidence and Police Practices Committee

Co-Chairs: David Aaronson and Clifford Fishman

The Criminal Procedure, Evidence and Police Practices Committee has drafted a recommendation calling for the updating and strengthening of the current ABA policy on racial profiling by law enforcement agencies, and urges Congress and all state legislatures to enact effective and appropriate legislation against racial profiling by law enforcement agencies and officers engaging in domestic law enforcement. The committee proposal requires police departments to have a written policy banning racial profiling and focuses not only on training all line personnel but also to institute operational supervision to ensure compliance with the policies and training. Unlike the current ABA resolutions, the committee proposal recommends not only analysis of the data, but publication of the data as well. The committee’s recommendation would provide funds – via legislation at the state or federal level – available to implement the policies, especially for training of officers. The entire recommendation and report is available at www.abanet.org/crimjust/policy/profiling.pdf.

The committee will be submitting a recommendation urging Federal, state, local, and territorial trial judges to consider giving a cross-racial identification jury instruction in certain cases to

guard against the enhanced risk of misidentification. Additionally, it recommends jurisdictions develop measures, including procedures for the procuring and use of expert witnesses and the developing of model instructions, which address the increased risk of cross-racial misidentification in appropriate cases. The entire recommendation and report is available at www.abanet.org/crimjust/policy/eyewitness.pdf.

Co-Chair David Aaronson submitted an article to the *Criminal Justice* Section Spring 2008 magazine entitled "Cross-Race Identification of Defendants in Criminal Cases: A Proposed Model Jury Instruction."

This committee also proposed a CLE at the ABA Annual Meeting entitled "The Legality and Practicality of Remote Witness Testimony."

Innocence Subcommittee

Co-Chairs: Paul Giannelli and Myrna Raeder

Many of the original participants in the Section's Ad Hoc Innocence Committee reconvened on Feb. 8th, when Southwestern Law School held a full day Law Review Symposium on Wrongful Convictions, which was co-sponsored by the Criminal Justice Section. More than 80 people attended the conference, which was organized by committee co-chair, Myrna Raeder. Panelists included Dino Amoroso, Judge Arthur Burnett, Sr., Barry Fisher, Susan Gaertner, Gigi Gordon, committee co-chair Paul Giannelli, Rory Little, Jennifer Mnookin, Myrna Raeder, Andrew Taslitz, William Thompson, Gerald Uelmen, Henry Weinstein, and Kenneth Williams. Peter Neufeld was the luncheon speaker. The panels, additional articles and the ABA report, *Achieving Justice: Freeing the Innocent, Convicting the Guilty* will be published in the Southwestern Law Review this fall.

A number of our committee members continue to advance innocence related issues in their writings and presentations. For example, Paul Giannelli, co-chair of the committee is now the ABA advisers to the Drafting Committee on Electronic Recordation of Custodial Interrogations of the National Conference of Commissioners on Uniform State Laws. In addition, Andrew Taslitz is the reporter of that drafting committee. Committee co-chair Myrna Raeder presented comments to California's Commission on the Fair Administration of Justice concerning compensation of exonerees and systemic remedies. Judge Burnett is organizing a panel at the upcoming annual meeting of the National Bar Association concerning eyewitness misidentification and false confessions, at which Myrna Raeder will discuss the relevant ABA policies. Barry Fisher was appointed a member of the California Crime Laboratory Review Task Force. The innocence committee will determine its priorities for the upcoming year via our listserv.

Defense Function Committee

Co-Chairs: Jon May and Pauline Weaver

The Defense Function/Services Committee began this year with the goal of increasing the participation of its membership in the work of the committee. We felt that our members were hungry for the opportunity to become involved in addressing a host of issues that affect their day to day representation of the accused. As we embarked on an ambitious series of initiatives, we found no lack of individuals willing to get actively involved. Specifically:

- 1) In December, we conducted a teleconference on Defense Function Standards which was attended by over 20 individuals and resulted in a recommendation presented to the Defense/Prosecution Function Task Force. In January, a second teleconference was held to discuss Prosecution Function standards which also resulted in a recommendation presented to the Defense/Prosecution Task Force. Although there was some concern that teleconferences involving a large number of participants would become unwieldy, we instituted procedures that insured that everyone stayed on topic and that anyone who had something to contribute had the opportunity to do so.
- 2) Scott Slonim, chair of our indigent defense sub-committee worked with Prof. Rodney Uphoff to prepare a response to an inquiry from the Defense/Prosecution Task Force on the obligations of defense counsel in cases where testimony to be presented by a defense witness is contradicted by what the defendant told counsel. Their conclusion was that counsel could present the witness's testimony.
- 3) A new committee was constituted for the purpose of developing proposals for habeas corpus reform. This committee is headed up by Karyl Krug with assistance by Pauline Weaver and Jennifer Thompson.
- 4) Ellen Brotman prepared a report that was adopted by the ABA addressing the ABA's position on rules restricting electronic access to plea agreements.
- 5) Jon May and Robert Buschel drafted an amicus brief in *Indiana v. Edwards* which was filed in the Supreme Court.
- 6) Richard Goemann, Scott Slonim, and Bob Boruchowitz continue to look into the problem of funding for indigent defense.
- 7) Cynthia Orr and Jon May prepared an update for the Defense Function/Services chapter in *The State of Criminal Justice*.
- 8) Finally, the Defense Function listserv has been used to forward articles and other legal materials that may be of use to our members. Response to this new practice has been very positive.

