

NLADA and LSC Cosponsor “National Conversation” on Diversity

By Marc Holladay, Senior Counsel,
NLADA Civil Legal Services

NLADA and the Legal Services Corporation are partnering to co-host several “national conversations” concerning diversity in the legal services community. Focusing on the impact of diversity issues within programs and within the client community, the purpose of the conversations is to identify the current diversity-related obstacles and issues facing the legal services community. The events also provide an excellent opportunity for collaboration among NLADA, LSC and the community to develop practical strategies and steps to address critical considerations of gender, race, ethnicity, age, disability, sexual orientation and other aspects of diversity. The next discussion in the series is scheduled to take place at NLADA’s Substantive Law Conference and follows

on the heels of two highly successful events.

The first in the series of conversations took place at the NLADA/ABA Equal Justice Conference in San Diego, California this past March. The discussion at the March event focused on gender issues and was facilitated by Judy Perry Martinez of the New Orleans firm of Simon Peragine Smith & Redfearn. Randi Youells, LSC’s Vice President for Programs, recruited Martinez to facilitate the discussion because of the knowledge Martinez has amassed on the topic in her role as Chair of the American Bar Association’s Commission on Domestic Violence and through her participation in the ABA’s recent study of women in the legal profession.

The discussion at the March event centered on the role of, and problems faced by, women as members of the legal services community. Among other topics, participants discussed factors that discourage or impede women from rising to

positions of leadership, the perception of a glass ceiling within the legal services community and gender-based expectations women in the community encounter as they move into leadership positions. Participants also began to identify potential strategies for addressing these issues.

On May 31 and June 1, over 40 equal justice advocates from across the country joined NLADA and LSC in Washington, DC for the second in the series of conversations. The two-day event covered a wider range of diversity issues than the March event, addressing issues relating to race, gender, ethnicity, disability, age and sexual orientation. The event, which was attended by a diverse group of advocates from LSC and non-LSC funded programs, challenged participants to identify diversity-related issues currently

facing the legal services community and to brainstorm about potential strategies for addressing those issues.

The May-June event was facilitated by Deborah Howard and Yvonne Lamb of

NLADA CELEBRATES 90 YEARS



Elaine Jones, President and Director-Counsel of NAACP-LDEF, delivers a rousing keynote at NLADA’s 11th Annual Dinner, “Celebrating Nine Decades of Equal Justice.” (See story page 10)

- **NLADA Advocacy Results in Task Force on State Planning— See Page 3.**
- **Defender Legislative Update— See Page 5.**
- **NLADA Hosts 2nd Annual Corporate Counsel Roundtable— See Page 8.**
- **Polling on Indigent Defense Launched— See Page 14.**

MESSAGE TO MEMBERS:

NLADA's New Web Site will be a Great Asset to Our Community

By Martha Bergmark,
NLADA Vice-President for Programs



I am pleased and delighted to announce that later this summer, NLADA, the Project for the Future of Equal Justice, and the Center for Law and Social

Policy (CLASP) will launch a highly sophisticated and innovative three-in-one Web site that will constitute a cutting-edge knowledge management system for the equal justice community.

In brief, NLADA and CLASP will each have its own site with its own Web address (www.nlada.org and www.clasp.org, respectively), but the sites will share a "back-end," or database and operating system, that will let them share data and documents seamlessly. The Project site will become a "virtual" site, integrated into both the NLADA and CLASP sites to make its information even more widely available, and will also be reachable at www.equaljustice.org.

The new NLADA site will feature separate sections for civil advocates and public defenders, as well as a special section for NLADA members. There will be information on training, jobs, government affairs, delivery systems, technology and NLADA publications. The site also will provide information for the media and other visitors who may be new to the world of providers of legal assistance to the poor.

The CLASP site will provide access to all of CLASP's many publications at no cost, along with extensive information on CLASP's issue areas, activities and audio conferences.

The Project site will continue to feature the community's largest collection of technology information, along with

many other sources of assistance for equal justice advocates working to provide full access to justice and to create state justice communities.

The new three-in-one site will bring even more extensive technical functionality to the NLADA, CLASP, and Project sites:

- *The new system will permit equal justice advocates to submit documents into the shared "document library" (database) using a simple form accessible through any Web browser. Thus, no knowledge of HTML or any other specialized knowledge beyond typing is necessary to post a document to share with the community.*
- *The "database-driven" nature of the site will permit new data to be published immediately.*
- *Community members will be able to post information directly to the site's jobs database and training calendar, and the information will be viewable immediately upon posting.*
- *Users will be able to sort information in the library by state, enabling them to find out what is happening in their own state or similar/neighboring states.*
- *Information will be much more accessible and simpler to find, and the aesthetic look will be cleaner.*

The back-end of the sites is being built using an open-source software platform called Zope. The basic software is free to anyone and can be obtained from the Internet. NLADA, CLASP and the Project will share the actual "source code" of the new site (i.e. the programs, written in Zope, for the various functions) with any other member of the equal justice community wishing to create a similar site. Source

code is already being shared between the new NLADA/CLASP/Project site and Pine Tree Legal Assistance in Maine, which is helping to keep development costs down for both sites.

We welcome you to this dynamic new resource for the equal justice community and look forward to your active participation in its use and development. This Web site is a new and powerful tool for the equal justice community. But we will need you to help the site reach its potential! The more the site is used – and contributed to – the more valuable it will become. NLADA sincerely welcomes you and encourages you to contribute—on an ongoing basis—materials, events, job listings and links that you believe others in our community might find useful.

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NLADA Calls for “Mid-Course Corrections” to State Planning Process

LSC Forms Task Force in Response

LSC's Board of Directors agreed at its meeting on June 30 to establish a task force “to study and report on configuration of services areas.” The Task Force was established in direct response to recent efforts by NLADA and others, including a letter sent by NLADA President Clint Lyons to then LSC President John McKay, Board members Doug Eakeley and John Erlenborn (now the Corporation's President) and Vice President for Programs Randi Youells. The June 19 letter (which was mailed to all NLADA Civil members and is posted at www.nlada.org), addresses concerns with aspects of the LSC state planning process regarding the manner in which service area configurations were decided by LSC as they relate to FY 2002 competitive bidding decisions.

On June 27, prior to the LSC Board meeting, McKay responded with a letter to Lyons that emphasizes LSC's confidence that it has provided adequate guidance to states engaged in the state planning process, but which also responds favorably to many of NLADA's requests.

The letter from John McKay is posted in its entirety at www.nlada.org and on the Bulletin Board of LSC's RIN site.

NLADA's letter was shared with all LSC Board members prior to their meeting in New Hampshire on June 29 and 30. In addition to Lyons' letter, NLADA staff discussed the concerns of its members in several meetings and phone calls with LSC officers and staff in the two weeks prior to the LSC Board meeting.

On June 29, at the meeting of the LSC Board's Provisions Committee, Clint Lyons and Don Saunders, NLADA's Director of Civil Legal Services, formally addressed the Committee as a follow-up to the letter. Lyons opened his remarks by expressing his appreciation for the efforts of LSC Board members and staff who had already started working with NLADA to

address the concerns outlined in his letter. He also underscored the fact that the letter was intended not as a repudiation of the state planning process, but rather as a call for “mid-course corrections” to improve it.

“State planning has achieved success in many areas,” said Lyons. NLADA is interested in helping to “universalize those successes.”

Lyons also provided the committee with some background on the genesis of his letter, which originated with NLADA's Civil Policy Group (CPG). Lyons explained that after hearing repeatedly about problems with state planning, the CPG presented a list of concerns to NLADA's Civil division staff. In essence, the concerns were

lack of clear process standards, some state planning coalitions “feel that LSC has substituted its judgment” for a legitimate state planning process and/or asked states to do too much in too short a time period.

In his very brief remarks to the Committee, following Lyons, Saunders repeated that NLADA's letter and related efforts are not an indictment of state planning. “I have been devoting the same energy that you have to this issue,” he said. It has been clear that the strength of this approach “is the creation and nurturing of state-level capacity.”

At its meeting the next day, the Board of Directors, consistent with McKay's June 26 letter, adopted the res-

“The mandating of change does not necessarily mean that the change occurs in an effective way. There needs to be some flexibility so that when problems arise there is a mechanism for dealing with them.”

— **Clint Lyons, speaking before the Provisions Committee of the LSC Board, June 29, 2001**

rooted in the need to develop clear standards related to the state planning and decision-making processes. Lyons and NLADA's Civil division staff, with input from the CPG, then crafted the list of concerns into a draft document that the Executive Committee of NLADA's Board of Directors authorized Lyons to finalize and send to LSC. The Executive Committee also authorized Lyons to engage in discussions with LSC, working toward a goal of addressing in the most constructive manner possible the concerns expressed in the letter.

In summing up the substance of the letter, Lyons said that in addition to a

olution establishing a task force to look at the state planning process. The members of the task force will be John Broderick, Chair; Ernestine Watlington, Maria Luisa Mercado and Bucky Askew (LSC Board); James Head (NLADA); Jonathan Ross (ABA); Jeanne Cham (Harvard Law School); De Miller and Faith Rivers (IOLTA). Jim Bamberger will staff the task force; its first meeting is scheduled for August 21.

Legislative Update

LSC Enjoys 'Smooth Sailing' in Congress

By Julie Clark, NLADA Vice-President for Government Relations and Support



For the first time in several years there was “smooth sailing” in the House of Representatives for the Legal Services Corporation’s FY 2002 appropriation. On July 18, the House passed the Commerce, Justice, State bill, HR 2500, by a vote of 408-18, providing level funding of \$329.3 million for the agency. The next day the Senate Committee on Appropriations also recommended level funding.

In the House

The House activity followed the June 27 mark-up of the FY 2002 bill by the House appropriations subcommittee with jurisdiction over LSC’s funding. It was the first time since the 104th Congress’ Contract With America that the subcommittee had not recommended decreased funding for LSC. The last six years have seen at least a 50 percent reduction in funding, followed by the annual amendment to restore a portion of the amount on the House floor. In proposing his mark, Chairman Frank Wolf (R-VA) referenced changes that the Corporation had made regarding concerns that the subcommittee had, saying that he was pleased with the changes and happy to fund the Corporation at its current level.

