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Criminal Justice Section News Round-Up **Produced by the ABA Criminal Justice Section**

“Holder: Jail is not Only Crime Solution,” *Chicago Tribune*, “U.S. Attorney General Eric Holder, addressing the American Bar Association on Monday, called for getting not only tough but also ‘smart’ on crime, saying that jail is not the entire answer when it comes to law enforcement. Noting that one of every 100 adults across the country is behind bars -- ‘the highest incarceration rate in the world’ -- Holder said that putting people in prison costs too much economically and socially in a nation where car dealerships are closing, teachers are getting laid off and after-school programs are being cut. ‘But in almost all cases, spending on prisons continues to rise,’ Holder said during a roughly 20-minute speech at the association's annual meeting in Chicago. ‘This is unsustainable economically.’”

<http://www.chicagotribune.com/news/chi-tc-nw-holder-0803-0804aug04,0,867930.story>

“Young Children in Adult Prisons,” *New York Times Letter to the Editor from ABA President H. Thomas Wells Jr.*, “The **American Bar Association** agrees with ‘12 and in Prison’ (editorial, July 28). Trying young children in adult courts is terrible public policy. We have urged juvenile justice reform for decades. In 2008 the A.B.A. urged state and federal leaders to base juvenile justice policy on three principles: Juvenile sentences should be less punitive than for adults with comparable offenses; sentencing should recognize age-based mitigating factors; and juveniles in penal institutions should generally be eligible for early release.”

<http://www.nytimes.com/2009/08/02/opinion/102prison.html>

“ABA Chief Says Lawyers Have Role in Fiscal Crisis,” *Chicago Tribune*, “The incoming president of the **American Bar Association** says lawyers have an important role to play in helping families with financial problems through the nation's economic crisis. **Carolyn Lamm**, ABA president-elect, said in an interview Monday that lawyers are well equipped to help people who may be facing foreclosure or other financial woes as a result of the troubled economy. The Washington attorney who will take over as president of the bar group at its annual meeting now going on in Chicago said the organization will be forming a specific program, most likely involving federal funds, in the weeks ahead.” <http://www.chicagotribune.com/news/chi-ap-il-aba-newpresident,0,6399731.story>

“Cash-strapped Alameda County Public Defender Starts Turning Away Cases,” *San Jose Mercury News*, “The Alameda County Public Defender's Office has begun telling judges it can't represent certain defendants because it lacks enough money and staff members to give them a constitutionally adequate defense. Public Defender Diane Bellas had warned of this weeks ago. But the county's Board of Supervisors said the 14 positions expected to be cut from her office Sept. 4 would be restored only if costs to the county rise with the referral of these defendants to the Alameda County Bar Association's court-appointed attorney program...The **American Bar Association** issued a formal opinion in 2006 saying court-appointed lawyers such as public defenders whose caseloads become so heavy as to prevent them from providing competent representation have a duty to ask courts to stop assigning them cases. Yet other efforts to balance excessive workloads with ethical representation have been slapped down.” http://www.mercurynews.com/crime/ci_12984655

“Corruption Trials, Chicago Style,” *Maryland Daily Record Blog*, “Greetings from Chicago and the **American Bar Association’s** Annual Meeting through a Maryland-focused lens!...One panel this morning – Hot Topics and Recent Developments in Public Corruption Investigations & Government Ethics – seemed particularly apt in light of the (re)indictments handed up this week in the Baltimore City Hall corruption cases. Moderator Patrick M. Collins, who successfully prosecuted former Illinois Gov. George Ryan and was U.S. Attorney Patrick Fitzgerald’s corruption unit supervisor before going into private practice, kicked off the session with a video montage of seemingly endless local news coverage of the prosecution of this state’s notoriously corrupt politicians. It included a clip from *The Daily Show* in which host Jon Stewart, with statistical backing, claims a person is more likely to go to jail if he is an Illinois governor than if he is a murderer.”

<http://blogs.mddailyrecord.com/ontherecord/2009/07/30/corruption-trials-chicago-style/>

“Tragedy Struck After Judge put off Security System,” *Chicago Tribune*, “The federal judge whose mother and husband were killed in 2005 by a man unhappy about his lawsuit says she looked into buying a home security system but it seemed expensive and ‘we just didn’t do it.’ U.S. District Judge Joan Humphrey Lefkowitz spoke Saturday in Chicago at an **American Bar Association** panel on how judges can keep themselves and their families safe. Lefkowitz says she’s gone over in her mind ‘so many times what could have been done differently.’” <http://www.chicagotribune.com/news/chi-ap-il-aba-lefkowitz,0,3418192.story>

“Judge: Reporters Need Protection for Sources,” *Chicago Tribune*, “The federal judge who presided over Washington’s CIA leak case said Saturday that reporters must have some protection against courtroom attempts to find out their sources but it should be limited. Courts should not be able to ‘just willy nilly extract information from reporters,’ U.S. District Judge Reggie B. Walton of Washington told an **American Bar Association** panel on proposed shield legislation. Shield legislation now pending on Capitol Hill would give reporters some protection against having to reveal their sources. But both House and Senate bills contain exceptions for national security and other sensitive matters.” <http://www.chicagotribune.com/news/chi-ap-il-aba-shieldlaw,0,6055875.story>

