

Upholding the Promise of
JUSTICE

*“Each era finds an improvement in law
for the benefit of mankind.”*

*—Anonymous
Epitaph of Clarence Earl Gideon*



EQUAL JUSTICE UNDER LAW



MESSAGE FROM THE PRESIDENT

On behalf of the National Legal Aid & Defender Association's (NLADA) Board of Directors and staff, it is my pleasure to report on the Association's 2003 accomplishments in the pursuit of "Upholding the Promise of Justice."

In 2003, NLADA marked the 40th anniversary of *Gideon v. Wainwright* — the landmark U.S. Supreme Court case that guarantees the right to counsel in cases that might result in imprisonment, with the launch of "No Exceptions," a national public awareness campaign. As I reflect upon this monumental decision, I am in awe of the impact one person made on the criminal justice system with a single hand-written petition appealing his conviction to the highest court of the land.

Clarence Earl Gideon was a poor man from Florida who was sentenced to five years in prison for a petty pool hall burglary he did not commit. In 1963, states were not required to provide lawyers in criminal cases and thus, Gideon had no counsel at his trial. In fact, thousands of people were forced to go to trial without representation, thereby suffering the consequences of a lack of education in the complex nuances of the law.

Gideon sought to rectify his wrongful conviction by first studying the supreme law of the land and then petitioning the U.S. Supreme Court. As a result of his perseverance, Americans now have the constitutional right to counsel in cases where the outcome could be incarceration. However, as NLADA observed the 40th anniversary of *Gideon v. Wainwright* in 2003, we knew first-hand there remains much work to ensure that the right to counsel is fully realized in every state across the nation.

Although public defenders are assigned cases when the accused cannot afford counsel, the caseloads for these attorneys are often too vast to provide proper representation. It is not uncommon for a person to sit in jail for weeks or months before being assigned counsel, or for a person's first meeting with assigned counsel to occur the day of a court appearance. This is not justice. Our public defense system in the United States is in a state of crisis.

To address the crisis we face in our public defense system, NLADA launched the "No Exceptions" campaign to raise public awareness. The results of the campaign were compelling enough

to warrant the formation of a bipartisan National Committee on the Right to Counsel, charged with research and evaluation duties to help pave the way for much needed reform.

Although *Gideon v. Wainwright* is a criminal law case, our civil work embraces the spirit of *Gideon's* acknowledgement of the importance of access to counsel for all people. Along with our efforts to reform the public defense system in the United States, we have also worked hard to preserve and protect funding for civil legal aid, ensuring that federal support of the Legal Services Corporation remains strong. We have advocated zealously for the creation of loan repayment assistance programs for civil legal aid attorneys at the state, federal, law school and employer levels.

Though much remains to be accomplished in the years ahead, it is NLADA's goal that when the 50th anniversary of *Gideon* is celebrated, *Gideon's* promise will be realized not just symbolically but substantively. "Upholding the Promise of Justice" are more than words to NLADA — it's a cause we believe in and one that our front-line attorneys work every day to achieve. As it is so appropriately stated in Gideon's gravestone epitaph, "Each era finds an improvement in law for the benefit of mankind." I challenge everyone reading this report to make real the promise of justice for all.

The following pages highlight NLADA's 2003 accomplishments, and illustrate the ways NLADA has worked to support the cause of equal justice. Without the support of our partners — NLADA members and donors — what was accomplished in 2003 would not have been possible.

As always, thank you for your continued support and commitment in helping NLADA achieve justice for all in America.

Sincerely,

A handwritten signature in dark ink that reads "Clinton Lyons".

Clinton Lyons
President & CEO

CIVIL LEGAL SERVICES

NLADA's civil legal aid members are critical advocates in the lives of men and women facing domestic violence, children who are abused, individuals who are unfairly evicted from their homes and others who are homeless. Increasingly, these issues, as well as health care, access to education, and life-threatening working and living conditions for farm workers are addressed by civil legal aid attorneys who are often challenged by inadequate resources to provide fair and equal access to justice for their clients.

Despite the many attempts to reduce and even eliminate services and funding, NLADA works tirelessly on behalf of the front-line attorneys whose daily efforts to secure justice for those marginalized in society often go unrecognized. While NLADA works hard to secure such resources, the need still far outweighs the capacity, leaving our members without support and their clients with less than a fair shot at equal justice. Despite this, NLADA experienced a number of successes in 2003 that contributed to improvements in the lives of thousands of people in the United States.

Following are some of the highlights:

WORKING TO PRESERVE, EXPAND AND PROTECT FUNDING FOR LEGAL AID

NLADA was integral to ensuring federal support of the Legal Services Corporation (LSC) funding for fiscal year 2004. As a result of NLADA's advocacy efforts, principally by its nationwide grass roots network, \$335.3 million was appropriated to support legal aid programs that receive LSC grants. In addition, NLADA, along with its counsel from the Center for Law and Social Policy (CLASP), was actively engaged in advocacy before LSC around a wide array of regulatory issues, including financial eligibility, group representation and access for limited English proficient communities. NLADA staff also were integrally involved with the selection of a new LSC Board of Directors and president during 2003.

On March 26, 2003, the U.S. Supreme Court upheld the constitutionality of Interest on Lawyers' Trust Accounts (IOLTA) funding in the victorious case of *Brown v. Legal Foundation of Washington*. This decision protected a vital funding source for civil legal aid in this country. NLADA participated for a number of years in the comprehensive national legal defense of the program, culminating with its filing of an amicus curiae brief in support of the IOLTA programs. The decision protected approximately \$160 million in financial support for legal aid.

