

## Celebrating the 50th Anniversary of *Brown v. Board of Education*

On May 17, 1954, American history was changed forever by the ruling of the U.S. Supreme Court in *Brown v. Board of Education*. At long last, African-American children were provided with a court-sanctioned opportunity to attend racially integrated schools — a major step in ending segregation. However, it would take many years for the full implementation of this court decision to be realized, and with much resistance from segregationists in all ranks and offices of the local, state and federal governments. *Brown* represents a seminal moment in the Civil Rights Movement and American history.

This month, NLADA will celebrate the anniversary of *Brown*, recognizing the historical significance of this landmark case. In addition, the NLADA 2004 Annual Conference scheduled for December 1–4 in Washington, DC, is appropriately themed, *Breaking Barriers to Equality and Justice: Commemorating the Spirit*



*Linda Brown standing in front of segregated Monroe Elementary School which she attended. (Photo by Carl Iwasaki/Getty Images)*

of *Brown*. (See page C2 for Annual Conference details.)

*Brown* signifies more than just the desegregation of schools and the advancement of race relations within the United States. It is this case that provides

the very foundation for ensuring that all Americans, regardless of their ethnicity, religion or gender, have an equal opportunity to pursue and achieve the “American dream.” Fifty years ago, a little girl named Linda Brown and her father took a bold stand against racism and injustice. Linda Brown stood tall and helped a nation reconcile its conscience by advocating the rights of those looked down upon and less advantaged. By standing up to the Administration and the local and state governments and school officials, Brown realized the “American dream” not just for the African-American community, but for all of America’s people.

Please join us in commemorating the 50th Anniversary of *Brown v. Board of Education*, by remembering the day and the great accomplishment. Mark your calendars now to be at the NLADA 2004 Annual Conference in December and take a stand.

Fifty years ago, a little girl named Linda Brown and her father took a bold stand against racism and injustice.

## Taking a Stand for Justice and Fairness for All

### Congressman John Lewis of Georgia Inspires Pro Bono Attorneys to Continue the March

*Many of us within the equal justice community are moved and often inspired to fulfill the duties of our work by a need to make a difference, and a desire to help others less fortunate. Within the equal justice community there are many noteworthy champions of the cause, and one of the most prolific and inspirational activists is the person who serves Georgia’s 5th District in Congress — Representative John Lewis.*

In April, during the annual NLADA/American Bar Association (ABA) Equal Justice Conference in Atlanta, conference attendees benefited from Lewis’ words of inspiration. Lewis validated the conference theme, Renewing

Our Commitment to Justice, when he poignantly delivered his keynote address to a room packed with more than 700 participants. His speech, which was no ordinary oratory about the equal justice cause and its importance, referenced his personal frontline experiences as a young child and pioneer in the fight for civil rights with Dr. Martin Luther King, Jr. Lewis’ powerful descriptions of the marches and sit-ins, in which he and Rev. Dr. King participated, and his passionate explanation of what it meant to use nonviolent demonstrations and passive resistance to secure the rights of minorities and preserve democracy, put in perspective



continued on page 18

# Message to Members

## Changing the Perception of Lawyers



By Roy Barnes,  
Former Governor of  
Georgia

*The Honorable Roy Barnes, former governor of Georgia, delivered the Opening Assembly keynote at this year's NLADA/ABA Equal Justice Conference in Atlanta. After serving his*

*term as governor, Barnes worked for six months at the Atlanta Legal Aid Society.*

Lawyers have been a topic of heated discussion since the practice of law began. Unfortunately, the almost universal perception of lawyers today can be summed up in the observation by David Mellor, a British politician who once said, "Lawyers are like rhinoceroses: thick skinned, short-sighted and always ready to charge." I don't think that observation describes me, nor do I think it describes the bar as a whole, but it points out a perception that lawyers must change.

*We carve "equal justice" on our courthouse walls. It is the cornerstone of our system of adjudication. We swear fealty to it every day. For decades, we've announced as a fundamental principle 'that there can be no equal justice where the kind of trial a person gets depends on the amount of money he has.' But what we actually do has little in common with what we say.*

We became lawyers for many different reasons. Most of us knew a lawyer who inspired us. My inspiration, Harold Glore, came from the small town of Mableton. He was a problem solver, a confidante, a friend. Glore was the first person to tell me I should go to law school rather than spending the rest of my life in the family general merchandise business. He knew all of the secrets of everyone in town, and never violated a confidence. My daddy once said to me that if Harold Glore ever told all he knew, the church would be empty on Sunday because of the embarrassment of neighbors, who never wanted to be seen again. We should be proud of a profession made up of Harold

Glores who toil for years at the bar and never receive any recognition other than the thanks that comes from faithful service.

The larger question, however, is how did the public conclude that we went from a profession of the likes of Harold Glore to the one described by David Mellor? I think the answer lies in what lawyers give back to society in the form of pro bono services for both the civil and criminal poor.

First, we must recognize that ours is a profession, and we are not merely merchants of the goods known as legal services. Our stock in trade is not bought and sold on a commodity exchange. The right we have to practice is a controlled one, not available to everyone and closely regulated. This difference creates a duty to society for the privilege of practicing our profession.

This obligation requires us to use reasonable efforts to secure the promise of America by furnishing counsel to those who cannot afford it. It is like a contract: the quid is that only those who meet certain strenuous requirements can charge for performing legal services. The quo is that the right to practice requires an agreement to make sure those who cannot afford legal services are competently represented nonetheless.

In observing the current status of our public contract, Dean Gene Nichol of the University of North Carolina Law School gave a speech recently where he observed,

We carve "equal justice" on our courthouse walls. It is the cornerstone of our system of adjudication. We swear fealty to it every day. For decades, we've announced as a fundamental principle 'that there can be no equal justice where the kind of trial a person gets depends on the amount of money he has.' But what we actually do has little in common with what we say.

Is Dean Nichol correct? Do we give only lip service to the ideal of quality representation for all?

Sadly, I don't think anyone would argue with Dean Nichol's assessment. We have a crisis in the representation of the poor in

Georgia in both civil and criminal matters. In civil cases legal services organizations and their lawyers struggle to provide representation for the poor, but the task is daunting.

The income level at Atlanta Legal Aid at which an individual qualifies for representation is no more than \$11,225, and \$23,000 is the threshold for a family of four. Even with this minimum level we can serve only about 20 percent of those who qualify.

Likewise, the furnishing of competent counsel for those indigents who are charged with crimes is a national disgrace. Recently, *The New York Times* chronicled the anniversary of *Gideon v. Wainwright*. Georgia was singled out as a state that had failed to live up to the constitutional requirement of competent counsel for criminal defendants unable to afford counsel on their own.

What is the solution then to our image problem as lawyers and our ethical and social responsibilities as lawyers? Well, I have some suggestions.

First, *all* lawyers, and not just associates, should donate 50 hours per year of pro bono services. Why 50 hours? Well, for starters Rule 6.1 of the Rules of Professional Responsibility recommends 50 hours per year. This is far below what is recommended by the Pro Bono Institute, which challenges firms to provide 5 percent or 100 of their billable hours to pro bono services. More important, senior lawyers in firms should participate in this process. If they do not, we will never solve the problem. Pro bono work should not be the exclusive domain of associates who have this additional responsibility tacked onto their annual billable hours quota. Associates should be given credit for pro bono hours the same as billable hours. Last, pro bono work should be a substantial factor that is considered in partnership decisions.

Second, we will never be able to come close to meeting the need of providing lawyers to those of limited means unless we have the dedication of small and

continued on page 14

# Washington Watch — Civil

## LSC Officials Provide Testimony on Capitol Hill

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

Before leaving for a two-week spring recess, two subcommittees of the House of Representatives held hearings on the Legal Services Corporation (LSC). Both showed the solid bipartisan support built from years of being in the spotlight during the annual appropriations process. Highlights of the hearings appear below.

### Oversight hearing

On Wednesday, March 31, the Subcommittee on Commercial and Administrative Law of the House Judiciary Committee held a legal services oversight hearing. The uncharacteristically low-key hearing focused narrowly on several issues raised by the recent Office of Inspector General (OIG) report on California Rural Legal Assistance (CRLA) and on the merits of a possible system of co-payments by LSC-eligible clients. Subcommittee Chair Chris Cannon (R-Utah), Ranking Member Mel Watts (D-NC) and Subcommittee

Member William Delahunt (D-MA) participated in the hearing.

The hearing featured three witnesses for the majority: LSC President Helaine Barnett, CRLA Executive Director Jose Padilla, and Harvard Law School's Hale and Dorr Legal Services Center Director Jeanne Charn. Former LSC President John McKay, now U.S. Attorney for Washington State, had been invited to testify for the minority, but the Department of Justice refused to allow McKay to appear.

Before the witnesses began, Rep. Watt noted he believed it was inappropriate and counterproductive for the subcommittee to call Jose Padilla to testify, because CRLA is the subject of an ongoing investigation initiated by the OIG and referred to a LSC management issue that has not been resolved by LSC. He warned that the subcommittee should "tread lightly" to avoid unduly influencing the outcome of the CRLA investigation. He also stated that he was a firm opponent of client co-payments for legal services and feared that such a system would lead to the end of a comprehensive legal services delivery system.

**President Barnett** gave an overview of LSC, describing the work that legal services programs do and noting that LSC-funded programs are able to meet less than 20 percent of the legal needs of eligible clients. She indicated that she strongly supported the decision by Congress to focus LSC's efforts on day-to-day legal services, and she is proud of LSC's efforts to ensure compliance by closely monitoring its recipients and taking corrective action when necessary to ensure compliance with the restrictions.

**Jose Padilla** spoke eloquently about the history of CRLA's work on behalf of low-income Californians and, for the remainder of his testimony, addressed the issues raised by the OIG's report. He spoke about CRLA's efforts to cooperate with the OIG during its 30-month-long audit of the program, estimating that CRLA had expended 4,479 staff hours of audit-related work, at a cost of \$113,091. He noted that despite this extensive review, the OIG found no financial irregularities,

no violation of LSC rules that required any penalty or LSC intervention and no improper transfers of LSC funds between CRLA and the CRLA Foundation, which were found to be independent entities.

Padilla acknowledged that the OIG did make several findings relating to program integrity under Part 1610 of the LSC regulations. He stated that where CRLA agreed with the OIG findings, it had taken action to change its policies and practices to ensure compliance in the future. Where there is a disagreement with the OIG conclusions, CRLA is looking to LSC management to resolve the questions.

**Jeanne Charn** described the role of the Hale and Dorr Center in educating students and providing legal services in low-income areas of Boston. She noted that the Center serves moderate-income clients, as well as those who would be financially eligible for LSC-funded services, and represents small businesses and nonprofits in addition to individuals. The Center's primary source of funding is Harvard Law School, although it does receive some small grants and supplements its resources with attorneys' fee awards and client co-payments. Charn stated that the purpose of the client co-pay

continued on page 13

## INSIDE

Message to Members .....	2
Washington Watch - Civil .....	3
Washington Watch - Defender .....	4
National Initiative on Right to Counsel .....	5
2004 Exemplar Awards Dinner .....	6
2004 Kutak-Dodds Prizes' Winners .....	7
Gideon Shattered .....	8
Life in the Balance: Saving One Life at a Time .....	11
Strategies for Public Defender Hiring .....	12
NLADA's New Faces .....	15
Amicus Corner .....	16
Training & Conferences Insert .....	C1

## 2004 NLADA Officers

NLADA announces the selection of the following officers to its Board of Directors:

- **Harrison McIver**, *chairperson*, is the executive director of Memphis Area Legal Services, Inc., in Memphis.
- **Leonard Noisette**, *vice chairperson*, is the executive director of Neighborhood Defender Services in New York City.
- **Rosita Stanley**, *vice chairperson* and chair of NLADA's Client Policy Group, is from Macon, Georgia.
- **Andy Steinberg**, *treasurer*, is the executive director of Western Massachusetts Legal Services in Springfield, Massachusetts.

The term of each of these positions is one year. **Jean Faria** serves as the immediate past chairperson for a one-year term ending in March 2005.

# Washington Watch — Defender

## Chief Defenders Go to Capitol Hill

*By Gerard Smyth, Chief Public Defender, and Susan Storey, Deputy Chief Public Defender, for the State of Connecticut*

Under the sponsorship of the NLADA American Council of Chief Defenders (ACCD), chief defenders from around the country gathered in Washington, DC, on April 26-28 to gain support in Congress for several indigent defense proposals. Priorities included student loan forgiveness for public defenders (and prosecutors), federal grant funding for indigent defense and the Innocence Protection Act (part of



*(l to r): Susan Storey, deputy chief public defender for Connecticut, Senator Joseph Lieberman (D-CT) and Gerry Smyth, chief public defender for Connecticut, meet during the bill visit segment of the annual ACCD Washington meeting.*

a larger DNA bill).

