

60 Years on the Front Lines



The Drake Hotel, Chicago
Associated Press | Beth A. Kaiser

For its first 11 years, the National Association of Criminal Defense Lawyers was called the National Association of Defense Lawyers in Criminal Cases (NADLCC). It was formed in 1958 at the Drake Hotel in Chicago, immediately following a new program at Northwestern University Law School, the “Short Course for Defense Lawyers,” organized by Prof. Fred E. Inbau. The first meeting of the NADLCC in 1959 featured programs including “Discovery Opportunities Available to the Defense,” “The Federal Exclusionary Rule,” and “Illegal Detention and Admissibility of Confessions.”

In the next decade, the Warren Court would overrule *Wolf v. Colorado* and apply the 4th Amendment’s exclusionary rule to the states (*Mapp v. Ohio*, 1961), hold that prosecutors have a duty to divulge evidence favorable to the defense (*Brady v. Maryland*, 1963), and provide for procedural safeguards guaranteeing the right to remain silent and the right to a lawyer during custodial interrogations (*Miranda v. Arizona*, 1966).

During this historic decade, the criminal defense lawyer’s public image changed from one shaped by film noir and the novels of Raymond Chandler and James M. Cain, to “Perry Mason,” a protector of the rights of the individual and a champion of the Bill of Rights. Criminal defense lawyers became respectable.

1958 **Dan H. McCullough, Past President (1961-62)**

[O]n the morning of August 11th, all of the lawyers, as well as the speakers who were to participate in the [Short Course for Criminal Lawyers] program, were present in Cook Hall on the campus of Northwestern Law School. Erle Stanley Gardner, who was famous for his “Perry Mason” books and television program, made the opening speech.... After the speeches were over, we moved to the Drake Hotel for lunch and we took up the program of the defense lawyers. Notable amongst those present were Charles A. Bellows, Robert B. Oxtoby and Professor Claude R. Sowle.... It was during this meeting that the NATIONAL ASSOCIATION OF DEFENSE LAWYERS IN CRIMINAL CASES came into being.

HISTORY OF NATIONAL ASSOCIATION OF DEFENSE LAWYERS IN CRIMINAL CASES (1975).

The Journal of
CRIMINAL LAW, CRIMINOLOGY, AND POLICE SCIENCE

VOL 50

May-June 1959

NO. 1

**THE NATIONAL ASSOCIATION OF DEFENSE LAWYERS IN
CRIMINAL CASES**

On August 15, 1958, the first nationwide association for defense lawyers in criminal cases was established in Chicago, Illinois. At that time, approximately 100 attorneys attending Northwestern University's first annual short course for criminal defense lawyers formed the National Association of Defense Lawyers in Criminal Cases. Excerpts from the Association's Constitution appear below.

According to Charles A. Bellows, a veteran Chicago defense lawyer and the first President of the Association, the objectives of the organization are:

—To provide an appropriate national organization representing those lawyers who are actively engaged in the defense of criminal cases.

—To foster periodic meetings of defense lawyers and thereby provide a forum for the mutual exchange of information regarding the administration of criminal justice.

—To protect individual rights and to promote the improvement and remolding of criminal law and practice.

Other officers of the association are Samuel Dash, Philadelphia, Pennsylvania attorney, vice-president; Gregory S. Stout, San Francisco, California attorney, secretary; and Claude R. Sowle, assistant professor of law at Northwestern, executive secretary.

Members of the board of directors, in addition to the officers, are John W. Condon, Jr., Buffalo, New York; E. Patrick Hartt, Toronto, Ontario, Canada; Jack L. Goodsitt, Milwaukee, Wisconsin; Bernard J. Gilday, Jr., Cincinnati, Ohio; Luther E. Jones, Jr., Corpus Christi, Texas; George N. Leighton, Chicago, Illinois; Melvin S. Louison, Taunton, Massachusetts; Robert B. Oxtoby, Springfield, Illinois; and Edward Bennett Williams, Washington, D. C.

Regular membership in the organization is available to those lawyers actively engaged in the defense of criminal cases. Provisional membership is available to advanced law students and lawyers interested in becoming active in the criminal law field. Membership application forms, as well as

additional information concerning the Association, may be obtained by writing to:

National Association of Defense Lawyers in
Criminal Cases
357 East Chicago Avenue
Chicago 11, Illinois

The first annual meeting of the Association will be held on July 17 and 18 in Chicago, Illinois. The annual meeting will be followed by the second Northwestern University Law School Short Course for Defense Lawyers in Criminal Cases. The short course will be held at the Drake Hotel, Chicago, beginning Monday, July 20, and ending Friday, July 24.

EXCERPTS FROM THE CONSTITUTION OF THE
NATIONAL ASSOCIATION OF DEFENSE
LAWYERS IN CRIMINAL CASES

Qualifications for Membership

(Article III—Sections 1 and 3)

Regular Membership. Regular membership in the Association shall be available only to those persons of professional competency, integrity and good moral character who are actively engaged in the defense of criminal cases. Applications for membership shall be made on a form prescribed by the Board of Directors. . . . Each application must be endorsed by two (2) regular members of the Association. All applications shall be subject to approval by the Board of Directors.

* * *

Provisional Membership. Provisional membership in the Association shall be available to those persons, including law students, of integrity and good moral character who are pursuing a course of action which has as its purpose the development of a career in the defense of criminal cases. Applications for provisional membership shall be made on a form prescribed by the Board of Directors. Except for law students, each of whom shall attach to his application a letter of good standing from an appropriate official in his law school,

Samuel Dash, Past President (1959-60)

I and a group of other criminal defense lawyers, feeling ostracized by the organized bar and demeaned by the profession and the public for the law we practiced, decided to upgrade the reputation of the practice of criminal law. We formed the National Association of Defense Lawyers in Criminal Cases. The name we chose for our new organization was symptomatic of the times. We called ourselves “defense lawyers in criminal cases” rather than “criminal defense lawyers” because of the stigma we perceived attached to the latter designation.

Introduction to the 40th *American Criminal Law Review*, 40 AM. CRIM. L. REV. 1 (2003).



1962 Supreme Court Justice William Brennan, Jr.

Your association is a vitally necessary addition to organized groups of the bar. I share with many the concern that so many of our profession are reluctant to represent people accused of crime. There was a time in our history when lawyers generally could be counted upon to present a militant front, however unpopular, against any invasion or undermining of individual human or constitutional rights. I see in your association the vehicle for bringing home again to the nation, and the profession, the truth that a first office of a lawyer in our society is to protect individual rights, especially those secured to people accused of trespassing society's laws.

Banquet address, NADLCC Annual Meeting, Aug. 3, 1962, San Francisco.

1969 Dan H. McCullough, Past President

The 1969 annual convention opened on the morning of August 6th at the Las Brisas Hotel in Acapulco, Mexico, with a meeting of the Board of Directors....

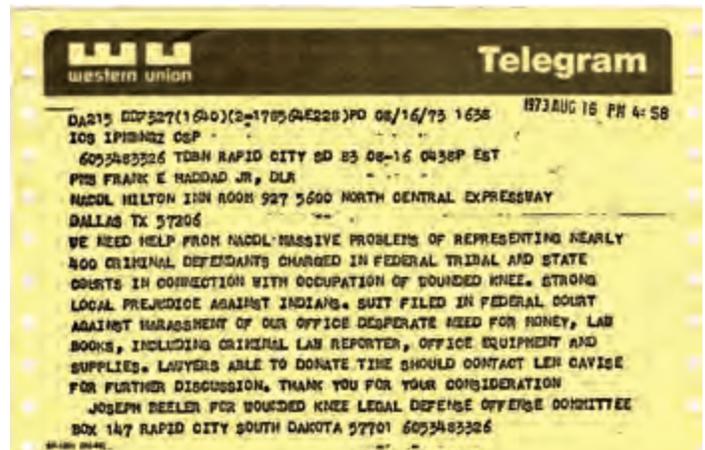
[T]he Constitution was amended to provide for the election of directors on a regional basis. The Constitution was amended to provide for 25 directors with 2 coming from each of the 10 federal circuits and directors elected at large throughout the United States. For the purpose of computation, the U.S. Circuit for Washington, D.C., was incorporated into the Fourth Circuit....

