



ACCD Best Practices Committee

Assisting Clients with Immigration and other Civil Consequences Report

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The American Council of Chief Defenders is a national community of public defense leaders dedicated to securing a fair justice system and ensuring high quality legal representation for people facing loss of life, freedom, or family. The Mission of the American Council of Chief Defenders is to provide tools, strategies, mutual support, training, and information to chief defenders; to speak as a national voice for public defense; to promote best practices in the leadership, management, and administration of justice; and to support development and reform of public defense systems.

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Assisting Clients with Immigration and other Civil Consequences

In the landmark case of *Padilla v. Kentucky*,¹ the U.S. Supreme Court recognized that for some persons facing criminal charges, the most serious consequences of a conviction may not be the sentence imposed. In *Padilla*, the defendant faced deportation as a consequence of a drug conviction, and the Court held that defense attorneys must provide accurate and meaningful advice to non-citizen clients regarding potential immigration consequences of conviction or of other criminal proceedings.²

The lesson of *Padilla* is broader than its holding: the case illustrates that defense attorneys can represent their clients most effectively by advising them not only regarding the direct penalties applicable to the criminal charges, but also regarding the potential indirect consequences.³ The best practices for defense attorneys include identifying potential civil consequences and seeking dispositions in light of client preferences.⁴ Attorneys need to know about the consequences of greatest concern to their clients. In addition to the immigration consequences addressed in *Padilla*, federal restrictions exist

¹ 130 S. Ct. 1473 (2010).

² See *Padilla*, 130 S. Ct. at 1482 (advice regarding deportation is within the scope of the Sixth Amendment right to counsel). Immigration consequences may occur as a result of proceedings that do not result in a formal conviction, such as an in-court admission of guilt as part of an agreement for deferred adjudication. See *Moosa v. INS*, 171 F.3d 994 (deferred adjudication a “conviction” under immigration laws). See also *Resendiz-Alcaraz v. Ashcroft*, 383 F.3d 1262 (expunged conviction still “conviction” under immigration laws).

³ Although the phrase “collateral consequences” has often been used to describe such consequences, this report uses the phrase “civil consequences” because “collateral” may imply that the parties in the criminal case are not required to consider a potential consequence. See *Padilla*, 130 S. Ct. at 1481 (in ruling against defendant, Kentucky Supreme Court held that scope of Sixth Amendment right to counsel did not extend to “collateral consequences.”).

⁴ Professional standards have endorsed this practice for quite some time before *Padilla*. See, e.g., *American Bar Association (ABA) Standards for Criminal Justice, Pleas of Guilty*, § 14-3.2(f) (3rd Ed. 2004) (“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.” Commentary to the standard emphasizes that “defense counsel should be active, rather than passive, taking the initiative to learn about the rules” because the client will often not be aware of potential consequences); *NLADA Performance Guidelines for Criminal Defense Representation, Guideline 6.2, The Contents of Negotiations* (1995) (“(a) ... counsel should be fully aware of, and make sure the client is fully aware of: (3) other consequences of conviction such as deportation and civil disabilities.”). Cf. *ABA Standards for Criminal Justice, Chapter 19, Collateral Sanctions and Discretionary Disqualification of Convicted Persons* (3rd Ed. 2004) (discussing when, how, and what types of civil sanctions should be imposed).

regarding firearms, public housing, and student loans. In addition, states have their own laws that impose civil consequences within their borders.⁵

The law regarding some civil consequences may be relatively straightforward. For example, it may be clear under state law whether a given conviction affects the right to vote and, if so, for how long. Conversely, the law regarding other consequences may be extremely complicated: immigration law carries serious potential consequences, and the analysis of these consequences requires an understanding of complex interrelationships between federal and state law.

Thus, in a complex area such as immigration law, a defender organization should provide access to specialized expertise regarding the potential civil consequences. The complexity of immigration law makes it unrealistic to expect that every defense attorney will learn the pertinent law completely. This report recommends (in Section I.) best practices that defense attorneys should follow to ensure that clients receive proper representation regarding immigration consequences. Although defender organizations have the responsibility to make relevant information and expertise accessible to the defense bar, the individual attorney has the duty to provide his or her non-citizen clients with competent representation.⁶

Section II. summarizes three organizational models for the delivery of assistance to clients with immigration issues.⁷ A final section discusses how defender organizations can address other civil consequences that affect their clients.

