
In The
Supreme Court of the United States

ROSELVA CHAIDEZ,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

On Writ Of Certiorari To The United States
Court Of Appeals For The Seventh Circuit

**BRIEF OF AMICI CURIAE NATIONAL ASSOCIATION OF
CRIMINAL DEFENSE LAWYERS, NATIONAL LEGAL AID
& DEFENDER ASSOCIATION, LAW OFFICE OF THE
COOK COUNTY PUBLIC DEFENDER, PUBLIC
DEFENDER'S OFFICE FOR THE ELEVENTH JUDICIAL
CIRCUIT OF FLORIDA, LOS ANGELES COUNTY
PUBLIC DEFENDER'S OFFICE, KENTUCKY
DEPARTMENT OF PUBLIC ADVOCACY, IMMIGRATION
IMPACT UNIT OF THE MASSACHUSETTS COMMITTEE
FOR PUBLIC COUNSEL SERVICES, NEW YORK STATE
DEFENDERS ASSOCIATION, LEGAL AID SOCIETY,
OREGON CRIMINAL DEFENSE LAWYERS
ASSOCIATION, NEW MEXICO CRIMINAL DEFENSE
LAWYERS ASSOCIATION, ASSOCIATION OF CRIMINAL
DEFENSE LAWYERS OF NEW JERSEY, HALL COUNTY
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OFFICE OF THE DEFENDER GENERAL OF VERMONT,
NEIGHBORHOOD DEFENDER SERVICE OF HARLEM,
FLORENCE IMMIGRANT AND REFUGEE RIGHTS
PROJECT, IMMIGRANT DEFENSE PROJECT,
IMMIGRANT LEGAL RESOURCE CENTER, AND
NATIONAL IMMIGRATION PROJECT OF THE
NATIONAL LAWYERS GUILD IN SUPPORT OF PETITIONER**

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| 3 <i>Criminal Defense Techniques</i> § 60A.01 (Scott Daniels & Ellen Smolinsky Pall eds., 2002) | 15 |
| American Bar Association Standards for Criminal Justice, Prosecution Function and Defense Function, Standard 5.1(a) (1st ed. 1971) | 9 |
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| American Bar Association Standards for Criminal Justice, Pleas of Guilty 14-3.2 (2d ed. 1982) | 8, 9 |
| American Bar Association Standards for Criminal Justice, Pleas of Guilty 14-3.2(f) (3d ed. 1999) | 7, 8 |

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| American Council for Nationalities Service, <i>The General Practitioner – Pitfalls in Counseling Aliens and Immigrants</i> , 58 Interpreter Releases 50 (Dec. 23, 1981) | 17 |
| American Council for Nationalities Service, <i>New Publications</i> , 61 Interpreter Releases, 28 (July 20, 1984)..... | 19 |
| Anthony G. Amsterdam, <i>Trial Manual for the Defense of Criminal Cases</i> (1st ed. 1967) | 15, 16 |
| Maria Baldini-Potermin, <i>Defending Non-Citizens In Minnesota Courts</i> , 17 Law & Ineq. 567 (1998)..... | 22 |
| Jan Joseph Bejar, <i>Representing Aliens in Criminal Proceedings</i> (June 4, 1991) | 25 |
| Jim Benzoni, <i>Defending Aliens in Criminal Cases</i> (1994-1997) | 25 |
| Katherine A. Brady, <i>Defending Immigrants In The Ninth Circuit: Impact of Crimes Under California And Other State Laws</i> (10th ed. 2011) | 20 |
| Katherine A. Brady & David S. Schwartz, <i>Public Defenders Handbook on Immigration</i> (California Public Defenders Association 1988) | 25 |

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| Scott E. Bratton, <i>Practice Points: Representing A Noncitizen In A Criminal Case</i> , 31 <i>The Champion</i> 61 (Jan./Feb. 2007)..... | 18 |
| Steve Brazelton, <i>Immigration Pitfalls of The Plea Bargain: Criminal Attorneys Beware</i> , 7 <i>Nev. Law</i> 13 (Nov. 1999) | 22 |
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| Arthur W. Campbell, <i>Law of Sentencing</i> , § 13:23 (3d ed. 2004) | 15 |
| Kari Converse, <i>Keeping Dorothy In Kansas After Ozkok: New Strategies for Defending Non-Citizens</i> , 13 <i>The Champion</i> 8 (Mar. 1989) | 22 |
| Kari Converse, <i>Criminal Law Reforms: Defending Immigrants in Peril</i> , 21 <i>The Champion</i> 10 (Aug. 1997) | 22 |
| Department of Justice, Office of Justice Programs, 2 <i>Compendium of Standards for Indigent Defense Systems, Standards for Attorney Performance</i> (2000) | 13 |

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| Nancy Hollander & Kari Converse, <i>Immigration Implications for the Alien Defendant, Part II – Narcotics Offenses and Other Crimes</i> , 10 The Champion 16 (June 1986) | 17, 21, 27 |
| INS, <i>Statistical Yearbook of the INS, 1996</i> , Section VI, Table 66 (October 1997) | 29 |
| INS, <i>Statistical Yearbook of the INS, 2000</i> , Section VI, Table 66 (September 2002) | 29 |
| INS, <i>Statistical Yearbook of the INS, 2010</i> , Enforcement Actions, Table 38 (August 2011)..... | 29 |

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| Tova Indritz, <i>Representing An Alien In A Criminal Case: Obtaining The Sentencing Court’s Recommendation Against Deportation</i> , XVI The New Mexico Trial Lawyer No. 1 (1988)..... | 22 |
| Tova Indritz, <i>Puzzling Out the Immigration Consequences of Various Criminal Convictions: Parts I-III</i> , 26 The Champion 12 (Jan.-Feb. 2002)..... | 22 |
| Dan Kesselbrenner & Lory D. Rosenberg, <i>Immigration Law and Crimes</i> (1984-2012)..... | 19 |
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| Wojciech P. Makowski, <i>Immigration Consequences of Criminal Convictions</i> , 8 Forum 5 (1981)..... | 17 |
| Massachusetts Committee for Public Counsel Services, <i>Performance Standards Governing Representation of Indigents in Criminal Cases</i> (Nov. 1988)..... | 13 |
| Margaret McManus, Legal Aid Society of New York, <i>Immigration Consequences of Criminal Conduct</i> (1985) | 14 |
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| National Legal Aid & Defender Association, <i>Performance Guidelines for Criminal Defense Representation</i> (1997) | 11 |
| New York State Bar Association, <i>Standards for Providing Mandated Representation</i> (2005) | 14 |
| North Carolina Commission On Indigent Defense Services, <i>Performance Guidelines for Indigent Defense Representation In Non- capital Criminal Cases At The Trial Level</i> (2004)..... | 14 |
| Ira S. Rubinstein & Ester Greenfield, <i>Immigra- tion Consequences of Criminal Activity</i> , Washington State Bar News (July 1989) | 17 |
| D. Hoyt Smith, <i>What Defenders Should Know About Immigration Law</i> , 2 Washington De- fender 1 (1985) | 19 |
| Michael James Snure, <i>Book Review</i> , 9 The Champion 18 (Apr. 1985) | 19 |
| Norton Tooby & Katherine A. Brady, <i>Criminal Defense of Immigrants</i> (2001)..... | 20 |
| Norton Tooby & Joseph J. Rollin, <i>Aggravated Felonies</i> (2006) | 20 |
| Norton Tooby & Joseph J. Rollin, <i>Criminal Defense of Immigrants</i> (4th ed. 2007)..... | 20 |

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| Norton Tooby, <i>Tooby’s Guide to Criminal Immigration Law</i> (2008)..... | 20 |
| Manuel D. Vargas, <i>Representing Immigrant Defendants In New York</i> (5th ed. 2011)..... | 21 |
| Virginia Indigent Defense Commission, <i>Standards for Practice for Indigent Defense Counsel</i> (2006)..... | 14 |
| Alan Vomacka, <i>Immigration Considerations for the Criminal Defense Lawyer</i> , 6 <i>The Champion</i> 9 (Apr. 1982)..... | 21 |
| Alan Vomacka, <i>Immigration Considerations for the Criminal Defense Lawyer, Part II</i> , 6 <i>The Champion</i> 4 (May 1982)..... | 21 |
| Alfred Zucaro, Jr. & Beth L. Mitchell, <i>Criminal Convictions: The Immigration Consequences</i> , 63 <i>Fla. B.J.</i> 36 (May 1989)..... | 22 |

INTERESTS OF *AMICI CURIAE*¹

Amici curiae include associations of public and private criminal defense lawyers who have represented or counseled thousands of immigrants accused of crimes over the years. *Amici* also include immigrant advocacy and service organizations that have expertise concerning the immigration consequences of criminal convictions and have provided resources and training to the criminal defense bar for years. On a daily basis, *amici* and their practitioner members confront the uniquely difficult circumstances faced by criminal defendants who are non-citizens. They are well aware of how detention and deportation, especially resulting from a wrongfully procured plea-based conviction, imposes an intolerably harsh and unfair penalty on many non-citizens and their families – including petitioner and her family. *Amici* have worked through the years to develop proper standards of conduct for defense counsel in this area and

¹ Pursuant to Rule 37.3 of the Rules of the Supreme Court (Rules), all parties have consented to the filing of this *amici curiae* brief. Respondent's consent letter is being filed herewith. Petitioner's consent letter was filed with the Court on June 15, 2012. Pursuant to Rule 37.6, no counsel for a party authored the brief in whole or in part, and no counsel for a party made a monetary contribution intended to fund the preparation or submission of the brief. In addition, no persons or entities other than *amici*, their members, or their counsel made a monetary contribution to the preparation or submission of the brief.

are well aware of the real-world implications of these standards for counsel who must abide by them on the front lines every day.

Many of the *amici* joining this brief were signatories to the *amici curiae* briefs filed by the National Association of Criminal Defense Lawyers (NACDL), the National Legal Aid & Defender Association (NLADA), and others in *Padilla v. Kentucky*, 130 S. Ct. 1473 (2010), and *INS v. St. Cyr*, 533 U.S. 289 (2001). In *Padilla*, the Court relied on professional standards and resources discussed in the NACDL/NLADA brief in concluding that “[f]or at least the past 15 years,” *Padilla*, 130 S. Ct. at 1485, the “weight of prevailing professional norms supports the view that counsel must advise her client regarding the risk of deportation.” *Id.* at 1482. In this case, the Court will resolve whether there is a remedy for *Padilla* violations pertaining to convictions that were final prior to March 31, 2010, the date *Padilla* was announced. *Amici* are greatly interested in the Court’s resolution of this issue.²



SUMMARY OF ARGUMENT

In *Padilla v. Kentucky*, 130 S. Ct. 1473 (2010), this Court applied the well-settled principles of

² Separate statements of interest for each of the *amici* are included in Appendix A.

Strickland v. Washington, 466 U.S. 668 (1984), to confirm that a non-citizen defendant receives ineffective assistance of counsel in violation of the Sixth Amendment when her lawyer fails to inform her about the immigration consequences of a criminal plea. Under *Strickland*, a lawyer provides ineffective assistance when she unreasonably fails to advise her client according to prevailing professional norms. 466 U.S. at 688. A court assessing the reasonableness of a lawyer’s performance must review professional norms in existence at the time of that performance. *Id.* at 690. *Padilla* held that counsel’s failure to advise Jose Padilla about the risk of deportation when he pled guilty in 2002 was ineffective assistance because “[f]or at least the past 15 years, professional norms have generally imposed an obligation on counsel to provide advice on the deportation consequences of a client’s plea.” 130 S. Ct. at 1485.

The longstanding existence of these deeply rooted professional norms compels the conclusion that, under *Strickland*, it was plainly unreasonable in 2003 (when Roselva Chaidez pled guilty), and for many years before then, for counsel to fail to advise a non-citizen client about the immigration consequences of a criminal conviction. As this brief explains in Point I *infra*, national criminal justice standards promulgated by the American Bar Association and *amicus* National Legal Aid & Defender Association, as well as

many local professional standards and criminal defense treatises and other authoritative publications, have long informed criminal defense lawyers of their ethical duty to advise non-citizen clients about the immigration consequences of criminal convictions. In addition, as explained in Point II *infra*, an extensive array of national and local resources widely available to criminal defense lawyers for decades – including treatises, articles, practice guides, and trainings – has educated the defense bar about these consequences and amply supported defense counsel’s fulfillment of their ethical duty to advise their non-citizen clients about them.³ Finally, in Point III *infra*, this brief explains that the standards and resources discussed herein arose and developed over many years in response to immigration laws that have long imposed the harsh and often mandatory penalties of deportation and exclusion on non-citizens convicted of an increasingly long list of federal and state crimes.

Accordingly, for the reasons stated herein and in petitioner’s brief, and in the interest of fairness, the Court should hold that *Padilla* applies retroactively to allow petitioner and other similarly situated persons to access a remedy for *Padilla* violations suffered

³ A partial and representative list of these resources is contained in Appendix B.

when the professional norms discussed herein were in place.⁴

◆

ARGUMENT

I. *Padilla* Did Not Announce A New Constitutional Rule of Law And Therefore Applies To Convictions That Were Final Before Its Announcement.

The longstanding existence of deeply rooted professional norms requiring defense counsel to provide advice on the immigration consequences of a criminal plea demonstrates that for many years, under *Strickland*, counsel's failure to give such advice was constitutionally ineffective, including when petitioner pled guilty in 2003. Petitioner's brief ably demonstrates that because *Padilla* did nothing more than straightforwardly apply *Strickland's* ineffectiveness standard

⁴ A holding by this Court that there is a remedy for *Padilla* violations pertaining to convictions that were final before *Padilla* was decided will permit lower courts deciding particular ineffectiveness claims to determine whether a particular counsel's challenged conduct was unreasonable under prevailing professional norms and violative of *Padilla*. See *Strickland*, 466 U.S. at 690 (“[A] court deciding an actual ineffectiveness claim must judge the reasonableness of counsel's challenged conduct on the facts of the particular case, viewed as of the time of counsel's conduct.”). See also *Roe v. Flores-Ortega*, 528 U.S. 470, 478 (2000) (rejecting “‘*per se* rule[s] as inconsistent with *Strickland's* holding that ‘the performance inquiry must be whether counsel's assistance was reasonable considering all the circumstances.’ 466 U.S., at 688.”).

to assess counsel's performance under prevailing professional norms, *Padilla* did not announce a "new rule" of constitutional law under the retroactivity framework of *Teague v. Lane*, 489 U.S. 288 (1989), and thus it applies to persons, like petitioner, whose convictions were final before its announcement. Brief for Petitioner at 9-10, 13-27.⁵

A. Professional Standards Have Long Recognized A Criminal Defense Lawyer's Duty To Advise A Non-citizen Client About The Immigration Consequences of A Criminal Conviction.