It was also at that meeting in Acapulco that it was decided to change the name of the association to NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS.

HISTORY OF NATIONAL ASSOCIATION OF DEFENSE LAWYERS IN CRIMINAL CASES (1975).

1973 Albert J. Krieger, Past President (1979-80)

NACDL was holding its annual meeting in Dallas. Charlie Tessmer was our president. The meeting was attended by probably 40 people. The association was very small. We got a telegram from Joe Beeler saying that there are 140 some odd



defendants who have no lawyers and could we offer some help. The few of us who were sober suggested sending one of the members out there to see if things were as bad as portrayed. [Past President] Bob Heeney went. He reported at our fall meeting that what Joe had said in the telegram was not only true, but it didn't fully describe how awful the situation really was.

THE CHAMPION, April 1996 (discussing Wounded Knee in an interview conducted by Past President Jeffrey S. Weiner).

1974 **Ann Hardy, Executive Director**

AUSTIN — A federal judge today has acquitted all the defendants charged with illegal occupation of the Wounded Knee trading post.

Chief Judge Warren Urbom, U.S. District Judge for the District of Nebraska, who has been handling all of the cases arising out of the occupation, rendered the verdict at 3:00 p.m. (C.S.T.), after three and one-half months of trial which included an extensive motion to suppress illegally obtained evidence against the defendants.

NACDL first vice president James Shellow of Milwaukee (Wisc.) and director Albert Krieger of New York and Coral Gables (Fla.)



represented two of the defendants involved in today's decision. Shellow and Krieger volunteered to serve as defense counsel without compensation; they are two of several NACDL members who have represented other Wounded Knee defendants as part of NACDL's stated goal of providing competent counsel free of charge to ensure a fair and impartial trial for those accused of crime.

Earlier this year, the U.S. Justice Department dropped its charges against the first four defendants who were also represented by NACDL volunteer counsel. The four were the first of 127 charged in connection with the Wounded Knee break-in.

NACDL Press Release, May 28, 1974.

Edna Buchanan and Gene Miller, In re Past President Harvey J. St. Jean (1965-66)

Harvey St. Jean had it made. He had money, a reputation as a crack criminal lawyer, and time to tee off for 18 holes at La Gorce Country Club any afternoon he wanted. Most afternoons he did.

When he left his apartment at the Jockey Club Wednesday morning . . . he had his golf clubs in the trunk of his Cadillac. Wednesday looked like an easy day. He figured he might pick up a game later with Eddie Arcaro, the jockey. He didn't.

In the crisp bright light of Miami Beach, someone murdered him. He was found shot to death in his car.

THE MIAMI HERALD, Dec. 12, 1974 at A1.

1980 **Ron Meshbesh, Past President (1984-85)**

Equal Rights Amendment: Secretary [Ron] Meshbesh moved that we reconsider and adopt [Vice President] John Ackerman's resolution submitted to the Board at our last annual meeting that would prohibit the organization from meeting in any states that had not adopted the Equal Rights Amendment. This motion was seconded by John Cleary. There followed an extensive and intense discussion of the merits of the resolution. It was clear that the members were almost unanimously in favor of the principle of the ERA. The opponents of the resolution were primarily concerned with the fact that our longtime, dedicated treasurer, Gerry

Schreiber, had contracted with a hotel in New Orleans for our 1981 convention. . . . The motion to reconsider passed by a vote of 21 to 10. A roll call vote was then held on the resolution itself. It carried by a vote of 21 to 10. After the vote was announced treasurer Schreiber resigned from the Board. By acclamation the Board refused to accept Mr. Schreiber's tender of resignation. It was felt that his service and dedication to this organization were too valuable to lose.

Board minutes, October 25, 1980.

1983

Silver Anniversary Meeting August 25-27, 1983, Jackson Hole, Wyo. U.S. District Judge Alcee Hasting (S. Dist. Fla.) related the events surrounding his indictment and subsequent acquittal of bribery charges including warrantless searches of his chambers and pressure put on defense witnesses. He urged Association members to take an active interest in the coming elections.



“The electoral process has too great an effect on the criminal justice system to be ignored with impunity,” he said.

NACDL News, THE CHAMPION, October 1983.

1984 **John Riley, National Law Journal**

College for Criminal Defense Loses Funding: The legal profession's best-known national institute devoted solely to training criminal defense lawyers is expected to close its doors for lack of funds at the end of this month in the wake of an unsuccessful effort to attract additional money from the American Bar Association.

The 11-year-old National College for Criminal Defense (NCCD) has been floundering financially ever since 1981, when annual grants of about \$300,000 from the Law Enforcement Assistance Administration (LEAA) disappeared. Unable to replace that loss, the organization's budget has shrunk from \$750,000 to less than \$500,000.

“Defense Institute to Close,” NATIONAL LAW JOURNAL, March 26, 1984.

Robert W. Ritchie, Past President (1983-84)

ABA pulled out. NLADA pulled out. We were \$100,000 or \$200,000 in debt. There was no money there. So we gathered in our brand new offices in Washington, and Cathy Bennett was there. Cindy McGill was there, Deryl Dantzler was there, Ron Meshbesh, as I recall, and Dave Russell, I think. In any event, the question was, do we fold it? The consensus was we can't do that, we're going to have to do something. And so Cathy and Cindy and, I think, Deryl too, got on the phone. We got a list of the members of NACDL, and the goal was to get a \$1000 pledge from 100 members of NACDL. And over a weekend we raised \$100,000. We changed the name, so we wouldn't have to pay the debts. Instead of “National College for Criminal Defense,” it was the “National Criminal Defense College.”

Oral history interview.



1985 **Neal R. Sonnett, Past President (1989-90), interview**

Fee Forfeiture and the DOJ Dialogue Committee: In the mid '80s, Albert [Krieger] and I were involved in a case out in California, in Fresno, California, which was the first case in which the government sought to forfeit attorneys' fees by alleging it in the indictment. It involved some alleged big-time drug dealers, and the case attracted a lot of attention from other organizations because this was the test case, in effect, under the fee forfeiture statutes that had been passed in 1984. And Ephraim [Margolin] represented us and actually sent us a bill for, I think it was a million or a million and a half dollars, but gave us a small courtesy discount.

It was '84 when the Comprehensive Crime Control Act was passed and the relation back theory that gave the government the right to try to forfeit attorneys' fees. And it was vital that we follow through on these issues. Ultimately, the offshoot of that case, after 18 months of litigation, the government backed off, much to the chagrin of the prosecutor, who was required to do so by the Justice Department, and stood up in court and said, "I want to announce to the court that the Department of Justice in Washington has directed that I withdraw my fee forfeiture request."

But it was that case that generated a recommendation that went to the ABA House of Delegates that brought Steve Trott, then Associate Attorney General, now in the Ninth Circuit, but then number three man in the Justice Department, to debate a resolution condemning fee forfeiture. And when the resolution was overwhelmingly passed, to the point where it was almost an embarrassment for the Justice Department, which had lined up debaters, it was in the back of the room in the House of Delegates of the ABA, that Albert Krieger began to talk to Steve Trott and suggested that there ought to be dialogue. And that's how the dialogue process started.