I. Best Practices for Defense Attorneys in Advising Clients

Defense attorneys need access to information regarding civil consequences. Because there are many civil consequences, it is unrealistic to expect defense attorneys to master all related areas of law.⁸

⁵ See American Bar Association Criminal Justice Section, *Adult Criminal Consequences Statute Demonstration Site*, <http://isrweb.isr.temple.edu/projects/accproject/index.cfm>, containing over 38,000 state and federal statutes and administrative rules.

⁶ See generally ABA Model Rules of Professional Responsibility 1.1 (general duty of competence).

⁷ For an in-depth discussion on this topic, see Peter L. Markowitz, *Protocol for the Development of a Public Defender Immigration Service Plan* (Immigrant Defense Project and New York State Defenders Association 2009), accessible at immigrantdefenseproject.org. This publication outlines the structure and processes required to integrate consideration of immigration consequences into the provision of criminal defense services. Its appendices include a sample protocol for an intake interview, an immigration consequences checklist, sample training materials regarding immigration consequences, and a resource list of publications, websites, and professional organizations. See also J. McGregor Smyth, Jr., *From Arrest to Reintegration: A Model for Mitigating Collateral Consequences of Criminal Proceedings*, *Criminal Justice*, vol. 24, no. 3 (American Bar Association Fall 2009), [http://www.reentry.net/ny/library/item.290387-From Arrest to Reintegration A Model for Mitigating Collateral Consequences](http://www.reentry.net/ny/library/item.290387-From%20Arrest%20to%20Reintegration%20A%20Model%20for%20Mitigating%20Collateral%20Consequences).

⁸ The Appendix to this report identifies a number of helpful resources regarding immigration and other civil consequences. Although an attorney always needs to verify whether the information in these materials is still

However, to comply with *Padilla* and to best serve their clients, defense attorneys need to identify potential civil consequences and advise their clients accurately regarding those potential consequences. Regardless of the organizational model adopted to develop expertise in the area of immigration law or other areas of law (see Section II., below, describing three viable models), the individual defense attorney should incorporate the following best practices into his or her representation of clients.

A. Conduct a Holistic Client Interview

To provide sound advice and skilled representation, attorneys need to communicate thoroughly with clients to identify potential civil consequences of interest to them. For an avid hunter, the loss of firearm privileges may be a harsher penalty than incarceration. Another client may not be concerned about possessing a firearm, but may rely upon public housing. **For any parent of minor children, the potential impact upon the parent-child relationship (such as loss of custody or termination of parental rights) may be of paramount concern.** By considering each client holistically and by asking open-ended questions about the client's residence, family, employment, and other activities, the attorney is most likely to identify potential civil consequences of concern.

Civil consequences may affect all stages of a case, including custody status, plea negotiations, trial strategy, and sentencing. It is important to discuss with clients the potential civil implications of a criminal case as soon as possible. To assist attorneys in learning about civil consequences of concern to their clients, defender organizations can provide an interview guide that prompts attorneys to ask about a broad range of topics. A guide of this nature can ensure that attorneys ask open-ended questions and talk to clients about issues that go beyond the facts and legal issues in the pending criminal case. Whenever possible, attorneys should work with social workers and other social-service providers to help identify a client's needs and areas of concern.

Regarding potential immigration consequences, the critical starting point is to determine whether the client is a United States citizen. For any non-citizen and for any client whose citizenship status is uncertain, the defense attorney needs to consider the potential for immigration issues. Citizenship is a legal question about which a client may be uncertain. Therefore, it may be better to ask a client where he or she was born, rather than starting out by asking whether the client is a United States citizen.

When interviewing a client born outside of the United States, important additional questions include immigration status, history of any immigration proceedings, criminal history, and family relationships. If the client is not initially able to provide all the pertinent information, the attorney should follow up later

applicable before advising a client, these resources can be of great assistance regarding potential civil consequences.

in the representation to obtain the information. Some defender organizations use a screening form to determine whether a client may face potential immigration consequences.⁹

B. Build Relationship of Trust with Client

In addition to asking questions likely to identify issues important to each client, the defense attorney needs to strive for a relationship of trust. Because an appointed attorney generally has not been hand-picked by the client, the attorney often has to earn the client's trust through a combination of personal communication with the client and demonstrated effort on the client's behalf. With a non-citizen client, an additional factor is that the client may be understandably reluctant to reveal his or her citizenship or immigration status. Therefore, the attorney should realize that a relationship of trust may develop over time and that the client may feel increasingly comfortable disclosing information as he or she gains confidence in the attorney.