Ethics, Gideon and Professionalism Committee **Co-Chairs: Bruce Green and Ellen Yaroshefsky**

The committee co-chairs, Ellen Yaroshefsky and Bruce Green, developed a proposal to add Rules 3.8(g)&(h) to the ABA Model Rules of Professional Conduct and assisted the Section's chair, Steve Saltzburg, and CJS staff to shepherd the proposal through the ABA. The proposal garnered co-sponsorship from other ABA entities and bar associations. The rules were adopted in February 2008 by the ABA House of Delegates.

The committee is working to develop a proposed exception to the current confidentiality rule (ABA Model Rules of Professional Conduct, Rule 1.6) to address lawyers other than prosecutors who possess exculpatory evidence. The current version would provide: "A lawyer may reveal information relating to the representation of a deceased client to the extent the lawyer reasonably believes necessary to prevent or rectify the wrongful conviction of another." The proposal has been circulated to other CJS committees and to the Council. Ellen Yaroshefsky led a discussion of an earlier version at the Council meeting in Charleston in April.

The committee commented on a proposed change to the conflict of interest rules of the ABA Model Rules in order to permit screening of lateral lawyers. The proposal was developed by the ABA Standing Committee on Ethics and Professional Responsibility. The committee also commented on a proposal to urge courts to use the term “prosecutorial misconduct” more selectively and has offered to assist in refining the proposal.

The committee co-chairs worked with Section chair and the CJS staff to organize the Section’s Fall Conference, titled, *Ethics and Professionalism in Plea Bargaining: Best Practices and Worst Pitfalls*. The conference was held in Washington, D.C., on November 2, 2007. The panel discussions addressed four topics: “Best and Worst Negotiating Practices,” “How Prosecutors and Defense Lawyers Can Make Good Decisions about Plea Bargaining,” “The Terms of the Agreement,” and “Implementing the Agreement.” Judah Best gave the keynote speech, which looked back on his representation of Vice President Spiro Agnew. The sessions were coordinated by Prof. Peter Joy, who is a committee member, and by Professors Yaroshefsky, Green and Saltzburg. Prof. Yaroshefsky moderated one of the panels. The program was lively, informative and well attended.

Prof. Yaroshefsky gave a presentation at the Charleston meeting on the ethics of cross-examination.

The committee organized, and Prof. Green moderated, an ABA-CLE Teleconference on October 3, 2007, titled, “Corporate Representation after DOJ’s McNulty Memo: The Implications of DOJ Policy for White Collar Defenders, Internal Investigators, Civil Litigators and Everyday Business Advisors.” The speakers were Benton Campbell, Jan Handzlik, and Marcellus McRae.

Judicial Function Committee

Co-Chairs: Martin Marcus and Sheila Murphy

The goals of the Judicial Function Committee for 2007-8 were: (1) developing active judicial participation in the work of the committee; (2) establishing a dynamic and informative home page; (3) developing best practice tips for Section publications and the home page on subjects of interest to judges dealing with criminal justice issues; and (4) enhancing the implementation of the Commission on Effective Criminal Sanctions.

As a recently established committee with no history of active participation by its members (its membership was created simply by adding all judges in the Section to its roster), the committee must still find a way to stimulate interest and involvement among its present members and to bring in new ones.

The committee has, however, established a home page that provides information for judges in four areas. First, given the stunning results obtained by innocence projects around the country and their importance for the future of the criminal justice system, and given the relevance of those results to the work of the Commission on Effective Criminal Sanctions, we have included on the home page a list of cites for the home pages of the innocence projects active in a number of states and for reports summarizing the results obtained by these projects. Second, because many states have placed their standard criminal jury instructions on the web, and because it could be useful

for judges to access instructions in states other than their own, we have listed on the home page the websites of those criminal jury instructions available online. Third, given the plethora and importance of decisions concerning *Crawford v. Washington* and its progeny, we have provided on the home page a collection of citations to recent *Crawford*-related decisions issued by state supreme courts. Fourth, given the increasing concern about the collateral consequences of a criminal conviction, we have included citations to reports, articles and other references concerning this topic. The committee hopes to also post additional information on other topics, including newspaper and magazine articles of general interest to the judiciary.