Nix v. Whiteside, 475 U.S. 157, NACDL amicus curiae brief

Amicus curiae — No one favors or seeks to promote perjury, but a perjurer can be punished by the court before whom he commits the act, or under state and federal laws proscribing it. The defense lawyer should not and need not be required to act adversely to his client's very rights and interests and abandon the constitutionally supported role of an advocate in order to protect his or her own position in our criminal justice system.

Authors: Michael Bender, *Denver*, and Bruce Lyons *Past President (1986-87), Fort Lauderdale.*

1989 **Linda Greenhouse, New York Times**

Mistretta v. United States: The Supreme Court, ending a year of turmoil in the lower federal courts, today upheld the new federal system for sentencing convicted criminals.

The 8-to-1 decision, written by Justice Harry A. Blackmun, swept away an array of constitutional objections to the seven-member commission that was given the power by Congress to revise nearly all federal criminal sentences....

Benson Weintraub, a lawyer for the National Association of Criminal Defense Lawyers, a 10,000-member organization that filed a brief against the commission, said the decision today "validates a Draconian system," which, he said, defense lawyers would continue to challenge....

"Judges Uphold Disputed System of U.S. Sentencing," THE NEW YORK TIMES, January 19, 1989.

1990 **Hunter S. Thompson,**
Author and self-styled "outlaw journalist"

What can I say? Except *thanks*, to you and your gang: The Long Riders from NACDL. Your boys are OK. When the Great Whistle blew, NACDL members Gerry Goldstein and Hal Haddon were *warriors*, and saved me from going to prison.

Letter to the editor, THE CHAMPION, August 1990.



1993 **Bureau of National Affairs,**
Attorney General praises defense lawyers



Lawyers attending a reception in the nation's capital as part of the "Second Annual Legislative Fly-In" organized by the National Association of Criminal Defense Lawyers heard Attorney General Janet Reno declare that her office would operate under principles of "due process and fair play." Lawyers who attended the fly-in received an in-depth briefing organized by NACDL on the CJA funding crisis, asset forfeiture, and a host of other issues vital to the criminal defense bar, then gave members of Congress an earful on these issues....

At the reception following the briefing, Attorney General Reno described the defense function in eloquent and sympathetic terms. Those who defend people in death penalty cases are "heroes and heroines," she said. "Now defense attorneys will be valued people in the criminal defense system," she declared. Recounting how her "vetters" had come across a statement in which she had praised defense lawyers, she said she was asked how she would

defend that statement. She responded, she said, that she would be "proud" to do so.

"High Turnout, Reno Appearance Lend Auspicious Air to Fly-In," BNA CRIMINAL PRACTICE MANUAL CURRENT REPORTS, April 14, 1993.

1997 **Judy Clarke, Past President (1996-97),**
"FBI Lab Report Raises Specter of National Scandal"

There are over 20 different units in the [FBI] lab, and the Inspector General was only able to look at three. The prevailing culture of the lab, which involves examiners not properly performing or documenting tests, and preparing inaccurate reports, and agents testifying about matters beyond their expertise, and much more, suggests that thousands of prosecutions may have been tainted....

This now-documented miscarriage of justice may impact literally thousands of pending and past prosecutions.

NACDL News Release, April 15, 1997.



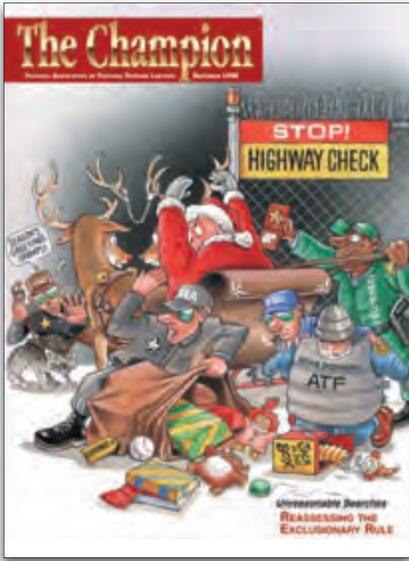
Associated Press, "Defense Lawyers Lambaste FBI Lab"

The FBI's DNA laboratory, which last month claimed a new degree of scientific certainty in evaluating crime specimens, is rife with incompetence and routinely biases its findings toward the prosecution, an organization of defense lawyers said yesterday. FBI memos, obtained through the Freedom of Information Act, include statements from FBI personnel that improper procedures have been used in the laboratory to analyze DNA specimens, said Gerald B. Lefcourt, president of the National Association of Criminal Defense Lawyers.

BOSTON GLOBE, *November 26, 1997.*



1998 Carrie Johnson, "Starr vs. the Bar: NACDL Mobilizes Against Starr Tactics"



Whitewater, the Independent Counsel and Impeachment: They've passed resolutions denouncing grand jury leaks and alleging misconduct by the office of Independent Counsel Kenneth Starr.

They're hammering out legislation aimed at creating a parent-child privilege to prevent mothers from having to testify about their daughters — as Marcia Lewis did last week about her daughter, former White House intern Monica Lewinsky.

And they're mobilizing a "strike force" to help Francis Carter, the D.C. lawyer scheduled to appear in court, possibly as soon as this week, to battle a subpoena issued by Starr for notes about former client Lewinsky.

In short, members of the National Association of Criminal Defense Lawyers (NACDL) are gearing up for a public war with the independent counsel.

LEGAL TIMES, *February 16, 1998.*

2001 Irwin Schwartz, Past President (2001-02), "NACDL President Condemns Talk of Torture, 'Truth Serum'"

America must fight the scourge of international terrorism. However, whether we do it ourselves or arrange for another country to do it, the use of physical or psychological torture tactics or forced chemical interrogation is as reprehensible morally as the actions of those we are fighting. We cannot allow terrorists to defeat us by making us act like them.

We cannot undertake torture of any sort without justifying similar acts by our enemies. Just as we have condemned these tactics if used by our enemies, we must repudiate their use.

All of our laws, civilian and military — our own constitution, the U.N. Charter, the Geneva Convention, and other international agreements — prohibit torture. This is not the time to abandon our faith in the rule of law.

Attorney General Ashcroft should promptly and forcefully disclaim any intention to apply unlawful means to extract information from people whom America has detained. And the Attorney General should act to stop reckless discussion of such tactics by law enforcement agents.

NACDL News Release, *October 26, 2001.*

2002 *Neal A. Lewis, The New York Times*

A special federal appeals court ruled today that the Justice Department has broad new powers under the antiterrorism bill enacted last year to use wiretaps obtained for intelligence operations to prosecute terrorists.

The immediate effect of the ruling by the three-member panel is that criminal prosecutors may now take an active role in deciding how to use wiretaps authorized by a special intelligence court and should have greater access to information obtained from them. For more than 20 years, prosecutors have been prohibited from making decisions on which intelligence wiretaps to apply for because the standards of proof are widely believed to be lower than for regular criminal wiretaps.

But the judges today said that the passage of the legislation, the USA Patriot Act, ensured that there is no wall between officials from the intelligence and criminal arms of the Justice Department....

Because of the unusual nature of the law on which the case was decided it is unclear whether anybody is in a position to appeal today's ruling to the Supreme Court. The only party was the Justice Department, which won; the American Civil Liberties Union and the National Association of Criminal Defense Lawyers, who filed briefs, were afforded only friend-of-the-court status, which does not entitle them to appeal....

The lower court ruling was written by Judge Royce C. Lamberth, who was until recently the chief judge of the FISA court. Judge Lamberth had complained angrily that Justice Department officials had frequently misled the court by claiming they were seeking wiretap authorization for intelligence gathering but had been deceptive in that they were trying to obtain a wiretap for a criminal investigation....

