

★ **Four Cutting-Edge Tracks**

★ **Dozens of Innovative Workshops**

★ **Hundreds of Like-Minded Colleagues**

★ **Beer, Bratwurst and Lots of Fun!**

Justice in Action - Don't Miss it!

With only a few weeks to go until this year's annual conference, civil legal aid and indigent defense professionals from across the country are preparing for **Justice in Action** – the 2002 NLADA Annual Conference. This year's conference, which is the principal gathering for public interest lawyers nationally, will be held in Milwaukee, Wisconsin, November 13-16.

From four focused tracks – including the first-ever joint defender/civil track – to a plethora of peer-led workshops addressing current issues and trends, the 2002 Annual Conference is replete with opportunities for exposure to information, experts and innovative best practices that truly cannot be found anywhere else.

Last, but certainly not least, Milwaukee, the "genuine American city," is bursting with fun and interesting things to see and do. We think it's one of the best-kept secrets in America.

Specialized Tracks and a Mélange of Workshops

Now in their third year, specialized training tracks have become a regular feature of NLADA's Annual Conference. And the smorgasbord of individual workshops providing opportunities to sample new ideas and best practices from across the country remains an important part of the conference experience.

The tracks to be offered in Milwaukee are:

- *Preparing for the Tidal Wave of Prisoner Reentry: Equipping Civil Legal Aid and Defense Lawyers to Represent the Whole Client (Joint Defender/Civil)*
- *Pursuing an Economic and Racial Justice Agenda in Challenging Times (Civil)*
- *From Innocence to the Right to Counsel: Leveraging the "Innocence Movement" to Support Quality Defense (Defender)*
- *Building Leadership Skills: A Training Track for Community Advocates and Client Board Members (Client)*



★ **Joint Defender/Civil Track**

Preparing for the Tidal Wave of Prisoner Reentry: Equipping Civil Legal Aid and Defense Lawyers to Represent the Whole Client

An exciting "first" – a joint defender/civil track to encourage collaboration across these specialties – is planned for Friday, November 15. "It will focus on the community impact of ex-offenders seeking to reenter their communities and the common challenges this presents to civil and defender advocates."

Because they serve many of the same communities and clients, civil legal aid and indigent defense attorneys have much to learn from one another. But for most, opportunities for collaboration have been elusive. As the first joint defender/civil training effort at an

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MESSAGE TO MEMBERS



The NLADA Conference – a Reliable Resource in Our Changing World

By Ellen Berz, Assigned Counsel Director for the Wisconsin State Public Defender, and Deedee Peterson, Development and Information Director, Legal Action of Wisconsin, Inc.

Cracks in the foundation of death penalty laws, encouraging signs toward loan forgiveness, a renewed focus on racial justice and systemic advocacy in the civil community...huge federal, state and local budget deficits, a challenge to IOLTA funding in the U.S. Supreme Court.... There is much happening, good and bad, that affects the provision of legal services to the indigent.

To be effective, civil and defender organizations *must* keep up-to-date by staying aware of legal developments, learning advancements in practice/management techniques and taking a commanding role in the serious game of politics. One of the most comprehensive means of keeping up-to-date is by attending NLADA's Annual Conference.

This year's conference – "Justice In Action" – will provide a treasure of valuable information and skills. From client-centered management to DNA; from racial profiling to technology in the courtroom; from death penalty reform to pursuing an economic and racial justice agenda – there is something for everyone.

Of particular note this year is an unprecedented joint civil/defender track, *Preparing for the Tidal Wave of Prisoner Reentry: Equipping Civil Legal Aid and Defense Lawyers to Represent the Whole Client*. This track will bring civil

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legal aid providers and public defenders together to focus on the challenge of addressing the myriad of legal and social issues presented when large numbers of people transition from prison life back into communities.

Why struggle with issues alone? In addition to the seminars, the conference offers many opportunities for networking with your colleagues from across the nation. Conference attendees are a virtual brain trust, eager to share knowledge, information and experience! Of course, all work and no play makes Jack a lonely boy ("The Shining"). So, after an education-packed day of seminars, join old and new friends at the various receptions, awards banquet, dance and innumerable informal social gatherings throughout the conference.

Speaking of social gatherings, this year's conference just happens to be held in a venue that values the social hour (or hours) – Milwaukee, Wisconsin. Although some may only know of the Milwaukee of the 1950's ("Laverne and Shirley"), this century's Milwaukee hosts six million visitors annually. Why do so many choose Milwaukee as their vacation destina-

tion? The answer is as diverse as the attractions: museums, art galleries, theaters, restaurants, architecture, cafes, sports, motorcycles (Harley Davidson), festivals, Lake Michigan and, of course, beer. Bottom line – Milwaukee is a great city on a great lake!

We invite you to join with hundreds of your colleagues in the indigent legal services community for Justice in Action, November 13 through 16, in Milwaukee, Wisconsin. Tap into the knowledge, and then . . . tap into a beer!

Berz and Peterson are the co-chairs of the 2002 Annual Conference Host Committee



Ellen Berz



Deedee Peterson

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Preparing for the Tidal Wave of Prisoner Reentry: Equipping Civil Legal Aid and Defense Lawyers to Represent the Whole Client

Joint Civil/Defender Track at Annual Conference Will be First of its Kind

Lawyers and staff members concerned with whole-client representation need to be aware of the many challenges our clients face upon reentry, such as completing initial tasks of securing a driver's license or expunging a record, to the more life-altering loss of child custody and voting rights. Reentry issues are deeply intertwined and demand the attention of both the civil legal aid and public defense communities in the same forum.

By Cynthia Works, Senior Counsel,
NLADA Civil Legal Services
Division, and
Cait Clarke, Director, NLADA
National Defender Leadership
Institute

According to the Bureau of Justice Statistics, in coming years over 600,000 incarcerated individuals will be released annually from state and federal prisons and will return to their communities. Ex-offenders face numerous obstacles in their transitioning from prison life back into communities. These barriers not only impact the ex-offender, but also have a strong ripple effect on the family members waiting to be reunited with them.

For lawyers, social workers, staff and clients, the reentry tidal wave will impact us in ways not yet readily apparent. We are just learning how the current challenges of reentry are felt acutely by community members and families struggling to provide assistance to ex-offenders who are denied access to housing, employment and other important benefits. Our clients, their family members and community leaders are taking on the burden of helping thousands of individuals transitioning from prison life to community life. They need lawyers – both civil and defense – who are knowledgeable about ways to overcome civil reentry barriers.

Lawyers and staff members concerned with whole-client representation need to be aware of the many chal-

lenges our clients face upon reentry such as completing initial tasks of securing a driver's license or expunging a record, to the more life-altering loss of child custody and voting rights. Reentry issues are deeply intertwined and demand the attention of both the civil legal aid and public defense communities in the same forum.

As legal aid lawyers and as indigent defense service providers, what is the best way to prepare ourselves? A first step is to meet together with experts, lawyers, service providers, clients and others concerned with the reentry tidal wave striking our community shores. In conjunction with the 2002 Annual Conference, the Civil Legal Services and Defender Legal Services divisions of NLADA are sponsoring for the first time a joint track. *Preparing for the Tidal Wave of Prisoner Reentry: Equipping Civil Legal Aid and Defense Lawyers to Represent the Whole Client* will focus on the legal and psychological consequences of reentry, and on specific strategies where civil legal aid and defenders can collaborate to campaign for legislative reform.

This is our time to find common ground through strategic collaboration. This is our opportunity to identify existing resources and people to help all of us prepare for the reentry tidal wave. This is our chance to prepare our legal shores to circumvent reentry barriers in many areas. These include: creative defender advocacy in sentencing proceedings that raise reentry concerns and access civil legal services or programs;

ways to promote civil/defender collaborations to provide quality client representation that lasts beyond the traditional end of a case; implementation of the new reentry courts spreading across the country; and opportunities for legislative advocacy to reduce reentry barriers.

Together, defenders, legal aid lawyers and clients will prepare for this existing challenge by focusing on the following key topics:

- *Employment Restrictions*
- *Housing Barriers*
- *Public Benefits Hurdles — TANF, SSI & Food Stamps*
- *Medical & Substance Abuse Challenges*
- *Difficulties with Child Reunification & Termination of Parental Rights*
- *Ineligibility for Federal Financial Aid in Higher Education*
- *Privacy Impediments Concerning Criminal Records Access*
- *Voter Disenfranchisement*
- *Immigration Obstacles*

Anthony C. Thompson, director of the Offender Reentry Clinic at NYU, will kick off this track with a luncheon Keynote address on Thursday, November 14. See page 4 for more information.

Read more about reentry in the Annual Conference area of the NLADA Web site, www.nlada.org, or for more information, contact Cynthia Works, c.works@nlada.org, (202) 452-0620 ext. 220; or Cait Clarke, c.clarke@nlada.org, (202) 452-0620 ext. 226.



