

# CLIENT UPDATE

S P R I N G 2 0 0 3

## LSC Board Confirmations Last Business of a Recess Bound Senate

At midnight on Friday, April 11, before leaving town for a two-week spring recess, the U.S. Senate confirmed six new members of the Legal Services Corporation Board of Directors. They are:

**Herbert Garten**, Democrat, to *replace* Douglas Eakeley

**Robert Dieter**, Republican, to *replace* F. William McCalpin

**Michael McKay**, Republican, to *replace* Nancy Hardin Rogers

**Frank Strickland**, Republican, to *replace* John Erlenborn

**Florentino Subia**, Republican, to *replace* Edna Fairbanks-Williams

**Thomas Meites**, Democrat, to *replace* LaVeeda Morgan Battle

Also on Friday, David Hall, Democrat, of Massachusetts, was nominated to serve on the LSC Board of Directors in the seat now held by John Broderick.

Two other confirmations, Lillian BeVier & Thomas Fuentes were recess-appointed by President Bush during the Easter congressional recess. Below are short biographical sketches of the new appointees:

**Herbert (Herb) S. Garten** is a partner

in the Baltimore, Maryland, law firm of Fedder and Garten. Since 1994 Garten has served as chairman of the Maryland Legal Services Corporation (an IOLTA program recipient) and was past chair of the ABA Commission on Lawyer's Trust Accounts. A former president of the Maryland State Bar Association, he was the founding director of the People's Pro Bono Action Center and a director of the Homeless Persons Representation Project.

**Thomas (Tom) R. Meites** is a partner in the Chicago, Illinois, law firm of Meites, Mulder, Burger and Mollica. Meites is currently a member of the Board of Directors of the Legal Assistance Foundation of Chicago and served on its board in the 1970s. He is a lecturer at Northwestern University's School of Education and Social Policy, a member of the Board of Directors of the Lawyers Committee for Civil Rights Under Law and the Appleseed Foundation and chair of the Appleseed Fund for Justice in Chicago.

**Professor David Hall** returned to the faculty at Northeastern School of Law after serving as the University's provost and senior vice president for academic affairs from July 1998 to July 2002. Prior to being provost, Hall served as the dean of Northeastern School of Law beginning in 1993. He serves as a member of the board of directors for numerous organizations and conducts workshops on diversity and the legal professions for law firms, governmental organizations and legal collectives like the Boston Lawyers Group. He is presently writing a book on the intersection of law and spirituality, entitled "*Rivers and Stones: A Call for the Spiritual Revitalization of the Legal Profession.*"

**Lillian R. BeVier** of Virginia is currently the Henry L. and Grace Doherty Charitable

Foundation professor of law teaching "Constitutional Law: Speech and Press," "Seminars on Ethics," "Copyright Law," and "Property" at the University of Virginia. BeVier had been nominated by former President George H.W. Bush for the U.S. Fourth Circuit Court of Appeals, but the Senate never acted on her nomination, which lapsed when former President Bill Clinton was elected in 1992. BeVier is also on the Board of Visitors of the Federalist Society and is on the National Advisory Committee of the Independent Women's Forum. She was previously an associate professor of law at the University of Santa Clara Law School and practiced with Spaeth Blasé Valentine & Klein in Palo Alto, California. BeVier has a bachelor's degree from Smith College and a J.D. from Stanford University.

**Robert J. Dieter** of Colorado has been a clinical professor of law at the University of Colorado since 1990. He also is the author of *Colorado Criminal Practice and Procedure* and was President Bush's college roommate for four years at Yale University. Dieter previously served from 1983 to 1994, as the director of the Legal Aid and Defender Program at the University of Colorado, where he also worked as an associate clinical professor from 1979 to 1989. From 1973 to 1975 he was a deputy district attorney in Delta, Colorado. Dieter has a bachelor's degree from Yale University and a J.D. from the University of Denver.

