



A Passion for Justice

*Report of the NLADA Advisory
Committee on Defender Leadership
and Management Training*

September 2001

Table of Contents

<i>Section</i>	<i>Page</i>
Introduction	
The Meaning and Importance of Leadership in Public Defense	2
Why is NLADA Interested in Sponsoring Leadership Training?	2
Can Leadership be Taught?.....	4
The National Defender Leadership Institute (NDLI).....	5
Overarching Goals	6
Program Architecture versus Curricular Design.....	7
Initial Programs Sponsored by the Institute.....	8
Nuts and Bolts of Leadership	9
New Leaders	11
Impact Leadership	12
How Will We Know if these Leadership Programs Are Effective?.....	14
Program Support and Infrastructure.....	15
Resources for the Institute	15
Personnel to Support the Institute.....	16
Developing Alliances and Partnerships.....	17
Looking Ahead	18
Appendix A: NLADA Programs: Proposed Budgets—DRAFT	20
Appendix B: Job Descriptions	26

Introduction

The Meaning and Importance of Leadership in Public Defense

Imagine standing in a courtroom accused of a crime that you did not commit. Although you work hard each day to provide essentials for your family, you do not have anywhere near the amount of money that would be necessary to hire a lawyer to mount a defense. Thus, as you prepare to defend your liberty, or perhaps your life, the attorney provided to you by the court is your single most important resource through which to access justice. As your trial date approaches, you are dismayed to learn that your lawyer does not have access to an investigator, has no money to pay for the DNA testing or expert that could prove your innocence, and has a workload so crushing that it will be impossible for your case to receive adequate attention.

The hallmark professional obligation of the criminal-defense lawyer is zealous, high-quality representation of the client. Lawyers who serve as appointed counsel or work through public-defender offices fulfill an even more important and challenging obligation. They are, in effect, officers of the Constitution. It is their high station to assure that the rights guaranteed to everyone faced with criminal prosecution by the government are a reality for all, including those citizens who are poor and dispossessed. Viewed by the public as a fundamental safeguard against a system in which justice is determined by the amount of money a person has, defense counsel provides the linchpin for fairness in our courts. Despite this, the scene described above happens in courtrooms across this country every day. Attorneys representing those who cannot afford to pay for counsel must do so without the tools, training or time to competently perform their critical function. A report issued last year by the United States Department of Justice found that:

[I]ndigent defense in the United States today is in a chronic state of crisis. Standards are frequently not implemented, contracts are often awarded to the lowest bidder without regard to the scope or quality of services, organizational structures are weak, workloads are high, and funding has not kept pace with other components of the criminal justice system. The effects can be severe, including legal representation of such low quality to amount to no representation at all, delays, overturned convictions, and convictions of the innocent. Ultimately, ... the lack of competent, vigorous legal representation for indigent defendants calls into question the legitimacy of criminal convictions and the integrity of the criminal justice system as a whole.¹

Why is NLADA Interested in Sponsoring Leadership Training?

NLADA has committed itself to strengthen leadership in public defense as an essential element of a multi-pronged strategy for building and maintaining effective public defense systems. But strong forces stand in the way of developing a leadership perspective in the work of indigent defense. Most public-defender programs and appointed counsel systems are not only underfunded and overextended, they are also vulnerable to political attack.

¹ *Improving Criminal Justice Systems Through Expanded Strategies and Innovative Collaborations*, Office of Justice Programs, NCJ 181344 (March 2000) at ix (<http://www.ojp.usdoj.gov/indigentdefense/icjs.pdf>).