The Court reiterated in *Padilla* that, under the first prong of the *Strickland* standard for ineffective assistance of counsel claims, "[t]he proper measure of attorney performance remains simply reasonableness under prevailing professional norms. . . . as reflected in American Bar Association standards and the like." *Padilla*, 130 S. Ct. at 1482 (internal citations omitted) (quoting *Strickland*, 466 U.S. at 688). Citing American Bar Association (ABA) and NLADA standards, local standards, treatises, articles, and practice materials from 1993 through 2009, the Court concluded that "[f]or at least the past 15 years, professional norms have generally imposed an obligation

⁵ Even if *Padilla* did announce a new rule, it should still apply to collateral challenges of federal convictions that were final when *Padilla* as decided, for the reasons petitioner asserts. Brief for Petitioner at 10-12, 27-39.

on counsel to provide advice on the deportation consequences of a client's plea." *Id.* at 1485.

These and other relevant standards and materials demonstrate that prevailing professional norms have long required criminal defense lawyers to advise a non-citizen client about the immigration consequences of a plea. Over the years, these standards and materials have "adapted to deal with the intersection of modern criminal prosecutions and immigration law." *Id.* at 1482. However, they have always reflected counsel's core ethical duty to investigate, and consult with a client on, all matters important to a client in deciding whether to enter a plea, including the risk of deportation. These standards and materials include the following:

ABA Criminal Justice Standards. In *Padilla*, the Court cited the 1999 third edition of an ABA criminal justice standard in support of its conclusion about professional norms. This standard requires that "[t]o the extent possible, defense counsel should determine and advise the defendant, sufficiently in advance of the entry of any plea, as to the possible collateral consequences that might ensue from entry of the contemplated plea." ABA Standards for Criminal Justice, Pleas of Guilty 14-3.2(f), at 116 (3d ed. 1999) (cited in *Padilla*, 130 S. Ct. at 1482). The commentary to Standard 14-3.2(f) states that these consequences may include "immigration consequences" and adds that counsel "should be familiar with the basic immigration consequences that flow from different types of guilty pleas," because "it may well be

that many clients' greatest potential difficulty, and greatest priority, will be the immigration consequences of a conviction." *Id.*, cmt. at 126-27.

In *St. Cyr*, the Court cited the commentary to the 1982 second edition of this particular ABA standard to conclude that "the American Bar Association's Standards for Criminal Justice provide that, *if a defendant will face deportation as a result of a conviction, defense counsel 'should fully advise the defendant of these consequences.'*" 533 U.S. at 323 n.48 (emphasis added) (citing ABA Standards for Criminal Justice, Pleas of Guilty 14-3.2, cmt. at 75 (2d ed. 1982)).⁶ The commentary cited in *St. Cyr* states: "The standard also recognizes the need for counsel to advise the defendant on other considerations 'deemed important by . . . the defendant.' Many collateral consequences may follow conviction . . . even deportation or expatriation." ABA Standards for Criminal Justice, Pleas of Guilty Standard 14-3.2, cmt. at 75 (2d ed. 1982). In addition, the text of the standard states: "To aid the defendant in reaching a decision, defense

⁶ The commentary to the 1999 third edition of Standard 14-3.2 makes clear that subsection (f) does not impose any new requirements but reiterates an understanding of the standard dating back at least to the 1982 second edition cited in *St. Cyr*. ABA Standards for Criminal Justice, Pleas of Guilty 14-3.2(f), cmt. at 125-26 (3d ed. 1999) ("[While] Standard 14-3.2(f) is another new provision. . . the standards always required defense counsel to advise his or her client concerning other considerations 'deemed important by defense counsel or the defendant' (Standard 14-3.2(b)).").

counsel, after appropriate investigation, should advise the defendant of the alternatives available and of considerations deemed important by defense counsel or the defendant in reaching a decision.” *Id.*, 14-3.2(b), at 73. The quoted text of and commentary to the 1982 second edition are virtually identical to the text of and commentary to the 1968 first edition of this standard.⁷

These national standards show that the ABA has long recognized defense counsel’s duty to fully advise non-citizen clients about the possible deportation consequences of a plea.⁸ These standards are “valuable

⁷ *Id.*, 3.2(b), at 70 (1st ed. 1968) (“To aid the defendant in reaching a decision, defense counsel, after appropriate investigation, should advise the defendant of the alternatives available and of considerations deemed important by him or the defendant in reaching a decision.”); *id.*, 3.2, cmt. at 71 (“The standard also recognizes the need for counsel to advise the defendant on other considerations ‘deemed important by him or the defendant.’ Many collateral consequences may follow conviction . . . even deportation or expatriation.”).

⁸ In addition, the 1993 third edition of another ABA standard, relied on by *Padilla* for its conclusion about professional norms, requires counsel to provide advice “concerning all aspects of the case.” ABA Standards for Criminal Justice, Prosecution Function and Defense Function, Standard 4-5.1(a), at 197 (3d ed. 1993) (cited in *Padilla*, 130 S. Ct. at 1482). The 1971 first edition of this standard contains essentially identical language. *Compare id.* (“After informing himself or herself fully on the facts and the law, defense counsel should advise the accused with complete candor concerning all aspects of the case, including a candid estimate of the probable outcome.”), *with id.*, Standard 5.1(a), at 127 (1st ed. 1971) (“After informing himself fully on the facts and the law, the lawyer should advise the

(Continued on following page)

measures of the prevailing professional norms of effective representation,” *Padilla*, 130 S. Ct. at 1482, not only because the Court has repeatedly relied on them, but because of their prominence within the criminal justice bar; they reflect the considerable expertise of distinguished lawyers and jurists from across the nation.⁹ Chief Justice Warren E. Burger, who served as chairman of the ABA Project that drafted the initial Standards for Criminal Justice, explained:

The Standards represent more than 10 years of intense work, study, and debate by more than 100 of the nation’s leading jurists, lawyers, and legal scholars. . . . The participants were drawn from every part of the country and included state and federal judges, prosecuting attorneys, defense lawyers, public defenders, law professors, penology experts and police officials. In addition, the active participants consulted with scores of other interested and knowledgeable individuals in the criminal justice field for their advice and assistance. . . . *In sum, this project was much more than a theoretical and idealistic re-statement of the law, but rather a synthesis of*

accused with complete candor concerning all aspects of the case, including his candid estimate of the probable outcome.”).

⁹ In addition to *Padilla* and *St. Cyr*, the Court has cited ABA criminal justice standards in evaluating attorney performance in *Rompilla v. Beard*, 545 U.S. 374, 387 (2005); *Wiggins v. Smith*, 539 U.S. 510, 524 (2003); *Williams v. Taylor*, 529 U.S. 362, 396 (2000); and *Flores-Ortega*, 528 U.S. at 479.

the experience of a diverse and highly experienced group of professionals.

Warren E. Burger, *Introduction: The ABA Standards for Criminal Justice*, 12 Am. Crim. L. Rev. 251, 252-53 (1974) (emphasis added). As of 1974, these ABA standards had “already been adopted by several states and [were] under active consideration in many others.” *Id.* at 253.

NLADA Criminal Defense Standards. In addition to the ABA standards, the defense community has long endorsed standards requiring counsel to inquire about a client’s immigration status and to advise about the immigration consequences of a plea. Foremost among these are *amicus* NLADA’s *Performance Guidelines for Criminal Defense Representation* (NLADA Guidelines), on which the Court relied in *Padilla*. 130 S. Ct. at 1482 (citing NLADA Guidelines §§ 6.2-6.4 (1997); *id.*, § 6.2 (1995)). At the time the NLADA Guidelines were first adopted in 1994, NLADA had nearly fifty years of experience supporting the provision of quality defense representation, including extensive experience “training attorneys (especially those who directly represent poor defendants), filing *amicus* briefs in cases impacting on the provision of counsel, pooling information from defender offices and assigned counsel programs and disseminating it, educating public officials and the public at large about criminal justice issues impacting the poor, and promulgating standards relating to the provision of counsel.” NLADA Guidelines at 6 (1995). As a result, the NLADA Guidelines “reflect

the knowledge and experience NLADA has gained in these endeavors, and represent the collective effort of experienced attorneys” and others. *Id.*

Many of the NLADA Guidelines underscore that competent defense counsel must take into account the risk of deportation at all stages of the criminal process, including at the initial interview, plea bargaining, and sentencing stages. For example:

- At the initial interview stage, NLADA Guideline § 2.2(b)(2)(A) makes clear that counsel should determine the client’s “immigration status.”
- At the plea bargaining stage, NLADA Guideline § 6.2(a) specifies that as part of an “overall negotiation plan” prior to plea discussions, counsel should make sure the client is fully aware of not only the maximum term of imprisonment but also a number of additional possible consequences of conviction, including “deportation;” *id.* § 6.3(a) requires that counsel explain to the client “the full content” of any “agreement,” including “the advantages and disadvantages and the potential consequences;” and *id.* § 6.4(a) requires that prior to entry of the plea, counsel make certain the client “fully and completely” understands “the maximum punishment, sanctions, and other consequences” of the plea.
- At the sentencing stage, NLADA Guideline § 8.2(b) requires that counsel be

“familiar with direct and collateral consequences of the sentence and judgment, including . . . deportation;” and *id.* § 8.3(a) requires that counsel inform the client of “the likely and possible consequences of sentencing alternatives.”

State and Local Standards. The Court in *Padilla* cited state and local standards from 1996 through 1999 that, similar to the NLADA Guidelines, require defense counsel to learn about a client’s immigration status during an initial interview and to negotiate a plea agreement in light of the immigration consequences for the client. *Padilla*, 130 S. Ct. at 1482 (citing Dept. of Justice, Office of Justice Programs, 2 *Compendium of Standards for Indigent Defense Systems, Standards for Attorney Performance* at D10, H8-H9, J8 (2000)). There are many other such state and local standards. For example, the committee appointed by the Massachusetts Supreme Judicial Court to oversee the provision of legal representation to indigent persons in criminal court cases has long issued standards requiring public defenders and bar advocates to advise a defendant of the immigration consequences of her conviction. Massachusetts Committee for Public Counsel Services, *Performance Standards Governing Representation of Indigents in Criminal Cases*, § 5.10(e) (Nov. 1988).

In North Carolina, defense counsel are ethically required to ask a client during the initial interview about her “immigration status” and to discuss with a client “potential collateral consequences of entering a

plea, such as deportation or other effects on immigration status.” North Carolina Commission On Indigent Defense Services, *Performance Guidelines for Indigent Defense Representation In Non-capital Criminal Cases At The Trial Level*, Guidelines 2.2(c)(2)(A), 6.2(b)(8) (2004); *See also* Virginia Indigent Defense Commission, *Standards for Practice for Indigent Defense Counsel*, Standards 2.2(b)(3)(A), 6.2(a)(3) (2006) (requiring counsel to inquire about “immigration status” and “ensure the client is aware of . . . the possibility of deportation”). The New York State Bar Association requires public defenders to work to “avoid[, if at all possible, collateral consequences including . . . deportation.” New York State Bar Association, *Standards for Providing Mandated Representation*, Standard I-7(a)(v) (2005). Furthermore, public defender offices in San Francisco and New York City, which represent large numbers of non-citizen defendants, have instructed their attorneys for decades to consider the immigration consequences of a client’s conviction. *People v. Soriano*, 240 Cal. Rptr. 328, 335 (Cal. Ct. App. 1987) (San Francisco Public Defender’s office “imposes on its staff attorneys, under its Minimum Standards of Representation, the duty to ascertain what the impact of the case may have on [the client’s] immigration status in this country” (citation and internal quotation marks omitted)); Margaret McManus, The Legal Aid Society of New York, *Immigration Consequences of Criminal Conduct* (1985) (“Since criminal conduct, sometimes even without a conviction, may have serious immigration consequences for all Aliens, it

must be considered immediately.” (emphasis omitted)).

Treatises, Articles, and Practice Materials.

In addition to the aforementioned standards, many authoritative treatises, articles, and practice materials have informed criminal defense lawyers for years that it is their professional duty to understand the immigration consequences of a client’s plea, and to provide the client with advice about entering a plea in light of those consequences. The Court in *Padilla* cited some of those publications, including an article from *amicus* NACDL’s journal *The Champion*, in support of its conclusion about prevailing professional norms. 130 S. Ct. at 1482. The Court also cited the 2004 third edition of Arthur W. Campbell, *Law of Sentencing*, § 13:23, at 555, 560 (3d ed. 2004), the first edition of which instructed defense counsel about this duty in 1978: “Counsel should also be aware that criminal conviction can result in . . . [a] client’s own deportation from the country.” *Id.* § 123, at 375 (1st ed. 1978).

Many other criminal defense publications similarly advise that “[an] attorney who suspects that his client is an alien has a duty to inquire and to protect his client’s immigration status.” 3 *Criminal Defense Techniques* § 60A.01 (Scott Daniels & Ellen Smolinsky Pall eds., 2002). One particularly notable example is Professor Anthony G. Amsterdam’s definitive treatise *Trial Manual for the Defense of Criminal Cases*, published by *amicus* NLADA, the American College of Trial Lawyers, and the ALI-ABA Committee on

Continuing Professional Education. Anthony G. Amsterdam, *Trial Manual for the Defense of Criminal Cases* (1st ed. 1967).¹⁰ It instructs defense counsel that “[n]o intelligent plea decision can be made by either lawyer or client without full understanding of the possible consequences of a conviction,” *id.* § 204, at 2-146, including “[l]iability to deportation, if the defendant is an alien.” *Id.* § 205, at 2-148.

Similarly, practice materials for federal defenders have recognized for many years the duty to counsel a client about the advisability of entering a plea in light of the immigration consequences of the plea. The 1984 edition of *Defending A Federal Criminal Case*, an extensive practice guide published by the Federal Defenders of San Diego, Inc. (most recently updated and republished in 2010) states:

The immigration consequences of a criminal conviction for a client must be initially analyzed. Deportation of a legal resident alien frequently poses a more severe hardship than any prison sentence would. *Advising a client to plead guilty in an inappropriate case is ethically, and perhaps legally, professionally malpractice. The criminal defense attorney should consult with immigration attorneys or*

¹⁰ *Trial Manual for the Defense of Criminal Cases* has been cited by federal courts in at least six judicial circuits as an authoritative resource on criminal defense practice. *E.g.*, *Dean v. Superintendent*, 93 F.3d 58 (2d Cir. 1996); *Wright v. Estelle*, 572 F.2d 1071 (5th Cir. 1978); *McSurely v. McClellan*, 426 F.2d 664 (D.C. Cir. 1970).

examine secondary research sources to determine the immigration consequences of a guilty plea in any particular case.

