

REVISED 104A

ADOPTED AS REVISED

RESOLUTION

1 RESOLVED, That the American Bar Association urges federal, state, territorial,
2 tribal, and local courts to adopt a procedure whereby a criminal trial court shall, at a
3 reasonable time prior to a criminal trial, disseminate to the prosecution and defense a
4 written checklist delineating in detail the general disclosure obligations of the prosecution
5 under Brady v. Maryland, 373 U.S. 83 (1963), and its progeny and applicable ethical
6 standards.
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8 FURTHER RESOLVED, That the American Bar Association urges federal, state,
9 territorial, tribal, and local courts in implementing the above procedure to require a
10 criminal trial court to create a standing committee of local prosecutors and criminal
11 defense attorneys to assist the court in formulating and updating the written checklist
12 delineating in detail the prosecution's general disclosure obligations.
13

14 FURTHER RESOLVED, That any omissions or deficiencies in the written checklist
15 provided by the court should not relieve either the prosecutor or defense counsel of their
16 legal and ethical responsibilities with respect to providing and seeking disclosures.

[Deletions struck through; Additions underlined.]