

## Elaine R. Jones to Receive 20<sup>th</sup> Anniversary Thurgood Marshall Award

The ABA Section of Individual Rights and Responsibilities is proud to announce that Elaine R. Jones will receive the 2011 Thurgood Marshall Award at a dinner on Saturday, Aug. 6, 2011, during the ABA Annual Meeting in Toronto, Canada.

Elaine R. Jones served as the first female President and Director-Counsel of the NAACP Legal Defense and Educational Fund, Inc. (LDF) from 1993-2004. Founded in 1940 by Thurgood Marshall, LDF is the nation's oldest law firm fighting for equal rights and justice for people of color, women, and the poor. When Jones took the helm of the organization in 1993 she became the fourth person to head LDF. She brought to the post her vast experience as a litigator and civil rights activist and a passion for fairness and equality.

In her early years at LDF, Jones blazed trails defending death row inmates. In the face of harassment by the Ku Klux Klan and repeated challenges from a biased and disdainful legal system, she argued capital cases throughout the South. Only two years out of the University of Virginia School of



Law, where she was the first black woman to graduate, she was counsel of record in *Furman v. Georgia*, a landmark U.S. Supreme Court case that abolished the death penalty in 37 states for 12 years. During this period, she also argued numerous employment discrimination cases, including class actions against some of the nation's largest employers (e.g., *Patterson v. American Tobacco Co.*, *Stallworth v. Monsanto*, and *Swint v. Pullman Standard*).

After briefly leaving LDF to serve as special assistant to U.S. Secretary of Transportation William T. Coleman, Jr., Jones returned to LDF where she originated the position of legislative advocate in LDF's

Washington, DC office. In that capacity, she played a key role in securing passage of such legislative milestones as the Voting Rights Act Amendments of 1982, the Fair Housing Act of 1988, the Civil Rights Restoration Act of 1988, and the Civil Rights Act of 1991.

Jones holds fourteen honorary degrees and the Jefferson Medal of Freedom, the highest honor awarded by the University of Virginia which does not award honorary degrees. She was the first African-American to serve on the Board of Governors of the American Bar Association; is a former Council member of the ABA Section of Individual Rights and Responsibilities; and received the ABA Commission on Women in the Profession's Margaret Brent Award.

This ABA bar year marks the 20<sup>th</sup> Anniversary of the Thurgood Marshall Award and Dinner. Since 1992, the award has recognized the accomplishments of many giants of the legal profession – each of whom exemplified Justice Marshall's commitment to the causes of civil and human rights in the United States.

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### ABA AIDS Coordinating Committee to Conduct HIV Testing at Midyear

The ABA AIDS Coordinating Committee, chaired by Shelley D. Hayes of Washington, DC, will offer free and confidential HIV testing on Thursday and Friday, Feb. 10 and 11, near the registration area at the 2011 ABA Midyear Meeting in Atlanta, Ga.

The testing, to be administered using a simple oral swab and conducted in cooperation with the Atlanta-based Centers for Disease Control and Prevention (CDC) and its local partners, will mark the 30<sup>th</sup> anniversary year of AIDS. Since the first cases in the United

States were identified in June 1981, AIDS has taken more than 575,000 American lives and, today, left more than one million Americans infected, with women and minorities now disproportionately affected. More than 20 percent of those infected do not know they have HIV, which makes public education and awareness about the need for HIV testing all the more critical.

For more information about this and the Committee's other wide-ranging activities, visit the Committee's Web site at <http://www.abanet.org/AIDS>.