Federal Defenders of San Diego, Inc., *Defending A Federal Criminal Case*, § 12.01, at 12-1 (1984) (emphasis added). This manual goes on to cite several resources that federal defenders can consult to learn about the immigration consequences of a guilty plea, including Nancy Hollander, *Defending The Criminal Alien in New Mexico: Tactics And Strategy To Avoid Deportation*, 9 N.M.L. Rev. 45 (1978-79), and Wojciech P. Makowski, *Immigration Consequences of Criminal Convictions*, 8 Forum 5, at 26-34 (1981).

Through these treatises, articles, and practice materials, the defense community has made counsel aware for decades that “[a]ny time [she] thinks there is the remotest possibility that a client may be an alien, there is a duty to inquire and to protect that client’s immigration status.” Nancy Hollander & Kari Converse, *Immigration Implications for the Alien Defendant, Part II – Narcotics Offenses and Other Crimes*, *The Champion* at 16, 20 (June 1986) (hereinafter *Immigration Implications*). See also, e.g., American Council for Nationalities Service, *The General Practitioner – Pitfalls in Counseling Aliens and Immigrants*, 58 Interpreter Release 50, at 689-97 (Dec. 23, 1981) (describing importance of being aware of the deportation consequences of a client’s plea); Ira S. Rubinstein & Ester Greenfield, *Immigration Consequences of Criminal Activity*, *Washington State Bar News* at 11-16 (July 1989) (“[A] thorough knowledge

of immigration laws and procedures is necessary to identify those cases where immigration strategy should be linked with criminal defense tactics to help the noncitizen client preserve his or her immigration status.”).

B. An Extensive Array of Resources Has Long Been Available To Criminal Defense Lawyers To Enable Them To Effectively Advise Non-citizen Clients About The Immigration Consequences of Criminal Convictions.

In addition to informing defense counsel about their duty to advise about immigration consequences, an extensive array of treatises, articles, manuals, practice guides, and other resources, including trainings and CLE programs, has provided defense counsel for decades with detailed information about the immigration consequences of various criminal convictions and strategies for effectively addressing these consequences. Competent defense counsel have long relied on these resources to fulfill their professional duty to fully advise their non-citizen clients about the immigration consequences of a plea.

Treatises, Articles, and Manuals. In addition to publications cited by the Court in *Padilla*, 130 S. Ct. at 1482, such as Scott E. Bratton, *Practice Points: Representing A Noncitizen In A Criminal Case*, 31 *The Champion* 61 (Jan./Feb. 2007), and the materials discussed above, a variety of written materials has been widely available over the years to help

defense counsel understand the particular immigration consequences of a client's plea.

Foremost is *amicus* NIP's treatise *Immigration Law and Crimes*, considered the national "Bible" for determining the immigration law implications of criminal cases. Dan Kesselbrenner & Lory D. Rosenberg, *Immigration Law and Crimes* (1984-2012) (currently available on Westlaw). The availability of the 1984 first edition was widely publicized to criminal defense lawyers, including through a detailed review in *The Champion*. Michael James Snure, *Book Review*, *The Champion* at 18-20 (April 1985). The review declared the treatise "a must for any defense attorney representing a non-U.S. citizen" because it is "very broad, yet very detailed" and it "uncovers and treats numerous adverse immigration consequences that may be triggered by the most seemingly harmless and innocuous situations encountered everyday in the representation of traditional criminal defendants." *Id.* at 20. Another review described the treatise as offering "a lucid and well annotated exposition of the law, a detailed 'how to' analysis of the procedures, and much by way of practical comment and suggestion derived from experience." American Council for Nationalities Service, *New Publications*, 61 *Interpreter Releases* 28, at 576-77 (July 20, 1984). *See also* D. Hoyt Smith, *What Defenders Should Know About Immigration Law*, 2 *Washington Defender* 1, at 1 (1985) (reviewing *Immigration Law and Crimes*). In addition to NIP's treatise, California criminal defense attorney Norton Tooby has published many national

practice manuals for criminal defense lawyers. *See, e.g.*, Norton Tooby & Katherine A. Brady, *Criminal Defense of Immigrants* (2001); Norton Tooby & Joseph J. Rollin, *Aggravated Felonies* (2006); Norton Tooby & Joseph J. Rollin, *Criminal Defense of Immigrants* (4th ed. 2007); Norton Tooby, *et al.*, *Tooby's Crimes of Moral Turpitude* (2008); Norton Tooby, *Tooby's Guide to Criminal Immigration Law* (2008).

Since 1990, *amicus* Immigrant Legal Resource Center (ILRC) has published a treatise on immigration consequences for criminal defense practitioners in states covered by the Ninth Circuit. Katherine A. Brady, *Defending Immigrants In The Ninth Circuit: Impact of Crimes Under California And Other State Laws* (10th ed. 2011). *See also* Letter from Katherine A. Brady, Senior Staff Attorney, ILRC, at 1 (July 20, 2012) (hereinafter *Brady Letter*).¹¹ From 1990 through the present, ILRC and colleagues have co-authored a chapter on the representation of non-citizen defendants in the widely distributed publication *California Criminal Law Procedure and Practice*, which is published by the University of California and the State Bar of California. *Brady Letter* at 1. Since 1998, *amicus* IDP has published a treatise aimed

¹¹ Letters, memoranda, and e-mails cited herein are on file with counsel for *amici* and contain information that the Court may judicially notice. In order to avoid inconvenience to the Court, *amici* have not sought permission to lodge these materials with the Clerk of the Court at this time. *Amici* are prepared to lodge copies of these materials should the Court wish.

specifically at New York practitioners, Manuel D. Vargas, *Representing Immigrant Defendants In New York* (5th ed. 2011), which is distributed free of charge to every public defender office in New York State. Memorandum from Benita Jain, Co-Director, IDP, at 1 (June 30, 2012) (hereinafter *Jain Memorandum*).

Law reviews, bar journals, and defender-oriented publications like *The Champion* have also published countless articles over the years providing defense attorneys with detailed information about the immigration consequences of specific criminal convictions. These articles include a two-part series in the *Champion* that provided “the defense attorney with a basic introduction to the immigration consequences of criminal convictions.” Alan Vomacka, *Immigration Considerations for the Criminal Defense Lawyer*, *The Champion* at 9 (Apr. 1982); Alan Vomacka, *Immigration Considerations for the Criminal Defense Lawyer, Part II*, *The Champion* at 4 (May 1982). Another two-part *Champion* series provided a detailed discussion of deportable crimes under the Immigration and Nationality Act and offered sample questions for client interviews. Nancy Hollander & Kari Converse, *Immigration Implications for the Alien Defendant, Part I – Crimes of Moral Turpitude*, *The Champion* at 29 (May 1986); *Immigration Implications* at 16. An *American Criminal Law Review* article similarly acquainted counsel with convictions most likely to lead to deportation and offered strategies for avoiding a client’s deportation. Maryellen Fullerton & Noah Kinigstein, *Strategies for Ameliorating the*

Immigration Consequences of Criminal Convictions: A Guide for Defense Attorneys, 23 Am. Crim. L. Rev. 425 (1986).¹²

Trainings, CLE Seminars, Practice Guides, and Free Technical Assistance. Since 1986, *amicus* NIP has offered free technical assistance to thousands of federal and state criminal defense lawyers from all 50 states in connection with their representations of non-citizens in federal and state criminal proceedings. Letter from Dan Kesselbrenner, Executive Director, NIP, at 1 (July 11, 2012) (hereinafter *Kesselbrenner Letter*). In addition, NIP has conducted trainings and CLE seminars on the immigration consequences of criminal convictions in 43 states, the District of Columbia, Puerto Rico, and the

¹² Many similar articles have been published over the years. See, e.g., Tova Indritz, *Representing an Alien in a Criminal Case: Obtaining the Sentencing Court's Recommendation Against Deportation*, XVI The New Mexico Trial Lawyer, No. 1 (1988); Kari Converse, *Keeping Dorothy in Kansas After Ozkok: New Strategies for Defending Non-Citizens*, 13 The Champion 8 (Mar. 1989); Alfred Zucaro, Jr. & Beth L. Mitchell, *Criminal Convictions: The Immigration Consequences*, 63 Fla. B.J. 36 (May 1989); Ira J. Kurzban, *The Immigration Act of 1990*, 15 The Champion 5 (Apr. 1991); Robert Frank, *Criminal Defense of Foreign Nationals*, 167 N.J. Law 36 (Feb.-Mar. 1995); Kari Converse, *Criminal Law Reforms: Defending Immigrants in Peril*, 21 The Champion 10 (Aug. 1997); Maria Baldini-Potermin, *Defending Non-Citizens in Minnesota Courts*, 17 Law & Ineq. 567 (1998); Steve Brazelton, *Immigration Pitfalls of the Plea Bargain: Criminal Attorneys Beware*, 7 Nev. Law 13 (Nov. 1999); and Tova Indritz, *Puzzling Out the Immigration Consequences of Various Criminal Convictions: Parts I-III*, 26 The Champion 12, 20, 22 (Jan.-Feb. 2002).

U.S. Virgin Islands, which have been attended by more than 5,000 practitioners from all 50 states. *Id.* at 2-3. Since 1979, *amicus* ILRC has provided a nationwide consultation service called the “Attorney of the Day,” in which immigration questions are answered by expert staff attorneys for a fee. *Brady Letter* at 3. In addition, since 1991, ILRC has regularly presented CLE seminars and more recently webinars to criminal defense attorneys throughout California, and has presented similar trainings in other Ninth Circuit states. *Id.* at 2-4. These trainings include more than 50 presentations by Katherine Brady, a national expert on the interplay of criminal and immigration law, for county public defender offices in California. *Id.* at 2. Since its founding in 1997, *amicus* IDP has provided extensive publications and trainings for criminal defense lawyers regarding the immigration consequences of convictions. *Jain Memorandum* at 1-2. Also since 1997, IDP has operated a free “hotline” that offers individualized telephone assistance concerning the immigration consequences of criminal convictions. *Id.* The hotline has responded to requests for assistance in about 18,000 cases; nearly half of these requests came from criminal defense attorneys and advocates or their clients. *Id.* at 1, 3. IDP has also trained dozens of in-house immigrant defense experts at public defender organizations in Florida, Maryland, Pennsylvania, New York, Vermont, and other states. *Id.* at 2.

In addition to *amicus*’s trainings and assistance, bar associations, public defender offices, lawyers, and

law schools around the country have organized countless trainings and CLE seminars for both federal and state defense counsel. For example, since at least 2002, the Public Defender of Cook County, Illinois has provided training to assistant public defenders on the immigration consequences of criminal convictions. E-mail from Lester Finkle, Chief, Legal Resource Division, Law Office of the Cook County Public Defender (July 20, 2012). Since 1992, Jay Stansell, a former immigration attorney who is now a federal defender in Seattle, Washington, has conducted many trainings with state and federal defense attorneys on the immigration consequences of criminal convictions, and in 1992 he co-authored a training manual, *Immigration Consequences of Criminal Convictions*, that was used in these trainings. See Letter from Jay W. Stansell, Assistant Federal Public Defender, Western District of Washington, at 1-3 (July 17, 2012).

The New York State Defenders Association (NYSDA) has responded to more than 5,000 requests for assistance with immigration issues in criminal cases since 1978, and during the past decade it has sponsored at least 20 trainings annually informing criminal defense counsel in New York State about the immigration consequences of criminal convictions. Letter from Jonathan E. Gradess, Executive Director, NYSDA (July 18, 2012). Even before it began these trainings, NYSDA published materials on immigration consequences of criminal convictions collected from all 50 states in its magazine *The Defender* and its newsletter *Public Defense Backup Center Report*,

which is made available to every lawyer providing public defense services in New York State. *Id.*

Moreover, beginning in the late 1980s, the Legal Aid Society for the City of New York, Criminal Defense Division, and the Los Angeles County Public Defender, provided in-house resources and periodic trainings on the immigration consequences of criminal convictions. Brief of *Amici Curiae* National Association of Criminal Defense Lawyers, *et al.* in *St. Cyr*, No. 00-767, at App. 17-18. Beginning in 1987, the Immigration Law Clinic at the University of California, Davis, School of Law, sponsored training sessions for criminal defense lawyers on immigration issues, including for the California Public Defenders Association. *Id.* at App. 18. And the ABA has documented examples of similar state bar association CLE seminars from across the country, including in states with large immigrant populations such as Arizona, Colorado, Florida, and Texas. Brief of the American Bar Association As *Amicus Curiae* In Support of Petitioner in *Padilla*, No. 08-651, at App. 16a-30a. These trainings and CLE seminars have been supplemented by countless written materials distributed to many federal and state public defenders, and private defense lawyers, across the country. *See, e.g.*, Katherine A. Brady & David S. Schwartz, *Public Defenders Handbook On Immigration* (California Public Defenders Association 1988); Jan Joseph Bejar, *Representing Aliens in Criminal Proceedings* (training material for Criminal Justice Act Seminar, June 4, 1991); Jim Benzoni, *Defending*

Aliens in Criminal Cases (training material for Iowa CLE programs 1994-1997).

In short, not only has the basic duty to inform criminal defendants of the immigration consequences of a plea existed for many years, but criminal defense lawyers have long had ready access to a vast collection of educational materials and trainings that have provided competent counsel with more than sufficient resources to fulfill that professional duty.

C. These Professional Standards And Resources Arose As A Result of Immigration Laws That Have Historically Imposed The Harsh Penalty of Deportation On A Steadily Increasing Number of Non-citizen Defendants.

The longstanding prevalence of the professional norms and resources discussed above reflects the historically severe and often mandatory nature of deportation, which existed under federal immigration law long before the enactment of the Anti-Terrorism and Effective Death Penalty Act of 1996 (AEDPA), Pub. L. No. 104-132, 110 Stat. 1214, and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Pub. L. No. 104-208, 110 Stat. 3009-546. As this Court has noted, “deportable offenses have historically been defined broadly,” *St. Cyr*, 533 U.S. at 295, and even before 1996 deportation was virtually inevitable for certain categories of non-citizens convicted of various offenses.

For example, immigration laws have long made deportation virtually inevitable if not mandatory for non-citizens with convictions for certain drug offenses. Under the Immigration and Nationality Act of 1952 (1952 Act), Pub. L. No. 82-414, 66 Stat. 163, certain non-citizen offenders facing deportation were eligible for relief from deportation through the judicial recommendation against deportation (JRAD) procedure, which allowed a judge at sentencing to recommend against deportation. However, with minor exceptions the JRAD procedure did not apply to non-citizens convicted of a narcotics offense. *Padilla*, 130 S. Ct. at 1480 n.5. Thus, a conviction for the possession of more than 30 grams of marijuana could render a non-citizen automatically deportable, *see Immigration Implications* at 16 & n.2, and a conviction for the possession of any amount of marijuana could render a non-citizen automatically excludable. 8 U.S.C. § 1182(h) (1981).

