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Toward a Model Death Penalty Code: The Massachusetts Governor's Council Report (Introduction and Participants)

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Toward a Model Death Penalty Code: The Massachusetts Governor's Council Report

In September 2003, Governor Mitt Romney created the Massachusetts Governor's Council on Capital Punishment, co-chaired by Joseph Hoffmann, Harry Pratter Professor of Law at Indiana University—Bloomington, and Frederick Bieber, Associate Professor of Pathology at the Harvard Medical School. Governor Romney asked the Council to study the best available scientific and legal research, and to develop recommendations for a new kind of death penalty—one that would be “narrowly applied” and meet the “highest evidentiary standards.” On May 5, 2004, the Council delivered to Governor Romney its Report, containing ten bold (and, in many cases, unprecedented) recommendations for the creation of “a fair capital punishment statute” that would be “as narrowly tailored, and as infallible, as humanly possible.” Since its release, the Massachusetts Governor's Council Report has already become a significant benchmark for capital punishment laws across the nation, and its recommendations recently were named among “the most noteworthy ideas” of 2004 by the *New York Times Magazine*.

This special issue of the *Indiana Law Journal* contains the proceedings of a major conference about the Massachusetts Governor's Council Report that was held at the Indiana University School of Law—Bloomington on September 10–11, 2004. The conference participants, listed below, included leading academics from the fields of law and science, jurists, prosecutors, defense attorneys, and experts in forensic evidence. Conference presentations and panel discussions explored in detail each recommendation in the Report, with the ultimate goal of contributing to the ongoing and vitally important national dialogue about death penalty reform. We hope that this special issue of the *Indiana Law Journal* can help to inform that dialogue, and can serve as a valuable reference for those who—both in Massachusetts and elsewhere—will be looking to the Massachusetts Governor's Council Report as a possible model for such reform.

PARTICIPANTS

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Indianapolis, and Member, Constitution Project's Right to Counsel Committee
- Andrew D. Leipold**, Professor of Law, University of Illinois
- Erik Lillquist**, Associate Professor of Law, Seton Hall University; Visiting Associate
Professor of Law, University of Minnesota (Fall 2004)
- Andrea D. Lyon**, Associate Clinical Professor of Law, DePaul University, and
Director, Center for Justice in Capital Cases
- William J. Meade**, Deputy Chief Legal Counsel, Office of the Governor of
Massachusetts
- H. Geoffrey Moulton, Jr.**, First Assistant U.S. Attorney, Eastern District of
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- Hon. Sheila M. Murphy**, Cook County (Illinois) Circuit Court Judge (retired), and
Member, Constitution Project's Death Penalty Initiative
- Jeffrey J. Pokorak**, Associate Professor of Law, Suffolk University
- Thomas F. Schornhorst**, Professor Emeritus of Law, Indiana University—
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- Carl M. Selavka**, Director, Massachusetts State Police Crime Lab*
- Steven J. Sherman**, Professor of Psychology, Indiana University—Bloomington
- Paula Sites**, Indiana Public Defenders' Council
- Michael J. Sullivan**, U.S. Attorney, Massachusetts*
- Scott E. Sundby**, Sydney and Frances Lewis Professor of Law, Washington and Lee
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