NLADA also actively lobbied Congress and the Department of Justice in support of the \$40 million Legal Assistance to Victims (LAV) program administered by the Office on Violence Against Women. This funding provides legal aid programs across the nation with additional resources to address the growing problems associated with family violence and domestic abuse. Additionally, NLADA staff provide a wide range of technical assistance to recipients of LAV funding.

In an effort to assist legal aid attorneys in pursuing careers in public interest law, NLADA has vigorously advocated for the creation of loan repayment assistance programs for civil legal aid attorneys at the state, federal, law school and employer levels. Bills have been drafted and discussed in Congress regarding both relief under the Stafford Loan program and the creation of a federal loan forgiveness program similar to those existing already for a number of federal agencies. NLADA is also actively involved in advising LSC in the development of a pilot \$1 million loan forgiveness proposal.

TECHNICAL ASSISTANCE AND SUPPORT

NLADA staff provide technical assistance on a regular basis to members on important civil legal aid issues. Staff were extensively involved during the year in advising programs in critical negotiations related to the LSC state planning process, the evaluation of newly emerging state justice communities, the implementation of funding changes resulting from the 2000 decennial census, the challenges of program-owned evaluation and quality in service and a host of other issues related to the delivery of effective, efficient legal services.

In addition, under NLADA's contract with CLASP, hundreds of members were provided important legal advice and technical assistance on matters concerning LSC and other issues related to civil legal assistance.

NURTURING COLLABORATION AMONG STAKEHOLDERS

The SPAN Access to Justice Support Project convened the second national meeting of State Access to Justice Chairs, which brought together over 70 leaders from 33 states and the District of Columbia to share their successes and learn from one another's experiences. At the meeting, SPAN released an updated edition of its 50-state report containing the latest information on partnerships among the bar, the courts, legal services providers and other stakeholders to improve and expand civil



legal assistance in every state in the country. A joint project of NLADA and the ABA's Standing Committee on Legal Aid and Indigent Defendants, SPAN provides support and coordination for state-level partnerships dedicated to improving civil legal assistance and expanding access to justice for low-income

people. Among the initiatives these partnerships have undertaken are obtaining or increasing state funding for civil legal assistance, expanding pro bono efforts by volunteer private attorneys, making the courts more user-friendly and responsive to self-represented litigants, and increasing coordination among providers to ensure that the full range of legal needs of low-income people in the state is addressed.

THE PROJECT FOR THE FUTURE OF EQUAL JUSTICE

In its seventh year, the Project for the Future of Equal Justice (the Project), a joint initiative of NLADA and CLASP funded by the Open Society Institute, continued its leadership role by developing and promoting new partnerships, new messages and new models for ensuring that low-income people have meaningful access to equal justice.

In 2003, the Project emphasized work focused on improving the content of "equal justice" available to low-income people and people of color. Here are some highlights of the Project's work in 2003:

- The Project played a critical role in developing NLADA's Civil Justice Leadership Initiative. The Project worked closely with NLADA's civil and defender staff and volunteers to develop the *Leadership Competencies and Practices for Defenders*, laying the groundwork for the *Leadership Competencies and Practices for Civil Justice Leaders*. The Project also partnered with the Management Information Exchange and the New England Legal Services Training Consortium to support statewide and regional leadership development trainings.
- Throughout the year, the Project has supported and promoted community problem-solving approaches within civil legal aid, civil rights and community-based organizations. The Project presented at the NAACP Legal Defense and Educational Fund's Annual Civil Rights Training Institute and trained numerous groups of community problem solvers in the civil justice field. The Project has also been a key player in the development of the Consortium on Community Problem Solving, which is comprised of courts, prosecutors, defenders, civil justice, legal academics and others committed to applying problem-solving approaches.
- The Project has injected and introduced civil rights and racial justice advocates, scholars, and perspectives into the collaborations, planning processes, and partnerships of NLADA and CLASP. Many of the civil rights sessions and themes of national and regional legal aid conferences and trainings have been initiated or coordinated through the Project.
- The Project has continued its ground-breaking communications work around public awareness and resource development. In December 2003, the Project gathered civil legal aid lawyers, civil rights lawyers, policy advocates, and community organizers for an intensive skills training — "Media Advocacy for Equal Justice: A Training for the Deep South Region." This two-day training developed capacity and fostered relationships for justice within and across four Southern states — Alabama, Arkansas, Louisiana and Mississippi.

DEFENDER LEGAL SERVICES

Fixing the universal right to counsel in the national conscience, Justice Hugo Black once wrote: “The right of one charged with a crime to counsel may not be deemed fundamental and essential to fair trials in some countries, but it is in ours.” Public defenders are the guarantors of this right for the indigent accused; they ensure that the right to counsel exists for every individual, regardless of his or her ability to pay. Accordingly, NLADA’s Defender Legal Services is privileged to work towards improving the capacities of public defenders nationwide. Defender Legal Services is the leading provider of standards, training, networking, information and technical assistance for America’s dedicated indigent defense attorneys. Following are some of the highlights:

LEGISLATIVE INITIATIVES

Loan Forgiveness: NLADA continued to advocate for a federal loan forgiveness bill that would grant qualifying defenders and prosecutors with partial forgiveness of Stafford loans.