With respect to all types of convictions that posed a risk of deportation or exclusion, the need for competent advice about those risks increased with the enactment of several changes to the 1952 Act beginning in the late 1980s. In 1988, Congress expanded the list of deportable offenses by adding convictions for any “aggravated felony,” Anti-Drug Abuse Act of 1988, Pub. L. No. 100-690, §§ 7342-44, 102 Stat. 4181, 4469-71. Only two years later, Congress entirely eliminated the JRAD procedure. *Padilla*, 130 S. Ct. at 1480. *See also* Immigration Act of 1990 (IMMACT), Pub. L. No. 101-649, § 505(a), 104 Stat. 4978, 5050.

At the same time, it expanded the definition of “aggravated felony,” *id.* § 501(a), 104 Stat. 5048, and made deportation mandatory for many deemed convicted of such aggravated felonies, such as persons who served more than five years in prison. *Id.* § 511(a), 104 Stat. 5052. In 1994, Congress further expanded the definition of “aggravated felony” such that the original list of seven deportable offenses grew to sixteen. Immigration and Nationality Technical Corrections Act of 1994 (INTCA), Pub. L. No. 103-416, § 2224, 108 Stat. 4305, 4320-24.

In addition, although certain non-citizen offenders could seek relief from deportation under § 212(c) of the 1952 Act, which granted the Attorney General discretion to terminate deportation proceedings, this relief was unavailable to those who had lived in the United States less than seven consecutive years prior to completion of their deportation proceedings, 1952 Act, § 212(c), 66 Stat. 187; *see also Lok v. INS*, 681 F.2d 107, 108-110 (2d Cir. 1982) (discussing seven-year requirement), and after 1990 it was unavailable to those who had served more than five years in prison. IMMACT, § 511(a), 104 Stat. 5052. Moreover, even when § 212(c) was technically available, applications for § 212(c) were frequently not granted, as this Court has observed. *St. Cyr*, 533 U.S. at 296 n.5 (discussing statistics showing nearly 50% of § 212(c) applications between 1989 and 1995 were not granted). In 1996, § 212(c) relief was entirely eliminated. IIRIRA, § 240A, 110 Stat. 3009-597.

These changes in immigration law contributed to a steady annual increase in the number of non-citizens deported for criminal or narcotics convictions from 1981 to 1996, such that more than 185,000 of these deportations occurred during that period. INS, *Statistical Yearbook of the INS, 1996*, Section VI, Table 66, at 183 (October 1997). These numbers continued to increase after 1996. INS, *Statistical Yearbook of the INS, 2000*, Section VI, Table 66, at 248, 252 (September 2002); INS, *Statistical Yearbook of the INS, 2010*, Enforcement Actions, Table 38, at 96, 99, 102 (August 2011).

In response to these immigration laws, and the historically harsh penalty of deportation they often imposed, the bar and defender community developed professional standards universally requiring defense counsel to fully advise non-citizen clients about the deportation risk of a criminal conviction. These professional standards spawned a vast array of resources that have long enabled competent defense counsel to effectively comply with these standards. These well-established professional norms demonstrate that *Padilla's* holding was dictated by *Strickland* because constitutionally competent defense counsel has been professionally obligated for many years to fully advise non-citizen clients about the immigration consequences of a criminal plea.



CONCLUSION

The Court should reverse the judgment of the Court of Appeals and hold that *Padilla* applies retroactively to petitioner's claim and the claims of other similarly situated persons.

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**APPENDIX A: Separate Statements
Of Interest For *Amici Curiae***

The National Association of Criminal Defense Lawyers (NACDL) is a non-profit corporation with more than 12,000 members nationwide, and 28,000 affiliate members in 50 states, including private criminal defense attorneys, public defenders, and law professors. The American Bar Association recognizes NACDL as an affiliate organization and awards it full representation in the ABA's House of Delegates. Founded in 1958, NACDL promotes criminal law research, advances and disseminates knowledge in the area of criminal practice, and encourages integrity, independence, and expertise among criminal defense counsel. NACDL is particularly dedicated to advancing the proper, efficient, and just administration of justice, including issues involving the constitutional standards for effective criminal defense counsel.

The National Legal Aid & Defender Association (NLADA) is the nation's leading advocate for frontline legal aid and defender attorneys and other equal justice professionals who make a difference in the lives of low-income clients and their families and communities. Representing legal aid and defender programs, as well as individual advocates, NLADA is privileged to be the oldest and largest national, non-profit membership association devoting 100 percent of its resources to serving the broad equal justice community. NLADA and its members are keenly aware of the need to accurately advise a client of the consequences

of a plea agreement that are significant to the client's ability to make an informed decision, such as the immigration consequences at issue in this case. Indeed, NLADA has developed performance guidelines, cited in *Padilla v. Kentucky*, 130 S. Ct. 1473, 1482 (2010), for criminal defense representation, that specifically call on defense attorneys to advise their clients about such significant consequences.

NLADA has worked with NACDL and IDP to highlight the important responsibility to fully advise our clients, and message to all involved in the criminal justice community, as well as the community at large, the crucial nature of such advisements. NLADA is a founding partner of the Defending Immigrants Partnership, which was established in 2002 in order to assist individual defenders and defender organizations with immigration-related issues. While working to continue this and like partnerships, NLADA has worked with Criminal Justice Act attorneys, and federal and state defenders, to develop and maintain accessible resources to better aid in comprehensive advice to our clients on immigration and other significant life consequences. It is our interest that equal justice extend to those who did not receive such important and ethically required advice before the announcement of the Court's decision in *Padilla*.

The Law Office of the Cook County Public Defender is the second largest public defender office in the nation. Providing representation for the indigent in Chicago and its suburbs, the Office has a caseload that exceeds 200,000 cases annually. Anyone who is

indigent qualifies for the services of the Public Defender; no one is disqualified due to his or her citizenship status. The Public Defender of Cook County believes that effective assistance of counsel must be provided to every client, regardless of national origin. Since at least 2002, training has been provided to assistant public defenders on the immigration consequences of criminal convictions. A sizeable number of non-citizens are among the office's clients, and each deserves the same level of effective assistance of counsel that is guaranteed by the Sixth Amendment.

The Public Defender's Office for the Eleventh Judicial Circuit of Florida (PD11) is the largest public defender's office in Florida and one of the six largest in the country. Located in Miami-Dade County, Florida, PD11 is the primary provider of indigent criminal defense services in Miami, resulting in a caseload that has ranged between 85,000-100,000 cases annually during the past few years. Given Miami's significant immigrant/non-citizen population and PD11's constitutional and ethical responsibilities, PD11 sees it as essential that it participate in the evolving jurisprudence relating to the immigration consequences of criminal convictions.

The Los Angeles County Public Defender's Office, with over 700 attorneys, is the largest office of trial counsel for criminal defendants in the State of California. The Office's mission is to protect the rights of all its clients, which includes adequately and competently advising non-citizen clients of the immigration consequences of criminal convictions. Accordingly, as

part of continuing education for attorneys, the Office provides resource materials, trainings, and in-house technical assistance on issues relating to the immigration consequences of criminal convictions.

The Kentucky Department of Public Advocacy (KDPA) is the statewide public defender agency for the Commonwealth of Kentucky. KDPA is responsible for defending the indigent accused, and it represents clients in more than 150,000 cases a year. Being mostly rural, Kentucky has an ever increasing number of undocumented workers coming to the state to work in agricultural jobs. As the immigrant population in Kentucky increased, so too did the number of immigrants who appeared as defendants on public defender dockets. KDPA represents many clients facing the harsh penalties imposed by our immigration statutes, such as those described in *Padilla v. Kentucky*, 130 S. Ct. 1473 (2010), and has made it a priority to ensure that the immigration consequences of a plea are well understood by both the immigrant and his public defender counsel.

The Immigration Impact Unit of the Massachusetts Committee for Public Counsel Services provides training and case-specific consultation on individual cases regarding immigration consequences of criminal conduct for the nearly 3,000 public defenders and private, court-appointed, attorneys in Massachusetts who represent indigent defendants. The Committee for Public Counsel Services (CPCS) is statutorily mandated to provide counsel for indigent defendants in criminal proceedings in Massachusetts state courts. A

significant percentage of CPCS' clients are non-citizens potentially affected by the recent decision of this Court in *Padilla v. Kentucky*, 130 S. Ct. 1473 (2010). Since 1988, the CPCS Performance Guidelines Governing the Representation of Indigent Persons in Criminal Cases have required all court-appointed attorneys to advise their clients of any potential immigration consequences prior to resolution of their cases; since 1999, CPCS has provided expert assistance and resources to such attorneys in order for them to fulfill this requirement. We have an interest in this case due to our belief that effective assistance of counsel has included advice about the immigration consequences of criminal conduct for many years, because criminal defense practice standards have long required such advice.

The New York State Defenders Association (NYSDA) is a not-for-profit membership association of more than 1,800 public defenders, legal aid attorneys, 18-B counsel, private practitioners, and others throughout the state. With funds provided by the State of New York, NYSDA operates the Public Defense Backup Center, which offers legal consultation, research, and training to more than 6,000 lawyers who serve as public defense counsel in criminal cases in New York. The Backup Center also provides technical assistance to counties that are considering changes and improvements in their public defense systems. New York State contractually obligates NYSDA, through the Backup Center, "to review, assess and analyze the public defense system in the state, identify problem

areas and propose solutions in the form of specific recommendations to the Governor, the Legislature, the Judiciary and other appropriate instrumentalities.” In this capacity, NYSDA has issued numerous reports identifying trends and problems and suggesting norms and best practices to improve the state’s public defense system.

From the inception of the Backup Center, NYSDA has sought to improve the quality of representation provided to foreign nationals. In 1997, recognizing that proper criminal defense representation of individuals who are not U.S. citizens was growing more complicated, NYSDA announced the creation of a criminal defense immigration project that eventually became the freestanding Immigrant Defense Project (IDP). NYSDA’s current Criminal Defense Immigration Project (CDIP) continues NYSDA’s mission of improving the representation offered to clients, including foreign nationals, in criminal and family court matters. The CDIP provides training and consultation to criminal defense lawyers concerning issues at the intersection of immigration law and criminal law.

The Legal Aid Society (Legal Aid), located in New York City, is the nation’s oldest and largest not-for-profit law firm for low income persons in New York City. Legal Aid provides a full range of legal services including criminal defense work, as well as civil legal services. Legal Aid’s Criminal Defense Practice is one of the largest public defender programs in the country and serves as the primary

provider of indigent defender services in New York City. The Civil Practice's city-wide Immigration Law Unit, established decades ago, advises immigrants and criminal defense attorneys of the immigration consequences of criminal case dispositions. The Unit also specializes in representing detained and non-detained non-citizens with criminal convictions in removal proceedings before the immigration court, the Board of Immigration Appeals, and the federal district and circuit courts.

The Oregon Criminal Defense Lawyers Association (OCDLA) is a 1,337-member non-profit organization of private criminal defense attorneys, public defenders, investigators, and others engaged in Oregon and federal criminal defense and juvenile defense. OCDLA advocates for the interests of its members, the criminal defense bar, and criminal defendants, and provides education and training on criminal defense law and practice.

The New Mexico Criminal Defense Lawyers Association (NMCDLA) is a statewide non-profit voluntary professional membership association of over 525 New Mexico attorneys, including both public and private criminal defense lawyers who represent accused persons in federal, state, and Indian tribal courts. NMCDLA has an interest in the constitutional guarantees of fairness in the criminal justice system. Dedicated to improvement of the criminal justice system, NMCDLA provides support, education, and training for attorneys who represent persons accused of crime. Specifically, NMCDLA has provided extensive

training on the immigration consequences of criminal convictions both before and after the 2004 decision of the New Mexico Supreme Court in *State v. Paredes*, 136 N.M. 533, 101 P.3d 799 (2004), cited by this Court in *Padilla v. Kentucky*, 130 S. Ct. 1473 (2010). NMCDLA also advocates for fair and effective criminal justice in the courts, the legislature, and in the community. NMCDLA endeavors to provide courts with its members' perspective on issues important to the criminal and juvenile justice systems, presents its views in the legislature and in the community for fair and effective criminal justice for all, and provides support to its members in the representation of their individual clients, including continuing legal education, and communication and assistance to its members. NMCDLA is affiliated with NACDL.

The Association of Criminal Defense Lawyers of New Jersey (ACDL-NJ) is the primary organized voice for the criminal defense bar in New Jersey. The ACDL-NJ consists of lawyers from the State and Federal Office of the Public Defender and private practitioners engaged in state and federal criminal practice. The ACDL-NJ's mission includes protecting and ensuring individual rights guaranteed by the New Jersey and United States Constitutions, confronting issues arising from the honest, ethical and zealous defense of the accused, and encouraging cooperation among criminal defense lawyers engaged in the furtherance of those objectives.

The Hall County Public Defender is the Hall County Nebraska office/agency charged with representing indigent criminal defendants. It represents approximately 1,500 clients per year. About a quarter of its clients are immigrants to the United States, whether documented or not. Many of its clients have families and work within Hall County. Immigration consequences of convictions are often-times harsh and split families and communities. The Hall County Public Defender advises clients of the harsh consequences of convictions on their immigration status. It also devotes resources to training attorneys about the immigration consequences of criminal convictions.

The Lancaster County Public Defender's Office is the organization responsible for indigent criminal defense in Lancaster County, Nebraska (population 290,000). Nebraska has become fifth in refugee resettlement per capita when compared with states of similar population, and half of the state's refugees for the last 18 years resided in Lancaster County. Each year the office is appointed to represent over 7,000 clients; approximately 8 percent to 10 percent of these clients are not citizens of the United States. In recognition of the harsh nature of immigration consequences, the Public Defender's Office incorporates immigration advice for non-citizen clients into public defender services, and trains its attorneys in the provision of this advice.

The Texas Fair Defense Project (TFDP) is a non-profit organization based in Austin, Texas. TFDP

works to improve the fairness and accuracy of the criminal justice system in Texas, with a primary focus on improving access to counsel and the quality of representation provided to poor people accused of crime. TFDP's work addresses protection of the Sixth Amendment in Texas state courts and issues related to local practices and procedures affecting indigent defendants, including indigent defendants who are not citizens of the United States. TFDP also was closely involved in the development and drafting of Performance Guidelines for Non-Capital Criminal Defense Representation that were adopted by the State Bar of Texas Board of Directors in 2011. The Texas Performance Guidelines were modeled on the ABA Criminal Justice Standards and NLADA Performance Guidelines discussed in this brief.