**Thomas A. Fuentes** of California is currently senior vice president of Tait & Associates, an engineering and construction company, and chairman of the Republican Party of Orange County, California. He is a trustee of the Phillips Foundation, founded

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## LEADERSHIP CORNER

### NLADA Client Policy Group Officers 2003

**Rosita Stanley**  
Chair  
Macon, GA

**Lucille Logan**  
Vice Chair  
Oklahoma City, OK

**Ben Obregon**  
Secretary  
Madison, WI

**Harry Johnson**  
Membership and Section Committee  
Chair  
Indianapolis, IN

**Lucille Logan**  
Communications Committee Chair  
Oklahoma City, OK

**Rosita Stanley**  
Training Committee Chair  
Macon, GA

## NLADA Seeks Board, Policy Group Nominations

NLADA encourages you to nominate a colleague or yourself to run for election to the NLADA board or policy groups, the primary governance bodies of the Association. Nominations must be received by July 15. Watch your mailbox for the official "Notice to Members" seeking nominations for positions. Ballots will be mailed to eligible voters by August 14. Only members of NLADA may nominate, run and vote for offices. September 12 is the deadline for ballots to be received in the NLADA office.

Greetings to each of you! I write to update you on a number of exciting changes and events at NLADA. As many of you know, Martha Bergmark served as the staff contact for the Client Policy Group (CPG). Martha resigned from NLADA to accept a position with the Mississippi Center for Justice. The CPG will now be staffed by Clint Lyons, NLADA president & CEO and Cynthia Works, and while many of you know Clint, you may not know Cynthia. She formerly served as the senior counsel for the Civil Legal Services division of NLADA. Recently, she was promoted to the director of training & education. Cynthia also served as the content editor for the *NLADA Update* newsletter that the Civil Legal Services division publishes. She has worked with the CPG to find a new design for the client newsletter and improve the content of our newsletter. Cynthia and Elizabeth Arledge, NLADA's director of communications have also updated the client pages of the Web site [www.nlada/civil\\_client\\_home](http://www.nlada/civil_client_home) and will continue to see that the information is current and that other client materials are posted to the Web site. You may contact Cynthia at [c.works@nlada.org](mailto:c.works@nlada.org), or (202) 452-0620 ext. 220.

NLADA has also moved into a beautiful new office! The new address is 1140 Connecticut Avenue, NW, Suite 900, Washington, DC 20036. All of the telephone numbers are still the same.

The CPG met by conference call on March 5, 2003. For FY 2003 the group will continue to work on:

1. Continue collaborating with the National Association of Client Advocates (NOCA) to publish a quarterly newsletter. Recent editions of the *Client Update* are posted on the client section of the NLADA Web site.
2. Continue providing quality training for our members. Our specific goal this year is to provide a client training track as part of the 2003 NLADA Annual Conference in Seattle Washington, November 12 – 15, at the Westin Hotel. The Client Section will convene its annual meeting at the Annual Conference. For more information on the Annual Conference, visit [www.nlada.org/training](http://www.nlada.org/training).
3. We continue to use the Annual Conference as the only mechanism for national client training. The Web site will be an additional forum to bridge the gap between the community and the members. We encourage members to use the Web site to educate clients about matters relevant to our community and to post information about conferences relevant to the client community.
4. Support the NLADA membership drive. As chair of the CPG, I encourage you to solicit not only individual members of your community to become client members of NLADA, but also that you encourage your program to become a member at the program level. Jane Ribadynera, NLADA's director of membership, has been a tremendous help to the CPG. She updated the client membership application and posted it on the client section of the Web site to assist us in recruiting members.
5. Inform the community about the excellent insurance benefits available to your program. More information on the NLADA Insurance program can also be found on the Web site.

Also, I would like to thank the staff of NLADA and CLASP and the entire legal services community for the work done on the IOLTA case argued before the U.S. Supreme Court. This case protected \$160 million dollars in IOLTA accounts. For more information on the case, see page 3.

Just a reminder that NLADA's Annual Exemplar Awards Banquet will be held on Thursday, June 12, at the Mayflower Hotel, in Washington, DC. Members of the CPG will travel to DC for the dinner and the board meeting.

**Rosita Stanley, Chair, NLADA Client Policy Group**

## LEADERSHIP CORNER

### Message from NOCA President Lucille Logan

**I**ndependently wealthy – that is what I think of clients' knowledge. We are now in the position to form our own wealth of information and issues. We now know that through mergers of our local programs and funding cuts that we now have to depend on all of the training that we have received from the Legal Services organizations, NLADA, and NOCA.