Sentencing Reform: After an ideologically driven amendment to federal sentencing guidelines restricting federal judges’ discretion to depart below federal sentencing guideline ranges passed, Democrats introduced legislation to repeal all provisions but those relating directly to child or sex offenses. NLADA drafted a letter of support for the repeal, which was entered into the *Congressional Record* by Senator Ted Kennedy (D-MA).

Legislative Network: NLADA supports legislative reform efforts at the state level through networking and information sharing at conferences and the American Council of Chief Defenders’ meetings.

TECHNICAL ASSISTANCE, RESEARCH AND EVALUATIONS

The technical assistance, research and evaluation initiative is one of the most self-empowering tools NLADA provides defenders. NLADA assists whole states and counties by conducting comprehensive evaluations of entire indigent defense systems.

In 2003, NLADA completed a study for Clark County, Nevada, that concluded the public defender office could not institute a performance-based accountability system or provide effective and efficient representation without a serious recommitment of resources to that defender office. As a result, the county increased staffing and funding to support the implementation of the study’s recommendations.

In Maryland, NLADA’s consulting regarding a statewide case-load crisis resulted in a budget increase of 8.4 percent to hire 58 new staff members, 30 of whom will be attorneys.

In Louisiana, NLADA, in cooperation with the National Association of Criminal Defense Lawyers (NACDL) and the American Bar Association (ABA), worked with legislators and potential coalition members to create a Louisiana Task Force on Indigent Defense.

In Texas, NLADA continued to work with the Indigent Defense Commission Subcommittee on indigent financial eligibility standards.

North Carolina’s Mecklenberg County Public Defender hired NLADA to conduct an on-site round table discussion regarding date reporting and time-tracking. As a result, NLADA is currently working to improve communication and negotiating a contract to work with public defenders to create sound performance measures and evaluation processes.

After filing a class action suit against the state of Montana, the ACLU hired NLADA to project the cost for a statewide system that meets the ABA *Ten Principles of a Public Defense Delivery System*. NLADA also provided technical assistance to Oregon as the state dealt with an extreme budget deficit affecting the availability of counsel for accused persons charged with nonviolent misdemeanors and felonies.

THE NATIONAL DEFENDER LEADERSHIP INSTITUTE

The NLADA National Defender Leadership Institute (NDLI) is in its third year and has developed its most advanced leadership education programs to date.



NDLI's seminars, *Nuts & Bolts of Leadership and Management*, *New Leadership*, and *Impact Leadership*, are designed for experienced defender administrators from any type of public

defense program. The *Impact Leadership* seminar series began with a September retreat in Scottsdale, Arizona, reconvened in November in Seattle and ended with a final three-day seminar in Chicago. Both seminars, *Nuts & Bolts* and *Impact Leadership*, are unique because they invite administrators and defenders to bring written copies of office-specific challenges and leadership initiatives to be discussed among the participants so they return home with practical action plans.

NDLI was pleased to partner with the Brennan Center for Justice at New York University School of Law to promote community-oriented defense in the indigent defense community. Among other activities, Brennan Center staff attended *Nuts & Bolts* and provided on-site support for defenders engaged (or planning to engage) in community-oriented lawyering.

THE DEFENDING IMMIGRANTS PARTNERSHIP

The Defending Immigrants Partnership (DIP) is a collaborative effort of the Immigrant Legal Resource Center, the New York State Defender Association, the National Immigration Project of the National Lawyers Guild and NLADA (headquarters for DIP), to provide defenders with the knowledge and capacity to competently represent their immigrant clients. Fully grant funded by the Open Society Institute and the Ford Foundation, DIP answers the questions of trial attorneys, conducts national and regional in-depth trainings for defenders and creates both print and Web resources about immigration consequences for defense attorneys, the first line of defense for some of our community's most vulnerable members.