# Legislative Update

On Dec. 22, Congress concluded one of the most productive “lame-duck” sessions in recent years. Significant pieces of legislation passed include the following:

- On Dec. 15, the House passed, in a 250-175 vote, HR 2965, a bill containing the repeal of “Don’t Ask, Don’t Tell,” the 17 year old policy that banned gays from serving in the military. On Dec. 18, the Senate passed, in a 65-31 vote, HR 2965, and on Dec. 22 President Obama signed the bill into law.
- On Dec. 17, Congress passed a tax-cut compromise which included extending Bush-era tax cuts for all citizens in exchange for the extension of unemployment benefits for those who are still jobless.
- On Dec. 19, Congress passed a sweeping food safety bill, the **FDA Food Safety Modernization Act**, that places stricter standards on imported foods and requires larger producers to follow tougher rules for keeping food safe. The bill emphasizes prevention of food-borne illness before outbreaks occur.
- On Dec. 22, the Senate approved the “**New START**” treaty, which provides for further reduction and limitation of strategic offensive arms in the United States and Russia.
- On Dec. 22, Congress passed the **James Zadroga 9/11 Health and Compensation Act of 2010**, to extend and improve protections and services to individuals directly impacted by the terrorist attack in New York City on Sept. 11, 2001.

House Committee on Armed Services.

On Nov. 30, Rep. Bishop (R-UT) introduced HJ Res 102, to propose an amendment to the Constitution of the United States to give states the right to repeal federal laws and regulations when ratified by the legislatures of two thirds of the several states. The joint resolution was referred to the House Judiciary Committee.

On Nov. 17, Sen. Lautenberg (D-NJ) introduced S 3960, to prevent harassment at institutions of higher education. The bill was referred to the Senate Committee on Health, Education, Labor, and Pensions. A comparable bill was also introduced by Rep. Holt (D-NJ) in the House of Representatives.

On Nov. 15, Sen. Akaka (D-HI) introduced S 3945, to express the policy of the United States regarding the United States’ relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity. The bill was referred to the Senate Committee on Indian Affairs.

## Elder Law

On Nov. 18, Rep. Pingree (D-ME) introduced HR 6442, to amend Title II of the Social Security Act to prevent low-income public servants from falling into poverty by modifying the Government Pension Offset to protect their Social Security widows and spousal benefits. The bill was referred to the House Committee on Ways and Means.

## Emergency Preparedness and Response

On Nov. 18, Rep. Castor (D-FL) introduced HR 6434, to establish programs to aid in the economic, environmental, and public health recovery of the Gulf States from the damage and harm caused by the blowout of the mobile offshore drilling unit Deepwater Horizon, and the resulting degradation of the Gulf over time. The bill was referred to the House Committee on Natural Resources.

## Health Law

On Nov. 17, Sen. Wyden (D-OR) introduced S 3958, to allow an earlier start for state health care coverage innovation waivers

## American Indian Law

On Dec. 1, Sen. Dorgan (D-ND) introduced S 3997, to authorize appropriations for certain Native American programs. The bill was referred to the Senate Committee on Indian Affairs.

On Nov. 19, Sen. Dorgan (D-ND) introduced S Res 689, to recognize National American Indian and Alaska Native Heritage Month, and to celebrate the heritage and culture of American Indians and Alaska Natives and the contributions of the American Indians and Alaska Natives to the United States. The resolution passed.

## Children and Family Law

On Dec. 13, President Obama signed S 3307, the Healthy, Hunger-Free Kids Act of 2010, to improve children’s access to nutritious meals, enhance the quality of meals children eat both in and out of school and in child care settings, implement new school food safety guidelines and, for the first time, establish nutrition standards for all foods sold in schools.

On Dec. 8, the House passed HR 5012, the Weekends Without Hunger Act, to amend the Richard B. Russell National School Lunch Act to establish a weekend and holiday feeding program to provide

nutritious food to at-risk school children on weekends and during extended school holidays during the school year.

## Civil Rights/Constitutional Law

On Dec. 15, Sen. Specter (D-PA) introduced S 4033, to provide for the restoration of legal rights for claimants under holocaust-era insurance policies. The bill was referred to the Senate Judiciary Committee.

On Dec. 9, Rep. Garrett (R-NJ) introduced H Res 1754, to amend the Rules of the House of Representatives to require the citation of the specific powers granted to Congress in the Constitution be included in introduced bills and joint resolutions as a basis for enacting the laws proposed by such bills and joint resolutions, including amendments and conference reports. The resolution was referred to the House Committee on Rules.

On Dec. 9, Sen. Wicker (R-MS) introduced S 4020, to protect 10<sup>th</sup> Amendment rights by providing special standing for state government officials to challenge proposed regulations. The bill was referred to the Senate Judiciary Committee.