"The Search for Terrorists — Court Overturns Limits on Wiretaps to Combat Terror," THE NEW YORK TIMES, November 19, 2002.

2003 *Eric Lichtblau, The New York Times*



The Ashcroft Policy: WASHINGTON, Sept. 22 — Attorney General John Ashcroft today made it tougher for federal prosecutors to strike plea bargains with criminal defendants, requiring attorneys to seek the most serious charges possible in almost all cases.

The policy directive issued by Mr. Ashcroft is the latest in a series of steps the Justice Department has taken in recent months to combat what it sees as dangerously lenient practices by some federal prosecutors and judges....

"The direction I am giving our U.S. attorneys today is direct and emphatic," Mr. Ashcroft said at a speech in Cincinnati. Except in "limited, narrow circumstances," he said, federal prosecutors must seek to bring charges for "the most serious, readily provable offense" that can be supported by the facts of the case.

But critics in the defense bar and some federal prosecutors said the new policy would serve only to further centralize authority in the hands of Washington policymakers, discourage prosecutors from seeking plea bargains and ratchet up sentences in criminal cases that may not warrant them.

"What is driving this," said Gerald D. Lefcourt, past president of the National Association of Criminal Defense Lawyers, "is that a tough-on-crime attorney general is pandering to the public, and he knows that this will play well."

"Ashcroft Limiting Prosecutors' Use of Plea Bargaining," THE NEW YORK TIMES, September 22, 2003.

Jack King and Daniel Dodson, *The Champion*

One month later, NACDL followed up on Ashcroft's order with a survey of 15 U.S. Attorney's Offices and published the results in *The Champion*. The offices represented a "fair spectrum of districts, ranging from rural/suburban to hardcore urban, northern and southern, coastal and heartland."

Have charging and plea bargaining policies in the federal system gotten tougher under Attorney General John Ashcroft?

Not much, it seems, according to a recent national sampling by NACDL of United States Attorney's Offices....

"It has not affected us at all," said Channing Phillips, longtime spokesperson for the U.S. Attorney's Office in Washington, D.C. "Our policies are pretty much the same." Other assistant U.S. attorneys agreed, both on and off the record.

NACDL President E.E. (Bo) Edwards said he was "moderately surprised, that for the most part, these policies have been in effect for some time, and that there have been no significant changes in business as usual...."

"USAOs Deny Ashcroft Memo Affecting Plea Bargaining," *THE CHAMPION*, December 2003.

2004 Barry C. Scheck, Past President (2004-05) on *Blakely v. Washington*, a watershed sentencing case

"Beyond a doubt, today's decision in *Blakely* spells the end of sentencing guidelines — *as we know them*. The decision does not represent a step backward from the goal of sentencing reform, but a great leap forward, because it stands for the proposition that no defendant in a U.S. court will be punished for an unproven crime."

NACDL News Release, June 24, 2004.

2005 Disaster Responses, Hurricanes Katrina, Rita and Wilma

The New Orleans death penalty lawyer and his dog were the first to arrive at James Boren's law office in Baton Rouge. He was homeless — office-less, too — and needed a place to stay while he located his family and let his clients know he was okay. He slept on the office couch, and then found himself sharing it with two, four, up to a half-dozen criminal defense lawyers during the day and evening hours. Boren's parking lot became a campground in the days after Hurricane Katrina flooded New Orleans and the lower parishes Aug. 29-30. Telephone service was almost nonexistent except during early morning and late evening ... but the Internet connection was working and Boren's law office for a while became a nerve center of the state's criminal defense bar in what unexpectedly had become Louisiana's most populous city....

Meanwhile, NACDL's supporting charitable organization, the Foundation for Criminal Justice, sprung to action. Its President and former NACDL President Edward Mallett, of Houston, and Foundation Manager Ralph Grunewald, quickly contacted the Foundation's Trustees and established the Hurricane Katrina Disaster Relief Fund....

As we went to press, Grunewald reported that 81 grants to individuals in Alabama, Louisiana, Mississippi, and Texas were made, totaling over \$106,767.

"*In the Wake of the Hurricanes: NACDL Responds Quickly; Defense Bars Regroup and Rebuild*," *THE CHAMPION*, November 2005.



2006 *Nancy Hollander, Past President (1992-93)*

If the government truly believes that the American justice system is the best in the world, then it must not continue to ignore the responsibilities and rights that system provides. The Military Commissions the government has convened for a few prisoners are not American justice. They are a makeshift, illegal system no American can accept. To continue to hold over 400 men and boys — some now for over four years — without filing charges makes a mockery of justice. As defense lawyers, we try to give our clients hope, but we cannot even give them a hearing date. For many, hope is running out.

NACDL urges the government to respond to the recent suicides of its prisoners by immediately filing charges if warranted, setting trial dates and providing lawyers, experts and investigators as necessary to assist indigent prisoners to prepare defenses.... The world is watching.

NACDL News Release, "Guantanamo Defense Lawyer Urges Trial or Release," *June 12, 2006.*

2007 *Death Penalty*

This case also contains some of the evidentiary limitations that often arise in child rape cases: a child whose first accounts of the rape exonerated the defendant, yet were transformed following repeated interactions with state officials;[] a situation in which the complaining spouse is concerned with losing custody of the victim;[] and, finally, the defendant's inability effectively to cross-examine his accuser. The risk of erroneous conviction in child rape cases, which often involve these elements, is too great to permit application of the death penalty....

One of the perverse effects of the Louisiana sentencing regime, if allowed to stand, will be that admittedly guilty offenders will quickly plead guilty to avoid the death penalty, while defendants who steadfastly maintain their innocence will risk death to defend themselves at trial.

Jonathan G. Cedarbaum, Michael J. Gottlieb and Joshua M. Salzman, NACDL amicus curiae brief in support of petitioner, Kennedy v. Louisiana, No. 07-343.

Bobby Lee Cook, on being a defense attorney

I like being a lawyer and assisting people who need help. I am proud to do what I am doing and I know that you are. I have no apologies to make for the role I fulfill. I am unafraid and refuse to be bullied by anyone. We do good and necessary work. The cause of liberty, justice, and the pursuit of freedom is a noble one that has fired the soul and conscience of lawyers from the time of Cicero to now. It is our plain duty, and nothing more. We must fight on and never surrender.



Accepting NACDL's Lifetime Achievement Award, NACDL Annual Meeting, August 3, 2007, San Francisco.



2008 **The John Adams Project**

William Glaberson and Neil A. Lewis, *The New York Times*

WASHINGTON — The American Civil Liberties Union and one of the country's leading lawyers' groups, the National Association of Criminal Defense Lawyers, said Thursday that they had assembled experienced teams of lawyers to defend some of the most notorious detainees at Guantánamo, including Khalid Shaikh Mohammed, who has said he was the chief planner of the Sept. 11 attacks.

"2 Groups to Help Defend Detainees at Guantamo," *THE NEW YORK TIMES*, April 4, 2008.



Foundation for Criminal Justice Gala In Honor of NACDL's 50th Anniversary — May 2, 2008



2009 **John Wesley Hall, Past President (2008-09)**

On Guantánamo: "Fervent advocates of preventive detention and secret 'national security' courts have forgotten that the right not to be held without charges or conviction is in the very foundation of our form of constitutional democracy. Such abuses by the King's representatives in the Colonies were a primary reason for the American Revolution, the drafting of the Constitution and the Bill of Rights, and the establishment of a representative democracy unlike the world had ever seen. How can we, over 232 years later, forsake our history?"

