

## Reentry Established as Critical Civil and Defender Issue

By Cynthia Works,  
NLADA Director of Training and  
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Camille Holmes,  
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the Future of Equal Justice

In November, NLADA brought together the civil and defender leaders to address the common challenge presented by the tidal wave of prisoner reentry facing our communities. Working together, civil and defender advocates tackled this very serious issue, forged new relationships and pledged new collaborations and renewed energy to address the needs of thousands of formerly incarcerated people returning to their communities with hopes of making a new beginning.

During the Annual Conference in Milwaukee, hundreds of civil legal aid advocates, public defenders and clients joined together for a stirring keynote address by New York University School of Law Professor Anthony C. Thompson. Thompson, who directs the only reentry clinic in the country, challenged advocates to tackle this "new justice frontier." Emphasizing collaboration and new strategies, he said, challenged us to "determine how we as lawyers, social workers, and members of communities operating at times in different forums with different areas of expertise and knowledge can begin to join forces to break down those walls."

The walls to which he referred are the barriers to reentry that extend the confinement of prison walls into the com-

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Anthony Thompson "kicks off" the reentry track at the NLADA Annual Conference with a thoughtful and inspiring keynote speech.

## Harnessing the Innocence Movement to Secure Broader Defender-Related Reforms

Concerns about executing the innocent have fed an avalanche of media attention, death penalty moratoria in two states and increasing public support for measures to improve the fairness and accuracy of capital punishment processes. But to what extent can defenders harness this momentum to drive a much broader range of improvements in the criminal justice system, including increased funding for indigent defense itself?

The answer that emerged from a day-long track of programming at NLADA's 2002 Annual Conference in Milwaukee was that the opportunities are immense,

and the political climate encouraging.

A major focus of the innocence sessions was the expansive agenda for criminal justice reform developed over the past two years by a commission assembled by Governor George Ryan of Illinois during that state's famed death penalty moratorium. Commission members included two chief defenders from Illinois: Cook County Public Defender Rita Fry and State Appellate Defender Ted Gottfried. During a plenary session, they discussed the commission's 85 recommendations for reform, covering everything from

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# MESSAGE TO MEMBERS

## Gideon at Forty: The Promise Comes with a Price Tag



By Rita A. Fry,  
Public  
Defender of  
Cook County,  
Illinois

Forty years have passed since the United States Supreme Court's landmark right-to-counsel opinion in *Gideon v. Wainwright*.<sup>1</sup> Today, states and localities aim to fulfill these obligations through state or local public defender organizations, appointed counsel, or through a contracting process.<sup>2</sup> After four decades, however, it is time to assess how well our justice system has performed to meet the promise of *Gideon*.

As I prepare to step down as a chief public defender and as co-chair of the American Council of Chief Defenders, I want to share some humble ruminations on *Gideon* with the membership of NLADA – the only national association fully devoted to advocacy on behalf of those of us who provide representation to people who cannot afford to hire their own counsel.

The role and importance of lawyers who represent indigent defendants in our justice system cannot be overstated. In 80-90 percent of all criminal cases, the accused cannot afford to hire a private lawyer. There are tens of thousands of us providing public defense services to these millions of clients. In the nation's 100 largest counties alone, comprising just 42 percent of the nation's population, there are 13,000 public defenders and over 30,000 private attorneys taking appointments, according to a 2000 study by the Bureau of Justice Statistics.

If the promise of *Gideon* is to be met, and if larger flaws in our justice system are to be remedied, it will require improvements in our public defense system. And that will cost money.

### The Promise of *Gideon* Includes Early Entry of Counsel

As any seasoned lawyer knows, counsel is essential before the trial begins. The Supreme Court has ruled the Sixth and Fourteenth Amendments require counsel at all critical stages of a criminal prosecution.<sup>3</sup> In *Miranda v. Arizona*,<sup>4</sup> the Court held that an individual who is in custody (even before a critical stage has been reached) also has a Fifth Amendment right to consult with counsel. Many states have been slow to protect these rights. The consequences of such failure can be seen in wrongful convictions of the poor based on coerced confessions, or a failure of adequate investigation.

**NLADA to cosponsor  
Gideon Symposium.  
See page 24 for details.**

Counsel must be available upon request. Under Illinois law, when counsel has been requested and arrives at the police station, interrogation must cease and the accused must be informed that counsel has arrived – a procedure pretty much ignored when the suspect is indigent. Under *Miranda*, suspects must be informed of their right to access to counsel. But in Illinois, only prosecutors are brought to the stationhouse. This is ironic, for these rulings aim to curtail the inherent pressures of custodial interrogation. To make public defenders actually available, increased funding is required. Imagine if detectives waited weeks to begin to investigate a case. Public defense services must be available at the start, when defense investigation can still locate witnesses, uncover fresh evidence, and prepare a case for trial. If

counsel is unavailable until weeks later, evidence could grow stale, witnesses could vanish, and the defense preparation would be delayed.

To address such problems, the Commission on the Death Penalty formed by Illinois' Governor Ryan recommended that, at least in death penalty cases, "representation by the public defender during a custodial interrogation should be authorized . . ." Such reform is needed nationwide if we are to meet the promise of *Gideon*.

### The Promise of *Gideon* Requires Parity

All over the country, prosecution resources and staffing exceed those available for indigent defense.

Scientific evidence, especially DNA, is increasingly used by prosecutors, to great effect. In 1996, about half of prosecutors' offices used DNA evidence during plea negotiations or at trial. By 2001, that percentage had increased to two-thirds. The defense must meet the challenge. In 1999, more than 80 percent of the largest public defender offices were responsible for funding expert services. Indigent defense needs increased funding to keep pace with the prosecution's use of technical evidence. And in light of notorious instances of

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## 2003 Appropriations Process Drags Into 108th Congress

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

At press time the government was running on a continuing resolution that will expire on January 31, 2003. While there was a slight attempt to pass four additional FY 2003 appropriation measures before adjourning, the strong preference of the Republicans to delay all considerations until the 108th Congress convenes with both houses in Republican control prevailed. New members were sworn in on January 7.

At a November 15 meeting with the White House, Senate Republican leaders agreed to cut \$10 billion from FY 2003 appropriations bills the Senate had already considered, bringing it in line with the House and Administration figure of \$385 billion for federal departments and agencies other than the Pentagon. The leaders also agreed to speedy resolution of the 11 remaining bills upon their return in January.

By all accounts, it is unlikely that the bill containing money for LSC, the Commerce, State, Justice measure (S 2778), will not be affected since House appropriators are attempting to find more money for the bill when they turn to its consideration. Presently the senate version contains \$328.6 million for LSC. While it is unclear as to whether the CJS bill will be considered separately or rolled into an omnibus vehicle, Hill staff continue to urge NLADA and our partners to highlight the need for an additional \$19 million in FY 2003 to ameliorate the cuts to programs as a result of census-based redistribution of funds. Until informed otherwise we shall continue to push for the modest increase.

### 2003 Will Bring New Chairs to Some Key Committees

The new Republican Congress will bring some changes in committee chairs of interest to the legal services community. The Senate scenario is somewhat

familiar since the chairs sat prior to June 2001 when Senator Jim Jeffords switched his party affiliation to Independent. Senator Ted Stevens (R-AK) will resume his chairmanship of the Appropriations Committee and Senator Judd Gregg (R-NH) will take over the subcommittee on Commerce, Justice, State and the Judiciary. Senator Gregg will also chair the committee that exercises oversight of the Corporation, the Health, Education, Labor and Pensions Committee (HELP). Unlike the Appropriations committee, where there appears to be no turnover, HELP has one Republican vacancy and one Democrat vacancy. Of course, the numbers on the Senate committees may change with the Republicans' return to the majority.

On the House side, the Appropriations Committee chairmanship remains in the hands of C.W. "Bill" Young (R-FL). While two of the 13 "cardinals" chairs of the subcommittees have retired, Frank Wolf (R-VA) is expected to retain the helm of the Commerce, Justice, State and Judiciary subcommittee. There is one Republican vacancy on the subcommittee. F. James Sensenbrenner, Jr. will preside over the Judiciary Committee but the chairmanship of the subcommittee that oversees LSC, Commercial and Administrative Law, is vacant. The defeat of Rep. Bob Barr (R-GA) is unlikely to put the subcommittee in the hands of vice chair Jeff Flake (R-AZ) since there are only five subcommittees and many Judiciary committee members are senior to Flake. The subcommittee also lost former chair George Gekas (R-PA) when he was redistricted and defeated by incumbent Tim Holden (D-PA).

### Election Outcome

Like many other organizations, our members included, NLADA has been trying to assess the impact of the 2002 elections on the delivery of legal aid and indigent defense services. It is helpful to remember that the cornerstone of NLADA's campaign to maintain and increase federal funding for legal services

is bipartisan support. Our grassroots network is built upon the premise that "all politics is local" and our state coordinators have steadily increased the number of Republican congressional supporters. Strengthened by our national partners at LSC, the ABA, and NOLSW, we have worked hard to send a message that legal aid transcends party lines and labels.

We have every reason to believe that the Bush administration will continue its support of LSC. The Chairman of the House appropriations subcommittee, Frank Wolf (R-VA), indicated that he intended to recommend level funding as well. In the Senate, we have previously turned to Republican supporters to pave the way for sufficient funding. We will turn to them again.

While we can count on significant

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### NLADA Cornerstone

Volume 24, Number 4  
Winter 2002/2003

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# Washington Watch - Defender

## Gauging the 2002 Election's Impact on Defender Issues

By Scott Wallace, NLADA Director of Defender Legal Services

Was Senate Majority Leader Trent Lott serious when he said that the nation would have been better off if Strom Thurmond had been elected president in 1948? It's not necessarily a moot point now that he has stepped down.

Thurmond ran on just one platform: the perpetuation of Jim Crow and pure racism (he was upset that liberals had changed Truman's Democratic platform to call for desegregation of the armed forces, an end to the poll tax, and anti-lynching laws). He won four states, including Mississippi by a landslide (87 percent). At a celebration of Thurmond's 100th birthday, Lott said he was "proud of" his state for this.

"If the rest of the country had followed our lead," Lott rhapsodized, "we wouldn't have had all these problems over all these years."

These problems?

It is "disgraceful," wrote former Bush speechwriter David Frum, "that one of the three most powerful and visible Republicans in the nation privately thinks that desegregation, civil rights, and equal voting rights were all a big mistake."

Though Lott ultimately resigned his leadership position, the whole sordid affair exposed a deep split and vulnerability in the Republican party that will not disappear quickly. Though some in the party wanted Lott to leave because he appeared too anti-civil rights, others were growing deeply worried that Lott, especially in his fulsome mea culpa on Black Entertainment Television (BET), was sounding too pro-civil rights (suddenly endorsing affirmative action, for Pete's sake!). Years of efforts to cast their opposition to civil rights measures in terms of being good for business or states' rights were undone; now it all looks racial. It's what NAACP head Kweisi Mfume called "long-term damage."

If enough Republicans fear this dam-

It is "disgraceful," wrote former Bush speechwriter David Frum, "that one of the three most powerful and visible Republicans in the nation privately thinks that desegregation, civil rights and equal voting rights were all a big mistake."

age and want to make an extra effort to reach out to minority voters, might it affect the chances of passage of racially tinged criminal-justice-related legislation, like fixing the enormous sentencing disparity between crack and powder cocaine, or various types of death penalty reforms? Might conservative Republicans be a little less cavalier about issues affecting their low-income/minority constituents — like indigent defense, or civil legal services?