On Dec. 8, Rep. Conyers (D-MI) introduced HR 6501, to establish a national commission on presidential war powers and civil liberties. The bill was referred to the

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# Legislative Update

under the Patient Protection and Affordable Care Act. The bill was referred to the Senate Committee on Finance.

## HIV/AIDS Law

On Dec. 3, Sen. Burr (R-NC) introduced S 4006, to provide for the use of unobligated discretionary stimulus dollars to address AIDS Drug Assistance Program (ADAP) waiting lists and other cost containment measures impacting state ADAP programs.

On Dec. 1, Rep. Lee (D-CA) introduced H Con Res 333, to support the goals and ideals of World AIDS Day. The resolution was referred to the House Committee on Energy and Commerce.

## Immigration Law

On Nov. 30, Sen. Durbin (D-IL) introduced S 3992, to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children. In a statement on the same day, ABA President Stephen N. Zack expressed ABA support for the bill, known as the DREAM Act.

On Nov. 15, Rep. Lofgren (D-CA) introduced HR 6396, to amend the Immigration and Nationality Act to toll, during active-duty service abroad in the Armed Forces, the periods of time to file a petition and appear for an interview to remove the conditional basis for permanent resident status. The bill was referred to the House Judiciary Committee.

## Intellectual Property Law

On Nov. 15, Rep. Conyers (D-MI) introduced H Con Res 328, to express the sense of Congress regarding the successful and substantial contributions of the amendments to the patent and trademark laws that were initially enacted in 1980 by the "Bayh-Dole Act" on the occasion of the 30<sup>th</sup> anniversary of its enactment. The resolution passed.

## International Law

On Dec. 3, Sen. Casey (D-PA) introduced S 4008, to enhance United States diplomatic efforts with respect to Iran by imposing additional economic sanctions against Iran.

The bill was referred to the Senate Finance Committee.

On Nov. 29, Rep. Berman (D-CA) introduced H Res 1735, to condemn North Korea in the strongest terms for its unprovoked military attack against South Korea on Nov. 23, 2010. The resolution passed.

On Nov. 18, Sen. Brownback (R-KS) introduced S 3974, to impose sanctions on individuals who are complicit in human rights abuses committed against nationals of Vietnam or their family members. The bill was referred to the Senate Committee on Banking, Housing, and Urban Affairs.

## Labor and Employment Law

On Nov. 29, Sen. Baucus (D-MT) introduced S 3981, to provide for a temporary extension of unemployment insurance provisions. The bill was referred to the Senate Committee on Finance.

On Nov. 17, Rep. McDermott (D-WA) introduced HR 6419, to amend the Supplemental Appropriations Act of 2008 to provide for the further extension of emergency unemployment benefits. The bill was referred to the House Committee on Ways and Means.

## Legal Services

On Nov. 30, the Senate passed S 3987, the Red Flags Program Clarification Act, to amend the Fair Credit Reporting Act with respect to the applicability of identity theft guidelines to creditors, making clear that lawyers would not be considered "creditors" under the act. On Dec. 7, the House passed the Act as well; ABA President Stephen N. Zack applauded passage of the bills.

On Nov. 29, Sen. Brown (D-OH) introduced S 3979, to amend the Emergency Economic Stabilization Act of 2008 to allow amounts under the Troubled Assets Relief Program to be used to provide legal assistance to homeowners to avoid foreclosure. The bill was referred to the Senate Committee on Banking, Housing, and Urban Affairs.

On Nov. 15, Rep. Doggett (D-TX) introduced HR 6398, to require the Federal Deposit Insurance Corporation to fully insure interest on Lawyers Trust Accounts. The

House passed the bill on Nov. 30.

## National Security

On Dec. 20, Sen. Cardin (D-MD) introduced S 4050, to amend the Classified Information Procedures Act to improve the protection of classified information. The bill was referred to the Senate Judiciary Committee.

On Nov. 18, Rep. Hoekstra (R-MI) introduced HR 6429, to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 until Feb. 2012. The bill was referred to the House Judiciary Committee.