The ACCD meeting officially began with outgoing Defender Division Director Scott Wallace literally passing a baton to his recently announced successor, Ross Shepard, longtime director of the public defender agency in Lane County, Oregon. The ACCD then honored Wallace for his service and numerous accomplishments during his eight-year tenure as division director. Notable among those

accomplishments were his role in convening two National Indigent Defense Symposia on behalf of the U.S. Justice Department's Office of Justice Programs, the founding of the ACCD and a meeting of ACCD members with former Attorney General Janet Reno. Wallace also was instrumental in developing national indigent defense standards and spearheading efforts to gain parity for defenders with prosecutors in federal funding and programs.

Participants were well prepared on Monday by consultants Peter Loge and Stephanie Robinson, former high-level congressional staffers, who provided training and advice on the ins and outs of lobbying on Capitol Hill. They were joined by Ron Weich, a partner in Zuckerman Spaeder, and Kyle O'Dowd, NACDL legislative director and former Senate Judiciary Committee counsel, who briefed defenders on the status of pending legislation. Luke Rose of the Russ Reid Company gave an outstanding and succinct presentation on obtaining congressional appropriations "earmarks," and Andrea LaRue of the Nueva Vista Group addressed coalition building and the importance of progressive organizations having a lobbyist on staff. Each of them joined in strategizing for the visits with members of Congress and staff the following day.

Tuesday on Capitol Hill began with a working breakfast in the Dirksen Senate Office Building for the 25 attendees from 15 states, Puerto Rico and the District of Columbia. The breakfast featured a roundtable discussion among chief defenders and senior House and Senate Judiciary Committee staff, discussing what the ACCD can do to work with our allies in Congress to help advance our shared

interests on issues, such as public defender student loan forgiveness.

We Connecticut-ers got off to a very encouraging start before we even got to our first scheduled appointment (with Senator Joe Lieberman) when we ran into Congressman John Larson of Hartford on a street corner and secured his agreement on the spot to cosponsor the student loan forgiveness bill! Many other defenders, in more formal settings, had similar successes throughout the course of the day.

Lisa Schreibersdorf of Brooklyn Defenders and Mike Coleman of New York County Defenders outdistanced the field by together visiting 14 offices. Other chiefs visited dozens more in both the House and Senate throughout the day, including Illinois State Appellate Defender Ted Gottfried's personal meeting with Sen. Richard Durbin of Illinois, lead champion of the student loan forgiveness bill in the Senate.

The ACCD's current top legislative priority is the Prosecutors and Public Defenders Incentive Act (S. 1091 and H.R. 2198). This bill would forgive up to \$40,000 in Perkins and Stafford loans in return for at least three years of service as a state or local prosecutor, or a state, local or federal public defender (defined to include full-time employees of a nonprofit organization providing indigent defense under a contract with a jurisdiction), at a maximum rate of \$6,000 per year. Prior to this latest lobbying effort, there were 27 cosponsors in the House of Representatives and 20 cosponsors in the Senate. More have now been pledged, and efforts will continue to add to these totals.

On the day after the ACCD meeting, Senators Durbin, Kennedy and Leahy introduced a revised version of the loan  
continued on page 18

# National Initiative on the Right to Counsel to Launch in May

By Virginia Sloan, President,  
The Constitution Project

The Blue Ribbon Committee on indigent defense established by NLADA and The Constitution Project will formally launch its historic one-year project in May. The members of the new national initiative on the right to counsel have been selected, a skilled research team has been engaged, four prominent academics have agreed to serve as reporters and advisors, an experienced executive director has signed on and a communications specialist has agreed to work to publicize the initiative's work.

The Blue Ribbon Committee, conceived in connection with last year's 40th anniversary of *Gideon v. Wainwright*, was created to review the indigent defense system throughout the nation, and it will create consensus recommendations for reform. Two distinguished Americans have agreed to serve as the committee's honorary co-chairs: former U.S. Vice President and Senator **Walter Mondale**, who, as Minnesota's attorney general, spearheaded the amicus brief of 23 state attorneys general in support of *Gideon* in the U.S. Supreme Court, and former U.S. Senator and Missouri Attorney General **John Danforth**.

Members of the committee are a distinguished bipartisan group, representing a variety of perspectives and experiences. They are **Shawn Armbrust**, a student at Georgetown Law Center, who as a Northwestern University journalism student helped exonerate death row inmate Anthony Porter; **Rhoda Billings**, former Chief Justice of the North Carolina Supreme Court; **Jay Burnett**, a former Texas judge who was instrumental in passage of the new Texas indigent defense law; **Colonel Dean Esserman**, the police chief of Providence, Rhode Island; **Dr. Tony Fabelo**, senior associate at JFA Associates/The Institute, who was previously the executive director of the Texas Criminal Justice Policy Council; ethics expert **Monroe Freedman**, a Hofstra University law school professor; **Susan Herman**, the executive director of the National Center for Victims of Crime; **Robert Hirshon**, the CEO of Tonkon Torp LLP and former president of the American Bar Association; **Bruce Jacob**, a Stetson University law school professor who represented Florida in *Gideon v. Wainwright*; **Robert Johnson**, the Anoka County, Minnesota district attorney and past president of the National District Attorneys Association; **Timothy Lewis**, a partner at Schnader Harrison Segal & Lewis LLP and a former Third Circuit judge who also served as an assistant U.S. attorney and assistant district attorney in Pennsylvania; indigent defense authority **Norman Lefstein**, a professor and former dean at Indiana University Law School; **Larry D. Thompson**, now a senior fellow at The Brookings Institution and formerly the Justice Department's deputy attorney general under the current President Bush and a former U.S. attorney; and **Hubert Williams**, the president of the Police Foundation.

The Constitution Project and NLADA created this new initiative out of concern about chronic evidence from around the country that *Gideon's* constitutional promise is not being fulfilled. Various organizations have studied state and local indigent defense systems over the years, but it has been 27 years since the last comprehensive review of indigent defense by a national body with a diverse "blue ribbon" membership. The National Study Commission on Defense Services (NSC) was convened by NLADA and issued its report in 1976. It spent two years gathering information about indigent defense in America and promulgating a comprehensive series of aspirational guidelines. These guidelines have enduring force today, and are commonly

cited in projects to evaluate or improve indigent defense at the state or local level, but the indigent defense world has grown and changed in many ways in the intervening quarter century.

The committee will hold its first meeting this May. Its work will be informed by comprehensive national research, conducted by a team of researchers from the University of Maryland's Bureau of Governmental Research, an office with great credibility, in part because of its extensive experience conducting criminal justice-related research for the U.S. Department of Justice and other federal agencies. The research team's work will consist of both a review of all previous research and original research and field investigation. In addition, the committee itself will conduct fact finding in different parts of the country, hearing from criminal justice system participants and knowledgeable experts.

---

By the spring of 2005, the initiative on the right to counsel expects to present overall findings regarding the quality of public defense in America; identify obstacles to the realization of *Gideon's* promise; describe a "best practices" model of indigent defense, adaptable to different types of systems; and create consensus recommendations for reform, including model federal and state legislation.

Two highly regarded scholars, law professors Paul Marcus of the College of William and Mary and Mary Sue Backus of the University of Oklahoma, will serve as reporters for the committee. They will be responsible for drafting recommendations and other material for the committee's review. They will be advised by two other prominent clinical law professors with distinguished indigent defense backgrounds: Randolph Stone of the University of Chicago and formerly chief public defender for Cook County, Illinois, and Abbe Smith of Georgetown Law School and formerly with the Defender Association of Philadelphia.

The project director for the initiative is Mary Broderick, former NLADA director of Defender legal services. Communications and media support is provided by experts at the Criminal Justice Reform Education Fund.

By the spring of 2005, the initiative on the right to counsel expects to present overall findings regarding the quality of public defense in America; identify obstacles to the realization of *Gideon's* promise; describe a "best practices" model of indigent defense, adaptable to different types of systems; and create consensus recommendations for reform, including model federal and state legislation. ■

# NLADA's 2004 Exemplar Awards Dinner to Honor Ben Heineman of General Electric

With the theme of “Equality, Leadership, Community, Justice: Making It Happen,” the NLADA 2004 Exemplar Awards Dinner will be held on Thursday, June 17, at The Capital Hilton Hotel, with a reception beginning at 6:30 pm, followed by the dinner and awards program at 7:30 pm. NLADA will present its 2004 Exemplar Award to Benjamin W. Heineman, Jr., senior vice president for law and public affairs at General Electric (GE). Jeffrey Kindler of Pfizer, Carter Phillips of Sidley Austin Brown & Wood and John Villa of Williams & Connolly will serve as co-chairs of this year’s event.



Heineman has demonstrated excellence throughout his wide-ranging career, from corporate law to private practice to the public sector. Prior to his role at GE, Heineman had an impressive career that includes accomplishments as a managing partner in Sidley Austin’s Washington office; assistant secretary for Planning and Evaluation at the U.S. Department of Health, Education and Welfare;

while maintaining a lifelong commitment to public service, diversity and the principle of justice for all to serve the broad interests of the bar and its communities. One example is The Pro Bono Partnership (The Partnership). With Heineman’s strong support and guidance, GE and other members of the Corporate Bar Association in the Connecticut and New York area founded The Partnership in 1997. The Partnership is a coordination and resource center to help corporate counsel offer free legal services to nonprofit organizations in Westchester County (NY), Fairfield County (CT) and Northern New Jersey that have legal needs but cannot afford to hire counsel. To date, over 700 corporate counsel have provided legal services through The Partnership for over 600 nonprofit organizations on over 1,650 different legal matters. In 2000, the American Bar Association’s Section of Business Law presented the ABA National Public Service Award to GE for its role in creating The Partnership. The Partnership is a model for pro bono activities by inside counsel. New partnerships have opened in New Jersey, and others are in the planning stage in cities across the United States.

In addition to his commitment to pro bono activities, Heineman has led his legal team to higher ground in other areas as well. In 2000, Heineman accepted the Diversity 2000 Award from the Minority Corporate Counsel Association on behalf of GE’s law department for progress made in advancing the cause of diversity in corporate law. In 2002, the American Corporate Counsel Association/Global Corporate Counsel Association presented the 2002 Excellence in Corporate Practice Award to Heineman for his achievement in the areas of community relations, public service and advancement of the profession. NLADA is honored this year to join in recognizing Ben Heineman as an innovator, leader and proponent of the cause of equal justice.

NLADA will also honor the 2004 winners of the Kutak-Dodds Prizes at the dinner. Cosponsored by NLADA and the Robert J. Kutak Foundation, this prestigious award annually honors the accomplishments of civil legal aid attorneys, public defenders or public interest advocates who, through the practice of law, are contributing in a significant way to the enhancement of human dignity and quality of life of those persons unable to afford legal representation. Each prize carries a cash award of \$10,000. This year’s winners are Bill Brennan of Atlanta Legal Aid Society and Roberto Nájera of the Office of the Public Defender for Contra Costa County (See story on page 7).

Since 1991, NLADA has gathered with its members and friends at this annual dinner to pay tribute to all lawyers who labor tirelessly to represent people who are unable to pay for legal assistance and to salute outstanding individuals who set an example of extraordinary dedication, achievement, leadership and vision. Plan to join NLADA in this special celebration on June 17.

For more information or to purchase a ticket, visit [www.nlada.org](http://www.nlada.org) or contact Mizue Suito, director of development, at (202)452-0620, ext. 217, or via e-mail at [m.suito@nlada.org](mailto:m.suito@nlada.org). ■

Since 1991, NLADA has gathered with its members and friends at this annual dinner to pay tribute to all lawyers who labor tirelessly to represent people who are unable to pay for legal assistance and to salute outstanding individuals who set an example of extraordinary dedication, achievement, leadership and vision.



staff attorney at the Center for Law and Social Policy; and law clerk to Associate Justice Potter Stewart of the U.S. Supreme Court. Heineman also co-authored *Memorandum for the President: A Strategic Approach to Domestic Affairs in the 1980s* and authored *The Politics of the Powerless: A Study of the Campaign Against Racial Discrimination*, a pioneering study of race relations in Britain. He received his BA with high honors from Harvard; a graduate degree in political sociology as a Rhodes Scholar at Oxford; and his JD from Yale, where he served as editor-in-chief of the *Yale Law Journal*.

From 1987 through the beginning of this year, Heineman served as the GE general counsel and was responsible for managing a globally diverse team of more than 1,000 in-house attorneys in more than 100 countries around the world. He is renowned for creating a corporate culture of integrity and compliance where lawyers are highly valued and play a significant role in the business and management. Under Heineman’s leadership, in fact, the GE law department has come to be recognized around the world for its excellence, and it is fondly known as the “general counsel graduate school” because a number of former GE corporate counsel now head law departments at other Fortune 1000 companies.