Two Visionaries of Justice to Keynote in Milwaukee

Anthony Thompson and Gene Nichol Will Speak on November 14

On Thursday, November 14, noted law professor Anthony C. Thompson, and Gene R. Nichol, dean of the University of North Carolina School of Law, will treat Annual Conference participants to two very special keynote addresses. Thompson's address will serve as a springboard for the first-time joint defender and civil track *Preparing for the Tidal Wave of Prisoner Reentry: Equipping Civil Legal Aid & Defense Lawyers to Represent the Whole Client*, which begins on Friday morning. Nichol's address will be part of the Civil Caucus and will kick off the civil track, *Pursuing an Economic and Racial Justice Agenda in Challenging Times*.

Anthony Thompson



Thompson is a clinical professor of law at the New York University (NYU) School of Law. He is also the faculty director for the Root-Tilden-Kern

Public Interest Scholarship Program, which provides scholarships to students intending to practice public interest law. Thomson currently teaches and directs the Offender Reentry clinic at NYU, the only one of its kind in the country. The clinic focuses on the legal and practical barriers faced by individuals released from state and federal prisons, providing ex-offenders and the communities they reenter with assistance on a wide variety of matters, including overcoming barriers to housing, employment, education and credit. Thompson's research and writing focus on race, criminal justice and community problem-solving.

Prior to his appointment to the NYU faculty, Thompson was in private prac-

tice in Northern California where he specialized in criminal defense, civil litigation and entertainment law. Before opening his own practice, he served for nine years as deputy public defender in Contra Costa County, California. While there, he represented adults charged with criminal matters and juveniles charged as delinquents. He also brought a major impact action, which forced the county to provide confidential interview rooms for detained juveniles. While practicing, Thompson also taught in Harvard Law School's Trial Advocacy Workshop and at Stanford Law School.

Thompson is a frequent lecturer on topics such as "The Impact of the Criminal Justice System on African American Males" and "Community Justice." He is on the boards of directors for the Center for Alternative Sentencing and Employment Services (CASES) in New York and the Pretrial Justice Institute in Washington, DC. Thompson earned his J.D. from Harvard Law School and his undergraduate degree in education from Northwestern University in Evanston, Illinois.

Gene R. Nichol

Gene R. Nichol, is dean and Burton Craige professor at the University of North Carolina School of Law (UNC).

Nichol will share his perspective on a disturbing trend: that even as the nation becomes ever more racially and ethnically diverse, it seems realistic to predict that, within the coming decade, most Southern schools may rapidly resegregate by race and by socioeconomic class. The UNC Center for Civil Rights, which is affiliated with the UNC School of Law, recently hosted a national conference titled *The Resegregation of Southern Schools? A Crucial Moment in the History (and the Future of Public Schooling) in America*. The conference brought together thinkers and activists to discuss educational trends, policy

implications and possible agendas for public action.

Nichol has published articles and essays on civil liberties and federal judicial power in a wide variety of journals - including the *Harvard Law Review*, the *Yale Law Journal*, the *University of Chicago Law Review*, the *Michigan Law Review*, the *University of Pennsylvania Law Review*, the *California Law Review*, the *Virginia Law Review*, the *Duke Law Journal*, *Constitutional Commentary*, and *Law and Contemporary Problems*. From 1995-96, he was host of the public affairs program, "Culture Wars," for KBDI-TV, in Denver, Colorado.

Nichol teaches courses in constitutional law, federal courts, political reform and civil rights. Prior to going to UNC, he was dean of the law school at the University of Colorado in Boulder. He graduated Order of the Coif from the University of Texas Law School, and earned his undergraduate degree with high honors in philosophy from Oklahoma State University after playing varsity football.

Registration is Now Open

Appellate Defender Training

December 4 – 8

New Orleans, Louisiana

■■■

(See page 8 for details)

Meet an Equal Justice Investor

“Meet An Equal Justice Investor” is a regular feature to introduce Cornerstone readers to NLADA supporters whose annual investment in equal justice provides the Association with flexibility to launch new initiatives and to respond to rapidly changing circumstances.

Alexander D. Forger



Alex Forger is the director of Oak Spring Farms, LLC and the former chairman and current special counsel at the law firm of Milbank, Tweed, Hadley & McCloy in New York

City. Forger served as temporary administrator of the Doris Duke Estate and as co-executor of the Estate of Jacqueline K. Onassis. He served as president of the Legal Services Corporation from 1994 to 1997. Prior to that he was a director of the Legal Aid Society in New York from 1976 to 1993, president from 1977 to 1979 and chairman of its board from 1984 to 1993.

Forger currently serves as a member of the board of the Lawyers Committee for Civil Rights Under Law, chair of the Volunteer Lawyers AIDS Project, a member of the New York Supreme Court Chief Judge Judith Kaye's Legal Services Project, vice president and director of the Dorothea L. Leonhardt Foundation, director of the Children's Advocacy Center, director of the Gerard B. Lambert Memorial Foundation, Inc. and director of the Interfaith Alliance. He has received numerous awards for his life-long public service and for his contributions to the improvement of the law and judicial administration.

NLADA: *How did you get involved in legal services? With the Legal Services Corporation?*

FORGER: Upon finishing law school I went directly to work at Milbank Tweed and there had the great good

fortune of working from time to time with Harrison Tweed. He was then president of the Legal Aid Society in New York and encouraged young lawyers to take on cases. That was the beginning of my involvement with legal services for the poor and in due course I became a director of the Legal Aid Society, then president and thereafter chairman of the board for a number of years until 1993, when I received the invitation of Doug Eakeley (the then new chair of the Legal Services Corporation Board of Directors) to come to Washington as “interim president” of LSC, which I readily did. Doug in his earlier life had been involved with Legal Aid in New York and indeed was the first associate of a law firm ever to serve on the board.

NLADA: *You have represented the nation's most illustrious individuals as well as the most nameless and disadvantaged. How do you balance the seemingly wide range of legal needs these clients represent?*

FORGER: While the range of the issues may seem wide, there is nonetheless a core of concerns common among individual clients (i.e. family matters) irrespective of their financial resources. In each instance the legal problem generally has very personal overtones creating a relationship quite different from those arising in the context of a legal entity for which an agent is acting merely in a representative capacity.

NLADA: *Where do you think the equal justice movement of this nation is going? Is it on the right course?*

FORGER: The movement continues towards the goal of “equal justice” and its pathway — unfettered access. Notwithstanding efforts in public edu-

cation, political lobbying, technological improvements, increasing pro bono and facilitation of pro se and the like, the goal remains far distant and out of reach for millions of financially disadvantaged. The focus on the community at large through various justice initiatives, such as state and local planning, is key to progress towards the goal. It should, of course, be possible of attainment if the public truly understood the inequality in our system and then demanded corrective action.

A timely opportunity may now be at hand as the nation devotes attention to the Pledge of Allegiance. While scholars debate the constitutionality of the deity reference, probably millions of school children as well as adults, at various public venues, recite — as if true — the concluding three words of the Pledge, namely, “justice for all.” This concept of justice, recited as though premised on present reality, is at best an unfulfilled promise to millions of Americans who cannot obtain access. If any change in the Pledge wording is to occur, why not append at the end “who can pay” or “who are so fortunate as to have access” or perhaps adding “mostly” before “all”? One should not make light of the constitutional issue, but it does seem equally appropriate to remind the country that the imperative of justice found not only in the Pledge but as well in scriptures, inscriptions, verse and song is “inoperative” to a significant segment of our society.

NLADA: *You have made contributions to equal justice in many different ways. Of what moments in your involvement with the equal justice movement are you most proud?*

FORGER: The most rewarding aspects have come in the relationships formed with countless legal service personnel who have devoted so much of their lives in helping those in need. These range from those in the field doing the frontline work to the support and policy groups such as NLADA and CLASP.

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Leaders for Justice Initiative: A Collaborative Response to the Need for Leadership Development in the Legal Aid Community

The goal of the initiative is more than developing leadership skills as a part of effective management. The goal is to instill a new consciousness within the field about the importance, challenges and skills needed for advocates to work with low-income communities to bring about systemic change ... Ultimately, the goal of the transformation of the equal justice community is to accelerate, support and progress toward a future of justice for all in America.

By Bonnie Allen, NLADA Director of Outreach & Community Support

In collaboration with other national organizations and regional groups, NLADA is developing an initiative to teach the ever-changing responsibilities of leadership in the legal aid community and broader equal justice movement. The initiative will be designed to strengthen and enhance the leadership skills of current and emerging leaders and to serve as a national professional support network.

In view of the monumental changes and challenges facing the equal justice community, leadership development has risen high on the agenda of national organizations. Within its board governance structure, NLADA has made diversity and leadership a priority by creating a Civil Policy Group Committee on Diversity and Leadership. In 2001, NLADA and the Legal Services Corporation (LSC) co-sponsored a series of structured "diversity conversations" for legal aid advocates and clients. The need for new and diverse leadership to address the complex and changing needs of increasingly diverse clients and communities emerged out of these conversations.