On Nov. 17, Sen. Casey (D-PA) introduced S 3954, to improve air cargo security. The bill was referred to the Senate Committee on Commerce, Science, and Transportation.

## Veterans' Affairs

On Dec. 1, Rep. Jackson-Lee (D-TX) introduced HR 6466, to amend Title 38, United States Code, to provide certain abused dependents of veterans with health care. The bill was referred to the House Committee on Veterans' Affairs.

On Nov. 30, the House passed HR 5953, to direct the Secretary of Veterans Affairs to display in each facility of the Department of Veterans Affairs a Women Veterans Bill of Rights.

On Nov. 18, Rep. Minnick (D-ID) introduced HR 6430, to amend Title 38, United States Code, to improve educational assistance for veterans who served in the Armed Forces after 9/11. The bill was referred to the House Committee on Veterans' Affairs. On Dec. 13, the Senate passed S 3447, the Post-9/11 Veterans Educational Assistance Improvements Act, to amend Title 38, United States Code, to improve educational assistance for veterans who served in the Armed Forces after 9/11.

On Nov. 15, Rep. Duncan (R-TN) introduced HR 6397, to amend Section 101(a)(35) of the Immigration and Nationality Act to provide for a marriage for which the parties are not physically in the presence of each other due to service abroad in the Armed Forces of the United States.

## Supreme Court Update

### Scheduled Arguments

The Supreme Court of the United States opened its 2010-2011 Term on Oct. 4. It has or will hear arguments in several cases, summarized below, addressing issues relevant to the work of the Section:

In *Montana v. Wyoming and North Dakota*, No.137, the Court will decide whether the state of Wyoming violated an agreement it entered into with Montana regarding the division of water from the Yellowstone River and its tributaries when Wyoming changed it use, leaving less water for Montana's uses.

In *Sykes v. United States*, No. 09-11311, the Court will decide whether fleeing the police in a car, after being ordered to stop, constitutes a "violent felony" within the meaning of the Armed Career Criminal Act, which imposes heightened sentences for violent felonies.

In *Kentucky v. King*, No. 09-1272, the Court will decide whether the police can enter a home without a warrant under the exception for emergency situations, when the emergency was created by the lawful actions of the police.

In consolidated cases *General Dynamics Corp. v. United States*, No. 09-1298, and *Boeing Company v. United States*, No. 09-1302, the Court will decide whether the government can sue a federal contractor for breach of contract, then use the state secrets doctrine (which prevents disclosure of important state secrets in litigation) to prevent the contractor from raising a defense that would require the contractor to disclose secret information.

In *Astra USA Inc v. Santa Clara County, CA*, No. 09-1273, the Court will decide whether health care providers can sue drug makers participating in Medicaid for violating price limitations imposed by federal law, even though the statute itself does not authorize such suits.

In *Wall, Director of RI DOC v. Kholi*, No. 09-868, the Court will decide whether a state court sentence-reduction motion consisting of a plea for leniency constitutes an "application for State post-conviction or other collateral review," 28 U.S.C. § 2244 (d)(2), thus tolling the Anti-Terrorism and Effective Death Penalty Act's one-year limitation period for a state prisoner to file a federal habeas corpus petition.

In *Walker v. Martin*, No. 09-996, the Court will decide whether, in federal habeas

corpus proceedings, a state law barring a prisoner from collaterally attacking his conviction when the prisoner "substantially delayed" filing his habeas petition is "inadequate" to support a procedural bar because: (1) the federal court believes that the rule is vague and (2) the state failed to prove that its courts "consistently" exercised their discretion when applying the rule in other cases.

In *Pepper v. United States*, No. 09-6822, the Court will consider a number of issues, including: (1) whether a defendant's post-sentencing rehabilitation can support a downward sentencing variance under 18 U.S.C. § 3553(a); (2) whether a federal district judge can consider a defendant's post-sentencing rehabilitation as a permissible factor supporting a sentencing variance under 18 U.S.C. § 3553(a) after *Gall v. United States*; (3) whether, as a sentencing consideration under 18 U.S.C. § 3553(a), post-sentencing rehabilitation should be treated the same as post-offense rehabilitation; and (4) when a district court judge is removed from re-sentencing a defendant after remand, and a new judge is assigned, is the new judge obligated under the doctrine of the "law of the case" to follow sentencing findings issued by the original judge that had been previously affirmed on appeal?