Ranking member Jose Serrano (D-NY) commended the Chairman for dealing with LSC “up front” in a bipartisan manner, noting, “It always gets handled on the House floor.”

On July 11, as expected, the House Appropriations Committee marked up the Commerce, State, Justice FY 2002 bill and affirmed the subcommittee’s recommendation of \$329.3 million.

Congressional Quarterly reported that LSC’s new president, John Erlenborn, himself an alumnus of the Congress, said that LSC did not seek an increase in funding over President Bush’s request for FY 2002, but that he believes now is the time to lay the groundwork for future increases. *CQ Monitor News* also reported, “Six years after Republicans took control of Congress and announced plans to phase out the nonprofit, conservatives have become resigned to its survival.”

Senate Action

On July 19 the Senate Appropriations Committee joined the House in approving \$329.3 million for LSC’s FY 2002 budget. The Senate subcommittee had recommended the current funding for LSC, as it has for the last several years. This year, NLADA in conjunction with its grassroots network, Justice 2001, encouraged the subcommittee to increase the FY 2002 appropriation. An increase would have begun to bring the funding of LSC grantees back to the level that was reached in 1995.

On July 17, Sen. Ted Kennedy (D-Mass.) and colleagues sent a letter to Sen. Ernest Hollings (D-S.C.) and Sen. Judd Gregg (R-N.H.), chair and ranking member of the Senate Subcommittee on Commerce, Justice, State and the Judiciary, asking them to increase the FY 2002 budget by \$45 million to \$375 million. On July 13, Sen. Ron Wyden (D-Ore.) and Sen. Gordon Smith (R-Ore.) sent a letter to Sen. Hollings and Sen. Gregg requesting an appropriation of \$440 million.

Subcommittee staff reported that the overall allocation to the subcommittee was too low to allow increases in many programs within their jurisdictions, the pressure to stay within the budget caps was intense, and the requisite offsets to pave way for an increase were elusive.

NLADA is obviously very disappointed that the entreaties of Sen. Kennedy

and his colleagues, as well as those by Senators Smith and Wyden, to begin to restore lost funding to LSC fell on deaf ears. But NLADA is grateful for their attempts and hopes that an increase will be forthcoming in FY 2003. The letters they sent to the chair and ranking member, along with other verbal contacts by their colleagues, surely raised the visibility of legal services in the appropriations process.

The Senate bill is expected to go to the floor either the week of July 23 or the week of July 30. It may well become law before the August recess – a record for the often-controversial Commerce, State, Justice bill.

Committee Reorganization in the Senate

The Senate committees with jurisdiction over LSC have reorganized as a result of Vermont Sen. Jim Jefford’s decision to leave the GOP and become an Independent. The new committees are as follows:

Senate Committee on Appropriations

Democrats (15)

Robert C. Byrd, W.Va. - chairman
Daniel K. Inouye, Hawaii
Ernest F. Hollings, S.C.
Patrick J. Leahy, Vt.
Tom Harkin, Iowa
Barbara A. Mikulski, Md.
Harry Reid, Nev.
Herb Kohl, Wis.
Patty Murray, Wash.
Byron L. Dorgan, N.D.
Dianne Feinstein, Calif.
Richard J. Durbin, Ill.
Tim Johnson, S.D.
Mary L. Landrieu, La.
Jack Reed, R.I.

Republicans (14)

Ted Stevens, Alaska - ranking member
Thad Cochran, Miss.
Arlen Specter, Pa.
Pete V. Domenici, N.M.
Christopher S. Bond, Mo.
Mitch McConnell, Ky.

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Legislative Update

A New Outlook for Defender-Related Legislation

By Scott Wallace, Director, NLADA
Defender Legal Services



The change in control in the U.S. Senate may have a significant impact on defender legislative priorities in Congress.

With the switch of Republican Vermont Senator

James Jeffords to the “independent” column, the chairmanship of the Senate Judiciary Committee switches from Utah Republican Orrin Hatch to Vermont Democrat Patrick Leahy. The chairmanship of the appropriations subcommittee with jurisdiction over the entire federal justice system and grants to the states switches from New Hampshire Republican Judd Gregg to South Carolina Democrat Ernest Hollings.

On the Senate Judiciary Committee, a new subcommittee was created, with jurisdiction over crime and drugs, for Delaware Democrat Joseph R. Biden, Jr. to chair. Biden had publicly toyed with the idea of bumping Leahy aside to take the chairmanship of the full committee, which his seniority would have allowed him to do, but ultimately opted to chair the Foreign Relations Committee instead and accept the subcommittee as a way of keeping his hand in the crime issue. The subcommittee adds an extra layer of review for crime bills that has not existed in the Senate for two decades, and the effect at this point is uncertain.

The defender-related legislation most likely to be impacted by the leadership change is the proposed Innocence Protection Act (IPA), sponsored by Leahy. The bill, S.486 in the Senate and H.R. 912 in the House, includes improved access to DNA testing in both state and federal systems, and standards and funding to raise the quality of counsel in state capital cases. Other

provisions would allow compensation for wrongful convictions, require a clear federal interest for a federal capital prosecution, encourage states to fully inform juries about parole ineligibility and sentencing options in capital cases and express the sense of the Congress against the execution of the mentally retarded. More information, and convenient ways to contact senators who have not yet cosponsored the bill, is at <http://justice.policy.net/>. The House version of the IPA has attracted a remarkable 200 cosponsors.

The program would require full participation and access to funding by indigent defense, and incorporates major elements of the Ten Tenets of Fair and Effective Problem Solving Courts promulgated by NLADA’s American Council of Chief Defenders.

Both the new Senate leadership and an important House leader – Rep. Frank Wolf (R-VA), chair of the Appropriations subcommittee with jurisdiction over the justice system – have expressed interest in cutting back on mandatory minimum prison sentences.

The conservative drive to force states to toughen their juvenile crime laws hit a major bump in the road in March.

NLADA is also engaged in discussions with Senate offices about opening up several proposed new grant programs to indigent defense. One is a \$30 million grant program to help prosecutors to help establish “Drug Treatment Alternative to Prison” programs. NLADA has suggested that this proposal should be amended to reduce prosecutors’ control over treatment and to allow funding for defender-based programs to channel clients into treatment programs as well. The proposal is contained in section 301 of S. 304, a drug bill considered highly likely to pass because of broad bipartisan cosponsorship.

Another bill with a strong chance of passage, S. 924, a reauthorization of the “COPS” grant program cosponsored by more than half of the Senate, would authorize \$200 million for states and localities to hire “community prosecutors.” NLADA has received indications that the new Senate leadership may be interested in including some earmarked funding for establishment of “community defense” programs.

NLADA has also been closely involved in the drafting of legislation expected to be introduced this summer establishing a \$400 million grant program for the states to divert the mentally ill out of the criminal justice system.

In other developments, the White House’s budget proposed curtailment of some popular justice-assistance grant programs to states and localities, such as Local Law Enforcement Block Grants, state prison-building grants (conditioned on states enacting “Truth in Sentencing”), and Byrne discretionary grants. But such cuts are unlikely to pass because of entrenched support in Congress.

The conservative drive to force states to toughen their juvenile crime laws hit a major bump in the road in March. The bipartisan “Consequences for Juvenile Offenders Act of 2001,” H.R. 863, authorizing up to \$500 million per year to encourage states to adopt systems of “graduated sanctions,” passed the House easily. It does not contain the provisions that embroiled previous juvenile bills in controversy, such as mandatory trial of certain juveniles as adults and weakening of the prohibitions against mixing juvenile and adult correctional populations. It does allow states to spend the money on indigent defense. The bill faces an uncertain future in the Senate, where conservatives have threatened to load it up with tough-on-crime measures, and liberals have responded with plans to add gun-control amendments.

Come to Miami for NLADA's 79th Annual Conference, November 7-10

For its 90th Anniversary, NLADA is heading to the Wyndham Miami-Biscayne Bay in the heart of the incredibly unique and diverse community of Miami, Florida!

NLADA's Annual Conference is the leading training event of the year for the civil legal aid, indigent defense and public interest communities. The goal of this national gathering is to offer advocates the latest knowledge and professional skills to enable them to meet the legal needs of low-income people creatively and effectively. The conference also provides equal justice advocates with opportunities to meet and exchange ideas with colleagues from across the country and to fulfill continuing legal education requirements.

Miami

With over 2 million residents, Miami is one of America's most international cities – a melting pot of European, Caribbean, Central and South American cultures. The city is home to a wide variety of ethnic and immigrant groups whose influence can be seen throughout the community – through architecture, art, food and commerce. For example, Miami's Cuban community of nearly 700,000 has brought Flamenco music, and the ubiquitous Spanish language – check out Little Havana for outstanding ethnic cuisine. Also, the Wyndham Miami-Biscayne Bay has an outdoor pool, sauna and exercise facility, and is ideally located in downtown Miami, close to attractions such as South Beach and the Port of Miami.

The Conference

The success of last year's conference design – incorporating training "tracks" – has prompted the NLADA Conference Committee to choose a similar design

for this year. The design has three major components: a broad range of training sessions generated by a Request for Proposals (RFP) process; a community forum for members to conduct the work of the Association at section meetings and affinity group sessions; and skills training "tracks" comprising several complementary workshops grouped to maximize the value and impact of each individual workshop. All three components will be incorporated into the two-and-one-half-day conference format.

NLADA Conference Committee Chair Toby Rothschild said that this year's conference will be even better than in 2000, with substantive programs that will be focused and informative. "We've learned that people liked the concept of training 'tracks,' and we found ways to make it better," he said. Rothschild also emphasized that the networking opportunities at NLADA's Annual Conference are "invaluable."

Four Compelling Tracks to Choose From

On Thursday, November 8, in addition to the Civil and Defender Caucuses which meet in the morning, attorneys and advocates can attend one of four tracks: a defender legal services leadership track; a civil substantive track focusing on diversity; a combined track designed for both civil and defender audiences, including clients; and a client-centered track.

