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All rights reserved. ISSN 0009-868X. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical photocopying, recording, or otherwise, without the prior written permission of the publisher.
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Mission Statement

"The mission of the Sargent Shriver National Center on Poverty Law is to provide national leadership in identifying, developing, and supporting creative and collaborative approaches to achieve social and economic justice for low-income people. The Shriver Center fulfills its legal advocacy and policy development mission by (a) representing low-income people on welfare, workforce, housing, and community development issues through legislative and administrative advocacy, collaboration with public and private entities, and, where necessary, impact litigation and (b) managing communication and knowledge services on poverty law and policy—related information through CLEARINGHOUSE REVIEW and the Shriver Center's other publications, the Shriver Center’s website, training sessions, and the poverty law library."

Board of Directors
Sargent Shriver National Center on Poverty Law
SYMPOSIUM
Peacekeeping and Security in Countries Utilizing Child Soldiers

KEYNOTE ADDRESS

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Institutions of Learning or Havens for Illegal Activities: How the Supreme Court Views Libraries

Raizel Liebler

This article examines the three major Supreme Court cases, Brown, Pico, and American Library Association, which span a period of almost 30 years and address the appropriate role of libraries and the activities allowed within library premises. The scope of the cases includes the legality of silent protests in libraries, the removal of print materials from libraries, and implementing filters for Internet content. These cases exemplify the important struggle over the larger role of libraries in society. The Court has attempted to walk a fine line between viewing libraries as purveyors of high culture and dangerous places. An uncertainty about the role of libraries runs throughout the Supreme Court opinions as well as the court opinions that have come after these important rulings. These views of libraries by the courts have had a strong effect on patrons by limiting the information options of patrons, including school library books and public library Internet-access. The views of the courts have also forced librarians to act in accordance with the Supreme Court's views of their appropriate role. This article argues that the Supreme Court's views are frequently based on a limited understanding of libraries, which fails to recognize that libraries and the services they provide fall within the scope of a public forum. The lack of government understanding of the role of libraries and librarians can have extensive implications for institutions, their employees, and the public.

The Pending Reinvigoration of Boyd: Personal Papers are Protected by the Privilege Against Self-Incrimination

Aaron M. Clemens

This article delineates the extent that personal papers and diaries are protected against being used to incriminate a person who had been compelled to produce them. It examines the way the Fifth Amendment privilege has been interpreted by the United States Supreme Court in relation to personal papers, places this jurisprudence in context, and posits a conclusion based on the Court's recent trends. It concludes that the Court should not allow American law enforcement officials to compel examination of a person's personal papers yet prosecute this person based on these compelled disclosures.
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This article discusses: (1) the post-Enron environment and the events that led up to the whirlwind passage of the Sarbanes-Oxley Act of 2002, (2) the legislative history for criminalizing a bill that originated in the House Financial Services Committee, and (3) a comparison between the increased criminal provisions and penalties under the Act with already existing legislation. It also analyzes how Congress closed loopholes, flexed it muscles with respect to corporate practices, and the necessity of the new criminal laws.

COMMENT

Yes, Then No, Means No: Current Issues, Trends, and Problems in Post-Penetration Rape
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Post-Penetration rape describes the scenario when, at some point after consensual intercourse begins, one of the participants asks that the intercourse cease and the other does not desist. This situation is one of the more recently recognized forms of acquaintance rape. This recognition comes with various nuances and complexities that have caused a split amongst courts regarding how to deal with it when it arises in criminal prosecutions. One significant concern in the recognition of post-penetration rape as a rape rather than a battery or other crime is the need to strike a balance between providing recourse in the justice system for victims of post-penetration rape and protecting potential defendants from false accusations and improper convictions. This comment discusses this balance and suggests that state legislatures are in the best position to clarify criminal codes to recognize post-penetration rape, and that several safeguards may be put in place to prevent false accusations. Additionally, this comment examines the current perceptions of post-penetration rape in terms of interaction with the rules of evidence and the use of sexual consent contracts.
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What You Need To Know About Title Insurance In International Real Estate Transactions
J. Carmichael Calder and S.H. Spencer Compton
Boundary disputes, restrictive covenants, adverse possessions and more can hinder international real estate transactions just as they can hinder the domestic ones. Fortunately, it has become possible to get title insurance for these transactions. In this article, J. Carmichael Calder and S.H. Spencer Compton discuss what international title insurance can do, where it is available, how to get it, how much it costs, and examine the kinds of problems it can solve or avert.

A Fannie Mae Financing Roadmap For Borrowers And Their Counsel (with Forms)
Harold A. Hagen
Borrowers in multifamily projects sometimes get a little nervous about closings, but they shouldn't. Fannie Mae and its DUS lenders have done much to make the process a straightforward one. In this article, Harold A. Hagen discusses the due diligence process, the loan documents and what they mean, conducting an organizational document review, drafting the opinion letter, the obligations of the borrower and "key principals," and provides forms and checklists to guide the process.

A Time-Saving Alternative To Complicated, Long-Winded Survey Certificates (With Form)
Joshua Stein
Almost every real estate acquisition or financing requires a certified survey. Many lawyers, to protect their clients' interests, want to use lengthy, customized survey certificates. To avoid the unpleasant complications that these certificates can cause, Joshua Stein discusses the virtues of incorporating the ALTA/ACSM Survey Standards by reference into a short-form survey certificate, provides an illustrative form, and provides examples of common or unnecessary language in certificates that can be eliminated.

An Ethics Overview (And Update) For The Environmental Lawyer
Carol E. Dinkins
Although environmental lawyers have the distinction of a very low claim rate against their professional liability policies, ethical problems can dog the practice just as they do in any other area of the law. In this article, Carol E. Dinkins addresses common ethical problems arising in the context of multiple representations, criminal and grand jury investigations, joint defense agreements, and government practice, and examines recent developments including changes to the Model Rules of Professional Conduct, the adoption of the Restatement (Third) of the Law Governing Lawyers, and the Sarbanes-Oxley Act.

The forms and Practice Checklists in each issue of The Practical Real Estate Lawyer are available on 3.5-inch floppy disks. For more information or to order, call 1-800-CLE-NEWS.
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The Prosecutor encourages its readers to submit articles of interest to prosecutors for possible publication in the magazine. Send articles to jean.holt@ndaa-apri.org.

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The current Kanabec County Courthouse was built in 1894 in Mora, Minnesota, at a cost of $7,200. The building is a light brick, Romanesque Revival building, with a rubble stone foundation and brown sandstone trim. The building was placed on the National Register of Historic Places in 1977.

Photo by Calvin Beale, Economic Research Service, USDA.
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