Heineman has not only demonstrated his exceptional leadership in transforming the role of inside corporate counsel but has also done so

# NLADA Announces Winners of the Prestigious 2004 Kutak-Dodds Prizes

*William J. Brennan, Jr. Receives the Civil Award & Roberto Nájera the Defender Award*

The National Legal Aid & Defender Association (NLADA) is pleased to announce that William J. Brennan, Jr., director of the Home Defense Project of Atlanta Legal Aid Society, and Roberto Nájera, deputy public defender in the Alternate Defenders Office for the Office of the Public Defender for Contra Costa County in California, are this year's winners of the prestigious Kutak-Dodds Prizes. Jointly sponsored by NLADA and the Robert J. Kutak Foundation, each prize carries a cash award of \$10,000. The winners will receive their awards during the NLADA Exemplar Awards Dinner at The Capital Hilton in Washington, DC, on June 17.

The Kutak-Dodds Prizes, awarded annually, honor the accomplishments of civil legal aid attorneys, public defenders and public interest advocates who, through the practice of law, are contributing in a significant way to the enhancement of human dignity and quality of life of those persons unable to afford legal representation.

"It is my high privilege to recognize Roberto Nájera and Bill Brennan for their outstanding dedication to the pursuit of justice for America's low-income communities," said Clint Lyons, NLADA president and CEO. "Both Nájera and Brennan exemplify the very best that public defenders and legal aid attorneys can be, as evidenced by their respective achievements, varied leadership roles and outstanding legal work."



**Bill Brennan** is a leading national advocate in countering predatory lending practices and has dedicated his entire 35-year legal career to providing justice for low-income clients. For the last 15 years, he has served as

the director of the Atlanta Legal Aid Society's Home Defense Program, which provides legal representation and referrals for largely low-income and elderly homeowners and home buyers who are victims of a variety of home equity and purchase schemes, including predatory mortgage lending and foreclosure assistance fraud.

He is highly regarded within the legal services community especially for his work in the early

1990s to stop the predatory lending practices of Fleet Finance, Inc. After two years of litigation, Brennan negotiated an extremely favorable settlement for his clients, most of whom were elderly homeowners living on limited Social Security and SSI benefits. He also inspired and supported an investigation of Fleet by the Georgia Attorney General's office which led to an unprecedented \$115 million settlement against the company.

Brennan also worked extensively with the media to expose predatory lending practices and their effect on the lives of low-income homeowners. Segments appeared on *60 Minutes* and *NBC Nightly News*, and numerous major stories ran in the *Atlanta Journal Constitution* and the *Boston Globe*. These new stories and litigation attracted the attention of the U.S. Congress. In 1994, after several hearings at which Brennan's clients testified, Congress passed the Home Ownership and Equity Protection Act, which requires special disclosures for high-cost mortgage loans and prohibits certain abusive terms in the loans.

Brennan has also challenged kickbacks to mortgage brokers, a practice that increases substantially the already high cost of subprime mortgage loans. He successfully litigated the issue under the federal Real Estate Settlement Procedures Act (RESPA) and served on the Negotiated Rulemaking Advisory Committee on RESPA created by Housing and Urban Development (HUD). In 1997, Brennan coauthored an amicus brief in a case before the 11th Circuit Court of Appeals on a successful challenge to the legality of kickbacks under RESPA. Brennan's efforts are in large part the very reason that the word "predatory lending" is in the public vocabulary today.



**Roberto Nájera** has dedicated his life's work to championing the plight of the underdog. The fifth of six children, Nájera grew up in poverty, at times working the fields with his siblings to help earn money.

Against the advice of his high school counselor who encouraged him and other minority students

to seek vocational jobs, he enrolled at UC Santa Cruz as a sociology major and eventually obtained a law degree from Harvard University. Nájera's desire to give back led to his return to California in 1983 to begin his career with La Raza Centro Legal, representing low-income clients in eviction and immigration matters. He went into private practice for one year in 1987, returning to public service work in 1988 with the Legal Aid Society of Marin and Legal Aid Society of Contra Costa. In 1989, he went to work for the Office of the Public Defender for Contra Costa County, where he has been representing low-income adults and minors from initial court appearance through trial and sentencing, primarily in felony cases.

One of the defining moments of Nájera's legal career came in 2003 when he argued and won a case in front of the U.S. Supreme Court - *Stogner v. California*. In 1998, Nájera was assigned a case in which his client was arrested and charged with molesting his two daughters between 1955 - 1973. When his client's alleged offenses occurred, the statute of limitations was three years. However, the prosecutors used a 1994 California law that permitted filing of charges within a year of the report regardless of when the crime allegedly occurred. Recognizing that his client's constitutional rights under the Ex Post Facto clause were violated, Nájera filed a petition challenging the state law through the California court system, which was denied. Undeterred by the state court's decision, Nájera took the case to the U.S. Supreme Court, where he ultimately obtained a ruling that overturned the California law.

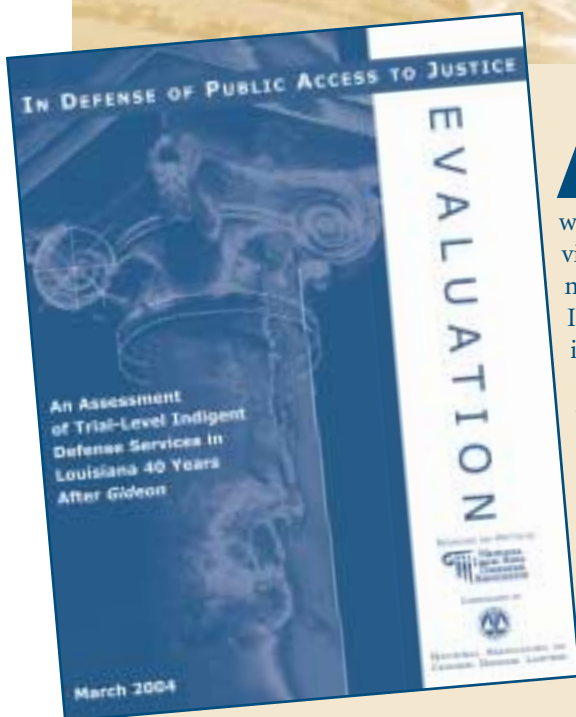
The decision resulted in the dismissal of numerous cases and in the release of defendants wrongfully convicted and sentenced under this unconstitutional law. Because it is rare for a deputy public defender to take a case from the trial level and handle it through the entire appellate process, Nájera's determination and accomplishments are considered an amazing feat.

For more information on the Kutak-Dodds Prizes, contact Mizue Suito, director of development, at (202) 452-0620, ext. 217, or via e-mail at [m.suito@nlada.org](mailto:m.suito@nlada.org). ■

# GIDEON SHATTERED

## JUSTICE STANDS STILL IN AVOYELLES PARISH, LOUISIANA

(The following is an excerpt from the March issue of *The National Association of Criminal Defense Lawyers (NACDL) Champion* magazine. To read the article in its entirety, please visit the NLADA Web site at [www.nlada.org](http://www.nlada.org). The footnotes are not included as part of this excerpt.)



**A**s I travel down the winding, two-lane highway towards Marksville, Louisiana, I cannot help but feel as if I've taken a step back in time.

With the sun setting low on the horizon, the sky changes from pinks and oranges to purples and blues. Dusk settles over the cotton fields, and one can almost see the many poor souls who have worked

these fields for generations. The message — the feel — it's unmistakable. It's the South, a place I know all too well. I grew up in Louisiana and have traveled these winding roads all my life. Marksville is all of an hour's drive from Melville, a tiny town on the Atchafalaya River where my father grew up. I spent many a summer in central Louisiana, playing on the

Cannatella family farm, and helping my grandmother, aunts, and uncles in the general store that my great-grandfather opened 80 years ago.

Marksville is the county seat of Avoyelles Parish, a rural jurisdiction in central Louisiana that served as the primary focus of an indigent defense assessment commissioned by the National Association of Criminal Defense Lawyers and researched and written by the National Legal Aid & Defender Association. In September 2003, an NLADA-led field evaluation team composed of professional researchers and leading public defense practitioners from the American Council of Chief Defenders conducted three days of in-court observations and interviews with defense providers and other key players in the local criminal justice system.<sup>1</sup> This study culminated in the issuance of a March 2004 report entitled *In Defense of Public Access to Justice: An Assessment of Trial-Level Indigent Defense Services in Louisiana 40 Years After Gideon*.

It probably surprises few in the criminal justice community to learn that Louisiana's indigent defense system is in crisis. Over the past 30 years, reports and studies have consistently found that the state's funding structure "threatens the integrity of the state's justice system."<sup>2</sup> Indeed, in 1993 the Louisiana Supreme Court "found that there was a 'general pattern . . . of chronic underfunding of indigent defense programs in most areas of the state.'"<sup>3</sup>

**BY CATHERINE BEANE**  
NACDL INDIGENT DEFENSE COUNSEL

What is surprising are startling new findings from *In Defense of Public Access to Justice* which document “the significant extent to which Louisiana has failed to protect the rights of people of insufficient means faced with the potential loss of liberty in criminal proceedings.”<sup>4</sup> As noted in the report, “the indigent defense system in Louisiana is beyond the point of crisis and is so weakened in relation to the other criminal justice system components that it calls into question the ability of the entire criminal court system to dispense justice accurately and fairly.”<sup>5</sup>

### Avoyelles Parish

Avoyelles Parish, like much of rural America, is struggling to find economic stability. One out of every four people in Avoyelles Parish lives in poverty.<sup>7</sup> The median household income is \$23,851, which is 26.8 percent lower than the state median (\$32,566) and 43.2 percent below the national median (\$41,999).<sup>8</sup> Fewer than 60 percent of people over 25 years of age finished high school.<sup>9</sup> As too often is the case, the poverty disproportionately falls on people of color (29.5 percent of the 41,458 residents are of African descent).<sup>10</sup>

The physical layout of Marksville speaks volumes about the low esteem in which the right to counsel is held. Featured prominently on Marksville’s main thoroughfare are the buildings on which the city’s hopes of economic survival are pinned: the casino and the parish jail. The neon sign of the Paragon Casino Resort lights the night sky with its red, green and orange glow — promising its patrons a chance at prosperity. A short distance away, the parish jail is a modern structure surrounded by tall fences topped with rolled barbed wire. Spurred on by a state corrections system that allows parish sheriffs to profit from housing state inmates, the jail system has expanded to hold over 1100 prisoners and detainees.<sup>11</sup> While the jail generates revenue for the community, it promises its patrons only a chance at perpetuating a cycle of poverty and crime.

In the town proper, the courthouse is a large, imposing brick struc-

## “REPORT CARD” ON LOUISIANA’S COMPLIANCE WITH THE ABA 10 PRINCIPLES OF A PUBLIC DEFENSE DELIVERY SYSTEM<sup>6</sup>

Louisiana fails to meet the vast majority of national indigent defense standards.

ABA Principle	Louisiana’s compliance	Grade
1. <i>The public defense function, including the selection, funding, and payment of defense counsel, is independent.</i>	Louisiana statutes do not safeguard against undue judicial interference. Judges appoint IDB board members in direct violation of this principle.	F
2. <i>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.</i>	Instead of creating public defender offices in those jurisdictions where high caseloads warrant such a model, Louisiana’s judicial districts have instead closed public defender offices in favor of flat-fee contract systems. The indigent defense system is not entirely state-funded as directed in this Principle’s subsection.	F
3. <i>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.</i>	As demonstrated in Avoyelles Parish, clients are not screened for eligibility. Counsel is not appointed in a timely manner. Clients are not appointed counsel in the early stages of a case. Statutory guarantees of a “speedy trial” are not effective in practice.	F
4. <i>Defense counsel is provided sufficient time and a confidential space with which to meet with the client.</i>	As demonstrated in Avoyelles Parish, client confidentiality is continually abridged. The failure of attorneys to meet with clients before court forces meetings to be held in the courtroom. There are no provisions in Louisiana statutes safeguarding confidentiality.	F
5. <i>Defense counsel’s workload is controlled to permit the rendering of quality representation.</i>	Louisiana statutes do not safeguard against public defender overload. Workload of Louisiana public defenders are far in excess of all nationally recognized standards, as demonstrated in Avoyelles Parish and a recent report in Calcasieu Parish. Failure to control caseload permits poor quality representation.	F
6. <i>Defense counsel’s ability, training, and experience match the complexity of the case.</i>	Louisiana statutes do not safeguard against unqualified attorneys being appointed to indigent defense cases. As demonstrated in Avoyelles Parish, attorneys are assigned cases for which they are not qualified. There is no systematic indigent defense training in the state.	F
7. <i>The same attorney continuously represents the client until completion of the case.</i>	As demonstrated in Avoyelles Parish, the same attorney does not represent clients from assignment through disposition.	F
8. <i>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.</i>	A review of all prosecutor and IDB financial audits reveal that there is no parity between prosecution and indigent defense resources. Indigent defense is not a co-equal partner in the justice system in Louisiana.	F
9. <i>Defense counsel is provided with and required to attend continuing legal education.</i>	All attorneys are required to attend continuing legal education in Louisiana. In violation of this Principle’s subsection, the general training is not specifically appropriate to the indigent defense field. Indigent defense training is not equal to the prosecutors’ training.	C
10. <i>Defense counsel is supervised and systematically reviewed for quality and efficiency according to nationally and locally adopted standards.</i>	Louisiana statutes provide no guarantee that indigent defense attorneys be reviewed for quality. LIDAB has no authority or capacity to do so. There is no supervision or quality review of the indigent defense system.	F

ture, surrounded by tall oak trees. Half a block down Main Street, the district attorney's office occupies a large, multi-story building that recently underwent an \$850,000 renovation.<sup>12</sup> The office exudes professionalism with all of the modern conveniences offered to prosecutors elsewhere in the country.<sup>13</sup>

In stark contrast stands the Indigent Defense Board (IDB) office — occupying a small store-front office across the street from the courthouse. Located next to a local barber shop, the office looks all but abandoned, “with a poorly lit waiting area, and papers and case files piled in the one hallway that connects the few offices within.”<sup>14</sup> The space is shared by the Probation Department, houses none of the contract attorneys, and offers access to client case files to anyone who wanders in from off the street.<sup>15</sup> This is where clients go to seek justice.