On November 2, 2007, co-chair Martin Marcus participated as a panelist on “Ethics and Professionalism in Plea Bargaining: Best Practices and Worst Pitfalls” in Washington, DC, sponsored by the Criminal Justice Section. The committee co-chairs also sent out to the members of the committee an invitation to submit “Practice Tips” to include in the *Criminal Justice Section Newsletter*, relating, for example, to innovative methods for managing a lengthy docket, organizing jury selection, charging a jury, dealing with difficult lawyers or defendants, permitting juries to ask witnesses questions, take notes or (in jurisdictions that permit it) discussing the case before deliberations begin.

The recent Pew Center on States report states that more than 2.3 million Americans (1% of the population) are incarcerated in 2008. This is more than any nation in history, more than China, which has a much larger population. This Report gives the Judicial Function Committee the opportunity to consider – whether in the form of a CLE, a report, a proposed ABA resolution, or some combination thereof, and perhaps aided by other interested committees – how the criminal justice system can effect changes in case management to provide individual assessment and treatment for alcohol, drugs and mental illness, reduce the \$49 billion now spent on incarceration and provide better safety to communities at the same time. As part of this effort, the committee also intends to address the unintended consequences to children of the incarceration of their parents.

Prosecution Function Committee

Co-Chairs: Mike McCann, Michael Moore and David Simon

The Prosecution Function Committee held two meetings this fiscal year. The first meeting was at the Criminal Justice Section Fall Meeting in Washington, DC on November 2, 2007. The following items were discussed: sentence mitigation for youthful offenders, proposal to amend Rule 3.8 – final reading, Prosecutorial Investigation Standards, Witness Intimidation Project, prosecutorial misconduct, and the Gun Violence Committee (“Shoot First” / “Stand Your Ground” proposals).

The second meeting was at the Criminal Justice Spring Meeting in Charleston, SC on April 4, 2008. The following items were discussed: FRCP – Crime Victims’ Rights Act, ABA-CJS December 2007 Policies Update, JAG control, Anoka County Case Resolution Program, dual jurisdiction youth, Standards on DNA Evidence, cross-racial eyewitness identification, proposed confidentiality exception to Rule 1.6, racial profiling proposal, and prosecutorial misconduct.

The committee will meet at the ABA Annual Meeting in New York City on Friday, August 8, 2008. The following items will be discussed: the definition of prosecutor misconduct, proposed

changes to Rule 3.8 (g) & (h), mandatory recording of custodial interrogations, sequential line-ups, and the new goals for the committee.

Science and Technology Committee

Co-Chairs: Todd Foster and Andrew Grosso

The Committee for Science and Technology has changed its name to Science, Technology and Forensics this year. The committee organized the ABA's 2nd National Institute on Computing and the Law, entitled *Cyber Law: Expanding the Horizons*. Conference presenters and panelists are nationally-known professionals including practitioners, judges, academics and scientists. The institute took place at the Mandarin Oriental in Washington, DC on June 18-20 for over 60 participants.

COMMUNICATION, MEMBERSHIP AND SERVICES DIVISION

Division Co-Directors: Susan Gaertner and Andrew Taslitz

Book Board

Chair: Amie Clifford

The Book Board has had a very busy and productive year. Two new publications have already been published this Bar year and several others are scheduled for publication either before the end of this Bar year or in the first half of the next Bar year. There are also several publications in the works.

Publications

Current Section publications that were published through the Book Board are:

- *The Criminal Lawyer's Guide to Immigration Law: Questions and Answers* (Second Edition) and *The Citizenship Flowchart* (published at end of 2006-2007 Bar year), both by Robert James McWhirter;
- *Street Legal* by Ken Wallentine (NEW for 2007-2008 Bar year; has sold phenomenally well);
- *Vouching: A Defense Attorney's Guide to Witness Credibility, Law and Strategy* by Donna Lee Elm (NEW for 2007-2008 Bar year);
- *Leapholes* by James Grippando (ABA's second fiction work, but first to be directed at the youth market; it has continued to sell phenomenally well);
- *Asset Forfeiture: Practice and Procedure in State and Federal Courts* by Dee Edgeworth;
- *Environmental Crimes Case: From Pretrial Proceedings to Sentencing Guidelines* by David S. Krakoff and Gary S. Lincenberg;
- *Portable Guide to Federal Conspiracy Law: Tactics and Strategies for Criminal and Civil Cases* (Second Edition) by Joseph F. McSorley;
- *Successive Criminal Prosecutions: The Dual Sovereignty Exception to Double Jeopardy in State and Federal Courts* by Adam Harris Kurland; and
- *The Shadow of Justice* by Milton Hirsch (ABA's first fiction work).