Does the episode present perhaps an interesting opportunity for advocates of indigent defense and legal aid to drop a line to their Republican senators and representatives, whom they may have neglected as promising lobbying prospects in the past, suggesting grave dismay at Lott's remarks and some possible ways for the party to expiate its collective shame?

Herewith, some expiation opportunities:

The **Innocence Protection Act** (S. 486, H.R. 912) would provide \$100 million annually in grants to states to improve death penalty defense and declare a constitutional right to DNA testing. This bill didn't pass, but did gain great momentum, including approval by the Senate Judiciary Committee in July and 250 cosponsors in the House. Unfortunately, with the Senate switching to Republican control in January, the bill's most active and effective proponent, Vermont Democratic Senator Patrick Leahy, is being replaced as Judiciary Committee Chairman by one of the IPA's most vehement opponents: Utah Republican Orrin Hatch. He and

House Judiciary Committee Chairman James Sensenbrenner see the legislation simply as an effort to weaken the death penalty and restore the Death Penalty Resource Centers that Congress defunded in 1998. But it just might pass if it ever comes up for a vote.

**Loan Forgiveness:** The public defender student loan forgiveness provisions which were amended to the IPA by Senator Durbin (D-Ill.), died with the IPA but will have independent vitality in 2003. Not only does the Committee report present a comprehensive case for the loan forgiveness provisions, but the dissenters, after extensively attacking the IPA and the premise that innocent people are ever sentenced to death, summarily expressed support for the loan forgiveness provisions. Reflecting NLADA's role in the process, the Judiciary Committee's report is laced with references to members of NLADA and the American Council of Chief Defenders, including Susan Hendricks of the New York Legal Aid Society and Bill Leahy of Massachusetts' Committee for Public Counsel Services.

Indeed, the report not only documents the case for loan forgiveness, but offers broader rhetoric which may be useful authority for defenders advocating on a range of issues.

"Nowhere in public service is it more important to encourage the recruitment of competent lawyers and the retention of experienced ones than in the disciplines of prosecution and public defense, where people's lives and liberty hang in the balance," states the report.

It concludes, after citing the authority of the Justice Department's reports on its two indigent defense symposia (language written by NLADA):

"For the adversarial system of criminal justice to operate effectively, efficiently, and reliably, there must be balanced resources between prosecution and indigent defense."

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# Supreme Court Hears Oral Arguments in Washington IOLTA Case

By Don Saunders, NLADA Director of Civil Legal Services

On December 9, the U. S. Supreme Court heard arguments in the case of *Washington Legal Foundation v. Legal Foundation of Washington*, the appeal of the decision of the U. S. Court of Appeals for the Ninth Circuit, challenging the constitutionality of the Washington State IOLTA program. This represents the second time that the Supreme Court has addressed challenges to the IOLTA system. The first challenge came in 1998 in *Phillips v. Washington Legal Foundation*.\*

David Burman, with the law firm of Perkins Coie in Seattle, argued the case on behalf of the Legal Foundation of Washington, the IOLTA program, while Walter Dellinger, with the firm of O'Melveny and Myers in Washington, DC, argued for the Justices of the Washington State Supreme Court. The 30 minutes of arguments in support of the IOLTA program's position were split evenly between the two attorneys.

Charles Fried, a professor of Law at Harvard Law School who served as solicitor general during the administration of President Ronald Reagan, argued for the petitioners in the case.

While Fried alleged that the IOLTA program amounted to a taking of his clients' property without just compensation, a good deal of his argument and the court's questioning focused on the issue of whether injunctive relief was available to enjoin a state from a purported violation of the Takings Clause, where the provisions governing the program clearly contemplate that no compensation would be paid to the owners of the interest taken, and where the small amount due in any individual case often renders recovery through litigation impractical. Fried argued that the only way to practically give relief to his clients whose property he claimed was taken by the state of Washington is

to enjoin the IOLTA program in its entirety.

Justice O'Connor questioned Fried regarding both the questions of compensation when the value of the property taken is zero and the question of who had standing to seek such injunctive relief.

A good deal of give and take occurred among the justices and counsel regarding whether any property of value existed that was subject to a taking, whether the Court should consider gross or net interest when determining whether a taking had occurred without just compensation and whether the state had the right to use property (interest) generated by money owned by the petitioners. Justices Scalia and Kennedy aggressively questioned Burman and Dellinger regarding whether the state had the right to take any property it wanted where a value determination was impracticable or impossible. Both counsel responded that an appropriate analysis of the Fifth Amendment should lead the Court to determine that no just compensation was due in this particular matter when the economic value of the property in question was clearly zero. Both argued that the court should not provide petitioners with injunctive relief against the IOLTA program.

The packed courtroom included many legal aid and IOLTA supporters from across the country that had come to Washington, DC particularly to hear the argument in this important case.

As with the Supreme Court's earlier decision in *Phillips*, the court appears sharply divided over the critical constitutional questions involved in this case. While little can be predicted about the outcome from trying to read the questioning from the various justices on the court, the outcome may depend on Justice Sandra Day O'Connor, who sided with the majority in *Phillips* but seemed unconvinced during the hearing that an unconstitutional taking had

occurred.

The case has received significant press coverage. In a strong editorial in support of the IOLTA program *The New York Times* wrote: "The Supreme Court heard arguments last week in a challenge to these programs, brought by a conservative legal group that says this practice is an unconstitutional take of property. It is not. ...The real purpose of this case is not to restore taken property, but to defund legal services."

The decision in this case is not expected for several months. In the meantime, the IOLTA programs in every state continue to operate and provide critical funding for legal services.

\**Phillips v. Washington Legal Foundation* presented a challenge to Texas' IOLTA program. The Supreme Court, in a five-to-four vote, held that the interest on IOLTA funds is the clients' private property, for purposes of the Takings Clause, under the general rule that interest follows the principal. The opinion did not decide whether these funds had been "taken" by the state, or, if they were, what compensation—if any—would be due. Thus, while the court didn't declare IOLTA unconstitutional, it left uncertainty hovering over the program's future.

**Did you hear?  
NLADA is moving  
to a new location.  
See back cover for  
new address.**



# Milwaukee's Genuine American Hospitality

NLADA would like to thank the 2002 Host Committee for its extraordinary leadership in helping make our Milwaukee conference an outstanding success, and the following local sponsors whose generosity made the conference possible:

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*Special thanks to Opening Assembly Keynote Speaker Wisconsin State Public Defender Nicholas Chiarkas.*

# NLADA 2002 Annual Conference Awards Dinner Honors Equal Justice Community Beacons

*Brewer, Feige, Zah, Quintal, Newman and the Seattle Post-Intelligencer Recognized for Outstanding Contributions in the Pursuit of Justice for All*

Every year during its Annual Conference, NLADA hosts an awards dinner to recognize exceptional individuals who have contributed significantly to the equal justice community. The 2002 event was one of hope, inspiration and validation of why all of us within this noble community work to advance *Justice for All*.

Presenters and recipients conveyed passion, conviction and resolve in their speeches' words that captured the essence of their motivation to do what they do everyday for those who cannot speak for themselves and to level the field of justice. In fact, each recipient moved the audience to standing ovations. This was an evening to remember and one which captured finely just what makes our community special and vital to our society as a whole.

The five awards given this year at the 2002 Annual Conference Awards Dinner in Milwaukee were: the **Reginald Heber Smith Award** to Webb Brewer, litigation director for Memphis Area Legal Services, Inc., of Tennessee, and David Feige, trial chief with The Bronx Defenders, of New York; the **Pierce-Hickerson Award** to Peterson Zah, a legendary activist on issues affecting Native Americans; the **Arthur von Briesen Award** to Carl Quintal, a private attorney who does pro bono work with South Middlesex Legal Services in Sharon, Massachusetts; the **Denison Ray Award** to Ira Newman, directing attorney of the Appalachian Research & Defense Fund of Kentucky, Inc. (Appalred); and the **Emery A. Brownell Award** to the *Seattle Post-Intelligencer* for "Uncertain Justice," a three-day series that uncovered flaws in the Washington State justice system.

## The Reginald Heber Smith Award

The "Reggie" celebrates the outstanding achievements and dedicated services of an attorney for contributions made while employed by an organization pro-



**Webb Brewer:** *"I believe that social justice is the most important issue in our country today. Social justice is not charity. It is based on the premise that we are all injured when some of our citizens suffer. We are all injured when some of us are denied equal participation and the benefits of our society. ...I'd like to say to you all out there to keep doing what you're doing, but do it with more commitment. And, do it more effectively. We need it now more than ever. Most of all support each other in what you do."*

viding civil legal services or indigent defense services. **Webb Brewer**, litigation director for Memphis Area Legal Services, Inc., of Tennessee, and **David Feige**, trial chief with The Bronx Defenders, of New York were the 2002 recipients.

These two gentlemen have distinguished themselves throughout their respective careers by zealously pursuing justice for their clients. Each has used his knowledge and skill to improve the lives of the disenfranchised and to make social policies and justice fair and accessible to all.

Since graduation from the University of Memphis (Cecil C. Humphreys) School of Law, where he was a member of the law review, **Brewer** has worked tirelessly to address the civil legal needs of low-income people in the Memphis

community. He has successfully represented clients in a number of "impact" lawsuits, several of them class actions, particularly in the areas of housing discrimination and civil rights violations. In the last several years, he has successfully represented appellants in four important Tennessee Supreme Court cases. Currently, he is representing clients in two massive predatory lending lawsuits in the United States District Court and a major fair housing case regarding architectural barriers for people with disabilities in multifamily housing. In addition, he is working on several federal employment discrimination cases involving disability and Family Medical Leave issues, and several significant special education cases.

His prior achievements include an effort to get funding from the City of Memphis to open the Memphis Fair Housing Center in 1998, and in 1999 he was instrumental in obtaining additional funding from the city to operate the Home Preservation Project to combat predatory lending in the Memphis area. Brewer drafted an innovative Fair Housing Ordinance for the City of Memphis, which was enacted by the Memphis City Council earlier last year. The ordinance prohibits local property owners from refusing to rent to tenants because they are Section 8 voucher recipients.

Memphis Area Legal Services, Inc., Board President Andrew Branham states in his nomination letter, "Meaningful change never comes without some discomfort and, when advocating for important issues in behalf of our clients, Webb has remained impervious to the pressures brought to bear by those who oppose his position. Through his work, Webb has had an immeasurable effect in improving the plight of so many in Memphis, especially the poor, the sick, the disabled, the exploited, the marginalized and the disenfranchised. As Memphis' most effective public interest lawyer, Webb has

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## 2002 Annual Conference Awards Dinner

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made it his life's work to comfort the distressed and distress the comfortable."

2002's Reggie winner, **Feige**, is yet another inspirational example. In February 2001, Feige filed the first motion seeking to force the New York City Police Department to use a double blind sequential lineup. He lost. But since then he has continued to press the issue, lecturing throughout the country and providing support and guidance to those who seek to challenge lineups in their own jurisdictions.