The Project for the Future of Equal Justice, (the Project) a joint initiative of NLADA and the Center for Law and Social Policy (CLASP), funded by the Open Society Institute, brought together a group of national leaders in October, 2001 to discuss priorities in the legal aid community. That meeting highlighted, among other issues, the importance of developing leadership capacity in the legal aid community focused on the achievement of justice

for all in America. The meeting also planted the seeds for potential collaboration among national organizations on this issue. In its most recent grant proposal, the Project committed to promoting leadership development in all of its work, which includes resource development in low-funded states, increasing public awareness of legal aid and strengthening connections among legal aid, civil rights, racial justice and community-based organizations.

With support from the Open Society Institute, the Defender Division of NLADA created a National Defender Leadership Initiative (NDLI) last year, which has developed a leadership Web site and is conducting a series of innovative training events for the defender community in 2002-2003. These events include: *Nuts and Bolts of Leadership*, *New Leadership* and *Impact Leadership*.

Other national organizations are looking at the leadership challenge as well. Equal Justice Works is using a Ford Foundation planning grant to develop a leadership initiative for fellows who are embarking on public interest law careers. The American Bar Association (ABA) uses the annual NLADA/ABA Equal Justice Conference and other gatherings of bar leaders and executives as platforms to highlight the need for, and examples of, strong leadership in the equal justice movement. The Management Information Exchange (MIE) has incorporated certain aspects of leadership development curricula into its trainings for new executive directors and middle managers, and uses its highly regarded publication, the *MIE Journal*, to promote strong management and leadership practices. LSC has a keen interest in leadership develop-

ment, particularly in regard to next-generation leadership and diversity. LSC is developing various forms of trainings and technical assistance to help its grantees make leadership development and diversity a top priority.

Regional efforts are also underway. The New England Regional Training Consortium is planning a three-day leadership development skills training event in December for legal aid advocates. Hopefully, this model and curriculum can be replicated in other regions and states.

Leaders for Justice Advisory Council Convened

All of these activities – along with a grassroots response crying out for leadership development – have led the legal aid community to invest in a concerted effort to develop a national leadership initiative. To that end, NLADA convened a Leaders for Justice Advisory Council (Advisory Council) this year to begin to develop a vision and strategies for a national initiative to support a strong and diverse cadre of equal justice leaders. The Advisory Council was broad in composition and included representatives from key national organizations in the equal justice community, as well as leaders from private law firms, the judiciary, law schools, bar associations, national and state level policy advocacy organizations, civil rights groups, local legal aid organizations and community-based public defender offices. Nearly 40 individuals – diverse in age, gender, race, ethnicity, sexual orientation, type of organization and position within the organization – attended the one-time Advisory Council meeting in Washington, DC in May, 2002. The meeting planners intentionally sought to include new voices – those not commonly heard at national legal aid meetings. These new voices included leaders from national civil rights organizations, young staff attor-

Leaders for Justice Initiative

continued

neys in legal aid offices and rising young leaders in the private bar.

Michael Kelly, senior fellow at the Center for Applied Research in Philadelphia, facilitated the meeting. Ellen Hemley, Lillian Moy, Camille Holmes, Cait Clarke and Bonnie Allen worked with Kelly on meeting design. Themes emerging from the meeting included:

- *Leadership is critical to the future of legal aid;*
- *Leadership skills can be taught, i.e. developed, enhanced and sustained through structured interactions and training; and*
- *NLADA should undertake some form of a collaborative initiative with other national groups to develop a national support structure for leadership development.*

Most of the attendees favored the creation of a national leadership initiative above and beyond the addition of leadership training sessions to existing conferences. While recognizing the valuable efforts of national and regional groups to introduce leadership skills training into existing events, most of the Advisory Council members agreed that the equal justice community needed to create a vehicle and infrastructure to take leadership development to the next level. Most members also favored the creation of a leadership institute with a dedicated staff and budget. The Advisory Council agreed to leave open the question of where to house the initiative or institute, along with other structural issues, for a design and implementation committee to consider. It also left open the question of how to best coordinate the legal aid leadership initiative with the National Defender Leadership Institute.

Transformation in Support of Justice For All

Finally, there were strong sentiments among the participants that all aspects of the leadership initiative should be

RELATED ANNUAL CONFERENCE OPPORTUNITY

NLADA will sponsor a six-hour leadership skills training for legal aid advocates, defenders, racial justice advocates and other conference attendees during its annual conference in Milwaukee. Highly interactive and experiential in design, the training will introduce the core competencies of leadership development and will present participants with the opportunity to strengthen both their internal and external leadership skills. Plenary and small group presentations and exercises will enable participants to:

(1) identify their personal leadership strengths and challenges; (2) apply leadership practices effectively within their organizations; and (3) develop strategic new alliances with other organizations to effectuate community problem-solving and systems change. In addition to skills training, the session will offer advocates the opportunity to provide input on the ongoing process of creating a highly effective leadership development initiative.

For more information about leadership skills training opportunities at the NLADA Annual Conference, contact Bonnie Allen at (202) 452-0620, ext. 221, b.allen@nlada.org or Camille Holmes at (202) 906-8007, cholmes@clasp.org.

informed by and imbued with the core value of *transformation*. The goal of the initiative is more than developing leadership skills as a part of effective management. The goal is to instill a new consciousness within the field about the importance, challenges and skills needed for advocates to work with low-income communities to bring about systemic change. This change will involve both expanding low-income clients' access to the civil justice system to resolve everyday legal problems, and using the law to remove structural barriers to overcome poverty and racial injustice. Ultimately, the goal of the transformation of the equal justice community is to accelerate, support and progress toward a future of justice for all in America.

Within the next few months, NLADA will convene a collaborative design and implementation committee to develop a concrete plan for the leadership initiative. The committee will include representatives from other key national organizations, including Equal Justice Works, CLASP, the ABA, LSC, MIE and civil rights organizations, as well as advocates from state and local legal aid organizations, policy advocacy groups, state funders, law schools and the private bar. Working together, the national and regional groups will leverage their resources to imbue leadership skills in advocates and supporters at all stages of

their professional development. By tapping into the constituents and supporters of the various organizations – which have similar missions but different focuses – the leadership initiative will have access to multiple platforms and a broad network of contacts, funding sources and opportunities for impact.

Based on core shared values, goals and objectives, the design and implementation committee will make recommendations about the structure and operations of the initiative. The committee will consider how the initiative can most effectively be administered, given the resources and capacities of the various national organizations. In other words, what is the optimal structure for realizing the values and goals of the initiative? This will involve addressing the issues of where the initiative should be housed organizationally; how it should be staffed; how a funding strategy should be developed; and what kind of governance structure should exist. The committee also will develop recommendations regarding target audiences for training, priority types of skills training, and striking a balance between national and regional events. An important consideration for the committee will be how best to build regional and state-based capacity for leadership development. Enrolling the equal justice community in a leadership vision will require “ground-up” work along with

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NLADA Trainings & Conferences

2002 Sublaw Conference Showcases New Initiatives

By Cynthia Works, Senior Counsel,
NLADA Civil Legal Services Division

“...the work that you all are doing and what this conference supports and helps train you in, is the work that is going to make this country into what it says it’s going to be.”

These were the motivating words of keynote speaker and University of Texas Law School Professor Gerald Torres, to hundreds of civil legal aid advocates at the 20th annual NLADA Substantive Law Conference. Advocates



representing 44 states attended the conference, July 24–28, on the scenic campus of the Colorado College in Colorado Springs, Colorado. Jonathan D. Asher, executive director of Colorado Legal Services, welcomed advocates to the state and also provided words of inspiration.

This year’s theme, “Moving Mountains: Fighting Poverty and Discrimination through Innovative Advocacy,” was reflected in the variety of substantive law tracks and individual workshops led by expert trainers from national support centers, civil rights organizations and allied organizations. Each year, advocates and the most knowledgeable experts in the field converge at the Substantive Law Conference to cover the latest legal developments and strategies affecting clients.

This year, the conference showcased a number of new initiatives. Camille Holmes, senior attorney, of the Project for the Future of Equal Justice (a joint initiative of NLADA and CLASP), spearheaded the incorporation of programming designed to tackle both poverty and discrimination by incorporating

cultural competency and diversity issues to explore strategies for antidiscrimination advocacy. In a collaborative effort, trainers partnered with civil rights, racial justice and community-based organizations to assist with this initiative. The conference also added a new substantive training area, low-income taxation, featured workshops by members of the defender community and closed with a special track dedicated to a discussion of tribal court developments in Native American law.