Titles to be published through the Book Board at either the end of this Bar year or within the first half of the 2008-2009 Bar year include:

- *Asset Forfeiture: Practice and Procedure in State and Federal Courts* (Second Edition) by Dee

Edgeworth (expected publication date — August 2008);

- A book on Section 2255 Motions (title yet to be finalized) by Janice Bergmann;
- A book containing based on the ethics articles written by Peter Joy and Kevin McMunigal for *Criminal Justice Magazine*; and
- *Fourth Amendment Handbook* (Third Edition).

Additional publications in the works include books on the corporate criminal, contraband and counterfeiting, money laundering, careers in criminal law, the Fifth Amendment, collateral consequences, and white collar crime, as well as another work of fiction, as well as a Spanish version of *The Citizenship Flowchart*.

Marketing

ABA Publishing continues to do a wonderful job with the marketing of the Section's publications. The members of the Book Board have made some helpful suggestions of audiences to target. A brochure marketing publications published through both ABA Publishing as well as the Section is in the works; it is expected to further increase sales.

General

This spring, the board decided to meet via conference call in between its in-person meetings. The first of these meetings, held this month, proved to be very beneficial.

The board would also again like to acknowledge the great work done by the wonderful folks at the ABA Publishing who have worked with the board this year — Timothy D. Brandhorst, Executive Editor, who worked with us through mid-year (when he was promoted), Sarah Forbes Orwig, Executive Editor, Book Development & Publishing, and Neal W. Cox, Director of Marketing. Kyo Suh, Technology/Publications Manager for the Section and the staff liaison to the board, has also done a wonderful job with the publications published by the Section itself (*The State of Criminal Justice*, edited by Victor Streib, and *Trial Tactics*, by Stephen Saltzburg).

The board has benefited not only from the work of ABA staff, but also from the contribution of its members. This year, we had six veteran members (Carol Garfiel Freeman, Paul M. Rashkind, Sharon Rubinstein, David Simon, Vernon G. Stejskal, Michael D. Wims) and three new members (Gary H. Collins, George B. Donnini, and Robert McWhirter). Those Section members who have not served on the Book Board may not understand that all members of the board actually work on Section publications in some way — they solicit ideas and authors, read and evaluate book proposals and manuscripts, identify or seek out “experts” to serve as peer reviewers, and, at least once during their term on the board, serve as liaisons to authors and sheppard the authors through the process. Additionally, some members engage in initial editing or serve as authors or contributing authors. It is a labor-intensive board staffed by volunteers who work very hard.

See also the Publishing report on page 11.

Criminal Justice Magazine Editorial Board

Chair: J. Vincent Aprile II

The *Criminal Justice* magazine editorial board last met on April 26, 2008 at the ABA headquarters in Washington, DC. The Spring 2008 issue featured the introduction of additional color (2-color format instead of prior 1-color format), as well as other design revisions. These design changes were accomplished by the ABA Publishing without charge to the magazine because they were necessitated in part by the change to the 2-color format and because these revisions would facilitate the layout work of the magazine's art director, Kelly Book. At the April 2008 meeting the editorial board voted unanimously to commend Ms. Book for the superb job she did in designing and implementing these format and design changes. Both she and her immediate supervisor at the ABA Publishing were notified in writing of the board's commendation.

In addition to the ongoing pursuit of authors and articles, the board continues its work on a variety of magazine topics, such as: designing and implementing a new readership survey (probably electronically) and/or the incorporation of such a readership survey in an upcoming Section general membership survey; work continues on the creation of a new readership subcommittee, primarily composed of Section members not on the board, to provide additional perspectives and diversity on articles and authors; devising a method of assessing the impact of the articles and columns published in the magazine by tracking where those works are cited, whether in other publications, cases, or on the internet; a continuing effort by the board to identify new sources for commercial advertisements for the magazine; and a commitment to run several articles and/or columns on "Careers in Criminal Justice," to create interest in a new ABA book proposal on that same topic.

In the Winter 2008 issue, the magazine revived the Indigent Defense column, which will now be written by Georgia Vagenas of the ABA's Standing Committee on Legal Aid and Indigent Defense (SCLAID). Ms. Vagenas' first column was entitled "National Developments in 2007."

This year's symposium issue of *Criminal Justice* magazine will be on "Guilty Plea Negotiations" and is being edited by the magazine's symposium editor and board member, Andrew Taslitz. This year's symposium issue is scheduled to be the Fall 2008 issue. The editorial board is committed to publishing an annual symposium issue as one of the four issues of the magazine. The symposium issue each year addresses a different topic than previous symposium issues.

Over the last few years the chair of the editorial board has worked closely with the magazine's art director in brainstorming and developing the concepts for the images (art work) for the magazine's cover and to complement the major articles.

This year the vice-chair of the editorial board is David P. Leonard, Professor of Law and William M. Rains Fellow at Loyola Law School, Los Angeles, California.