Avoyelles Parish is the sole parish in Louisiana's 12th Judicial District.<sup>16</sup> Louisiana Revised Statutes require each judicial district to form an indigent defender board (IDB).<sup>17</sup> IDB members are selected by the district court from nominees provided by each bar association within the judicial district.<sup>18</sup> In the event no nominations are submitted by the bar association, a majority of the district court judges select the entire board.<sup>19</sup> Funding for each IDB is garnered primarily through court costs collected in the local judicial district.<sup>20</sup> Traditionally, the largest amount of the revenue has been garnered from assessing fees on traffic violations.<sup>21</sup> Local government is not required to provide any monetary assistance to an IDB.<sup>22</sup> State assistance grants, administered

through the Louisiana Indigent Defense Assistance Board (LIDAB), are awarded to local judicial districts to offset a small fraction of the cost of providing counsel to indigent defendants.<sup>23</sup>

The IDB office once housed a public defender office. In 2002, the Avoyelles Parish IDB elected to change the structure of their indigent defense delivery system to a contract system.<sup>24</sup> Three attorneys were originally contracted to provide services to all of the eligible indigent defense clients assigned to them by the court, on a rotational basis, for a single flat fee.<sup>25</sup> In July 2003, the IDB entered into a fourth contract.<sup>26</sup> This fourth attorney is now paid \$19,200 to handle all misdemeanor and juvenile cases (including dependency proceedings), and all arraignment proceedings in felony cases.<sup>27</sup> The original three attorneys each took a pay cut, and are now paid \$31,000 per year to handle those felony cases that survive arraignment.<sup>28</sup> Because of the flat-fee structure, the attorneys must pay for all costs of running a law office out of these low fees, as well as any out-of-pocket litigation costs that may be required, such as investigation, expert witnesses, and social service assistance.<sup>29</sup>

### Louisiana's Indigent Defense Crisis

*“Throughout my professional career, I have had the privilege of studying indigent defense systems across the country. The systemic deficiencies in Louisiana are the worst I have seen. Though our report focuses in large measure on Avoyelles Parish, the crisis there is representative of the problems throughout Louisiana.” — David Carroll, Director of Research and Evaluation, NLADA.<sup>30</sup>*

Noting that “the right to counsel is

routinely, consistently and systematically denied in Avoyelles Parish and throughout the state,”<sup>31</sup> *In Defense of Public Access to Justice* identifies inadequate funding and lack of independence from the judiciary as the two principle causes of the systemic ineffective assistance of counsel that characterizes the Louisiana's indigent defense system.<sup>32</sup> The “Report Card on Louisiana's Compliance with the ABA 10 Principles of a Public Defense Delivery System” at page 7 notes in greater detail the extent to which Louisiana fails to meet national standards for the provision of counsel.<sup>33</sup>

### Inadequate Funding

Through its particular funding mechanism and structure, Louisiana has essentially abdicated its financial responsibility to provide counsel for defendants who cannot afford to hire an attorney in such a way that neither the state nor local government assumes responsibility for the failure to provide equal access to justice.<sup>34</sup> NLADA notes in the report that funding indigent defense through court costs is unreliable because there is no correlation between a jurisdiction's ability to raise revenues and the resources required to provide adequate defense services to those unable to hire an attorney.<sup>35</sup>

“The inadequacy of the funding structure is readily apparent,” notes Carroll. “Jurisdictions with high poverty rates have a more difficult time collecting revenues than do Louisiana parishes in better economic standing. Though a poverty-stricken parish may assess more court costs than an affluent jurisdiction, the fact that the majority of people in the poorer community do not have the ability to meet their financial obligations to the court means that the poorer community will generate fewer actual dollars for the defense of the indigent. The problem is compounded because, unfortunately, high poverty and high unemployment often lead to higher incidents of crime. This means that the need for indigent defense funding is *inversely* correlated with the ability to generate revenues.” And at some point, there is a maximum threshold for the amount of money that can be collected from court costs.

**“The poor quality of indigent defense is largely ignored by the public and by policy-makers. After all, it's about people accused of crime who are presumed guilty. They're poor people, often unattractive, inarticulate, with no apparent constituency and no voice in public policy....As one maritime lawyer commented to me, even a cargo claim over soggy bags of coffee beans gets a better defense than a person capitially charged in Louisiana....”**

— Judge Helen “Ginger” Berrigan

United States District Court Eastern District of Louisiana — October 31, 2003

Visit  
[www.nlada.org](http://www.nlada.org) to read the  
complete article.

# Life in the Balance: Saving One Life at a Time

By Teresa D. Harper, Conference Director

A combined, concerted effort of partners with a common goal resulted at NLADA's Life in the Balance, the nation's largest capital defense seminar, held in Memphis on March 13–15. The Federal Death Penalty Resource Counsel; the Project and Capital Resource Counsel; the National Association of Sentencing Advocates; the Tennessee Association of Criminal Defense Lawyers; the Defender Investigator Association; and the American Bar Association gave invaluable guidance to enable NLADA to meet the unique needs of our capital defense team members, as well as our general capital defense community. Presentations on cutting-edge forensic science, mental retardation and mental illness dovetailed with skills training for investigators, mitigation specialists and defense lawyers to prepare them for the greatest challenge: *saving one life at a time*.

New York's Mitigation Specialist Russ Stetler was the deserving recipient of the Lifetime Achievement Award, presented by California's Kathy Wayland and Florida's Mark Olive, who gave a retrospective of Stetler's professional contributions and dedication not only to his cases but also through training, for all of us. Opening keynote remarks by Judy Clarke and closing remarks by Barry Sheck set, respectively, the tone for the conference and then the reentry to our world of waging wars.

Life in the Balance also provided participants with the opportunity to meet and consult with a variety of experts and experienced litigators about their cases. The chance to meet and to form helping relationships with investigators, mitigation specialists and attorneys from across the nation underscores the message that we are our own best resource.

Plan now to attend Life in the Balance next year in New Orleans, March 19-22, when NLADA and its partners will bring the best in capital training to you! ■



(l to r): Kathy Wayland, Russ Stetler and Teresa Harper

## Be a Voice in Your Association's Leadership

**Have you considered running for NLADA office?**

NLADA is currently preparing for its annual elections to the Board and Policy Groups. Be on the lookout for the official "Notice to Members." Important election deadlines:

**Nominations: August 5**

**Distribution of Ballots: August 27**

**Votes: October 6**

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

## CIVIL LEADERS UNITE IN UTAH

### Civil Impact Leadership 2004: *Unleashing Our Power* June 3 – 5, 2004, Snowbird, Utah

By Charles Wynder, Jr., NLADA Senior Attorney for Justice Leadership and Camille Holmes, CLASP Senior Staff Attorney, Project for the Future of Equal Justice

Committed to strengthening civil justice leaders and bringing the best practices of leadership from all sectors to the civil justice community, NLADA and the Project for the Future of Equal Justice (PFEJ) present Civil Impact Leadership 2004: *Unleashing Our Power*.

*Unleashing Our Power* is based in part on Defender Impact Leadership 2003, a training targeted at public defender programs held in Scottsdale, Arizona, in September 2003. This groundbreaking training—designed collaboratively with civil, defender and civil rights advocates and consultants—gave 50 defender leaders, most attending in teams from their offices, the

**Cook County Public Defender Edwin Burnette strongly recommends that all executive directors and senior managers in civil legal aid programs attend the Civil Impact Leadership 2004 Conference.**

opportunity to focus on core competencies of leadership using an initiative from their program to apply their leadership learnings. Civil legal aid and community leaders participated as team members and faculty.

To ensure that Civil Impact Leadership is highly interactive and offers personalized assistance, this program will be limited to 50 people. The faculty to participant ratio will be approximately 1 to 5, allowing for intensive work on the participant and team leadership challenges. Individual and team leadership initiatives will be addressed in plenary sessions and small group settings.

The design team has distilled seven must-have Leadership Competencies and Practices for Civil Justice Attorneys and Advocates.

Effective Civil Justice Leaders:

- (1) Build and Sustain Relationships, Coalitions and Community Networks
- (2) Maximize Impact by Honing Messages for Multiple Venues
- (3) Recognize and Engage Issues of Power and Difference
- (4) Understand the Personal Dimensions of Leadership through Self-Awareness
- (5) Develop, Facilitate and Inspire a Shared Vision
- (6) Foster an Environment of Leadership Development and Growth
- (7) Think Strategically and Act Tactically

*Civil Impact Leadership 2004: Unleashing Our Power* will focus on two competencies:

- Foster an Environment of Leadership Development and Growth
- Recognize and Engage Issues of Power and Difference

Creating room for our best and brightest to flourish in the civil justice community is of critical concern to our community. The leadership

competency to Foster an Environment of Leadership Development and Growth will focus on building opportunities for new leaders, supporting new styles of leadership from existing leaders and cultivating a culture of leadership that retains and sustains excellence in our programs and work.

Government attorneys, private sector attorneys and corporations understand power and use it effectively. Do we? The leadership competency to Recognize and Engage Issues of Power and Difference will help civil justice leaders redefine their relationship with power and build skills to apply power effectively and responsibly as we work with communities to achieve equal justice.

continued on page C7

## Foster & Krug to Lead Civil Impact Faculty

Best selling authors Doug Krug and Badi Foster, Ph.D., president and CEO of the Phelps Stokes Fund will be featured trainers and presenters during the Civil Impact conference. Drawing from their expertise, education and experience, Foster and Krug will make this groundbreaking training an instrument of empowerment for executive directors and senior management to "Unleash Our Power" and break through the barriers of organizational change and transformation.

**Doug Krug** is co-author of the best-selling book, *Enlightened Leadership: Getting to the Heart of Change* (Simon & Schuster). In its 19th printing, this text is widely regarded as a key leadership resource. It is also an essential tool in management and leadership courses at numerous colleges and universities, as well as corporate and government leadership development and change management programs. Participants will receive a complimentary copy! Krug serves on the faculty of the MBA program at Johns Hopkins University, the FBI Academy, OPM's Office of Executive Resources Management, the Clinical Leadership Institute at the Veteran's Administration, the Center for Disease Control's Leadership Management Institute and the IRS Executive Development Program (SES).

**Badi Foster, Ph.D.**, is the president and CEO of the Phelps Stokes Fund and co-editor of *Beyond Black or White: An Alternate America* (Little Brown). Foster is one of the leading thinkers to originate and promote the concept of diversity as a fundamental value in American life and institutions. He also leads the oldest continuously operating foundation serving the educational needs of African Americans, Native Americans, and the rural and urban low-income community. Foster previously served as the director of the Lincoln Filene Center for Citizenship and Public Affairs at Tufts University, assistant director of the Kennedy Institute of Politics, and founder and president of Aetna Life and Casualty's Institute for Corporate Education.

For more information on Civil Impact Leadership: Unleashing Our Power, please contact Chuck Wynder, Jr., senior attorney for justice leadership at [c.wynder@nlada.org](mailto:c.wynder@nlada.org). Or, visit the NLADA Web site at [www.nlada.org/Training](http://www.nlada.org/Training).

## 2004 Annual Conference Keynote Speaker Charles J. Ogletree, Jr.

Charles J. Ogletree, Jr., the Harvard Law School Jesse Climenko Professor of Law and vice dean for the clinical programs, will keynote this year's Annual Conference, December 1, in Washington, DC.

Ogletree is a prominent legal theorist who has made an international reputation for himself by taking a hard look at complex issues of law and by working to secure the rights guaranteed by the Constitution for everyone equally under the law. He has examined these issues not only in the classroom, on the Internet and in the pages of prestigious law journals, but also in the everyday world of the public defender in the courtroom and in public television forums where these issues can be dramatically revealed. Armed with an arsenal of facts, Ogletree presents and discusses the challenges that face our justice system and its attempt to deliver equal treatment to all our citizens. He furthers dialogue by insisting that the justice system protect rights guaranteed to those citizens by law.