He handles homicide and serious



**David Feige:** "What humbles me most is to be before .... people who wake up every morning and go to work every day committed to justice, committed to righting wrongs. Each and every one of you knows what this is and because you do, I'm humbled to be honored by you. ... we do live in terribly troubled times. ... We've got George Bush in the White House, we've got John Ashcroft and those judges, the ones that aren't our friends, to begin with. ... The ones who already hesitate to do what's right. ... And, what does that mean? That means that each and every one of you needs to show that courage. ... we're going to need that strength, that commitment and that dedication because the times that we have already suffered through are nothing compared to the times we are going to see. ... Take those judges to task. Stand tall for what you believe. Because you know what, what we believe is right. ... it may never be popular, but God knows it's right!"

felony cases, and conducts in-house trainings on trial skills and felony practice. He shares his skills and enthusiasm outside The Bronx Defenders by teaching at the Rutgers and Hofstra universities' intensive trial advocacy programs, and for the New York County Lawyers Association and the National Institute of Trial Advocacy. In addition, he is on the faculty of the National Criminal Defense College.

Feige is committed not only to the direct client work of being a public defender but also to changing attitudes toward the work public defenders do. He is relentless about using the media to shape the attitudes and change the perspective of the reading, listening and viewing public. His April 2001 article in the *New York Times Magazine* titled "How to Defend Someone You Know is Guilty" explained how it is that a public defender can not only represent, but also care for clients — even guilty ones. Feige's views on the criminal justice system have appeared on the op ed page of *The New York Times*, and in *Slate*, *Legal Affairs*, and *The Champion*. His radio commentaries are heard on both WNYC and NPR, and he is a regular commentator for Court TV where he passionately asserts the defender perspective.

In a nomination letter, Robin Steinberg, executive director of The Bronx Defenders, says, "David touches the lives of his individual clients, pushes the boundaries of legal practice through creative litigation, and fiercely advocates for justice in the local and national press. His unique sequential lineup litigation and national efforts to persuade other defenders to push their jurisdictions to employ fairer lineup procedures demonstrate David's inspirational determination to make the criminal justice system fairer. ... I have no doubt that he will succeed in his quest, and, as a result, we in the justice community will hold our heads up a little higher and a little more proudly."

### The Pierce-Hickerson Award

Honoring outstanding contributions to the advancement or preservation of Native American rights, the Pierce-Hickerson Award was created this year by advocates in civil legal assistance programs to pay homage to the legacies of Julian Pierce and Robert Hickerson for their outstanding advocacy in pursuit of



Peterson Zah carries out a traditional Native American ritual as he accepts the Pierce-Hickerson Award from Steve Moore.

**Peterson Zah:** "Having served as a Navajo chief for 12 years, it's been extremely hard. ... I always remember a time when... we didn't have one single Navajo, one native American lawyer, and I was helping to recruit all of the non-Indians from these prestigious schools. And, one day it dawned on me, "why am I doing all of this?" We should really raise our own Navajo children to become lawyers. ... This is called self-determination. Instead of getting all those lawyers to Navajo reservations, why don't we develop our own people? And, for a 10-year period... we trained, sent on to law school, they came back as lawyers, licensed in those states, over 75 Navajo law students. ... So, I think in our case it was the greatest contribution that we made as a legal aid society to the Navajo nation and to the native people in this country."

justice for Native Americans. Pierce was a Lumbee Indian who served as executive director of Lumbee River Legal Services in Pembroke, North Carolina, from 1978 until 1988. Hickerson served as director of Alaska Legal Services Corporation for 20 years, and prior to that was director of the Oklahoma Legal Services Center. The 2002 recipient and the first to receive the award was **Peterson Zah**, a legendary activist on issues affecting Native Americans.

"Mr. Zah is a highly revered gentleman in the Native American community for his more than 30 years of advocacy on

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## 2002 Annual Conference Awards Dinner

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behalf of his people,” said Steve Moore, senior staff attorney for the Native American Rights Fund in his nomination letter. “He has zealously advocated for fair treatment and to level the field for Native Americans in their daily business transactions, where they are potential victims due to their cultural, financial, educational and language barriers. He’s an educated man that has never taken his good fortune for granted, and he’s given back to his people a hundred times over.”

Zah, a Diné from the Navajo Nation, has worked for more than 30 years on issues affecting Native Americans. From 1967 to 1982 he was executive director of DNA People’s Legal Services, a program for the Navajo, Hopi and Apache people in the Four Corners area of Arizona. During his tenure at DNA, Zah succeeded in winning some landmark cases including several cases that established Indian sovereignty before the U.S. Supreme Court.

He served as chairman of the Navajo Tribal Council from 1983-1987. In 1990, under a new tribal government organization, Zah was elected again – this time as president of the Navajo Nation and served a four-year term, making him the last tribal chairman and the first president of the Navajo Nation.

Since 1995, Zah has been special advisor for Native American affairs to the president of Arizona State University. Since Zah went to Arizona State, the Native American student population has increased by more than 60 percent, and the student persistency and retention rates have doubled. These numbers represent the highest of any major college or university in the country.

### The Arthur von Briesen Award

The Arthur von Briesen Award honors a private attorney who has made substantial volunteer contributions in support of the delivery of civil legal aid or indigent defense representation. It celebrates the achievements of the first president of NLADA. The 2002 honoree was **Carl Quintal**, a private attorney who does pro bono work with South Middlesex Legal Services in Sharon, Massachusetts.



(L-R) Carl Quintal, NLADA President & CEO Clint Lyons, Joy McGrail and her son Mark following McGrail’s presentation of the Arthur von Briesen Award to Quintal.

**Carl Quintal:** “...I was drawn to do something a little more personally beneficial and satisfying, and, to perhaps in an attempt to give back a little bit, use my law degree in a different way. ...I think that pro bono work for people in my position is very beneficial and an eye-opening thing for them to do because we all work very hard at whatever our jobs are typically and we lose sight of the fact that there are outlets that one can have to do work that’s not just pure business but that it’s helping others. And, it’s a very, very rewarding feeling.”

While working with South Middlesex Legal Services, Quintal found himself drawn to special education law, in part because of his experience with one of his own children who is a special education student in the Massachusetts school system. In 2001, he obtained as his first client in the area of special education law, Joy McGrail. It was McGrail who nominated Quintal for this award. Quintal and McGrail worked as a team for several months on behalf of the interests of her son Mark, building a case in hopes of providing Mark with the appropriate educational program that he had been denied for many years. Ultimately, they achieved their goal, laying the groundwork for the tremendous academic success that Mark has since achieved.

In her nomination letter McGrail said, “Attorney Quintal’s work on this case has exceeded beyond ones highest expectations, hopes and dreams. He has given of himself tirelessly, even though he was already employed as a full time corporate attorney. He treated me with the utmost respect, compassion and commitment. He returned every one of my desperate calls and always responded to every e-mail I sent to him, which was one or more daily. ...Carl Quintal has restored hope back into my son’s shattered life.

He gave back to him what was taken away... the freedom to dream, aspire and be given every opportunity to achieve ones goals. ... I never realized until now that heroes do exist.”

When he is not working on pro bono cases, Quintal serves as corporate counsel for Brooks-PRI Automation in Chelmsford Massachusetts, where his work focuses on the drafting and negotiation of commercial contracts. Prior to graduating from Suffolk University Law School in 1999, he worked in both high technology and biotechnology companies, negotiating a variety of contractual agreements, predominantly those related to the purchase and sale of computers and communications systems and components and related software licensing.

### The Denison Ray Award

The 2002 recipient of the Denison Ray Award was **Ira Newman**, directing attorney of the Appalachian Research & Defense Fund of Kentucky, Inc. (Appalred).

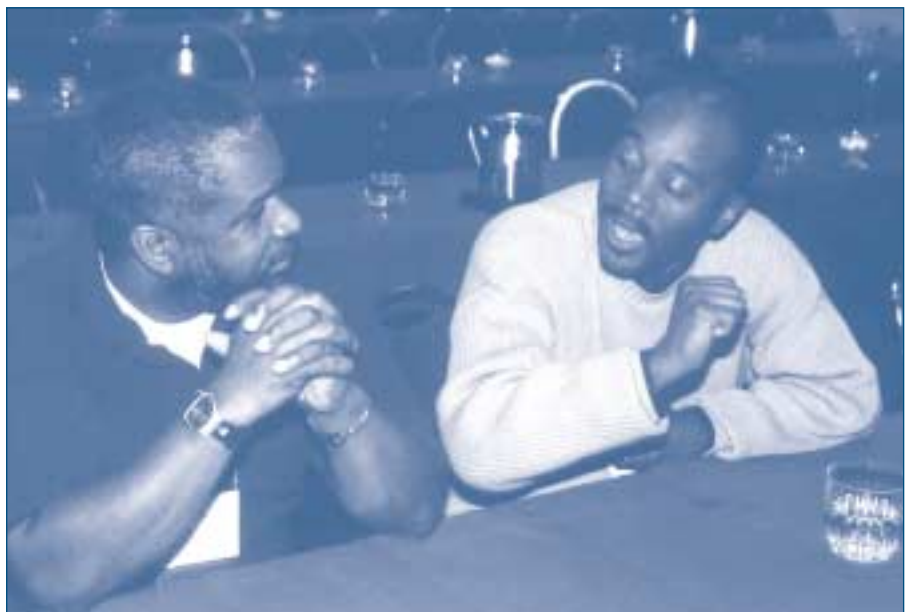
Honoring an individual who has provided exceptional service to the legal aid community as a staff member, client

*continued on page 11*

# NLADA 2002 Annual Conference



*Plenary sessions, workshops, networking and having fun are all part of the experience at every NLADA Annual Conference. Milwaukee was no exception!*



## 2002 Annual Conference Awards Dinner

*continued from page 9*

board member or volunteer of a provider program, the “Denny” is named for a career legal aid activist. Denison Ray served as executive director of legal services programs in Missouri, Maine, North Carolina and New York and was a long-time leader of the national Project Advisory Group.

“Ira’s legal work has set an inspirational example of industriousness, creativity and determination,” said Larry York, executive director of the Appalachian Research & Defense Fund of Kentucky, Inc., in his nomination letter. “Ira has always exhibited a passionate quest for fairness and equality, not only among the clients he serves, but also among the employees with whom he works. ... He has served thousands of clients in his tenure with Appalred with compassion and vigor. He has been an inspiration to members of this program and to the local bar where he practices. He has worked tirelessly for his clients and for low-income people in his community.”

Newman, a native of Eastern Kentucky, directs the Richmond office of Appalred. This office serves as a centralized intake location for Appalred’s entire 37-county area. He has been with Appalred for 25 years, having begun his legal career there as a Reginald Heber Smith Fellow. In that time he has served thousands of individuals in a wide variety of cases ranging from black lung to consumer law, domestic relations and housing, and has worked with other nonprofits to develop housing development corporations that have built and refurbished many homes.

He also served as managing attorney of the Kentucky Migrant Legal Services Project, a joint project between Appalred and Texas Rural Legal Aid to assist migrant workers with labor disputes in Kentucky. After Kentucky’s Educational Reform Act brought site-based management to the school systems in Kentucky, Newman volunteered as a pro bono attorney for the site-based councils, and also served on the local site-based council in his home community of Berea. Since 1990, Newman has served on the Berea Planning and Zoning Commission and

presently serves as its chair. In 1995 the National Association of Towns and Townships, in conjunction with the Wal-Mart Corporation, made an economic development grant in his name to the city of Berea because of his leadership on the local level.

