

CLIENT UPDATE

SPRING 2008

Latino Section Expands Opportunity for Impact, Leadership

By Hillary Evans, Editor

National Legal Aid & Defender Association (NLADA) sections on both the civil and defender sides provide tremendous perspective to the overall organization and to the equal justice community at large. Whether connecting members via listservs or providing a support network of individuals sharing a common interest, NLADA sections help to strengthen advocacy and client communities.

At the last NLADA Annual Conference in Tucson, AZ, the Latino Section saw a strong resurgence of Latino legal advocates. The section



held two very productive meetings, where they formally re-established the Latino Section of NLADA, co-chaired by José Padilla, executive director of California Rural Legal Services, and client leader Ben Obregon, a former NLADA board member.

Additionally the section has established four committees, (1) Invitations/Recruitment Committee; (2) Survey Committee; (3) Workshop/Training Committee; and (4) Communications Committee. The birth of the Latino Section began four or five years ago at an NLADA annual conference. Latino advocates Ramon Arias, Padilla, Irene Morales, Luis Jaramillo, John Trujillo, Obregon and others began discussing a need to stay connected and provide a forum for networking. Obregon explained, “we wanted to have an all-inclusive section that would allow Latino clients attending the conference as well as Latino staff — be they directors, attorneys or staff in general — to be part of this section.” He noted that by including this range of advocates, the group distinguished

itself from other sections like the Client Section and the African American Directors Section, that traditionally target a specific type of advocate.

The section hopes to increase the presence of the group within NLADA. One example is by increasing the number of workshops and sessions at conferences that focus on legal aid issues that have a particular impact on the Latino community and create a survey of other issues affecting this demographic population. Anyone interested in the Section or Latino issues is invited to contact Carol Ponce, at c.ponce@nlada.org or co-chairs Padilla and Obregon.

This resurgence of the Latino Section is part of a cadre of NLADA sections that continue to thrive, including the Women of Color Section, the African American Project Directors, the National Alliance of Sentencing and Mitigation Specialists (NASAMS) and the American Council of Chief Defenders (ACCD).

In looking at the future of NLADA sections and the role of the client leaders, it becomes increasingly important that the way is paved for a new crop of leaders and an expanded more diverse leadership. With this expanded leadership comes recognition of a changing demographic within the client community but at the same time unites old and new leaders embracing the same constant: justice for all. ★

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“We refuse to believe that the bank of justice is bankrupt.”

Reverend Dr. Martin Luther King Jr.

Message from NLADA Client Policy Group Chair Myrnairis “Mic” Cepeda

My name is Myrnairis “Mic” Cepeda, and it is with great pleasure that I greet you as the new Client Policy Group chair.

This is an exciting, history-making election year. For the first time, one of our major political parties has as presidential nominee a person of color and a woman.

A new sense of purpose seems to emerge as communities continue to get involved in making our cities and towns better places to live. There is more visible involvement in the political arena as people campaigned and let their voices be heard.

We see communities across the nation that are ready to embrace changes in leadership and to tackle issues that matter most to Americans, such as the war in Iraq and Afghanistan, the economy, social security and education.

Grandparents are making their voices heard in their fight for the recognition of their inherent rights to care for their grand-

children when the parents are unable to do so. Communities are uniting and speaking up for the right of ex-felons to care for and support their families with gainful employment.

Continuing the momentum gained from the client community's successful effort in opposing Part 1621 in 2006, there was a very active presence from clients at the 2007 NLADA Annual Conference in Tucson, Arizona. The conference theme "Leading the Way Toward Justice and Equality" provided a great framework for presentations on grassroots development, taking the leading role, and other very interesting and informative sessions.

I would like to thank Rosita Stanley for her outstanding leadership as the immediate past chair of the Client Policy Group. It has been my honor to have served with her and a privilege to be mentored by her. Rosita we wish you the very best.