In *Thompson v. North American Stainless, L.P.*, No. 09-291, the Court will consider the following questions: (1) does section 704(a) of Title VII forbid an employer from retaliating against an employee (because he or she engaged in certain protected activity) by inflicting reprisals on a third party, such as a spouse, family member or fiancé, closely associated with the employee who engaged in protected activity; and (2) if so, may that prohibition be enforced in a civil action brought by the third party victim?

In *Chamber of Commerce v. Whiting*, No. 09-115, the Court will consider: (1) whether an Arizona statute that imposes sanctions on employers who hire unauthorized aliens is invalid under a federal statute that expressly "preempt[s] any State or local law imposing civil or criminal sanctions (other than through licensing and similar laws) upon those who employ, or recruit or refer for a fee for employment, unauthorized aliens;" and (2) whether the Arizona statute, which requires all employers to participate in a federal electronic employment verification system, is preempted by a federal law that specifically makes that system voluntary; and (3) whether the Arizona statute is impliedly preempted because it undermines the "comprehensive scheme" that Congress

created to regulate the employment of aliens.

Cases of interest to the Section but not yet scheduled for argument are listed below:

In *Arizona Free Enterprise v. Bennett*, No. 10-238 and *McComish v. Bennett*, No. 10-239, (consolidated) the Court will consider, among other issues, whether *Citizens United* and *Davis* require the Court to strike down Arizona's matching-funds trigger under the First and Fourteenth Amendments because it regulates campaign financing in order to equalize "influence" and financial resources among competing candidates and interest groups, rather than to advance directly a compelling state interest in the least restrictive manner.

In *Camreta v. Greene*, No. 09-1454 and *Alford v. Greene*, No. 09-1478 (consolidated), the Court will decide whether the application of warrant/warrant-exception requirements to assess the constitutionality of an interview by a child-protection caseworker and law enforcement officer of a nine-year-old child at her school in response to a report of abuse by her father, instead of applying the balancing standard that identified as the appropriate standard when a witness is temporarily detained, was proper.

In *DePierre v. United States*, No. 09-1533, the Court will decide whether the term "cocaine base" encompasses every form of cocaine that is classified chemically as a base - which would mean that the ten-year mandatory sentencing minimum applies to an offense involving 50 grams or more of raw coca leaves or of the paste derived from coca leaves, but that 5000 grams of cocaine powder would be required to trigger the same ten-year minimum - or whether the term "cocaine base" is limited to "crack" cocaine.

In *Freeman v. United States*, No. 09-10245, the Court will consider whether a defendant is ineligible for a sentence reduction under 18 U.S.C. §3582(c)(2) (which provides that a district court may reduce a term of imprisonment after it has been imposed if the defendant "has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission") solely because the district court accepted a Rule 11(c)(1)(C) plea agreement in which the Government and the defendant agree that a specific sentence or sentencing range is the appropriate disposition of the case.

## Committee Corner : Civil Rights and Equal Opportunity

The Civil Rights and Equal Opportunity Committee has undertaken a number of projects under the leadership of Division Directors Mary Smith and Katherine O'Neil, Co-Chairs Leslie Proll and Sheila Thomas, and Vice Chair Angela Scott. During this year, the Committee has hosted live programs at the Annual Meeting and at the Section Fall Conference, and one CLE teleconference on the Arizona immigration statute.

At the 2010 ABA Annual Meeting in San Francisco, the committee hosted a successful program entitled "Debunking the Myth of a Post-Racial Society." Panelists John L. Burris, civil rights attorney; Angela Oh, Executive Director of the Western Justice Center; and Maria Blanco, Executive Director for the Chief Justice Earl Warren Institute on Race, Ethnicity and Diversity at the University of California Berkeley School of Law, discussed race-related issues of national significance affecting education, criminal justice, and immigration. The program, moderated by committee Co-Chair Leslie Proll, was the first in a four-part series to be sponsored by the committee. For details on the next program, to be held at the Midyear Meeting, please see pages 6-7.