Some of the issues we are concerned with may not be in our reach because of restrictions and cuts in their programs. This is the reason clients and client advocates should form client councils, or become more involved in the community-based organizations that can be an asset to our causes.

For clients and client advocates who are fortunate to sit on boards of directors at their local programs be sure to share information to your groups, and for those who do not serve on your local boards there is still enough work for you to do.

As individuals we can join the National Legal Aid & Defenders Association and the National Organization of Clients Advocates. This allows us access to a wealth of information to share with our community.

There is a wealth of knowledge in our client organizations, that we can become self-sufficient. But first, we should become more constructive in our criticism and less destructive. Let's ask ourselves what can I do to make these organizations better? Then we can redirect negative to positive thinking.

Fewer clients attended the 2002 NLADA Annual Conference than in past years. Now is the time to start fund-raising, so as many as possible will be able to attend this year's conference.

At the Conference held in Milwaukee, WI, we elected new officers for the following position. 1st Vice President, Charlie Morris, Memphis, Tenn., to replace Billie Anderson who we lost through death, and Secretary, Yvette Long, Philadelphia, PA., to replace Abigail Harris, Alton, IL. We now have a working organization that is being supported by NLADA and local Legal Services programs.

Please make sure that your membership dues (individual, local, state, regional and programs) are paid up for NLADA and NOCA. I hope that all are well, and in good health!

Lucille Logan, President NOCA

### IOLTA Victorious in the Courts

**A**fter years of struggle in the courts, Wednesday, March 26, signaled a tremendous victory for the entire civil justice community with the 5 to 4 favorable decision in the U.S. Supreme Court IOLTA case, *Brown v. Legal Foundation of Washington, No. 01-1325* (formerly *Washington Legal Foundation v. Legal Foundation of Washington*).

Justice Stevens, joined by Justices Breyer, Ginsberg, O'Connor and Souter, first found that the Washington State IOLTA program "could" amount to a taking of property under the second prong of Fifth Amendment analysis. This statement was contrary to the argument of IOLTA proponents (and the Ninth Circuit opinion) that no taking had occurred, under the ad hoc analysis posited in *Penn Central Transp. Co. v. New York City*, 438 U.S. 104 (1978). Rather, the majority indicated that the per se analysis used in *Loretto v. Teleprompter Manhattan CATV Corp.*, 458 U.S. 419 (1982)

was appropriate to the facts of this case. While the court did find that requiring qualifying funds to be deposited in an IOLTA account was not a "regulatory taking," it further indicated that transferring those funds to the IOLTA program for a public use "could be" a per se taking requiring just compensation.

However, Justice Stevens went on to find that, in any event, there was no constitutional violation under the third prong of the Fifth Amendment test, the just compensation test. Stevens, in essence, agreed with the argument of proponents that "zero equals zero" in finding that the plaintiffs in the case lost nothing of value given the fact that transactional costs would have outweighed the small amount of interest their individual accounts would have earned.

In finding for the IOLTA program, Justice Stevens applied a long line of Fifth Amendment cases on just compensation, stating: "[J]ust

### NOCA OFFICERS

Lucille Logan  
*President,*  
Oklahoma City, OK

Charlie Morris  
*1st Vice President,*  
Memphis, TN

Mollie Gomez  
*2nd Vice President,*  
Norwalk, CA

Yvette Long  
*Secretary,*  
Philadelphia, PA

Lucinda Henderson  
*Parliamentarian,*  
Santa Ana, CA

Secret Henderson  
*Membership  
Committee Chair,*  
Houston, TX

Pearly Blunt,  
*Issues Committee Chairperson,*  
Houston, TX

Harry Johnson  
*Treasurer,*  
Indianapolis, IN

compensation required by the Fifth Amendment is measured by the property owner's loss rather than the government's gain." Since the taking of the clients' property was for a public purpose and there was no loss of a reasonable investment-backed expectation of pecuniary gain, there was no Fifth Amendment violation.