Programs understandably respond to such pressures by marshalling their scarce resources as best they can and focusing all their time and energies to provide sound trial representation for their clients. To lawyers engaged in daily triage situations with clients, any time spent away from preparation and trial seems a drain on resources and a strain on attorney-client relationships. Nonetheless, the reality is that the combination of dwindling resources, sole focus on individual client litigation and political vulnerability can lead to a downward spiral of fewer resources and/or higher volumes leading to greater difficulties providing effective representation for clients. The great challenge of leadership in public defense is to break out of this vicious cycle that can profoundly and negatively affect the quality of representation of clients. The future of public defense will turn on the ability of leaders to:

- Build strategic alliances and engage the attention, respect and collaboration of other agencies in the criminal-justice system whose policies deeply impact client outcomes.
- Build coalitions among groups and individuals in the community to generate political and financial support for public defense.
- Play an influential role in criminal-justice practices and policy making.
- Convince lawyers engaged in public defense of the important function leadership can play in strengthening representation of client interests and vindication of client rights.

The rationale for *leadership* in public defense derives from the same fundamental constitutional values underlying representation of client interests and vindication of client rights. The courtroom remains the primary arena where defenders uphold these rights, but it is increasingly clear that many other forums exist where client rights are at issue, where defenders must exercise their skills as lawyers to protect their clients. Think, for example, of the analogy of the corporate lawyer whose functions in the 19th century consisted primarily in fashioning documents relating to suppliers, purchasers and employees, together with trial work associated with contractual problems. Today, a corporate lawyer must supply or supervise work in a vast array of legal fields that now impact a modern corporation: from finance to labor relations, from anti-trust to local zoning and the regulatory frameworks of OSHA, ERISA, the IRS, EPA and a host of other federal and state agencies. Legislative lobbying and efforts to affect regulatory policies are as much expectations of corporate lawyers as drafting and negotiating. In similar fashion, outcomes for defender clients are now affected by the policies and activities of many forces outside of the courtroom. To mention only a few:

- Charging and plea bargaining policies of prosecutors
- Sentencing and calendar-management policies and activities of courts
- Emerging forms of specialty or problem-solving courts (e.g., drug courts)
- Police decision making
- Policies of correctional facilities, including access to inmates and transportation issues
- Parole and probation-organization practices

- State, local, federal and private non-profit organization policies with respect to regulating and funding programs suitable for alternative disposition and mental-health and substance-abuse treatment
- Legislative, administrative and judicial law and rule making that create or define the crimes and procedures that defendants encounter in their day-to-day work for clients
- State, local and federal government approaches and policies toward funding public-defender offices and compensating assigned counsel

Defender leadership consists of skills and habits of mind, action and heart needed to address the array of powerful institutional forces that deeply affect client outcomes. There are many aspects of defender leadership. A *political dimension* primarily involves communication, negotiation and networking skills along with a deep commitment to take the case for quality criminal defense to a variety of publics. A *criminal-justice system dimension* draws upon these same skills applied to the goal of defenders becoming equal partners or significant actors in criminal justice policy making along with the cluster of agencies and leaders who directly affect defender work and client outcomes. A *managerial dimension* includes these same skills and commitments applied to such essential tasks as motivating colleagues, establishing high standards of quality, allocating resources, supervision and workflow administration.

Can Leadership be Taught?

The prevailing view about trial practice until the early 1970s was that a trial lawyer was born, not made—or at least made only through the crucible of learning by experience. The assumption was that the way to develop a strong trial lawyer was to put a young person in the courtroom and see whether they could survive and flourish. Then came the development of the National Institute of Trial Advocacy, law-school trial skills courses, the National Criminal Defense College and the host of special trial-practice programs such as NACDL and NLADA’s own trial skills workshops. Today there is an established pedagogy in teaching litigation.

Leadership education is perhaps 30 years behind trial and appellate practice education, but it draws on many of the same fundamental concepts. Leadership, like litigation, is a set of performance skills guided, driven and disciplined by a powerful theory of the case/challenge and the particular external and internal forces facing the defender and his or her client(s). Leadership, like litigation, requires compelling and persuasive communication. Leadership, like litigation, entails a deep understanding of the needs and perceptions of others from judges, juries, police and prosecutors to legislators, defenders, the organized bar and the public at large.