He began his illustrious career as a staff attorney in the District of Columbia Public Defender Service and served as training director, trial chief, and deputy director of the service before entering private practice. He is the author of the newly released book, *All Deliberate Speed: Reflections on the First Half-Century of Brown v. Board of Education*.

In 2003, Ogletree was selected by *Savoy Magazine* as one of the 100 Most Influential Blacks in America and by *Black Enterprise Magazine*, along with Thurgood Marshall, A. Leon Higginbotham, Jr., and Constance Baker Motley, as one of the legal legends among America's top black lawyers. In 2002, he received the National Bar Association's prestigious Equal Justice Award. In 2001, he joined a list of distinguished jurists, including former Supreme Court Justices Thurgood Marshall and William Brennan, and civil rights lawyers Elaine Jones and Oliver Hill, when he received the prestigious Charles Hamilton



continued on C6

### Oyez, Oyez, Oyez NLADA Announces "Argument to the Court" An Oral Advocacy Training for Legal Aid Attorneys

Saturday, June 5, 2004, 9am-5pm

**ENROLLMENT  
IS LIMITED  
TO 30  
PARTICIPANTS!**

In response to community demand for advocacy training, NLADA announces an Oral Advocacy Preconference to the Litigation & Advocacy Directors Conference, on June 5, in Snowbird, Utah. Legal services advocates are responsible for some of the most significant decisions in our nation: *Goldberg v. Kelley*, *Escalero v. New York City Housing Authority*, *Javins v. First Nat'l Realty Corp.* and *Shapiro v. Thompson*, just to name a few. These victories had a tremendous impact on the judicial system and the quality of life for low-income people in America. Although the courts are very different today from when these victories were won, trial and appellate advocacy are still important tools in legal services advocacy.

NLADA and Trial Run Inc. join together to present an interactive ("learn-by-doing") training focusing on presenting arguments to both the trial and appellate courts. This program is designed specifically to provide legal aid attorneys with the skill, knowledge and tools to become outstanding trial and appellate advocates. The program offers one full day of advocacy training, blending lecture, theory and on-your-feet application of the knowledge presented. Participants will learn the proper analysis, preparation and presentation of an argument to a trial court for a temporary restraining order and preliminary injunction, and the effective presentation of a brief argument on the injunction to an appellate court. The program provides a highly realistic experience in representing a client in front of trial and appellate courts. Participants will be taught by a stellar group of seasoned trial lawyers with experience in training, coaching and teaching litigators.

For more information, please contact Cynthia Works, NLADA director of education and training, at [c.works@nlada.org](mailto:c.works@nlada.org).

# NOMINATE YOUR HEROES FOR A NLADA ANNUAL CONFERENCE AWARD

Each year the National Legal Aid & Defender Association (NLADA) brings together civil legal aid, public defense, public interest leaders, clients and advocates from across the country to honor their own. The NLADA Annual Conference Awards honor distinguished men and women for outstanding contributions to the delivery of civil legal aid and public defense representation. Members are invited to nominate their exceptional colleagues for the Annual Conference Awards. The four awards to be given this year are these:

- 1) **Reginald Heber Smith Award:** This is an annual award that recognizes the dedicated services and outstanding achievements of a civil legal aid attorney or an indigent defense attorney while employed by an organization supporting such services. The “Reggie” is named for a former counsel at the Boston Legal Aid Society and the author of *Justice and the Poor*, published by the Carnegie Foundation in 1919.
- 2) **Denison Ray Award:** Awarded biennially, the “Denny” honors an individual who has provided exceptional service to the legal aid community as a staff member, client board member or volunteer of a provider program. This award is named for a career legal aid activist who served as executive director of legal services programs in Missouri, Maine, North Carolina and New York. He was a longtime leader of the Project Advisory Group.
- 3) **Emery A. Brownell Award:** Another biennial award, the Emery A. Brownell gives national recognition to newspapers, magazines, filmmakers, and television and radio stations that have informed the public about the crucial role played by a civil legal aid or defender organization 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.
- 4) **Arthur von Briesen Award:** The last of the biennial awards this year, the Arthur von Briesen honors a private attorney who has made substantial volunteer contributions in support of the delivery of civil legal aid or indigent defense representation. The award celebrates the achievements of the first president of NLADA.

The **deadline** for submitting nominations is **Friday, August 6**. Please mail submissions to:

## NLADA ANNUAL CONFERENCE AWARD NOMINATIONS

1140 Connecticut Avenue, NW, Suite 900 • Washington, DC 20036

For more information, visit the NLADA Web site at [www.nlada.org](http://www.nlada.org).



2004 NLADA ANNUAL CONFERENCE

## *Breaking Barriers to Equality and Justice: Commemorating the Spirit of Brown*

DECEMBER 1–4

WASHINGTON, DC

---

### OPENING KEYNOTE ADDRESS BY PROFESSOR CHARLES J. OGLETREE, JR.

On May 17, 1954, the landmark decision of *Brown v. The Board of Education* overturned the doctrine of “separate but equal” established in *Plessy v. Ferguson* in 1857. The decision in *Brown* marked the beginning of a journey toward the desegregation of public schools, public accommodations, public life and led to an expansion of civil rights benefiting every American and, indeed, America as a nation. On December 1, civil legal aid and indigent defense professionals, civil rights activists, clients and other equal justice advocates will gather at NLADA’s Annual Conference committed to *Breaking Barriers to Equality & Justice: Commemorating the Spirit of Brown*.

NLADA’s Annual Conference offers advocates the latest knowledge and professional skills to enable them to creatively and effectively meet the legal needs of low-income people. The conference also provides equal justice advocates with opportunities to meet and exchange ideas with colleagues from across the country and to fulfill continuing legal education requirements.

The spirit of *Brown* transcends the victory ending *de jure* segregation in public education for African-Americans. It also affirms the value of all people, whether of African, Asian, European, indigenous, or Latino descent. Education was, and is, the key to empowerment, economic security, civic participation and democracy. The spirit of *Brown* reminds all of us in the civil, criminal and client communities to act tenaciously to ensure that the doors of justice and the pathways to equality remain open to everyone.

### *Joint Track*

#### "PROTECT THE CHILDREN – EDUCATE, CAPACITATE, LIBERATE"

The civil legal aid and indigent defense communities will join together to explore issues related to juvenile justice that bridge both criminal and civil contexts. Participants will shape NLADA's action agenda as we seek to find common ground in a collective effort to address problems facing the youth in America. The following are proposed topics:

- Equal Access Issues for Juveniles
- Education
- Data Collection and Technical Assistance on Juvenile Matters
- Leadership Initiatives related to Juvenile Justice Matters
- Whole Client Representation/ Holistic Advocacy for Juveniles
- Legislative Issues
- Immigration and Juvenile Justice

# TRAINING & CONFERENCES

## Defender Track

### “INDIGENT DEFENSE IN AMERICA SEPARATE & UNEQUAL: EXPLORING INDIGENT DEFENSE AS CIVIL RIGHTS & RACIAL JUSTICE ISSUES”

During this Defender Track participants will explore the ways that the right to counsel is not a reality for many individuals and communities across our nation. To mark the *Brown* anniversary, this track will identify how communities of color are negatively affected by the failure to apply *Gideon*, *Argersinger* and *Shelton* and how many deserving individuals are underrepresented. The following are proposed topics:

- Overcoming Underrepresentation and No Representation
- Empowering Coalitions to Achieve Equal Justice and Equal Access
- Upholding Fairness for Immigrants
- Is there Underrepresentation in Your Jurisdiction?
- Equality in Sentencing
- Individual Practitioners’ Challenges to Racial Inequity
- Gathering Data on Racial Disparity -- and Using It
- Tools for Systemic Reform

## Client Track

### “DEVELOPING DYNAMIC CLIENT & COMMUNITY ADVOCATES FOR THE NEXT 50 YEARS”

The NLADA Client Policy Group and the design committee for their training track are preparing a series of sessions designed to meet the needs of client board members of civil legal aid or defender programs, or who are advocates in their local communities. The sessions are designed to build upon the promise of *Brown*. The following are proposed topics:

- Developing Effective Mediation Skills to Resolve Community Issues
- Access to Empowerment: Computers & Technology
- Developing Your Leadership Style: Reflection of *Brown*
- Organizational Development for Clients in Nonprofit Settings

## Civil Track

### “CIVIL JUSTICE ADVOCATES: KEEPING THE PATHWAY & DOORS OPEN”

Civil justice advocates work every day to open doors that are too often closed to poor and disadvantaged people. This year’s civil track will commemorate the spirit of *Brown* by focusing on issues of racial justice, empowerment, civic participation, economic security, and education. As we engage in this reflection, the civil justice community has an opportunity to consider many questions. The following are proposed topics:

- Using Our Work to Honor the Spirit of *Brown*
- Creating Strategies to Achieve Sustainable Change in our Communities
- Fulfilling the Unfulfilled Promise of *Brown*
- Developing Legal and Nonlegal Strategies to Guarantee Lasting Impact
- Building Assets and Capacity in Disenfranchised Communities

**LEAVE EMPOWERED TO MAKE A DIFFERENCE IN AMERICA!**

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

## NLADA's Substantive Law Conference Takes a Starring Role in California!

By Cynthia Works

NLADA Director of Education and Training

For over 20 years trainers from national support centers and allied organizations, as well as substantive experts from field programs, have converged at NLADA's Substantive Law Conference to cover the latest legal developments and strategies affecting clients.

This year, NLADA's Substantive Law Conference is returning to the state of California. The conference is scheduled for July 21–24, on the beautiful campus of The University of California at Los Angeles (UCLA). The overall goal of this national gathering is to offer advocates the latest knowledge and professional skills to enable them to meet the legal needs of low-income people both creatively and effectively. The conference also provides equal justice advocates with opportunities to meet and exchange ideas with colleagues from across the country and to fulfill continuing legal education requirements.

NLADA will showcase two new training tracks – *Rural Practice Law* and *Immigration Law*. The Rural Practice track is designed for advocates in rural legal services offices and for those charged with developing rural delivery strategies in their programs. The training will be organized around three major issues affecting rural areas: economic development, housing, and ownership and productive use of land. Because of the unique challenges of delivering services in rural areas, this session will also include a discussion of effective delivery strategies.



Attorneys from the Legal Aid Foundation of Los Angeles, The Immigrants Rights' Project and other noted immigration attorneys in California will serve as faculty for the Immigration Law track. This training is designed for legal advocates with little or no experience in immigration law. After providing an overview of immigration concepts and relevant government agencies, experienced immigration attorneys will train on:

- a) relief under the Violence Against Women Act (VAWA);
- b) asylum applications (including those based on gender persecution);

- c) special immigrant juvenile status;
- d) visas for victims of human trafficking and other serious crimes;
- e) family-based applications; and
- f) citizenship.

Trainers will address how civil legal aid programs, including LSC grantees, can determine the immigration law needs in their communities and the type of representation that would most effectively meet those needs. The trainers will also demonstrate how a basic understanding of immigration law can enhance representation of immigrant clients in other substantive areas.

Last year, NLADA unveiled a civil rights track. This year, acknowledging the 50th anniversary of *Brown v. Board of Education*, this track will be offered and will be programed around using civil rights laws that can be used in a poverty law practice (with a focus on education issues) and how such laws apply in the typical day-to-day work of legal aid attorneys and advocates. The track will examine the full scope of advocacy tools, including litigation strategies, community organizing, coalition building, and legislative advocacy to achieve lasting and broad-based victories for legal aid clients and their communities. Dennis L. Rockway, director of advocacy training, for Legal Aid Foundation of Los Angeles will spearhead the design of this track, along with attorneys from the civil rights and civil legal aid communities.

NLADA will also provide training in other historically successful substantive areas, such as Consumer Law, Federal Housing, Social Security, Welfare, Native American Law, Women & Family Law and Health Law.

The official conference will kick-off with an evening reception on Wednesday, July 21. The substantive training will begin on Thursday morning with a keynote address, by Constance L. Rice, co-director of the Advancement Project. (See bio on page C7.) The keynote will be followed by a series of workshops addressing issues that cut across traditional poverty law specialty areas. On Friday and Saturday, participants will attend one of several training tracks, which will provide comprehensive coverage of substantive issues. For more information, visit [www.nlada.org/Training](http://www.nlada.org/Training).

### OGLETREE

continued from page C2

Houston Medallion of Merit from the Washington Bar Association. In 2000, Ogletree was selected by the *National Law Journal* as one of the 100 Most Influential Lawyers in America.

In 1998, Ogletree was awarded the Jesse Climenko Professor of Law chair at Harvard Law School. He holds honorary doctorates of law from North Carolina Central University, New England School of Law, Tougaloo College, Amherst College, Wilberforce University, and the University of Miami School of Law. In 1996, the National Bar Association honored him with its Presidential Award for The Renaissance Man of the Legal Profession. In 1991, Ogletree served as Legal Counsel to Professor Anita Hill during the Senate Confirmation hearings for Justice Clarence Thomas.