The next meeting of the editorial board is scheduled for Saturday, August 9, 2008, at the ABA Annual Conference in New York. Although the editorial board routinely meets three times a year, a substantial amount of the board's work is accomplished by e-mail utilizing the board's list server.

Criminal Practice Management/Solo & Small Firm Committee

Co-Chairs: Nina Marino and Solomon Wisenberg

The Solo/Small Firm Committee held its first ever event at the ABA Annual White Collar Crime Conference in Miami. This was an opening night welcome reception for small and solo attorneys and firms attending the conference. The reception, sponsored by 20 members of the Solo/Small Firm Committee, was well attended and considered to be a huge success by informed sources who prefer to remain anonymous. The reception also furthered our committee goals of developing a nationwide network of solo and small firm attorneys specializing in high-end federal white-collar work.

Nina Marino and Richard Kaplan organized a committee-sponsored California seminar on DUI defense tactics.

We recently afforded all committee members the opportunity to have their websites linked to our Solo/Small Firm ABA website. This will increase the availability of information about our members and improve their web site traffic through linkage.

We continue to work on developing our solo/small firm pro hac vice network and city-specific big firm/small firm referral network.

Communication, Awards and Memberships Committee

Co-Chairs: Brice Aikens, J. Vincent Aprile II, Cheryl Jacobs

See the Membership and Awards report on page 26.

Law School and Academic Function Committee

Co-Chairs: Luz Nagle and Mark Wojcik

The Law School and Academic Function Committee has changed its name to Law Student Activities Committee.

Legislative and Policy Committee

Co-Chairs: Margaret Love and Matthew Redle

During the year the committee has worked closely with the Office of Government Affairs to monitor legislative developments in Congress and the U.S. Sentencing Commission affecting the criminal justice system. During the year, we were gratified to see Congress pass the Second Chance Act, which the ABA had strongly supported. The Court Security Act directs preparation of a survey of state collateral consequences. The ABA testified in support of amendments to the Prison Litigation Reform Act, and modifications to the crack-powder cocaine differential mandated in the U.S. Sentencing Guidelines.

The ABA testified in support of guidelines amendments relating to the sentence reduction authority in 18 USC 3582(c)(1)(A)(i), and relation to the retroactive application of amendments to the crack guidelines. We have worked with staff of the Senate Judiciary Committee to develop

legislation to address racial disparity in federal investigations and prosecutions. We are monitoring competing approaches to gangs in the Senate and House.

The committee made presentations on alternatives to incarceration to the United States Sentencing Committee, and to committees of the Massachusetts and New York legislatures. It has worked with the advocacy groups in Illinois on amendments to that state's legislation authorizing certificates of relief from disabilities and certificates of good conduct.

Long Range Planning Committee

Chair: Robert A. Johnson

The Long Range Planning Committee developed a series of initiatives the Section could undertake to advance the Section as the pre-eminent authority on criminal justice in the United States. While determining there was merit in increasing our Criminal Justice Standards effort, providing more staff support for committees, developing a better index system of CJS policy and criminal law-related ABA policy, and providing training for the international tribunal defense bar, the committee concluded the superior initiative is to convene a criminal justice "congress" which would determine the specifics of a program to be undertaken by the Section.

The committee proposed to the Executive Committee that in the 2008-2009 budget year, the Section employ a staff attorney to facilitate the convening of the "congress" and coordinate the work that follows. The congress would invite three representatives from each of the six organizations having an institutional seat on the Council. The chair of the Section would determine what representation the Council would have and how the meeting would be conducted. The meeting would be held in Washington, DC, and expenses of attendees would be paid by the Section.

At the meeting the participants would take up the question of how the Section should focus its efforts and resources to improve the criminal justice system. The committee anticipates this meeting would recommend an initiative and provide guidance on how the initiative could be successfully developed.

The range of recommendations the congress could consider is not limited. The committee suggests, however, the congress consider training in the exercise of discretion, ethical issues facing practitioners, management training, and racial disparity in the criminal justice system. After the congress focuses its interest in a particular area, the congress should consider how best to implement the program. The structure of a program, i.e., how training, if any, should be provided, whether articles or policy positions should be developed, whether the program is implemented in conjunction with Council meetings or separate, and the level of expenditure necessary for the program to have a reasonable level of success.

The Executive Committee in two successive meetings approved moving forward with the initiative. It specifically approved budgeting for the employment of an attorney to work on the project and the convening of a Criminal Justice Congress. If the budget is passed at the annual meeting, we may look forward to the Section moving forward in a significant manner to improve our criminal justice system.