The Washington Defender Association (WDA) is a statewide non-profit organization whose membership is comprised of public defender agencies, indigent defenders and those who are working to improve the quality of indigent defense in Washington State. The purpose of WDA, as stated in its bylaws, is "to protect and insure by rule of law those individual rights guaranteed by the Washington and Federal Constitutions, including the right to counsel, and to resist all efforts made to curtail such rights and to promote, assist, and encourage public defense systems to ensure that all accused persons receive effective assistance of counsel." In 1999, WDA created the Immigration Project to defend and advance the rights of non-citizens within the Washington State criminal

justice system and non-citizens facing the immigration consequences of crimes.

The Office of the Defender General of Vermont has provided statewide representation in criminal cases to the indigent since 1972. The Office provides a full range of criminal defense services, including advice on immigration consequences of criminal convictions. Since 2007, it has had in-house immigration lawyers providing such advice on a statewide basis. The Office has also provided regular training on the immigration consequences of criminal convictions to all criminal defense attorneys and investigators.

The Neighborhood Defender Service of Harlem (NDS) is a lead innovator in holistic public defense practice. NDS represents clients using a team-based, client-centered, holistic defense model. A core aspect of holistic representation is the commitment to search for the underlying issues that bring clients into contact with the criminal justice system, and to work with clients to help to avoid or minimize future contact with the system. As a part of its holistic approach, NDS has incorporated immigration defense and immigration services into the representation it has provided its non-citizen clients for many years, long before *Padilla v. Kentucky*, 130 S. Ct. 1473 (2010). Since 2008, NDS has employed an in-house immigration attorney to consult with clients.

Since 2004, the Florence Immigrant and Refugee Rights Project (FIRRP) has provided free legal services to over 10,000 immigrants, refugees, and U.S.

citizens a year detained in Arizona by Immigration and Customs Enforcement (ICE). Through its Know-Your-Rights presentations, workshops, legal representation, and targeted services, FIRRP regularly identifies persons who are held in detention while pursuing meritorious claims before an immigration judge, the Board of Immigration Appeals (BIA), and the Ninth Circuit Court of Appeals. A large percentage of FIRRP's clients are affected by the immigration consequences of criminal convictions and the advisals given to them by their criminal defense attorneys.

The Immigrant Defense Project (IDP) is a not-for-profit legal resource and training center dedicated to defending the legal, constitutional and human rights of immigrants. A national expert on the intersection of criminal and immigration law, IDP supports, trains and advises both criminal defense and immigration lawyers, as well as immigrants themselves, on issues that involve the immigration consequences of criminal convictions. IDP seeks to improve the quality of justice for immigrants accused of crimes and therefore has a keen interest in ensuring that immigrants in the nation's criminal justice system receive competent legal counsel regarding the immigration consequences of criminal convictions.

The Immigrant Legal Resource Center (ILRC), founded in 1979, is a national back-up center that provides technical assistance, training, publications, and assistance in advocacy to low-income immigrants and their advocates. Among its other areas of expertise, the ILRC is known nationally as a leading

authority on the intersection between immigration and criminal law. Its publications include *Defending Immigrants in the Ninth Circuit* (formerly *California Criminal Law and Immigration*), which has been cited by the Ninth Circuit Court of Appeals and the California Supreme Court, and a chapter entitled *Representing a Non-citizen Criminal Defendant in California Criminal Law Procedure and Practice*. The ILRC provides daily assistance to criminal and immigration defense counsel on issues relating to citizenship, immigration status and the immigration consequences of criminal convictions.

The National Immigration Project of the National Lawyers Guild (National Immigration Project) is a non-profit membership organization of immigration attorneys, legal workers, grassroots advocates, and others working to defend immigrants' rights and to secure a fair administration of the immigration and nationality laws. The National Immigration Project provides legal training to the bar and the bench on the immigration consequences of criminal conduct and is the author of *Immigration Law and Crimes* and three other treatises published by Thomson-West. The National Immigration Project has participated as *amicus curiae* in several significant immigration-related cases before this Court.

**APPENDIX B: Sample Trainings &
Resources On The Immigration
Consequences Of Criminal Convictions**

I. National Trainings & Written Resources (in chronological order)

Wojciech P. Makowski, *Immigration Consequences of Criminal Convictions*, 8 Forum 26 (1981).

Larry Ainbinder, Federal Defenders of San Diego, Inc., *Special Considerations in Representing the Non-Citizen Defendant*, in *Defending a Federal Criminal Case* (1983-2012).

Training: *Immigration Consequences of Criminal Convictions*, The National Immigration Project of the National Lawyers Guild (NIPNLG), Boston, Mass., CLE, Jan. 28, 1984.

Training: *Immigration Consequences of Criminal Convictions*, NIPNLG, San Francisco, Cal., CLE, Feb. 4, 1984.

Training: *Immigration Consequences of Criminal Convictions*, NIPNLG, Los Angeles, Cal., CLE, Feb. 11, 1984.

Training: *Immigration Consequences of Criminal Convictions*, NIPNLG, Sacramento, Cal., CLE, Mar. 17, 1984.

Training: *Immigration Consequences of Criminal Convictions*, NIPNLG, New York, N.Y., CLE, May 11, 1984.

Training: *Immigration Consequences of Criminal Convictions*, NIPNLG, Portland, Or., CLE, June 25, 1984.

Training: *Immigration Consequences of Criminal Convictions*, NIPNLG, Seattle, Wash., CLE, June 25, 1984.

Dan Kesselbrenner & Lory Rosenberg, *Immigration Law & Crimes* (1984-2012).

6th Annual Immigration Law Conference, The Federal Bar Association, Washington, D.C., Feb. 20, 1985.

District Court Remedies in Immigration Cases (Conference), NIPNLG, Atlanta, Ga., Mar. 13, 1985.

Training: *U.S. Immigration Law – What You Should Know*, Immigration Information Systems, Inc., Washington, D.C., New York, N.Y., and Los Angeles, Cal., Apr., May and June 1985.

Federal Statutes Concerning Criminal Conduct, as Applicable to the Immigration Bar, Texas American Immigration Lawyers Association Spring Conference, South Padre Island, Tex., Apr. 11-14, 1985.

Annual Immigration and Naturalization Institute, Practising Law Institute (PLI), San Francisco, Cal., Nov. 1985.

Training: *Immigration Consequences of Criminal Convictions*, NIPNLG, Washington, D.C., CLE, Nov. 18, 1985.

Training: *Immigration Consequences of Criminal Convictions*, NIPNLG, Miami, Fla., CLE, Dec. 6, 1985.

Maryellen Fullerton & Noah Kinigstein, *Strategies for Ameliorating the Immigration Consequences of Criminal Convictions*, 23 Am. Crim. L. Rev. 425 (1986).

Training: *Suspension of Deportation: Tactics, Practice, and Procedure*, NIPNLG, Denver, Colo., June 11, 1986.

Representing Detained Central American Refugees, National Lawyers Guild (NLG) 50th Annual Convention, Washington, D.C., May 20-25, 1987.

C. Gordon *et al.*, *Immigration Law and Procedure* (1988-2012).

Kari Converse, *Keeping Dorothy in Kansas After Ozkok: New Strategies for Defending Non-Citizens*, *The Champion* at 8 (Mar. 1989).

Training: *Immigration Consequences of Criminal Convictions*, NIPNLG, South Padre Island, Tex., CLE, Sept. 29, 1989.

Training: *Trial Practice Skills: Drug Conviction 212(c) Waivers*, NIPNLG, Albuquerque, N.M., CLE, Jan. 19, 1990.

Training: *Immigration Consequences of Criminal Conduct: Drug Convictions, Weapons Offenses, Aggravated Felonies and Crimes Involving Moral Turpitude*, NIPNLG, Austin, Tex., CLE, May 30, 1990.

Training: *Immigration Consequences of Criminal Conduct: Drug Convictions, Weapons Offenses, Aggravated Felonies and Crimes Involving Moral*

Turpitude, NIPNLG and Central American Refugee Defense Fund Visa Denial Project, Austin, Tex., June 1990.

Training: *Trial Tactics, Practice and Substance: 212(c) Waivers of Excludability*, NIPNLG, San Francisco, Cal., CLE, Nov. 10, 1990.

Jan Bejar, *Representing Aliens in Criminal Proceedings* in Criminal Justice Act Seminar Materials, at 1, 42-43, 61-66 (June 4, 1991).

Training: *Specialized Issues in the Immigration Act of 1990*, NIPNLG, Seattle, Wash., CLE, July 31, 1991.

Training: *Defending Detained And Convicted Persons In Deportation Proceedings*, NIPNLG, The Washington Lawyers' Committee for Civil Rights Under Law, AILA, and the District of Columbia Bar, Washington, D.C., Sept. 13, 1991.

Representing Clients Who Are Not United States Citizens: Immigration Consequences of Convictions and Appellate Considerations (The Legal Aid Society Criminal Appeals Bureau, 1992).

Training: *Defending Against Deportation*, NIPNLG, Chapel Hill, NC, CLE, Jan. 31, 1992.

Immigration Consequences of Crime, University of Washington School of Law, Apr. 11, 1992.

Training: *Deportation Hearing Skills Training*, Immigrant Legal Resource Center, Catholic Charities Immigrant and Refugee Program, and the United Network for Immigrant & Refugee Rights, Chicago, Ill., Mar. 1992.

Immigration Consequences of Criminal Convictions, California Conference on Immigration Law, AILA, San Francisco, Cal., Oct. 9-10, 1992.

Prison Isn't the Only Bad Thing They Can Do To Your Client: Forfeiture Housing, and Immigration Implications of Drug Charges, National Legal Aid & Defender Association (NLADA) 70th Annual Conference, Toronto, Canada, Nov. 14, 1992.

Training: *Immigration Consequences of Crime*, Seattle-King County Bar Association, Seattle, Wash., Oct. 21, 1993.

Training: *Justice for Respondents in Immigration Proceedings: Contesting Deportability and 212(c) Waivers for Criminal Offenders*, NIPNLG, New York City, N.Y., CLE, Aug. 4, 1993.

Memorandum from the ABA, Coordinating Committee on Immigration Law, to Interested Public Defenders, re: Crime-related Immigration Provisions Enacted This Session, Dec. 7, 1994.

Training: *Immigration Consequences of Criminal Convictions*, Northwest Immigrant Rights Project (NWIRP), Seattle, Wash., Jan. 18, 1994.

Training: *Immigration Consequences of Criminal Conduct*, NIPNLG, San Antonio, Tex., Feb. 11, 1994.

Training: *How to Protect Your Client from the Immigration Consequences of Criminal Convictions*, NIPNLG, San Francisco, Cal., June 25, 1994.

Training: *Importance of Immigration Considerations when Representing Juvenile Non-citizen Offenders*, Washington Defenders Association, Seattle, Wash., Oct. 21, 1994.

National Seminar for Federal Defenders, Federal Judicial Center, 1995.

Training: *Firearm Offenses and 212(c) Relief*, Washington Association of Criminal Defense Lawyers, Seattle, Wash., Mar. 31, 1995.

William Schwarzer & Robb Jones, *Criminal Convictions and their Immigration Consequences*, National Seminar for Federal Defenders, Denver, Colo., March-April 1995.

Jeffrey B. Faweli & Robert S. White, *Effects of Recent Immigration Legislation on Criminal Aliens & Defense Practitioners*, *The Champion* at 10 (Sept./Oct. 1995).

11 *BNA Crim. Prac. Man.* 4, Feb. 12, 1997.

Training: Rick Averwater, Doug Weigle & Tanya Myers, *What a Criminal Defense Lawyer Must Know about the Immigration Consequences of Criminal Convictions*, Mid-South Chapter of the Federal Bar Association, Annual Immigration Seminar, May 17, 2007.

Kari Converse, *Criminal Law Reforms: Defending Immigrants in Peril*, *The Champion* at 10 (Aug. 1997).

Training: *Immigration Consequences of Drug Convictions*, Federal Public Defender Services, Oct. 1997.

Ramirez, Capriotti, Kay & Unger, *Small-Time Crime, Big-Time Trouble: The New Immigration Laws*, 13 *Crim. Just.* 4 (1998).

Training: *Immigration Consequences of Criminal Convictions*, NLADA, 1998.

Training: *Immigration Consequences of Criminal Convictions*, NLADA, Dec. 12, 1998.

B. John Ovink, *Why a Plea Bargain May No Longer Be a Bargain for Legal Permanent Resident Aliens*, 46 *Fed. Law* 49 (May, 1999).

William R. Maynard, *Deportation: An Immigration Law Primer for the Criminal Defense Lawyer*, *The Champion* at 12 (June 1999).

Training: *The War on Immigrants*, Federal Public Defender Services, June 1999.

Training: *Investigation, Prosecution and Rights of Non-Citizens*, Federal Public Defender Services, Sept. 1999.

Training: *Immigration Consequences of Criminal Conduct*, NIPNLG, Oct. 13, 1999.

Trainings: *Sample National and Regional Trainings on Immigration Consequences of Criminal Convictions*, Administrative Office of the United States Courts, Savannah, Ga., Jun. 3-5, 1999; St. Thomas, V.I., Apr. 27, 2000; New Orleans, La., Jun. 6, 2000; Scottsdale, Ariz., Sept. 18-20, 2003; Los Angeles, Cal., Sept. 4-5, 2008).

Tova Indritz, "Immigration Consequences of Criminal Convictions," *Cultural Issues in Criminal Defense* (J. Connell & R. Valladares, eds. 2000).

Kari Converse, "Defending Aliens in Criminal Cases," *Criminal Defense Techniques* (Scott Daniels & Ellen Smolosky Pall, eds. 2000).

Training: *Immigration Consequences of Criminal Convictions*, National Association of Criminal Defense Lawyers (NACDL), Aug. 4, 2000.

Training: *Immigration Consequences of Criminal Conduct*, NIPNLG, Nov. 1, 2000.

Robert J. McWhirter, *The Criminal Lawyer's Guide to Immigration Law: Questions and Answers* (2001).

Anna Marie Gallagher, *Immigration Consequences of Criminal Convictions: Protecting Your Client's Immigration Interests in Criminal Proceedings*, Immigration Briefings 1 (April 2001).

Norton Tooby & Katherine Brady, *Criminal Defense of Immigrants* (2001-2007).

Immigration Consequences of Convictions Checklist, Immigrant Defense Project (IDP), 2001-2012.