Ogletree earned an M.A. and B.A. (with distinction) in Political Science from Stanford University, where he was Phi Beta Kappa. He also holds a J.D. from Harvard Law School where he served as special projects editor of the *Harvard Civil Rights - Civil Liberties Law Review*.

## 2004 Substantive Law Conference Keynote Speaker Connie Rice

Connie Rice, co-director of The Advancement Project, is known for success in tackling problems of inequity and exclusion. She has received more than 50 major awards for her work in expanding opportunity and advancing multi-racial democracy.



Rice graduated from Harvard College in 1978. She won the Root Tilden Public Interest Scholarship to New York University School of Law, where she earned her law degree in 1984. After law school, she served as law clerk to the Honorable Damon J. Keith, judge of the U.S. Court of Appeals for the Sixth Circuit, and worked at Morrison & Foerster, as a litigation associate. In 1991, she joined the NAACP Legal Defense Fund (LDF) and became co-director of LDF's Los Angeles Office in 1996. The credential she prizes most, however, is her first-degree black belt in Tae Kwon Do.

As a litigator, Rice has filed class action civil rights cases redressing police misconduct, race and sex discrimination and unfair public policy in

transportation, probation and public housing. She filed a landmark case on behalf of low-income bus riders that resulted in a mandate that more than \$2 billion be spent to improve the bus system. And in 1999, Rice launched a coalition lawsuit that won \$750 million for new school construction in Los Angeles — money previously slated for less crowded, more affluent suburban school districts. In these and other cases, Rice has led multi-racial coalitions of lawyers

and clients to win more than \$4 billion worth of injunctive relief and damages.

In her nonlitigation work in the 1990s, Rice served as counsel to the Watts gang truce and spearheaded a statewide campaign to save equal opportunity programs. Mayors Tom Bradley and Richard Riordan appointed Rice to the governing board of Los Angeles' Department of Water and Power where she served as president and enacted contracting reforms and environmental advances. In 1998, Rice helped lead a successful campaign to place aggressive public school reformers on the governing board for Los Angeles' public schools.

In 1998, the *Los Angeles Times* designated her one of 24 leaders considered the "most experienced, civic-minded and thoughtful people on the subject of Los Angeles." And in October 2000, *California LawBusiness* named her, along with Governor Gray Davis and Warren Christopher, as one of California's top 10 most influential lawyers. In May 2003, Rice received an honorary doctor of laws degree from Occidental College.

Frequently interviewed by both the local and national media, Rice has appeared on *60 Minutes*, *The Lehrer News Hour*, *Nightline*, *The Oprah Winfrey Show*, *ABC's This Week*, *Politically Incorrect*, *Realtime* and dozens of cable, network, Web and radio programs. Reporters for major publications regularly consult and quote her. Recent books that note her work are Nicholas Lemann's *The Big Test*; *Color-Blind* by Ellis Cose; *Race Rules* by Michael Eric Dyson, and *The Color Bind* by Lydia Chavez.

Rice is a co-founder of The Advancement Project, a public policy and legal action group that supports organizations working to end community problems and address racial, class and other barriers to opportunity. Hallmarks of her work include solving problems, reducing conflict, turning opponents into allies and winning.

### CIVIL IMPACT LEADERSHIP continued from page C1

The remaining competencies will be addressed at subsequent NLADA and PFEJ civil justice events, including the NLADA Annual Conference in December 2004 in Washington, DC.

The agenda is designed for executive directors, senior managers and advocacy or litigation directors of civil legal aid programs, civil rights organizations, immigrant legal services and advocacy organizations, pro bono programs and other community-based organizations providing legal services or advocacy on behalf of low-income individuals and communities. Lawyer and non-lawyer leaders are welcome.

Participants are strongly encouraged to attend as teams from their states, regions or organizations because team participation substantially increases the likelihood that leadership initiatives will advance steadily and become institutionalized.

### Unite with Us in Utah and Unleash Your Power!

For more information on Civil Impact Leadership 2004: *Unleashing Our Power*, please contact Chuck Wynder, Jr., senior attorney for justice leadership

"I wholeheartedly recommend Civil Impact Leadership to anybody who has a system, program or initiative they want to change or improve. Sometimes there are many different directions to take, but we don't know any of them. The problem or challenge seems insurmountable. Being given a way, a sense of direction and a strategy is very important for outcomes."

— Edwin Burnette, Cook County Public Defender

at [c.wynder@nlada.org](mailto:c.wynder@nlada.org). For faculty and an updated agenda, visit the NLADA Web site [www.nlada.org/Training](http://www.nlada.org/Training).

## May Days: Back-to-Back NDLI Leadership Conferences in Chicago

By Cait Clarke, NLADA Director of National Defender Leadership Institute

On May 11, the Impact Leadership teams reconvened for Phase IV, the final session of the Impact Leadership Executive Seminar series. During this series, teams from several defender programs worked with faculty and other teams from around the country to launch a specific leadership initiative in their jurisdiction. The seminar series to date has focused on several of the seven core leadership competencies.

The Chicago event continued to build on the core leadership competencies, including an effective leader (1) maximizes impact by honing messages for multiple venues, and (2) develops, facilitates and inspires a shared vision. This final session worked on two more core competencies that have not been fully developed in the earlier sessions. Namely, an effective leader (1) fosters an environment of leadership development, and growth and (2) thinks strategically and acts tactically. The Impact Leadership seminar in Chicago involved defenders and a select number of legal aid lawyers who developed a “campaign” to make their leadership initiatives successful. Participants received coaching by professional faculty and practiced identifying target audiences, refining a core message, and honing three tactics used to advance a leadership initiative outside a defender program or legal aid office (1) story bank development, (2) stump speech, and (3) a campaign of conversations to further a leadership initiative. Once again, NLADA members were excited to be working with the Brennan Center for Justice at NYU School of Law’s Community Oriented Defender (COD) Network, directed by Kirsten Levingston.

During the “bridge” day, participants of Impact Leadership joined with the Nuts & Bolts of Leadership and Management participants. On Thursday morning, May 13, Professor Mark Moore of Harvard’s Kennedy School of Government addressed both groups to help them think “strategically and act tactically” inside a defender or legal aid program and outside our traditional

equal justice communities. Professor Moore explained his Strategic Triangle theory of management and leadership and then applied both to a defender leadership initiative in progress to ensure that all participants understood how the theories of strategic management apply in justice and advocacy settings.

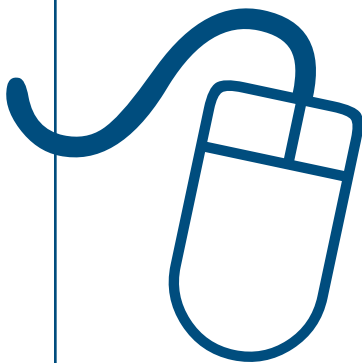
On Thursday afternoon, May 13, as Impact Leadership seminar participants said their good-byes to other teams and individual participants, the Nuts & Bolts of Management and Leadership participants geared up for three intense days of training. From day one each individual registrant received feedback on his or her individual management challenges. This training was designed to use the very best interactive teaching methods available to keep all participants engaged and in a useful learning environment. Just like a trial lawyer’s critical “theory of defense,” the Nuts & Bolts participants worked with a “theory of management” for each management challenge presented in the small groups. NDLI faculty believes that those skills that make one an outstanding trial lawyer can make a defender an outstanding manager and leader, but this takes some work. Over three days participants worked hard to identify how best to apply a theory of management to their individual managerial challenge that they prepared in advance of the conference, how to communicate effectively with staff and colleagues inside and outside the office, how to coach others to achieve improved performance, and how to reduce the stress of completing performance evaluations so that progressive discipline techniques and two-way communication strategies will ensure that staff and management gain a sense of progress and identify mutual goals for future performance. The most important goal, however, for these leadership and management training programs is to improve the performance of individual lawyers, staff and the program efficiency as a whole so that, ultimately, more clients are better served by staff and lawyers who advocate on their behalf.

### Interested in a NLADA Training?

Get the news you can use — updated agendas, speakers, workshops and more in the **Meeting News** area of the NLADA Web site.

**Bookmark this page today!**

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



# Strategies for Public Defender Hiring

By Ira Mickenberg, Public Defender Trainer and Consultant

The most important decisions you will ever make as the manager of a public defender office are your hiring choices. If you have smart, hard-working, client-centered lawyers, your office will succeed in spite of other administrative problems. If you have mediocre or bad lawyers, no amount of high-quality management will create a good public defender agency. So how, in the face of tight budgets and uncertain funding, can we hire excellent law graduates to work as public defenders?

## I. What Kind of People Make Good Public Defenders?

At the heart of our hiring issues is a dilemma that managers must accept when they hire new staff attorneys:

**The People Who Make the Best Public Defenders  
Are a Real Pain in the Neck to Manage ...**

### BUT YOU HAVE TO HIRE THEM ANYWAY

If you think about this for a few moments, it becomes obvious — any lawyer who has the courage and aggressiveness to stand up to hostile prosecutors and judges on her client's behalf will also have the courage and aggressiveness to stand up to her supervisors and bosses when she thinks her own interests are at stake. Conversely, any lawyer who is too passive to argue with and make demands of his supervisors is probably too passive to fight with judges and prosecutors.

As every supervisor knows, the assertiveness that makes for a good lawyer will sometimes make our jobs as managers difficult. None of us enjoys dealing with attorney demands and complaints. But we must resist the temptation to hire law graduates on the basis of how pleasant they will be to manage. This does not mean that we should be looking for egomaniacs and hired gun types. To the contrary, we want people who understand the need for teamwork and client-centered representation.

The first step in hiring good public defenders is therefore to think about the qualities shared by all good public defenders and to make a conscious effort to hire people with those qualities. At a recent brainstorming session, a group of managers came up with this partial list:

- Common sense
- Intelligence
- Dedication to defense work
- Compassion and empathy for clients
- Willingness to work as part of a team
- Willingness to help the office
- Respect for others, including support staff
- A broad range of life experience
- Willingness to work hard
- Willingness to put in the hours
- Willingness to prepare
- Willingness and ability to listen
- Willingness and ability to learn
- A sense of justice
- A sense of outrage
- Good judgment

- Willingness to stand up to authority
- Knowledge of the law
- Ability to write well
- Ability to do legal research

Notice that these qualities (which were arrived at during a brainstorming session of about 30 public defender managers from around the nation) include none of the egomaniac, Lone Ranger or gunslinger types that form the commonly accepted stereotype of public defender trial lawyers. To the contrary, the list places the highest value on cooperative skills and client-centered values.

Now that we know what to look for, how do we find these people?

## II. Recruiting New Lawyers

The most important thing to keep in mind is that good candidates who want to be public defenders are out there, but they often won't come to you. Many of them don't know public defense is a viable career path — law schools don't do a very good job of educating students about our work. Still other students just don't know what is available in the public defender field. Therefore, you have to seek them out.

An action plan for finding quality job candidates starts with establishing a good relationship with the law schools in your city or state:

- Do on-campus recruiting.
- Get to know the career advisors.
- Get to know the criminal law professors and clinical professors.
- Get to know the dean

Before you go to a school for on-campus interviews, you should send letters to and/or personally contact the following groups:

- All clinical programs
- The criminal law society
- The law review and other journals
- The student bar associations
- Minority student groups
- Student interest groups

If you can't afford to do on-campus recruiting, you can do similar outreach by phone and/or mail. *But don't rely on just e-mail or mass mailings.* The more personal your contacts, the more likely you are to have success. Call the relevant players at the school. See if the school has an alumni association in your area. Ask members of your staff and of the local bar if any of them know people at the law school.

It is important to keep in mind that the effect of personal contacts is cumulative. If you hire one student from a school, you will be welcomed back the following year. You will benefit from good word of mouth at the school. For this reason, it is important to get your staff involved in the recruiting process. If you have a lawyer who has graduated from a particular law school, use that lawyer as a contact with the school and its students.

## III. Streamline Your Hiring Process

Too many public defender offices lose good candidates by putting them through a hiring process that is so slow and cumbersome that it drives away the best prospects. You can also maximize your chances of hiring good people by streamlining your hiring process.

continued on page 13

**Recruit Early**

Start the process in the fall, when students are most open to recruitment. The best candidates are urged by their schools to start looking for jobs at the start of their third year. We have to be out there interviewing those people at the beginning of the process — not waiting until the spring to pick up whatever is left over.

**Interview Early**

If you like someone's résumé, bring him or her in for an interview quickly. This shows the candidates that you are serious about them, and it focuses your office on the need to hire.