Leadership education and development, as NLADA envisages it, draws on most of the teaching and learning techniques that make trial-practice training most effective. It taps into the skills of other successful practitioners who are willing to help others improve their leadership and managerial skills. It emphasizes practical exercises:

- Doing something rather than only hearing about it in a lecture

- Teaching through the example of another leader working through real problems
- Immediate critical feedback through coaching rather than some form of examination
- Tools connected to the immediate challenges of the job rather than formulas for success in the abstract
- Creation of a community of practitioners seeking ways to help each other

Fortunately, NLADA has been able to draw on the experience and initial developmental efforts of two highly successful leadership programs. These efforts have demonstrated that leadership cannot only be taught (and learned) but done so in a setting that motivates, energizes and inspires “teachers” or “coaches” and “participants” involved in it. NDLP, the National Defender Leadership Project created by the Vera Institute of Justice and funded through a grant from the Bureau of Justice Assistance (BJA) of the U.S. Department of Justice (now concluded), assembled curricular materials and techniques that opened up new possibilities for defender leadership training. The Kentucky Department of Public Advocacy Leadership Practice Institute, in partnership with the Minnesota Office of the Public Defender, has refined a number of Vera’s NDLP techniques and extended the range of ideas and exercises available to the defender community. NLADA intends to build upon and expand beyond the strong precedents established by these programs.

There is both a great need and a great desire for leadership and management training within the defender community. The NDLP and Kentucky programs have barely scratched the surface of need for leadership training. Probably no more than 300 people have been involved in all elements of the NDLP program, and no more than 60 in the Kentucky program. Most NDLP participants experienced short outreach segments or workshops presented around the country, not the five-day executive seminar that was the core offering of NDLP. Estimates of the immediate market for education in leadership described in this report start at about 2,000 public defender and assigned counsel managers and leaders likely to be attracted to different levels of this training at the outset. Moreover, leadership education, the development of leadership abilities, does not occur as a result of one course. Like the best of appellate and trial practice training, it is a process of education and career development to which the ablest practitioners want and need to return to deepen their insights, their self-awareness and their analytical and practice skills.

The National Defender Leadership Institute (NDLI)

One of the most striking features about indigent defense in the United States is its diversity and decentralization. There are literally thousands of separate systems, organized variously at the city or town, county, state or even local court level. Only 1,350 of the 3,083 counties in the nation have a public-defender system, namely offices staffed by specialists in indigent criminal defense. The rest are served by a variety of appointed counsel and contract arrangements with many different forms of oversight bodies ranging from local judges to judicial or other publicly funded administrators.

In view of the relatively chaotic structure of the organization of criminal defense in this country, members of the NLADA advisory committee believe the most effective strategy for upgrading the quality of indigent defense is to create an engaging and compelling education

function. A national educational program of consistently high quality will not only improve individual leadership skills, but will also help expand a national (and potentially international) network of public-defense leaders. The creation of the National Defender Leadership Institute (NDLI) will not duplicate the large number of effective efforts, including those already sponsored by NLADA, to enhance trial and appellate litigation skills among defenders. Rather, the goal of the Institute is to promote, sponsor and develop leadership skills in indigent defense. Appealing to defenders' innate sense of professionalism through education is the most promising way to support the public-defense function and build a stronger community of shared concerns and interests across the maze of jurisdictional and organizational divides that separate defenders.

Overarching Goals

The Institute's programs described below have at their core certain critical principles and objectives:

- Public defense is a work of social and constitutional justice and thus a critical value system in modern American society.
 - ◆ Defense is a vital element in the American criminal-justice system.
 - ◆ Assigned counsel and public defenders are important actors and policy makers in the justice system—co-equals with the prosecution function.
 - ◆ Assigned counsel and public defenders require resources commensurate with their indispensable position in the justice system.
- Defender agencies and assigned counsel systems are vibrant organizations.
 - ◆ Defender organizations have the capability of recruiting and retaining outstanding trial practitioners and leaders.
 - ◆ They manage their human and financial resources intelligently and efficiently.
 - ◆ They establish the systems and support to enable fine lawyers to make a career in public defense.
- A strong defender must be capable of exercising *both* effective litigation *and* leadership skills.
 - ◆ Trial prowess alone is insufficient to protect the rights of defenders' clients.
 - ◆ Respect and understanding of the defender leadership role is a vital component of an effective agency or assigned counsel system.
- Defender leaders motivate, energize and build networks among their colleague defenders.
 - ◆ Defender leaders rally their colleagues and address critical public-policy issues affecting criminal defense.