Torres also signed copies of his book, *The Miners Canary: Rethinking Race and Power*, coauthored with Harvard Law School Professor Lani Guiner. At the opening plenary, Torres spoke on the interconnection between race, civil rights and poverty law. He also regaled participants with stories of successful initiatives where the “miner’s canary” was protected by the efforts of poverty lawyers across the nation and encouraged them to continue their work.

“...the critical content of your work. And it may not feel like that every day, but the extent to which the capacity for people to participate in civil life is enhanced is the extent to which the commitment to the ideas that the law is founded on, that we claim our country is founded on are reinforced. That’s, I think, critical work. So that the work of the environmental lawyers, poverty lawyers, civil rights lawyers are all joined together, joined together at that intersection. They are joined together at the intersection of democratic development...”

“When I think about the work that gets done across the country the critical thing that is often overlooked when you talk to policy makers is that the work does not get done in policy rooms, it gets done in offices across the country. Gets done in neighborhoods across the country...in reservations. And out of that work, policy can be generated. But, it’s there that the policy becomes real. And I want to talk a little bit about that today...what legal services do,

and what poverty law does, what civil rights work does, what environmental justice work does, what voting rights work does, what civil rights work in general does, is something that is important to the individual clients that you have...”

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Get “Courtroom-Ready” at NLADA’s Appellate Defender Training, December 4-8

Join defender colleagues from around the nation in New Orleans to learn new skills and improve old ones. NLADA and the Louisiana Appellate Project join in presenting this unique program to help you meet the challenges of appellate public defense.

The *Appellate Defender Training* is an intensive learning experience designed specifically for public defenders and private attorneys who represent indigent defendants in criminal appeals. Each year NLADA’s Appellate Defender Training helps more than 100 attorneys build their litigation expertise and get “courtroom-ready” using real cases on which they are currently working – not fictional case studies.

The focus of the conference is on small-group workshops in which an all-star faculty of experienced appellate defense teachers and litigators work with individuals to help each build their skills while preparing their case for the courtroom.

Registration is open now. For more information and to view or download the registration brochure, please visit our Web site at www.nlada.org/Training and look for “NLADA’s Appellate Defender Training” in the “Upcoming Training” box.

NLADA Trainings & Conferences

170 Senior Attorneys Focus on Effective Advocacy at Utah Conference

By Don Saunders, Director,
NLADA Division of Civil Legal
Services

More than 170 senior advocacy leaders from the legal aid and civil rights communities met June 23- 25 at NLADA's Litigation and Advocacy Directors' Conference in Snowbird, Utah. They discussed key issues, advocacy strategies and prospects for collaboration around some of the more critical problems facing low-income clients and their communities. Many participants felt that the conference was one of the most significant gatherings of civil equal justice professionals ever. The energy generated by being among these many leaders of advocacy permeated throughout the two-and-a-half days of sessions. NLADA received comments such as:

RELATED ANNUAL CONFERENCE OPPORTUNITY

A great deal of information and ideas came out of the Litigation and Advocacy Directors' Conference that will inform and shape the Civil Track, *Pursuing an Economic and Racial Justice Agenda in Challenging Times*. This daylong track, which will be held on Thursday, November 14, is being designed to build on the momentum generated by the Utah conference.

"This was a tremendous and long overdue opportunity to meet with our peers and advance national strategies . . ."

"In the usual conference, I feel pretty good if I leave with a list of three new good ideas. I now have a list of 15 . . ."

"The conference was a wonderful forum for learning and finding new inspiration and resources. Appreciated more advanced level."

"This was a quite positive and constructive "flashback" for many directors . . ."

"The keynote speakers were wonderful . . ."

Keynote Speeches

Florence Roisman, professor of law and the Paul Beam fellow at Indiana University School of Law – Indianapolis, opened the conference with a rousing keynote speech on aggressive advocacy (available in the "Of Interest" box at www.nlada.org/Civil), which outlined the six lessons she learned during her lifelong career as an advocate for low-income people and communities of color. Roisman reminded participants "we are part of a noble mission. Legal services is not about helping individuals fit into oppressive societal structures Legal services is about the war on poverty. And, the war continues."

Ted Shaw, the associate director-counsel of the NAACP Legal Defense and Educational Fund, Inc., also provided an inspiring keynote address. Shaw stressed the importance of collaboration between the poverty and civil rights advocacy communities, noting the many common issues we face and the complimentary strengths we can offer one another. Noting "Race is the reason that most people in the United States are poor," Shaw urged participants in the legal aid community to be conscious of the impact of race on their

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Appellate Defender Training

June, 2003
Dayton, Ohio

Substantive Law Conference

July 23-27, 2003
Location to be Determined

To learn more, visit www.nlada.org/Training

continued on page 19

Washington Watch - Civil

LSC Sets 2004 Budget Mark at \$415 Million; FY 2003 Appropriations Process Moves at Snail's Pace

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

At its August 24 meeting the LSC Board of Directors unanimously adopted a resolution setting the Corporation's 2004 budget "mark" at \$415 million. This represents an increase of \$85.7 million over the fiscal year 2002 LSC appropriation of \$329.3 million. The resolution passed by the board includes a proviso that LSC's board chairman and president have full authority to negotiate with the Office of Management and Budget and, if it becomes necessary, adjust the budget "mark."

Without adjustment for inflation, \$415 million is the same amount appropriated to LSC for FY 1995. In a memo from Civil Policy Group Resources Committee Chairman Colleen Cotter and Director of Civil Legal Services Don Saunders, NLADA recommended a fiscal year 2004 budget mark of \$506.4 million. This amount would bring the funding back to the 1995 level adjusted for inflation. To read or download the full text of NLADA's memo to the LSC board, visit www.nlada.org/Civil.

In the meantime, the appropriations process for FY 2003 is moving slower than a snail's pace. The beginning of the 2003 fiscal year came and went without one bill being signed into law by the President. As of October 7, 2002, Congress had passed two continuing resolutions funding agencies at FY 2002 levels, and a third was in the making.

Normally, appropriations measures begin in the House. This year more progress has been made in the Senate, largely at the behest of Appropriations Committee Chairman Robert C. Byrd (D-WV) who insisted on their consideration before the August recess. The Commerce, State, Justice bill, of which the Legal Services Corporation is a part,

Harkin explained that a number of programs would be severely cut as a result of the reallocation of funds due to the census.

He read a list of those cuts, which drew the interest of Senator Pete Domenici (R-NM) and Senator Ted Stevens (R-AK).

was among those to which the Senate turned its attention in late July.

The subcommittee marked up the FY 2003 bill on July 16. As expected, the Legal Services Corporation (LSC) received a mark of \$329.3 million, the same level of funding received in FY 2002. The subcommittee's allocation was \$43.48 billion, \$3.1 billion more than its counterpart on the House side and \$2.75 billion more than President Bush's request. Of the \$2.75 billion, \$2 billion was earmarked for homeland security and the majority of the remaining funds for law enforcement activities.

The full committee followed suit two days later. Senator Tom Harkin (D-IA) introduced an amendment that would have increased LSC funding by \$19 million to "ensure that no service area or merged or reconfigured service area receives less funding in 2003 than it did or would have in 2002." Harkin's amendment would have brought LSC's FY 2003 funding to \$348.3 million.

Senator Harkin explained that a number of programs would be severely cut as a result of the reallocation of funds due to the census. He read a list of those cuts, which drew the interest of Senator Pete Domenici (R-NM) and Senator Ted Stevens (R-AK). Chairman Fritz Hollings (D-SC) countered that the subcommittee had not cut FY 2003 funding for LSC. Harkin agreed with Hollings, but argued vociferously that some programs would suffer drastic cuts.

Both Senator Hollings and full com-

mittee Chairman Robert Byrd (D-WV) signaled their displeasure with Harkin's introduction of the amendment (there were no others offered other than the customary manager's amendment), with Byrd saying, "I do not like controversial amendments before my committee, but I respect the Senator's right to offer them."

In the end, Senator Harkin agreed to withdraw the amendment when Chairman Hollings agreed to work with him to try to find the money.

House appropriations committee staff tells NLADA that the FY 2003 bill will not be considered until November or December. Noting the Harkin amendment, House Democrats may attempt to introduce a similar increase. Nevertheless, with the adjournment date for the 107th Congress in question and a lame duck session speculated, consideration of FY 2003 appropriations bills appears elusive.

For an update on efforts to secure student loan forgiveness for civil legal aid attorneys, see page 11.

Sublaw Conference

continued from page 8

Then, bringing his address full circle, Torres closed with these encouraging and energizing words:

"When you go to work, what you are doing is making folks live up to the promises that were made, and that's important work... the most unpopular lawyer is a poor person's lawyer, right? They don't understand that what that lawyer is doing is making good on the promises that the person opposing that poor person has made. Redeeming that is... important work, and that... is important work."

To read Torres' speech in its entirety, please visit the NLADA Web site at www.nlada.org/Civil.