### The Emery A. Brownell Award

The Emery A. Brownell Award gives national recognition to newspapers, magazines, filmmakers, and television and radio stations that have informed the public about the crucial role played by civil legal aid or defender organizations in ensuring equal justice for those who cannot afford counsel. This award commemorates Emery Brownell, who was NLADA’s executive director from 1940 until his death in 1961.

The 2002 award winner was the *Seattle Post-Intelligencer* for “Uncertain Justice,” a three-day series that uncovered flaws in the Washington State justice system.

“The articles had an enormously important impact in calling attention to the need for improved resources for people accused of capital offenses and a need to have standards and trainings for attorneys representing clients charged with capital offenses,” said Robert Boruchowitz, director of The Defender Association in Seattle. “It was an important series at an important time.”

As a result of “Uncertain Justice,” the Washington State Supreme Court adopted higher standards for death penalty attorneys. *Seattle Post-Intelligencer* reporters Lise Olsen and Rebekah Denn wrote the series. Only days after it was published in August 2001, the chief justice of the state’s Supreme Court cited the newspaper’s findings and called for financial and procedural reforms. The immediate, emphatic response underscores the contribution the series made to alerting the public to deficiencies in a system that holds the power of life and death.



(L to R): Larry York, executive director, of the Appalachian Research and Defense Fund of Kentucky, Inc., presents award to Ira Newman.

**Ira Newman:** “You know civil legal services has never had a *Gideon v. Wainwright*, but we’ve had people... who have kept this dream of access to courts open. And, people that you serve depend on you to keep that dream alive. The one person in my life that has helped me to realize that dream is my long-time director, John Rosenberg. John has been that man that I deeply admired and respected. And, he taught me and my colleagues some times good lawyering requires getting out from behind the desk and going into the community and doing stuff.”

# New Access to Justice Report Provides Snapshot of Problems and Progress in California

By Mary C. Viviano

The California Commission on Access to Justice (Access Commission) has released a five-year status report on access to justice in California. The comprehensive report, *The Path to Equal Justice*, documents impressive accomplishments for the statewide delivery system – including a new state appropriation of \$10 million for each of the past four years, and a solid partnership with the judiciary under the leadership of Chief Justice Ronald George.

But the report also warns of daunting challenges ahead. It quantifies the access gap in California — specifying how much would be needed in total public and private funding in order to achieve true access. As an interim, 5-year goal, the report sets the goal of filling at least half of the civil legal needs of the poor, which would be a significant increase from the current level. At present, only 28 percent of the civil legal needs of California’s poor are being met – leaving 4.6 million low-income people with nowhere to turn.

In addition to sharing the report with the legal services, bar leader, judicial and broader civic communities, the Access Commission coordinated a carefully designed media release of the report, with the pro bono assistance of Rogers & Associates, a major public relations firm in Los Angeles, and help from the State Bar’s communications experts. The resulting coverage in the *Los Angeles Times*, *Sacramento Bee*, *San Diego Union-Tribune*, *Los Angeles Daily Journal*, and the *Bakersfield Californian* has already helped to achieve one of the commission’s main goals – to publicize legal aid issues to opinion leaders, and to the California public at large.

Founded in 1997 the Access Commission was created after the release of an initial statewide report by the state bar in 1996, entitled “*And Justice for All: Fulfilling the Promise of Access to Civil Justice in California.*” It

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includes appointees of the governor, attorney general, legislature, chief justice, and state bar as well as business, labor, religious, academic, and community groups. The commission undertook to develop this five-year update to publicize the progress that has been made and the great need that still exists, as well as to review the commission’s top priorities. A task force spent over a year compiling the report, and was able to rely on several individuals who helped write the first report, under the leadership of Justice Earl Johnson [other members are identified in the report at [www.calbar.ca.gov](http://www.calbar.ca.gov).] The Access Commission used data collected from the Judicial Council, the State Bar of California, the U.S. Census, and a wide range of other sources to compile a snapshot of the delivery system and to map out statewide goals for the next five years.

*The Path to Equal Justice* proves how much can be accomplished when powerful voices address the access problems – yet how intractable the problem of the lack of access continues to be.

## Despite New State Appropriation, Funding Still Critically Low

“As a practical matter, in most cases there can be no access to justice without access to legal assistance,” Jack Londen, past commission chair and a partner with Morrison & Foerster in San Francisco, said in conjunction with the release of the report. “Whether we like it or not, sometimes landlords illegally evict tenants, children with disabilities are denied proper care, veterans don’t get services guaranteed to them, and elderly people need legal assistance to escape the abuse of a caregiver.”

The report documents that the state would need to triple its combined public and private investment in legal services to adequately meet the legal needs of low-income Californians. Despite the new \$10 million state appropriation, California still lags behind comparable states. Minnesota and New Jersey spend three times more than California, per capita, on civil legal services. Connecticut and Massachusetts spend more than twice as much. And countries like England, Canada, Australia, Scotland and New Zealand spend anywhere from two to 14 times more proportionately than California, despite the

States’ funding of legal services	
State	Government spending per eligible person*
Minnesota	\$39
New Jersey	\$39
Connecticut	\$36.45
Maryland	\$30.45
Massachusetts	\$27.90
New York	\$24.90
Washington	\$22.80
Ohio	\$19.95
Pennsylvania	\$18.11
California	\$13.20

\*Government and IOLTA funds spent per person living at or below 125% of federal poverty rate

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## Access to Justice Report

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fact that California has the world's sixth largest economy.

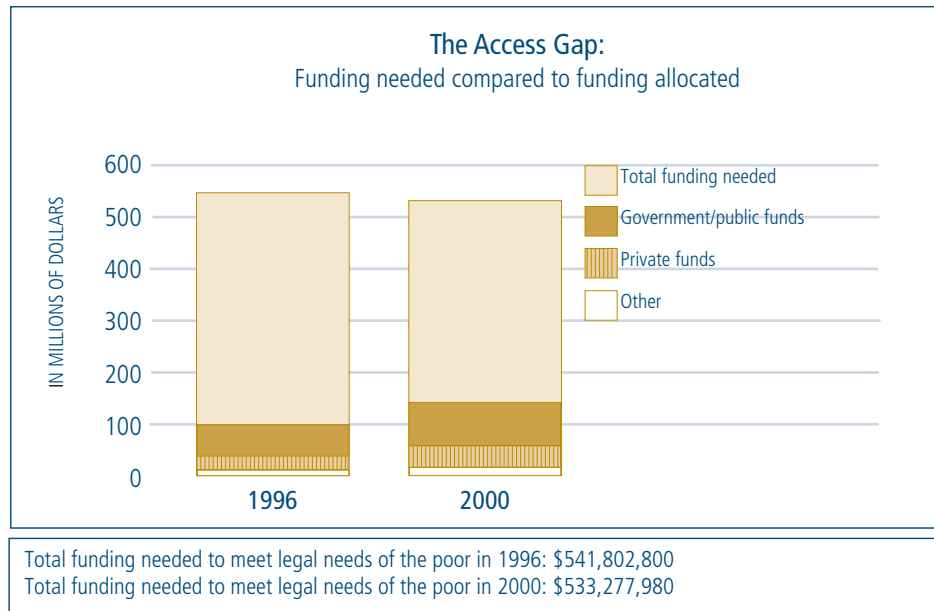
Given the size and diversity of the state, the impact of this lack of access is profound. California has the highest number of people in poverty in the nation - 6.4 million, including nearly one in five children. Half the nation's increase in poverty in the 1990s, when the number of poor jumped 30 percent, occurred in California, and nearly 25 percent of the nation's poverty increase occurred in Los Angeles County alone.

As legal aid advocates are well aware, even those with jobs are suffering: 26 percent of California workers earn poverty level wages. *The Path to Equal Justice* examined how the legal needs of the state's poor have changed in the last five years, as well as both the shortcomings of the justice system and the improvements during that period. Despite increases in state funding to meet the legal needs of the poor, low interest rates (which have reduced the IOLTA fund), high unemployment and the present economic downturn have threatened any gains.

### Legal Issues of Clients "More Numerous and Complex"

The 1996 welfare reform legislation, in particular, brought dramatic changes to the lives of those living in poverty, for while fewer people now receive welfare benefits, those who left welfare to work are still poor. And the legal issues they face "have become more numerous and complex," the report says. It goes on to say: "Parents who found only low-paying jobs without health benefits did not improve the well-being of their children. Women who entered the workforce in low-skilled positions with no opportunity to acquire marketable skills lack realistic long-term options. Obstacles to employment such as lack of child care and transportation, domestic violence and job discrimination raise a host of new legal issues."

Those issues revolve around an extensive universe of problems, including housing, education, immigration, employment, grandparent guardian-



ships, bankruptcy and consumer debt, veterans' issues, elder abuse and home equity fraud. To meet all those needs, there is only one legal aid lawyer for every 10,000 poor Californians; and in some areas of the state, the ratio is much worse.

### The Good News

Despite this bleak picture, the state's civil justice community has taken significant steps to close the gap between need and services in the past five years: The legislature and the governor established the Equal Access Fund, proposed by the Access to Justice Commission, which has provided \$10 million annually since 1999 for more than 100 local legal services programs.

Access to the courts has been enhanced through a variety of self-help options, including an award-winning Judicial Council Self-Help Web site, a system of family law facilitators in every county, and simplified forms and procedures. The Judicial Council and the Access Commission are both addressing language barriers, and the state is working on increasing the availability of qualified interpreters and translating forms and instructions into Spanish, Vietnamese, Korean and Chinese. Legal services programs have been strengthened by developing cutting-edge computer and Internet technology; by offering a wide range of services, including self-help clinics and hotlines as well as traditional representation; and by estab-

lishing good working relationships with social services agencies so as to meet all of a client's needs.

### More Work Ahead

Still, when more than 70 percent of the legal needs of the indigent are not being met, much remains to be done. The report recommends adding to the access fund, increasing both the number of pro bono hours and financial contributions from attorneys, improved assistance for unrepresented litigants and access to an attorney for those who require one, and implementation of a statewide plan to distribute legal services more evenly to ensure that the rural population also is served.

"I know my fellow judges want to do justice and not inflict injustice," observed Justice Earl Johnson of the California Court of Appeal, who chaired the committee that researched and wrote the report. "More than anyone, they know it can be nearly impossible to do the former and avoid the latter in a one-sided contest where only one litigant has a lawyer.

"Our whole society is harmed when access and fairness are denied," said Londen. "Clearly, California can - and must - do better."

Mary C. Viviano is the director of legal services outreach for the State Bar of California. Parts of this article are excerpted with permission from *CalBarJournal*, December 2002.

# The Forensics Library:

## NLADA's New On-Line Scientific Evidence Resource for Defenders

Most forensic evidence is generated in crime laboratories that are controlled by and accountable to police agencies. The crime laboratories play an important role in educating prosecutors but are less helpful to the defense because defense lawyers are potential (and often actual) litigation adversaries. . . . Many of the false convictions that have been documented in the United States and Canada over the past 10 years have arisen, in part, from misleading presentation of scientific evidence and because questionable, exaggerated, and even fraudulent scientific testimony has sometimes gone unchallenged for the reason that defense lawyers are ill equipped to deal with it.