Tova Indritz, *Puzzling Out the Immigration Consequences of Various Criminal Convictions: Part I*, *The Champion* at 12 (Jan./Feb. 2002).

Tova Indritz, *Puzzling Out the Immigration Consequences of Various Criminal Convictions: Part II*, *The Champion* at 20 (Mar. 2002).

Tova Indritz, *Puzzling Out the Immigration Consequences of Various Criminal Convictions: Part III*, *The Champion* at 22 (Apr. 2002).

Training: *Human Rights Consequences of not Being American*, Federal Public Defender Services, June 2002.

Norton Tooby, Jennifer Foster & Joseph J. Rollin, *Crimes of Moral Turpitude* (2002-2008).

Training: *Immigration Consequences of Criminal Convictions*, NLADA, Nov. 2003.

Peter Markowitz, *Practice Tips to Avoid Aggravated Felonies* (2003).

Norton Tooby & Joseph J. Rollin, *Aggravated Felonies* (2003-2006).

Jennifer Welch, *Defending Against Deportation: Equipping Public Defenders to Represent Noncitizens Effectively*, 92 Cal. L. Rev. 541 (2004).

Manuel D. Vargas, *Tips on How to Work With an Immigration Lawyer to Best Protect Your Noncitizen Defendant Client* (2004).

Robert McWhirter, *The Criminal Lawyer's Guide to Immigration Law: Questions and Answers* (2d ed. 2004).

Norton Tooby & Joseph J. Rollin, *Safe Havens: How to Identify and Construct Non-Deportable Offenses* (2005).

Dan Kesselbrenner & Sandy Lin, NIPNLG, *Selected Immigration Consequences of Certain Federal Offenses* (2005).

Training: *Immigration Consequences of State Criminal Convictions*, Defending Immigrants Partnership (DIP) July 14-15, 2005.

DIP, *Representing Non-citizen Criminal Defendants: A National Guide by the Defending Immigrant Partnership* (2005-2012).

Training: *Immigration Consequences of Criminal Convictions*, DIP, July 13-14, 2006.

Training: *Defending Against Immigration Consequences of Criminal Dispositions*, NLADA, Nov. 9, 2006.

Training: *Immigration Criminal Law*, NLADA, Feb. 22, 2007.

Rick Averwater *et al.*, Federal Bar Association, *What a Criminal Defense Lawyer Must Know about the Immigration Consequences of Criminal Convictions*, Mid-South Chapter of the Federal Bar Association – Annual Immigration Seminar, May 17, 2007.

Training: *Immigration Consequences of State Criminal Convictions*, DIP, Las Vegas, Nev., Sept. 27-28, 2007.

Training: *Immigration Consequences of State Criminal Convictions*, DIP, Sept. 2008.

Training: *Immigration Consequences of Criminal Convictions*, NLADA, Nov. 2008.

Training: *Immigration Law and Enforcement in the Federal Courts*, Federal Public Defender Services, Dec. 2008.

ABA Commission on Immigration *et al.*, *What All Attorneys Should Know About Immigration Consequences of Criminal Convictions for Non-Citizen Clients*, CLE Jan. 29, 2009.

Ethics for Criminal Attorneys Representing Non-U.S. Citizens, Annual Immigration Seminar, May 16, 2009.

II. State Trainings & Written Resources (by state and in chronological order)

Alabama

Training: *Immigration Law and Crimes*, Alabama State Bar, CLE, Jan. 13, 2009.

Alaska

Training: *Immigration Consequences of Criminal Convictions*, Alaska Public Defender Agency, 1999.

Training: *Immigration Consequences of Criminal Convictions*, Alaska Public Defender Agency, 2001.

Robin Bronen, *Immigration Consequences of Criminal Convictions*, 20.1 Alaska Justice Forum 4, Spring 2003.

Arizona

Tarik H. Sultan, *Immigration Consequences of Criminal Convictions: A Guideline for the Criminal Defense Attorney*, 30 Ariz. Att'y 15 (1994).

Training: *Criminal Immigration Issues in the Post 9-11 Era*, State Bar of Arizona, CLE, Nov. 30, 2005.

Training: *Representing Criminal Aliens*, State Bar of Arizona, CLE, Mar. 10, 2006.

Training: *Immigration Consequences of Your Client's Criminal Convictions*, Arizona Public Defenders Association, Annual Conference, June 2007. Also presented in Pima County, May 2007; Yuma County, Oct. 2007; and Maricopa County, Oct. 2007.

Kathy Brady *et al.*, *Quick Reference Chart & Annotations for Determining Immigration Consequences of Selected Arizona Offenses* (2008).

Kara Hartzler, *Immigration Consequences of Your Client's Criminal Case* (2008).

Training: *Immigration Consequences of Your Client's Criminal Convictions*, Arizona Public Defenders Office Annual Conference, June 2008. Also presented in Pima County, Jan. 17, 2008; Cochise County, Feb. 21, 2008; Yavapai County, Mar. 14, 2008; Navajo County, Apr., 15, 2008; Mohave County, June 12, 2008; and Phoenix, Oct. 2008.

Arkansas

Susan L. Pilcher, *Justice Without a Blindfold: Criminal Proceedings & the Alien Defendant*, 50 Ark. L. Rev. 269 (1997).

California

Training: J. Gonzalez, *Representing Accused Non-Citizens*, California Attorneys for Criminal Justice (CACJ), Statewide Criminal Law Seminar Syllabus, May 6, 1978.

Federal Defenders of San Diego, Inc., *Defending A Federal Criminal Case* (1984).

Mark E. Roseman, *The Alien and the Guilty Plea: Caveat to the Defense*, 12 W. St. U. L. Rev. 155 (1984-1985).

Training: *Immigrant Rights in Transition, Handling Deportation Cases: Legal Training with Emphasis on Establishing Grounds for Suspension of Deportation*, Hispanic Children's Law Project and University of San Diego School of Law, San Diego, May 3-4, 1985.

Katherine A. Brady & David S. Schwartz, *Public Defenders Handbook On Immigration 1-4*, California Public Defenders Association (1988).

Josie Gonzalez, *Immigration Consequences of Criminal Convictions for "Amnesty" Applicants and Other Immigrants*, Jan. 1988 (Training materials prepared for the Los Angeles County Public Defender's Office).

Training: *Seminar of the Immigration Consequences of Criminal Convictions*, Immigrant Legal Resource Center (ILRC), San Francisco, Mar. 4, 1989.

Training: *Advanced Seminar on Motions to Suppress in Deportation Proceedings*, ILRC, San Francisco, June 22, 1989.

Training: *Seminar On the Immigration Consequences of Criminal Convictions*, San Diego chapter of AILA, San Diego, May 19, 1990.

Training: Norton Tooby, *Post-Conviction Relief and Its Impact on Immigration Cases*, ILRC and Golden Gate Law School, San Francisco, Sept. 18, 1990; San Jose, Sept. 25, 1990.

Jan Bejar, *Exclusion or Deportation based on Narcotics and Alien Smuggling Offenses*, Mar. 1990 (article written for federal and state defenders practicing in San Diego Area).

Katherine A. Brady, *et al.*, *California Criminal Law and Immigration*, ILRC (1990-present) (now entitled *Defending Immigrants in the Ninth Circuit*).

Training: Jan Bejar, *The 1990 Changes in Immigration Consequences for a Criminal Defendant*, Criminal Justice Act Seminar, San Diego, June 4, 1991.

Training: *Seminars on Representing Non-citizens With Criminal Records*, AILA California, NIPNLG, and the California Bar Association, San Diego, San Francisco, Sacramento, and Los Angeles, Sept.-Nov. 1991.

Training: *Immigration Consequences of Crimes*, ILRC, Davis, Sept. 1991; San Francisco, Sept. 1991; Los Angeles, Oct. 1991; and San Diego, Nov. 1991.

Katherine A. Brady, *New Developments in Representation of Non-Citizen Defendants*, 19 CACJ Forum, No. 2, at 30 (1992).

Training: Victor Castro, *Immigration Consequences of Criminal Convictions, Relief available to Noncitizens, and How to Strategize to Provide a Legal Defense*, Training to Santa Clara Criminal Bar, 1992.

Training: *Immigration Consequences of Criminal Convictions*, ILRC, Davis, March 1993; San Diego, March 1993; San Francisco, April 1993; Los Angeles, April 1993.

Jan Bejar, *Representing Aliens in Criminal Proceedings; Some Pitfalls for the Criminal Practitioner to Avoid*, CACJ (Apr. 1994).

Training: Gilbert Lopez, *Immigration Consequences of Criminal Convictions, Criminal Pleas, Diversion and Post-Conviction Remedies*, Los Angeles County Public Defender, Mar. 30, 1994.

Katherine A. Brady, Hon. Dana Marks Keener & Norton Tooby, Ch. 48, *Representing a Noncitizen Criminal Defendant in California Law Procedure and Practice* 1285 (Continuing Legal Education of the Bar of California, 3rd ed., 1994-present).

Training: *Immigration and Crimes*, ILRC, San Francisco, Feb. 1995.

Training: *Immigration Consequences of Crimes*, ILRC, San Francisco, April 1995; Los Angeles, May 1995; Fresno, May 1995; San Diego, June 1995.

Training: *Criminal Acts and Naturalization Law*, ILRC, San Jose, March 1997.

Training: *Immigration Consequences of Crimes*, ILRC, San Francisco, Apr. 1997; Los Angeles,

May 1997; Fresno, May 1997; San Diego, June 1997.

Katherine A. Brady and Norton Tooby, *Protecting Immigrants From Immigration Consequences*, 24 CACJ Forum No. 3, at 42 (August 1997).

Training: *Criminal and Immigration Law*, ILRC, San Francisco, May 1998; Los Angeles, May 1998; San Francisco, Oct. 1998; Los Angeles, Oct. 1998.

Trainings: Norton Tooby and ILRC, Trainings to Criminal and Immigration Defense Attorneys, Los Angeles and San Francisco, Each Fall 1998-2011.

N. Tooby, *California Criminal Defense of Immigrants* (1999).

N. Tooby, *Immigration Consequences of Criminal Convictions* (1999).

Training: *Criminal and Immigration Law*, ILRC, Los Angeles, Apr. 1999; San Francisco, May 1999; Los Angeles, Nov. 1999; San Francisco, Nov. 1999.

Katherine A. Brady and Norton Tooby, *How to Protect Defendants from Immigration Consequences*, 26 CACJ Forum 54 (August 1999) (distributed statewide to CACJ members).

Katherine A. Brady, *Quick Reference Chart to Determining Selected Immigration Consequences to Select California Offenses* (2001-2010).

Bill Waddell, *Not so Permanent: The Effect of a Criminal Conviction on Immigrants Lawfully Admitted for Permanent Residence*, California Defender 55 (Spring 2002).

Training: *Representing Non-citizen Criminal Defendants*, California Public Defenders Association, Jan. 27, 2007.

Training: *Immigration Consequences of Criminal Convictions and Crimes*, State Bar of California, CLE, March 24, 2008.

Colorado

Daniel M. Kowalski & Daniel C. Horne, *Defending the Noncitizen*, 24 Colo. Law 2177 (Specialty Law Column, 1995).

Cecelia M. Espenoza, *Crimes of Violence by Non-Citizens and the Immigration Consequences*, 26 Colo. Law 89 (Oct. 1997).

Training: *Defending Noncitizens in Immigration Proceedings*, Colorado Bar Association, Oct. 24, 2002.

Training: *Defending Noncitizens in Immigration Proceedings*, Colorado Bar Association, Nov. 17, 2004.

Training: *Immigration Consequences of Criminal Convictions*, Colorado Criminal Defense Bar, Denver, Spring, 2006.

Jeff Joseph, *Immigration Consequences of Criminal Pleas and Convictions*, 35 Colo. Law 55 (Oct. 2006).

Training: *Immigration Consequences of Criminal Convictions*, Colorado Public Defender System, Fall, 2007.

Training: Hans Meyer, *Immigration Consequences of Criminal Pleas & Convictions*, Colorado Bar Association, CLE, March 26, 2008.

Hans Meyer, *Plea & Sentencing Strategy Sheets for Colorado Felony Offenses & Misdemeanor Offenses* (Colorado State Public Defender, 2009).

Connecticut

LaCava, John J., *Immigration Consequences of Criminal Convictions: A Primer for the Criminal Lawyer*, Nov. 1990 (training materials disseminated to all Connecticut Public Defender offices by the Criminal Justice Section of Connecticut Bar Association).

John J. Lacava, *Immigration Act of 1990 and its Effect on Criminal Aliens*, Mar. 12, 1991 (Immigration Law Bulletin included in Memorandum to All Attorneys of the Division of Public Defender Services of the State of Connecticut).

Training: *Immigration Consequences of Criminal Convictions*, Connecticut Criminal Defense Lawyers Association, April 2004.

Jorge L. Baron, *A Brief Guide to Representing Non-Citizen Criminal Defendants in Connecticut* (2005-2010).

Elisa L. Villa, *Immigration Issues in State Criminal Court: Effectively Dealing with Judges, Prosecutors, and Others* (Conn. Bar Inst., Inc., 2007).

Training: *Immigration 101: What Every Attorney Should Know*, New Haven County Bar Association, CLE, May 10, 2007.

Training: *Collateral Consequences of Arrest, Incarceration, & Conviction (Immigration Consequences)*, Connecticut Division of Public Defender Services, Hartford, Oct. 23, 2008.

Delaware

Training: *Immigration Consequences of Criminal Convictions*, NIPNLG, Wilmington, Oct. 22, 1999.

District of Columbia

Immigration Issues for Criminal Defense Lawyers, Ch. 17, *Deborah T. Creek Criminal Practice Institute Trial Manual* (Public Defender Service for the District of Columbia, 1995).

Training: *Immigration Consequences of Criminal Convictions*, Public Defender Service, Washington, June 11, 2002.

Training: David Cleveland, *Deportation and Removal*, DC Bar, CLE, May 19, 2003.

Training: *Immigration Consequences of Criminal Proceedings*, Public Defender Service, Washington, July 11, 2006.

Gwendolyn Washington, *PDS Immigrant Defense Project's Quick Reference Sheet* (Public Defender Service, 2008).

Florida

Training: *The Sixth Annual Immigration Law Update*, The Florida Bar Continuing Legal Education Committee, Miami, February 7-8, 1985.

Jeffrey N. Brauerman, *Criminal and Other Grounds for Deportation*, 61 Fla. B.J. 39 (June 1987).

Alfred Zucaro, Jr. & Beth L. Mitchell, *Criminal Convictions: The Immigration Consequences*, 63 Fla. B.J. 36 (May 1989).

Jeffrey N. Brauerman & Stephen E. Mander, *Immact90 Revisions Regarding Immigration Consequences of Criminal Activity*, 66 Fla. B.J. 28 (May 1992).