Washington Watch - Defender

Student Loan Forgiveness for Public Defenders Advances in Congress *Measure amended to Innocence Protection Act includes grants to states to improve capital defense, and post-conviction DNA testing*

By Scott Wallace, Director of
NLADA Defender Legal Services

A bill to authorize student loan forgiveness for public defenders is poised for action in both the U.S. House and Senate. On July 18, the Senate Judiciary Committee approved the Innocence Protection Act, S.486, with a loan forgiveness amendment by Senator Richard Durbin (D-IL), sending it to the Senate floor. The House version of the IPA (H.R. 912) has 245 cosponsors and is building strong momentum to overcome the resistance of Judiciary Committee Chairman James Sensenbrenner (R-WI).

The loan forgiveness provisions would extend to both Stafford and Perkins student loans, and would define "public defender" to include full-time attorneys in a nonprofit defender organization operating under a contract with a state or local jurisdiction. Under the proposed Stafford loan forgiveness program, patterned on an existing program for federal government attorneys, an attorney who commits to serve at least three years as either a public defender or a prosecutor could receive up to \$6,000 per year in forgiveness, up to a total of \$40,000 per attorney. Perkins loan forgiveness (a program much smaller than Stafford, and more commonly used for undergraduate education rather than law school), which is already available to prosecutors, would be extended equally to defenders.

The IPA itself provides federal grants to states to improve their capital defense systems, starting at \$50 million per year and rising to \$100 million. If a state does not apply for or qualify for its share of the money, it will go directly to providers of capital defense services. The bill has a failsafe funding mechanism: if Congress fails to make a separate appropriation, the money will be

automatically taken out of Byrne formula grants. The bill also includes compensation for wrongful convictions, post-conviction access to DNA testing – including declaring a constitutional right to it – and requirements for preservation of biological evidence.

Full text of the loan forgiveness portions of Senate-passed version of the IPA, and thorough information about how to contact Congress, are on the NLADA Web site, in the *Of Interest* box at www.nlada.org/Defender.

NLADA Continues to Promote Loan Forgiveness for Civil Legal Aid Attorneys

On the civil side, NLADA remains actively involved with the American Bar Association in fashioning remedies at

the federal, state and law school levels. At the federal level, strategies are being developed to make the Income Contingent Repayment Option more usable for law graduates and to develop a Stafford loan forgiveness program in conjunction with the reauthorization of the Higher Education Act in the next Congress. State efforts are underway to encourage state legislation supporting Loan Repayment Assistance Programs (LRAPs), and other initiatives to create funding at the state level. Finally, a concerted effort is underway to promote the development of additional programs at the law school level. The NLADA/Equal Justice Works employer survey on student debt will be released and made available on the NLADA Web site in the fall.

Public Defenders Star in PBS Documentary *Film to Air October 23*

A documentary showcasing the inspiring and challenging work of public defenders will be broadcast nationwide on October 23 (check local listings for broadcast times). Three years in the making, *Presumed Guilty: Tales of the Public Defenders* will be shown on PBS (Public Broadcasting Service) stations.

The film, which follows lawyers and clients in six real-life cases handled by the office of the San Francisco Public Defender, is "a powerful look at the triumphs, defeats and deep moral dilemmas of a group of gutsy lawyers in the San Francisco Public Defender's Office, whose 80 attorneys handle over 19,000 cases a year," says a press release from KQED in San Francisco, the PBS station that co-produced the film with Skylight Pictures in New York.

The show will launch a companion Web site, www.pbs.org/kqed/presumedguilty, on October 16. The Web site is designed to help promote dialogue and education about public defense work. It will feature facts and figures about public defense in the United States, discussion areas and links to organizations and resources like NLADA, which is assisting in the preparation of the Web site.

The show can also provide an opportunity for media outreach such as op-eds, meetings with editorial boards, letters to the editor, or pitches to reporters covering both the legal and entertainment beats. Promotional packets are available from KQED publicist Randall Cole, at rcole@kqed.org.



Spirit In Action: The Heart and Soul of the Advocate

A Joint Contemplative Retreat for the Defender and Legal Aid Communities

The premise of this program is that a contemplative awareness among legal professionals fosters qualities and capacities that lead to more humane behavior, greater professional satisfaction and an interest in engaging questions of ethics and values. The reflective lawyer becomes a more balanced, attentive, focused and effective advocate.

By Bonnie Allen, NLADA Director of Outreach & Community Support

Contemplative practices have informed and inspired many social justice leaders (including Martin Luther King, Jr., Mohandas Gandhi and Dorothy Day) and mobilized them into transformative action in the world. On Saturday, November 16, during the NLADA Annual Conference, equal justice advocates will have the opportunity to participate in a one-day contemplative retreat offered by NLADA and The Center for Contemplative Mind in Society (the Center). The retreat will provide defenders and legal aid advocates with an opportunity to reflect upon the relationship between their inner lives and their work for social change.

While honoring a broad range of cultural and religious traditions, the day will explore a variety of contemplative practices that may include contemplative writing, reflective inquiry, silent meditation, mindfulness exercises and small group discussions. The Center's executive director, Mirabai Bush, and Law Program director, Heidi Norton, will lead the retreat. Professor David Hall of Northeastern University School of Law will deliver opening remarks.

The Center is working with several advocates in the equal justice community to plan this event. The members of the retreat planning committee are: Bonnie Allen, National Legal Aid & Defender Association; Mirabai Bush, The Center for Contemplative Mind in Society; Ellen Hemley, Massachusetts Law Reform; Camille Holmes, Center for Law and Social Policy; Steve Keeva, *ABA Journal*; Heidi Norton, The Center for Contemplative Mind in Society; Lonnie Powers, Massachusetts Legal

While honoring a broad range of cultural and religious traditions, the day will explore a variety of contemplative practices that may include contemplative writing, reflective inquiry, silent meditation, mindfulness exercises and small group discussions.

Assistance Corporation; and Steve Scudder, ABA Standing Committee on Pro Bono and Public Service.

The Center, based in Northampton, Massachusetts, began as a conversation about the relationship between contemplative practices and social change, and the connection between individual and social transformation. The Center's mission is to bring contemplative practice into mainstream institutional life. It works across disciplines, including law, business, media, philanthropy, higher education, youth outreach and leadership, and environmental activism. The Center's Law Program seeks to engage practicing attorneys, law students, academics and others in the law in a meaningful and passionate exploration of the role of contemplative practice in contemporary legal practice and legal education. The premise of the program is that a contemplative awareness among legal professionals fosters qualities and capacities that lead to more humane behavior, greater professional satisfaction and an interest in engaging questions of ethics and values. The reflective lawyer becomes a more balanced, attentive, focused and effective advocate.

One of the Center's most interesting

initiatives is the Contemplative Net Project, launched with funding from the Ford Foundation and the Fetzer Institute. Through this project, the Center is engaged in a multi-phase study aimed at revealing and supporting the use of contemplative practices in secular contexts, with a special focus on organizations working for social justice.

The four elements of the Contemplative Net Project are:

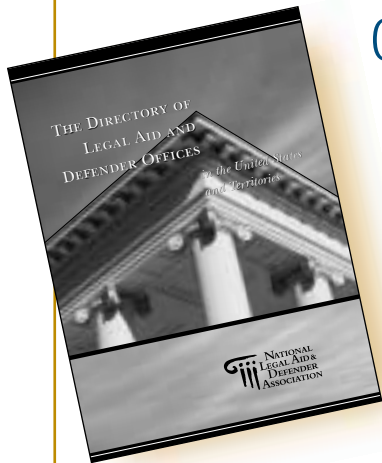
- *Naming the Phenomenon: Identifying the Leaders and the Practices*
- *Community Development: Building a National Network*
- *Resourcing the Field: Providing Tools for Change*
- *Telling the Story: National Communications and Outreach*

For more information about the retreat please contact Bonnie Allen at NLADA, (202) 452-0620, ext. 221, b.allen@nlada.org, or Heidi Norton, The Center for Contemplative Mind in Society, (413) 582-0071, heidi@contemplativemind.org. For more information about the Center's Law Program, visit www.contemplativemind.org/programs/law.

The number of participants for the contemplative retreat will be capped at 50. Register early for this event by mailing in your registration materials for the NLADA Annual Conference.

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The *Directory of Legal Aid & Defender Offices*, published by the National Legal Aid & Defender Association, will be available this fall.

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purposes only.*

(as of 10/10/02)



Public Awareness Campaign Kicks Off Pilot States Project

By Bonnie Allen, NLADA Director of Outreach & Community Support



“Bringing Justice Home,” the national campaign to increase public awareness of legal aid, has entered a new phase – the creation of model statewide communications plans.

This summer, the campaign kicked off its work in three pilot states: Texas, Pennsylvania and Iowa. The pilot states project is a collaborative effort of the NLADA/CLASP Project for the Future of Equal Justice, the Legal Services Corporation, the American Bar Association and state funders. The goal of the project is to use the research and basic marketing principles to develop “on the ground” working models of statewide, collaborative communications strategies that can be replicated in other states.