NLADA is pleased to announce the addition of a new area to its Web site – a section designed to help defenders deal more effectively with scientific evidence. The Forensics Library ([www.nlada.org/Defender/forensics](http://www.nlada.org/Defender/forensics)) is a versatile information clearinghouse on topics such as DNA testing, fingerprinting, toxicology, handwriting analysis, hair and fiber analysis, and autopsies. Practitioners in the field, who can easily upload their own briefs, transcripts, reports and other documents related to forensic science, are the builders of the library's "collection."

The Forensics Library was designed to make it easier for defenders to share information and build on each other's work. For example, a defense lawyer in Philadelphia who writes a brilliant motion challenging the admissibility of fingerprint identifications can upload the brief and supporting documents to the Forensics Library by using the simple submission form provided on-line. A lawyer in Chicago who prepares an effective PowerPoint presentation on DNA matching can upload his or her document as well. Once uploaded, these materials can be viewed, downloaded and put to use by defenders in other parts of the country. Almost any type of document or image can be accommodated.

The Forensics Library is the brainchild of William C. Thompson, a professor in the Department of Criminology, Law & Society at the University of California, Irvine. Thompson is a lawyer and an expert on scientific evidence. He received a grant from the Gideon Project of the Open Society Institute (a branch of the Soros Foundation) to study ways to help criminal defense lawyers deal

more effectively with scientific evidence. He perceived a serious imbalance between prosecutors and defense lawyers in access to scientific information.

According to Thompson, "Most forensic evidence is generated in crime laboratories that are controlled by and accountable to police agencies. The crime laboratories play an important role in educating prosecutors but are less helpful to the defense because defense lawyers are potential (and often actual) litigation adversaries."

Thompson noted that many of the false convictions that have been documented in the United States and Canada over the past 10 years have arisen, in part, from misleading presentation of scientific evidence and because questionable, exaggerated, and even fraudulent scientific testimony has sometimes gone unchallenged for the reason that defense lawyers are ill equipped to deal with it.

After studying the problem for several months, Thompson concluded that an electronic information clearinghouse on scientific evidence was desperately needed. "Many defenders are doing brilliant work," said Thompson, "but they aren't always sharing their knowledge. They are constantly starting from ground zero rather than building on each other's success." For example, a government expert who is thoroughly impeached in one jurisdiction might testify unscathed a month later in another jurisdiction where the defense lawyer is unaware of the impeaching evidence.

When Thompson approached NLADA with a proposal to make a forensics clearinghouse part of the NLADA Web site, the idea was received enthusiastically. A team comprising Thompson,

Jo-Ann Wallace and Elizabeth Arledge of NLADA, and a Web developer with Kaivo Inc. of Denver (the firm that built NLADA's Web site) designed the Forensics Library that would be functional and easy to use. They received substantial help and advice from a number of people in the defender community with special expertise in scientific issues, including Jennifer Friedman of the Los Angeles County Public Defenders Office, Greg O'Reilly and Drew Northrup of the Cook County Public Defender, and Julia Leighton of the District of Columbia Public Defender Service.

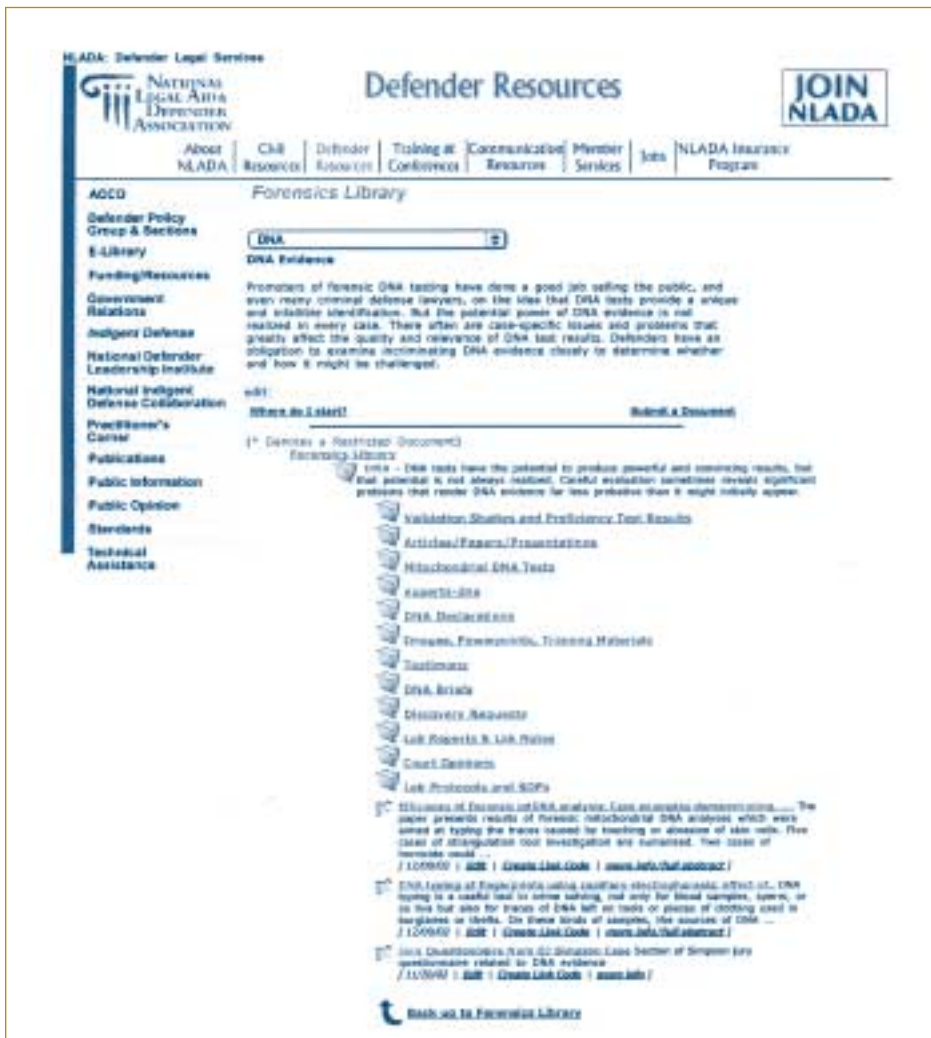
"The NLADA Web site is an ideal home for the Forensics Library because NLADA is so dedicated to improving legal services for those most in need," said Thompson. He also noted that the fundamental design of NLADA's Web site, which is based on an open-source software program called Zope, made it relatively easy and affordable to create the basic functions that the Forensics Library required.

### Finding Your Way Around the Forensics Library

The Forensics Library is organized by topic. Defenders interested in DNA evidence, for example, can visit the DNA folder and browse through the documents posted there. Each document has an abstract, prepared by the person who submitted it, that states what the document is and how it might be useful. Users can also search for documents by key word. The full text of all documents is searchable. A user interested in discovery motions on DNA evidence, for example, can quickly identify documents that contain the words "DNA" and "discovery." The Forensics Library also includes "Where Do I Start?" pages that provide advice and guidance to help users get up to speed quickly on specific topics.

The library has multiple levels of access. Some materials are available to any registered user of the NLADA Web site. Other materials are restricted to

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## Forensics Library

*continued from page 14*

employees of public defender agencies and private defense lawyers. The access restrictions make it possible for defenders to share materials with each other without making them available to the general public. Anyone can become a registered user by visiting the NLADA Web site ([www.nlada.org](http://www.nlada.org)) and clicking on “Tell me more about being a registered user.” To learn how to gain access to the “defender-only” materials, please visit the Forensics Library.

The Forensics Library will be administered by an informal national steering committee of volunteers. Members of the steering committee will take responsibility for various sections of the library, making sure that materials are relevant and up to date. The steering committee will review documents that are submitted to the library before they are posted in order to assure that they are relevant and appropriate. Steering committee members can add new sections to the library and can edit and update existing collections. NLADA is seeking additional volunteers to work on the steering committee. Those interested should contact Thompson at [wcthompson@uci.edu](mailto:wcthompson@uci.edu).

## New on the NLADA Web site...

### THE FORENSICS LIBRARY –

NLADA's new on-line scientific evidence resource for defenders.

### LEADERSHIP FORUM –

A forum featuring speeches, columns and other commentary from equal justice leaders. Your submissions are welcome!

### EYEWITNESS IDENTIFICATION TAUGHT BY LEADING EXPERT, GARY WELLS –

One hour of free, Web-based CLE, courtesy of NLADA and the Practising Law Institute.

### NEWS FROM THE FIELD –

Post your own news items in this section dedicated to showcasing the accomplishments of NLADA's members.

### BRIEFS AND REPORTS –

- **The amicus brief filed with the U.S. Supreme Court for NLADA**, AARP, Legal Counsel for the Elderly, Inc., and The Brennan Center For Justice (other amicus briefs filed in the case are also available);
- **The Hotline Outcomes Assessment Study - Final Report Phase III**, Commissioned by The Project for the Future of Equal Justice;
- **Equal Justice and the Digital Revolution: Using Technology to Meet the Needs of Low-Income People**, by Julia Gordon;
- **Race-Based Advocacy: The Role and Responsibility of LSC-Funded Program**, by Camille D. Holmes, Linda E. Perle, and Alan W. Houseman;
- **Racial Justice: The Role of Civil Legal Assistance**, by Alan W. Houseman; and
- **Comments by NLADA and others on LSC's Draft State Planning Evaluation Instrument.**

[www.nlada.org](http://www.nlada.org)

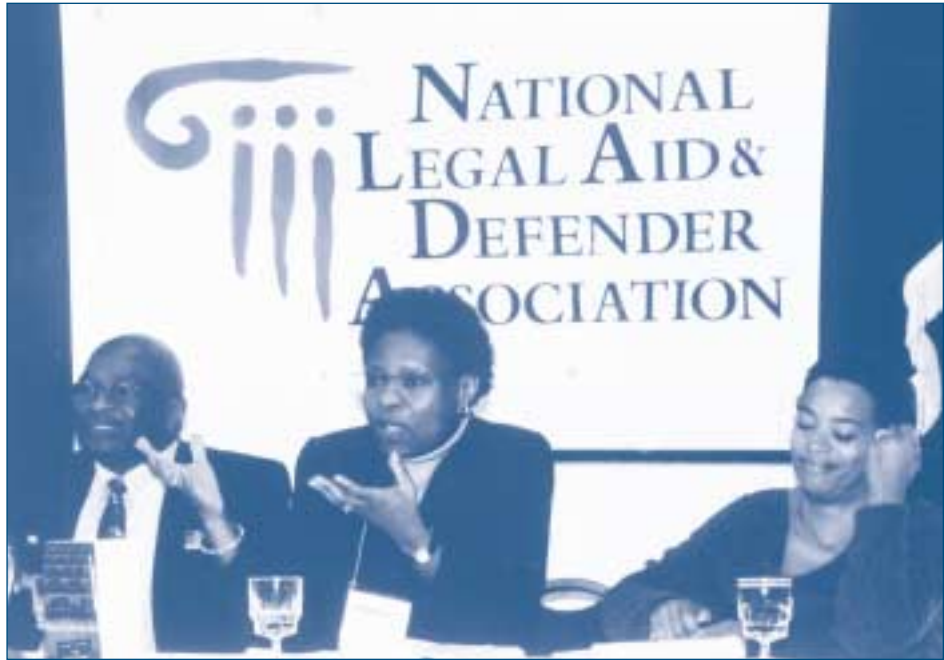
## Reentry

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munities and the lives of those who have already paid their debt to society.

