



## PREPARING FOR THE FUTURE

America's criminal defense lawyers truly serve as liberty's last champions. They stand with the accused, whether meek or mighty, when the full force of the government bears down on them. In a greater sense, the defense lawyer is the conscience of society, defending the dignity of the individual and raising a shield against the tyranny of the state. They are the last hope for the unjustly accused and the only hope for those facing the consequences of human imperfection.

As the preeminent organization in the United States advancing the mission of the nation's criminal defense lawyers, the National Association of Criminal Defense Lawyers (NACDL) works at all levels of federal, state and local government to establish rational and humane criminal justice policies. NACDL is committed to protecting America's core civic values – due process and equal justice.

NACDL is celebrating its 50th Anniversary. From NACDL members heading the call to come to South Dakota to assist more than 400 people charged in federal, state and tribal courts in connection with the occupation of Wounded Knee, to the groundbreaking formation of the Committee on Freeing the Innocent Imprisoned, the advocacy to bring about civil asset forfeiture reform, to numerous influential amicus briefs filed in the United States Supreme Court, NACDL has much to be proud of in its history.

During this half century, NACDL has matured to become one of the foremost champions of Fourth, Fifth and Sixth Amendment rights in the United States, and the vanguard for ethics and professionalism in the criminal justice system. In every part of the criminal justice process from investigations, charges, discovery, evidentiary disputes, trial practice, sentencing, appeal, and writ of habeas corpus, NACDL is working to protect fundamental constitutional rights and restrain governmental overreaching.

### **NACDL is more important than ever.**

This is a time of unprecedented challenge to freedom and liberty. In recent years, as pressures mount to promote national security, the executive branch has moved aggressively to expand its powers, including instituting massive new surveillance programs and indefinitely detaining those labeled enemy combatants without access to counsel. Further, there are ongoing efforts to add crimes, increase mandatory minimums, decrease access to treatment programs and expand the use of the death penalty.

### **NACDL is fighting to maintain our constitutional freedoms.**

- NACDL has participated in virtually every case before the Supreme Court challenging the expansion of executive power, evaluating the power of courts to review convictions, addressing searches and seizures, and defining appropriate sentencing practices.
- NACDL has provided assistance and support to the attorneys defending persons detained at Guantanamo Bay.

- NACDL has fought against the FBI's misuse of its surveillance powers and drawn attention to the human toll of the government's enactment of excessive and unyielding penal policies.
- NACDL has educated and prepared criminal defense lawyers across the country to successfully fight back against unconstitutional practices and abuses of governmental power.

**But NACDL could do more.**

Never was there a more important time for NACDL. With our 50 years of experience in the criminal justice system and our wealth of members and affiliates on the ground across the country, NACDL is uniquely positioned to effectively bring about positive criminal justice reform.

With so much to be done, NACDL is making plans to expand its work. Building on its track record of excellence and accomplishment, the Association seeks to:

- 1. Lead the fight to ensure equal justice and due process;**
- 2. Expand educational programming and services for current and prospective NACDL members; and**
- 3. Promote a broader national understanding of the importance of due process and the critical role that criminal defense lawyers play in that process.**

**LEADING THE FIGHT TO ENSURE EQUAL JUSTICE AND DUE PROCESS**

NACDL has long led the fight to ensure that the criminal justice system operates fairly, equally and humanely. The organization is a widely recognized and respected voice when addressing public policy issues that threaten to curtail personal liberty and limit due process.

- Our policy initiatives help resist expansions of government power, bring about sentencing reform, and promote rational and humane criminal justice policies.
- Our death penalty program educates attorneys across the country in effective investigation, trial and sentencing techniques.
- Our indigent defense program has successfully brought about increased structural reform and increased the resources for public defense in a number of states, most recently Virginia and Louisiana.
- Our leaders and staff are nationally recognized experts who are constantly traveling to speak before commissions, conferences and professional associations.

With increased resources, NACDL will further expand these efforts. We will do more to help abolish the death penalty, by providing follow-up support to attorneys who have attended our trainings and assisting attorneys in getting the appropriate pre-trial resources or filing related ineffectiveness claims. We will expand our campaign to improve public defense programs across the country, duplicating our successful litigation, media, public education and advocacy strategies in new states. We will add staff, which will allow us to further develop our campaign against

over-criminalization, increase our efforts to protect judicial independence, devote additional time toward our grand jury reform project, and expand our efforts to curtail abuses of the investigative process. Further resources will also increase our efforts to influence public policy, as well as our ability to implement recommendations that arise through task forces, projects and research undertaken to investigate frontline criminal justice issues.

The broader and deeper our support, the more effectively our message will resonate throughout the nation's power centers.

## **EXPANDING EDUCATIONAL PROGRAMMING AND SERVICES**

NACDL is internationally known as the leading resource for up-to-date information on the state of criminal law and procedure. Our continuing legal education programs are renowned for their effectiveness and creativity. But our programs must reach a broader audience, while continuing to address the increasing specialization of criminal defense practice.

To support the changing needs of the criminal defense lawyer in the 21<sup>st</sup> century, NACDL plans to enhance and expand both the range of services it offers its members as well as the ways through which such programs and services are delivered. NACDL will increase the availability of scholarship assistance and financial aid for its members to participate in CLE events. We will continue to develop targeted trainings on specific topics, such as trying drug cases or using technology in investigations and trials. Additionally, NACDL will develop and launch an interactive, Web-based CLE tool to provide comprehensive educational support to the criminal defense bar.

## **PROMOTING A BROADER NATIONAL UNDERSTANDING**

NACDL has long served as a trusted liaison between the criminal defense bar and other segments of the legal profession, supporting standards development and policy changes in the American Bar Association and state bar associations. But the rights of the accused and the work of criminal defense lawyers are frequently misunderstood by the American public. To address this, NACDL will enhance its public education work to improve the understanding of key segments of society on the need for due process and the important role the defense plays in ensuring a functioning criminal justice system.

NACDL will focus on influencing future leaders in society by developing a curriculum for key constituencies, such as business schools. We will also create outreach programs to promote a broader understanding of the Bill of Rights and how each of those rights is preserved and protected by criminal defense lawyers. And, we will expand NACDL's Awards program as a way to recognize leaders who are advancing the cause of liberty in America.

## **Help the Foundation for Justice Prepare NACDL for the Future.**

In honor of NACDL's 50th Anniversary, the Foundation for Criminal Justice (FCJ) is launching a national fundraising campaign to enable NACDL to realize these critical goals for its future. The FCJ aspires to raise \$3 million to support the work of NACDL - \$1.2 million in strategic funds to address immediate programmatic needs and \$1.8 million in endowed funds, which will be invested and the income used to support projects for many years to come.

The clout and credibility of an organization in the courts, legislature, the executive branch and the media are proportional, not only to its membership and programs, but also to its assets. Growing its programs and strengthening its endowment, through the Foundation for Criminal Justice, strengthens the impact of NACDL in all of its endeavors.

The Foundation for Criminal Justice assists NACDL with resource development and the enhancement of its programs through the philanthropy of the defense bar, law firms, interested corporations and foundations, as well as the wider public. The Foundation is a 501(c)(3) nonprofit organization, and financial contributions to the FCJ are tax deductible to the full extent of the law.