The committee leaders also played a significant role in the success of the Section Fall Conference, "More to Overcome: Civil Rights in the 21<sup>st</sup> Century - An Action Agenda for Lawyers and the Legal Profession." Vice Chair Angela Scott planned the opening program, "They Had a Dream Too!," with Memphis Bar Association Young Lawyers Division Chair Kyle Wiggins. This program, held at the National Civil Rights Museum in Memphis, was designed to educate high school students about the civil rights struggles that have occurred

since the 1950s. Attendees watched a 28-minute film highlighting the Civil Rights Movement and the courageous acts of young people that made an impact on history, and heard from a panel of civil rights activists about the importance of youth involvement in social justice movements.

In addition to the opening program, the committee sponsored one of the showcase panels at the conference. "Debunking the Myth of a Post-Racial Society" was the second in the series mentioned above. Panelists included John Payton, President and Director-Counsel, NAACP Legal Defense and Educational Fund, Inc.; Professor Gloria Browne-Marshall, John Jay College of Criminal Justice; Bryan Stevenson, Executive Director, Equal Justice Initiative; Georgina Verdugo, Office for Civil Rights, U.S. Department of Health and Human Services; and moderator Dale Ho, civil rights attorney. The panel explored how race and ethnicity continue to influence legal and political systems in the U.S. despite the election of the first black president.

Lastly, the Committee hosted a CLE teleconference entitled "Arizona Immigration Statute: Civil Rights Implications and National Impact" on July 21, 2010 - the day before arguments for a preliminary injunction. Moderated by Professor Myles Lynk, Sandra Day O'Connor College of Law, Arizona State University, Tempe, AZ; the panelists included Evelyn Cruz, Sandra Day O'Connor College of Law, Arizona State University, Tempe, AZ; Kris W. Kobach, University of Missouri - Kansas City School of Law, Kansas City, MO; and Chris Nugent, Co-Chair, IRR Committee on the Rights of Immigrants, Washington, DC. They discussed the Support Our Law Enforcement and Safe Neighborhoods Act

(known as Arizona Senate Bill 1070), which would make it a misdemeanor crime for an immigrant to be in Arizona without carrying immigration documents; step up state and local law enforcement of federal immigration laws; and penalize those sheltering, hiring, and transporting illegal immigrants. Critics of the legislation said it encourages racial profiling, while supporters claim the law simply enforces existing federal law. The law was modified by Arizona House Bill 2162 within a week of its signing with the goal of addressing some of these concerns.

Upcoming activities for the committee include programming at the ABA Annual Meeting in Toronto, Canada. To commemorate the 20<sup>th</sup> Anniversary of the Thurgood Marshall Award, which honors long-term contributions to the advancement of civil rights, civil liberties, and human rights, the committee will host a showcase panel of former recipients of the Thurgood Marshall Award. Panelists include the Honorable Nancy Gertner, Dale Minami, and Paul Smith, who will discuss the history of the civil and human rights battles in the United States; their personal contributions to furthering these rights and the significant legal developments which advanced the cause; and the challenges that lie ahead. The panel will be moderated by Section Chair, C. Elisia Frazier and held on Saturday, Aug. 6, 2011, from 10:30 a.m. to 12:00 p.m. The committee will also host a program in Toronto featuring Michelle Alexander, author of *The New Jim Crow*, with a book signing following the program.

For more information about the Section's 18 committees, or to get involved today, please visit [www.abanet.org/irr/committeehome.html](http://www.abanet.org/irr/committeehome.html).

## IRR Fall Conference Photographic Review



On Oct. 21-23, 2010, the Section held its first three-day civil rights conference in Memphis, Tenn., at the Peabody Hotel. The festivities kicked off with an opening ceremony led by Memphis **Mayor A.C. Wharton, Jr.** Highlights from the conference include a successful program entitled "They Had a Dream Too!," to educate Memphis-area high school students about youth involvement in the Civil Rights Movement; part two of four of the "Debunking the Myth of a Post-Racial Society" program series; a keynote luncheon with an address by **U.S. Congressman Steve Cohen (D-TN)**; a book signing and discussion with civil rights activist **D'Army Bailey** (pictured above); and a Taste of Memphis Dinner Dance.