The combined track is targeted at all conference attendees, will focus on public communications skills, such as

using media to assist clients, and will demonstrate the hands-on development of an organizational promotional video. This track is co-sponsored by AARP.

The Defender Caucus, plenary session, luncheon and subsequent training sessions will follow last year's model. There will be one "track" theme for the defender community followed by an afternoon of choices in small group workshops. The provocative Defender Caucus program will concentrate on linking effective leadership to effective client representation, and is entitled "Re-thinking Client-Centered Leadership: Exploring New Strategies and Utilizing Tools to Focus the Vision." Objectives of the Defender Caucus include: increasing the value of leadership within the defender community; launching a campaign to expand the role and vision of defender leaders; and promoting the value of leadership training and the Leadership Institute.

The "Client and Community" track will focus on leadership development. Leadership training models will focus on skills such as effective communication, basic leadership development, budgeting, responsibilities of a board member, designing mission statements, strategic planning, parliamentary procedure and how to organize a conference and/or meeting. Community advocacy skills training will include a hands-on introduction to Internet resources for clients, a session on working in, and with, diverse communities and a "basics" session for clients on indigent defense.

A wide variety of training sessions will be offered on Friday, November 9. On Saturday morning, November 10, NLADA sections and other affinity groups will meet to work on their respective agendas.

American Council of Chief Defenders

By Jo-Ann Wallace, Chief Counsel,
Defender Legal Services

More than 75 participants attended an American Council of Chief Defenders (ACCD) meeting jointly sponsored by the New Mexico Department of Public Defense in Santa Fe, April 17 to 18, 2001. As part of a commitment to ongoing dialogues around criminal justice issues, ACCD members invited other leaders to join them at various points in the meeting. Former New Mexico Governor Toney Anaya joined the chiefs to discuss New Mexico legislative proposals to make the state's drug policies more supportive of treatment and prevention; New Mexico Chief Justice Patricio Salerno spoke to the Chiefs in a luncheon address about the importance and significance of protections within their state constitutions; and Santa Fe District Attorney Henry Valdez joined the group for lunch on April 18, where he engaged in an informal discussion with executive committee members on loan forgiveness and other shared administrative concerns.

ACCD members were provided with a brief report about the National Indigent Defense Collaboration. Staff from the participating Collaboration organizations including the ABA, the Brennan Center, NACDL and the Spangenberg Group, attended the meeting and presented information on what they were doing separately and collectively in the indigent defense area. Wayne Smith, Director of the Justice Project, and Peter Loge, Director of that organization's Death Penalty Project (the impetus for the Innocence

Protection Act) presented information on the Act and what the Chiefs could do to help move it forward. As has become the tradition at ACCD meetings, the Chiefs kicked off the gathering by sharing information with each other about successful initiatives that they had undertaken recently, and talked about the current challenges facing them and their programs.

As has become the tradition at ACCD meetings, the Chiefs kicked off the gathering by sharing information with each other about successful initiatives that they had undertaken recently, and talked about the current challenges facing them and their programs.

Apart from the Santa Fe meeting, the section has become very active, establishing committees through which they have been working to support peer-to-peer interaction, address criminal justice policy issues and conduct other section business.

The Outreach Committee was formed to work on expanding ACCD membership. The Outreach Committee members are working from the database of indigent defense chief executives, created by Defender Division staff, to begin peer-to-peer contact to let their colleagues know about the ACCD and its activities. Committee members began their outreach efforts by sending special invitations to the Santa Fe meeting to Chiefs in the states that border New Mexico. More than 25 first time participants registered for the April meeting.

The Emerging Systems Committee, formed to assist and support the leadership of newly formed indigent defense systems or systems attempting reform efforts, has undertaken several projects. The Committee is recruiting volunteers and maintaining a list of "mentor sites" that indigent defense leaders can visit to see and learn about different aspects of running indigent defense programs.

The list will be maintained by topic; for example, sites which focus on training, the integration of technology in office management and professional services, states systems, "whole-client" representation and many more. Defenders who wish to make mentor site visits can apply for funding to support their travel through NLADA's technical assistance partnership with the American University. At the suggestion of members during the Santa Fe meeting, the Committee is now also developing a contact list of Chief Defenders who are willing to take calls from their colleagues across the country to provide advice and information in specified areas of expertise. Finally, the Committee is also working with NLADA on a management information database, scheduled to launch in the fall. It will serve as a resource for such items as policies, forms, annual reports, grant applications and other sample documents utilized in indigent defense programs across the country.

The Governance Committee is working on recommendations to the full ACCD and to NLADA's Defender Policy Group concerning the structure of the section, including membership eligibility and dues issues. Other ACCD Committees include the Executive Committee, the Public Affairs Committee, the Problem Solving Courts Committee and the Diversity Committee.

An informal Amicus Committee has been fielding Amicus requests from the indigent defense community. Staff is currently working on developing a plan to expand the network of volunteers to review requests and write original briefs. The twin goals are to expand our legal advocacy capacity to impact important criminal justice issues and to avoid overtaxing the current volunteers who so willingly give us time despite their very busy schedules.

NLADA Holds Second Annual Corporate Counsel Roundtable

By Mizue Suito,
NLADA Director of Development

In conjunction with the Annual Dinner on June 14th, Tom Gottschalk, Chair of the NLADA Corporate Advisory Committee (CAC) and General Counsel of General Motors



Lou Goodman

Corporation, convened the Second Annual NLADA Corporate Counsel Roundtable at the Washington, DC office of Arnold & Porter. The Roundtable provides a forum for CAC members and other corporate counsel to discuss ways in which corporate counsel can expand support for civil legal aid at the national and state levels. The focus of this year's roundtable was corporate counsel's role in expanding financial, pro bono and political support for civil legal aid.

Jack Ward of Greater Boston Legal Services and Lou Goodman of Skadden, Arps, Slate, Meagher & Flom gave a presentation about the vital role that General Counsel played in securing a major increase in state funding for legal aid in Massachusetts. Jim Johnson, Chief Legal Officer of The Procter & Gamble Company and the recipient of the 2001 NLADA Corporate Leadership Award, provided an update on how corporate legal departments are supporting legal aid in Ohio through pro bono work and financial contributions.

Representatives of national support organizations, including Robert N. Weiner, Chair of the ABA Standing Committee on Pro Bono and Public Service, Esther Lardent, President of Pro Bono Institute, and Karen Sarjeant, Deputy Director of National Association of Public Interest Law, reported on resources available to corporate legal departments starting or expanding pro bono projects.

Established in 1992, the NLADA Corporate Advisory Committee is comprised of general counsel from major corporations that support NLADA's mission of ensuring the availability of quality legal representation to persons who are unable to afford counsel. CAC members work



Jack Ward

with NLADA leadership to identify means to develop and strengthen pro bono programs that contribute to the delivery of legal services to poor people. Members also assist in formulating national strategies for generating public and political support for federal funding of legal services and support the resource development efforts of NLADA.

For more information about joining the CAC or supporting NLADA, please contact Mizue Suito at 202/452-0620, x217 or m.suito@nlada.org.

Getting Better All the Time: Reflections on Three Equal Justice Conferences

by Robert N. Weiner
Chair, ABA Standing Committee on
Pro Bono and Public Service

(The Equal Justice Conference is jointly sponsored by NLADA and the ABA Standing Committee on Pro Bono and Public Service. This article originally appeared in "Dialogue," a publication of the ABA Division for Legal Services. It is reprinted here with permission.)

The success of this year's Equal Justice Conference – its evolution into the largest assemblage of pro bono and legal services talent in the nation – has prompted me to reflect on the significance of this event.

At the first Equal Justice Conference, David Hall, provost of Northeastern University, offered his vision for the gathering. He observed that:

"This conference must usher in a movement that redefines what it means to be a lawyer.

We must collectively develop a blueprint that the profession will be convinced to follow. Not because they are charitable, but because they understand how essential this movement is to this profession's survival and growth. ...When we do that, then this conference will not be a place where those

who are already committed to the ideals come, but it will be a destination of choice for any serious lawyer who wants to be a part of the future direction of this profession."

This year, on March 29-31, over 900 individuals came together in San Diego for the third annual Equal Justice Conference. Have we achieved Provost Hall's vision for the conference? We are well on the way.

When the Pro Bono Committee sponsored this conference on its own, as the annual Pro Bono Conference, 500 to 600 people attended.* It was a high-powered, but fairly homogeneous group. Now, through a co-sponsorship with the National Legal Aid & Defender Association and our vigorous outreach, the Equal Justice Conference fully reflects the diversity of the profession.

The conference drew together a broad coalition of legal services and pro bono program staff, private attorneys, judges, corporate counsel, law school faculty and students, government attorneys, public interest advocates, and others – all linked by a common commitment to equal access to justice for the poor. The conference offered special programs targeted to each of these groups, keynote speakers of national stature, and over 90 workshops con-

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Defenders Deliver in Dayton

Defender Advocacy Institute 2001: Musings on a Trial Skills Training Conference

By Ron Gottlieb, NLADA Senior Attorney and Director, Defender Training

Once upon a time, in a land far removed from law school, in a land where caseloads numbered in the hundreds, in a land where time was always in short supply, three score-plus dedicated criminal defenders charged with representing persons accused of crimes who could not afford counsel gathered in Dayton, Ohio.

They came from all parts of the country, with varying levels of expertise, with a passion for justice, and with a singular purpose: to gain the necessary skills to effectively represent each of their individual clients at the trial level of a criminal case.

Trial work, especially criminal defense trial work — especially criminal defense trial work representing persons accused of crimes who cannot afford counsel — is noble work. But putting nobility aside, the work and training are time-consuming and demanding. Each participant brought a pending triable case to work on, ever hopeful of turning it into a winning one. It was time to put aside old and worn-out ways of approaching cases, (i.e., thinking like a lawyer, arguing to a professor) It was time to become persuasive storytellers. It was time to develop theories of defense and accompanying emotional themes that would advance their client's story of innocence or reduced culpability and resolve any problems or questions the jurors may have about returning the verdicts they want: Did the defendant do it? Does he/she deserve to be convicted?