Eric C. Pinkard, *Representing the Foreign National in Criminal Court: Deportation Consequences of a Criminal Conviction and Overcoming Problems of Communication*, 73 Fla. B.J. 16 (June, 1999).

Quick Reference Guide to the Basic Immigration Consequences of Select Florida Crimes (Fla. Imm. Advocacy Ctr. 2003).

Training: *Immigration Consequences of Convictions*, Defending Immigrants Partnership, Oct. 2003.

Training: Mary Kramer, Stuart Karden, Jeff Joseph & Hon. Denise N. Slavin, *Dealing with the Effects of Clients' Criminal Activity on their Immigration Status*, The Florida Bar, CLE, Feb. 8, 2008.

Georgia

Grace A. Sease & Socheat Chea, *The Consequences of Pleas in Immigration Law*, 6 Ga. B.J. 2 (Oct. 2000).

Training: *Immigration Consequences & Ethical & Professional Considerations*, Georgia Public Defender Standards Council, Oct. 17, 2005.

Christina Hendrix & Olivia Orza, *No Second Chances: Immigration Consequences of Criminal Charges*, 13 Ga. B.J. 4 (Dec. 2007).

Hawaii

Training: *Immigration Consequences of Criminal Dispositions in Hawaii*, Training by University of California Davis School of Law, 2008.

Idaho

Training: *Immigration Consequences of Criminal Convictions*, Idaho Association of Criminal Defense Lawyers 2002.

Sara Bearce, *Immigration Consequences in State Courts: Idaho Criminal Rule 11's New Protection for Non-Citizen Defendants*, 51 The Advocate (Idaho) 26 (June/July 2008).

Illinois

Mary L. Sfasciotti, *Representing Aliens in Criminal Cases – Recent Amendments to the Immigration and Naturalization Act*, 79 Ill. B.J. 78 (1991).

Maria Baldini-Potermin, *Defending Non-Citizens in Illinois Courts* (Midwest Imm. & Hum. Rts. Ctr., 2001).

Selected Immigration Consequences of Certain Illinois Offenses (NIPNLG, 2003).

Training: *Immigration Consequences of Criminal Offenses*, Illinois State Bar Association, Chicago, CLE, May 1, 2009.

Indiana

Training: *Immigration Consequences of Criminal Convictions*, Marion County Public Defender Agency, Marion County, May 22, 2002.

Training: Indiana Public Defender Council, *Immigration Consequences of Criminal Convictions*, 2007.

Reference Pamphlet of the Immigration Consequences of Indiana Offenses, Indiana Public Defenders Council (2007).

Iowa

Jim Benzoni, *Defending Aliens in Criminal Cases* (Training materials prepared for criminal defense lawyers attending CLE programs in Iowa from 1994-1997).

Training: *What Every Lawyer Should Know About Immigration Law, Immigration Consequences of Criminal Conduct*, University of Iowa College of Law, CLE, Sept. 30, 2006.

Trainings: *Immigration Consequences of Criminal Convictions*, Iowa State Public Defender (Biennial Seminars).

Tom Goodman, *Immigration Consequences of Iowa Criminal Convictions Reference Chart*.

Kansas

Kathleen A. Harvey *et al.*, *Disaster on the Horizon: It's Post-'Conviction' Time; Do You Know Where Your Alien Client Is?*, 73 J. Kan. B.A. 16 (Feb. 2004).

Kentucky

Training: *The Criminal Defendant & Immigration Law: What Every Public Defender Should Know Before Undertaking Representation of an Illegal Alien*, Kentucky Department of Public Advocacy (DPA), Lexington, June 12, 2001.

Training: *Collateral Consequences to Conviction*, Kentucky DPA, June 12, 2002.

Training: *Immigration and Criminal Law*, Kentucky DPA, Louisville, June 8, 2005.

Training: *Representing the Non-English Speaking Client*, Legislative Research Commission, Frankfurt, June 29, 2005.

Training: *Immigration Consequences of Criminal Convictions*, National Network to End Violence Against Immigrant Women, Lexington, Nov. 4, 2005.

Training: *Immigration Consequences of Crime*, Kentucky DPA, Erlanger, June 13, 2006.

Training: *Immigration Consequences of Crime*, Kentucky DPA, Louisville, June 20, 2007.

Training: *How to Work with Immigrants in the Criminal Justice System*, Kentucky DPA, Lexington, 2008.

Training: *Help! I Have Aliens in My Office! Immigration Law Basics for a General Practice*, Kentucky Bar Association, CLE, Covington, June 10, 2009.

Louisiana

Training: *Immigration Law: Introductory and Advanced Topics*, New Orleans, Feb. 1985.

Training: Robert McWhirter, *The Rings of Immigration Hell: The Collateral Consequences of Criminal Conduct to Aliens*, Louisiana Association of Criminal Defense Lawyers, CLE, April 28, 2007.

Maine

Training: *Immigration Traps for Unwary Lawyers*, Maine Bar Association, CLE, Sept. 20, 2007.

Maryland

Training: *Immigration Consequences of Criminal Convictions*, Defending Immigrants Partnership, Baltimore, Nov. 2003.

Marvin J. Muller, III, *Only a Misdemeanor? For non-US citizens facing criminal charges, the stakes are often much higher*, Maryland State Bar Association Bar Bulletin, Immigration Law, Sept. 2004.

Rex B. Wingerter, *Consequences of Criminal Convictions*, 37 Md. B.J. 21 (Apr. 2004).

Abbreviated Chart for Criminal Defense Practitioners of the Immigration Consequences of Criminal Convictions Under Maryland State Law, Maryland Office of the Public Defender & University of Maryland School of Law Clinical Office (2005-2011).

Alison J. Brown & Mark H. Shmueli, *Pitfalls in the Bewildering Legal World of the "Criminal Alien,"* 39.4 Md. B.J. 22 (2006).

Training: *Immigration Consequences of Criminal Convictions*, Maryland Partners for Justice Conference, Baltimore, May 3, 2007.

Training: Maryland Office of the Public Defender *et al.*, *What Every Maryland Criminal Defense Attorney Should Know About Immigration*, Sept. 19-Oct. 24, 2007.

Immigration Pitfalls in Family and Criminal Cases, Maryland State Bar Association, 9th Annual Solo and Small Firm Conference, Nov. 3, 2007.

Fernando A. Nunez, *Collateral Consequences of Criminal Convictions to Non-citizens*, 41 Md. B.J. 40 (2008).

Training: *Immigration Consequences of Criminal Activity*, Maryland Institute for Continuing Professional Education of Lawyers, CLE, Oct. 24, 2008.

Massachusetts

Lisa Freije, *Judicial Recommendation Against Deportation*, Committee for Public Counsel Services (CPCS) JRAD Discussion, July 1985 (distributed to CPCS staff attorneys and used at subsequent trainings).

Immigration Consequences of Criminal Convictions, CPCS Annual Training Conference, June 1, 1990.

Daniel Kanstroom, *Immigration Consequences of Criminal Offenses in Massachusetts Criminal Defense* 106-115 (Eric Blumenson & Stanley Z. Fisher ed., Butterworth Legal Publishers, 1992) (updated by Laura Murray Tjan, 2008).

Joseph A. Sexton, III, *Defending Non-Citizens in Criminal Cases, Immigration Consequences of Criminal Cases*, 1995 (distributed in Middlesex County).

Training: Daniel Kanstroom, *Immigration Consequences of Criminal Offenses*, Dorchester Bar Association, Mar. 8, 1995.

Daniel Kanstroom, *Immigration Consequences of Criminal Convictions*, Massachusetts Public Defender (training materials prepared for the 1996 Annual Statewide Training Conference of the CPCS).

Training: *Immigration Consequences of Criminal Convictions*, Essex County Defenders, Essex County, Oct. 1, 2005.

Dan Kesselbrenner & Wendy Wayne, *Selected Immigration Consequences of Certain Massachusetts Offenses* (NIPNLG, 2006).

Wendy Wayne, *Five Things You Must Know When Representing Immigrant Clients* (2008).

Training: *Immigration Consequences of Criminal Conduct: Overview of Concepts & Discussion of Emerging Issues*, Massachusetts Bar Association, CLE, Feb. 12, 2009.

Debbie Wald, *Immigration Consequences of Criminal Convictions*, CPCS Memorandum (distributed to CPCS staff attorneys in Boston and Cambridge).

Michigan

Mardi Crawford, *Immigration Consequences of Criminal Prosecution*, Michigan State Appellate Defender Office Criminal Defense Newsletter, Vol. 8 No. 2, Nov. 1984.

Ronald Kaplovitz, *Criminal Immigration – The Consequences of Criminal Convictions on Non-U.S. Citizens*, 82 Mich. B.J. 30 (2003).

David C. Koelsch, *Proceed with Caution: Immigration Consequences of Criminal Convictions*, 87 Mich. B.J. 44 (Nov. 2008).

David Koelsch, *Immigration Consequences of Criminal Convictions (Michigan Offenses)*, U. Det. Mercy School of Law (2008).

Randy E. Davidson, *Resources on Collateral Consequences of Criminal Convictions*, 87 Mich. B.J. 52 (2008).

Training: *Immigration Consequences of Criminal Convictions*, Criminal Defense Attorneys of Michigan, Spring & Fall 2008.

Training: *Immigration Consequences of Criminal Convictions*, Michigan State Appellate Defender Office, Dearborn, May 14, 2008.

Minnesota

Maria Baldini-Potermin, *Defending Non-Citizens in Minnesota Courts: A Practical Guide to Immigration Law and Client Cases*, 17 Law & Ineq. 567 (1999).

Training: *Immigration and Criminal Defense Strategies: How to Keep Your Client from Being Deported (What Every Immigration Lawyer Needs to Know About Criminal Cases & "Visa" Versa)*, Minnesota State Bar Association, Dec. 14, 2006 and Nov. 14, 2008.

Dinesh Shenoy & Salima Oines Khakoo, *One Strike & You're Out! The Crumbling Distinction Between the Criminal & the Civil for Immigrants in the Twenty-First Century*, 35 Wm. Mitchell L. Rev. 135 (2008).

Missouri

Training: *Immigration Matters: Basics and Beyond for EVERY Lawyer*, Missouri State Bar, CLE, Sept. 19, 2008.

Montana

Training: *The Basics of Immigration Law for Criminal Defense Lawyers*, Federal Defenders of Montana and Montana Association of Criminal Defense Lawyers, CLE, Aug. 10, 2007.

Nebraska

Vard Johnson, *Duty To Advise Non-United States Citizen Clients of Adverse Immigration Consequences Resulting From A Plea And Conviction: Strategies For Minimizing Adverse Consequences*, Habeas Corpus, Nebraska Criminal Defense Attorneys Association (July/Aug. 2002).

Vard Johnson, *Immigration Consequences of Criminal Convictions*, Habeas Corpus, Nebraska Criminal Defense Attorneys Association (Feb. 2004).

Training: Michael Franquinha, *The Immigration Consequences of Criminal Convictions*, Nebraska State Bar Association, CLE, Mar. 19, 2004.

Nevada

Charles Bennion, *Important Immigration Issues*, 7 Nev. L. 11 (Nov. 1999).

Steve Brazelton, *Immigration Pitfalls of the Plea Bargain: Criminal Attorneys Beware*, 7 Nev. L. 13 (Nov. 1999).

Training: *Immigration Consequences of Criminal Convictions*, Washoe County Public Defender's Office, Reno, NV, 2007.

New Hampshire

Lory Diana Rosenberg, *Immigration Defense for Defense Counsel: An Elementary Resource And Training Guide For Defenders* (Aug. 2004).

New Jersey

Training: *Immigration Law and Procedure*, The New Jersey Chapter of the Federal Bar Association, Newark, 1984.

Training: *Immigration Law And Procedure, Convictions and the Alien: Recommendations Against Deportation*, The New Jersey Chapter of the Federal Bar Association, Newark, June 19, 1985.

Robert Frank, *Criminal Defense of Foreign Nationals*, 167 N.J. Law 36 (1995).

Training: *Immigration Consequences of Criminal Convictions*, New Jersey Office of the Public Defender & New Jersey Association of Criminal Defense Lawyers, Camden, March 7, 2003; Newark, Apr. 4, 2003; Piscataway, Nov. 14, 2003.

Joanne Gottesman, *Quick Reference Chart for Determining the Immigration Consequences of Selected New Jersey Criminal Offenses* (2003-2008).

William E. McAlvanah, *Strategies for Avoiding Adverse Immigration Consequences When Representing Foreign-Born Defendants*, 227 N.J. Law 30 (Apr. 2004).

Edwin R. Rubin, *Filing Immigration Applications and Petitions: Ethical Responsibilities and Criminal Penalties*, 227 N.J. Law 39 (Apr. 2004).

Robert Frank, *Immigration Consequences of Criminal Acts*, 232 N.J. Law 29 (Feb. 2005).

Training: *Immigration Consequences of New Jersey and Federal Criminal Convictions*, Trenton, June 7, 2008.

Training: *Immigration Consequences of N.J. Criminal Dispositions*, New Jersey Office of the Public Defender, Trenton, Jan. 29, 2008.

New Mexico

Tova Indritz, *Representing a Non-Citizen in a Criminal Case*, N.M. B.J. 11 (Nov./Dec. 1995).

Tova Indritz, *Representing an Alien in a Criminal Case: Obtaining the Sentencing Court's Recommendation Against Deportation*, XVI The New Mexico Trial Lawyer 1, 1988.

Training: *Immigration Consequences of Criminal Convictions*, New Mexico Criminal Defense Lawyers, Las Cruces, Sept. 13, 2002.

Training: *Immigration Consequences of Criminal Convictions*, New Mexico State Public Defender Seminar, Oct. 2003.

Jacqueline Cooper, *NMCDLA Laminated Guide: Reference Chart for Determining Immigration Consequences of Selected New Mexico Criminal Offenses*, New Mexico Criminal Defense Lawyers Association (July 2005).

Training: *Immigration Consequences: How to Keep a Minor Conviction from Triggering Lifelong Banishment to a Foreign Country*, New Mexico Criminal Defense Lawyers, June 13, 2008.

New York

Training: *Immigration Law and Procedure*, Brooklyn Bar Association, Brooklyn, May 1984.

Training: *Immigration Law for the General and Advanced Practitioner*, New York State Bar Association, New York, May 1984.

Training: *The Propriety of Detaining Refugees in the United States*, The Association of the Bar of the City of New York, New York, April 23, 1985.

Margaret McManus, *Immigration Consequences of Criminal Conduct*, Sept. 1985 (training materials prepared for Criminal Defense Division of the Legal Aid Society of New York).