## Just Peachy : ABA Midyear Meeting to Convene in Atlanta



Nearly 3,000 lawyers and their families will gather in Atlanta for the American Bar Association Midyear Meeting, Feb. 9-15. During the week-long conference the Section will honor the eleventh recipient of the Robert F. Drinan Award for Distinguished Service, present two CLE programs, and hold its Winter Council Meeting.

On Friday, Feb. 11, the Section will present the Drinan Award to Roy A. Hammer, Of Counsel to the Boston law firm Hemenway & Barnes LLP, and current Section Council Member. The award will be presented during an evening reception at the Atlanta Marriott Marquis. For nearly 20 years, Roy has served in the IRR leadership in many capacities – as Board of Governors Liaison; Finance Officer; Chair of its Development Committee; and Council Member. Roy has been instrumental in

advancing a number of initiatives for the Section, including the creation of the IRR FJE Support Fund, and the approval by the ABA of a second Section Delegate to the ABA House of Delegates.

“I can think of no other person more deserving of the Father Drinan Award,” said Section Chair, C. Elisia Frazier. “Roy embodies the spirit of the Father Drinan Award and his efforts have helped the Section maintain a leadership role in protecting and advancing civil rights, human rights, and social justice.” Outside the ABA, Roy is deeply involved in pro bono activities. He has served as President of the Massachusetts Bar Association; President of the Civil Liberties Union of Massachusetts; Director of the New England Bar Association; Council Member to the Boston Bar Association; and Special Counsel to the City of Cambridge.

Prior to the Drinan reception on Friday, the Section will present the third part of its four-part CLE program series entitled “Debunking the Myth of a Post-Racial Society.” The program will feature a panel of legal, legislative, and public policy experts who will address how race and ethnicity in the U.S. impacts education, access to healthcare,

criminal justice, national security, and immigration, and will discuss whether these developments indicate that racial and ethnic prejudice continue to influence legal and political systems in the U.S. The program is co-sponsored by the Criminal Justice Section, the Commission on Immigration, and the Commission on Racial and Ethnic Diversity in the Profession.

On Saturday, Feb. 12, in partnership with the ABA Section of Health Law and the Special Committee on Bioethics and the Law, the Section will present a CLE program entitled, “Do Workplace Wellness Programs Promote Health, Cost-Saving or Discrimination?” A growing number of employers, as well as public and private health insurance programs, are adopting wellness programs to prevent or control chronic diseases among their employees and to reduce costs. The program will examine how wellness programs may shape the law governing employment and health insurance coverage.

For more information on the Midyear Meeting, including program times and locations, please see the Midyear Meeting Section Schedule on page 7, or refer to <http://www.abanet.org/midyear/2011>.

## Center for Human Rights in Paris, Atlanta



The ABA Center for Human Rights, co-chaired by Walter White, based in London, England, and Michael Greco of Boston, Massachusetts, co-sponsored a major international conference on “Preventing Mass Atrocities” in Paris, France, in November.

Developed in cooperation with the United States Holocaust Memorial Museum and its French counterpart, Memorial de la Shoah, the conference convened key

government officials from the United States, France, the United Kingdom, Germany, Switzerland, and other countries, as well as United Nations and NGO representatives, to examine current issues in atrocity prevention (genocide, crimes against humanity, war crimes, and ethnic cleansing) and explore means of increasing transatlantic prevention efforts, with a view to establishing global cooperation.

Discussions centered on recommendations of the Genocide Prevention Task Force, convened by the Holocaust Museum and co-chaired by former Secretary of State Madeleine Albright and former Secretary of Defense William Cohen, to establish an international atrocity prevention network to identify and address conditions in which mass violence may erupt.

Last year, the ABA adopted Center-sponsored policy endorsing the task force

recommendations. The Center now is engaged in developing the envisioned network.