Looking forward to a new year, my

NLADA Client Policy Group Officers 2008

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goals are to continue the work in development of the client leadership, client membership and client participation. ☆

Message from Client Section Chair Harry Johnson

The NLADA Client Section is entering its eighth year of being part of the NLADA community. This year, we will meet in Washington, DC at the Annual Conference on November 17-22, 2008. The Client Section is tentatively scheduled for November 20, 2008, at 6:00 p.m. We look forward to seeing as many clients as we had at our Client Section last year in Tucson, AZ. The Client Policy Group will meet on Tuesday, November 18, 2008 at 8:00 a.m. and all clients are welcome to attend that policy group meeting if you are in Washington on that Tuesday morning.

We had a very good turnout in Tucson, AZ. At the completion of the client tracks, we convened the client section and had open dialogue about the positive outcome of our efforts in keeping the client grievance procedure in place. All of the clients at the conference in Charlotte 2006, and clients from all across the country signed partitions on our appeal to the Legal Services Corporation (LSC) on the proposed rule changes to --Part 1621 the client grievance procedure. We were led by Rosita Stanley, former chairperson of the NLADA Client Policy Group and vice chairperson of the NLADA Board of Directors. She advo-

cated on behalf of the entire client community before the LSC Board of Directors in Washington, DC, held on January 19-20, 2007.

The Client Policy Group changed leadership last year at the Client Policy Group meeting as Rosita Stanley our torch bearer from the inception of the Client Policy Group after the merge of NLADA and PAG, passed the torch onto Myrnairis Cepeda.

The Civil Policy Group has another client representative at large, Lucille Logan, who has been elected to the Civil Policy Group. Former vice chair of the Civil Policy Group, Mary Wilson's term expired. Harry Johnson, client representative for Regions III and IV, has been elected vice-chair of the Civil Policy Group at the Civil Policy Group meeting.

We had another seasoned client community advocate, Peggy Santos, who operates on the Basic Principles of the Client Code of Ethics, receive the Mary Ellen Hamilton Award last year during the NLADA Awards Luncheon.

We continue our appeal to all NLADA client individual

Message from NOCA

President Lucille Logan

Greetings! The National Legal Aid & Defender Association (NLADA) 2007 Annual Conference prepared us for work ahead so that we are ready to be ambassadors for the National Organization of Client Advocates, Inc. (NOCA) and NLADA.

NOCA met at the Annual Conference, and we had a very active meeting where we exchanged a wealth of information including a workshop on non-profit versus for profit organizations. My hope is to take all the information gathered and create a clearinghouse for state and local client councils.

Emotions run bitter sweet as some members have chosen to step down from their leadership positions on committees and board of directors. At the same time, opportunities open for new members to take part in client leadership.

I am pleased to continue my leadership with NOCA and am excited about returning to the NLADA Civil Policy Group, where I hope to use my 20 years of experience in my service on the committee.

I hope the new advocates will be as dedicated as Mary Wilson, John Johnson and Rosita Stanley. These people are our role models. With that said, I would like to end by sharing a tribute to my friend and a friend to the client community, Rosita Stanley. She is a bright, energetic and a knowledgeable person who is a community activist locally and nationally. She deserves many awards for her service but will probably never see them

because she serves where she is needed and not in just the positions where she is eligible for awards.

I did not realize how much of an impact this person had on my life until she got sick and I faced the possibility that I would not see her again. I met this community activist in 1982. A conference that I had attended ended and everyone was leaving but my plane did not take off until the next day. She walked up to me, befriended me and stayed another night so that I would not be there by myself. We have been friends ever since. We have had our ups and downs but getting through the hard time is what makes friendships work. We had to learn to accept each other as individuals.

Rosita has been an inspiration to all of the clients. She sat on the NLADA Board of Directors and was involved in various committees. She created the Client Policy Group of NLADA so that clients would have fair representation to the board of directors. She was also the inspiration for the client section of NLADA. Rosita has trained and advocated on behalf of clients. Her work and her integrity have gained the respect of those who can help our cause in the fight for the impoverished. Rosita bit her tongue for no one. If you crossed her, she let you know. I once attended a workshop about sharing the power. I heard her say, "I give my power to no one; they have to take it!" Rosita is a pace setter. When you need her, she is there. As long as you do not disrespect her, you have an equal

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playing field.

This could be viewed as negative, but with Rosita it is an indefinable strength. It is what client's need, someone who can hold their own in a battle. It does not matter if you are in a conversation with the president of the United States or relating a conversation to a client. Fearing no one, but respecting everyone, is what makes a great leader.