Finally, Justice Stevens disposed of the plaintiffs' argument that funds could have mistakenly been deposited in an IOLTA account when the interest generated would actually have exceeded the transactional costs involved, contrary to the law establishing the IOLTA program in Washington State. While admitting that mistakes might happen, Justice Stevens pointed out that the responsibility of ensuring that only qualifying funds are deposited in IOLTA accounts rests with the

*continued on page 8*

## Forty Years after Landmark Supreme Court Ruling, Right to Counsel Still Denied to People Who Can't Afford an Attorney

March 18, 2003 marked the 40th Anniversary of the U.S. Supreme Court's ruling in *Gideon v. Wainwright*, the landmark case establishing the constitutional right to counsel for people accused of crimes who cannot afford to hire a lawyer. Unfortunately, Gideon's promise is an empty one in many parts of the United States. Public defense systems lack funding and have impossible caseloads, resulting all too often in wrongful convictions and miscarriages of justice.

Many people throughout the country are convicted and imprisoned each year without any legal representation. Often, those who do receive a court-appointed attorney are assigned lawyers who have hundreds of other cases, no expertise in criminal law, or no

funds to investigate facts or get DNA testing. It is not unheard of for a person who cannot afford an attorney to sit in jail for weeks or months before being assigned an attorney, or for a person to not meet or speak with counsel until the day of a court appearance. Further, courts have held that lawyers who are asleep, drunk or under the influence of drugs are still meeting their responsibilities as counsel.

Indeed, the U.S. Department of Justice declared in 2000 that public defense in the United States is in a "chronic state of crisis." Around the country there are alarming statistics about the many flaws that continue to plague the criminal justice system. "Forty years after the U.S. Supreme Court ruled that a fair trial requires the right to counsel, there

are people in courtrooms across the country every day represented by attorneys who do not have the time, training or tools to do their jobs. Every person hauled into court deserves access to competent counsel within 48 hours - no exceptions," says Jo-Ann Wallace, senior vice president for programs, National Legal Aid & Defenders Association (NLADA). To commemorate this landmark ruling, NLADA is working to raise awareness about the importance of Gideon's promise and the extent to which it has still not been achieved. To read more about NLADA's role in commemorating Gideon, go to [www.nlada.org](http://www.nlada.org).

### LSC Board Confirmations

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"to advance constitutional principles, a democratic society and a vibrant free enterprise system," and is also on the board of the Claremont Institute, whose mission is "to restore the principles of the American Founding to their rightful, prominent place in our national life." In addition, Fuentes has served as the director of communications for the Roman Catholic Diocese of Orange County and received the annual ARCO Civic Leadership Award presented by the Mexican and American Foundation in 1989. In 1981, President Reagan appointed Fuentes as a member of the U.S. Selective Services Appeals Board for California. Fuentes has a degree in journalism from Santa Ana College, and he completed his undergraduate studies in government at Chapman University.

**Michael McKay** of Washington State is currently managing partner of McKay & Chadwell in Seattle and was on the 2000-2001 steering committee of the Equal Justice Coalition of Washington State. From 1989 to 1993, he was the U.S. Attorney for the Western District of Washington. McKay also worked as a partner with Lane, Powell, Spears, & Lubersky from 1993 to 1995. He

was an attorney with McKay & Gaitan from 1981 to 1989 and was a senior deputy prosecuting attorney in the King County Prosecuting Attorney's Office from 1976 to 1981. McKay earned his undergraduate degree from the University of Washington and his J.D. from Creighton University. McKay's younger brother, John, the current U.S. Attorney for Western Washington, served as LSC's president from May 1997 to May 2001.

**Florentino "Lico" A. Subia** is a client-eligible Republican from El Paso, Texas. Subia met First Lady Laura Bush when she noticed a mural memorializing his son, Florentino "Nunie" Subia, Jr., painted on the wall of his home. Subia is president of a motorcycle club, the Iron Horses, which raises money year-round for a variety of causes, but mostly to help children. His friend Cesar Viramontes, owner of International Garment Processors in El Paso, says of Subia, "Lico can offer a lot of input from the perspective of a barrio person, and he's also someone who is always helping other people."