WHITE COLLAR CRIME DIVISION

Division Co-Directors: Charles Hynes and Ronald Nessim

White Collar Crime Committee

Co-Chairs: Gary Collins and Janet Levine

The WCCC continued to take a leadership role in 2008 in advancing the Section's goals of education, promotion of policy initiatives, and providing a platform to help develop the next generation of criminal justice experts. We work to foster a continuing dialogue between defense attorneys and the Department of Justice, particularly in areas of national policy.

Both the WCCC's regional and substantive subcommittees worked collaboratively to put on a record number of national institutes covering Securities Fraud, the Foreign Corrupt Practices Act, Criminal Tax Fraud, Gaming Law, Health Care Fraud, Computer Forensics, and the Civil False Claims Act. This menu of national programming was punctuated by the *22nd Annual National Institute on White Collar Crime* in March. A record number of more than 1400 practitioners gathered in Miami to benefit from the expertise and insights of a unique blend of judges, federal, state and local prosecutors, other law enforcement officials, defense attorneys, corporate in-house counsel, and members of the academic community. Our institute, founded by former committee co-chair and National Institute program chair, Ray Banoun, stands alone as the preeminent gathering of criminal justice practitioners in the country. The committee is actively planning a National Institute for In-House Counsel that is expected to benefit the Section and its members on the same scale as our National Institute on White Collar Crime.

A robust year of local programming was highlighted by a program entitled *Protecting the Attorney-Client Privilege in 2008: What Arlen Specter and the Senate Judiciary Committee are Doing for You*. The program, organized by the Mid-Atlantic subcommittee (Efrem Grail, Nicholas Harbist), the Attorney-Client Privilege subcommittee, the Philadelphia Young Lawyers subcommittee and the Criminal Justice Section, featured Senator Specter's insights on his proposed Attorney-Client Privilege Protection Act and the Senate's recent approval of Federal Rule of Evidence 502. This program provided yet another valuable venue for our members to participate in the most important dialogue and policy initiative of our time. Other local programming included CLE events about stock option prosecutions, the FCPA, political corruption and international criminal investigations.

This year's work on policy initiatives also included proposed model Upjohn warnings and ethical issues raised by government requests for privilege waivers and other forms of cooperation.

Finally, the WCCC's quarterly Newsletter, featuring written scholarship from our members, has served as an important vehicle for the WCCC to not only educate the greater legal community on key issues in the white collar crime arena but also provided an important platform to introduce the bar to the next generation of white-collar experts.

CRIMINAL JUSTICE STANDARDS COMMITTEE

Chair: Irwin Schwartz

Nomination for ABA Meritorious Service Award

This year marked the 40th anniversary of the approval of the original 17 volumes of ABA Criminal Justice Standards. Section Chair Stephen Saltzburg recommended the Standards project for the ABA Section Officers Conference Meritorious Service Award. The Award is for a program, project or other initiative that is “of extraordinary benefit to the profession, the public, and/or the Association.” Mr. Saltzburg’s recommendation highlighted the House of Delegates approval of new *Standards on Prosecutorial Investigations* and the publication of new *Standards on DNA Evidence*. He also recognized other Standards projects in various stages of the multi-year Standards “pipeline” that are addressing legal treatment of prisoners, diversion and special courts, transaction surveillance, and post-conviction remedies (see below). The finalists and winner will be announced at the 2008 Annual Meeting.

Biological Evidence

Task Force Chair: Judge Martin Marcus; Reporter: Prof. Paul Giannelli

Early in the new year, the new DNA Evidence Standards were published with commentary, and a pdf version of the publication made available on the Section website. Because of the timeliness of the subject matter, these Standards were selected by the Section’s Policy Implementation Committee as a prototype for its implementation efforts of a broad range of Section-initiated policy recommendations. As a step in the implementation strategy identified by the Committee, in April Section Chair Stephen Saltzburg sent a copy of the publication to each state supreme court chief justice, with a recommendation the Standards be considered for inclusion in the states’ rules of criminal procedure and evidence.

Prosecutorial Investigations

Task Force Chair: Prof. Ronald Goldstock; Reporter: Steven Solow

In November, the Criminal Justice Section Council concluded the second reading of proposed new Standards on Prosecutorial Investigations, and approved them for submission to the ABA House of Delegates. In February, the House of Delegates approved them as a supplement to the *Prosecution Function Standards*. Steven Solow is currently drafting commentary to accompany the approved “black letter” in a printed publication.

Legal Status of Prisoners

Task Force Co-Chairs: Margaret Love, Alvin Bronstein; Reporters: Prof. Michele Deitch; Prof. Margo Schlanger

In November, proposed revisions to the Legal Status of Prisoner Standards were submitted to the Standards Committee by the drafting task force. The Standards Committee subsequently met four times with task force representatives to review the lengthy proposed Standards. Margo Schlanger is currently making revisions to address issues or concerns raised by the Committee.