C. Provide Client with Information Regarding Civil Consequences

Because of the potentially devastating effects of deportation, the *Padilla* Court specifically held that advice regarding immigration consequences is a necessary component of the right to effective assistance of counsel. Because immigration consequences flow from federal law, attorneys nationwide need to be aware of them.

Although *Padilla* offers standards and guidance specific to immigration consequences, a defense attorney should not limit his or her knowledge and advice to immigration issues. There are a broad range of issues affected by a criminal charge, including but not limited to housing, public benefits, drivers licenses, educational loans, and occupational licenses.

The *Padilla* decision does not require that every defense attorney learn all the nuances of immigration law. However, it does mandate that every defense attorney needs to know that a criminal conviction (or other criminal proceeding) may carry serious and irrevocable immigration consequences for a non-citizen client. Similarly, defense attorneys should know basic information about the civil consequences regularly affecting their clients. Starting with that basic understanding of the importance of the potential consequences, the defense attorney then needs to have access to the specific information applicable to the client's circumstances. Section II. of this report discusses three general models by which a defender organization can make this information accessible.

⁹See, e.g., *Immigration Intake Unit Impact Form* (Massachusetts Committee for Public Counsel Services), http://www.publiccounsel.net/Practice_Areas/immigration/updated%20pdf/IIU%20intake%20form%20Nov%202010.pdf; *Immigration Status Questionnaire* (Wisconsin State Public Defender), <http://www.wisspd.org/htm/ATPracGuides/Training/ProgMaterials/Conf2006/ICCC/ISQ.pdf>.

The attorney should explain the potential consequences that may arise regarding the offense charged. For example, in *Padilla*, the Court held that the defense attorney should have ascertained that the drug charge against the client would (if the client was convicted) support a federal deportation proceeding. Although the potential consequences may not always be as readily ascertainable as in *Padilla*, the attorney nonetheless should inform the client of the risk of deportation and other identifiable consequences.¹⁰

D. Explore Alternative Dispositions in Consultation with Client

The client in a criminal case ultimately decides whether to accept an available alternative to a trial. The decision involves weighing the benefits of a proposed agreement against the potential results of a trial. This decision should include consideration of all potential civil consequences known to the attorney and client.

For example, if a non-citizen client's top priority is to remain in the United States, the attorney should seek an agreement that eliminates or minimizes the risk of an adverse immigration consequence. Conversely, if the client would prefer deportation to a criminal sentence, the attorney might explore whether the prosecutor will dismiss or reduce charges in exchange for the client's voluntary departure from the country.¹¹ If a client is applying for public or subsidized housing, the attorney should seek a resolution of the case that would preserve the client's eligibility for housing. If a client must have a driver's license for employment purposes, the attorney should determine what type of disposition would not result in a license suspension (or, if suspension of a regular license cannot be avoided, what disposition would allow the client to obtain an occupational license).

The defense attorney should seek to learn the philosophy of the local prosecutors and judiciary regarding immigration and other civil issues. For example, some prosecutors may be sympathetic to creative negotiations to minimize the risk of adverse immigration consequences. Some prosecutors and judges may be persuaded that eviction from public housing is not an appropriate consequence for the

¹⁰ Although the Supreme Court has not defined the precise scope of this duty when the potential consequences are less clear, the *Padilla* opinion establishes the interconnectedness of criminal law and immigration consequences. Therefore, an appropriate analysis and discussion of immigration consequences may be analogous to an attorney's duty regarding other aspects of a case that are important, but that cannot be predicted with certainty (such as the likely result of a motion hearing or the likely sentence). Because most defense attorneys do not have the same expertise in immigration as they do regarding issues litigated or otherwise resolved within the criminal case, the organizational models described in section II., below, provide systematic ways to provide attorneys and their clients with the necessary expertise.