Appreciating that juries decide cases based upon whether they believe the defendant is factually deserving of conviction, the conference is designed to enable participants to learn how to try a case in a way that will persuade jurors to answer these questions favorably to the client.

The faculty was stellar and the participants receptive and eager to learn. With much to accomplish and little time to waste, work began with the partici-

pants exploring and analyzing the facts of the real-life cases they had brought with them to the conference. Tossing out traditional law school formulas, and thinking and acting inclusively (begin with quantity, not quality), non-judgmentally, and eventually making decisions about their cases through a narrowing-down process, they ended the brainstorming session with a thorough understanding of the facts of their cases. Subsequent plenary sessions and individual workshops on Storytelling/Theory of Defense, Persuasion, Opening Statements, Demonstrative Evidence, Voir Dire, Anticipating Legal Problems/Record Preservation, Direct Examination, Cross-Examination, and Closing Argument rounded out the agenda

Attendees were given ample opportunities to improve — or toss out — old skills and learn new ones. Plenary sessions covered essential, innovative, “must know it to do this kind of work,” techniques and strategies, and smaller work-

shops gave participants a chance to break into groups, practice, record their performances, evaluate their performances and then try it over again. A barbecue, local baseball game and informal get-togethers also provided faculty and participants with the opportunity to share ideas and establish networks that would continue well past the actual conference event. An e-mail list was created for the faculty and participants to keep in touch and share results of their efforts.

Techniques were reviewed and polished, skills were improved and every aspect of trial work was explored. Alliances were formed and bridges were built. New friends became future resources. Participants came away from these small interactive workshops knowing they would be able to immediately apply what they had learned to a real-life situation.

All in all, it was a good week for defenders (and their clients) in a land called Dayton.

Legislative Update, *continued from page 4*

Conrad Burns, Mont.
Richard C. Shelby, Ala.
Judd Gregg, N.H.
Robert F. Bennett, Utah
Ben Nighthorse Campbell, Colo.
Larry E. Craig, Idaho
Kay Bailey Hutchison, Texas
Mike DeWine, Ohio

Subcommittee on Commerce, Justice, State and Judiciary Democrats (7)

Ernest F. Hollings, S.C. - chairman
Daniel K. Inouye, Hawaii
Barbara A. Mikulski, Md.
Patrick J. Leahy, Vt.
Herb Kohl, Wis.
Patty Murray, Wash.
Jack Reed, RI

Republicans (6)

Judd Gregg, N.H. - ranking member
Ted Stevens, Alaska
Pete V. Domenici, N.M.
Mitch McConnell, Ky.
Kay Bailey Hutchison, Texas
Ben Nighthorse Campbell, Colo.

Senate Committee on Health, Education, Labor and Pensions Democrats (11)

Edward M. Kennedy, Mass. - chairman
Christopher J. Dodd, Conn.
Tom Harkin, Iowa
Barbara A. Mikulski, Md.
James M. Jeffords, Vt. (I)
Jeff Bingaman, N.M.
Paul Wellstone, Minn.
Patty Murray, Wash.
Jack Reed, R.I.
John Edwards, N.C.
Hillary Rodham Clinton, N.Y.

Republicans (10)

Judd Gregg, N.H. - ranking member
Bill Frist, Tenn.
Michael B. Enzi, Wyo.
Tim Hutchinson, Ark.
John W. Warner, Va.
Christopher S. Bond, Mo.
Pat Roberts, Kan.
Susan Collins, Maine
Jeff Sessions, Ala.
Mike DeWine, Ohio

NLADA Celebrates 90th Anniversary with Successful Annual Dinner

The most successful NLADA annual awards and fundraising dinner ever took place in Washington DC on June 14th. Revenues raised totaled a record \$ 271,701.

NAACP Legal Defense and Educational Fund President and Director-Counsel Elaine Jones delivered a rousing keynote address, which touched on highlights of NLADA's first 90 years in the struggle for equal justice and civil rights. In addition, six individuals were recognized for their contributions to the cause of equal justice.

Kutak-Dodds Prize winners included Christine Hastedt, Public Policy Specialist at the Maine Equal Justice Project, who has been a tireless advocate for low-income people in Maine for the past 30 years; and New Jersey Public Defenders Fred Last, Wayne Natale and Jeffrey Wintner, who helped launch the national movement against racial profiling. The awards were presented by Harold Rock on behalf of the Kutak-Dodds Foundation. (See related story page 14)

John H. Pickering, a founding partner of Wilmer, Cutler & Pickering was honored for his lifelong commitment to pro bono work and equal justice. James J. Johnson, Chief Legal Officer of the Procter & Gamble Company, was honored for his contributions to the cause of equal justice, both nationally and in Ohio.

Henry Freedman, Executive Director of the Welfare Law Center, delivered a special tribute to the National Support Centers in memory of Burton Fretz, who served as executive director of the National Senior Citizens Law Center for two decades. (See Freedman's remarks, page 12).

The dinner also featured a special multimedia tribute entitled, "A Celebration of 90 Years: The Road to Equal Justice," which was produced by the AARP's Legal Advocacy Group.



National Dinner Committee

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Senior Vice President and General Counsel
General Motors Corporation

Robert N. Weiner
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Committee

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Carolyn B. Lamm
Jack W. Londen
John W. Martin, Jr.
Maud Mater
Paul F. Mickey, Jr.
John W. Nields, Jr.
John Payton
Kurt L. Schmoke
Pauline A. Schneider
David Stern
Marna S. Tucker
Mark H. Tuohey, III



Annual Dinner photographs (clockwise, from left): NLADA President and CEO Clinton Lyons (L) with Hon. John Erlenborn, LSC President; Dinner Committee member John Payton, of Wilmer Cutler & Pickering, chats with keynote speaker Elaine Jones, President and Director-Counsel of the NAACP Legal Defense and Educational Fund; New Jersey Assistant Public Defender Leah McGarry Morris (L) with NLADA Defender staff Ron Gottlieb and Jo-Ann Wallace; LSC Board Member Tom Smegal (L) greets Corporate Leadership Award winner Jim Johnson, Chief Legal Officer of the Procter & Gamble Company; Kutak-Dodds Prize recipients Wayne Natale (L), Fred Last and Jeffrey Wintner, New Jersey Public Defenders, with Harold Rock, Chairman Emeritus of the Robert J. Kutak Foundation (third from left).



Photos by Lisa Helfert

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Kutak-Dodds Prize Given to Four Equal Justice Advocates

On June 14, at NLADA's 90th Anniversary Dinner, Fred B. Last, Wayne E. Natale and P. Jeffrey Wintner, three senior attorneys in the Gloucester County Regional Office of the New Jersey Public Defender's Office, and Maine Civil Advocacy leader Christine Hastedt were honored with the 2001 Kutak-Dodds prize from NLADA and the Robert J. Kutak Foundation.

Hastedt was honored for her tireless dedication to providing low-income people the legal representation they need. She began her extraordinary career as a paralegal at Pine Tree Legal Assistance in 1971. When Congressional restrictions limited Pine Tree Legal Assistance's work on behalf of low-income people in Maine in 1996, Hastedt co-founded the Maine Equal Justice Project and Maine Equal Justice Partners to continue her crusade to assure that low-income people have an effective voice on issues affecting their lives. Bringing together law and public policy, her ardent advocacy has positively shaped policies for low wage workers, from extended unemployment benefits to expanded access to health care for children to better access to the courts for pro se litigants.

Last, Natale and Wintner were honored for their role in launching the national movement against racial profiling. When they started their model litigation to combat "racial profiling" 10 years ago, the problem of racially discriminatory law enforcement was virtually unaddressed. Through the 1980s, the defense bar had little more than classic suppression motions to defend against the well-known, but universally denied profiling cases. These three men challenged the injustice. They developed statistical and anecdotal evidence to present a successful profiling challenge, resulting in the 1996 decision in *State v. Soto*, which for the first time found a pattern and practice of racial profiling carried out by the New Jersey State Police. Although the problem of racial profiling persists today, their work has inspired lawyers, legislators, and citizens across the country to speak

out against racial discrimination in law enforcement.

Fred Last is a 20-year veteran of the Gloucester Regional office of the New Jersey Public Defender's Office. He has also worked as a staff attorney for Camden Regional Legal Services in Camden, NJ, directed the Law Student Clinic at Rutgers University, and worked in general private practice law in Woodbury, NJ.

Natale has worked as an attorney for the National Labor Relations Board's Cincinnati office, and as an assistant deputy public defender from 1973 to 1983, and then as a deputy public



Maine Civil Advocacy leader Christine Hastedt, 2001 Kutak-Dodds Prize recipient, at Annual Dinner

continued on page 22

National Support Centers Honored

Freedman Reflects on 36 Years

At its 2001 Annual Dinner, NLADA paid special tribute to the national support centers in recognizing their contributions to the pursuit of equal justice. The tribute was in part to honor the memory of Burton Fretz, longtime executive director of the National Senior Citizens Law Center (NSCLC). Henry A. Freedman, executive director of the Welfare Law Center, represented the support centers at NLADA's annual dinner and delivered the following remarks:

36 years ago, in 1965, the first national legal services support center was created. Let me take you back for a moment.

Ed Sparer, a visionary neighborhood lawyer from the Lower East Side of New York, found that his clients were suffering from pervasive, persistent lawless welfare administration. He wondered whether lawyers for the poor could emulate the successes of civil rights lawyers, using creative, strategic legal representation in conjunction with community organizing. Sparer raised private funds to establish the Welfare Law Center in 1965.

Earl Johnson and Clint Bamberger, chiefs of the new federal legal services program, awarded the Center its first

legal services grant in 1966. Johnson wrote later that he did this without any thought of the model it might be. But by 1967, he said, and I quote, "the small amount of funds invested in the Columbia Center was beginning to pay off handsomely."