Campaign staff and consultants are working with stakeholder committees in each state to brand legal aid statewide and to develop a mission-focused communications plan that can be used to expand public support, media coverage, pro bono participation and funding of legal aid. The committees are broad and diverse in composition, including bar leaders, bar executives, judges, funders, legal aid managers and staff attorneys, pro bono program managers, clients, civil rights leaders and representatives from other social services organizations. Initial stakeholder meetings took place in Pennsylvania and Texas in July, where

RELATED ANNUAL CONFERENCE OPPORTUNITY

Pilot state participants will report on their planning processes and outcomes at the NLADA Annual Conference in Milwaukee. The conference will also feature skills trainings on *Using Strategic Communications and Media to Advance Your Client's Cause* and *Developing A Communications Plan for Your Organization*.

participants created a vision about what kind of system they want to build over the next three years; how they will fund it; how they will grow pro bono support and strategic partnerships; and how communications strategies can advance those goals. The initial meeting in Iowa took place in mid-September.

Started in 2000 with extensive national public opinion research, the campaign includes media and commu-

nications tool kits, national and regional training events, technical assistance and a pilot states project. For more information about the campaign and the communications training events at the Annual Conference, contact Bonnie Allen at 202-452-0620 ext. 221, b.allen@nlada.org or Elizabeth Arledge at 202-452-0620 ext. 223, e.arledge@nlada.org.

National Migrant Advocacy Conference to Take Place in Milwaukee

After a successful 2000 conference, NLADA is pleased to announce it is teaming with the migrant advocacy community to bring the National Migrant Advocacy Training Conference to Milwaukee, Wisconsin on November 13-16. This conference provides a unique opportunity for migrant advocates and others interested in migrant advocacy to obtain solid and intensive training on issues that are of critical importance to the representation of migrant and seasonal farmworkers. Participants will attend a wide variety of well-planned sessions led or facilitated by some of the most experienced migrant advocates in the United States, share ideas with other migrant advocates from around the country, and hear and learn from national experts from outside the migrant advocacy community on topics of importance to farmworker representation. For substantive questions, registration or sponsorship information, please contact Roger Rosenthal at (202) 462-7744 or rrosenthal@mlap.org. If you have logistical questions about the conference, please contact Sara Fusco at (202) 452-0620, ext. 232 or s.fusco@nlada.org.

Justice in Action

continued from page 1

NLADA conference, this track represents an important step in the right direction. Participants in this track will have an opportunity to shape NLADA's Justice in Action agenda as they find common ground, rally their combined strengths to better serve shared clients and communities, and promote national reforms. To learn more about this important, groundbreaking track, see the article on page 3.



Pursuing an Economic and Racial Justice Agenda in Challenging Times

Many legal aid programs across the country are rededicating themselves to advocacy agendas designed to combat the enduring problems of poverty and racial discrimination. Providers are examining the importance of aggressive, systemic advocacy to address the most pressing issues facing low-income people. They are also developing exciting new strategies in light of the many changes in the legal and political landscape that have occurred over the last decade.

In June 2002, more than 170 of the nation's most experienced legal aid and civil rights advocacy managers came together in Utah at the Litigation and Advocacy Directors' Conference to strategize about the pressing issues facing the client community. (For more information on the June conference, see the story on page 9.) A great deal of information came out of that experience that will inform and shape this full-day track, which is designed to build upon the momentum generated in June. The discussion will begin with the annual Civil Caucus and will provide participants an opportunity to meet together in small groups to consider how their own programs can become a more effective force in combating discrimination and poverty.

University of North Carolina Law School Dean Gene Nichol will kick off this track as the keynote speaker during the Civil Caucus. (For more information on Gene Nichol, see page 4.)

Following is a partial listing of sessions in this track:

- *Opportunities for Systemic Advocacy in the Digital Age*
- *Filling the Gaps: Creating a Capacity for Systemic Multi-Forum Advocacy*
- *Predatory Lending and Consumer Law*
- *Community Justice Lawyering*
- *Federal Court Access*
- *Protecting Children's Access to Quality Education*
- *Using Demographic Information to Improve Advocacy*
- *"How Bad Do You Want the Apartment, Honey?" The Sexual Extortion of Low-Income Women Renters by their Housing Providers*
- *The Importance of National, State and Local Collaboration in Pursuing Systemic Goals*
- *Using Damages Strategies to Support Advocacy*
- *Exploring Cutting-Edge Housing Strategies Through Community Collaboration*
- *Using Strategic Communications to Advance Your Client's Cause*
- *Courtroom Technology: Knowing What's Out There, What It Does, and How to Use It*
- *Racial Profiling: Laws, Policies and Litigation after 9/11*



From Innocence to the Right to Counsel: Leveraging the "Innocence Movement" to Support Quality Defense

There are many ways to protect innocent people against wrongful conviction, but the one overarching safeguard is access to qualified counsel. The spotlight on innocence provides the defender community with a unique opportunity to seize the momentum for the benefit of *all* our clients – innocent or not. The sessions in this track will give you cutting-edge information about ways to improve courtroom representation, push legislative reforms and leverage powerful messages to support stronger public defense systems.

The track will begin with training on how to use the innocence message to launch an effective public education campaign. Attendees will leave with a "tool kit" that provides specific instructions for communicating more effectively with the public and policy-makers, and templates for creating their own effective communication materials. Other sessions will emphasize the following areas and more:

- *Mobilizing to fight for a death penalty moratorium in your state*
- *Strategies for implementing innocence legislation in your jurisdiction*
- *Information on the 87 recommendations for reform developed by an Illinois commission during that state's moratorium, the findings of the Liebman study and how these efforts and others can support broad criminal justice reform in your jurisdiction*
- *Updates on the most recent scientific advancements in DNA and how to translate that knowledge into a winning cross examination*
- *Litigation strategies for dealing with the most common causes of wrongful convictions, like eyewitness*

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NLADA Launches On-Line Training Venture

Partnership with the Practising Law Institute Brings Eyewitness Identification Lecture to Defenders' Desktops at No Cost

By Jo-Ann Wallace, NLADA Vice President and Chief Counsel for Defender Operations

As a result of a new Web-based training module launched this summer, defenders can now attend a free training session with a nationally renowned expert on eyewitness identification. Through a partnership with the Practising Law Institute ("PLI"), NLADA's Defender Legal Services Division has made its "maiden voyage" in Internet-based training programs. While not intended to replace national or regional training events, on-line training is a new resource that NLADA will continue to explore as one way of providing training to members of our community who have limited or no training resources available.

The training module features Dr. Gary Wells, a professor of psychology at Iowa State University, who is an internationally recognized scholar in scientific psychology. Every defense attorney who has to represent a client in a case involving eyewitness identification and every defender interested in promoting fair criminal justice policies and procedures

Related Annual Conference Opportunity

Wells' on-line lecture will be available for viewing at the NLADA Annual Conference. His research will also be further explored in "I'll Never Forget That Face!" a conference session led by attorneys from the Bronx Defenders. Part of the Defender "Innocence Track" on Thursday, November 14, the session will explore the latest techniques for attacking eyewitness identification evidence.

needs to be aware of Wells' groundbreaking research.

Wells' research on eyewitness identification has demonstrated that rates of mistaken eyewitness identification are exacerbated by the methods that crime investigators commonly use in conducting lineups and "photospreads." His research has led to the development of the "sequential lineup," now widely regarded as a superior way of obtaining eyewitness identification evidence. Wells has served as an expert and trainer for judges, prosecutors, and police as well as defense attorneys. He played a central role in the development of the United States Department of Justice (DOJ) guidelines for eyewitness evidence and co-chaired the DOJ group that wrote the training manual for law enforcement on

the collection and preservation of eyewitness evidence. His proposal for the adoption of sequential line-ups, where individuals view potential suspects one-at-a-time, has been incorporated into a package of "Innocence Reforms" promoted by Cardozo Law School's Innocence Project and others. The reforms are aimed at correcting some of the common factors leading to wrongful convictions and generally increasing the fairness of criminal justice systems.

You may access Wells' lecture by going to www.pli.edu and using the "search" tool there to look for "Gary Wells." On the "search results" page, click on the title "Gary Wells' Lecture on Eyewitness Identification Training." This will take you to a page with a description of the program and information on how to "order" (gain access to) the training module. To do so, press the "add to cart" button at the bottom of the page. This will take you to a login page. The price of the training is \$0 so you will never be prompted for payment. However, if you are a new user of the PLI Web site you will need to register with PLI as part of the 'purchase' process. It is necessary to go through the purchase process so PLI can create a record of each user for CLE administration. Once you have registered and 'purchased' the program, you can view the program by going to the "Your Account" section of the site (accessible by clicking the "Your Account" button at the top of the page).