**Frank B. Strickland** of Georgia is a partner with Strickland, Brockington and Lewis and serves on the Board of Directors of the LSC-funded Georgia Legal Services Program (GLSP). He was a member of the Joint Oversight Committee, which was comprised of members of the boards of GLSP and the

Atlanta Legal Aid Society, Inc., and which reported to LSC on the programs' state planning efforts. In addition, Strickland was previously a partner with Holland & Knight in Atlanta and a shareholder with Wilson, Strickland, and Bensen. Strickland also worked as both an associate and partner for Westmoreland, Hall & Bryan. He has served in the U.S. Coast Guard, having retired a Commander in the U.S. Coast Guard Reserve. Strickland earned his undergraduate degree at Vanderbilt University and his J.D. from Emory University.

The newly confirmed board members, along with five members of the current LSC board, met in Santa Fe, New Mexico in late April for the first official meeting of the new board. We will apprise you of any actions they take in a future issue of *NLADA Update*.

## 2003 Exemplar Awards Dinner Honor José de Lasa and Frank Moseley

**W**ith the theme "Upholding the Promise of Justice," the NLADA 2003 Annual Exemplar Awards Dinner will be held on Thursday, June 12, at The Mayflower Hotel in Washington, DC, with a reception beginning at 6 p.m., followed by the dinner and awards program at 7 p.m. NLADA will present its 2003 awards to José M. de Lasa, senior vice president, secretary and general counsel of Abbott Laboratories, and Frank S. Moseley, partner of Davis Polk & Wardwell, for their commitment to equal justice and outstanding contributions to pro bono legal services for the poor and disadvantaged. Frank Cicero of Kirkland & Ellis and Robert Helman of Mayer, Brown, Rowe & Maw will serve as co-chairs of this year's event.

### José M. de Lasa

de Lasa has been a dedicated pro bono volunteer from early on in his legal career. While balancing his responsibilities as a chief legal officer of a Fortune 500 company,

he continues to contribute his personal time and talents to assist Spanish-speaking clients at Prairie State Legal Services. Under de Lasa's leadership, Abbott Laboratories' legal department has taken on many pro bono projects, ranging from immigration to business law, including an award-winning partnership with Midwest Immigrant & Human Rights Center. He has served on NLADA's Corporate Advisory Committee since 2000 and has been an ardent advocate for the critical role corporate counsel must play in enhancing our nation's quest for equal justice.

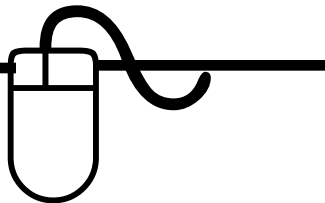
### Frank Moseley

Moseley has led a successful pro bono case that is making a significant difference to the indigent defense system in New York. On behalf of the New York County Lawyers' Association, Moseley brought a suit against the state and city of New York over the statutory rates of compensation paid to assigned private counsel. Prior to the challenge, the

assigned counsel fees in New York were the lowest set by statute anywhere in the country, and, as a consequence, there was a critical shortage of lawyers who were willing to represent the poor in family and criminal court proceedings. Due to Moseley's innovative maneuver, a permanent injunction was entered this February to raise the fees, citing that a failure to do so constitutes a violation of the indigent's fundamental right to meaningful and effective assistance of counsel.

Since 1991, NLADA has gathered with its members and friends at this annual dinner to pay tribute to all lawyers who labor tirelessly to represent people who are unable to pay for legal assistance and to salute outstanding individuals who set an example of extraordinary dedication, achievement, leadership and vision. Plan to join NLADA in this special celebration on June 12. For further information or to purchase a ticket, visit [www.nlada.org](http://www.nlada.org) or contact me at (202) 452-0620, ext. 217 or [m.suito@nlada.org](mailto:m.suito@nlada.org).