Once you have a candidate in the office, do all the interviewing on one day. Don't stretch the process out for so many call-back interviews that everyone is sick of it by the time the process is over. During the interview, don't cross-examine the candidate or ask leading questions. Ask open-ended questions and let him or her talk. In this respect, job interviewing is a lot like voir dire — if you simply listen while candidates talk, you will learn a lot more about them than if you lectured them and let them agree

with your statements. Answer the candidate's questions about the office and the job honestly, and always be enthusiastic. Finally, don't put the candidate through a series of simulated court performances. No law student should be expected to know how to give an opening or closing statement. These simulations only reward glibness and steer us away from really good people who would be amenable to quality training.

**Decide Early**

Make your hiring decisions within a week or two of the interview. If you think someone will be a good public defender, make an offer. Don't jerk him or her around for months in the hope that someone even better will come along.

The earlier you make your hiring decisions, the more likely it is that the best candidates will accept your offers. Law students crave the security of knowing that they have a job waiting when they graduate. Many students whose first choice would be public defense opt for other fields because defender offices keep them dangling for too long. If we accelerated our hiring process, we would get many more of the best students.

Will these strategies get us every candidate on our hiring wish list? Of course not. But they will maximize our chances of getting the people we want, and they will surely improve our hiring record. ■

---

**WASHINGTON WATCH — CIVIL**

continued from page 3

system was to increase resources for the Center, empower clients, help them decide whether they really want to bring a case and give students a sense of the business aspects of the practice of law. She noted that there were no co-pays charged in emergencies and that most of the clients who were below the poverty line did not pay the co-pays, except for those where the legal services provided by the Center resulted in the client's recovery of funds. She indicated that clients seem to have accepted the co-pay system, and she thought it was appropriate for clients to pay something as they climbed the income scale. All the members of the subcommittee mentioned the need to find a way to provide moderate- and middle-income individuals with legal services.

**LSC Testifies on Behalf of FY 2005 Budget Request**

On Thursday, April 1, the House Appropriations Subcommittee on Commerce, Justice, State, the Judiciary and Related Agencies held the last of its 25 hearings on the myriad of agencies under its jurisdiction. Representing the Legal Services Corporation were Chairman Frank Strickland and President Helaine Barnett. Barnett outlined LSC's FY 2005 budget request of \$352.4 million and highlighted the increasing gap between the need for legal services and the federal dollars available. Barnett pointed out that the LSC's 2005 request includes only a modest 4 percent increase over its 2004 appropriation, less than the 5.75 percent increase in the federal poverty population reflected in the 2000 Census. She emphasized that more than 43 million people are currently eligible for legal services, while there are only 3,700 attorneys in 143 legal services funded programs providing critical help.

Strickland began his short statement by recognizing "that this year is a milestone year for LSC. We are celebrating 30 years of providing access to the civil justice system in America. In 1974, President Nixon signed the LSC Act into law with bipartisan support from Congress." He then applauded the tenure of LSC board member and President John Erlenborn, noting that he was one of the floor managers for the LSC Act. "He helped establish LSC and then worked to keep it on solid footing." Strickland elaborated on the credentials of President Barnett, whom he described as "a leader of

unmatched experience, integrity and vision who has dedicated her entire professional life to equal justice."

Subcommittee Chairman Wolf (R-VA) seemed particularly interested in working with LSC on the problem of loan repayment assistance. Noting that the Virginia Legal Aid Society has instituted a successful loan repayment program, Wolf asked what LSC did to relieve student debt. Strickland responded, "... It is our intent to try to take a leadership role at the board level and LSC level here in Washington to try to bring that about. So we appreciate your interest in that concept, and I think it is an excellent idea."

Representative José Serrano (D-NY) began his questions by saying, "First of all, let me just again reiterate how much I appreciate the work you do and how important it is." After recounting a personal story about assistance that his family received from a local political figure when he was a child, after moving to New York from Puerto Rico, Serrano added, "So like I said, I might forget where I parked my car this morning, but I never ever forget how good it felt to be protected and to be represented in some way. And that is how so many people in my district, the poorest congressional district in the nation, feel with the services that you provide." Serrano questioned LSC about the relationship between LSC grantees and the Justice Department in the awarding of grants from the Violence Against Women Office. Citing "the growing problem of women and children subjected to domestic violence and abuse," Serrano stated that it "just makes us sick every day ... [it] happens everywhere and it is just I think one of the saddest aspects of this and any other society." Serrano then asked, "Is there more the subcommittee should do to ensure the continuation of this vital partnership?" Barnett agreed with the Congressman's assessment of the problem, responding, "If we had more funds to give our grantees, we could help more victims of domestic violence."

**Administration's Request**

The Bush Administration's FY 2005 budget contains \$329 million for the Legal Services Corporation, the same amount proposed by the President in the three previous years. LSC received \$335.4 million in FY 2004 funding and \$336.6 million in FY 2003.

There is speculation that, with the exception of the defense, homeland security and military operations appropriations bills, there will be an omnibus measure incorporating the remaining 10 appropriations bills for FY 2005. ■

---

## MESSAGE TO MEMBERS

continued from page 2

medium-size firms. I have never practiced in a firm larger than 10 lawyers, and for years I practiced in one much smaller than that. I know how easy it is to slough off the responsibility of pro bono in these small shops by saying, “I don’t need to take a case from legal aid or defend an indigent defendant. I have my own private legal aid.” The truth of the matter is that small and medium-size firms are better equipped to provide pro bono services because they generally practice in a wide variety of areas, as I did. And they are not frightened by such words as “family law,” “eviction” and “indictment.”

However, small firms will not come forward unless they see senior lawyers at large firms pulling their fair share. The small firm lawyer will simply dismiss the encouragement to perform pro bono services with a phrase such as “I don’t have a Coca-Cola to subsidize my pro bono work.”

Third, at least a portion, if not all, of the professionalism requirements for continuing legal education (CLE) purposes should be met if a lawyer performs at least 50 hours per year of pro bono work through a third-party agency, such as a legal services organization or by accepting court-appointed criminal cases at no fee. I am much less worried about the ethical qualities of a lawyer if he or she is providing free services to those in need. In my opinion, pro bono work is much more useful than some of the ethics CLE courses I have attended.

The last reason every lawyer should participate in pro bono is because it is satisfying and fun. Upon leaving my gubernatorial office, I had the pleasure of working for six months for the Atlanta

Legal Aid Society. There was a woman I represented, who upon meeting me could not quite remember where she had seen me previously and exclaimed, “I know who you are. You are one of those lawyers who advertise on TV.” Then there was an elderly lady I helped with a relatively minor problem and who on leaving tried to give me a dollar bill. When I refused she told me she would bake me a pie this spring and bring it to me. It is for this reason I became a lawyer.

Pro bono service will not solve all of the needs of the civil and criminal needy. We need strong organizations like the National Legal Aid & Defender Association (NLADA) and its program offices, such as Atlanta Legal Aid and Georgia Legal Services. I know firsthand that the Georgia General Assembly needs to provide and fund a strong, independent indigent defense system. Otherwise, these institutions will never be able to meet the needs of all of those who deserve representation.

A common effort by everyone involved, at all levels of experience and compensation, can make the difference and fill the need. As a by-product, it can change our image, as well.

Over the years the people of Georgia have given me many gifts. They have allowed me to serve in both houses of the General Assembly and entrusted to me the highest office of this state. Years from now when memories have faded as to any public office I may have held, perhaps on a Sunday morning in church, I will be satisfied with life if a father nods toward me approvingly and informs his son or daughter, “He’s a lawyer.” With that we will have returned to a profession of Harold Glores rather than the one seen through the eyes of David Mellor. ■

## The Defender Division’s Treasure Trove of Helpful Information: *The Management Resource Database (MRD)*

Have you ever sat down to develop a new policy for your program and wished you could look at samples from other defender offices? Would you like to see how defender programs from around the country develop and defend their budgets? This information and more is available in NLADA’s Management Resources Database (MRD).

The MRD is a broad Web-based collection of management-related materials submitted by NLADA members and supporters for use only by NLADA program members and chief defender members. MRD is intended to serve as an objective source of materials aimed at improving the internal operations of public defense and assigned counsel services. Materials are continually collected from indigent defense programs from around the country. Members are encouraged to submit documents directly to the Defender division Web site. The growing number of reference materials, office policies and procedures, salary schedules, articles, training materials and other items posted in the MRD make the collection one of the most powerful online management libraries for defenders. Find out what’s in the MRD treasure trove by going to [www.nlada.org/Defender](http://www.nlada.org/Defender). Help other programs in our defender community by submitting your policies, procedures and updates for posting to the MRD.

# NLADA's New Faces - WELCOME!

NLADA is committed to building a high-performance team to meet the needs of our members. As many of you know, over the past few months NLADA has been revamping our staff structure and hiring people into new positions, as well as filling vacancies. NLADA is pleased to announce the addition of six new staff members to our team:

**Ross Shepard** takes the place of former NLADA Director of Defender Legal Services Scott Wallace, who resigned to be president of the Wallace Global Fund. Shepard's appointment is effective June 1. In this capacity, Shepard is responsible for overseeing the division and working closely with the NLADA president and CEO, Board of Directors and Policy Groups to ensure that the association's mission is carried out.

Shepard previously served as the director of Public Defender Services of Lane County, Inc., in Eugene, Oregon, where he represented clients and oversaw a staff of public defenders. In addition, he worked as a legislative advocate for the Oregon Criminal Defense Lawyers Association on substantive and fiscal issues. Shepard is an active member of the NLADA American Council of Chief Defenders, the American Bar Association and the Oregon State Bar. He also has chaired numerous Lane County Bar Committees.

**Charles Wynder, Jr.**, joins as the new senior attorney for justice leadership. In that position, Wynder will work to expand NLADA's capacity to provide training, technical assistance and information to current and emerging civil legal aid leaders. He will also play an integral role in the Project for the Future of Equal Justice, a joint initiative of NLADA and the Center for Law and Social Policy (CLASP) that is supported by the Open Society Institute.

Wynder previously served as the executive director of Legal Services of Eastern Virginia. Prior to that Wynder served as a deputy commonwealth attorney for the Hampton Commonwealth Attorney's Office. He has served in numerous leadership roles in the community, including the Board of Directors for Peninsula Legal Aid, the Hampton-Newport News Community Services Board, board member and second vice chairperson of the Hampton Branch of the NAACP, and a member of the Norfolk Ryan White Planning Council.

**Crystal Spencer** is on board as the human resources/office manager. She comes to us with over 12 years of experience in human resources and office management. Her past employment includes director of human resources and administration for Pyramid Healthcare Corp., manager of human resources for Bio-Reg Associates and regional manager of human resources for AINS, Inc. Spencer has a bachelor's degree in human resources management from the University of Maryland.

**Jon Mosher** fills a newly created position as defender resource coordinator. Mosher has worked in that role for the past several months as a temp. Prior to that he worked as a computer applications instructor in Uganda, as an intern for U.S. Representative Carolyn Maloney (D-NY) and as a staff assistant at the Civil War Preservation Trust. He holds a bachelor's degree in history and economics from George Washington University.

Also, **Natalie Crane** fills another newly created position as the civil resource coordinator. She comes to NLADA from Dickstein, Shapiro, Morin & Oshinsky, where she served as a legal assistant for the government affairs section and then for the litigation section. Crane has a bachelor's degree from the University of Virginia in English and Spanish.

**Kristie Johnson** is the new bookkeeper/administrative assistant in the accounting department. Prior to joining NLADA, she worked for the National Association of Protection and Advocacy Systems, Inc., as an administrative coordinator/bookkeeper. Johnson also worked at National Capital Industries and with the Bureau of the Census. She is currently in the process of completing course work toward an associate's degree in accounting at Strayer University.

Please join us in welcoming the newest staff members to the NLADA team! ■

## NLADA Cornerstone

Volume 26, Number 1 • Spring 2004

### Editor

Stacy Mayuga

*Deputy Director of  
Communications*

### Civil Editor

Don Saunders

*Director of Civil Legal Services*

### Defender Editor

Cait Clarke

*Director of National Defender  
Leadership Institute*

### Training & Conferences Editor

Cynthia Works

*Director of Education &  
Training*

### Design

DeLong Lithographics

### Photographs

Jane Ribadeneyra

### Contributors

Roy Barnes

Catherine Beane

Julie Clark

Cait Clarke

Aimee Gabel

Teresa D. Harper

Camille Holmes

Ira Mickenberg

Carol Ponce

Lory Diana Rosenberg

Virginia Sloan

Gerard Smyth

Susan Storey

Mizue Suito

Charles Wynder, Jr.

NLADA Cornerstone is a publication of the National Legal Aid & Defender Association. ©Copyright 2004. No articles may be reprinted without the permission of NLADA. The views of writers for NLADA Cornerstone do not necessarily reflect the views of the Association. Comments, suggestions and inquiries are welcome.

By Lory Diana Rosenberg, NLADA Director of  
Defending Immigrants Partnership

Over the past six months, NLADA has supported the litigation of significant issues relating to the right to appointed counsel and protection from domestic violence by participating as amicus in criminal and civil immigration cases. One of these cases, *Iowa v. Tovar*, was recently decided by the Supreme Court.