On Monday, Feb. 14, from 12:00 p.m. to 1:30 p.m., the Center will host its annual Human Rights Luncheon at the 2011 ABA Midyear Meeting in Atlanta. The keynote speaker will be Guy Jacobson, a lawyer and globally known documentary filmmaker, who will present and discuss clips of *RedLight*, his recent film about human sex trafficking in Cambodia. He also will discuss the problem in the United States and what lawyers can do to address it. To register for the luncheon (\$75/person, \$650/table of 10), visit the ABA Midyear Meeting registration page at [www.abanet.org/midyear/2011](http://www.abanet.org/midyear/2011) or contact the Center at 202.662.1025.

For more information about the Center’s work, visit [www.abanet.org/humanrights](http://www.abanet.org/humanrights).

## Support the ABA Section of Individual Rights & Responsibilities

Show your support for the Section’s work by making a tax-deductible contribution to the ABA Fund for Justice and Education (FJE). Download and mail in a contribution form from the Section website at <http://www.abanet.org/irr/fje/pledge.pdf>. Contributions may also be made online via the FJE webpage at <https://www.abanet.org/fje/donate/>. Be sure to designate your gift for the IRR Support Fund or the Thurgood Marshall Individual Rights Fund.

## 2011 ABA Midyear Meeting: Section Events

### Thursday, February 10, 2011

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ABA AIDS Coordinating Committee HIV Testing Initiative  
9:00 am – 5:00 pm  
Atlanta Marriott Marquis  
M201, Marquis Level

ABA AIDS Coordinating Committee Meeting  
9:00 am – 5:00 pm  
Atlanta Marriott Marquis  
M202, Marquis Level

Executive Committee Meeting  
4:00 pm - 6:00 pm  
Atlanta Marriott Marquis  
L406, Lobby Level

ABA AIDS Coordinating Committee Reception  
5:30 pm - 7:00 pm  
Atlanta Marriott Marquis  
L401, Lobby Level

### Friday, February 11, 2011

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Council Meeting  
9:00 am – 3:00 pm  
Atlanta Marriott Marquis  
L508, Lobby Level

ABA AIDS Coordinating Committee HIV Testing Initiative  
9:00 am – 5:00 pm  
Atlanta Marriott Marquis  
M201, Marquis Level

CLE Program - *Debunking the Myth of a Post-Racial Society*  
3:30 pm - 5:00 pm  
Atlanta Marriott Marquis  
A701, Atrium Level

Robert F. Drinan Award Reception  
*Honoring Roy A. Hammer*  
5:30 pm – 7:00 pm  
Atlanta Marriott Marquis  
A602, Atrium Level

### Saturday, February 12, 2011

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Committee Meetings  
7:30 am – 9:00 am  
Atlanta Marriott Marquis  
L504, Lobby Level

Council Meeting  
9:00 am – 12:00 pm  
Atlanta Marriott Marquis  
L508, Lobby Level

CLE Program - *Do Workplace Wellness Programs Promote Health, Cost-Saving or Discrimination?*  
2:00 pm – 3:30 pm  
Atlanta Marriott Marquis  
A701, Atrium Level

Death Penalty Moratorium Implementation Project  
Steering Committee Meeting  
2:00 pm - 5:00 pm  
Atlanta Marriott Marquis  
L504, Lobby Level

### Sunday, February 13, 2011

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Center for Human Rights Meeting  
2:00 pm – 4:00 pm  
Atlanta Marriott Marquis  
M109, Marquis Level

### Monday, February 14, 2011

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Center for Human Rights Midyear Luncheon  
12:00 pm – 1:30 pm  
Atlanta Marriott Marquis  
A601, Atrium Level



Section of  
**Individual Rights  
and Responsibilities**

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## Upcoming Events

### 2011 ABA Midyear Meeting

Feb. 9-15, 2011  
Atlanta, Ga.

### Robert F. Drinan Award Reception

*Honoring Roy A. Hammer*  
Friday, Feb. 11, 2011  
Atlanta Marriott Marquis

### IRR Spring Council Meeting

April 8-9, 2011  
Washington, D.C.

### 2011 ABA Annual Meeting

Aug. 4-9, 2011  
Toronto, Canada

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