

E-SJI News

July 2010



Vol. 20, No. 10

NEW JUVENILE & FAMILY BENCH GUIDE AVAILABLE FOR STATE TRIAL COURT JUDGES

As part of its efforts through SJI's Strategic Initiatives Grants (SIG) program, the Center for Public Policy Studies (CPPS) has recently finalized a [Juvenile & Family Immigration Bench Guide](#) for state trial court judges. The Juvenile & Family Bench Guide is intended to provide judges with an overview of areas of federal immigration law that might intersect with a juvenile or family case. Like its predecessor, the [Bench Guide for State Trial Court Judges on Immigration Issues](#), the Juvenile & Family Bench Guide is designed to provide judges with a quick summary of key immigration law that they can access electronically from the bench. Judges using the guide should be aware that it is not meant to be an in-depth treatise on immigration law. The Juvenile & Family Bench Guide also contains two types of analyses: 1) topical discussions that examine how immigration law can affect the issues that may arise in a juvenile or family case; and 2) summaries of select areas of federal immigration law regarding legal entry or exposure to removal.

The Juvenile & Family Bench Guide is very user-friendly, and the PDF document is available now on the SJI website. All documents and work conducted by CPPS for this SIG project are available on their website: www.centerforpublicpolicy.org.

IMPLICATIONS OF PADILLA V. KENTUCKY ON THE DUTIES OF STATE COURT CRIMINAL JUDGES

The U.S. Supreme Court's decision in *Padilla v. Kentucky*, announced on March 31, 2010, held that a criminal defendant who was not advised by counsel that a guilty plea might carry a risk of deportation could claim that his representation was constitutionally deficient. The Court determined that the immigration consequences of a guilty plea are an integral part of the punishment that could result from a criminal conviction, and thus are within scope of the 6th Amendment's right to counsel. (continued on page 2)

Inside

Implications of Padilla v. Kentucky
on the Duties of State Court
Criminal Judges **1, 2**

Status of FY 2011
Appropriations **2**

Yuma County, Arizona Judicial
Workload Assessment **3**

Special Announcements **3**

It is clear that *Padilla* will affect the practice of criminal defense attorneys in cases involving immigrant defendants, particularly since all non-citizens, including lawful permanent residents, face the risk of deportation for a wide range of criminal convictions. However, it is not clear how state criminal court judges will be affected by the decision. Therefore, in their continuing work under a SJI-funded Strategic Initiatives Grant, the Center for Public Policy Studies (CPPS) published an updated summary document that includes: 1) a brief summary of the *Padilla* decision; 2) examples of how some states are requiring judges to investigate whether non-citizen criminal defendants have been advised of the potential immigration consequences of a guilty plea; and 3) what the judge's role will likely be as a direct result of the *Padilla* decision.

The updated summary discusses the potential implications that the Supreme Court's decision has for state criminal court judges in: 1) taking a guilty plea; 2) appointing counsel for indigent defendants; 3) assuring fairness for unrepresented defendants; and 4) becoming familiar with federal immigration law. As the law is just emerging, the purpose of the summary is to raise questions rather than provide definitive answers. The summary does, however, provide information on what some states are doing to address these issues.

This [document](#) is now available on both the SJI website, and the [CPPS website](#) on immigration issues in the state courts.

STATUS OF FY 2011 APPROPRIATIONS



On June 30, 2010, the House Commerce, Justice, Science (CJS) Subcommittee on Appropriations marked up the CJS Bill for FY 2011. The mark included SJI's full request of \$6,273,000; an increase of \$1,142,000 over the FY 2010 enacted budget. The Subcommittee published a [summary table](#) of the Bill, which is available on the House Appropriations [website](#). (continued on page 3)

Board of Directors

Chairman

Robert A. Miller
Chief Justice (Ret.)

Supreme Court of South Dakota
Pierre, SD

Vice Chairman

Joseph F. Baca
Chief Justice (Ret.)

New Mexico Supreme Court
Santa Fe, NM

Secretary

Sandra A. O'Connor

*States Attorney of Baltimore
County (Ret.)*
Towson, MD

Executive Committee Member

Keith McNamara, Esq.

McNamara & McNamara
Columbus, OH

Terrence B. Adamson, Esq.

Executive Vice-President
The National Geographic Society

Robert N. Baldwin

*Executive Vice President and
General Counsel*
National Center for State Courts

Sophia H. Hall

Administrative Presiding Judge
Circuit Court of Cook County
Chicago, IL

Tommy Jewell

*Presiding Children's Court Judge
(Ret.)*
Second Judicial District Court
Albuquerque, NM

Arthur A. McGiverin

Chief Justice (Ret.)
Supreme Court of Iowa
Des Moines, IA

Jonathan D. Mattiello

Executive Director

The State Justice Institute is a private, non-profit corporation established by Federal law in 1984 to improve the quality of justice in state courts, and foster innovative, efficient solutions to common issues faced by all courts. SJI is governed by a Board of Directors appointed by the President and confirmed by the Senate.



On July 21, 2010, the Senate CJS Subcommittee marked up their version of the CJS Bill; which included \$6,300,000 for SJI; an increase of \$1,169,000 over the FY 2010 enacted budget. On July 22, 2010, the full Senate Appropriations Committee approved the CJS Bill, with no changes to the Subcommittee mark for SJI. A [press release](#) on the Senate Appropriations mark for the CJS Bill is available on their [website](#).

These funding levels will enable SJI to support more grants to the state courts, in addition to increasing our efforts to address national court issues. SJI appreciates the House and Senate Appropriations Committees' continued support of our vital mission.

YUMA COUNTY, ARIZONA JUDICIAL WORKLOAD ASSESSMENT



In FY 2008, SJI awarded a Technical Assistance Grant (SJI-08-T-172) to the Yuma County Superior Court for a judicial workload study. The Court conducted the workload assessment among its judges, with assistance from the National Center for State Courts. An [article](#) on the project was recently published in the summer version of *Court Manager* (volume 25, issue 2), and is also available on the SJI website.

SPECIAL ANNOUNCEMENTS

- Grant and scholarship application deadline for the 1st quarter of FY 2011: **November 1, 2010.**
- Current grantees are reminded that Quarterly Progress Reports (QPRs) and Financial Status Reports (FSRs) should be mailed to SJI. The FSR must also include an original signature.
- Current grantees who require grant adjustments to allow more time to complete their projects, need budget realignments, or other changes to their projects that require SJI approval, must submit a letter to SJI requesting the adjustment. The letter should clearly describe why the change is necessary.