I can truly call Rosita my friend. It is simple, when you are down, look around to see who is there — that is a friend. So, I honor my friend, Rosita Stanley. ★

Johnson — Continued From Page 2

members to encourage their programs to enroll all of the client board members of their legal services program as individual client members of NLADA. The membership dues are \$15.00 annually. NLADA individual client dues paying

members are eligible to run for positions on the Client Policy Group, Civil Policy Group, and the NLADA Board of Directors. We are working on increasing our membership to the maximum expected by clients representing the entire legal

services community.

We look forward to seeing all clients and other members of the NLADA family at our Annual Conference in November. ★

Zah Inspires Conference Attendees With Story of Native American Perseverance

By Jeff Billington, NLADA deputy director of Communications

In his tale of triumph over nearly insurmountable odds, Dr. Peterson Zah started off the 2007 NLADA Annual Conference with an uplifting story of how his Native American Nation worked to overcome adversity to the benefit of their long-suffering brethren.

Zah, from the Navajo Nation and advisor to the president on American Indian Affairs at Arizona State University, delivered the NLADA opening ceremony's keynote address.

The Navajo tribe in Arizona is probably the largest concentration of any one tribe in a single state, Zah said, adding that its members and the members of the many other smaller tribes in the state continue to follow a lot of their ancient customs and traditions.

"Many of the tribal groups out there today still speak their language," he said. "Still live their culture."

Though each tribe's cultures are different, they are universal in their struggle to create better lives for themselves, their friends, their families and generations yet to be born. This struggle is centuries old.

"In 1879 a great chief from the state of Washington went to Congress," he said, sharing the story of Chief Joseph of the Nez Perce tribe.

In Washington, he told government officials about the experience his people had with the explorers Meriwether Lewis and William Clark. He also told Congress about the people that came later to get the gold and how they not only took the gold, but the tribe's cattle, going so far as to brand the small cattle to claim them as their own, Zah explained.

Chief Joseph told Congress that these are the tragedies that have happened to the native person and that they were without a friend or advocate in Washington.

"It wasn't until about 100 years later that the United States formed a war on poverty," Zah said. "What Chief Joseph wanted, what all of these tribal leaders wanted was just for their cases to be heard."

As a boy, Zah saw firsthand how the native cultures were marginalized and almost driven to extinction.

"At that point, we didn't have schools on the reservation," he explained. "We had boarding schools away from the reservation. The idea was to assimilate us."

They tried to assimilate the Native Americans into white culture partially in an effort to keep them off the reservations, Zah said. So he was sent to the Phoenix Indian School.

"Back then it didn't dawn on me why they wanted us off the reservations," he said. "We have the Grand Canyon; we have the painted valley; we have all these other nice, beautiful places in the Navajo nation.

"That's what you look at on the surface of the Navajo nation," Zah continued. "But do you know what we had underneath; coal, oil and uranium. And we knew that if the white man knew that, he would never send us back."

Once he felt he had learned everything the boarding school had to teach him, Zah decided he wanted to continue his learning.

"I wanted to be a little better and I wanted to go on to college," he said.

He went to all of his Phoenix Indian School teachers to see if they would recommend him to go to college. None would recommend him, instead they told him to find a laboring job and not to embarrass them.

"I guess when somebody tells you that, I guess a lot of people can believe that," he said. "But not this person, I went on."

Zah went to Phoenix College on a basketball scholarship and then to Arizona State University (ASU), where he earned a bachelor's degree in education in 1963.

While he was at ASU a friend came and saw him and asked him to come back to the reservation. Since Zah spoke Navajo and talked and worked well with people, he was seen as an ideal choice to start a new program on the reservation. Eventually, he relented and returned to the reservation, only to discover there was no office. So his first job was to build one.

He used his training as a carpenter from Phoenix Indian School and went to the Navajo nation saw mill for materials and labor.

"We were building the foundation of the legal services program," Zah said.

The Navajos built five legal services offices, then the Hopi tribe came to Zah and asked for help in building a Hopi legal services program. So he helped build their offices as well and later did the same for the Apache tribe.