¹¹ A defense attorney should not suggest such an agreement without full knowledge of the client's options and should be aware that the local prosecutor cannot dictate how quickly or slowly ICE may proceed. The attorney should respect the client's wishes, but should ensure that the client is aware of the long-term consequences of accepting immigration consequences that might be mitigated by another course of action. These consequences may include permanent exclusion from the United States, penalties for illegal reentry, and prolonged detention awaiting deportation. Therefore, consultation with an immigration specialist is particularly important if the client is interested in this type of agreement.

client and may be willing to resolve the case in a way that preserves the client's affordable housing. Other prosecutors may be less flexible and may oppose dispositions that appear to be lenient. When opposing a prosecutor with an inflexible approach, the defense attorney should recognize that a trial, even in the face of strong evidence of guilt, may be the client's best option.¹²

E. Communicate Clearly Regarding Scope of Representation

When the defense attorney learns that the client is concerned about potential civil consequences of a conviction, the attorney should clearly define for the client the scope of representation.¹³ Because holistic representation entails discussing with the client information and concerns beyond the details of the criminal case, the possibility exists that the client may expect a broader scope of representation that the attorney is able to provide.

For example, if an attorney is knowledgeable about immigration consequences and strategizes with the client about the relationship between the criminal case and potential consequences, the client may assume that the attorney will provide representation in any subsequent proceedings brought by Immigration and Customs Enforcement (ICE). To avoid this misunderstanding, the defense attorney should explain to the client, preferably in writing, that the representation is limited to the criminal case and that if the client wishes to be represented in an immigration proceeding, the client needs to find another attorney for that purpose.¹⁴ Having received this explanation, the client should then understand that discussion and consideration of immigration consequences are part of resolving the criminal case, but that the attorney is not representing the client in formal immigration proceedings.

II. Organizational Models for Assistance with Civil Issues

Three alternative methods are suggested for assisting clients with civil consequences.¹⁵ Each model starts with the premise that because of the complexities of federal immigration law and the broad range of other civil consequences, it is unrealistic to expect that all defense attorneys will be experts in these

¹² The defense attorney may nonetheless be able to achieve a favorable negotiation, despite initial intransigence from the prosecutor. Factors that could lead to such a negotiated settlement include problems with the prosecution's evidence, other cases taking priority, judicial encouragement of a settlement, or assignment of a different prosecutor. However, if persistence in negotiations is unsuccessful, the defense attorney should realize that if a guilty or no contest plea would not mitigate the potential civil consequences, the client may reasonably decide to risk a harsher sentence (even in the face of a strong prosecution case).

¹³ See ABA Model Rules of Professional Responsibility 1.2(c), allowing an attorney to limit the scope of representation if the limitation is reasonable and if the client consents.

¹⁴ This example assumes that the representation is, in fact, limited to the criminal case. If the attorney or the attorney's organization can also provide formal representation in immigration proceedings, there would not be a need for this clarifying statement. See below section II. A.

¹⁵ The models described in this section are intended for civil consequences that are sufficiently complex to warrant reliance on a small number of attorneys with specialized knowledge. For consequences that are readily understood (for example, a law suspending the right to vote for the duration of a felony sentence), defender organizations may provide training to all attorneys, rather than designate specialists.

fields. Therefore, each model relies on the specialized expertise of a small number of attorneys, who in turn are available to assist the clients of other attorneys. The structure, enabling legislation, and budgetary resources of a particular defender organization are pertinent considerations in considering which model to adopt. For some organizations, a hybrid model may provide the best level of service to clients.

A. Full Service (Staff Provide Representation in Civil Matters)

By providing representation in federal immigration, housing, and other civil proceedings, a defender organization can ensure that clients receive not only complete information about potential consequences, but also skilled representation in the related civil matters. To implement this option, an organization can either hire attorneys with civil experience or provide training to attorneys presently on staff. The Bronx Defenders¹⁶ and the Public Defender Service for the District of Columbia¹⁷ provide representation and advice in selected civil proceedings.

This option requires that the attorneys specializing in civil issues have sufficient time to focus on these areas of law. Therefore, if they also provide representation in criminal cases, they should not be expected to handle the same volume of cases as other defenders.

This full-service model allows clients to receive representation simultaneously (and from the same organization) in both the criminal case and the civil proceeding (or the effort to avoid such a proceeding). This model also provides ongoing experience for the civil attorneys, which is an effective method for maintaining their skills and knowledge of applicable law and practices.

Potential barriers to the full-service model include restrictions on hiring and limitations on the types of cases that an organization may handle. Therefore, this model may not be practical in all jurisdictions. However, defender organizations should consider creative approaches, such as grant funding and partnerships with other organizations, to facilitate this model of holistic representation.

B. Staff Provide Information and Advice (Without Representation in Civil Matters)

A defender organization may designate staff attorneys to become experts regarding potential civil consequences in individual cases. This model is conceptually similar to the full-service model, without the direct representation of clients in civil matters. The organization either hires staff with expertise in civil matters or provides specialized training to existing staff.