The ability for busy defenders to obtain CLE credit at any time that they choose – day or night — is another rea-

Remember NLADA in Your Workplace Giving

Please remember NLADA and the vital role it serves in bringing quality legal services to the poor as you participate in this year's Combined Federal Campaign.

NLADA's CFC designation code number is 1959. You can find NLADA in the alphabetical index of your campaign brochure under "N." NLADA is also listed in the Federations of Affinity Group listing under Women, Children and Family Service Charities of America and Independent Charities of America.



CFC is the largest workplace campaign in the world, annually soliciting four million federal civilian and military employees and raising more than \$200 million a year. It is made up of over 370 separate local campaigns organized by the U.S. Office of Personnel Management. NLADA is a proud participant in the 2002 Combined Federal Campaign and we welcome your support through this as well as other workplace giving campaigns.

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Conference Panel Sessions: Dead or Alive?

By David Cruickshank*

The conference program item in your hand looks promising: “Panel Discussion of Current Issues in Evidence Disclosure.” You attend the 90-minute session. One moderator and three panelists appear. The moderator introduces the panelists. Each delivers a 25-30 minute lecture, covering much material you already know about. The moderator apologizes. There are just five minutes left for questions and discussion. The burned out audience has one question and no enthusiasm left.

How many of us have been drawn to the “dead panel session” and been disappointed like this? The idea of a “panel” promises so much but delivers so little at most conferences. This can be changed through creative leadership by moderators. Following are some different ways that you, as a moderator, can do so.

Take Control Early

The moderator, at the earliest stage of organization, must take control of the planning for a panel session. Make it clear that the panel must be:

- *interactive within the panel and with the audience;*
- *a series of very short responses or comments to a planned agenda of issues;*
- *a forum for generating new ideas, different perspectives, or solutions to problems; and*
- *a time to build on information that may be in the conference papers, not to repeat that information.*

Above all, a panel discussion should not be a series of lectures. Granting a three to five minute “opening statement” to each panelist is the only exception to this rule.

Let’s review some options for more lively panel sessions.

Topic-by-Topic Panels

The moderator recruits panelists who are likely to have different views on a series of topics. For example, on evidence disclosures, you might recruit the prosecutor, a defense lawyer, a judge, and a representative from a crisis-counseling center. Next, prepare a list of topics and a few pointed questions under each topic. Meet (or conference call) with your panelists and allocate total time to each topic and a “lead response” person to each question. Build in around five minutes of audience question time for each topic.

With this prepared “questions script” your job as a moderator is to direct traffic. Keep responses short. Ask for differing views. Call for examples from the audience.

Case Study Panels

In these sessions, the audience and the panelists are all given the facts and data of a case study. The audience is seeing it for the first time, so the moderator may have to present the facts briefly. The panelists should all have something unique to contribute to the case. This method works best with a cross-disciplinary panel. For example, a panel on environmental offenses might consist of an investigator, an environmental engineer, a scientific expert and a lawyer. The moderator again plans the questions. (I often ask my expert panelists to produce a list of questions they would like to be asked.) The order of discussion will be analytical: issues, relevant facts, application of law, expert data, likely solutions.

In this method, the moderator can ask the audience how they would apply law to facts or what weight they would give to facts in the case study. The use of overhead diagrams, maps and lists will add visual interest to the session.

Demonstration-Response Panels

In my experience, the demonstration-response panel is a most engaging format. For these panels you need to

run a parallel live or videotaped demonstration. It works well when you want to dramatize the actions of the judge or lawyers or to demonstrate a skill. A good example might be “Mediation Skills in Settlement Conferences.” Plan a short demonstration that can be divided into at least four segments. The moderator starts and stops the demonstration. At each break, the moderator asks the panelists to comment. Plan to have a “lead respondent” for each segment. Again, turn to the audience with questions like: “What is most difficult about this skill for you?” The moderator or one panelist should conclude by summarizing the key skills or actions that you expect in a good performance.

The Roving Moderator

To liven up any panel session, moderators can put their questions on a clipboard, get a wireless microphone and start wandering. Just being in the audience promotes the interaction that you are looking for. From the audience you are better positioned to do a number of things: jump in when a panelist is going into overtime; notice which panelist is ready to respond; and call upon audience members for questions and comments.

Conclusion

The next time you are asked to be a panelist or moderator, make a difference by planning a lively panel. Your audience will learn more, retain more, and come to believe in the conference the program promises.

**David Cruickshank heads the Continuing Professional Education Institute. He designs conferences and training sessions and delivers “train the trainers” programs to judges and lawyers. He is also director of professional development at Paul, Weiss, Rifkind, Wharton & Garrison in New York.*

Upcoming “Train the Trainer” Opportunities

David Cruickshank is offering his popular course *Train the Trainer: Fresh Approaches to Adult Learning for Trainers in the Legal Aid and Indigent Defense Communities* in advance of the NLADA Annual Conference in Milwaukee. At the course, you'll learn practical, lively ways to apply adult education principles to training for lawyers.

November 12-13, 2002 • 9:00 am – 4:30 pm
Milwaukee Hilton City Center Hotel

Fee: \$50 for NLADA Program or Individual Members, \$95 for non-members.

Space is limited to 18 participants. To register fill out the NLADA Annual Conference Registration Form, available for downloading at www.nlada.org.

This course is generously sponsored by the Practising Law Institute.



Utah Conference

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advocacy. “Class intersects with race . . . but race is not poverty and poverty is not race,” he said. He closed with an admonition for collaboration: “We are cut from the same cloth. We have to find more effective ways to work together. It doesn't make any sense to do it any other way.”

Alan Houseman, executive director of CLASP, also provided an overview of permissible advocacy under the LSC regulations (available in the “Of Interest” box at www.nlada.org/Civil).

The Conference Program

The agenda explored such issues as predatory lending, community economic development, welfare, the digital divide, employment, education, discrimination and bias, health care and housing with a view toward developing effective, aggressive strategies in a variety of forums through which all programs – LSC-funded and not – can address those issues. Sessions also explored recent developments affecting federal court access, sovereign immunity, Section 1983 advocacy, damage claims and multi-forum advocacy, as

well as a number of topics designed to improve the advocacy manager's effectiveness in running his/her advocacy agenda.

Don Saunders, NLADA's director of civil legal services, said of the event, “This was an incredibly rich experience. It has been almost a decade since the senior advocates who set the direction of advocacy for a program or state were able to come together to discuss their work. Those of us at NLADA and CLASP intend to seize the momentum generated in Utah and ensure that this community strengthens its capacity to collaborate for the good of the clients it represents.”

NLADA would like to thank the members of the design team who worked so diligently in putting together the agenda, and would particularly like to thank the AARP Foundation Litigation and the Litigation Section of the American Bar Association for their strong support of the conference.

NLADA would also like to thank RealLegal for generously underwriting this conference.

Leaders for Justice Initiative

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support from national organizations. National training events, alone, will not have a pervasive impact. Many middle managers and staff attorneys in legal aid programs do not have the opportunity to attend national training events. Working with state leaders, the national initiative could develop a range of products and services to support regional and state efforts.

Finally, the committee will help develop a three-year plan for rolling out the initiative's products and services. During the first year, the initiative will most likely build upon existing national and regional trainings. For later years, the committee will consider how to develop a structure to support additional activities beyond training events, including research, an on-line clearinghouse of information, technical assistance, training of trainers and the development of evaluation standards.

For more information about the leadership initiative, contact Bonnie Allen at (202) 452-0620, ext. 221, b.allen@nlada.org or Camille Holmes at (202) 906-8007, cholmes@clasp.org.

Formation of a Technology Section Underway

This announcement serves as official notice to NLADA members that application has been made for the formation of a Technology Section. The following is the purpose of the proposed section. Any members who want to express support should do so in writing by contacting NLADA Board Secretary Julie Clark, at 1625 K Street NW, Suite 800, Washington, DC 20006-1604, or via e-mail at j.clark@nlada.org.

The formation of a Technology Section of NLADA is being proposed for the following purposes:

- (1) *To serve the national legal services community on both the civil and defender sides and the established network of programs by providing leadership and knowledge regarding the use of technology to foster and support the provision of quality legal services;*
- (2) *To provide a forum within NLADA for the ongoing development of a critical perspective regarding technology issues;*
- (3) *To foster and support efforts to bridge the “digital divide” and ensure that our client community is not further marginalized by lack of access to technology;*
- (4) *To provide a voice to Congress and the Legal Services Corporation regarding technology issues; and*
- (5) *To address issues of training, funding, and support for technology within NLADA, and within the legal services community.*

Equal Justice Investor

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Also satisfying were those opportunities in Washington to engage in dialogue “on the Hill” and elsewhere within the DC area with those who out of ignorance, bias or political temerity were hostile to or openly disparaging of the efforts of the legal services community. Not that any opinions or votes were changed, but at least the inexhaustible string of anecdotes, seemingly conjured up for congressional hearings, and the bewhiskered mythologies about poor people and lawyers could be refuted for the record.