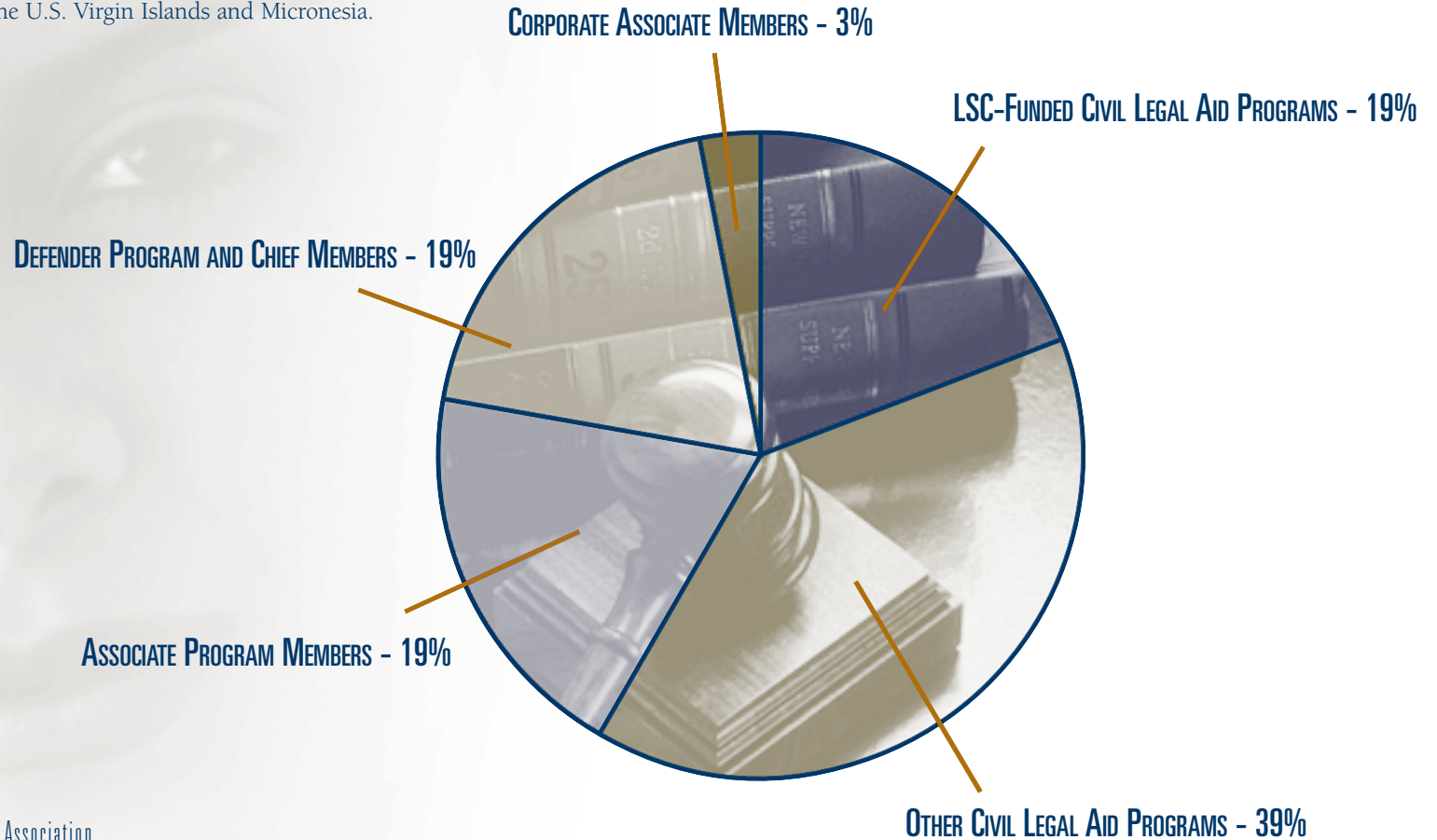
The principal focus of DIP in 2003 was to assist state criminal defense attorneys in the six states with the highest immigrant populations, namely, California, New York, Florida, Illinois, Texas and New Jersey. In California and New York, where immigration-criminal defense programs addressing immigration consequences are ongoing, the goal is to enhance and expand "in-house immigration specialist" models that can be adopted by defender offices in other states and on the federal level. In Florida, Illinois, New Jersey and Texas, in which no joint programs exist, the emphasis is to provide assistance to all defense counsel representing indigent noncitizens, and to enable them to build programs and increase resources to address immigration consequences competently.

NLADA MEMBERSHIP

Members of NLADA are organizations and individuals dedicated to expanding access to effective legal assistance for people who cannot afford counsel. NLADA serves as a collective voice for both civil and public defender community members and has two types of membership — program and individual.

Program Members of NLADA include nonprofit organizations, government agencies, social service organizations, public interest groups, pro bono programs, bar associations, IOLTA programs, law school clinics, assigned counsel, corporate legal departments and law firms. There are four types of program members: civil, defender, associate and corporate associate. In 2003, NLADA had 689 program members, representing more than 12,000 attorneys in the 50 states, and the District of Columbia, Puerto Rico, the U.S. Virgin Islands and Micronesia.

Individual Members of NLADA include civil legal aid advocates and public defense professionals, bar association leaders and staff, private practice attorneys, judges, law school clinicians and clients, law students, fellows and private citizens who support NLADA's mission. Over 300 individuals joined NLADA in 2003, bringing the total individual membership to 1,191.



TRAINING & CONFERENCES

Each year, thousands of civil legal aid and public defense professionals attend NLADA's nationally acclaimed educational training programs and conferences. NLADA's training agenda promotes excellence in the delivery of all aspects of legal services for attorneys representing low-income communities in the United States. Additionally, advocates are able to fulfill continuing legal education requirements as they network and exchange ideas with colleagues.



The culmination of NLADA's training agenda is the Annual Conference, the nation's leading summit and training conference for the equal justice community. This conference provides a wide array of forums rich in opportunities to acquire new skills and information, try out new ideas, share "best practices" information and build upon professional relationships.

Over 800 advocates gathered at the 2003 Annual Conference to commemorate the 40th anniversary of *Gideon v. Wainwright*, the landmark U.S. Supreme Court decision guaranteeing the right to counsel for persons facing imprisonment. Both the civil legal aid and defender communities used the marking of the anniversary to assess where each community stood in its equal justice mission, and outline steps to be taken in support of the promise of access to justice in the future. Highlights of the Annual Conference included: a luncheon panel discussing leadership and diversity following the U.S. Supreme Court ruling in *Grutter v. Bollinger*; a rousing keynote address by Chief Justice Gerry L. Alexander, Washington State Supreme Court; and the joint civil/defender mental health training track.

2003 marked an important milestone in NLADA's long history of training equal justice advocates. As a preconference event to the Substantive Law Conference, NLADA presented a **Trial Advocacy Training Program for Legal Aid Attorneys**, designed specifically for the needs of the civil legal aid attorney.