Because the specialist attorneys in this model do not provide representation in civil proceedings, they are unlikely to spend as much time on civil matters as specialists in an organization that provides full-service representation in civil matters. Nonetheless, the time spent keeping current with various areas

¹⁶ <http://www.bronxdefenders.org/>

¹⁷ <http://www.pdsdc.org/PDS/CivilLegalServices.aspx>

of civil law,¹⁸ advising clients, and consulting with other attorneys may be substantial. Therefore, an organization using this model should consider these workload demands in distributing case assignments and other work among staff.

Massachusetts, [Pennsylvania](#), and Wisconsin are jurisdictions in which statewide defender organizations use this model to provide expert advice regarding potential immigration consequences.¹⁹

C. Contract Model

A defender organization can also provide information and advice to clients through a contract model. Under this model, the appointed attorneys rely upon attorneys outside the organization to provide the necessary expertise in complex civil matters. The defender organization contracts with the outside attorney(s) to provide case consultations.

This model can be effective for organizations that cannot readily develop internal expertise. Organizations that rely predominantly upon appointed private counsel may find it particularly difficult to develop this expertise, because of the challenge of training all participating attorneys in civil matters. Also, for a jurisdiction that does not have a large number of non-citizen clients, the contract model may be the most cost-effective and may provide the best level of expertise on immigration issues.

The contract model requires that the appointed attorney identify the existence of a potential civil consequence, after which the appointed attorney can call an attorney with expertise in the relevant civil issue. The contract attorney assists the appointed attorney in obtaining the necessary information from the client to allow accurate analysis of the potential civil consequences.

Given the funding constraints of many appointed counsel and public defender organization, payment for advice on civil matters may be difficult to obtain.²⁰ Alternatively, a public defender organization should

¹⁸ Among the methods of keeping current with developments in immigration law and practice are meeting with practicing immigration attorneys, attending training sessions, and communicating regularly with colleagues regarding pertinent state and federal practices.

¹⁹ See, e.g., http://www.publiccounsel.net/Practice_Areas/immigration/immigration_index.html (Immigration Intake Unit of Massachusetts Committee for Public Counsel Services); <http://defendingimmigrants.org/library/folder.230989-Pennsylvania> (immigration resources prepared by Defender Association of Philadelphia; the Collateral Consequences Project of this organization has also partnered with local law schools to prepare a comprehensive index to civil consequences in Pennsylvania); <http://www.pajuvdefenders.org/file/checklist.pdf> (Pennsylvania Juvenile Collateral Consequences Checklist, prepared by the Pennsylvania Juvenile Indigent Defense Action Network); <http://www.wisspd.org/htm/ATPracGuides/ATPracGuides.asp> (immigration resources included in Wisconsin State Public Defender's Appellate and Trial Practice Guides).

²⁰ The *Padilla* decision, see above notes 1-2 and accompanying text, establishes the constitutional requirement that defense attorneys provide advice regarding immigration consequences. Therefore, defender organizations can rely upon *Padilla* in seeking funding for immigration-related expertise. Until the constitutional mandate of *Padilla* is extended, defender organizations must rely upon policy arguments to seek funding for expertise in other civil matters.

seek partnerships with civil legal services providers, law schools, bar associations and pro bono attorneys to deliver consistent advice to appointed attorneys and clients.

The Sacramento (California) County Public Defender²¹ is a defender organization that uses the contract model to provide appointed attorneys with access to experts in immigration. The partnership between the Connecticut Public Defender and the Yale University Law School is an example of how defender clients receive assistance from another organization.²²

D. Online Resources and Referrals

A defender organization can provide online resources and referrals to assist defense attorneys regarding civil consequences. An interview guide can ensure that the attorney asks the proper questions to determine the client's immigration status and to identify other civil issues that are important to the client. Regardless of the form used and the suggested questions, attorneys need to use their judgment regarding when and how to inquire about immigration status and other sensitive subjects, because some clients may be initially reluctant to provide this information.²³

Outlines of federal immigration law and classifications (under the salient immigration classifications) of state law crimes are helpful tools for understanding immigration consequences. In addition, it is useful to provide materials explaining how housing, public benefits, education, licenses and other civil issues are affected by criminal charges. Defender organizations should provide defense attorneys with a list of civil consequences, including access to the applicable laws and to any attorneys or organizations specializing in the respective areas of law (e.g., immigration attorneys, legal aid organizations that handle housing issues, etc.). Extensive research materials are available to help an organization locate and update information regarding civil consequences.²⁴ If the civil consequence is mandatory or unavoidable, the defender organization should provide written information regarding the consequence, including its duration and any applicable process to seek restoration of the privilege in question.