Lawsuits conceived, briefed and sometimes argued by Center attorneys already had produced some notable gains for the poor. Using less than one-tenth of 1 percent of the LS total budget, Sparer's organization was responsible for an inordinate proportion of the OEO Program's national impact on the economic and social problems of the poverty community."

This led OEO to establish centers in housing, consumer, health, youth, employment, education, senior citizens, and the like. From the outset these centers demonstrated extraordinary leadership, promoting effective legal strategies and collaboration within the legal services community. Because of their effectiveness, the Centers, together with legal services as a whole, were early targets of the right. Round One

continued on page 20

NLADA Seeks Nominees for 2001 Awards

BUILDING ON OUR FIRST 90 YEARS: THE NLADA ANNUAL CONFERENCE

Reginald Heber Smith Award • Clara Shortridge Foltz Award Mary Ellen Hamilton Award • Charles Dorsey Award

Each year at its Annual Conference, the National Legal Aid & Defender Association honors distinguished men and women whose outstanding service, commitment and achievements have advanced the cause of equal access to justice. This year's awards will be, the Reginald Heber Smith Award, the Clara Shortridge Foltz Award, the Mary Ellen Hamilton Award and the Charles Dorsey Award.

NLADA invites nominations from the entire community. **Nominations are due by Friday, August 24. Each nomination requires a letter describing the nominee's achievement and a resume.** Nominations could, but do not have to, include letters of reference, articles written by or about the nominee, or other supporting documents. For more information, please contact Aimee Gabel, Training and Conference Manager at a.gabel@nlada.org

The Clara Shortridge Foltz Award is cosponsored by National Legal Aid & Defender Association and the American Bar Association Standing Committee on Legal Aid and Indigent Defendants. Nomination packages must include a detailed description of the outstanding achievement and document the impact on the delivery of indigent defense services in the jurisdiction. Documentation can be in the form of newspaper and magazine articles, letters or statements from persons and programs in the jurisdiction, etc. The package must include documentation from sources outside the nominated program.

Reginald Heber Smith Award

The "Reggie" award celebrates the outstanding achievements and dedicated services of an attorney for contributions made by an organization providing civil legal services or indigent defense services. Past winners include:

- 2000 ~ E. Clinton Bamberger, a founder of the modern legal services movement
- 1999 ~ Jacqueline A. Nash, a clinical law professor at Southern University Law Center in Baton Rouge, LA
- 1998 ~ The late Robert C. Ericson, longtime legal champion of the poor and director of the NM Center on Law and Poverty
- 1997 ~ George Castelle, chief public defender of Kanawha County Public Defender in Charleston, WV and Jane Perkins, staff attorney at the National Health Law Program in Chapel Hill, NC

Clara Shortridge Foltz Award

This biannual award commends a public defender program or defense delivery system for outstanding achievement in the provision of indigent defense services. The achievement may be the result of an effort by the entire program, a division or branch, or a special project. The award, co-sponsored by

NLADA and the ABA Standing Committee on Legal Aid and Indigent Defendants, is named for the founder of the nation's public defender system. Past winners include:

- 1999 ~ San Diego County Alternate Public Defender's Dependency Program in San Diego, CA
- 1997 ~ Christie Hedman, Washington Defender Association in Seattle, WA
- 1995 ~ The Minnesota State Board of Public Defense in Minneapolis, MN

Mary Ellen Hamilton Award

Awarded biannually, this honor pays tribute to a client who, on a compensated or volunteer basis, has provided extraordinary service or support to the delivery of legal services to the poor. The award commemorates one of the founders of the National Clients Council and the Alliance for Legal Rights, who served on NLADA's board of directors and remained an active Alliance member until her death in 1985. Past winners include:

- 1999 ~ Phyllis Carr of Indianapolis, IN
- 1997 ~ Lillie Winn of Walthourville, GA
- 1995 ~ Veda McKnight of Atlanta, GA

Charles Dorsey Award

Given biannually to an individual who has provided extraordinary and dedicated service to the equal justice community and to organizations that promote expanding, and improving access to justice for low-income people. To be eligible to receive this award, an individual must have demonstrated a commitment to equal justice through service as an officer, board or committee member of a national or statewide organization devoted to fulfilling the promise of equal access to justice. Past winners include:

- 1999 ~ Laura D. Zelon, Morrison & Foerster in Los Angeles, CA
- 1997 ~ Lillian O. Johnson, director of Community Legal Services in Phoenix, AZ
- 1995 ~ Joseph R. Bartylak, executive director of Land of Lincoln Legal Aid Foundation in Alton, IL

Nominations are due by Friday, August 24, and should be sent to:

NLADA Conference Awards
1625 K Street, NW, Suite 800
Washington, DC 20006
Fax: 202/872-1031

IMAGE BUILDING:

Public Opinion Research Project on Indigent Defense

By *Jo-Ann Wallace, Chief Counsel,
NLADA Defender Legal Services*

The national public opinion poll on indigent defense will have begun by the time you read this article. With the support of the Open Society Institute (OSI), NLADA has been working since last year with members of the research firm of Belden, Russonello & Stewart on testing the public's opinion on indigent defense and indigent defense providers.

Members of an advisory committee met with John Russonello and Kate Stewart via a Web teleconference to discuss the continuation of the project and the development of the polling instru-

ment. The Committee has worked with Russonello and Stewart on several drafts since the meeting. The document is being finalized as this report goes to press. A pre-test of 10 to 15 individuals will be conducted initially as a final test of ensuring the clarity of the polling instrument, with the full poll of 1500 randomly selected individuals to begin immediately thereafter. A report of the results should be available by the end of the summer.

The project began with qualitative research obtained through eight focus groups conducted in four cities. Phase II of this project, the quantitative research through polling, will explore

the depth of support that the focus groups uncovered and provide further guidance on public education opportunities. The research will form the basis for tools and training that will be developed to help defenders build support in their communities.

The goal of this project is to begin to assemble the elements of a national message for educating the public about the importance of indigent defense in the criminal justice system. The long-term goal is to build greater public commitment to provide sufficient resources for public defenders and court-appointed attorneys.

Hundreds Gather for 'Life in the Balance'

John Holdridge Honored

By *Ron Gottlieb, NLADA Senior
Attorney and Director, Defender
Training*

In March, hundreds of defenders, mitigation specialists and defense investigators from across the United States gathered for Life in the Balance—the largest national gathering focused on providing training and other resources for death penalty defense. 2001 marked the 13th year that Life in the Balance has been offered by the National Legal Aid & Defender Association. The training was held in Albuquerque, New Mexico with the cooperation of the ABA Death Penalty Representation Project, and special thanks to New Mexico Criminal Defense Lawyers Association, Practising Law Institute, New Mexico Public Defender Department and the New Mexico Coalition to Repeal the Death Penalty. Stephen Bright, Director of the Southern Center for Human Rights and Barbara Bergman, Professor, University of New Mexico, presented stirring and inspiring keynote addresses.

New Orleans defender John Holdridge received NLADA's 2001 'Life in the Balance' Lifetime Achievement Award. Holdridge has been representing indigent capital clients, and helping their lawyers, since 1990, when he left a prestigious Wall Street firm to go south and fight the death penalty. Holdridge has made a career of taking on the cases no one else wants – those with the grimmest facts, the most difficult judges, the poorest public defenders' offices, the most aggressive prosecutors. He worked tirelessly in Mississippi and Louisiana, representing not only the poorest clients but also the most under-resourced lawyers.

One of Holdridge's most prominent cases was that of Michel Graham. After spending 13 years on death row, Graham was released from the Louisiana State Penitentiary at Angola on December 28, 2000 when the Louisiana Attorney General dismissed charges against him and his co-defendant Albert Burrell. Graham and Burrell were sentenced to death in 1987 for the

murder of an elderly couple. A judge threw out their convictions because of a lack of physical evidence and suspect witness testimony used at trial. Prosecutor Dan Grady acknowledged that the case was weak and "should never have been brought to [the] grand jury." During the trial, prosecutors withheld key information from the defense, failed to produce any physical evidence, and relied only on witness testimony which has since been discredited. Dismissing the charges, the Attorney General's office cited a "total lack of credible evidence" and stated "prosecutors would deem it a breach of ethics to proceed to trial." Recent DNA tests proved that blood found at the victims' home did not belong to Burrell or Graham. The trial attorneys appointed to defend Burrell were later disbarred for other reasons.

“Appreciative Inquiry” – An Emerging Model for Defender Organizations

By Thom Allena

This is the first of a multi-part series that will chronicle the journey of a statewide public defender agency, the New Mexico Public Defender Department, as it undertakes an organizational change process known as Appreciative Inquiry (AI). This first installment will address an overview of Appreciative Inquiry and a discussion of the first phase of the process known as “discovery,” which the New Mexico Public Defender Department recently began. Subsequent pieces will follow the agency and its staff as it navigates the waters of the additional phases of the “4D” Cycle of Appreciative Inquiry: Discovery, Dream, Design and Destiny.

Appreciative Inquiry (AI) is an approach to organizational change that grows out of social constructionist thought and has applications to management and organizational transformation. The theory was developed at Case Western University in the 1980s by organizational development researchers David L. Cooperrider and Suresh Srivastva, who sought a new model of organizational change which would take us beyond the typical problem-solving, deficit-based approaches within organizations. Appreciative Inquiry seeks to discover what gives life within an organization. In short, AI is the study of what works.

What is different about this approach is that it is purposely positive, highly participative and nurtures a positive inner dialogue within the organization. One of the core assumptions of AI is that “our words create our worlds” and that the questions we ask one another are fateful in that they determine what we find. Said another way, would we rather examine stress and burnout in our offices, or peak experiences of well-being and success? Root causes of failure or root causes of success?

Tom White, former President of GTE

Telephone and pioneer of Appreciative Inquiry in the private sector, said in a 1996 management address:

“If we dissect what we do right and apply the lessons to what we do wrong, we can solve our problems and reenergize our organizations at the same time... Don’t get me wrong, I’m not advocating mindless happy talk. Appreciative Inquiry is a complex science designed to make things better. We can’t ignore problems - we just need to approach them from the other side.”