In 2003, for civil legal aid advocates, NLADA offered:

- **The Substantive Law Conference**, the nation's most comprehensive training on poverty law and trends for advocates covering an array of specialty areas;
- **The Equal Justice Conference**, presented in partnership with the American Bar Association, for advocates who work in various sectors of the equal justice community's legal aid programs, pro bono projects and practitioners, court-annexed pro se clinics, law school clinicians, hotline providers and others; and,
- **Media Advocacy for Equal Justice: A Training for the Deep South Region**, presented in partnership with the Project for the Future of Equal Justice.

In 2003, for public defense professionals, NLADA offered:

- **The Life in the Balance Conference**, providing skills training on case strategies and the latest developments in science for public defenders, investigators and mitigation specialists in capital cases;
- **The Impact Leadership Conference**, for leaders and managers of defender offices and assigned counsel programs;
- **The Defender Advocacy Institute**, a client-centered trial skills program for defenders and assigned counsel; and,
- **The Appellate Defender Training**, the nation's leading, hands-on course for indigent defense practitioners.

NLADA SPOTLIGHT: UPHOLDING THE PROMISE OF JUSTICE

INCREASING PUBLIC AWARENESS AND SUPPORT

NO EXCEPTIONS:

A CAMPAIGN TO GUARANTEE A FAIR JUSTICE SYSTEM FOR ALL

NLADA, in partnership with the ABA, the National Association of Criminal Defense Lawyers (NACDL), and others, launched a national campaign in 2003, to educate the public and the media about the problems confronting indigent defense and the challenges of instituting reforms.

The “No Exceptions” campaign, supported by the Open Society Institute, was designed around the *ABA Ten Principles of a Public Defense Delivery System* adopted by the ABA in 2002.

For 10 months following May 2003, the “No Exceptions” campaign highlighted one key element of the *Ten Principles*, with facts and stories from individual jurisdictions. Campaign materials were produced and distributed monthly to hundreds of legal reporters across the country and posted on the campaign’s Web site, at www.noexceptions.org. The materials provided information on how to support reform and raise awareness by educating policy makers, writing opinion pieces or editorials, and drawing media attention to breaking news stories around indigent defense.

ABA TEN PRINCIPLES OF A PUBLIC DEFENSE DELIVERY SYSTEM ADOPTED BY THE AMERICAN BAR ASSOCIATION, FEBRUARY 2002

1. The public defense function, including the selection, funding, and payment of defense counsel, is independent.
2. Where the caseload is sufficiently high, the public defense delivery system consists of both a defender office and the active participation of the private bar.
3. Clients are screened for eligibility, and defense counsel is assigned and notified of appointment, as soon as feasible after clients’ arrest, detention, or request for counsel.
4. Defense counsel is provided sufficient time and a confidential space with which to meet with the client.
5. Defense counsel’s workload is controlled to permit the rendering of quality representation.
6. Defense counsel’s ability, training, and experience match the complexity of the case.
7. The same attorney continuously represents the client until completion of the case.
8. There is parity between defense counsel and the prosecution with respect to resources and defense counsel is included as an equal partner in the justice system.
9. Defense counsel is provided with and required to attend continuing legal education.
10. Defense counsel is supervised and systematically reviewed for quality and efficiency according to nationally and locally adopted standards.

HISTORY OF RIGHT TO COUNSEL

The decisions of *Gideon*, *Gault* and *Argersinger* are the best known of the right to counsel cases in the U.S. Supreme Court. However, the roots of right to counsel began more than 100 years ago.

1853

Webb v. Baird: Indiana Supreme Court recognized a right to an attorney at public expense for an indigent person accused of crime—grounded in “the principles of a civilized society,” not in constitutional or statutory law.

1932

Powell v. Alabama: Famous “Scottsboro Case” from the Depression Era, the court held that counsel was required in all state capital proceedings.

1938

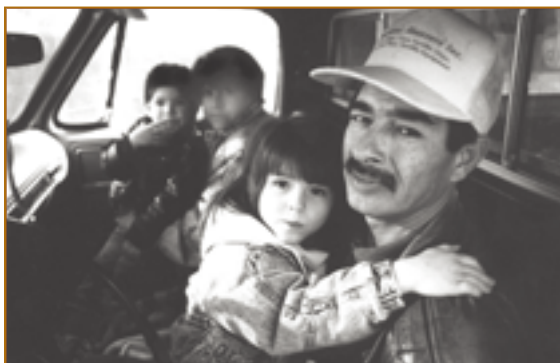
Johnson v. Zerbst: Reaffirmed the right to counsel in federal proceedings by the U.S. Supreme Court. The U.S. Supreme Court developed the Sixth Amendment right to counsel in state proceedings gradually in the 20th century.

THE PROMISE: QUALIFIED COUNSEL FOR ANYONE ACCUSED OF A CRIME — EVEN IF THEY CAN'T AFFORD ONE

2003 marked the 40th anniversary of *Gideon v. Wainwright*, which affirmed the principle guaranteed in the Sixth Amendment to the U.S. Constitution: “The right of one charged with crime to counsel may not be deemed fundamental and essential to fair trials in some countries, but it is in ours.”

— *Unanimous U.S. Supreme Court opinion in Gideon, March 18, 1963*

The U.S. Supreme Court ruled in the landmark case of *Gideon v. Wainwright* that such legal representation when facing charges that could result in a prison sentence is a fundamental right. If someone cannot afford to pay for counsel, the state is required to provide such representation.