"When we finished building all these offices, we said 'now we're going to hire lawyers,'" he said. "So we decided we should go to law schools and recruit."

Zah went to law schools across the country to recruit third year law students. When he was done, he had almost 100 young attorneys running around the reservations.

"With all these young people converging onto the Navajo nation, it was my job to control them and to control their energy," he said. "DNA [DNA-People's Legal Services] legal services program became a very viable legal services program. We could go after the federal government for all the wrongs they had done to the people here in the southwest."

It was a struggle to keep DNA-People's Legal Services open. Influential Arizona Senator Barry Goldwater would talk

Access to Justice: A Mother's Day in Court

By Beverly McLeod Iseghohi

The Civil Pro Bono Family Law Project (CPB-FLP) is an Atlanta-based non-profit organization that provides incarcerated mothers with education on parental rights, referrals to attorney volunteers and a self-help tool titled "Mothering While Separated: A Resource Guide." The program fills a need for women in prison who otherwise, without financial resources, would have no representation. Equally important, the CPB-FLP encourages dialogue with policymakers on the unique challenges facing incarcerated mothers, such as the unintended consequences of the 1997 Adoption and Safe Families Act (ASFA) which spurs "fast track adoptions" setting short, strict time limits for parents to comply with court orders. The CPB-FLP team of volunteers and supporters advocate for new legal strategies to protect the rights of these individuals, because they are unable to afford legal representation.

According to the Fostering Court Improvement Project, a program out of the School of Social Work at the University of Illinois at Urbana Champaign, in 2005, the Georgia Division of Family and Children Services (DFCS) removed 773 minor children from their homes due to a parent's incarceration. And from 2005 to 2006, 5,861 children removed from their homes for a variety of reasons, including parental incarceration, were placed in permanent homes within 12 months of their removal. In cases where Termination of Parental Rights (TPR) petitions were filed, there are no statistics available that specify how many of the parental terminations involve incarcerated mothers. Based on the number of incarcerated mothers who contact the CPB-FLP after receiving notice of a petition to terminate their parental rights, the CPB-FLP has seen a steady increase in the frequency and number of parental termination hearings.

Additionally, incarcerated mothers inform the CPB-FLP staff and attorney volunteers — during the CPB-FLP's regularly scheduled seminars at women's prison facilities — of parental termination petitions initiated by their children's temporary caretaker or DFCS. Some incarcerated mothers receive notices for court proceedings either shortly before the proceeding, or, after the proceeding has taken place. They tell the CPB-FLP attorney volunteers of their requests for transport to the court hearings. Most often, prison officials do not provide transport. In several cases, the mothers were given no notice of the proceedings leading up to the final ruling; they attended no hearing; submitted no affidavit; and they were unaware of their right to have appointed counsel (in cases where the children were in DFCS custody). While the lack of tracking data makes it difficult to tell whether this is a pervasive problem, the CPB-FLP recognizes the need to empower incarcerated mothers to

protect their parental rights.

If there are an increasing number of parental termination proceedings where the only representative attending the proceeding is DFCS, the child welfare agency, there is a defect in the system which needs to be addressed. Incarcerated mothers' lack of effective access to court is symptomatic of an ongoing problem in other regions of the country. Few groups have been less visible — and more endangered — than incarcerated mothers and their children.

The problem attracts no media attention. Incarcerated mothers lack the publicity-allure of a Britney Spears challenging court orders which prevent her from spending time with her children. These mothers are usually indigent, poorly educated and disenfranchised from family support systems. There is a need for journalists to explore the issues, and to expose the consequences of the child welfare agencies and the judicial systems' failure to reunify incarcerated mothers — convicted on nonviolent offenses — with their children. Studies conducted by child development experts suggest the failure to address the problem can feed intergenerational incarceration.

"More and more, mothers lament that since their incarcerations their children have gotten involved with criminal activity or that no one is really looking out for them," says Vida Gude, veteran CPB-FLP attorney volunteer and current chair of the board of directors.

The impact parents' incarceration has on their children may be argued amongst experts; however, it is indisputable that the majority of women in Georgia's prisons are mothers.

According to the Georgia Department of Corrections, as of December 2006, of the more than 3,500 women in Georgia's state prisons, greater than 77 percent of the women are parents. It is likely that the number of incarcerated mothers is greater. Often women do not inform corrections authorities that they have children for fear that their parental rights will be terminated.

