

ALR 6th

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From the editor

It has been said that one “cannot legislate morality.” In fact, though, moral considerations often form the basis of legislation or common-law liability, as demonstrated by a number of annotations in volumes 19 and 20 of A.L.R.6th, including such diverse topics as “Validity of Statutes and Ordinances Regulating the Operation of Sexually Oriented Businesses—Legal Issues and Principles”; Propriety of Radio and Television Attorney Advertisements”; “Nonsexual Misconduct or Irregularity as Amounting to ‘Conduct Unbecoming an Officer,’ Justifying Police Officer’s Demotion or Removal or Suspension from Duty”; and a pair of annotations discussing an employer’s liability for the intentional or reckless infliction of emotional distress on employees, with particular regard to ethnic, racial, or religious harassment (volume 19), and sexual harassment (volume 20). Humans, it appears, will find a way to contradict almost any statement.

Russell G. Donaldson, J.D.

Highlights

ASSISTANCE OF COUNSEL

Adequacy of Counsel—Coerced Pleas

Criminal defendants who have entered, or even just considered, a plea of guilty (or no contest) to charges often later contend that they were denied their Sixth Amendment right to effective assistance of counsel by the defense attorney’s exercise of coercion or duress over the defendant during the plea process. Courts have emphasized in this context the requirement that a claim of ineffective assistance of counsel must be supported by sufficient proof. This annotation collects and analyzes the state and federal judicial opinions that discuss whether criminal defense counsel has violated the



defendant’s Sixth Amendment right to effective assistance of counsel by exercising coercion or duress over the defendant in the process of deciding whether to enter a guilty (or no contest) plea. [19 A.L.R.6th 411](#)

CRIMINAL LAW

Absence from Trial

In a number of states, a rule of criminal procedure or statute provides that when a defendant, who was present at the commencement of trial, voluntarily absents himself or herself from trial, the court may continue with the trial in the defendant’s absence. This annotation discusses the decisions which have

considered the sufficiency of showing a defendant's voluntary absence from trial for purposes of state criminal procedure rules or statutes authorizing continuation of trial notwithstanding such absence. [19 A.L.R.6th 697](#)

PUBLIC OFFICERS AND EMPLOYEES

Nonsexual Police Conduct "Unbecoming an Officer"

The removal or suspension of a peace officer for misconduct, official or not, and willful or not, has been upheld in a number of jurisdictions in various circumstances. One such ground for removal of a law enforcement officer is conduct unbecoming to a police officer. Such conduct has been defined as conduct tending to destroy public respect and confidence in the operation of municipal services or affecting the morale or efficiency of the police department. This annotation collects and summarizes those cases in which courts have determined whether a police or other law enforcement officer's nonsexual misconduct or irregularity established or supported a finding of conduct unbecoming a police officer, justifying the officer's demotion, removal, or suspension from

duty. The annotation fills a longstanding need for a companion piece to [9 A.L.R. 4th 614](#), which dealt with disciplinary action for conduct unbecoming an officer in the context of sexual or sexually oriented activity. [19 A.L.R.6th 217](#)

ZONING AND PLANNING

Municipal Regulation of Firearms Facilities

Municipal restrictions on the location or operations of facilities for the sale or use of firearms, such as those found in or deriving from zoning ordinances and local regulations governing gun-dealer licenses, noise control, pollution, and similar matters, as applied to entities such as gun shops, gun clubs, and shooting ranges, have been attacked on various constitutional grounds. Where there are state statutes governing aspects of the distribution or utilization of firearms, the argument has been made that local ordinances or regulations limiting the site or operations of facilities in which firearms are sold or used are preempted by them. Issues pertaining to the validity, construction, and application of municipal restrictions on the location or operations of such facilities are discussed in this annotation. [19 A.L.R.6th 335](#)

Coming Soon

Listed below are a few of the topics scheduled to be published in 20 A.L.R.6th in January 2007. Some of the annotations listed may be rescheduled.



ADULT BUSINESSES

Local Regulation of Adult or X-Rated Businesses or Movies

Many states and municipalities have sought to regulate the operation of sexually oriented businesses. These businesses include sexually oriented book, video, or novelty stores or arcades; live performance or nude dancing cabarets; motion picture theatres or video viewing facilities; escort or outcall agencies; and massage parlors. The nature of the regulations includes requirements or limitations regarding the age of patrons or employees; sale of alcohol; signs or advertising; special licenses, fees, or permits; ownership or management limitations or require-

ments; performance limitations or requirements; employee restrictions or licensing; and premises requirements or limitations. Most often, the challenge to the statute or ordinance regulating sexually oriented businesses will be on the basis of one or more state or federal constitutional grounds or provisions. This annotation collects the state and federal cases that have considered the legal issues and principles with respect to the validity and enforceability of statutes and ordinances regulating the operation of sexually oriented businesses. [20 A.L.R.6th](#)

ATTORNEYS AT LAW

Radio, TV Advertising

Courts have determined the propriety of radio and television advertisements by attorneys and the disciplinary rules governing such advertisements. This annotation collects and summarizes those cases in which courts have considered the propriety of radio and television advertising by attorneys. [20 A.L.R.6th](#)

COMMITMENT OF PERSONS

Sex Offenders—Actuarial Risk Assessment Testimony

Many states have statutes providing for the civil commitment of those sex offenders who are determined to be at a high risk for recidivism. These are referred to as “sexually violent predators” or “sexually violent persons.” In determining the risk of repeat offense, many experts rely on actuarial instruments that look at what factors sex offenders who recidivate have in common. The use of these actuarial instruments as a basis of expert testimony to determine risk of recidivism has become the subject of controversy. This

annotation collects and discusses cases addressing the admissibility of actuarial risk assessment testimony in a proceeding to commit a sex offender. **20 A.L.R.6th**

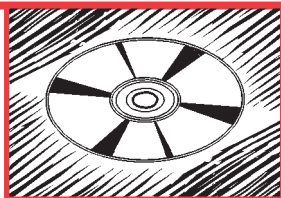
WORKERS' COMPENSATION

Recovery for Acts of Terrorism

The issue of the compensability, under workers' compensation statutes, of injuries sustained as a result of terrorist attacks, has been litigated. This annotation collects and summarizes those cases in which courts have considered the recovery of workers' compensation benefits for acts of terrorism. **20 A.L.R.6th**

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The following is a complete list, arranged alphabetically by topic, of annotations contained in the current volume **19 A.L.R.6th** or scheduled for publication in **20 A.L.R.6th**. Some of the annotations listed may be rescheduled.



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Validity of Statutes and Ordinances Regulating the Operation of Sexually Oriented Businesses—Legal Issues and Principles. **20 A.L.R.6th**

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