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## Introduction

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Over the years, we at Virginia Capital Case Clearinghouse have been gratified by numerous expressions of support and appreciation from the capital defense bar. The value of the *Capital Defense Journal* is perhaps not as easily measured compared with the division of the program that works directly with attorneys to avoid death sentences at the trial level. Nevertheless, the response to the Journal has been more than sufficient to advise us that it has taken its place as a significant aid to effective defense, reaching a broad audience in the profession.

I believe this issue will be a particularly useful one. In addition to providing help in understanding and dealing with the pathetic jurisprudence of the Supreme Court of Virginia and the Fourth Circuit, the issue contains articles addressing a number of subjects that will be critical to effective defense in the future. Early court interpretations of important provisions of the "Anti-Terrorism and Effective Death Penalty Act" are analyzed. Another article explains the case for what may be the next *Simmons* appellate winner and how to frame the issue: the constitutional requirement of some standard of proof for unadjudicated acts of misconduct. A collection of authority is also offered to help us toward more creative and successful litigation of *Batson* issues in Virginia. Finally, there is a thorough review and update on surviving Virginia's petty rules of procedural bars.

With this issue, I say goodbye for a year. The program will be directed next year by an outstanding lawyer and a fine person. Penny White has experience at every level of the criminal justice system. She will lead a fine group of students. They will have to work very hard to match the twelve with whom I have had the honor to work this year. They have been simply extraordinary.

Finally, a word of thanks to another extraordinary group. The dedicated public defenders and private attorneys who believe in the rule of law and continue to struggle to make the right to counsel meaningful. An ignorant and fearful public does not yet appreciate your work. I do.

William S. Geimer  
*Director*