The track began with *What is Reentry?*, a session designed to increase awareness and understanding of reentry issues. Kim A. Taylor-Thompson, professor of clinical law at New York University School of Law, moderated the session, using an interactive talk show format. She portrayed the role of a skeptical state senator desiring to learn more about reentry, quizzing the panel on a range of topics related to the subject. Sharon Dietrich of Community Legal Services, Jimmy Berry of the Community Defender Program at the Public Defender Service for DC, Angela Kennedy Acree of the Public Defender Service for DC, Thomas Johnson, executive director of the House of Hope, Malika Saada Saar, executive director of the Rebecca Project for Human Rights, and Francisca Fajana of Massachusetts Law Reform Institute, participated as panelists.

Following this energizing session, advocates then focused on the substantive area of employment law and discussed strategies to assist ex-offenders in obtaining employment following their release from incarceration. In *Case Study in Representing Ex-Offenders: Employment Law*, panelists Dietrich,



*Francisca Fajana explains one aspect of reentry during the “What is Reentry?” workshop.*

Debbie Mukamal of Legal Action Center of New York, Doug Amaar of the Georgia Justice Project and McGregor Smyth, Civil Action Project coordinator of The Bronx Defenders, provided practical guidance and resources to assist advocates with expungements and pardons, enforcing rights against discrimination and challenging overbroad laws prohibiting ex-offenders from working in certain professions

The next session focused on policy advocacy. This session, titled *Tools for*

*Comprehensive Policy Reform of Collateral Sanctions and Other Reentry Issues*, focused on the use of ABA standards limiting the imposition of noncriminal collateral consequences of criminal convictions, and examined the possibility of partnerships with legislators and other governmental players who are interested in reentry reforms. Susan Hendricks of The Legal Aid Society of New York, Mukamal, and Mike Thompson of the Council of State Governments participated as panelists for this session.

The culmination of the track was the final session, *Call to Action*. Advocates, led by Marc Mauer of the Sentencing Project and Nkeichi Taifa of the Open Society Institute, came together and devised strategies to pursue in their communities to break down the barriers facing ex-offenders. Mauer gave an overview of the broad range of advocacy strategies used to attack voter felony disenfranchisement – including litigation, legislation, community advocacy, advocacy with corrections facilities and executive advocacy – and how those strategies should be extended to broader reentry issues. Taifa presented a hypothetical story that painfully illustrated the labyrinth of barriers facing the average poor person who comes into contact with the criminal justice



*Moderator Kim A. Taylor-Thompson kept the discussion interesting with her portrayal of a skeptical state legislator desiring to learn more about reentry.*

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# NLADA Trainings & Conferences

## Life in the Balance Slated for March

*Learn the Latest Developments in Death Penalty Defense*

As many NLADA members in the defender community know, Life in the Balance (LIB) is an annual event that provides for professionals in the capital defense community to meet, to learn the latest developments in death penalty defense, to develop new techniques and to hone old skills. This year's training is scheduled for March 15-18 at the Renaissance Austin Hotel in Austin, Texas.

Capital defense attorneys, mitigation specialists, defense investigators and scientific experts from around the nation come together for a four-day exchange of ideas and information. Seminars will be offered on the latest scientific, medical and psychiatric developments in capital cases, on the most recent developments in the law

and on a wide range of creative trial strategies and tactics.

A new feature of this year's conference is the pairing of sessions about scientific developments with those about strategy and tactics of litigating that particular kind of science. For example, renowned psychologist and expert on eyewitness identification, Elizabeth Loftus, will speak on eyewitness identifications and memory. Following this session is a seminar on using eyewitness identification experts: how to get their testimony admitted, how to prepare, do the direct and neutralize cross-examination.

Among the topics that will be offered at Life in the Balance for the first-time are: *"the implications of false and restored memory for the way we do social history*

*investigations;" "how investigators and social workers can communicate with and stand up to lawyers;" and "stealing the state's thunder – religion and the bible in capital trials."* Other subjects that will be covered in depth include: litigating issues of mental retardation, voir dire and jury selection, the effects of trauma, and an in-depth course on interviewing.

As a result of Life in the Balance being held in Austin, Texas, NLADA is offering a special track of seminars for Texas lawyers that will deal with special issues practice and other peculiarities of the Texas death penalty system. For all attendees, there will also be several "Discuss Your Own Case" seminars, in which participants will be able to brainstorm the problems and issues of their own real cases, with some of the leading death penalty defense specialists in the country.

For more information, visit [www.nlada.org/Trainings](http://www.nlada.org/Trainings).

## NLADA/ABA Equal Justice Conference, April 9–12

The fifth annual NLADA/ABA Equal Justice Conference will be held in Portland, Oregon on April 9–12. The Equal Justice Conference brings together all components of the legal community to discuss equal justice issues as they relate to the delivery of legal aid to low-income individuals in need of legal assistance. Client-based services and strengthening partnerships among the key players in the civil justice system are key components of this event. Through plenary sessions, workshops, networking opportunities and special programming, the conference provides a wide range of learning and sharing experiences for all attendees.

The theme of the 2003 conference is **The Power of Partnerships**, focusing on how the effective delivery of quality legal aid is dependent on different com-

ponents of the legal profession working together toward a common vision of service. The main conference will explore the partnerships that must be created, the resources that must be tapped, and the new issues facing clients.

Pro bono and legal services program staff, judges, corporate counsel, court administrators, private lawyers, paralegals, and many others attend this event.

Keynote speakers for the conference are Professor David Hall from Northeastern University and Alfred P. Carlton, president of the American Bar Association.

For information regarding registration for the conference, visit [www.EqualJusticeConference.org](http://www.EqualJusticeConference.org).

## 2003 Training Calendar

### Life in the Balance

March 15–18  
Austin, Texas

### Equal Justice Conference

April 9–12  
Portland, Oregon

### Substantive Law Conference

July 22–26  
Los Angeles, California

### NLADA Annual Conference

November 12–15  
Seattle, Washington

[www.nlada.org/Training](http://www.nlada.org/Training)

# SPAN Update

## Second National Meeting of ATJ Chairs Scheduled for Mid-April

By Robert Echols,  
SPAN Coordinator

Chairs of state Access to Justice Commissions, bar committees with a broad Access to Justice charge, and other state Access to Justice leaders will gather together in the spring for the second time in two years to share their experiences, discuss challenges and concerns with their peers, and learn from experts in the field.

The second National Meeting of State Access to Justice Chairs, in conjunction with the 2003 Equal Justice Conference, is scheduled for Saturday, April 12, in Portland, Oregon. The event will include focused, small-group sessions to provide opportunities for in-depth discussion of issues selected by the participants. An opening plenary session will provide a broad national perspective and showcase particularly

successful or promising Access to Justice initiatives from a diverse group of states.

More than a dozen states currently have an active Access to Justice Commission or similar entity—a formal, independent state-level body dedicated to expanding and improving civil legal assistance in the state, composed of appointed representatives of the bar, the courts, legal services providers, and other key constituencies—while several more states are in the process of creating such a body. In other states, a committee of the state bar or bar association or some other body with a broadly representative membership performs a similar function.

Invitations to the meeting are being sent to the chairs or co-chairs of all such entities. In states without a formal Access to Justice structure, invitations are being sent to the volunteer leaders whose roles are most closely related to

the Access to Justice mission, including bar presidents, bar foundation officers, supreme court justices, and others, depending on the circumstances in the state.

The 2003 meeting follows up on the first such national meeting held last April at the 2002 Equal Justice Conference in Cleveland, Ohio. Over 60 state Access to Justice leaders from 35 states participated in that event. Participants overwhelmingly agreed that holding a similar meeting in 2003 would be beneficial.

Like last year's event, the 2003 meeting is being convened by SPAN, a joint project of Standing Committee on Legal Aid and Indigent Defendants (SCLAID) and NLADA. SPAN's mission is to support state Access to Justice partnerships. Additional information about the meeting is available by contacting SPAN at [span@nlada.org](mailto:span@nlada.org).

*New on the NLADA Web site*

## Equal Justice and the Digital Revolution: Using Technology to Meet the Needs of Low-Income People



A new publication available on the NLADA Web site, *Equal Justice and the Digital Revolution: Using Technology to Meet the Needs of Low-Income People*, by Julia Gordon, describes how technology in the legal aid community has improved program management and increased access to assistance and information for both clients and advocates. The report covers the period from 1997 to 2001, when the Project for the Future of Equal Justice (a joint initiative of NLADA and CLASP) engaged in a concerted set of activities aimed at helping legal services programs improve their use of new technologies. It concludes with eight detailed recommendations on how the equal justice community can continue to improve the use of technology in its work.

Both the executive summary and the full report are available at [www.nlada.org/Civil/Civil\\_EJN](http://www.nlada.org/Civil/Civil_EJN). Printed copies can be obtained by contacting CLASP at (202) 906-8000 or sending an e-mail request to [aparker@clasp.org](mailto:aparker@clasp.org).

## Election Impact

*continued from page 4*

In light of the dissenters' support for the loan forgiveness provisions and their unhappiness with the IPA, Senator Durbin has already indicated that he will introduce a free-standing loan forgiveness bill early in the 108th Congress, rather than plan to combine the two measures again. State and local prosecutors, happy to find a bill they like unchained from one they don't, are expected to participate as eager lobbying partners with their defender counterparts. Combined outreach from prosecutors and defenders would likely prove extremely effective in motivating some Republican senators to join as all-important "original cosponsors" (i.e., on the day the bill is introduced) of the loan forgiveness bill.

For more information, see [www.nlada.org/defender](http://www.nlada.org/defender).

**Federal Funding for Defender Training:** After Chief Justice Rehnquist declined House Minority Leader Richard Gephardt's request that the Administrative Office of the U.S. Courts be directed to study and plan a National Defender Training College, NLADA has been pursuing two separate tracks: 1) Getting congressional funding for such a study to be conducted by an entity other than the AO, like NLADA or a university; and 2) getting a congressional authorization for federal grants to NLADA for defender training. Such an authorization was included in the conference version of the Department of Justice Authorization bill, S. 2215, accompanied by language similarly authorizing prosecutor-training grants, but was deleted at the last minute by House Republican conferees Lamar Smith (Crime Subcommittee chair, from Texas – being replaced by Rep. Howard Coble of North Carolina) and Chairman Sensenbrenner.