President's Column, THE CHAMPION, January 2009.

GPS Surveillance

Amicus curiae — In the New York Court of Appeals case, *People v. Weaver*, 12 N.Y.3d 433 (2009), NACDL led a diverse coalition of organizations in a joint amicus brief challenging warrantless GPS surveillance. Those groups included the New York State Association of Criminal Defense Lawyers, New York State Defenders Association, Electronic Frontier Foundation, Union for Reform Judaism, Sikh American Legal Defense and Education Fund, American-Arab Anti-Discrimination Committee, and Council on American-Islamic Relations.

“This Court should hold that surreptitious implantation of a GPS monitoring device in an individual’s vehicle by law enforcement and around the clock, electronic tracking and recording of movements without spatial or temporal limitation is impermissible, absent a warrant based on probable cause.”

The brief was written by Susan J. Walsh, now at the firm of Vladeck, Raskin & Clark, P.C. in New York City, NACDL Executive Director Norman L. Reimer and NACDL Director of Public Affairs & Communications Ivan J. Dominguez.

This case served as the precursor to emerging jurisprudence in this area.

Tresa Baldas, National Law Journal: “NACDL report blasts misdemeanor courts”

Misdemeanor courts are a waste of time and money. So claims the National Association of Criminal Defense Lawyers, which on Tuesday issued a first-of-its-kind national report on the status of misdemeanor courts across the country. The report, which involved 18 months’ worth of research at courts in seven states, found that taxpayers are footing the bill for more than 10 million misdemeanor prosecutions per year, paying an average of \$60 a day, per inmate, to incarcerate misdemeanor defendants.

“NACDL report blasts misdemeanor courts,” THE NATIONAL LAW JOURNAL, April 29, 2009.

NACDL Issues Report; Calls for Major Overhaul of Drug Courts

Well-intended prosecutors and judges, generally with little input from the defense bar, often limit entry to treatment to offenders most likely to solve their own problems while insisting that “harder cases” go to jail, at considerable taxpayer expense, the study found. Minorities, immigrants and those with few financial resources are often under-represented in drug court programs.

NACDL News Release, September 29, 2009.

2010 Sweeping Reversal in Illinois Eyewitness Identification Litigation Concerning Flawed Lineups Linked to More than 50 Wrongful Convictions

As maintained throughout by NACDL, the court ultimately found that there is a “vital public interest in the disclosure of these documents.” The court found that the police departments failed to discharge their burden to show that the law enforcement exemptions shield any of the police documents from disclosure (after appropriate redaction). And the police departments’ wholesale assertions of undue burden were categorically rejected. The court’s remand does afford the opportunity for redaction or withholding of certain documents, with the police departments bearing the burden to demonstrate why any specific document or information would compromise law enforcement or privacy, in which case the data would be presented to the court for an in camera review. But the court was clear that they must produce the actual lineup photos and photo arrays photos; the privacy exemption does not apply to those.

NACDL News Release, March 3, 2010.

NACDL and the Heritage Foundation Release Groundbreaking Criminal Intent Report and Recommendations on Capitol Hill

At a Capitol Hill press conference May 5 commemorating Law Day 2010, Rep. Bobby Scott (D-VA) and Rep. Louie Gohmert (R-TX), the Chairman and Ranking Member of the House Crime Subcommittee, respectively, unveiled the groundbreaking, non-partisan report prepared by NACDL and The Heritage Foundation, *Without Intent: How Congress Is Eroding the Criminal Intent Requirement in Federal Law*.

NACDL News, THE CHAMPION, May 2010.

NACDL Launches Diversity Law Fellowships

In June, NACDL launched the Diversity Law Fellows Program. The program allows talented law students from historically underrepresented communities to spend eight weeks working and actively interning under the supervision of experienced criminal defense attorneys in an assigned criminal defense law office.... NACDL and its Diversity Committee (then called The Diversity Task Force) developed the fellowship program, which was made possible by a grant from the Foundation for Criminal Justice. The purpose of the program is to increase diversity in the criminal defense bar by giving underrepresented populations an opportunity to gain experience in criminal defense. As a disproportionate number of criminal defendants come from minority communities, it is imperative that criminal defense attorneys be able to move the criminal justice system towards a better understanding of the language, culture, customs, and economic conditions corresponding to their clients. By attracting more diverse members to the criminal defense bar, NACDL will help increase the likelihood that clients' racial, ethnic, and personally diverse histories will be more accurately explained and portrayed to prosecutors, juries, and judges.

NACDL News, THE CHAMPION, June 2010.

NACDL Launches NACDL Press; Thomson Reuters and NACDL Announce Co-Publishing Agreement

NACDL News Release, August 16, 2010.



2011 **Former Chief Justice of the Florida Supreme Court Gerald Kogan**

The consequences of a misdemeanor conviction can be grave; the person can be deported, terminated from her job or denied employment, and denied access to a wide variety of professional licenses. Other consequences can include loss of public housing and access to food assistance, which can be dire, not only for the defendant, but also his or her family. Details on the constitutional nightmare taking place in our state's courtrooms can be found in a recent report, *Three-Minute Justice: Haste and Waste in Florida's Misdemeanor Courts*, by the National Association of Criminal Defense Lawyers.

"Can't serve justice in 3 minutes, alternative programs can help," ORLANDO SENTINEL, October 23, 2011.

Grand Jury Reform

The federal grand jury system is broken, according to a new report from the National Association of Criminal Defense Lawyers.

"Today's federal grand jury system, and indeed that of many states, bears no resemblance to the independent body familiar to America's founders," said NACDL Executive Director Norman L. Reimer in a statement.

Authors make a case for change by examining reforms implemented in New York and Colorado. Interviews with more than 250 defense lawyers and prosecutors in those states found that both sides believe reforms such as allowing witnesses a lawyer in the grand jury room and requiring prosecutors to present exculpatory evidence increase the accuracy and legitimacy of the grand jury. The NACDL also recommends witnesses receive advance notice to appear and have a right to view their grand jury transcript.

"A Case for Reforming the Grand Jury System," THE CRIME REPORT, November 10, 2011.

Brady Reform; Los Angeles Times Editorial

Reforms are needed to make sure prosecutors share all evidence that could be helpful to defendants.... The National Assn. of Criminal Defense Lawyers has proposed model legislation that would ensure that the Brady rule would be faithfully followed. For example, it would require prosecutors to disclose information that is "favorable" to the defendant even if it's not considered admissible. Prosecutors also would have to disclose material sought by the defense "without delay."

The proposed legislation would apply to federal prosecutions, but it could serve as a model for the states as well. Both state and federal prosecutors are bound by Brady, and both have been guilty of undermining it. Congress must act because the Supreme Court alone can't deal with all the abuses.

Editorial, *"Defending the Brady Rule,"* LOS ANGELES TIMES, November 21, 2011.

2012 **Inaugural NACDL White Collar Criminal Defense College at Stetson**



The inaugural NACDL White Collar Criminal Defense College at Stetson University College of Law, was held March 15-20, 2012.



Launch of Joint FBI, DOJ, NACDL, and Innocence Project Hair Review Project

The Justice Department and the FBI have launched a review of thousands of criminal cases to determine whether any defendants were wrongly convicted or deserve a new trial because of flawed forensic evidence, officials said Tuesday.

The undertaking is the largest post-conviction review ever done by the FBI. It will include cases conducted by all FBI Laboratory hair and fiber examiners since at least 1985 and may reach earlier if records are available, people familiar with the process said. Such FBI examinations have taken place in federal and local cases across the country, often in violent crimes, such as rape, murder and robbery....