THE PROBLEM: INDIGENT DEFENSE IN THE UNITED STATES IS IN A “CHRONIC STATE OF CRISIS”

The Constitutional rights of people unable to afford counsel are routinely ignored. Time and again, Americans are arrested and held indefinitely — or face charges, arraignments and the pressure of plea-bargain — without legal counsel. A person facing criminal charges who cannot afford an attorney often sits in jail for weeks — or even months — before being assigned an attorney, only to have the first conversation come on the date of a court appearance. And, while public defenders strive to provide adequate counsel, most suffer from a lack of resources, as well as overly burdensome caseloads. Some public defenders have so few resources, that expensive and essential tests to fair trials, such as DNA testing, are often never conducted.

THE CAMPAIGN

The public defense crisis in America is a serious nationwide problem affecting not only the accused, but all who believe in a fair and equal justice system. Many states fall woefully short of delivering on the promise of *Gideon*. Without the guarantee of qualified counsel in every single state for all accused of a crime, our justice system will never be fair and equal.

The “No Exceptions” campaign focused on 10 principles that if implemented in each state, would go a long way towards securing fair and equal access to justice and on finally delivering on the promise of *Gideon*. It aims to remind each state of its responsibility to promptly provide qualified counsel. *There are no exceptions to this rule.*

1942

Betts v. Brady:
U.S. Supreme Court declines the extension of the Sixth Amendment right to counsel to state felony proceedings.

1948

Townsend v. Burke: Provides for the right to counsel in sentencing proceedings.

1961

Hamilton v. Alabama: Provides for the right to counsel in arraignments.

1963

Gideon v. Wainwright:
Overruled *Betts v. Brady*, where the Court unanimously held that an indigent person accused of a serious crime was entitled to the appointment of defense counsel at the state's expense.

1963

Douglas v. California: Post-conviction, indigent defendants are constitutionally guaranteed the right to counsel in appeals of right.

BRINGING JUSTICE HOME

A PUBLIC AWARENESS CAMPAIGN

In 2003, the Project for the Future of Equal Justice (the Project) continued to build upon its groundbreaking public education initiatives. The Project, a partnership between NLADA and the Center for Law and Social Policy (CLASP), sought to fulfill the promise of “equal justice under the law” by ensuring that low-income people had meaningful access to a full range of civil legal assistance and advocacy. The Project provided the equal justice community with forward-looking, visionary capacity through advanced media and advocacy training.

The Project completed its work on the pilot states branding initiative. In partnership with the Legal Services Corporation (LSC) and state funders in three states, the Project sought to develop detailed statewide communications strategies “on the ground.” Each partner worked with broad-based advisory groups in Iowa, Pennsylvania and Texas, to develop strategies for strengthening brand identity of legal aid across program lines and throughout each state. Texas faced a formidable communications challenge because of the size of the state and its regional differences, making it difficult to brand legal aid statewide. At the close of the pilot states project in Texas, state leaders commented that it was extremely helpful to have an outside communications consultant come in and objectively assess the situation and make recommendations.

Media Advocacy for Equal Justice: A Training for the Deep South Region convened 35 advocates from Mississippi, Louisiana, Arkansas and Alabama for a two-day media and communications training event in Jackson, Mississippi. The purpose of the training was two-fold:

- 1) To provide advocates with nuts and bolts training on how to craft effective communications strategies and work with the media.
- 2) To build relationships among a diverse group of advocates in the Deep South by encouraging them to develop statewide and regional communications strategies to promote their substantive work.

1966

Miranda v. Arizona:

The Court ruled that all persons have the right to counsel upon arrest and that post-arrest interrogations are prohibited as violations of the Fifth Amendment right against self-incrimination.

1967

In re Gault:

Building on the *Gideon* decision, children were extended the same rights as adults by providing counsel to the indigent child charged in juvenile delinquency proceedings.

1967

United States v. Wade:

The Sixth Amendment guarantees an accused the right to counsel not only at his trial but at any critical confrontation by the prosecution at pretrial proceedings, where the results might well determine his fate and where the absence of counsel might derogate from his right to a fair trial.

1967

Mempa v. Rhay:

Indigent defendants are constitutionally guaranteed the right to counsel in some cases dealing with probation and parole proceedings.

1970

Coleman v. Alabama:

Provides the right to counsel in preliminary hearings.



Finally, the Project integrated the public awareness campaign into the civil rights and racial justice work. In an effort to broaden state justice communities to include lawyers and community activists who advocate for racial justice and civil rights, the Project developed messages that could be used within the legal aid community to reach out to a larger cross-section of specialists. The Project relied on its expertise in public awareness, communications, community problem solving approaches and connecting civil rights, racial justice and community-based organizations to produce a unique training event with multiple benefits to the participants and their communities.

Effective messaging and strategic media outreach among civil and defender leaders reinforced a collective need to raise awareness of a person's right to equal access to justice.

1970 *Brady v. United States and McMann v. Richardson:* Provides the right to counsel in plea negotiations.

1972 *Argersinger v. Hamlin:* The U.S. Supreme Court extended the right to counsel in all misdemeanor state proceedings where there is a potential loss of liberty.

1977 *Brewer v. Williams:* The court reiterated that the right to counsel must be provided during post-arrest interrogation to ensure that evidence is not unconstitutionally collected as a critical stage of proceedings.