NLADA: *What do you see as the major obstacles to the equal justice community? Major opportunities?*

FORGER: A major obstacle facing the equal justice community, apart from the organized opposition, which translates frequently into the lack of funding, is the absence of a politically influential

constituency as well as public indifference. We are currently witnessing in New York the failure of the legislature to increase the woefully inadequate hourly rate of compensation for private attorneys who are from time to time appointed to represent indigent parties — \$25 per hour out of court and \$40 per hour in court. The bench, bar and press agree that this compensation is scandalously low and in some instances may constitute the lack of competent representation. Yet the state legislature avoids acting, and with apparent impunity — no influential constituency.

The major opportunities seem to me to be the building on the resurgence of volunteerism prevalent following the terrorist attacks on September 11. The outpouring of legal assistance in all affected areas — and indeed, beyond — has been magnificent. So too the response of government in simplifying procedures and facilitating resolution of issues that in ordinary times would require extended legal involvement. Some of this could be translated to matters that the disadvantaged face in

ordinary times, e.g., speedy access to housing, benefit entitlements, probate, resolution of family matters.

Community awareness of both the need for legal assistance and the sources from which it may come has certainly been heightened by the events of September 11. Many who had never anticipated that they themselves might one day become dependent on free legal help can now better appreciate the role being played by legal services. Their stories, frequently compelling and compassionate, can add to a greater understanding of the justice system and the importance of its accessibility to those in need.

NLADA: *As NLADA moves toward its centennial as the national voice and resource for the equal justice community, what advice do you have for the association?*

FORGER: Right on!

Former NLADA President Greenlee Wins Prestigious Sandra Day O'Connor Award

Ellen T. Greenlee, Chief Defender of the Defender Association of Philadelphia, has been named winner of the Philadelphia Bar Association's 2002 Sandra Day O'Connor Award.

Named in honor of the first woman to serve on the U.S. Supreme Court, the award is presented annually to an outstanding female attorney in the Philadelphia area by the Association's Women in the Profession Committee.

"It was about the single greatest surprise of my life when they walked into my office to tell me I'd won," Greenlee said. "I'm extremely pleased because I've spent my entire legal career as a public defender. It's a very prestigious award and I'm very pleased and happy they selected me. In some measure it's a

personal honor, but it's a big thrill that the chief public defender was selected."

She served as president of the National Legal Aid & Defender Association from 1994 to 1997, and as vice president from 1992 to 1994. She also belonged to the NLADA Defender Committee from 1989 to 1994.

Greenlee is a lifelong resident of Philadelphia and a graduate of Chestnut Hill College where she was selected as a Fulbright scholar for study in France. She graduated from Villanova Law School in 1973 and since that time has worked as a public defender in Philadelphia as a trial attorney, supervisor, first assistant defender and, for almost 10 years now, as the chief defender.

In addition to numerous volunteer activities involving the law, she serves on boards dealing with problems of homelessness and prison conditions. She is a founding member of the Board of New Directions for Women. She's also been involved with People's Emergency Center, the Community Women's Education Project and the Women's Law Project.

NLADA Welcomes Two New Staff Members

Rowena Williams

NLADA is happy to announce the arrival of a new Director of Finance and Administration, Rowena Williams. A hands-on finance executive with 10+ years of comprehensive knowledge and experience in not-for-profit financial operations, Williams comes to NLADA from the Sidwell Friends School in Washington, DC where she was director of finance and administration. As such she was responsible for a \$21 million operating fund and a \$22 million endowment fund. Prior to her position at Sidwell, Williams was director of finance at Rye Country Day School in Rye, NY from 1994-1999 and held the same job at The Dwight School/Anglo-American International School in New York City from 1990-1994. Williams graduated from Ithaca College in Ithaca, NY with a B.S. in Finance.

She will be a valuable addition to the NLADA management team and we are glad to have her on board.

Bianca Roberson

Bianca Roberson is the new accountant in NLADA's Finance and Administration Division. Since graduating from the University of Maryland with a B.A. in Economics, Roberson has worked almost exclusively in the accounting field. Among the positions she has held before joining NLADA are senior accountant at the Society for Neuroscience, accounting manager at Optimus Corporation and, most recently, accountant at Northrop Grumman/Litton Advanced Systems. Roberson said she has "had the opportunity to work in a wide range of accounting environments, including not-for-profit organizations, government contracting companies, and manufacturing companies."

NLADA looks forward to utilizing her breadth of knowledge in the accounting arena and welcomes her to the family.

NLADA Cornerstone

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NLADA Election Results

Below are the results of the 2002 NLADA Board of Directors and policy group elections. Appointments to fill any vacant slots will be made soon. We appreciate the involvement and interest in the Association by all candidates.

Board of Directors

Harrison McIver III – Civil Program Representative
Leonard Noisette – Defender Program Representative
Marshall Hartman – Defender Individual Representative

Civil Policy Group

Richard Halliburton – Chief Staff Officer (Region III)
Ernesto Sanchez – Chief Staff Officer (Region VI)
John Trujillo – Staff Representative (Regions V and VI)
Myrnairis Cepeda – Client Representative (Regions I and II)

Defender Policy Group

M. Clara Hernandez – Chief Defender Representative
Vincent (Vince) Aprile – Defender Staff Representative

Client Policy Group

Lucille Logan – Client Individual Representative

Justice in Action

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ness misidentification and false confessions

- *Information on defender-led innocence projects and how to start your own*

Client Track

Building Leadership Skills: A Training Track for Community Advocates and Client Board Members

The NLADA Client Policy Group and the design committee for this training track are preparing a series of sessions designed to meet the needs of the 100+ conference participants who serve as client board members of civil legal aid or defender programs, or who are advocates in their local communities. The sessions are designed to build on the success of last year's track. Participants

in this daylong track will have an opportunity to choose among a number of sessions, including:

- *Leadership Skills for Client Board Members and Community Advocates*
- *Nurturing New Leaders on Program Boards*
- *Showcase of Service to Special Populations in Wisconsin and Minnesota*
- *Resource Development: Approaches to Growing and Diversifying Funding*
- *Basics of Indigent Defense Representation*

Visit www.nlada.org for the latest information on these tracks and other 2002 Annual Conference workshops and events.

NLADA Launches On-Line Training

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son for NLADA's exploration of on-line training. Defenders in states that allow CLE credit through on-line training can get credit for "attending" Professor Wells' lecture by clicking the "Click here to continue" button in the Time Stamp window. This window will pop up approximately every 6 minutes. The program will continue to play even if the button is not clicked but you will not receive credit if you do not continue to press the button at each prompt because PLI will not be able to verify attendance as required by CLE boards. After you view the entire program you must click the "MCLE Registration" button, complete the form and then click on "submit." PLI will then mail or e-mail a Certificate of Completion, usually within 2-4 weeks.

Insuring Equal Justice



As a member of the NLADA community and its risk-purchasing group, you have access to the NLADA Insurance Program's wide array of professional liability products designed to meet the unique needs of the NLADA membership community. As a risk-purchasing group, the NLADA Service Corporation was created to work with an outstanding underwriter and broker to meet your needs at the highest level of quality and the most affordable premiums. Formed in 1994, the program currently serves more than 700 organizations and individuals.

The NLADA Insurance Program offers you . . .

- **Economy and Quality** – The NLADA Insurance Program offers superlative coverage at competitive prices. An established domestic insurer, the CNA Group of Insurance Companies, provides coverage.
- **Responsiveness to Members' Needs** – The Program's board of directors is made up of NLADA members – people who know what you need because they share your concerns. No other insurance provider exists exclusively to meet the needs of the equal justice community.
- **Investment in the Equal Justice Community** – The NLADA Insurance Program is a not-for-profit entity. Instead of profits going into the pockets of others, we seek to return a portion of the proceeds to you and also to invest another portion in NLADA, saving you money on trainings, conferences, technical assistance and other membership services.
- **Risk Management Training** – The Insurance Program partners with NLADA to provide you with risk management training specifically created to help managers decrease liability claims and exposure.
- **Courteous, Efficient Service** – We understand that programs are underfunded and staff members are often overextended. The NLADA Insurance Program staff is available to answer your inquiries quickly and efficiently. And, we are confident you will find the service you receive on any claims you submit to be of the highest quality.

We would welcome the opportunity to discuss your insurance needs and assist you in meeting them. For more information, please contact:

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OPENING RECEPTION UNDERWRITERS

IN MEMORIAM

The 2002 Annual Conference Opening Reception will be dedicated to the memory and legacy of Howard B. Eisenberg, professor and dean of the Marquette University Law School. Eisenberg was the NLADA Executive Director from 1979 to 1983.



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