Applying Appreciative Inquiry to a Defender Organization

Theory being, well, theory, Innovations in Justice, a consulting firm dedicated to innovative leadership and organizational development practices within the justice system, of which I am managing partner, wanted to explore whether Appreciative Inquiry actually had any meaningful application in a defender organization. Ironically, it did not take long for a potential application to find us, supporting the principle of simultaneity that says that change begins the moment we ask a question. In New Mexico, the Accountability in Government Act of 2001 ties resource allocations to performance outputs and outcomes. The Public Defender Department, like all state departments in New Mexico, is charged with the responsibility of implementing the performance-based budgeting legislative mandate.

Innovations in Justice, which has been working with the department in several facilitation and staff development capacities, began to inquire about

the anticipated role of the agency’s leadership in this new initiative.

Giving New Meaning to the Term “Discovery”

Before fully wading into an Appreciative Inquiry process, Innovations in Justice decided to convene a Leadership Advisory Team consisting of administrators, managing and staff attorneys and support staff to test the process and get their feedback. Three hours later there was a clear thumbs-up mandate for us to find ways of linking AI and leadership capacity building activities with the performance-based budgeting initiative. The Advisory Team entitled the day “Appreciative Leadership: Building a Community of Leaders.” It is fair to say that no one who participated on the Advisory Team had any idea how prophetic the title would actually become by the end of the leadership session on June 8.

What is different about this approach is that it is purposely positive, highly participative and nurtures a positive inner dialogue within the organization.

On June 7 and 8 the agency management group gathered in Albuquerque to consider both the performance-based budgeting initiative as well as leadership issues that would be needed to successfully implement the strategy. This management group consisted of 44 agency administrators, district defenders, office administrators and team leaders. On June 7, David Meyer from Los Angeles and New Mexico Public Defender Phyllis Subin facilitated a series of activities aimed at fine-tuning the performance measures and outcomes drafted by an agency working group. The following day we introduced the role of leadership using Appreciative Inquiry as the lens.

continued on page 19

SPAN Report: State Access to Justice Partnerships

By Robert Echols, SPAN Consultant

Over the past five years, “Access to Justice” partnerships involving the bar, the courts, and legal services providers have had a profound impact on the civil legal assistance delivery system in the United States. In many states, their efforts have played a major role in securing or increasing state funding for legal services, either through direct appropriations or through court fee surcharges or fines. In a number of states, these partnerships have brought about major improvements to state court systems, rendering them more “user friendly” and receptive to self-represented litigants. In others, they have launched high-level efforts to expand the level and scope of involvement of private attorneys in providing services to low-income people on a volunteer or pro bono basis.

With the creation of a new Access to Justice Commission in Texas and planning under way for new entities in Nebraska and Arkansas, there are now more than thirty states with some kind of formal or informal Access to Justice initiative in place, dedicated to expanding and improving the state’s civil legal assistance system.

The exact number depends on how one defines an Access to Justice structure. Some twenty states, most recently Texas, have created a formal Access to Justice Commission, Committee, Task Force, or similar body—that is, a state-level entity devoted to expanding access to justice, created by a state bar or bar association, state supreme court, or state legislature, that includes representatives of the judiciary, the organized bar, and legal services providers, as well as other stakeholders.

In some states, commissions of this type were created in the mid-1990s to study civil legal assistance needs in the state. While the commissions themselves may have ceased to exist after issuing a report, they typically left in place a series of committees charged with implementing its recommenda-

Access to Justice on the Web

Look for SPAN’s updated Access to Justice pages, accessible through the ABA Web site and NLADA’s new site. The latest issue of the SPAN Update, which will be available on the sites, provides a state-by-state description of Access to Justice initiatives, including additional details about the states profiled here. Also on the sites are state Access to Justice contact information, an Access to Justice Document library and links to other relevant sites, including PERLS state-by-state information on resources.

tions. The committees are currently performing the Access to Justice function, sometimes under the direction of a broadly inclusive coordinating committee or similar body. In another group of states, the Access to Justice function is performed by a combination of entities (for example, a state bar foundation or bar association committee in conjunction with a legal services provider planning group).

In a number of states, these Access to Justice structures are thoroughly institutionalized as part of the state justice system: their efforts are led by key bar officials and jurists and they have full-time staff, usually working at the state bar association or foundation. Others are at an earlier stage. Some are just beginning, with the work being done by a few dedicated leaders.

In some states, including some of the highest-funded states in the country, there is no formal Access to Justice structure, but an informal working coalition of legal services providers and the bar is carrying out the function effectively, with support from the courts and legislators. Typically, these coalitions originally came together to respond to the 1996 cuts and restrictions at the federal level and have remained in place to support increased state funding and other efforts to expand and improve civil legal assistance.

The states with formal structures have chosen a range of different names for them: Equal Justice Commission in

Illinois; Justice Action Group in Maine; Symposium for Legal Services in West Virginia; Coalition for Civil Justice in Maryland. However, “Access to Justice” is the most common term, used by some 15 states. SPAN has begun to use “Access to Justice” to distinguish these bar-bench-provider partnerships from the LSC “state planning” process, which in some states has come to be identified almost exclusively with reconfiguration of legal services programs.

The following examples from three very different states highlight the range of successful Access to Justice initiatives.

State Funding: New Mexico

Not surprisingly, Access to Justice partnerships have generally accorded the highest priority to increasing state-level resources for civil legal assistance, primarily through state appropriations or court fee or fine surcharges. This has been a major area of success. According to the latest charts from ABA’s Project to Expand Resources for Legal Services (PERLS), only a handful of states do not provide funding through one of these mechanisms.

While Access to Justice partnerships in Arizona, Colorado, and Georgia have succeeded in obtaining modest increases this year for civil legal assistance, the big success story so far in 2001 has been New Mexico, where on April 4 the governor signed legislation increasing

continued on next page

filing fees to provide the first state funding ever for legal services. Previously, the governor had vetoed bills containing direct appropriations for legal services on two occasions. When bar leaders met with him prior to the session to discuss his concerns, he indicated that he might sign legal services funding legislation if it were in the form of a filing fee rather than an appropriation—an approach that advocates successfully pursued. It is estimated that the filing fee will produce \$1.4 million annually for New Mexico's legal services programs.

Court Access: California

In a number of states, Access to Justice efforts have also had major successes in expanding access to the courts. California has been a leader in this area. At the urging of the California Access to Justice Commission and the State Bar, the state's Judicial Council recently created a new Task Force on Self-Represented Litigants. A system of Family Law Facilitators has been in place in all of California's 58 counties since 1996. The facilitators guide some 30,000 litigants per month through procedures relating to child and spousal support. In addition, pilot self-help centers and family law information centers serve as models for other courts. Ten percent of the state's appropriated Equal Access Fund is designated for partnership grants to legal services programs for joint efforts with the courts to assist low-income self-represented litigants with civil matters. Projects funded for this year provide counseling and clinics on a variety of different issues in 15 locations around the state.

Other initiatives undertaken by California's Judicial Council as part of a comprehensive program to promote access to the courts include simplifying forms and procedures, increasing the level of information available to self-represented litigants, educating judges about the need for legal services and the problems faced by pro per litigants, and providing increased funding for alternative dispute resolution. The Judicial Council has also launched a "Community-Focused Court Planning Project" designed to improve access to the courts and to involve the local com-

munity in identifying and addressing barriers. Most county plans call for self-help centers. The Judicial Council's comprehensive self-help Web site is being launched this July.

Pro Bono: Indiana

Indiana provides an example of an Access to Justice partnership that has been particularly successful in expanding pro bono. The Indiana Supreme Court launched the initiative in 1997 with the adoption of a rule creating the new Indiana Pro Bono Commission, which oversees 14 Judicial District Committees charged with developing and implementing plans to meet the civil legal needs of low-income people within their districts. Each of the 14 local pro bono committees includes representatives of the bench, bar, social service providers, legal services and clients. Implementation of the district committees' plans is being funded through the state's new IOLTA program. The first distribution of funds was made in February 2001. Although the district pro bono plans are unique

in each district, each plan integrates legal services pro bono programs with the work of the bar, bench and others to increase participation of the private bar and access by clients.

Indiana does not have a formal Access to Justice entity, but for two years in a row the Indiana State Bar, the Chief Justice of the Indiana Supreme Court and the Indiana Justice Center have brought together judges, bar leaders, law school representatives, legal services staff and Board members, clients, court personnel and others for an annual Access to Justice Conference.

State Access to Justice partnerships have focused on other areas as well, including coordination among providers, intake systems, technology planning, and fundraising. A key role in some states has been to develop new providers to ensure that a full range of services can be provided to the full range of low-income people in the states, federal restrictions notwithstanding. In many states, particularly those in states with very low levels of non-federal funding, this remains a major challenge.

Name-That-Magazine Contest



NLADA's periodical *Indigent Defense* has become recognized as the premier national publication for indigent defense professionals. But we are in the process of expanding and improving it to better serve the field. As a part of that process, we want to see if we can't find a better name for the publication. "Indigent" does not quite capture our clients, 70% of whom are employed at the time of their arrest, and many feel that "Defense" sounds, well, too defensive. The quest is for a name that better captures the zealous, proactive, constitutional-mandate passion of defenders — perhaps through an evocative metaphor, or reference to a powerful quote from the caselaw or literature about indigent defense.

So NLADA is announcing a contest to come up with a new name. The winner will receive a handsome NLADA-logo denim shirt and free registration at NLADA's spectacular 2001 Annual Conference in Miami, Florida. Submit as many entries as you like via e-mail, to magazinecontest@nlada.org, via regular mail to "Defender Magazine Contest," c/o Scott Wallace, 1625 K Street, NW, 8th Floor, Washington DC 20006, or your fax entry to (202) 872-1031. The deadline is August 15, 2001. The winner will be selected by the Indigent Defense Editorial Board by August 30, 2001.