Prosecution and Defense Function

Task Force Chair: Judge John Tunheim; Reporter: Prof. Rory Little

Over the course of the year, this task force met three times, bringing the total number of meetings on these two volumes to nine. The Task Force expects to meet one additional time in the coming year before transmitting its proposed revisions to the Standards Committee.

Diversions and Special Courts

Task Force Chair: Judge Irma Raker; Reporter: Prof. Walter Dickey

This task force is drafting Standards to replace and broaden Standards in the second edition of the Pretrial Release Standards on "Conditional Release Pending Diversion." During the current year, it met three times, bringing its total number of meetings to six.

Transaction Surveillance

Task Force Chair: Justice Michael Bender; Reporter: Prof. Stephen Henderson

This task force is drafting new Standards on law enforcement access to private third party records about individuals' transactions including, but not limited to, telephone calls, e-mail exchanges, internet use, credit card purchases, etc. The Task Force held its second, third and fourth meetings this Association Year.

Post-Conviction Remedies

The Standards Committee has decided to commission a new task force to propose revisions to the third edition Post-Conviction Remedies Standards. These Standards were last revised in August 1978 and published in 1980. They are one of three of the original 17 volumes not updated to a third edition (the others being Urban Police Function, Joinder & Severance, and Criminal Appeals). Former Section Chair Robert Johnson will chair the Task Force. The Committee is soliciting recommendations for other project participants.

IX. SECTION LEADERSHIP ROSTER

CRIMINAL JUSTICE SECTION LEADERSHIP, 2007-2008

OFFICERS:	(term expires)	
CHAIR	2008	Stephen A. Saltzburg, Washington, DC
CHAIR-ELECT	2008	Anthony Joseph, Birmingham, AL
FIRST VICE CHAIR/VICE CHAIR PLANNING	2008	Charles Joseph Hynes, Brooklyn, NY
DELEGATES	2009	Stephen A. Saltzburg, Washington, DC
	2008	Neal R. Sonnett, Miami, FL
BUDGET OFFICER	2009	Ronald Goldstock, Larchmont, NY
FIVE VICE CHAIRS AT LARGE	2008	James Cole, Washington, DC
	2008	Susan Gaertner, Saint Paul, MN
	2008	Ernestine Gray, New Orleans, LA
	2008	Robert Litt, Washington, DC
	2008	Bruce Zagaris, Washington, DC
LAST RETIRING CHAIR	2008	Robert Johnson, Anoka, MN
 BOARD OF GOVERNORS LIAISON:	2009	Bettina B. Plevan, New York, NY
 COUNCIL MEMBERS:		
	2008	Dino G. Amoroso, Brooklyn, NY
(NLADA)		TBD
	2009	Mary Boland, Chicago, IL
	2010	Lynn Branham, Champaign, IL
	2009	Stephen Bronis, Miami, FL
	2010	Bruce Brown, Ft. Lauderdale, FL
	2010	Christopher Chiles, Huntington, WV
(DOJ)		Jonathan Wroblewski, Washington, DC
	2009	Michael Hamden, Raleigh, NC
(NDAA)		Mathias H. Heck, Jr., Dayton, OH
	2009	Lt. Col. Gary Jackson, Prattville, AL
	2009	Cheryl K. Jacobs, Baltimore, MD
(Law Student Rep.)		Cynthia Jones, Humble, TX
	2008	Stephen M. Komie, Chicago, IL
(NACDL)		Albert J. Krieger, Coral Gables, FL
(Fed. P.D.)		Terence F. MacCarthy, Chicago, IL
	2008	Nina Marino, Beverly Hills, CA
	2008	Robert J. McWhirter, Phoenix, AZ
	2010	Cynthia Orr, San Antonio, TX
	2008	William N. Shepherd, W. Palm Beach, FL
(Young Lawyers)	2008	Tanisha Simon, Brooklyn, NY
	(NAAG)	J.B. Van Hollen, Madison WI
	2010	Gary Walker, Marquette, MI
 SPECIAL ADVISER FOR REENTRY AND ALTERNATIVES TO INCARCERATION	2008	Kamala Harris, San Francisco, CA

PAST CHAIRS:

Members:

Robert A. Johnson, Anoka, MA
 Catherine Anderson, Sanibel, FL
 Sylvia Bacon, Washington, DC
 Michael Bender, Denver, CO
 William Erickson, Englewood, CO
 Robert M. Ervin, Tallahassee, FL
 Ronald Goldstock, Larchmont, NY
 John Greacen, Regina, NM
 Paul B. Johnson, Tampa, FL
 Tom Karas, Phoenix, AZ
 Sheldon Krantz, Washington, DC
 Albert Joseph Krieger, Coral Gables, FL
 Richard H. Kuh, New York, NY
 Norman Leftstein, Indianapolis, IN
 Bruce Lyons, Ft. Lauderdale, FL
 Terence MacCarthy, Chicago, IL
 Ralph C. Martin II, Boston, MA
 E. Michael McCann, Milwaukee, WI
 Herbert S. Miller, Reston, VA
 Keith Mossman, Vinton, IA
 Cara Lee T. Neville, Minneapolis, MN
 Michael S. Pasano, Miami, FL
 Myrna S. Raeder, Los Angeles, CA
 Ronald C. Smith, Chicago, IL
 Andrew L. Sonner, Rockville, MD
 Neal R. Sonnett, Miami, FL
 Randolph N. Stone, Chicago, IL
 William W. Taylor III, Washington, DC