1984 *Strickland v. Washington:* The U.S. Supreme Court ruled that in any criminal proceeding in which counsel appears, the defendant is entitled to counsel's effective assistance.

2002 *Alabama v. Shelton:* The U.S. Supreme Court ruled that the Constitution requires provision of counsel in any petty offense, misdemeanor or felony prosecution, thereby reaffirming and expanding the right to counsel in misdemeanor cases.

2003 *Wiggins v. Smith, Warden, et al.:* The U.S. Supreme Court held that failure of counsel to investigate a client's background can establish constitutional ineffective assistance of counsel.

RECOGNIZING EQUAL JUSTICE HEROES

Each year NLADA recognizes distinguished advocates for their contributions to the advancement of equal justice. The work of these heroes and heroines of equal justice represents the great strides and advancements made by individuals in ensuring access to justice for all in America. In 2003, NLADA conferred these awards:

- The **Reginald Heber Smith Award** to *Charles Gessler*, special circumstances coordinator/consultant for the Los Angeles County Public Defender's Office, and *Herbert Semmel*, director of the Federal Rights Program for the National Senior Citizens Law Center in Los Angeles. The "Reggie" recognizes the dedicated services and outstanding achievements of civil legal aid or public defense attorneys while employed by organizations supporting such services.



"It's really a great honor to receive this award from NLADA because it represents the best the legal profession has to offer. Its members lead the struggle for justice by providing services to those who could not possibly afford to do it any other way... I have been very lucky to have the opportunity to work in the public interest law field for the past 30-some-odd years. I can think of no other professional career that can equal the satisfaction I have had..."

—*Herbert Semmel* (deceased), National Senior Citizens Law Center



"I want to thank NLADA for bestowing this award on me. I feel very honored by it. ...Whatever we do, being loving to one another and supporting one another is what life is really about. ...and the people who do this work, whether in the civil field or in the criminal field... carry out these acts of love and support that everybody needs... And for that, I thank everyone."

—*Charles Gessler*, Los Angeles County Public Defender's Office

- The **Charles Dorsey Award** to *Alex R. Gullotta*, executive director, of the Legal Aid Justice Center in Charlottesville, Virginia. Gullotta has received national attention for his many innovative approaches to providing legal assistance to low-income Virginians. The Charles Dorsey Award is given biennially to an individual who has provided extraordinary and dedicated service to the equal justice community and to organizations that promote expanding and improving access to justice for low-income people.



"I'm really honored to be standing at the same podium as the other awardees... I'd like to give a quick thank you to the staff, the Board and the volunteers at the Legal Aid Justice Center. I was allowed to read the letter of recommendation after the award was granted, and I was moved, and part of what moved me was reading through the letter of recommendation I saw that there were a few things in that letter that I could take exclusive credit for. Most of it really was a litany of accomplishments of other people who work in my program and, in many ways, my primary role in their accomplishments was really keeping out of their way, which is not a contribution, but that was my primary contribution."

—*Alex Gullotta*, Legal Aid Justice Center

- The **Clara Shortridge Foltz Award** to *Louisville-Jefferson County Public Defender Corporation* in Louisville, Kentucky. Since its incorporation in 1971, the Louisville-Jefferson County Public Defender's office has revolutionized criminal defense representation in this jurisdiction and led the way for the establishment and implementation of a full-time, statewide public defender system in Kentucky. The award is given biennially to a public defender program or defense delivery system for outstanding achievement in the provision of indigent defense services. The achievement may be the result of an effort by the entire program, a division or branch, or a special project.



“...Clara Shortridge Foltz, ... It’s said she described herself as descending from heroic stock... who never shrank from a conflict or real fear. ...It’s that sort of spirit and pride we try to bring to representation of our clients and against those who wield power over them.... Our mantra, if you will, in our office

has always been, justice doesn’t happen, we have to make it happen. Indeed, it’s posted at the door of our office. And, it’s the last thing our lawyers see when they leave for the courthouse.... I think that spirit personified by Ms. Foltz has been memorialized by NLADA with this award, and for that reason we especially appreciate the honor... and are grateful for recognition of our program.”

—Dan Goyette, Louisville-Jefferson County Public Defender Corporation

- The **Exemplar Award** recipients were *Frank S. Moseley*, partner, of Davis Polk & Wardwell and *José de Lasa*, senior vice president, secretary and general counsel, of Abbott Laboratories. The Exemplar Award pays tribute to private attorneys who set an example of extraordinary dedication, achievement, vision and leadership to realize the American promise of justice for all.



Frank Moseley led a successful pro bono case that is making a significant difference to the quality of public defense in New York. Moseley concluded his remarks by promising to continue his crusade to uphold the promise of *Gideon* in New York and vowed to stand ready to help elsewhere.

—Frank Moseley, David Polk & Wardwell



“We have a big job to do. The job is being done... by organizations such as the National Legal Aid & Defender Association... by law firms throughout the country... by law departments in some American corporations... I just want to tell you, this is important work. We’re doing it. It’s only the beginning.”