## TECHNOLOGY TIP



## Have a Computer, but need an E-mail Address?

Here are just a few sites that offer free e-mail:

[www.hotmail.com](http://www.hotmail.com)

[www.emailaddresses.com](http://www.emailaddresses.com)

[www.yahoo.com](http://www.yahoo.com)

[www.thefreesite.com](http://www.thefreesite.com)

[www.directory.google.com/Top/Computers/Internet/Email/Free/Directories\\_and\\_Guides/](http://www.directory.google.com/Top/Computers/Internet/Email/Free/Directories_and_Guides/)

## Kutak-Dodds Winners Announced

NLADA and the Robert J. Kutak Foundation are pleased to announce the 2003 Kutak-Dodds Prize winners. They are: Lois Wood, managing attorney of the Land of Lincoln Legal Assistance Foundation, and Stephen Richards, deputy defender of the Death Penalty Trial Assistance Division in the Office of the Illinois State Appellate Defender.

The prestigious Kutak-Dodds Prizes annually honor 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 quality of life of those persons unable to afford legal representation. The winners will be honored at NLADA's 2003 Exemplar Awards Dinner on June 12 in Washington, D.C.

# Clients: This is Our Year to Nominate Our Heroes for the Mary Ellen Hamilton Award

## Invitation & Eligibility

Each year the National Legal Aid & Defender Association's (NLADA) Annual Conference brings together civil legal aid, public defense and public interest leaders and advocates from across the country to honor their own. The NLADA Annual Conference Awards honor distinguished men and women for outstanding contributions to the delivery of civil legal services and public defense representation. Members are invited to nominate their exceptional colleagues for the Annual Conference Awards. Please visit our Web site, [www.nlada.org](http://www.nlada.org), for a list of each award's past winners.

## Mary Ellen Hamilton Award

### Award Statement

The Mary Ellen Hamilton Award, given biennially, honors a legal services client or low-income community leader who, on a compensated or volunteer basis, has provided extraordinary service or support to the delivery of legal assistance to low-income people. 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.

### Awards Process

You are encouraged to submit your nomination in a timely manner. The deadline for receipt of all award nominations and their supporting documents is Monday, August 25. You will receive a postcard from the NLADA training division acknowledging receipt of your nomination within four weeks of its arrival at NLADA. If you do not receive your postcard, please contact Aiyana Bullock, training assistant, at (202) 452-0620 ext. 207. During the fall, the nominations will be reviewed and award decisions will be made by the Conference Committee. All decisions of the committee will be final and binding. The committee may bestow more than one award in a particular category or it may elect not to confer an award in a particular category. Announcement letters will be mailed by the end of September. Winners will be recognized at an honors presentation at NLADA's Annual Conference in Seattle, Washington, on November 14. Winners (or their designated representatives) will be invited to attend the

NLADA Annual Conference for the formal presentation. Unfortunately, NLADA cannot underwrite the cost of travel to the conference to accept the award.

### Award Criteria

Each NLADA Annual Conference Award has its own eligibility requirements and criteria. Please see individual award listings. Be sure that your letter of nomination explains why your nominee meets the specific criteria of the award. The Conference Committee will consider your nominee only for the award you have specified in your letter. Current members of the NLADA Board of Directors, Policy Groups, Conference Committee and staff are ineligible for consideration.

### Nomination Packet

The nomination packet should be on 8 x 11-inch paper. Please send an original and twelve (12) copies of each nomination and supporting materials.

Copies should be collated and three-hole punched. Each packet should include the following documents:

Nomination Information Sheet should be the first page in the nomination packet. This form can be found at [http://www.nlada.org/Training/Train\\_Annual/Train\\_Annual\\_Awards](http://www.nlada.org/Training/Train_Annual/Train_Annual_Awards). A copy is enclosed.

Letter of Nomination should include the following:

- ~ *Name of the award for which the nominee is a candidate.*
- ~ *Explanation of how the nominee fits the enumerated criteria for the specific award (see "Award Eligibility and Criteria" and specific information for each award).*
- ~ *A detailed description of the nominee's achievements.*
- ~ *Outstanding events or work beyond the call of duty.*
- ~ *Information about the impact of the nominee's achievements on the client community, the community in general, or the development of law in the jurisdiction.*

Letters of Support (no more than three), should not be as detailed as the nomination letter and should address the nominee's impact on the letter writer or the nominee's

community. Letters of support should not exceed one page each.

Other supporting documents may include newspaper clippings, other publicity received, awards received or other supporting materials. Additional documents must be limited to no more than 10 pages.