Member Benefit Spotlight:

Save Hundred\$ on Total Skills Training from Practising Law Institute's Interactive Courtroom CD-ROMs

By Jane Ribadeneyra, NLADA
Director of Member Services

Through a partnership with Practising Law Institute (PLI), a nonprofit continuing legal education organization, NLADA members receive incredible savings on PLI's Interactive Courtroom — a pioneering interactive, multimedia legal training series on CD-ROM. This series of over a dozen CD-ROM programs includes such topics as Direct Examination, Cross-Examination, Client Interviewing, Taking Effective Depositions, Mastering Motions, and Be Prepared For Your Deposition. The regular cost of each CD-ROM is \$295, but PLI is offering these to NLADA members at the rate of \$50 per CD. They are also waiving the site license fee of \$395-\$995 (depending on office size). A Help Desk will be available at PLI for users with any technical problems.

To receive the special NLADA member rate, orders must be submitted to PLI using a special order form available from NLADA's Member Services department at 202-452-0620 x215 or via e-mail at membership@nlada.org.

The CD-ROM programs available in the Interactive Courtroom series include:

CLIENT INTERVIEWING — Watch a young law-firm associate interview the prospective plaintiff, a record producer, in a breach-of-contract action. Interrupt the video when you identify problems with the interviewer's approach. You'll see more effective techniques in action and review ineffective techniques you might have missed. Learn how to handle each of the seven stages of client interviewing more adroitly, including Preparation, Warm-Up, Initial Problem Identification, Preparatory Explanation, Chronological/Logical Overview, Theory Verification, and Conclusion.

BE PREPARED! FOR YOUR DEPOSITION — is a multimedia CD-ROM program that

demystifies the deposition process for the inexperienced or anxious witness. It explains fourteen different mechanics and nine answering techniques common to almost all depositions, and it amplifies these explanations with comments by practicing attorneys, video examples, references to the pertinent legal rules, and a video self-test.

DIRECT EXAMINATION: EVIDENCE AND TACTICS — You represent the plaintiff, a record company, in a breach-of-contract suit against a group of performers. Opposing counsel is questioning her key witness. Throughout the video, award-winning trial attorney Howard Weitzman is right there for tactical advice. You'll feel the pressures and pace of a courtroom appearance as you actively participate in a trial. Make objections and move to strike objectionable evidence. The judge will rule on your objections, explain the reasons for the ruling, and cite you to the relevant rules of evidence.

CROSS-EXAMINATION: EVIDENCE AND TACTICS — You represent a musical group in a breach-of-contract suit brought by a record company. One of your clients is being vigorously cross-examined by plaintiff's counsel. During the simulation, respected litigator and cross-examination specialist Terence MacCarthy is nearby with sage counsel on effective cross-examination techniques.

YOU BE THE JUDGE — Play the role of the trial judge in a breach-of-contract dispute. When attorneys object during the direct and cross-examination of the plaintiff, it's your duty to sustain or overrule each objection. If you need help, internationally recognized litigator and former U.S. District Court Judge Barbara Caulfield is nearby.

EVIDENTIARY FOUNDATIONS: PROVEN STRATEGIES AND TECHNIQUES offers you complete guidance on laying the proper foundation

for the admission of evidence. In a lively and engaging new way, you master the foundational elements and written and unwritten rules governing the admissibility of: Personal Knowledge; Written Exhibits; Demonstrative Evidence; Real Evidence; Hearsay Testimony; and Character Evidence.

CIVIL DISCOVERY I: THE SCOPE OF DISCOVERY; EXPERT WITNESS DISCLOSURE — gives you the legal, strategic, and tactical guidance to overcome and exploit discovery barriers so you get more and give up less at this critical pretrial stage. Civil Discovery I alerts you to the broad discretion judges have in ruling on discovery relevance areas where it's commonly believed discovery isn't allowed (but is); harmful myths about the extent of privilege protection; splits of court authority that complicate key discovery issues; and distress signals attorneys can send with their undesignated experts.

CIVIL DISCOVERY II: TOOLS AND SANCTIONS — the new multimedia CD-ROM program from PLI's The Interactive Courtroom gives you the legal, strategic, and tactical guidance to overcome and exploit discovery barriers so you get more and give up less at this critical pretrial stage. Civil Discovery II helps to ensure you don't waive privilege and work product objections; waste depositions and interrogatories in light of numerical caps on both; make blanket inspection demands in requests for production; unintentionally create discovery rights for the other side; and commit sanctionable misconduct in the effort to get or block discovery.

TAKING EFFECTIVE DEPOSITIONS: MECHANICS & TECHNIQUES and **DEFENDING DEPOSITIONS: MECHANICS & TECHNIQUES** both provide authoritative and practical insight into the nuts and bolts of this critical part of the discovery process. Noted teacher, author, and depositions trainer Henry L. Hecht from Boalt Hall School of Law (University of California at Berkeley)

Appreciative Leadership

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The initial phase of AI, known as “discovery,” is an exploration into what currently exists and works. We wanted to learn about the best leadership practices in the agency – practices that already existed but were likely unknown, or had been forgotten in the course of the every day responsibilities of our work. To accomplish this we carefully crafted a series of interview questions designed to discover peak experiences of leadership, unique gifts/skills and times when the agency was most alive and successful. To best access the cross-functional, cultural and regional diversity of the management group, people were asked to pair with others who worked in different functional capacities and from different geographical regions.

Several hours later the pairs

returned, energized and full of stories from their colleagues. In debriefing, stories’ themes and highlights emerged that all seemed to point to the idea that “a community of leaders” actually existed – and was now being recognized. The data woven into the stories spoke of mutual respect, appreciation, creativity, ownership, seeing everyone’s role in the success of the agency - all important leadership strategies that will make performance-based budgeting not just possible, but a key to the overall success of the agency.

One long-time attorney with the agency commented that most of what he had been trained to do as a lawyer ran counter to what he discovered in the interview and debriefing practices. He spoke of his own habits of attempting to control his work environment, and used examples of cross-examining a witness, arguing a motion or writing a brief. He was discovering a tool that

unleashed power in a new way, one that actually empowered others in accomplishing results rather than using power over them.

Following the debriefing process we turned our attention to consider potential stakeholders, who would be important to include as the process moved forward. Many of them were unlikely suspects when viewed from a traditional system perspective. We identified the remainder of the 315-person staff, clients, judges, legislators, DAs, community members, victims and a host of others who would be more likely to make it on a list of “who’s who list of adversaries” under different circumstances. This process further validated the true “whole-system” orientation that the Appreciative Inquiry process is built upon.

Where to go from here?

We concluded the day with the formation of a “core team” consisting of 11 members of the management group, who will meet to design the next leg of the “discovery” process. Our next tasks will be selecting interview topics, designing questions, interview protocol and a strategy, which will involve the rest of the agency and our key stakeholders. Once this data is collected, we move on to the dream, design and destiny stages that I will write about in future editions of Cornerstone. As we closed the day our management group used the following words to describe the day: promising, stimulating, breakthrough, interconnectedness, sense of optimism, and easy and fun.

Thom Allena is the Managing Partner of Innovations in Justice, a consulting firm dedicated to innovative leadership and organizational development practices within the justice system. He has worked for and with Defender agencies since 1973 and is currently on the faculty at the University of New Mexico in Taos where he instructs on community and restorative justice.

Member Benefit Spotlight, *continued from previous page*

helps you master 20 topics common to the taking of almost all depositions. Users can also access video examples, commentaries by practicing attorneys, references to the pertinent legal rules, and a self-test.

FUNDAMENTALS OF NEGOTIATION — provides authoritative and practical insight into two central parts of the negotiation process: controlling information and making and meeting offers. Noted teacher, author, and skills-trainer Joseph D. Harbaugh, Dean of the Shepard Broad Law Center at Nova Southeastern University, introduces you to the “art and science of negotiation” in a two-hour lecture and slide presentation that features video vignettes from PLI’s popular Basics of Negotiation videotape.

EXPERT DEPOSITIONS: TAKING & DEFENDING — Expert depositions can befuddle and intimidate even experienced litigators. Noted teacher, author, and skills-trainer Peter Hoffman from the University of Nebraska College of Law helps you master 18 topics common to the taking

and defending of most expert-witness depositions.

MASTERING MOTIONS: MECHANICS & TECHNIQUES provides you with the legal, procedural, technical, and strategic insight you need to become an ace motions advocate. With Mastering Motions, you get a fundamental grounding in both pre-trial and trial motions - including the procedures, purposes, and value of motions to dismiss, motions to discover, motions for injunctive relief, motions for summary judgment, as well as Rule 11 sanctions.

ACCOUNTING FOR LAWYERS — provides lawyers with the essential accounting knowledge and analytical tools they need to detect the key resources and liabilities buried in misleading financial statements and to obtain a true picture of any company’s financial condition and potential.

For more information on the Interactive Courtroom CD-ROM training series and other resources available through PLI, please visit the PLI Web site at www.pli.edu.

Freedman Remarks

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for the Centers came in 1973, the outset of President Nixon's second term, when OEO staffer Marshall Boarman wrote: "the problem of what to do about OEO's 13 LS back-up centers is most urgent. Howard Phillips asked me to prepare a rationale for phasing them out." Shortly after that a federal court ruled Phillips' appointment invalid.

Round Two started a year later, when President Nixon refused to sign the LSCA until the Green Amendment, intended to eliminate support centers, was added. Fortunately, that Amendment was poorly drafted by opponents who did not understand what we did. The new LSC board, spurred by Tom Ehrlich and Clint Bamberger, and relying on David Tatel's legal analysis, determined that the centers could and should be funded. We had many crucial supporters in those years, and I must in particular thank Alan Houseman. While he was at the Corporation he fought for us – and we fought with him, of course, because after all we were a part of the legal services community. With Alan's vision, more centers were created and our funding grew.

Round Three began in late 1980, when the Heritage Foundation urged the Reagan transition team to kill national and state support even before eliminating LS as a whole. In 1982 the Reagan board moved aggressively to eliminate state and national support. We were saved that year, and for the next decade by Senator Warren Rudman's Appropriation Riders. Nonetheless, it was a constant battle with LSC.