“CIA Leak Prosecutor says Even Federal Agents are Limited in Protection they can Offer Sources,” *WQAD (Quad Cities, Ill./Iowa)*, “U.S. Attorney Patrick Fitzgerald says reporters who promise sources total protection against being identified in court are offering something even federal agents couldn’t provide to their sources in the hunt for Osama bin Laden. The Chicago federal prosecutor said Saturday at an **American Bar Association** panel on federal shield legislation that he takes no position on such measures. But Fitzgerald, who jailed a reporter for refusing to testify about her sources in Washington’s CIA leak investigation, says reporters who want absolute protection are asking for something even the president couldn’t offer a source.” <http://www.wqad.com/news/sns-ap-il--aba-shieldlaw,0,390917.story>

“U.S. Prison Plan for Guantanamo Inmates Under Review, Officials Say,” *Chicago Tribune*, “The Obama administration could transfer Guantanamo inmates to be tried and detained at a hybrid military-civilian prison in the United States as part of a proposal being examined by U.S. security agencies, officials said Sunday. The proposal for creating a combined detention and trial facility for Guantanamo inmates in an existing U.S. maximum-security prison is likely to be controversial. Congress has opposed bringing detainees to the United States, despite President Obama’s vow to close the naval prison in Cuba by January.” <http://www.chicagotribune.com/news/nationworld/la-nationworld-2009aug03,0,2205365.story>

“For Mid-Level Associates, a Year to Forget,” *The American Lawyer*, “Unhappiness is the sentiment that stands out in the 6,101 replies to *The American Lawyer’s* annual survey of midlevel associates. In the wake of layoffs and cuts to pay, bonuses and perks, associate morale plummeted to the lowest level recorded in the survey’s history.” <http://www.law.com/jsp/law/index.jsp?hbxlogin=1>

“Help Needed with Efforts to Delay ‘Red Flags Rule’ Implementation on Aug. 1,” *Wisconsin State Bar Magazine Online*, “The **American Bar Association** urges attorneys to contact legislators to promote its ongoing efforts to persuade the Federal Trade Commission to exempt lawyers from the new “Red Flags Rule.” The FTC has said that it will begin enforcing the rule, which is designed to protect against identity theft, on Aug. 1....The agency has delayed implementation for health care providers who raised similar objections and ABA officials believe that a similar step is possible for attorneys, but only if the FTC hears “from the Hill.” In order to achieve this, the ABA urges Wisconsin members to send letters or make calls to any member of the Wisconsin delegation, but it notes that contacting Sen. Herb Kohl and Rep. Gwen Moore would be especially helpful because they sit on committees that have jurisdiction over the FTC (the Senate Committee on Banking, Housing, and Urban Affairs and the House Financial Services Committee, respectively).
<http://www.wisbar.org/AM/Template.cfm?Section=News&Template=/CM/ContentDisplay.cfm&ContentID=83766>

“Big Names Weigh In on Attorney-Client Privilege Issue,” *Fulton County (Ga.) Daily Report*, “The Obama administration and a group of law professors and former federal judges are asking the U.S. Supreme Court to reject a Georgia company's plea for a change in the way many appellate courts deal with questions of attorney-client privilege. Earlier this year, a coalition of business interests and the **American Bar Association** filed amicus briefs joining carpet maker Mohawk Industries' argument that parties in federal cases should be allowed to immediately appeal lower court findings that the parties have waived their rights to keep key information secret under attorney-client privilege.”
http://www.law.com/jsp/ihc/PubArticleIHC.jsp?id=1202432597240&Big_Names_Weigh_In_on_AttorneyClient_Privilege_Issue

“Report Criticizes Detainment Practices,” *The Washington Post*, “Immigrant advocates say the federal government has failed to meet its own standards for detaining immigrants, making it unduly difficult for immigrants to defend themselves in court and to fight to remain in the country. A report released Tuesday says that detainees face limited access to phones, mail and law libraries, in violation of federal standards. The authors -- the National Immigration Law Center, the American Civil Liberties Union of Southern California, and the Holland and Knight law firm -- based their findings on inspection reports on dozens of facilities by Immigration and Customs Enforcement, the **American Bar Association** and the U.N. High Commissioner for Refugees between 2001 and 2005.
<http://www.washingtonpost.com/wp-dyn/content/article/2009/07/28/AR2009072803165.html>

“Mikva Criticizes U.S. Attorney’s Comments on Ex-Gov. Blagojevich,” *Chicago Sun-Times*, “Speaking to 200 lawyers from around the country Thursday, retired appellate Judge Abner Mikva criticized U.S. Attorney Patrick Fitzgerald for showing a bit too much enthusiasm at a news conferences announcing charges against former Gov. Rod Blagojevich. ‘I certainly don't like the prosecutor coming out and trying his case [in the media] and possibly tainting the jury pool with a big press conference announcing he has indicted so-and-so, or, in Blagojevich's case, has arrested so-and-so -- he hadn't even reached an indictment yet,’ Mikva said at the **American Bar Association** convention.” <http://www.suntimes.com/news/metro/1693826.mikva-fitzgerald-comments-blagojevich-073009.article>