...the new review would include help from the Innocence Project, a New York-based advocacy group for people seeking exoneration through DNA testing. It also would include the National Association of Criminal Defense Lawyers.

Steven D. Benjamin, a Richmond lawyer who is incoming president of the association, called the review “an important collaboration” and a departure from one-sided government reviews that left defendants in the dark.

“Mistakes were made. What is important now is our working together to correct those mistakes,” Benjamin said, adding that his organization will “fully assist in finding and notifying all those who may have been affected.”

Spencer S. Hsu, “Justice Dept., FBI to review use of forensic evidence In thousands of cases,” THE WASHINGTON POST, July 10, 2012.

Pretrial Release and Limited Use of Financial Bond

Financial bond should be used as a last resort....But frequently a monetary bond creates an undue burden on individuals accused of crimes who have limited financial means and results in unnecessarily prolonged periods of pretrial detention. In most cases, pretrial supervision and less onerous conditions can serve to ensure the accused’s appearance and public’s safety without the discriminatory and disparate impact of financial bond.

NACDL Board Resolution, “Concerning Pretrial Release and Limited Use of Financial Bond,” July 28, 2012.

NACDL Convenes and Co-Sponsors First of Two Major Conferences on Racial and Ethnic Disparities in America’s Criminal Justice System

This three-day convening was held October 17-19, 2012, at the New York County Lawyers’ Association’s historic Home of Law and was co-sponsored by the following organizations: the Association of Prosecuting Attorneys, the Brennan Center for Justice at New York University School of Law, the Foundation for Criminal Justice, the National Association of Criminal Defense Lawyers, the Center for NuLeadership on Urban Solutions, and the New York County Lawyers’ Association.

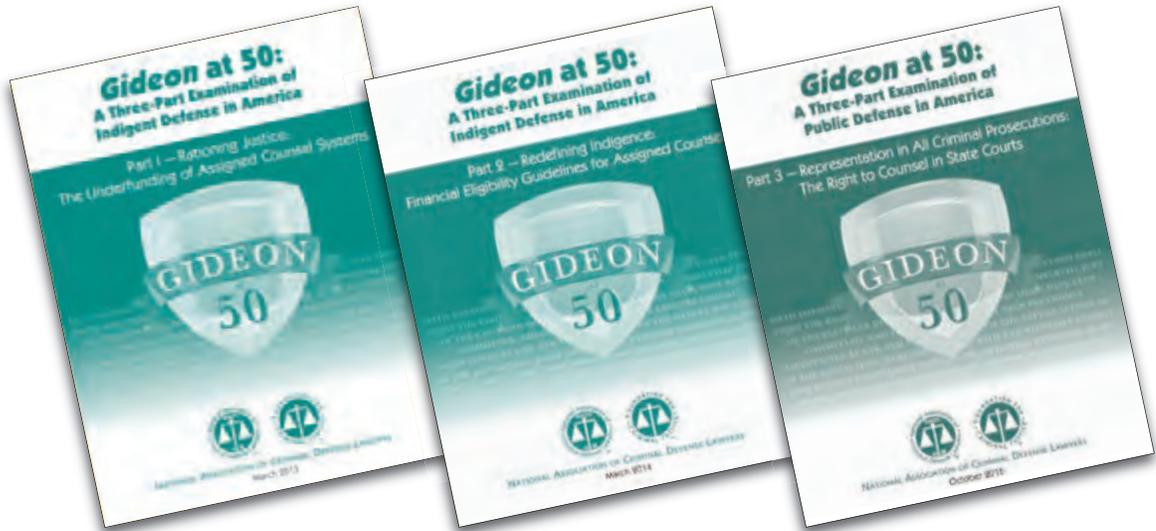
The conference yielded the joint report, *Criminal Justice in the 21st Century: Eliminating Racial and Ethnic Disparities in the Criminal Justice System*. And it also led an entire issue of the *New York University Journal of Legislation and Public Policy* on the subjects covered.

A full-day follow up conference on “Advancing the Reform Dialogue Through Action” was held at the New York University Washington, DC, campus on December 6, 2013.



2013 **NACDL Celebrates Gideon at 50 Years with Series of Reports on the State of Public Defense**

The first part of NACDL's new study, *Gideon at 50: A Three-Part Examination of Indigent Defense in America*, was released on March 15, 2013. It is entitled *Rationing Justice: The Underfunding of Assigned Counsel Systems*. Part II, *Redefining Indigence: Financial Eligibility Guidelines for Assigned Counsel*, and part III, *Representation in All Criminal Prosecutions: The Right to Counsel in State Courts*, were subsequently released.



NACDL Launches Domestic Drone Information Center

With little law on the books about the proper use of drones in fighting crime, the National Association of Criminal Defense Lawyers is working to start the conversation with a new information center....NACDL's Domestic Drone Information Center is offering a state-by-state breakdown of legislation currently being debated at the state and national levels, a list of noteworthy news items related to drones, and a selection of related case law. And as the law on the issue develops, the site's content will expand.

"Defense Lawyers Group to Track Developing Law on Drones," ASSOCIATIONS NOW, May 1, 2013.

NACDL Past President Steven D. Benjamin and Executive Director Norman L. Reimer Testify Before Newly-Formed Congressional Overcriminalization Task Force, Followed by current NACDL President Rick Jones In 2014



Steven D. Benjamin / June 14, 2013



Rick Jones / June 26, 2014

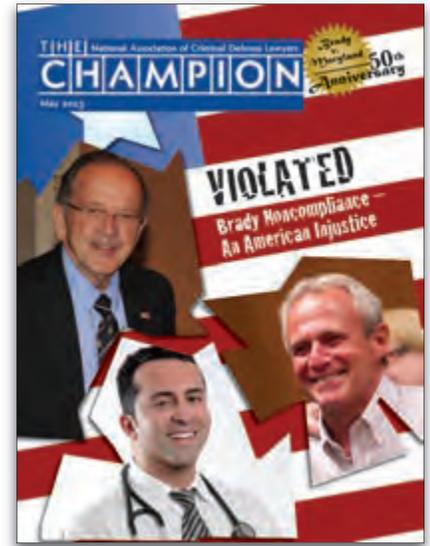


Norman L. Reimer / July 19, 2013

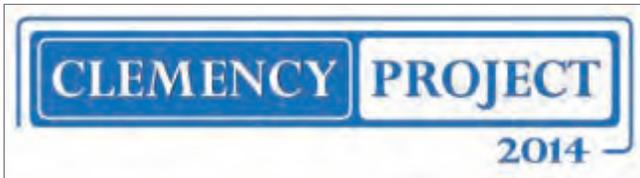
Champion Magazine Special Issue on Brady at 50 Wins Prestigious Award

The May 2013 issue of NACDL's *The Champion Magazine* — Perspectives on *Brady* at 50 — has been named the winner of min's 2013 Editorial & Design Award in the category of Print/Online Coverage of Single Topic. The winners were announced on Tuesday, November 18, 2013 at min's Editorial & Design Awards Breakfast at the Grand Hyatt in New York City. Min (Media Industry News) is a leading media industry publication and has been covering the magazine industry for over 65 years. Winners in other categories at the 2013 Editorial & Design Awards included *O*, the *Oprah Magazine*; *Time*; *Food & Wine*; *Cosmopolitan*; *Harper's Bazaar*; and *Better Homes and Gardens*.

NACDL News Release, November 20, 2013.