### Nominee's Resume.

Ten copies of the nomination packet - including the information sheet, letter of nomination, letters of support, other supporting documents and resume - must be received in the NLADA office by Monday, August 25.

Applications should be mailed to:

NLADA Annual Conference Award  
Nominations

1140 Connecticut Ave. NW, Suite 900  
Washington, DC 20036

### Technical Assistance

Current members of the NLADA Board of Directors, Policy Groups, Conference Committee and staff may not make award nominations, be involved in the preparation of the nomination packet, or promote the candidacy of a nominee. However, an NLADA member who wishes to nominate someone for an award and needs clerical or other technical assistance to complete the application process may contact Elizabeth Arledge, NLADA director of communications, to arrange for such assistance.

### Award Eligibility and Criteria

A person is eligible to be recognized for service in a volunteer or paid capacity as a client, a client board member, or a community advocate and who meets one or more of the following criteria:

- The individual has provided extraordinary service or support to the goal of achieving equal justice for low-income people;
- The individual has demonstrated leadership in a local, state or national role to enhance the involvement of clients as decision makers in their individual cases and in the legal aid programs that advocate on their behalf;
- The individual has successfully promoted or exemplified the effective engagement of clients and other representatives of low-income communities in the delivery of legal assistance in those communities.

## Washington State Supreme Court Justice — “Civil Gideon” Proponent to Keynote 2003 NLADA Annual Conference Opening Assembly

**By Cynthia Works, NLADA Director,  
of Training & Education**

“[L]egal services are not just social programs, they are justice programs. . . Each time a poor person is denied access to the justice system—to assert or defend important legal rights—a small piece of our democracy dies.”

*The Honorable Gerry L. Alexander, Chief Justice, Washington State Supreme Court*

When Gary Locke, governor of the State of Washington, announced a proposal to eliminate \$2.4 million dollars in cuts from the legal aid budgets, Gerry Alexander came to the rescue. Chief Justice Alexander refused to sit idly by and watch the legislature cut what would total 50 percent of the budgets for legal aid in Washington state.

Chief Justice Alexander wrote articles to local newspapers and lobbied lawmakers. As part of his testimony, he argued for the expansion of the seminal 1963 holding in *Gideon v. Wainwright*, to apply to the civil legal aid community. When all was said and done, \$1.5 million dollars was restored to legal aid budgets in Washington state.

Alexander received both his undergraduate and law degrees from the University of Washington. After spending nine years in private practice, Alexander joined the judiciary in 1973 as a judge in the Superior Court. In 1985 he became a judge of the Court of Appeals, Division Two and in 1989, the chief judge. In 1994 he was elected to the Supreme Court and in 2000 he was elected chief justice of the Supreme Court.

### UNITED IN THE PROMISE OF JUSTICE – 2003 NLADA ANNUAL CONFERENCE THEME

NLADA staff is pleased to announce the selection of — *United in the Promise of Justice!* as the theme for the 2003 NLADA Annual Conference. We believe that this theme best incorporates the central areas of importance articulated by staff and the community. This year marks the 40th anniversary

of the landmark U.S. Supreme Court decision in *Gideon v. Wainwright*. While 40 years later many challenges remain to make equal justice a reality in this nation, NLADA is a voice for the voiceless, working to increase and expand effective legal assistance, both in criminal and civil matters, to millions of women, men and children who are denied justice every day simply because they are poor. NLADA will continue to build upon the “promise” of *Gideon* in years to come.

While we celebrate the holding in *Gideon* and its value to indigent defendants, we recognize that there is no right to counsel in civil legal services. We extended an invitation to Gerry Alexander, chief justice of

the Washington State Supreme Court, in part because of his support for “civil” Gideon. We seek to bring defenders and legal services attorneys together through the motivating words of the keynote address.

Recognizing that together we are a formidable opponent, we sought a theme that conveyed the value of partnership. Thus, “united” became one of the words of the theme. Advocates from the host state Washington provided us with admirable examples of work that is being done not only in their state, but also across the nation in the pursuit of “justice” for all indigent Americans.

We look forward to seeing all of you in Seattle November, 12 – 15.

“United in the Promise of Justice!”