²¹ <http://www.publicdefender.saccounty.net/default.htm>.

²² Even if the defender organization develops substantial internal capacity, these partnerships may provide assistance to private attorneys representing non-citizens.

²³ See section I. A., above, regarding the importance of conducting a holistic client interview and of building rapport with the client.

²⁴ Compilations of state and federal consequences, with statutory citations, are referenced below in the Appendix. In using any of these valuable resources, defender organizations and individual attorneys need to update the applicable law because new consequences may be added or previous ones may be repealed or modified.

Conclusion

Because of the number and the severity of the civil consequences that may accompany criminal convictions, defense attorneys and defender organizations can best serve clients through a holistic approach to representation. As outlined above, the key components to this approach include attorney awareness of civil consequences, access to research materials summarizing each consequence, holistic client interviews, and assistance in seeking to avert or minimize negative consequences.

Appendix

This appendix lists resources that are publicly available, free of charge, to provide information regarding civil consequences. Section I. lists resources regarding civil consequences generally, and Section II. lists resources that focus specifically on the issue of immigration. Some resources apply nationwide, while the scope of others is limited to a specific state or region. The state-specific resources, in addition to providing assistance to local practitioners, may serve as models for other states in developing similar resources.

The listed resources cannot substitute for an attorney's independent judgment and research in the context of a specific case. These resources are an excellent starting point for research because they reflect the work and experience of experts; however, the resources may not always reflect the current pertinent case law or legislation.

I. Resources on Civil Consequences

American Bar Association Criminal Justice Section, *Adult Criminal Consequences Statute Demonstration Site*, <http://isrweb.isr.temple.edu/projects/accproject/index.cfm>. This website contains over 38,000 statutes and administrative rules. This website is searchable by individual state and by keyword or phrase. The database can also be searched to locate federal statutes, over 1,500 of which are included.

Margaret Colgate Love, *Relief from the Collateral Consequences of a Criminal Conviction: A State-by-State Resource Guide* (W.S. Hein 2006); tables from this publication, updated in 2008 and showing the rules of each state on the same topic (e.g., sealing of court records, restoration of right to vote), are accessible at http://www.sentencingproject.org/detail/publication.cfm?publication_id=115.

American Bar Association's Commission of Effective Criminal Sanctions and the Public Defender Service for the District of Columbia, *Internal Exile: Collateral Consequences of Conviction in Federal Laws and Regulations* (2009), <http://www.americanbar.org/content/dam/aba/migrated/cecs/internalexile.authcheckdam.pdf>.

A wealth of information regarding criminal charges and civil consequences is also available at Reentry Net, www.reentry.net. The following are among the available publications:

- J. McGregor Smyth, Jr., *From Arrest to Reintegration: A Model for Mitigating Collateral Consequences of Criminal Proceedings*, Criminal Justice, vol. 24, no. 3 (American Bar Association Fall 2009), [http://www.reentry.net/ny/library/item.290387-From Arrest to Reintegration A Model for Mitigating Collateral Consequences](http://www.reentry.net/ny/library/item.290387-From%20Arrest%20to%20Reintegration%20A%20Model%20for%20Mitigating%20Collateral%20Consequences)
- Bronx Defenders, *The Consequences of Criminal Proceedings in New York State: A Guide for Criminal Defense Lawyers and Other Advocates for Persons with Criminal Records* (February 2010 Ed.), <http://www.reentry.net/ny/search/item.76898>.

Federal Interagency Reentry Council, *Reentry Myth Busters* (2010-11), accessible at http://www.nationalreentryresourcecenter.org/documents/0000/1090/REENTRY_MYTHBUSTERS.pdf. The Myth Busters are a collection of brief fact sheets that clarify the scope of federal laws and policies related to reentry. The Council's library, <http://www.nationalreentryresourcecenter.org/reentry-council>, provides links to many other resources regarding reentry.