While both men and women in prison are parents, the children of incarcerated mothers are much more likely to be displaced, according to the Child Welfare League. When men go to prison the family unit stays very close around the male; when women go to prison, the family unit falls away. The incarcerated mothers are usually at distant prisons, making visits impossible or rare. The situation for sentenced mothers is further complicated by the ASFA, which requires that parental rights be severed if a parent is absent for 15 months in a 22 month period, even when no permanent foster care placement is in sight. Prior to ASFA there wasn't a timeline set to fast track parental terminations.

In the early 1990s, policymakers adopted a "tough on crime" stance. And in 1997, the federal government passed the ASFA, which Georgia and many other states adopted. The Act



Vida Gude

Mother's Day – Continued From Page 5

strongly impacted the termination of parental rights of incarcerated mothers, because ASFA resulted in incarcerated mothers being at greater risk for having their parental rights terminated based on the length of their prison sentence. The United States Department of Justice, Bureau of Statistics, show that many incarcerated women are serving prison terms longer than a year. Exceptions allow caseworkers to examine individual cases for compelling reasons not to file termination proceedings. The exceptions for when a state may choose not to file include when a relative is caring for the child, when the foster care agency has not provided appropriate services or when the agency documents that termination would not be in the child's best interests.

Parental terminations have an immediate and permanent impact on the family. "Legally no further contact is permitted between the birth mother and child," says Marva Simpson, the CPB-FLP legal director. "Rarely are the decisions to terminate parental rights appealed."

Since incarcerated mothers are not exempted from the provisions of the ASFA, and since those with children in foster care generally will be unable to meet family court requirements within 12 months, it is more likely that their parental rights will be terminated. While the mother's presence at the parental termination hearing is important, it is critical that she demonstrate an interest in her children's welfare long before the child welfare agency files a petition to terminate parental rights.

"TPRs have outlived their usefulness," says Ellen Barry, a 30-year advocate for incarcerated mothers and founder of Legal Services for Prisoners with Children. "Children don't understand it."

That is why legal representation of incarcerated mothers is important. The lack of legal counseling for them has contributed to the inclination of courts to approve parental terminations. Since many mothers do not have appointed counsel – unless their children are in the care of a child welfare agency – the mother finds herself unrepresented in court because she is unable to afford counsel. This is unjust.

As the CPB-FLP encourages clearly defined advocacy goals, the CPB-FLP staff and attorney volunteers' direct contact with incarcerated mothers and their observation of court proceedings and child welfare agency protocol and procedures, serve an important function. They enable the CPB-FLP team to probe the causes of the problem and to identify possible solutions. At this preliminary stage, there appears to be several needs:

- at least one state agency should be accountable for tracking incarcerated mothers' involvement in their children's juvenile court proceedings;
- court ordered transport of incarcerated mothers to juvenile court proceedings should be required; and,
- bar associations should support the creation of more pro bono programs that provide legal representation of incarcerated mothers.

The long term goal should be to exempt incarcerated mothers from the ASFA time limits. Alternatively, the time limit should be extended for incarcerated mothers. In the interim, the CPB-FLP has found that working with incarcerated mothers long before the parental termination is initiated is necessary. There are several steps an attorney can take to help an incarcerated mother protect her parental rights.

Collaboration

If possible, both criminal defense and civil attorneys should work together to protect the mother's rights before a petition to terminate parental rights is filed.

Mother and Child Reconnection

Attorneys can help facilitate visitation and frequent contact between the mother and child, both by working with the child welfare agency to ensure visitation and by connecting the mother to programs that facilitate visitation and communication and enhance parenting skills.

Parent-child Relationship

Attorneys and the incarcerated mothers should work to maintain and build on the parent-child relationship. This includes identifying a suitable relative who can care for the child while the mother is incarcerated.