**Diversion of Mentally Ill Bill:** At the end of the Congress in late October, this long-awaited bill was introduced in both Houses, by Senator Dewine (R-Ohio) and five bipartisan cosponsors, as S. 3147, and Rep. Strickland (D-Ohio), as H.R. 5701. Key points in the bill's

\$100 million annual grant program, drafted with NLADA/ACCD help, include:

- *The term "criminal justice agency" is defined to include a state or local defender agency. One effect would be to overrule the FBI's unilateral withdrawal of defender access to the NCIC criminal history database in 1985, on the grounds that they are not "criminal justice agencies."*
- *Indigent defense agencies are eligible to be a grantee. Each project need only include two agencies – one criminal/juvenile justice, one mental health.*

- *Early entry of defense counsel: grant applicants "shall strive to ensure prompt access to defense counsel by criminal defendants with mental illness who are facing charges that would trigger a constitutional right to counsel."*
- *Grants could be used by defender programs for, for example, training agency personnel, or to create or expand "diversion programs (including crisis intervention teams and treatment accountability services for communities)."*

## New DOJ Law Includes Defender-Related Provisions; NLADA Gets the Worst One Stripped Out

The first bill authorizing operations for the Department of Justice in more than two decades, S. 2215, was signed into law November 2, as P.L. 107-273. Among its hundreds of wide-ranging provisions are some of interest to defenders, such as –

- *a \$350 million authorization for Juvenile Accountability Block Grants for which indigent defense programs are expressly eligible;*
- *an authorization of training and technical assistance grants to public defense and other agencies working with juveniles charged in delinquency proceedings;*
- *a federal reentry program;*
- *a modest \$15 million in grants for state reentry programs;*
- *an authorization for drug court grants to states; and*
- *a federal rules change requiring pretrial disclosure to the defense of expert testimony relating to the defendant's mental condition.*

One important provision was stripped out: an authorization for grants to prosecutors to run drug treatment programs – called Drug Treatment Alternatives to Prison grants, or DTAP. NLADA objected strenuously, including pointing out that prosecutor-led treatment is inconsistent with the mode of judge-led treatment endorsed by Congress in drug courts. Ultimately, although most of DTAP's companion provisions (from S.304, a bipartisan drug bill) were included in the DOJ authorization bill, DTAP itself was deleted.

# NLADA Enters New Defending Immigrants Partnership

*Rosenberg Appointed Director of Initiative*

Did you know that a non-citizen, single mother who receives a one-year suspended sentence for shoplifting, and is placed on probation, has been convicted of an aggravated felony for immigration purposes and is subject to removal? Or, that in most states, a long-time permanent resident who pleads guilty to “first-time simple possession of marijuana” has been convicted of a drug trafficking crime for immigration purposes and is removable with no hope of relief if the crime is a state felony? Unlike citizens, most immigrants and refugees face an additional penalty once they engage in criminal activity or are convicted of a crime — permanent exile.

Immigrant defendants and defense counsel are often shocked by the harsh and unexpected immigration consequences of criminal convictions. Yet, the differences between various pleas and types of sentences can mean the difference between removal and the chance to obtain refugee protection or to continue working and living with one’s family in the United States.

In this time of increased immigration restrictions, when it has become more difficult to separate criminal defense from immigration defense, NLADA has joined with the Immigrant Legal Resource Center, the Immigrant Defense Project of the New York State Defenders Association and the National Immigration Project of the National Lawyers Guild to launch the *Defending Immigrants Partnership*. Under the direction of **Lory Diana Rosenberg**, who has joined the NLADA staff, the Partnership will provide information, training, and other legal back-up to state and federal public defenders, appointed counsel, and private defense counsel that can help individuals avoid many of the immigration consequences flowing from criminal prosecutions and convictions.

The goals of the Partnership are to ensure that immigrant defendants have informed, effective counsel and to enable the defender community to embrace the issue of immigration con-

sequences facing their clients as part of their work, and, working with immigrant advocates, develop and institutionalize expertise in defender offices.

Rosenberg emphasizes that while the laws are harsh, there often are ways that an informed and creative defender can ameliorate potential consequences. For instance, an abused teenager who is tried as an adult for breaking and entering may avoid removal from the United States if he is sentenced to less than one year, and he even may qualify for cancellation of removal if the record of conviction reflects that the offense was connected to his having been battered or subjected to extreme cruelty. And, a person who pleads guilty to “malicious mischief” as opposed to “assault” can avoid a conviction that involves an offense against a person, which can trigger permanent removal consequences.

The Partnership’s first mandate is to

address the law and practice in New York, California, Texas, Illinois, Florida and New Jersey, which are the six most immigrant-populous states, as well as to work with federal defender programs across the country. As part of this undertaking, the Partnership will create legal reference charts that examine state offenses and their immigration consequences in six targeted states, coordinate training with immigration experts and interested defense counsel in these states and develop relevant legal analysis and strategies that are applicable nationwide.

Rosenberg, a nationally and internationally recognized expert on immigration issues, has trained and written extensively on the topic, and most recently served for seven years as a judge on the federal Board of Immigration Appeals. In addition, she

*continued on page 24*

## Beginning Soon! Nominations Process for 2003 Kutak-Dodds Prizes

Be on the lookout, as the call for nominations for the prestigious Kutak-Dodds Prizes (civil and defender) will be sent in February.

Every year the Kutak-Dodds Prizes are given to recognize the accomplishments of civil legal aid attorneys, public defenders or public interest lawyers 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. **Each prize carries a cash award of \$10,000.**

The Kutak-Dodds Prizes, established in 1989, are jointly sponsored by the Robert J. Kutak Foundation and NLADA. They are given in memory of Robert J. Kutak and Kenneth R. Dodds, former partners in the Omaha, Nebraska, Office of Kutak Rock, who were practitioners and advocates of public service, legal education and high ethical standards throughout their lives. In addition to legal services for the poor, the Kutak Foundation supports education in professional ethics, minority scholarships and a variety of other public interest projects.

For more information, contact NLADA Development Director Mizue Suito at (202) 452-0620 ext. 217 or via e-mail at [m.suito@nlada.org](mailto:m.suito@nlada.org).

# Hotline Outcomes Assessment Study

## Yields Findings and Recommendations

By Robert Echols and Julia Gordon

More than three years in the works, the Hotline Outcomes Assessment Study commissioned by the Project for the Future of Equal Justice (a joint initiative of NLADA and CLASP), and funded by the Open Society Institute, has concluded with a set of findings about what happens to hotline clients after they are served and recommendations aimed at improving the level of favorable outcomes.

The term *hotlines* as used in the study refers to *telephone intake, legal advice, brief services and referral systems that allow eligible callers to speak directly to a legal worker who can analyze their problem and provide assistance at the time of the call or with a return call.*

The final phase of the study, conducted by an independent researcher, the Center for Policy Research, Denver, involved interviews with over 2000 clients of five geographically and demographically diverse hotlines, three to six months after they received services. The five sites were the Center for Arkansas Legal Services; the Legal Aid Society of Orange County; Coordinated Advice and Referral Program for Legal Services (CARPLS), Chicago; the Legal Aid and Defender Association of Detroit; and Coordinated Legal Education, Assistance and Referral (CLEAR), Washington State.

Clients were asked to describe what had happened in their case and to respond to a variety of questions about their experience with the hotline and their circumstances. Demographic data about the clients was obtained from the hotline case record and supplemented by information obtained during the interview. In addition to the subjective responses of the clients, a more objective assessment of each case, based on a review of the original case notes and the completed interview, was provided by the authors of this article, both of whom are attorneys with legal services experience. The researchers analyzed the resulting data to produce profiles of

callers across the five sites and outcome patterns, with special attention to the characteristics of cases with favorable and unfavorable outcome patterns.

Most of the clients in all five sites had family, housing, or consumer problems. About 40 percent had a family problem, while housing and consumer problems accounted for 20 percent each. The remaining callers had a variety of other problems, the most common of which dealt with benefits and employment matters.

The study found that hotlines work well for some clients, enabling them to handle their legal problems to their satisfaction. However, for an equally large group of clients, they were found to be not effective, at least as they presently operate. Where a definite outcome could be determined, hotline cases were almost evenly split between successful and unsuccessful outcomes.

Probably the most important insight provided by the study was that most of the clients who did not obtain a favorable resolution of their problem had either not understood the hotline's advice correctly or had not followed it out of fear, discouragement, lack of initiative, or lack of time. Very few clients who had acted on the hotline's advice failed to resolve their problem.

To increase the level of favorable outcomes, the study recommends that hotlines adopt measures that were found to be effective in improving clients' understanding and promoting action, including the following:

- *Routine provision of advice in writing, repeating the advice provided over the telephone.*
- *Increased follow-up, especially for the most important cases and the most vulnerable clients.*
- *Routine screening for characteristics associated with low success rates (non-English speakers, very low education levels, no source of income) and barriers that are likely to prevent the client from proceeding effectively (transportation*

*difficulties, problems with work or day care scheduling, fear or anxiety, and other personal factors).*

- *Increased capacity to perform brief services for the client, such as writing a letter, making a telephone call, or completing a referral).*

The study also recommends that hotlines routinely institute random follow-up interviews with client to gauge the effectiveness of their services and to identify ways to improve them.

The study includes a broad range of additional findings about hotline clients and services and recommendations for improving delivery, many of which are applicable to other delivery systems as well.

The complete Hotline Outcomes Assessment Study is posted on the NLADA Web site, [www.nlada.org](http://www.nlada.org). Click on "Civil Resources" and "Project for the Future of Equal Justice."

*Robert Echols is a consultant on legal services issues; Julia Gordon is senior counsel at the Center for Law and Social Policy (CLASP). They have staffed the Hotline Outcomes Assessment Study for the Project for the Future of Equal Justice since it began.*

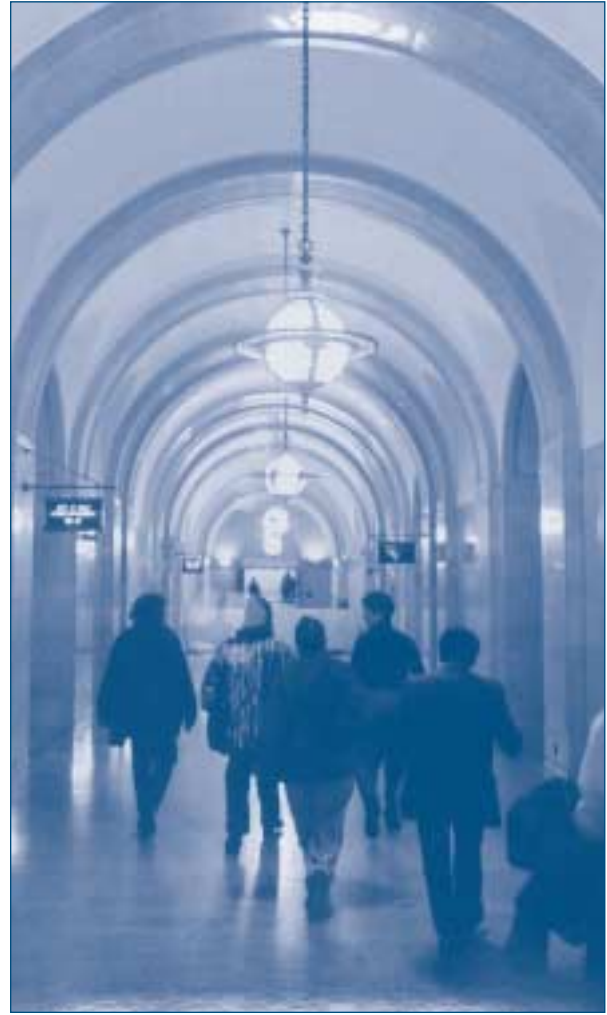
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**Above:** Annual Conference participants check their e-mail at the Cyber Café, sponsored by Kaivo Inc., the Legal Services Corporation, LSTech.org and NTAP.

**Right:** Annual Conference participants tour the Milwaukee County Circuit Court as a part of a workshop sponsored by Chief Judge Michael Skwierawski. Participants enjoyed a rare opportunity to discuss with a number of judges many issues facing the judicial system today and to learn many innovations of the Milwaukee County justice system.