Civil Impacts of Criminal Convictions under Ohio Law, available at <http://www.opd.ohio.gov/CIVICC/Home.aspx/SearchParameters>. This searchable database permits users to identify potential civil consequences under Ohio law of a specific crime and, conversely, to identify the crimes that will (or may) result in a specific consequence. The database is hosted by the Ohio State Public Defender, which collaborated with several partner organizations in the website's development.

University of Maryland School of Law Reentry of Ex-Offenders Clinic, *A Report on Collateral Consequences of Criminal Convictions in Maryland* (Spring 2007 Ed.), http://www.sentencingproject.org/doc/publications/cc_report2007.pdf.

II. Resources on Immigration

Immigrant Defense Project and Defending Immigrants Partnership, *Defending Immigrants Partnership Practice Advisory* (2010), available at <http://txe.fd.org/PDF%20files/PadillaPracticeAdvisory.pdf>. This publication includes a two-page checklist of immigration consequences, information about national organizations available to assist defense attorneys with immigration issues, and a listing of books and other helpful practice materials.

The Defending Immigrants Partnership website, defendingimmigrants.org, provides access to many pertinent training materials and handouts. To become a member with full access to all the materials, an attorney may register at defendingimmigrants.org. Accessible resources include the online edition of *Representing Noncitizen Criminal Defendants: A National Guide* (2010), available at http://defendingimmigrants.org/library/folder.176572-Representing_Noncitizen_Criminal_Defendants_A_National_Guide_2010, which provides links to other immigration law websites, as well as to several state-by-state charts of possible immigration consequences for specific state charges.

Isaac Wheeler and Heidi Altman, *Practice Advisory: Recent Developments on the Categorical Approach: Tips for Criminal Defense Lawyers Representing Immigrant Clients* (2011), available at http://immigrantdefenseproject.org/wp-content/uploads/2011/10/FINALAppendix-L_FINAL5thEd2011v2.pdf.

Norton Tooby, *Tooby's Guide to Criminal Immigration Law: How Criminal and Immigration Counsel Can Work Together to Protect Immigration Status in Criminal cases* (2008), available at <http://nortontooby.com/free/ToobysGuide.pdf> and at <http://nortontooby.com/node/657>.

Dan Kesselbrenner and Sandy Lin, *Selected Immigration Consequences of Certain Federal Offenses* (National Immigration Project 2010), available at <http://defendingimmigrants.org/search/?q=selected+immigration>.

Peter L. Markowitz, *Protocol for the Development of a Public Defender Immigration Service Plan* (Immigrant Defense Project and the New York State Defenders Association 2009), available at [http://www.reentry.net/library/item.346413-Protocol for the Development of a Public Defender Immigration Service Plan](http://www.reentry.net/library/item.346413-Protocol%20for%20the%20Development%20of%20a%20Public%20Defender%20Immigration%20Service%20Plan).

Immigration Consequences of Criminal Convictions: Padilla v. Kentucky (U.S. Dept. of Justice, Office of Immigration Litigation 2010), http://www.immigrationlinks.com/attachments/2194_Immigration%20Consequences%20of%20Criminal%20Convictions.pdf.

Maria T. Baldini-Poltermin, *Defending Non-Citizens in Illinois, Indiana, and Wisconsin* (Heartland Alliance's National Immigrant Justice Center, Scott D. Polack & Associates, & Maria Poltermin & Associates 2009), available at immigrantjustice.org/sites/immigrantjustice.org/files/FULL%20manual%20FINAL%206%2026%202009.pdf.

Immigration Status Questionnaire (Wisconsin State Public Defender), <http://www.wisspd.org/htm/ATPracGuides/Training/ProgMaterials/Conf2006/ICCC/ISQ.pdf>.

Immigration Intake Unit Impact Form (Massachusetts Committee for Public Counsel Services), available at http://www.publiccounsel.net/Practice_Areas/immigration/updated%20pdf/IIU%20intake%20form%20Nov%202010.pdf. The webpage http://www.publiccounsel.net/Practice_Areas/immigration/immigration_index.html provides links to immigration-related resources and describes the services provided by the Immigration Intake Unit to Committee for Public Counsel Services staff and participating private attorneys.

North Carolina Office of Indigent Defense Services, *Immigration Consequences Manual* (2008), available at <http://www.ncids.org/Other%20Manuals/Immigration%20Manual/Text.htm>.

Miami Dade Public Defender, *Consequences of an Arrest or Conviction* (2010), available at http://www.pdmiami.com/consequences_of_an_arrest_or_conviction.htm.