—José de Lasa, Abbott Laboratories

- The **2003 Kutak-Dodds Prize** winners were *Stephen Richards*, deputy defender in the Death Penalty Trial Division of the Office of the Illinois State Appellate Defender and *Lois Wood*, managing attorney for the Land of Lincoln Legal Assistance Foundation. Richards has revolutionized capital defense in Illinois by initiating the first statewide defense capital training program, educating local attorneys and judges on the need for a mitigation investigation by a specialist in each capital case, and pioneering other innovations such as the use of focus groups, jury surveys and genograms. Wood has devoted her entire 29-year career to providing meaningful opportunities and safe communities to the residents of East St. Louis, Illinois. She has been a remarkable legal advocate to improve every aspect of her clients’ lives — her dedication is unmistakable. Cosponsored by NLADA and the Robert J. Kutak Foundation, this prestigious award honors the accomplishments of civil legal aid attorneys, public defenders or public interest lawyers who are contributing in a significant way to the enhancement of human dignity and quality of life of those persons unable to afford legal representation.



“This award belongs to my clients... I (have) represented thousands of people all over the course of my career. And it still is amazing to me that whether they are facing a few days in jail or sentenced to death, each one of them had to place their trust in a person who was earning his living working for the same people who were trying to put them in jail, or seek their death, or otherwise assure their downfall. And almost all of them honored me by letting me be their lawyer... I can only hope actually that I was worthy of them.”

—Stephen Richards, Office of the Illinois State Appellate Defender



“...Legal services work, at its best, can be frustrating and challenging, but very satisfying, and sometimes — sometimes — hugely beneficial to the community. One doesn’t go into legal services work expecting or thinking about awards; but nonetheless, it’s wonderful to receive one, it’s wonderful to be honored in this way.”

—Lois Wood, Land of Lincoln Legal Assistance Foundation

2003 CONTRIBUTORS

Membership dues, contributions and grants provide the financial backbone to support NLADA's efforts. For over 90 years, thanks to the tremendous support of individuals and organizations committed to the principle of equal justice, NLADA has provided critical training and technical assistance to lawyers and other equal justice advocates across the United States, as well as serving as a voice in Washington, DC, to ensure adequate federal funding to local programs.

EQUAL JUSTICE INVESTORS' CIRCLE

The Equal Justice Investors' Circle is comprised of individuals who invest annually in NLADA's work, with an enduring vision, commitment and dedication to ensure equal access to justice for all individuals, regardless of their economic status. The following individuals provided NLADA with the financial support needed to launch new initiatives and respond quickly to changing circumstances in 2003.

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Throughout NLADA's history, the involvement and investment of the private bar, corporations and other nonprofit organizations have been critical to the association's success. Strong support of the following organizations sustained NLADA's efforts on behalf of the equal justice community throughout 2003:

AARP	Deere & Company	The Robert J. Kutak Foundation	Starbucks Coffee Company
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ABA Litigation Section	Dickstein Shapiro Morin & Oshinsky LLP	Lichtman, Trister & Ross Limited Brands, Inc.	Strickland Brockington Lewis LLP
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CONSOLIDATED STATEMENT OF FINANCIAL POSITION

as of December 31, 2003

ASSETS

Current Assets	
Cash and cash equivalents	\$ 650,000
Investments	274
Grants receivable	866,270
Accounts receivable	311,964
Prepaid expenses and other assets	117,283
Total Current Assets	1,945,791
Net Property and Equipment	601,604
Deposit	24,875
TOTAL ASSETS	\$ 2,572,270

LIABILITIES AND NET ASSETS

Current Liabilities	
Accounts payable	\$119,193
Unremitted insurance premiums and taxes	40,670
Accrued vacation	59,026
Deferred income	399,131
Capital lease obligation	28,354
Other liabilities	28,137
Total Current Liabilities	674,511
Deferred Rent and Construction Allowance	318,146
Capital Lease, Net of Current Portion	109,892
TOTAL LIABILITIES	1,102,549
Net Assets	
Unrestricted	146,347
Temporarily restricted	1,323,374
TOTAL NET ASSETS	1,469,721
TOTAL LIABILITIES AND NET ASSETS	\$ 2,572,270

CONSOLIDATED STATEMENT OF ACTIVITIES

as of December 31, 2003

OPERATING REVENUE AND SUPPORT

Grants and contracts	\$ 1,738,386
Membership dues	1,573,974
Profit sharing and insurance commissions	939,043
Training and conferences	661,585
Annual dinner	332,375
Royalties	155,530
Contributions and interest	55,013
Publications and other revenue	54,037
TOTAL OPERATING REVENUE	\$ 5,509,943

OPERATING EXPENSES

Program Services	
Special projects	\$ 1,142,756
NLADA Service Corporation	683,686
Civil division	521,961
Defender division	365,207
Training and conference division	343,297
Training events	296,968
Communications	284,060
Government relations	272,370
Annual conference	153,659
TOTAL PROGRAM SERVICES	\$ 4,063,964
Support Services	
Management, administration and finance	270,984
Membership and development	574,849
TOTAL SUPPORT SERVICES	845,833
TOTAL OPERATING EXPENSES	\$ 4,909,797
Change in Net Assets from Operations	600,146
Income Tax Benefit (Expense)	(15,935)
CHANGE IN NET ASSETS	584,211
NET ASSETS, BEGINNING OF YEAR	885,510
NET ASSETS, END OF YEAR	\$ 1,469,721

Founded in 1911, The National Legal Aid & Defender Association is the oldest and largest national nonprofit membership organization devoting all of its resources to promoting justice for all in the United States. NLADA champions effective legal assistance for people who cannot afford counsel, serves as a collective voice for both the civil legal aid and public defender communities throughout the nation, and provides a wide range of services and benefits to its individual and organizational members.





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