

TABLE OF CONTENTS

	<u>Page</u>
PART I: INTRODUCTION AND OVERVIEW	
Chapter 1: Executive Summary	1
Chapter 2: 2010-2011 Criminal Law Decisions by U.S. Supreme Court	21
Chapter 3: Legislative Summary	87
PART II: WHITE COLLAR CRIME	
Chapter 4: Recent Developments	103
Chapter 5: SEC Whistleblower Bounty Rules	129
Chapter 6: “Carbon Copy” Prosecutions	139
Chapter 7: Cybercrime Task Force	147
Chapter 8: E-Discovery Task Force	155
Chapter 9: Forfeiture Task Force	173
PART III: DEFENSE ISSUES	
Chapter 10: Defense Function and Service	187
Chapter 11: Indigent Defense	197
Chapter 12: State Policy Implementation Task Force	207
Chapter 13: Comprehensive Criminal Representation Task Force	211
Chapter 14: Implicit Bias Project	225
Chapter 15: Innocence Developments	241
PART IV: PROFESSIONAL DEVELOPMENT, EQUAL JUSTICE, AND SPECIALIZED PRACTICE	
Chapter 16: Ethics in Criminal Advocacy	253
Chapter 17: Women in Criminal Justice	261
Chapter 18: Juvenile Justice	269
Chapter 19: International Law	287
PART V: CORRECTIONS AND SENTENCING	
Chapter 20: Criminal Mediation	291
Chapter 21: Sentencing	297
Chapter 22: Prosecution Function and Sentencing Considerations	303
Chapter 23: Corrections	309
Chapter 24: Capital Punishment	317

APPENDICES

Appendix A: Summary of ABA Policies in 2011-2012 Related to Criminal Justice	389
Appendix B: Policy Approved by the ABA House of Delegates in August 2011	393
Appendix C: Policy Approved by the ABA House of Delegates in February 2012	401

<http://www.pbookshop.com>

CHAPTER AUTHORS

Andrew C. Adams (chapter 21), is a litigation associate at Debevoise & Plimpton LLP.

Bertha Astorga (chapter 9), is a CJS Intern for the American Bar Association.

Raymond Banoun (chapter 4), former chair of the CJS White Collar Crime Committee, is the managing partner of the Washington, DC office of Cadwalader, Wickersham & Taft LLP, and head of its Business Fraud practice.

Alexandria Barkmeier (chapter 17), is a student attorney with the Community Justice Project Clinic and a member of the class of 2017 at Georgetown University Law Center.

Andrew S. Boutros (chapter 6), co-chair of the CJS Global Anti-Corruption Task Force, is an Assistant United States Attorney in the Northern District of Illinois (Chicago).

Stephen M. Byers (chapter 8), chair of the CJS Task Force on Criminal E-Discovery, is a partner in the Washington, D.C. office of Clifford Moring LLP where he is a member of the firm's White Collar & Regulatory Enforcement Group, and its E-Discovery & Information Management Group.

Assad H. Clark (chapter 5), is an associate attorney in Chicago office of Perkins Coie, LLP.

Peter Clark (chapter 4), is a member of the Business Fraud and Complex Litigation Group in the Washington, D.C. office of Cadwalader, Wickersham & Taft LLP.

Sarina Cox (chapters 12 and 13), is a CJS Staff Attorney at the American Bar Association.

John D. "Jay" Elliott (chapter 18), is a practicing attorney in South Carolina where he has represented children for over 30 years.

Matthew A.S. Esworthy (chapters 7 and 8), co-chair of the CJS Cyber Crime Committee is a partner in the litigation department of Shapiro Sher Guinot & Sandler in Baltimore, Maryland.

Roger A. Fairfax, Jr. (chapter 20), co-chair of the CJS Alternative Dispute Resolution & Restorative Justice Section, is a professor at George Washington University Law School.

Emily A. Fehr (chapter 10), is a third-year law student at the University of Akron School of Law who currently clerks for Sumner & Associates Co., LLC.

April Frazier (chapter 13), Public Defender Services, DC, is a member of the CJS Task Force on Comprehensive Defense Representation.

T. Markus Funk (chapter 5), National co-chair of CJS Global Anti-Corruption Task Force and Special Advisor to the CJS Council, is a partner in Perkins Coie's Litigation Practice, a member of the firm's Investigations & White Collar Defense Group and the co-leader of its Corporate Social Responsibility Supply Chain Compliance Practice.

Michael Gawley (chapter 2), is a member of the class of 2013 at University of California, Hastings College of the Law.

Jason Gonzalez, (chapter 7), co-chair of the CJS Crime Committee is counsel with Nixon Peabody LLP in Los Angeles, California.

Rebecca Gross (chapter 17), is a student attorney with the Community Justice Project Clinic and a member of the class of 2013 at Georgetown University Law Center.