2014 Clemency Project 2014 Launches



Clemency Project 2014 was a working group composed of lawyers and advocates including the Federal Defenders, the American Civil Liberties Union, Families Against Mandatory Minimums, the American Bar Association, and the National Association of Criminal Defense Lawyers, as well as individuals

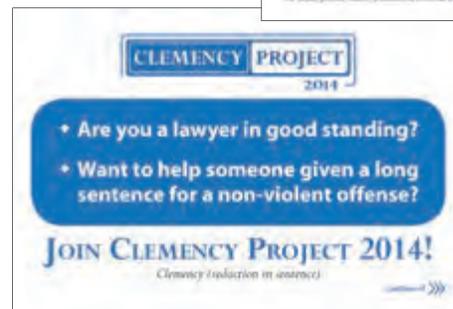
active within those organizations. It launched in January, after then-Deputy U.S. Attorney General James Cole asked the legal profession to provide pro bono assistance to federal prisoners who would likely have received a shorter sentence if they had been sentenced today.

Since the inception of Clemency Project 2014, NACDL played a pivotal role. NACDL provided critical infrastructure and donated countless hours of staff support, along with the many members who provided pro bono service. And the Foundation for Criminal Justice was among the first to provide critical financial resources to establish Clemency Project 2014.

The Project recruited and trained nearly 4,000 volunteer lawyers from diverse practice backgrounds and completed screening of the more than 36,000 federal prisoners who requested volunteer assistance. The Project's painstaking review of these cases revealed that the overwhelming majority of those requests were by applicants who did not meet the criteria put forward by the Department of Justice in April 2014. Clemency Project 2014 submitted nearly 2,600 petitions to the Office of the Pardon Attorney.

By the end of his term, the total number of commutations granted by President Obama was 1,715, of which the 894 supported by Clemency Project 2014 resulted in a savings of more than 13,000 prison years and a savings to taxpayers of more than \$436 million, along with incalculable human benefits for the hundreds who obtained their freedom.

Multiple NACDL News Releases.



NACDL Releases Groundbreaking Report on Collateral Consequences; New York Times Editorial

At least 65 million people in the United States, or more than one in four adults, have a criminal record, which can mean anything from an arrest to a prison sentence. This can trigger severe penalties that continue long after punishment is complete, according to a new report by the National Association of Criminal Defense Lawyers.

Many of these penalties, known as collateral consequences, are mandatory, and are imposed regardless of the seriousness of the offense or the person's individual circumstances. Laws can restrict or ban voting, access to public housing, gun possession and professional and business licensing. They can affect a person's immigration status, parental rights, credit rating, ability to get a job, and eligibility for benefits.

In all, more than 45,000 laws and rules serve to exclude vast numbers of people from fully participating in American life.

Editorial, *"In Search of Second Chances,"* NEW YORK TIMES, *May 31, 2014.*

Inaugural NACDL-Cardozo Law National Forensic College

Forensic science has transformed the criminal justice system, but lawyers and judges have struggled to keep up with developments in that arena. A weeklong program for public defenders was designed to close that knowledge gap.

"Public Defenders Get School in Forensic Science," NATIONAL LAW JOURNAL, *June 12, 2014.*

The Forensic College is now open to public defense providers and leaders of the private defense community.

DOJ Announces End to Practice of Seeking Waivers of Ineffective Assistance of Counsel Claims as Part of Plea Agreements

This announcement comes on the heels of a landmark decision handed down on August 21 of this year in *U.S. v. Kentucky Bar Assn.* There, the Supreme Court of Kentucky unanimously rejected a challenge by the federal government, by and through its federal prosecutors in that jurisdiction, to Kentucky Bar Association Ethics Opinion E-435, which states that the use of IAC waivers in plea agreements violates Kentucky's Rules of Professional Conduct. In that case, NACDL filed an important amicus curiae brief joined by numerous legal ethics professors and practitioners and was also afforded the opportunity to present oral argument before the Supreme Court of Kentucky.

The Kentucky Bar Association had adopted Ethics Opinion E-435 in late 2012, shortly after the NACDL adopted Formal Opinion 12-02, cited in August's Kentucky Supreme Court decision. The 2012 NACDL opinion determined that it is not ethical for a criminal defense lawyer to participate in a plea agreement that bars collateral attacks in the absence of an express exclusion for prospective claims based on ineffective assistance of counsel. The NACDL opinion further states that prosecutors may not ethically propose or require such a waiver. It also describes an attorney's duty when the government attempts to extract such a waiver.

NACDL News Release, *October 14, 2014.*



NACDL Launches Public Defense Training Program, Including Targeted Trainings and Scholarships

Since inception, the program has generated 15 live trainings (as well as 11 web-based trainings) in 15 cities on more than 50 topics. And 592 lawyers in public defense have received approximately \$270,000 in scholarships, enabling them to attend 55 different programs across the country, including trainings focuses on forensic science, appellate advocacy, capital voir dire and mitigation, and a wide variety of trial skills and criminal law topics.

2015 U.S. Supreme Court Rules Against Prosecuting Fisherman under Post-Enron Anti-Shredding Law; Plurality and Dissent Find Overcriminalization

“With today’s decision, the Court has slowed prosecutorial overreach. Aggressive prosecution cannot rely on tortured legal analysis but must rest on solid facts and straightforward law. Today’s opinion shows that the Court has joined Congress and its Overcriminalization Task Force in addressing this growing ‘emblem of a deeper pathology’ in criminal justice. The ballooning of today’s criminal code means that everyday Americans face new, unforeseen risks of prosecution. Hammurabi is known throughout the ages for the first public criminal code written centuries ago. Today’s opinion helps us return to that ideal that citizens will know the laws by which we all must abide.”

— William N. Shepherd, Partner at Holland & Knight, LLP, and author of NACDL’s *amicus* brief in *Yates v. United States*

NACDL News Release, *February 25, 2015*.

First Joint Report of FBI, DOJ, NACDL, and the Innocence Project Issued

In a joint statement Monday with the two outside legal groups assisting them, the Justice Department and the FBI acknowledged that 26 of 28 FBI examiners gave flawed testimony or reports in at least 90 percent of the 500 criminal cases reviewed so far, including in 96 percent of the 268 trials in which examiners gave evidence against defendants. The cases in question date to 1972....

Prosecutors and defense lawyers are being notified to determine if the outcome of cases hinged on the problem testimony. The FBI has offered new DNA testing, and the Justice Department will drop procedural objections to appeals in federal cases.

But the picture is different in state cases, where most errors occurred. Biological evidence in these cases often is lost, destroyed or degraded. Only California and Texas specifically allow appeals when experts recant or when scientific advances undermine forensic evidence at trial.

According to the Innocence Project, which along with the National Association of Criminal Defense Lawyers participated in the government review, scientifically invalid forensic testimony should be considered a violation of due process and grounds for appeal, as courts have held with false or misleading testimony.

Spencer S. Hsu, “After FBI admits overstating forensic hair matches, focus turns to cases,” WASHINGTON POST, *April 20, 2015*.

New York Times on NACDL Report on Postal Service Surveillance Program

The report, released Tuesday, suggests that Congress pass legislation to ban any evidence obtained through the misuse of mail covers. It also urges outside reviews of requests for mail covers.

High standards of evidence by law enforcement agencies to justify mail covers, which are almost always approved, are also suggested in the report. It also calls on the service to explain why it keeps data from mail covers for eight years, while the National Security Agency keeps the data it collects for five years. The report recommends that the service reduce the amount of time it keeps the information.

The lawyers' group, the National Association of Criminal Defense Lawyers, called the disclosures about the program troubling.

Ron Nixon, "*Lawyers' Group Seeks Overhaul of a Postal Service Surveillance Program*," NEW YORK TIMES, April 21, 2015.

National Public Radio on NACDL Report on Federal Indigent Defense, "Federal Indigent Defense 2015: The Independence Imperative"

A tough new report has concluded that the federal government's system for defending poor people needs to change. The nearly two-year study by the National Association of Criminal Defense Lawyers said judges who are supposed to be neutral arbiters too often put their fingers on the scales.