Marvin E. Schechter, *Aliens, Drug Convictions and the Certificate of Relief from Civil Disabilities*, New York State Defenders Association Public Defense Backup Center Report, Vol. III No. 3, Mar. 1988.

Edward Bendik & Patricia Cardoso, *Immigration Law Considerations for the Criminal Defense Attorney*, 61 N.Y. St. B.J. 33 (July 1989).

Kari Converse, *Criminal Defense of Non-Citizens, The Judicial Recommendation Against Deportation*, Mouthpiece: Newsletter of the New York State Association of Criminal Defense Lawyers, Vol. 3 No. 1, June 1990.

Sarah M. Burr, *Immigration Consequences of Criminal Convictions for Non-Citizen Clients*, 1990/1991 (training materials prepared for Criminal Defense Division of The Legal Aid Society of the City of New York).

Marvin E. Schechter, *New and Severe Consequences of Criminal Convictions*, New York State Defenders Association Public Defense Backup Center Report, Vol. XI No. 6, July 1996.

Training: *Changes in Law Have Dire Consequences for All Immigrants in Criminal Court*, ACLU Immigrants' Rights Project, Nov. 20, 1996.

Criminal Immigration Practice Tips for Criminal Defense Attorneys (IDP, 1997-2009).

Manuel D. Vargas, *Representing Immigrant Defendants in New York, Including a Quick Reference Chart for New York Offenses* (IDP et al., 1998-2011).

Training: *Immigration Consequences of New York Criminal Dispositions*, New York State Defenders Association (NYSDA), Albany, May 16-17, 2003.

Training: *Immigration Consequences of Criminal Dispositions*, New York State Association of Criminal Defense Lawyers (NYSACDL), Sept. 2004.

Training: Linda Kenepaske, *The Intersection of Criminal & Immigration Law – What You Don't Know May Hurt Your Client*, New York City Bar Association, CLE, Feb. 18, 2009.

Training: *The Criminal Lawyer's Guide to Immigration Law: Questions and Answers*, Second Edition, New York City Bar Association, CLE, May 29, 2009.

Carmen Maria Rey, *Immigration Consequences of Criminal Behavior*, The New York Immigration Coalition, Immigrant Concerns Training Institute, June 16, 2009.

North Carolina

Training: Fourth Annual Immigration Law Seminar, *Deportation Defense, an Update*, Carolinas Chapter of AILA, Charlotte, Nov. 22-25, 1985.

Training: *Immigration Consequences of Criminal Convictions*, North Carolina Bar Association, CLE, Sept. 1, 2001.

Training: *Immigration Consequences of Convictions*, North Carolina Prisoner Legal Services, 2002.

Jonathan David Guze & Hans Christian Linnartz, *Immigration and Nationality Law*, North Carolina General Practice Deskbook, Vol. 1 (3d ed., 2004).

Training: Kaci Bishop, *Immigration Consequences of Criminal Offenses: Terms and Resources*, Spring 2006 Public Defender Conference.

Training: Sejal Zota, *Immigration Consequences of Drug Offenses*, Fall 2007 Public Defender Seminar.

Training: *Advising Non-citizen Defendants of the Immigration Consequences of Crime*, Mecklenburg County Public Defenders, Charlotte, Oct. 25, 2007.

Training: Jeremy L. McKinney, *Avoiding Immigration Consequences in Criminal Court*, North Carolina Bar Association 2007 Criminal Justice Section Annual Meeting, CLE, Nov. 16, 2007.

Training: Sejal Zota & John Rubin, *Immigration Consequences of a Criminal Conviction in North Carolina*, Office of Indigent Defense Services, 2008.

North Dakota

Training: *Immigration Consequences of Criminal Activity*, Minnesota Legal Services Coalition (approved for CLE credit in North Dakota), Nov. 3, 2006.

Training: *Immigration Consequences of Crimes*, NIPNLG, Grand Forks, Mar. 2, 2007.

Ohio

Melinda Smith, *Criminal Defense Attorneys and Non-Citizen Clients: Understanding Immigrants, Basic Immigration Law & How Recent Changes in those Laws May Affect Your Criminal Cases*, 33 Akron L. Rev. 163 (1999).

Training: *Immigration Consequences of State Criminal Convictions*, Franklin County Public Defender, Columbus, June 4, 2008.

Karen D. Bradley, *Ten Things a Criminal Defense Attorney Should Know When Representing the Non-Citizen in Criminal Proceedings*, 34 U. Dayton L. Rev. 35 (2008).

Training: *Immigration Consequences of Criminal Convictions & Removal (Deportation) & Inadmissibility*, Ohio Bar Association, CLE, Mar. 17, 2009.

Oklahoma

Training: Richard Prinz, *Immigration Consequences of Criminal Convictions*, Oklahoma Bar Association, CLE, Nov. 8, 2002.

Training: Richard Prinz, *Immigration Consequences of Criminal Convictions*, Oklahoma Bar Association, CLE, Apr. 20, 2006.

Training: *Crimes and Immigration: Preventing Removal and Preserving Relief Pre- and Post-Conviction*, Oklahoma Bar Association, CLE, Jan. 7, 2009.

Training: Richard Prinz, *Immigration Consequences of Criminal Convictions*, Oklahoma Bar Association, CLE, Apr. 2, 2009.

Oregon

Training: *Immigration Consequences of Criminal Convictions*, Oregon Chapter of AILA, CLE, Oct. 20, 2006.

Training: Steve Manning, *Immigration Consequences of Common Criminal Prosecutions*, Oregon Chapter of AILA, 2009.

Pennsylvania

Training: *Immigration Law and Practice*, Philadelphia Chapter of AILA & The Committee on Professional Education of the Philadelphia Bar Association, Philadelphia, Apr. 25, 1985.

Training: Steven Morley, *The Immigration Consequences of Criminal Activity*, Pennsylvania Bar Institute, CLE, Dec. 8, 2005.

Training: Jay Bagia & Shelley L. Grant, *Dealing with Common Immigration Problems in Criminal Cases*, Pennsylvania Bar Institute, CLE, June 8, 2007.

Training: *Immigration Consequences of Criminal Convictions*, Pennsylvania Association of Criminal Defense Lawyers, 2008.

Rhode Island

Training: *Food for Thought – The Immigration Consequences of Criminal Convictions*, Rhode Island Bar Association, CLE, Sept. 26 & Oct. 11, 2007.

George M. Muksian, *Attorney Practice Guide: Criminal Defense Representation – Part 1*, 57 R.I. B.J. 5 (Nov./Dec. 2008).

South Carolina

F. Scott Pfeiffer, *Does Failure to Advise Clients of Immigration Consequences of Guilty Pleas Constitute Malpractice?*, 9 S.C. Law. 32 (Sept./Oct. 1997).

Allen C. Ladd, *Protecting Your Non-Citizen Client from Immigration Consequences of Criminal Activity*, 15 S.C. Law. 38 (May 2004).

Training: Amanda B. Keaveny, *Immigration Consequences of Criminal Convictions*, South Carolina Bar, CLE, July 25, 2008.

Training: *Representing Foreign Nationals in Family & Criminal Court*, South Carolina Bar, Columbia (live and webinar access), July 25, 2008.

Tennessee

Training: *Immigration Issues in Criminal Defense*, Cumberland School of Law, CLE, May 8, 2003.

Training: *What Criminal Defense Attorneys Need to Know About Immigration*, Tennessee Association of Criminal Defense Lawyers, CLE, Nov. 7, 2003.

Training: Judge Charles Pazar, *Immigration Consequences of Criminal Pleas: What a criminal*

attorney needs to know about immigration consequences of criminal convictions, Memphis Bar Association, CLE, Sept. 23, 2005.

Michael C. Holley, *Guide to the Basic Immigration Consequences of Select Tennessee Offenses* (2008).

Training: *The Long Road for the Short and Quick Plea: How the Easy Plea in Criminal Court Can Permanently Ruin Your Immigrant Client's Life*, Tennessee Bar Association, CLE, Feb. 2009.

Michael C. Holley, *Immigration Consequences: How to Advise Your Client* (Tennessee Association of Criminal Defense Law).

Texas

Larry Sauer & David Cunningham, *Effective Representation of the Alien Criminal Client – The Judicial Recommendation Against Deportation*, 12 Voice for the Defense 5 (Aug. 1982).

Training: *Immigration Consequences of Criminal Conduct*, NIPNLG, Austin, May 30, 1990.

Training: *The Immigration Act of 1990: Due Process, Deportation Defense, Border Enforcement, Special Relief for Central Americans and Immigration Consequences of Criminal Conduct under the New Law*, NIPNLG and the Mexican Bar Association of El Paso, El Paso, Feb. 8, 1991.

Training: *Understanding and Planning for the Immigration Consequences of Criminal Misconduct*, San Antonio Chapter of The Mexican American Bar Association and The Lawyers' Committee for

Civil Rights Under Law of Texas, San Antonio, Nov. 15, 1996.

Training: Thomas Esparza Jr., *Criminal Acts and the Consequences for Foreign Nationals*, Texas Bar, CLE, San Antonio, July 18, 2000.

Brian Bates, *Good Ideas Gone Bad: Plea Bargains & Resident Aliens*, 66 Tex. Bar J. 878 (Nov. 2003).

Immigration Consequences of Selected Texas Offenses: A Quick Reference Chart (2004-2006).

Training: *Immigration Consequences of Convictions & Sentences* (Focus on Texas & Fifth Circuit), Defending Immigrants Partnership, San Antonio, Sept. 24, 2004.

Training: Richard S. Fischer, *Immigration Consequences of Crimes*, Texas Bar, CLE, Houston, Feb. 25, 2005.

Training: Joseph A. Vail, *Immigration Consequences*, Texas Bar, CLE, Corpus Christi, July 20, 2005.

Training: Elisabeth S. Brodyaga, *Immigration Consequences of Crime*, Texas Bar, CLE, Houston, Mar. 3, 2006.

Training: Elisabeth S. Brodyaga, *Immigration Consequences of Crime*, Texas Bar, CLE, Houston, Feb. 23, 2007.

Training: Brian K. Bates & Elisabeth S. Brodyaga, *Immigration Consequences of Crimes*, Texas Bar, CLE, Houston, Feb. 2008.

Training: J. Joseph Reina, *Immigration Convictions & Collateral Consequences*, Texas Bar, CLE, July 2008.

Training: Enrique Martinez, *Immigration Issues in Criminal Law*, Texas Bar, CLE, Mar. 2009.

Training: Marina Garcia Marmolejo, *Immigration Consequences of Criminal Convictions*, Texas Bar, CLE, July 20, 2009.

Utah

Hakeem Ishola, *Of Convictions & Removal: The Impact of New Immigration Law on Criminal Aliens*, 10 Utah B.J. 18 (Aug. 1997).

Vermont

Training: *Immigration Consequences Session*, State Defender Training, Burlington, June 6, 2002.

Training: *Preventing, Reducing or Eliminating The Immigration Consequences of Criminal Convictions*, Vermont Bar Association, CLE, Sept. 23, 2004.

Rebecca Turner, *A Brief Guide to Representing Non-Citizen Criminal Defendants in Vermont* (2005).

Rebecca Turner, *Immigration Consequences of Select Vermont Criminal Offenses Reference Chart* (2005-2006).

Virginia

Training: *Immigration Consequences of Criminal Convictions*, Fairfax County Public Defenders, Fairfax, May 1, 2004.

Mary Holper, *Reference Guide and Chart for Immigration Consequences of Select Virginia Criminal Offenses* (2007).

Richard A. Williamson & John E. Lichtenstein, *Defending Criminal Cases in Virginia* (Virginia Law Foundation 2007).

Training: *Immigration Consequences of Criminal Convictions in Virginia*, Virginia Bar, Mar. 27, 2007.

Training: Hon. Paul Wickham Schmidt, Alberto M. Benitez & Thomas A. Elliot, *Immigration Consequences of Criminal Convictions in Virginia*, Fairfax Bar Association, CLE, Apr. 24, 2009.

Washington

Rubinstein & Greenfield, *Immigration Consequences of Criminal Activity*, 43 Wash. St. B. News 11 (1989).

Training: Greg Boos, *Immigration Consequences of Criminal Convictions*, NWIRP, Bellingham, Feb. 19, 1992.

Training: Jay Stansell, *Immigration Consequences of Crime*, University of Washington School of Law, Apr. 11, 1992.

Robert Pauw & Jay Stansell, *Immigration Consequences of Criminal Convictions* (1992, 1995 update).

Training: Jay Stansell, *Immigration Consequences of Crime*, Seattle-King County Bar Ass'n, Oct. 21, 1993.

Training: Jay Stansell, *Immigration Consequences of Criminal Convictions*, NWIRP, Seattle, Jan. 18, 1994.

Training: Jay Stansell, *Importance of Immigration Considerations when Representing Juvenile Non-citizen Offenders*, Washington Defenders Association, Seattle, Oct. 21, 1994.

Training: Jay Stansell, *Firearm Offenses and 212(c) Relief*, Washington Association of Criminal Defense Lawyers, Seattle, Mar. 31, 1995.

Training: Ann Benson, *Immigration Law & Crimes*, The Defender Association in Seattle, Kings County, Mar. 21, 1996.

Ann Benson, *et al.*, *Immigration & Washington State Criminal Law, including RCW Quick Reference Chart for Determining Immigration Consequences of Selected Washington State Offenses* (Washington Defender Association Immigration Project, 2001-2005).

Training: *On Immigration Consequences of Criminal Convictions*, Washington Defender Association, Seattle, Mar. 10-11, 2005.

Ann Benson, *et al.*, *Crafting Pleas For Non-citizen Defendants: What Every Defender Needs*

To Know (Washington Defender Association Immigration Project, 2007).

Training: *Challenging Immigration Consequences of Selected Crimes*, NIPNLG, CLE, May 7, 2004.

Wisconsin

Dennis M. Sullivan, *Immigration: The Consequences of A Criminal Conviction*, 63 Wis. Law. 16 (Apr. 1990).

Training: *Crimes & Immigration Law*, State Bar of Wisconsin, CLE, Oct. 20, 2005.

Wisconsin State Public Defenders, *Quick Reference Chart – Immigration Consequences of Select Wisconsin Criminal Statutes*.

Wyoming

Training: Mark Davis, Alison Daw, Henry Posada & Mike Razi, *Crimes & Immigration: Preventing Removal and Preserving Relief Pre- and Post-Conviction*, Wyoming State Bar, Jan. 12, 2008.

Training: Richard Prinz, *Immigration Basics and New Developments – Immigration Consequences of Criminal Convictions*, Wyoming State Bar, CLE, Apr. 14, 2009.