## **Harnessing the Innocence Movement**

*continued from page 1*

mandatory recordation of interrogations and loan forgiveness for public defenders and prosecutors, to increased funding for indigent defense.

Also, in the plenary session the chief public defender of Kentucky, Ernie Lewis, discussed his office's creation of the first innocence project in the nation lodged within a public defender office. Susan Hendricks of the New York Legal Aid Society and George Castelle of the West Virginia Public Defender Corporation discussed other types of defender initiatives systemically attacking innocence issues and remedying

wrongful convictions.

Other sessions and discussions were aimed at: using "innocence" as a communication vehicle from which to springboard to compelling messages about the need for well-supported indigent defense; initiating death penalty moratoria; and available tools for litigators to attack wrongful convictions – not just DNA, but other types of forensic evidence, as well as eyewitness identification.

The Illinois commission's report, including its 85 recommendations, is posted on the NLADA Web site, at [www.nlada.org/Defender](http://www.nlada.org/Defender). Legislative language implementing the commission's recommendations is available through the NLADA Division of Defender Legal

Services. Another set of innocence-related policy reforms discussed at the Annual Conference, issued by a national blue ribbon commission convened by The Constitution Project, is accessible via the Web at [www.constitutionproject.org/dpi/index.html](http://www.constitutionproject.org/dpi/index.html).

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### IN MEMORIAM

The 2002 Annual Conference Opening Reception was 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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## Message to Members

*continued from page 2*

forensic fraud and tainted expert testimony, defenders today have a heavy burden to assess the forensic science performed by state experts for reliability, integrity, and competence, to use DNA evidence proactively when appropriate, and to deter laboratory deception and misconduct. The promise of *Gideon* is not cost-free. Quality indigent defense requires parity with the prosecution.

### The Promise of *Gideon* Demands Adequate Funding

*Gideon* holds out the promise of equal justice under the law, not contingent on the accused's ability to pay. But if the promise of *Gideon* is to be met, and if larger flaws in our justice system are to be remedied, it will require improvements in our public defense

system. Improvements will cost money.

Public opinion research conducted in 2000 by NLADA provides some guidance to help defenders argue to gain funding. The public fully understands the danger of unequal treatment of people of different economic means, the danger of convicting innocent people, the need for expert witnesses, investigators, labs, and DNA testing, and the unfairness of the disparity between resources for defenders and prosecutors.

The public gets it, but not all legislators and funding officials do. Defenders must make the case to funding bodies. The extent to which our system funds public defense will determine how well we live up to the promise of *Gideon*.

<sup>1</sup> 372 U.S. 335 (1963).

<sup>2</sup> U.S. Department of Justice, Bureau of

Justice Statistics, *Indigent Defense Services in Large Counties, 1999* (2000); BJS, *State-Funded Indigent Defense Services, 1999* (2001).

<sup>3</sup> *Massiah v. United States*, 377 U.S. 201 (1977)

<sup>4</sup> 384 U.S. 436 (1966)

## Defending Immigrants Partnership

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is a featured columnist for *Bender's Immigration Bulletin*, a writer for Matthew Bender (Lexis/Nexis), and an adjunct professor at American University's Washington College of Law.

Rosenberg began practicing immigration law in 1976, co-founded a pro bono and direct legal services program for Central American refugees. She served as director of the American Immigration Law Foundation's Legal Action Center, where she brought impact litigation on behalf of immigrants and refugees, prepared amicus briefs on cutting-edge immigration issues and mentored individual immigration attorneys. She is a frequent lecturer at immigration symposia, academic and judicial conferences, and has written regularly for various immigration periodicals. Her legal publications include *Immigration Law and Crimes* (West Law Group 2002); *The Fair Hearings Pleadings Manual* (AILF 1992); and *The Legalization Handbook* (West Law Group).

Rosenberg holds a Bachelor of Fine Arts degree in television and film production from New York University and received her law degree from Northeastern University School of Law. She is a member of the International Association of Refugee Law Judges, the National Immigration Project of the National Lawyers Guild, Inc., the American Immigration Lawyers Association, the Women's Bar Association, and is a member of the bars of the Commonwealth of Massachusetts, the District of Columbia, several federal circuit courts of appeal and the U.S. Supreme Court.

# Gideon's 40th Anniversary Symposium

To commemorate the 40th anniversary of the U.S. Supreme Court's landmark right-to-counsel ruling in *Gideon v. Wainwright*, NLADA, the National Association of Criminal Defense Lawyers, and the firm of Arnold & Porter are hosting a symposium on March 18 at Georgetown Law School in Washington, D.C. The symposium will feature numerous distinguished speakers examining the past, present and future of *Gideon's* promise.

The invited keynote speaker is former Vice President Walter F. Mondale, who as attorney general of Minnesota took the lead in submitting a remarkable amicus brief in support of *Gideon's* right to counsel on behalf of the attorneys general of 22 states. Other speakers scheduled to participate include Anthony Lewis, author of *Gideon's Trumpet*; Abe Krash of the law firm Arnold & Porter, who represented Clarence Earl Gideon before the Supreme Court together with firm partner Abe Fortas; defense luminaries Barry Scheck, Steve Bright and Bryan Stevenson; and representatives of the media, prosecution and the judiciary.

To learn more about this event and other *Gideon's* 40th Anniversary activities, visit the NLADA Web site at [www.nlada.org](http://www.nlada.org).

# Hartman Receives 2002 Thomas H. Morsch Public Service Award

Marshall J. Hartman, deputy defender for the Capital Litigation Division of the Office of State Appellate Defender in Chicago, was named the 2002 winner of **The Thomas H. Morsch Public Service Award** by the Chicago Bar Association/Chicago Foundation. This award honors attorneys who have demonstrated “life long” excellence in the quality of their work, leadership within their agencies and significant service to the disadvantaged.

Hartman’s career began 40 years ago, in 1963 when he was appointed assistant public defender in the year of *Gideon v. Wainwright*. Just as the U.S. Supreme Court in *Gideon* mandated a right to counsel to all indigents accused of felony offenses, Hartman has dedicated himself to a more just and effective way to provide legal services to indigent people accused of crimes.

Throughout the course of his career as a public defender, Hartman has experi-

enced a multitude of challenges, such as inadequate funding, high caseloads, lack of formal training programs, too few investigators, no social workers and inherent conflicts that arose in the days that defenders were allowed to have private practices. These frustrations led him to author and introduce legislation, programs, commissions and agencies that aim to ensure that indigent clients can and do receive first-rate, professional representation.

As director of NLADA’s Defender division in the 1970s, Hartman was instrumental in getting funds allocated for use by public defenders via the Law Enforcement Assistance Administration. In addition, he helped to form the Criminal Defense Consortium, the National Defender Institute and the National Equal Justice Library. He has also served as the team leader and consultant in four major evaluation efforts of public defender offices. In addition, he

has served on NLADA’s Defender Policy Group, and is a current member of the Board of Directors.

In his current position, Hartman oversees the Capital Litigation Division, an Illinois Supreme Court appointed division of the Appellate Defender, which represents more than 125 inmates on the state’s death row. As deputy in charge of this office, Hartman administers a staff of 19 full-time personnel and a panel of 100 lawyers who accept appointment in death penalty cases, and serves as liaison attorney in over 60 state post-conviction and federal habeas corpus death penalty cases.

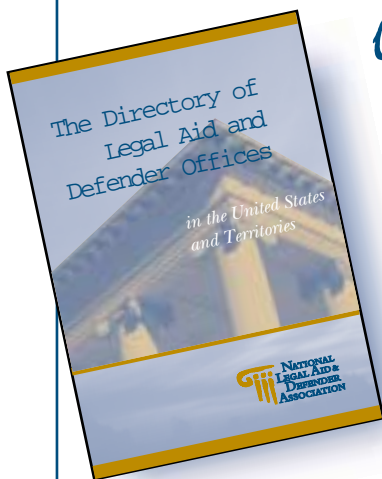
*Article content extracted from “Pro Bono Efforts Recognized at Honors Luncheon,” by Adam Lasker of the Chicago Daily Law Bulletin.*

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## Washington Watch-Civil

*continued from page 3*

bipartisan support for our issues, there is still cause for concern. Discretionary spending in FY 2004 may well be at a minimum. And with the din of debate and rhetoric related to homeland security, the possibility of a war in Iraq, the permanence of tax cuts and the uncertainty of the economy, our biggest challenge lies in making sure that our message continues to be heard loud and clear on Capitol Hill and at the White House.

## LSC Board Nominations

On November 13, the White House announced that President Bush intends to nominate Florentino A. Subia to serve on the LSC Board of Directors to complete the term of a seat that will expire on July 13, 2004. Subia is a client-eligible Republican from El Paso, Texas. A motorcycle enthusiast who is founder and president of the Iron Horses, an El Paso bike club, Subia is the sixth Republican named by the White House as an intended nominee for the board. When officially nominated, Subia will join five other nominees whose names were sent to the Senate Health, Education, Labor and Pensions Committee in 2002. The committee has received no other names.

At press time, Subia and the five nominees' names had been resubmitted to the Senate Health, Education, Labor and Pensions Committee. There was no mention of Democrat nominees and it remains to be seen whether committee chairman Judd Gregg (R-NH) will proceed to confirm a partial slate.

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# 2001 NLADA Annual Report Available

*"In the pursuit of justice for all, I believe 2001 marked one of the most defining years in our nation's history. The September 11 terrorist attacks left our country bewildered and humbled that such catastrophic, malicious acts could occur on the homeland of the finest nation in the world. In the wake of these unconscionable attacks, we, Americans, now understand fully that there are those in the world who pose new dangers to a free and open society. We also understand that poverty, ignorance and bigotry, as well as societies with despotic, autocratic, and oppressive governments, are fertile breeding grounds for the terrorists, both domestic and foreign, who would harm us. However, the good news is we also know that the American values of an open, just and democratic society form the core of a cohesive, resilient culture that is more determined than ever to preserve itself."*

An excerpt from NLADA President and CEO Clint Lyon's  
"President's Message"

Learn more about NLADA's 2001 activities in the pursuit of justice for all by ordering a copy of the report for your program office. To obtain a copy, contact NLADA Development Director Mizue Suito at (202) 452-0620 ext. 217 or via e-mail at [m.suito@nlada.org](mailto:m.suito@nlada.org). Or, visit the NLADA Web site at [www.nlada.org](http://www.nlada.org).



## Reentry

*continued from page 16*

system and how, all too often, every door to building a productive life outside of prison is closed.

Advocates seized on the inspiration from the panelists to develop some strategies for addressing this new justice frontier. Some of the strategies included:

- *Develop a clear and concise message with poignant facts and national numbers;*
- *Explain how addressing the problem saves money;*
- *Identify and develop national spokespeople;*
- *Work with unlikely allies (including prosecutors and small business);*

- *Collaborate, collaborate, collaborate; and*
- *Identify federal funding.*

Advocates left the conference with a renewed sense of purpose and urgency on the overwhelming issue of reentry. As Professor Thompson said, "We must collaborate to understand the issue of reentry, analyze its unique problems and together devise comprehensive strategies to ease our clients' transitions back into their communities. Our clients should not have to fight this battle alone and together we cannot be stopped. Together, we will not be stopped."

To read Professor Thompson's speech in its entirety, and to learn more about reentry, visit the NLADA Web site at [www.nlada.org](http://www.nlada.org).

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All staff phone extensions and e-mail addresses remain the same.