The report said defense lawyers for the poor who work in the federal court system need more resources to do their jobs. That means money, not just for themselves, but to pay for experts and investigators."

Having good, fully resourced defense counsel with access to ancillary services is an absolute must in a society that is arresting 14 million people a year," said Norman Reimer, executive director of the NACDL.

In an adversary system, lawyers for poor defendants say, they need to operate on equal footing with prosecutors. But the study, the first of its kind in more than 20 years, found the source of most concern rests with judges who exercise too much control over the process.

Carrie Johnson, "*Report: Judges Have Too Much Control In Public Defense System*," NPR, September 9, 2015.

2016 NACDL Decries HIV Criminalization

On May 21, 2016, at NACDL's spring meeting, the board of directors unanimously adopted a resolution opposing all laws that base criminal liability and/or penalty enhancements on one's HIV status rather than on the intent to harm another individual...

NACDL Past President E.G. 'Gerry' Morris: "Laws such as these are textbook examples of flawed criminal justice policy. Furthermore, as a public health matter, these laws operate as an impediment to what should be the shared goal here — ending the epidemic. NACDL stands with the HIV/AIDS-affected community and others in unambiguously declaring that HIV is not a crime. It should not be treated as such. Rather than irrationally deploying the criminal law to stigmatize and punish the more than 1.2 million people in the United States living with HIV, we need to work together to advance policies that encourage, rather than deter people from learning of their HIV status and seeking life-saving treatment."

NACDL News Release, May 26, 2016.

NACDL Releases Symposium Report on “The Fourth Amendment in the Digital Age”

To address the new threats to privacy posed by the digital age, NACDL, the Foundation for Criminal Justice, the American University Washington College of Law, and the Criminal Law Practitioner presented a symposium entitled “The Fourth Amendment in the Digital Age.” Criminal law practitioners, scholars, and technology experts discussed how digital searches, government surveillance programs, and new technologies are impacting Fourth Amendment protections in criminal cases as well as litigation strategies to challenge these developing threats to privacy. The symposium, held in 2015, was broadcast in its entirety on C-SPAN.

NACDL News Release, *June 8, 2016.*

2017 NACDL Releases Second Report on “Sixth Amendment-Free” Proceedings in South Carolina Courts

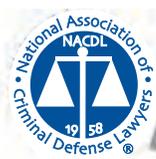
In some South Carolina courts that face crushing workloads, many defendants accused of low-level crimes are often judged swiftly without learning about their basic constitutional rights, a study by a national lawyers group revealed.

These people usually act as their own attorneys but are rarely informed of the consequences or given the opportunity to challenge the witnesses testifying against them, the statistical analysis by the National Association of Criminal Defense Lawyers found....

In a collaboration with the American Civil Liberties Union, a similar report by the group last year highlighted a lack of public defenders for bond hearings, which also happens in summary courts.

Andrew Knapp, “*Study cites due process violations in low-level courts as Charleston officials tout ‘groundbreaking’ Improvement,*” POST AND COURIER, *January 21, 2017.*

NACDL and Families Against Mandatory Minimums Announce NACDL/FAMM State Clemency Project



NACDL and FAMM, with support from the Foundation for Criminal Justice (FCJ), announce today a major state-focused clemency initiative, the NACDL/FAMM State Clemency Project, a program designed to help to recruit, train, and provide resource support to pro bono attorneys who

will assist state prisoners to submit petitions to have their sentences commuted. Outreach has already begun to several governors’ offices across the nation. And Governor Cuomo of New York has just announced a partnership with the NACDL/FAMM State Clemency Project to develop the necessary processes and procedures to enable volunteer lawyers through the project to help prisoners seeking clemency pursuant to the Governor’s initiative. The Project will provide logistical support for the governor’s initiative, among other ways, by recruiting and training volunteer lawyers to help prisoners apply for clemency.



NACDL News Release, *August 21, 2017.*

NACDL Hold Inaugural Presidential Summit & Seminar: “Race Matters: The Impact of Race on Criminal Justice”

“On September 14 and 15, 2017, in Detroit, Michigan, NACDL hosted its inaugural Presidential Summit & Seminar on a topic that is at the core of my agenda as President — “Race Matters: The Impact on Criminal Justice.” It is no secret that racism pervades every facet of the American criminal justice system, just as it pervades every realm of American society. This successful program provided the criminal defense lawyers in attendance with the latest research and tools to change outcomes in their day-to-day work by helping to identify, challenge, and ultimately work to eliminate the racism that prevents their clients from realizing fundamental fairness and due process.”

— NACDL President Rick Jones, *2018 New Year’s Message to Membership, January 8, 2018.*



Rick Jones

Materials and various video presentations from the summit are now available, free to the public, on NACDL’s website.

FCJ and NACDL Launch First Amendment Strike Force and Mass Defense Unit

NACDL has a long tradition of fighting to protect constitutional principles and standing up for the individual against the government. In keeping with that tradition, the FCJ and NACDL have established the First Amendment Strike Force and Mass Defense Unit. The goal of this project is to provide qualified counsel to represent protesters when the exercise of First Amendment rights results in arrest and prosecution. Specifically, NACDL supports a cadre of criminal defense lawyers who will be available to provide pro bono assistance to protesters throughout the country in the event of mass arrests. For those lawyers who volunteer, NACDL will maintain a database of available counsel and provide training and support at no cost.

NACDL News Release, *August 21, 2017.*

Report: “The Rhode Island Project: A Study of the Rhode Island Public Defender System and Attorney Workload Standards”; Providence Journal Editorial

As Journal Staff Writer Katie Mulvaney reported on Dec. 17 (“Rhode Island’s public defenders: overworked and understaffed”), a study conducted at the request of Rhode Island Public Defenders’ Office found that the state would need to nearly triple its roster of public defenders — increasing from 49 to 136 — to meet the “minimum level of representation” required to handle the office’s roughly 15,000 cases a year.

Editorial, “*Making Justice More Equal*,” PROVIDENCE JOURNAL, *December 20, 2017.*

2018 NACDL’s Renowned Amicus Program Recognized Again

Cases that lead the Court to rule statutes unconstitutional or to overturn its own precedent tend to have significant policy effects and the Court is often directed to such aspects of cases in early phases of litigation. This post looks at the cases that led to such changes and at the groups most involved in them....Certain groups have been particularly dominant in cases dealing with significant policy implications...The two top groups, the Cato Institute and the ACLU, make individual rights and liberties their top priority. The third most successful group in this mix, the National Association of Criminal Defense Lawyers has been previously discussed on Empirical SCOTUS for their success as amici with their prominence in criminal cases.

[In the 2016 study referred to here, “The Most Effective Friends of the Court,” for the period 2005 to 2015, “Not only was the NACDL cited the most across the entire period, but it was also the most effective amicus according to this metric.”]

Dr. Adam Feldman, “*Amicus Policy Success in Impactful Supreme Court Decisions*,” EMPIRICAL SCOTUS, *December 20, 2017*;
Feldman, “*The Most Effective Friends of the Court*,” EMPIRICAL SCOTUS, *May 11, 2016.*

1958-2018 **NACDL Commitment to Provide First Rate Training to the Criminal Defense Bar**

NACDL arose out of the “Short Course for Defense Lawyers” at the Drake Hotel in Chicago in 1958. Today, NACDL annually conducts 16 live training programs throughout the nation, as well as numerous web-based training programs viewed by thousands of attorneys. In 2017, NACDL provided training to 3,521 attorneys at its live seminars alone.