Thomas M. Guerin (chapter 4), is a member of the Business Fraud and Complex Litigation Group in the Washington, D.C. office of Cadwalader, Wickersham & Taft LLP.

Sean Hecker (chapter 21), co-chair of both the CJS's Defense Function Committee and Sentencing Subcommittee of the White Collar Crime Committee, is a litigation partner at Debevoise & Plimpton LLP in New York.

Caroline Hsu (chapter 13), co-chair of the CJS Committee of Reentry and Collateral Consequences and a member of the CJS Task Force on Comprehensive Defense Representation, is an attorney at the Legal Aid Society, in New York.

Karen Hu (chapter 17), is a student attorney with the Community Justice Project Clinic and a member of the class of 2012 at Georgetown University Law Center.

Robert M. A. Johnson (chapter 19), past chair of the CJS co-chair of the CJS International Law Committee, is the former District Attorney of Anoka County, Minnesota.

Peter A. Joy (chapter 16), former co-chair of the CJS Ethics, Gideon and Professionalism Committee, is the Henry Hitchcock Professor of Law and Director of the Criminal Justice Clinic at Washington University School of Law in St. Louis, Missouri.

Erin F. Lewis (chapter 4), is a member of the Business Fraud and Complex Litigation Group in the Washington, D.C. office of Cadwalader, Wickersham & Taft LLP.

Rory K. Little (chapter 2), co-chair of the ABA CJS Annual Practice Committee, is a professor of law at the Hastings College of the Law, University of California.

Justine "Tina" Luongo (chapter 13), chair of the CJS Task Force on Comprehensive Defense Representation, is a Supervising Attorney at the Legal Aid Society, NY.

Joshua Marquis (chapter 22), vice chair of the CJS, is an elected District Attorney in Clatsop County, Astoria, Oregon, and a member of the Board of Directors of the National District Attorneys Association, whose website is www.coastda.com.

Abigail Marshak (chapter 17), is a student attorney with the Community Justice Project Clinic and a member of the class of 2013 at Georgetown University Law Center.

Justin P. Murphy (chapter 8), counsel in the Washington, D.C. office of Crowell & Moring LLP where he is a member of the firm's White Collar & Regulatory Enforcement Group, and its E-Discovery & Information Management Group, is a member of the CJS Magazine editorial board.

Luz E. Nagle (chapter 19), co-chair of the CJS International Law Committee, is a Professor of Law at Stetson University College of Law in Tampa Bay, Florida.

Eric Nemecek (chapter 7) is an associate at Ian N. Friedland & Associates LLC in Cleveland, Ohio.

Bruce Nicholson (chapter 3) is a legislative counsel for the American Bar Association.

Myrna S. Raeder (chapter 1), former chair of CJS, and co-chair of the Innocence Subcommittee, is a professor at Southern Law School in Los Angeles, California.

Sarah E. Redfield (chapter 14), is a professor at the University of New Hampshire School of Law, and a member of the CJS Implicit Bias Project.

Crystal C. Roland (chapter 10), Vari & Associates, LLC, Miami, Florida, is a member of the CJS Task Force on Comprehensive Defense Representation.

Salma S. Safiedine (chapters 9, 13 and 14), is a CJS Staff Attorney for the American Bar Association.

Dora Schriro (chapter 23), Commissioner of the New York City Department of Correction, is a member of the Corrections Committee.

Jennifer Y. Scott (chapter 10), is a partner at the Cleveland Ohio criminal defense firm, Summers, Scott & Associates Co. LLC.

McGregor Smyth (chapter 13), The Bronx Defenders, NY, is a member of the CJS Task Force on Comprehensive Defense Representation.

Merril Sobie (chapter 18), is a professor at the University School of Law in New York.

William L. Summers (chapter 10), the managing partner of the Cleveland, Ohio criminal defense firm, Summers, Scott & Associates Co. LLC. has served the profession for 43 years and is a member of the Defense Services sub-committee

Ronald J. Tabak (chapter 24), Special Counsel at Sten, Arps, Slate, Meagher & Flom LLP and Affiliates, New York, NY, is co-chair of the ABA Section of Individual Rights and Responsibilities' Death Penalty Committee.

Andrew E. Taslitz (chapter 15), chair of the Board of Criminal Justice Magazine, is a professor at American University, Washington College of Law.

Lisa H. Thureau (chapter 18), founder, Strategic Youth in Cambridge, Massachusetts.

Dale Chakarian Turza (chapter 4), is a member of the Business Fraud and Complex Litigation Group in the Washington, D.C. office of the law firm of Calder, Wickersham & Taft LLP.

Georgia Vagenas (chapter 11), is the Assistant Counsel of the ABA Standing Committee on Legal Aid and Indigent Defendants who manages the Committee's grant funded projects.

<http://www.pbookshop.com>