I want to thank Covington & Burling for its behind the scenes help to the Center in contract negotiations – I don't think anyone at LSC knew about that. When LSC tried ad hoc rulemaking to limit our litigation and legislative and administrative representation, Rick Cotton, Joe Califano, and Dewey Ballantine represented us in what became NSCLC v. LSC. We beat LSC in the District and the Circuit.

Round Four came in 1995, when Congress in the middle of the year

rescinded all state and national support funding. The LS community took many severe hits from that Congress, and it was widely thought that national support could not survive.

Here we are today, feisty, determined, effective, reaching out to and working with new communities and advocates, and using law creatively. Some examples: The NCLC has created a consumer law movement with over 2000 attorney members dedicated to protecting consumers from abuse and fraud and enforcing the nation's consumer protection laws in the courts. NCYL focused public attention on California's abysmal record collecting child support for custodial parents, and used the resulting public outcry in support of a comprehensive legislative package for complete reform of the system, which Gov. Gray Davis signed into law in 2000. The National Health Law Program is launching a Web site on health care rights for the general public and has updated the "Medicaid bible" - An Advocate's Guide to the Medicaid Program. The National Center on Poverty Law continues to publish invaluable special issues of Clearinghouse Review, drawing upon the national support centers for articles on changing modes of advocacy. The Welfare Law Center has created the Low Income Networking and Communications Project, providing the technological infrastructure for grassroots groups around the country to come together on common strategies around TANF reauthorization. We continue with an ambitious and highly effective litigation program.

The problem for most of the Centers, and for the larger legal services community, is that by and large the Centers are not funded by private donors to provide critical support and training to legal services programs. Private donors see that funding as the obligation of the agency that supports the local programs. So while we hail our successes, we continue to rue the resource limitations that prevent us from working with the legal services community in the many ways we wish we could – but we will do our bit, and urge all of you to count us in as you plan on how best to serve your clients.

We are particularly grateful that

NLADA has fought for us all these years, continues to provide training opportunities, and has a special home for us in the new Advocacy and Support Section of NLADA. Thank you Clint and Don for your steadfastness.

Finally I must turn to a profound loss to the Centers, and to the entire community, that occurred earlier this year. For the past 20 years Burt Fretz served as Director of the NSCLC. Burt started in legal services in 1968, a year after I came on the scene. He was a Directing Attorney for CRLA, and then Legislative Director of MLAP. I had known Burt since we were classmates in college. I became acquainted with him again when he became Executive Director of NSCLC in 1981. I then became a fan.

Burt was committed to achieving justice, and to fighting for an effective legal services community. He was dogged in defending his program's integrity. He gladly agreed to be a lead DC contact for the national support centers in working with Covington and with Dewey, and to be the lead plaintiff in NSCLC v. LSC. Over the years I participated in countless strategy sessions and meetings with Burt. I saw his dogged determination to see a fight through with LSC, to maximize the resources available for our programs and for local legal services and AOA providers. Burt kept his eye on the prize, and made sure that we did not stray from our mission or from the agenda of the meeting. Burt was visionary, growing with the times, as he led NSCLC so successfully through the past five years. He was also a skilled litigator and policy advocate.

The most recent example of the fruits of his litigation skills was last fall's multi-million dollar award to plaintiffs in a post-trial settlement of an age discrimination suit against the federal government. This was the first age discrimination suit against the federal government in which a class was certified. Anne Fretz is here this evening with Nathan, I ask them to stand up, and to know that Burt was admired in this community.

He leaves a legacy of accomplishment and commitment that is an inspiration to his colleagues. Burt greatly improved the lives of millions of seniors and their families, and we miss him.

NLADA Insurance Program

*“Working
With You -
Making A
Difference”*

The NLADA Insurance Program offers a wide array of professional liability products designed to address the needs of the NLADA membership community. More than 600 NLADA members, representing every segment of the diverse NLADA membership, have enrolled in the program since its inception in 1994. There are many good reasons that NLADA Insurance Program participants are pleased with their coverage. Here are just a few:

- Superlative coverages and competitive prices.
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To find out more about the NLADA Insurance Program, please contact:

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Kutak Dodds Awards

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defender from 1983 to date. He has represented defendants in all types of indictable criminal matters, including numerous murders. In addition, he is the supervisor of all attorneys in the Gloucester County Regional Office and a trainer in all phases of criminal trial practice and preparation.

Wintner was in the private practice of law in Woodbury, NJ from 1972 to 1974. He was an assistant deputy public defender for the Office of the Public Defender's Municipal Court Demonstration Project from 1974 to 1977, and a deputy public defender supervising the Gloucester County

Regional Office since 1977. He has been involved in all stages of Juvenile Court representation and in representing adult defendants in all stages of the indictable criminal process, including three capital murder defenses tried to a conclusion, and others in-process. He is the current head of the New Jersey State Police Litigation Team.

Last, Natale, and Wintner are all graduates of Rutgers University and Rutgers University Law School. The public defenders have chosen to donate the \$10,000 prize associated with the Kutak-Dodds award to The Moratorium Campaign, a nonprofit, nonpolitical organization dedicated to obtaining a moratorium on the death penalty, both nationally and internationally.

The Kutak-Dodds Prize, named for the late Robert J. Kutak, a member of

the first Legal Service Corporation board, and the late Kenneth R. Dodds, former partner in the Omaha, Nebraska law office of Kutak Rock, honors the accomplishments of civil legal aid attorneys, public defenders or public interest advocates who, through the practice of law, are contributing in a significant way to the enhancement of human dignity and the quality of life of those persons unable to afford legal representation. Co-sponsored by NLADA and the Robert J. Kutak Foundation, these prestigious annual awards carry a cash prize of \$10,000.

Conversation on Diversity

continued from page 1

Karp Consulting Group, an organizational consulting firm with extensive experience facilitating conversations on diversity with lawyers and legal groups. During the first day, participants were led through a series of exercises to help identify diversity-related challenges facing the legal services community. To set the context for the discussion, participants were asked to consider the past, present and future of the legal services community by responding to a series of questions including (among others): (1) Who were/are/will be the key constituency groups? (2) What was/is/will be the demographic mix of our clients? (3) What kinds of people worked/work/will work for participants' organizations? (4) What was/is/will be the organization's approach to diversity? and (5) What were/are/will be the major diversity issues/concerns within the organization? Participants then engaged in a thoughtful discussion about the benefits and challenges of focusing, time, energy, attention and resources on diversity issues and initiatives. After identifying the benefits and challenges, the group was pushed to brainstorm about ways to maximize the benefits and overcome the challenges. Having discussed how to maximize bene-

fits and overcome challenges, participants were then asked to identify what they saw as the most critical internal and external diversity-related issues facing the legal services community. The group identified over 15 critical internal issues and more than 10 external issues.

After identifying the critical issues, participants prioritized three internal issues and three external issues to focus on during day two of the conference. The internal issues selected were: (1) recruitment and retention of minorities; (2) recruitment and retention of diverse leadership/governance; and (3) withdrawal from discrimination-based advocacy. The external issues selected were: (1) the lack of common definition/vision of diversity within the legal services community; (2) loss of trust among client communities because legal services providers are no longer dealing with race-based issues; and (3) ensuring that justice communities become diverse, inclusive and multiculturally competent, and creating cultures to impact a broader range of legal issues than they are now impacting (i.e., mental health, racial justice).

The majority of the second day of the conference was devoted to brainstorming about potential strategies that national and local programs could implement to address internal and external issues.

Both the March and May-June events generated extremely positive feedback from the participants. They said that the events provided opportunities to gather energy from one another and armed them with fresh ideas for approaching diversity-related issues.

In the next few months, NLADA and LSC plan to issue a joint report detailing the issues identified during the May-June conference and sharing the potential strategies identified by the group. In addition, NLADA and LSC plan to continue co-hosting discussions at national and regional events to gather more information about the diversity-related issues facing the legal services community and to continue to explore how NLADA, LSC and other national entities and local programs can collaborate to address the issues. As part of these discussions, NLADA and LSC will host sessions that emphasize the importance of valuing different aspects of diversity. In this regard, sessions at the Substantive Law Conference will focus on gender issues and issues impacting people of color. In addition to these sessions, NLADA and LSC plan to sponsor focused sessions addressing issues relating to sexual orientation, age, disability and other aspects of diversity at upcoming conferences.

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Getting Better All the Time

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ducted by experts in the field. Despite the challenges of planning an event for such a diverse audience, the participants found the programming useful and provocative.

But, in my view, it was the fact of the conference, its conception as a melting pot of diverse legal communities sharing a common goal, that was unique. People who might otherwise never have had the opportunity to talk with each other, to learn from each other – pro bono directors and judges, legal services staff and corporate counsel, bar association leaders and law students – earnestly convened in workshops, even in hallways. The results often were new project ideas, strategies for increasing funding, potential partnership opportunities, legal advocacy approaches, and much more. In many instances, people from the same city or state who never have a chance to just sit down together made great strides toward their mutual goals.

One particular program focused on those not involved in the day-to-day delivery of legal services to the poor. More than 150 people attended this event, the Partners for Justice Forum. The program offered a day of structured networking in the form of highly interactive sessions that gave those in attendance a chance to participate. It was a rare opportunity for judges to talk with other judges, law school representatives to talk to their peers and so forth, swapping ideas and information about what has worked and what has not worked to expand delivery of legal services to the poor.

One of the conference's principal goals was to educate people about what they can do to develop partnerships in support of legal services in communities across the nation. We provided the tools, the information and the models. Many left the conference better prepared for this important work. On behalf of the Pro Bono Committee, I am proud of what we accomplished by bringing committed people together. We will continue to strive to make the

Equal Justice Conference an event that inspires lawyers to rededicate themselves to what is best in our profession.

**Endnote: The Pro Bono Conference was started in 1983, and was replaced by the Equal Justice Conference beginning in 1999.*

Fall 2001 Training and Conference Calendar

September 21 to 23, 2001

Litigation Directors Conference
Snowbird, UT

Nov. 7 to 10, 2001

79th Annual Conference
Miami, FL

Nov. 29 to Dec. 2, 2001

Appellate Defender Training
New Orleans, LA