LIAISONS TO:

ABA Business Law Section
ABA Commission on Effective Criminal Sanction

ABA Commission on Immigration
ABA Commission on Youth at Risk
ABA Liaison to Coordinating Committee on AIDS
ABA Judicial Division
ABA Special Committee on Death Penalty Representation
ABA Section of Taxation
ABA Young Lawyers Division
ABA Task Force on Attorney-Client Privilege
American Correctional Association Commission on Accreditation for Correction
American Law Institute Model Penal Code Revision Sentencing project
Anti-Money Laundering Conference Planning Committee

Commission on the American Jury Project

Hispanic National Bar Association
Legal Technology Resource Center

Marvin G. Pickholz, New York, NY
 Robert M. A. Johnson, Anoka, MN
 Albert Joseph Krieger, Coral Gables, FL
 Neal R. Sonnett, Miami, FL
 Robert McWhirter, Phoenix, AZ
 Robert Schwartz, Philadelphia, PA
 Mark E. Wojcik, Chicago, IL
 Irma Raker, Rockville, MD

Susan Gaertner, Saint Paul, MN
 Justin A. Thornton, Washington, DC
 Marguerite L Carr, Farmington, NM
 Jan L. Handzlik, Los Angeles, CA

Lynn Sanders Branham, Champaign, IL
 Margaret Love, Washington, DC

Peter Djinis, McLean, VA
 Gordon Greenberg, Los Angeles, CA
 Martin Lybecker, Washington, DC
 John Roth, Washington, DC
 Amy Rudnick, Washington, DC
 Stephen Saltzburg, Washington, DC
 Bruce Zagaris, Washington, DC
 Andrea Taylor, Washington, DC
 Pauline Weaver, Fremont, CA
 James Holderman, Fort Lauderdale, FL
 Hugo A. Rodriguez, Fort Lauderdale, FL
 David Goldstone, Boston, MA

Louisiana Senate Judiciary Committee
National Association of Criminal Defense Lawyers
National College of District Attorneys

Anne Swern, Brooklyn, NY
James Felman, Tampa, FL
Robert J. Del Tufo, New York, NY
Mary F. Harkenrider, Chicago, IL
Patricia Blair, Lindale, TX
Ronald C. Smith, Chicago, IL
J. Vincent Aprile, Louisville, KY
Margaret Love, Washington, DC

National Commission on Correctional Health Care
National Criminal Justice Trial Advocacy Competition
National Legal Aid and Defender Association
*NCCUSL project on Uniform Law on Collateral
Consequences of Conviction*
SOC/CPR Joint Committee on Professionalism & Ethics

Ellen Yaroshefsky, New York, NY

COMMITTEES

CRIMINAL JUSTICE STANDARDS COMMITTEE

Chair: Irwin H. Schwartz, Seattle, WA

EQUAL JUSTICE DIVISION

Executive Directors: Ernestine Gray, New Orleans, LA
Victor L. Streib, Ada, OH

JUVENILE JUSTICE COMMITTEE

Co-Chairs: Karthryn Richtman, Saint Paul, MN
Robert Gene Schwartz, Philadelphia, PA

MILITARY JUSTICE COMMITTEE

Co-Chairs: Carol Hattrup, Monument, CO
Gary Jackson, Prattville, AL

PROBLEMS OF THE ELDERLY COMMITTEE

Co-Chairs: Lori G. Levin, Chicago, IL
Benjamin F. Overton, Gainesville, FL

RACE AND RACISM IN THE CRIMINAL JUSTICE SYSTEM COMMITTEE

Co-Chairs: Wayne S. McKenzie, New York, NY
Erek Barron, Washington, DC
Vice Chair: Jolanta Juskiewicz, Fairfax, VA

VICTIMS COMMITTEE

Co-Chairs: Russell P. Butler, Upper Marlboro, MD
Margaret Ann Garvin, Portland, OR
Vice Chair: Angela A. Downes, Irving, TX

WOMEN IN CRIMINAL JUSTICE COMMITTEE

Co-Chairs: Jane Harris Aiken, Washington, DC
Sarah M. Buel, Austin, TX

CORRECTIONS AND SENTENCING DIVISION

Executive Directors: Dino G. Amoroso, Hempstead, NY
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