## Right to the Assistance of Appointed Counsel

In *Iowa v. Tovar*, 124 S. Ct. 1379 (2004), the State of Iowa appealed the Iowa Supreme Court's holding that a "knowing and intelligent" waiver of the Sixth Amendment right to the assistance of counsel required a court to specifically admonish the defendant (1) that "waiving the assistance of counsel in deciding whether to plead guilty [entails] the risk that a viable defense will be overlooked;" and (2)... "that by waiving his right to an attorney he will lose the opportunity to obtain an independent opinion on whether, under the facts and applicable law, it is wise to plead guilty." *State v. Tovar*, 656 N.W.2d 112, 121 (Iowa 2003).

In NLADA's amicus brief, prepared by Professors Andrea Lyon and Emily Hughes of the DePaul Law School, NLADA took the position that the Sixth Amendment right to counsel and to a knowing waiver of counsel required the specific warnings provided by the Iowa Supreme Court.

The case involved a 1996 arraignment for operating a motor vehicle while under the influence of alcohol, in which Felipe Tovar was advised about his rights to trial and to representation, but affirmatively waived counsel and indicated that he wished to plead guilty. He was later prosecuted a second and third time for aggravated operating under the influence. On the third occasion, Tovar pled not guilty, claiming that the first conviction was invalid because the trial judge did not elaborate on the value, at that stage of the case, of an attorney's advice and the dangers of self-representation in entering a plea. Therefore, he argued, his original waiver of counsel was not fully knowing, intelligent and voluntary.

In NLADA's amicus brief, prepared by Professors Andrea Lyon and Emily Hughes of the DePaul Law School, NLADA took the position that the Sixth Amendment right to counsel and to a

knowing waiver of counsel required the specific warnings provided by the Iowa Supreme Court.

"We hold only that the two admonitions the Iowa Supreme Court ordered are not required by the Federal Constitution."

The Supreme Court rejected the position that a knowing and voluntary waiver of the Sixth Amendment right to counsel required the two specific warnings articulated by the Iowa Supreme Court. Writing for a unanimous Court, Justice Ruth Bader Ginsburg stated, "The sole question before us is whether the Sixth Amendment compels the two admonitions here in controversy. We hold it does not." *Id.* at \*28-29.

The Court reaffirmed that the Sixth Amendment secures to a defendant who faces incarceration the right to counsel at all "critical stages" of the criminal process, and that a plea hearing qualifies as a "critical stage." *Iowa v. Tovar, supra*, at \*21 (internal citations omitted). Nevertheless, Justice Ginsburg ruled that the constitutional requirement is satisfied when the trial court informs the accused of the nature of the charges against him, of his right to be counseled regarding his plea and of the range of allowable punishments attendant upon the entry of a guilty plea. *Id.* at \*10.

More important, however, the Court stated that "[t]o resolve this case, we need not endorse the State's position that nothing more than the plea colloquy was needed to safeguard Tovar's right to counsel. The Court's decision rested to some extent on its recognition that 'there were some things more in this case,' including indications in the record that 'Tovar first indicated that he waived counsel at his Initial Appearance,... affirmed that he wanted to represent himself at the plea hearing,... and declined the court's offer of 'time to hire an attorney' at sentencing, when it was still open to him to request withdrawal of his plea.' In addition, the Court pointed out that the State did not contest that a defendant must be aware of his right to the assistance of counsel in entering a plea and that it had acknowledged "defendant's need to know 'retained or appointed counsel can assist' at the plea stage by 'working on the issues of guilt and sentencing.'" *Id.*

Indeed, the Iowa Supreme Court appeared to assume that Tovar was informed of his entitlement to counsel's aid or, at least, to have pretermitted that issue. *See* 656 N. W. 2d, at 117. Quoting *Johnson v. Zerbst*, 304 U.S. 458, 464 (1938), the Court noted that "[i]n prescribing scripted admonitions and holding them necessary in every guilty plea instance ... the Iowa high court overlooked our observations that the information a defendant must have to waive counsel intelligently will 'depend, in each case,

continued on page 17

upon the particular facts and circumstances surrounding that case.” The Court reiterated that the information a defendant must possess in order to make an intelligent election relating to counsel will depend on a range of case-specific factors, including the defendant’s education or sophistication, the complex or easily grasped nature of the charge and the stage of the proceeding.

The Court found that the Iowa Supreme Court gave insufficient consideration to recent “guiding decisions” in which it had ruled that “The law ordinarily considers a waiver knowing, intelligent, and sufficiently aware if the defendant fully understands the nature of the right and how it would likely apply *in general* in the circumstances — even though the defendant may not know the *specific detailed* consequences of invoking it.” *Iowa v. Tovar*, supra (citing *United States v. Ruiz*, 536 U.S. 622, 629 (2002) (emphasis in original). *Brady v. United States*, 397 U.S. 742, 748 (1970) (requiring a “knowing, intelligent act done with sufficient awareness of the relevant circumstances”).

### Criminal Defense Implications

The Supreme Court’s decision is a narrow one, and it is important to make sure that trial courts do not read it as anything more than a decision rejecting the two particular Iowa admonitions as being necessary in all cases. The Supreme Court reiterated more than once that there is a right to counsel in plea proceedings and that an intelligent waiver of the right includes information concerning the role that counsel can play. *Iowa v. Tovar*, supra.

Near the end of its decision, the Court did express concern that “[i]f a defendant delays his plea in the vain hope that counsel could uncover a tenable basis for contesting or reducing the criminal charge, the prompt disposition of the case will be impeded.” The Court also acknowledged the argument of amicus curiae United States that “the resources of either the State (if the defendant is indigent) or the defendant himself (if he is financially ineligible for appointed counsel) will be wasted.” *Iowa v. Tovar*, supra. Nonetheless, the Court also acknowledged that “States are free to adopt by statute, rule, or decision any guides to the acceptance of an uncounseled plea they deem useful,” citing rules of criminal procedure in Alaska, Florida, Maryland, Minnesota and Pennsylvania.

### Immigration Law Implications

The requirement that particular admonitions be provided is a matter of state law that is completely distinct from anything having to do with admonitions from the trial court relating to deportation consequences. Likewise, such admonitions are different from affirmative misadvice from the prosecutor or defense counsel relating to immigration consequences, or other ineffective

assistance of counsel claims. A motion for vacation of judgment made in relation to failure to adequately advise a defendant concerning the right to counsel in plea proceedings would provide a “legal defect” basis for a vacation that should be “*Matter of Pickering* -proof.” See *Matter of Pickering*, 23 I&N Dec. (BIA 2003).

However, the Court does affirm the fact that counsel has a right in plea proceedings and that the defendant should be made aware of the risks of going forward without counsel; accordingly, general admonishment of the right to counsel and risks of representing oneself in a plea proceeding is necessary. For example, a case in which a noncitizen has been arrested and is arraigned, and where

---

The Supreme Court’s decision is a narrow one, and it is important to make sure that trial courts do not read it as anything more than a decision rejecting the two particular Iowa admonitions as being necessary in all cases.

the arraignment judge asks only whether the defendant would like to plead and be released with time served (and does not admonish regarding the right to counsel at all, let alone the right to counsel in plea proceeding), would be subject to challenge.

As there are undoubtedly many cases in which this has happened, and noncitizens (as well as citizens) oftentimes do not understand the United States criminal trial process, a jury system or the possibility of being appointed counsel under the Constitution, it should not be difficult to establish the absence of a knowing, intelligent and voluntary waiver of counsel. Some courts actually film the arraignments and make the film available; others have audiotapes and it is possible to have transcripts made. A good affidavit from the client explaining his lack of understanding of the process, problem with the interpreter, if any, and other relevant factors is very important, particularly if he maintains his innocence and would have gone to trial. ■

for all attendees how vital their role is in ensuring justice in America.

Lewis' style was engaging and motivational. Lewis began his address by saying, "Thank you for all your good work, [for] keeping an eye on the needs of simple justice and fairness for all our citizens. Thank you." He explained that as a young child he tasted the bitterness of racism and discrimination, saying "I didn't like it."

---

Lewis' style was engaging and motivational. Lewis began his address by saying, "Thank you for all your good work, [for] keeping an eye on the needs of simple justice and fairness for all our citizens. Thank you." He explained that as a young child he tasted the bitterness of racism and discrimination, saying "I didn't like it."

He went on to point out that for all the progress that has been achieved in the last 40 years, there is still a great need for public interest lawyers, civil rights advocates and concerned citizens to take a stand and "get in the way" of the government when it is not fairly representing the needs of its people. Lewis made all lawyers sitting in the room intensely aware that they serve a noble cause of ensuring justice for America's low-income community — those less fortunate, those whose voices would go unheard and those who would be without fair representation before the law were it not for the work of pro bono and public interest lawyers.

In closing, Lewis said, "As lawyers, members of the bar who look out for those who have been left out, left behind, who stand and defend those in need, the wind may blow on your house but you must never leave the house. . . . It doesn't matter if we are rich or poor, black, white, Hispanic, Asian-American, Native American, gay or straight — we all live in the same house. And there must be justice for everybody. Not just for some, but for all. And the quality of the justice must not depend on the size of your wallet or the zip code you live in. So, stay with the case. Stay with the house. Walk with the wind. And, let simple justice and fairness under the rule of the law be your guide." ■

forgiveness legislation, contained in a larger bill aimed at gang offenses, S. 2358 (a moderate alternative to a harsh bill by Senate Judiciary Committee Chairman Orrin Hatch, S. 1735). The major changes were to increase the amounts repayable for public defenders and prosecutors, from \$6,000 to \$10,000 annually, and from an aggregate per-person cap of \$40,000 to \$60,000. These increases are the same as ones signed into law last year for the loan forgiveness program for federal employees upon which the Durbin legislation was modeled. The fate of this legislation is expected to be decided by the Judiciary Committee in May.

The day's visits were a tremendous success, and everyone vowed to return next year in January or February to get an early

start with the new Congress. The goal is to increase the participation to include representatives from every state. This was the third successive year of ACCD visits to Capitol Hill and the value of continuing this as an annual event is readily apparent to all who have participated. Special thanks are in order to Jo-Ann Wallace, NLADA senior vice president of programs, Cait Clarke, NLADA director of the National Defender Leadership Institute, and Jon Mosher, NLADA defender resources coordinator, for coordinating the week's meeting and activities. ■

# Insuring Equal Justice

## N L A D A I N S U R A N C E P R O G R A M

The **NLADA Insurance Program** is the only professional liability insurance provider with a wide array of products tailored to meet the special needs of civil legal aid and indigent defense attorneys and offices.

The **NLADA Insurance Program** provides high quality and flexibility at competitive — and usually lower — premiums. It is available only to members of the NLADA community and its risk purchasing group.

The **NLADA Insurance Program** offers an exceptional product. But don't just take our word for it. Judging from the program's long-term retention rate of nearly 100 percent, our more than 900 customers seem to agree.

### OUR CUSTOMERS TELL US THE NLADA INSURANCE PROGRAM...

- **Saves Valuable Time**
- **Saves Money**
- **Gives Peace of Mind**

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

NLADA Insurance Program  
(202) 452-9870 • (800) 725-4513 • Fax (202) 452-9879  
E-mail [servicecorp@nlada.org](mailto:servicecorp@nlada.org) • [www.nlada.org/Insurance](http://www.nlada.org/Insurance)





Non Profit Org  
U.S. Postage  
**PAID**  
Permit No. 6203  
Merrifield, VA

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

1140 Connecticut Ave., NW

Suite 900

Washington, DC

20036-4019

(202) 452-0620

Printed on recycled paper

*NLADA Cornerstone*  
Volume 26, Number 1  
Spring 2004



NLADA sponsors comprehensive, affordable training programs throughout the year for program directors, managers, staff and clients in the civil legal aid and indigent defense communities. We invite you to join us in partnering for Equal Justice.

**June 3–9, 2004**

**DEFENDER ADVOCACY  
INSTITUTE**

Dayton, OH

**June 3–5, 2004**

**CIVIL IMPACT LEADERSHIP**

Snowbird, Utah

**June 5, 2004**

**ARGUMENT TO THE COURT:  
An Oral Advocacy Training for  
Legal Aid Attorneys**

Snowbird, Utah

**June 5–8, 2004**

**LITIGATION AND ADVOCACY  
DIRECTORS CONFERENCE**

Snowbird, UT

**July 21–24, 2004**

**SUBSTANTIVE LAW  
CONFERENCE**

Los Angeles, CA

**December 1–4, 2004**

**ANNUAL CONFERENCE**

Washington, DC

**January 20–23, 2005**

**APPELLATE DEFENDER  
TRAINING CONFERENCE**

New Orleans, LA

**March 19–25, 2005**

**LIFE IN THE BALANCE  
CONFERENCE**

New Orleans, LA

**May 5–7, 2005**

**EQUAL JUSTICE CONFERENCE**

Austin, TX

**June 13–18, 2005**

**TRIAL ADVOCACY COLLEGE**

Philadelphia, PA

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