## Civil Policy Group Committee Restructured

NLADA’s Civil Policy Group (CPG) met by teleconference on March 28 to discuss a number of issues of interest to the equal justice community. Chair Teresa Cosby, from the South Carolina Centers for Equal Justice, led the discussion that considered issues related to LSC funding and regulations, the recent U.S. Supreme Court decision in the IOLTA case, NLADA’s work on leadership and diversity, student debt initiatives and recent requests for the Association to participate as amicus curiae in several important lawsuits. Cosby also announced the restructuring of the CPG’s committees to reflect needed changes of focus within several topical areas. The committees of the CPG are now:

- **Resources** (Monitor and take action as needed regarding LSC funding, IOLTA, non-LSC federal funding, state appropriations, migrant and Native American distribution, state planning and state justice community evaluations.)

- **Regulations and Restrictions** (Monitor and develop policies regarding LSC regulations and restrictions and LSC’s outcomes and performance measure initiative.)

- **Leadership & Diversity** (Develop policies and initiatives aimed at fostering

diversity and leadership throughout the equal justice community; provide input into consideration of a leadership institute.)

- **Amicus Curiae** (joint with defenders) (Consider and act upon requests to participate as amicus, balance civil and defender considerations, update NLADA’s criteria for decision-making and recruit quality firms to write briefs.)

- **Training & Conferences** (Provide input regarding NLADA’s training and conference agendas, help assess training needs of members, consider a wide range of training delivery mechanisms best designed to meet member needs and serve on substantive design teams for trainings and conferences.)

- **Communications & Publications** (Review and provide input into the Association’s communications and publishing products, participate in content development for various publications and provide input and content for the NLADA Web site.)

- **Program & Project Initiatives** (Serve the needs of the broader equal justice community, with an emphasis on non LSC members, provide input into grant-driven initiatives and participate with staff regarding key collaborative efforts with partners.)

## IOLTA Victorious in the Courts

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entity making the deposits (in this case Limited Practice Officers handling real estate escrows). While the property owner might have a claim against the entity making a faulty deposit, no state action would be involved in such an erroneous deposit subject to Fifth Amendment protections.

Regardless of any future turns in the litigation, this decision is a landmark for the provision of civil legal assistance in this country. NLADA would like to thank the many organizations that supported the amicus brief we filed together with AARP, Legal Counsel for the Elderly and the Brennan Center. We feel that the compelling client stories you provided for presentation to the court had an impact on the decision, particularly on the key swing vote, Justice O'Connor.

## NLADA Client Section Statement of Purpose

*The purpose of the NLADA Client Section is to promote the mission of NLADA by providing a forum for clients of legal aid and public defense programs to voice their interests and concerns as members of NLADA, as program board members, as customers of legal services and as advocates for themselves.*

## THOUGHT FOR THE DAY

The fellow who worries about what people think wouldn't worry so much if he only knew how seldom they do.

## RECIPES



## Chocolate Pound Cake

- 1 cup boiling water
- 2 squares unsweetened chocolate, cut up
- 2 cups sifted all-purpose flour (sift before measuring)
- 1 teaspoon baking soda
- ¼ teaspoon salt
- ½ cup butter or regular margarine
- 1 ¾ cups light brown sugar, firmly packed
- 2 eggs
- 1 teaspoon vanilla extract
- ½ dairy sour cream

Makes 1 loaf

1. In a small bowl, pour boiling water over chocolate, let stand 20 minutes to cool.
2. Meanwhile, preheat oven to 325° F. Grease well and flour 9x5x3 inch loaf pan. Sift flour with soda and salt.
3. In a large bowl or electric mixer, let butter stand at room temperature until softened. At high speed, beat butter, brown sugar, eggs and vanilla until light and fluffy.
4. At low speed, beat in flour mixture (in fourths) alternate with sour cream (in thirds), beginning and ending with flour mixture. Beat in cooled chocolate mixture just until combined. Pour into prepared pan.
5. Bake 60 to 70 minutes, until cake tester comes out clean.
6. Cool in pan on wire rack 15 minutes. Transfer from pan to rack; cool completely. Sprinkle with confectioners sugar.



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