Services and Support

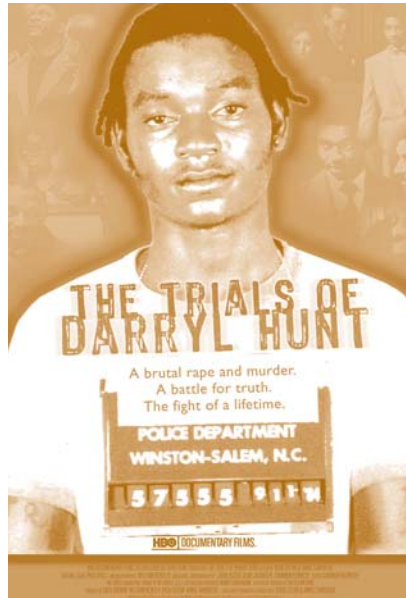
Ultimately, attorneys should work with the mother and the child welfare agency to ensure that the mother receives the services and support needed to solve the problems that contributed to incarceration. This includes working with the courts, the corrections department, community providers, and others to ensure that the mother receives as many needed services in prison as possible to begin preparing the mother to re-enter the community and resume her parental responsibility.

In Georgia, while it is possible that many of the children of incarcerated mothers would fair better in foster care, with adoptive parents or with a relative who could provide the child with a safe and loving home, it is questionable whether more than 50 percent of incarcerated mothers are not capable of fostering a parental relationship. The question becomes whether it is in the best interest of every child to have his relationship with his mother severed because of his mother's status. This is a difficult question, but it can be better answered if the mother is given an opportunity to be heard regarding the placement and care of her children. The best way to ensure the child of an incarcerated mother is protected is to zealously protect the mother's right to have her day in court. ★

Beverly McLeod Iseghohi is the executive director of the Civil Pro Bono Family Law Project.

The Trials of Darryl Hunt Wins the DuPont Award

The Alfred I. duPont-Columbia University 2008 News Awards Honor 13 Broadcast Programs, including *The Trials of Darryl Hunt*. Coverage of the awards was featured in the annual PBS documentary "Telling the Truth: The Best in Broadcast Journalism," which premiered on January 28th, 2008.



NLADA Training Calendar

Equal Justice Conference
May 7-9, 2008

Civil Impact Leadership Conference
June 19-21, 2008

Litigation & Advocacy Directors Conference
June 21-24, 2008

NLADA Annual Conference
November 19-22, 2008

Appellate Defender Training
December 10-14, 2008

Substantive Law Conference
Summer 2009

Life in the Balance Conference
March 7-10, 2009

NASAMS Conference
March 2009



Civil Impact Leadership 2008 *Radical Collaboration for Racial Justice*

San Francisco, California • June 19-21, 2008

The Equal Justice Leadership Initiative: Educating and Empowering Leaders for Justice

A project of NLADA • Funded through a grant by the Open Society Institute

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Don't miss the opportunity to engage in Radical Collaboration for Racial Justice.

Mark Your Calendar Now!

Zah – Continued From Page 4

to presidents about ways of eliminating the program, including getting rid of Zah, since he was not an attorney.

Even some members of the Navajo Nation were fighting the program. At one point, DNA sued the nation over representation, after which the Navajo Nation council stopped supporting the program. That led to Zah becoming the tribal chair, by running against one of DNA's opponents on the council.

At that time Arizona was still refusing to build public schools on the reservations, which DNA fought.

“As a result the Navajo nation now has 178 schools,” he said. “That was the result of DNA.”

The next step in the program was to recruit from within the reservation.

“In 1968, when the program began on the Navajo Nation, we had zero Navajo lawyers,” Zah said. “We talked about how we should motivate our own children on the Navajo reservation. So we started going into the schools motivating those students.”

They started by finding and developing scholarships and recruiting the brightest students to go on to law school.

“Today, 40 years later we have 130 Navajo lawyers,” he said. “It’s the work of those young people that make the program even stronger. At this stage we are advocating for ourselves. We are doing it ourselves.”

In 1995, Zah was recruited by ASU to help address the education concerns of the growing Native American student population and their respective communities. During his tenure at ASU, the university's Native American student population has more than doubled from 672 to more than 1,400. He is recognized for his efforts in increasing retention rates from 43 percent to 78 percent, among the highest of any major college or university in the country. His guidance and support has also allowed for creating one of the largest and most profound groups of American Indian faculty members in the country, totaling 26. ★

Client Update

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