- ◆ Defender leaders address and resolve operational issues in the criminal-justice system critical to the well-being of their clients.

Program Architecture versus Curricular Design

The purpose of this report is to develop a coherent set of recommendations regarding the structure of the Institute's activities in its first years of existence. The three-level program described below is an ambitious but achievable beginning effort. It is important to note, however, that this report is at most a framework or sketch, not the design of curricula for these programs. Each training program will need a curriculum committee of approximately five experienced (mostly) defender leaders and trainers to clarify training topics and objectives, identify faculty, establish the length and setting for the program and approve the interactive teaching methods and materials to be used by program faculty. An advisory committee of assigned counsel will work with the committees to ensure that the training programs attract and serve the needs of this segment of the defender community.

The series of offerings described in this report require careful work by a curriculum committee, dedicated Institute staff and a relatively large number of volunteer faculty in order to integrate the teaching of substantive concepts with performance coaching and mentoring in a variety of reflective small-group settings. The style and nuances of these programs requires scrupulous attention to detail if the education in leadership is to be at once visionary, inspiring and practical. Working with precision to formulate and integrate the various elements of these programs remains a significant task if NLADA is to implement the proposals articulated in this report.

Curriculum designers for the NDLI do have a set of existing tools with which to do their work. In the course of the deliberations of the NLADA advisory committee whose views are reflected in this report, a small library of relevant curricular materials, notes, workbooks, cases and coaches guides has been assembled and is available to Jo-Ann Wallace, the NLADA staff member in charge of this effort. A number of articles on the indigent defense function directly relevant to the proposals of this report are soon to be published by the Bureau of Justice Assistance (BJA) of the U.S. Department of Justice. These background materials are the work of the Executive Session on Public Defense (ESPD), a program that is sponsored by the BJA, the Harvard Law School and the Kennedy School of Government at Harvard University. A number of members of the NLADA advisory committee participated in the Executive Session.

Curricular design entails constant revision and growth as well as the development of new tools and techniques to support defenders as change occurs in local criminal-justice systems and public attitudes toward indigent defense. Once the programs are established, part of the curriculum should involve ongoing evaluation of new techniques to assess whether they show sufficient promise to deserve a place in future program curricula. Curriculum planners may decide, for example, to build into all the programs a strong feature of Impact Leadership described below—namely description and formulation in advance by program participants of problems they face, development (with the help of colleagues attending the program) of plans to address these problems and later feedback to colleagues about results.

Initial Programs Sponsored by the National Defender Leadership Institute

A schematic overview of proposed NLADA-NDLI programs:

Program Title	Target Audience	Elements
Impact Leadership	Senior experienced leaders	Advanced peer workshop on real problems of justice system co-management
New Leaders	Current leaders and litigators making transition to leadership	Exploration of external/internal leadership roles
Nuts and Bolts of Leadership And Management	Current leaders and people considering leadership role	Introduction to selected issues of leadership with emphasis on internal management

Common elements of these programs are:

- *Teach in small groups.* Plenary presentations are always followed by small groups led by a pair of (mostly) defender “coaches” or “mentors” that engage in exercises, role plays, analysis of cases or problems or discussion of issues generated by members of the group. Learning from peers, engagement in addressing everyday challenges facing defenders and building collegial relationships with other defender-leaders help assure a powerful, transforming, learning experience.
- *Group people from similar programs.* Defender-leaders are generally (but not exclusively) grouped so that defenders with shared interests work with each other on common problems, e.g., assigned counsel administrators, rural defenders, leaders from large urban public-defender agencies, defender-leaders in state systems.
- *Use isolated program sites.* Programs are held at a different time and place than the NLADA annual meeting. A relatively secluded site, away from the distractions of large conferences or downtown hotels, offers many advantages in terms of the level of concentration, preparation, collegiality and overall intensity of the learning experience. Site location is integral to one goal of these various programs—to build a defender-leader community that extends beyond the immediate program offering.
- *Emphasize leadership as the “touchstone” or common theme.* The challenges facing the public-defense enterprise in this country are so severe that virtually no issues are entirely routine or solely “managerial” in nature. Leadership (in terms formulated by Ronald Heifitz) involves changing people’s values, attitudes and habits of behavior in addressing what matters most—ultimately the rights and welfare of the accused. The *dimensions* of leadership addressed by the programs of the NDLI, however, do vary:

- ◆ “Nuts and Bolts of Leadership and Management” primarily emphasizes the managerial dimension of leadership but should also open some windows on the criminal-justice system and political elements of defender leadership.
 - ◆ “New Leaders” attends to a balanced approach to all three dimensions of defender leadership.
 - ◆ “Impact Leadership” focuses on the larger political and criminal-justice dimensions that affect public-defense services while continuing to give attention to the vital internal managerial dimensions that flow from a more external emphasis.
- *Build into programs a focus on understanding and managing diversity.* Different complementary approaches reinforce analytical and skill development in dealing with diversity issues. Perhaps most important, given the vital role of peer education in these programs, is assuring a diverse group during the selection of program participants and mentors/coaches. Timing is of consequence in addressing diversity questions. Success in generating candid and constructive dialogue on sensitive issues is often dependent on making sure that members of small groups are initially comfortable enough with each other to have the capability to “open up” in conversation. Small-group facilitators/leaders are specifically trained in and at ease dealing with issues of gender, race and sexual orientation in recruiting, retention and management of personnel when these issues arise in discussion. Interactive teaching methods, simulations and other practice-oriented materials are designed to surface diversity issues in both the internal managerial dimension and external relationships with local communities and other agencies in the local criminal-justice system.
 - *Underscore defender leadership’s responsibility for risk management.* Management of any law practice must negotiate the tensions between professional autonomy and professional responsibility. The design, installation and administration of supervisory and control functions limit the exposure of clients to inadequate representation and the exposure of the office to malpractice claims.
 - *Present leadership as a practice enhanced by certain skills.* All three programs offer and demonstrate “tools” or specific techniques or methods to which defender-leaders are introduced and have an opportunity to practice at these programs. The “take homes” or learning designed for these programs—apart from building a community of defender-leaders who can support each other—are enhanced analytical *and* performance skills for those who participate.

Nuts and Bolts of Leadership and Management

This is the basic introductory offering tailored for an audience of public defenders who are either in leadership positions, in transition to such positions, or interested in improving their leadership and management skills. The subject matter is varied and addresses a variety of administrative challenges ranging from staff supervision, coaching and performance evaluation to personnel and employment law, time management, budgeting, grant writing, partnerships, conflict mediation, office systems and the use of information technology, and

ethical issues including conflict of interest policies. The program is designed for as many as 60 – 100 participants, and incorporates small-group learning-by-doing teaching methods.

Nuts and Bolts of Leadership and Management is offered in a separate conference sponsored by NLADA's National Defender Leadership Institute extending 2 and 1/2 days over a weekend. The conference is structured in a series of three or four blocks, each of which lasts about five hours, beginning with a large plenary session on a subject that sets the tone for the remaining sessions in the block. The large group then is broken into several smaller groups of about 15 participants (four small groups). These small groups attend two presentations on more specific subjects and finally spend two hours discussing current problems and issues from their own offices that relate to the subjects covered, followed by a wrap-up plenary.

An example might help to illustrate the organization of a block:

Plenary Session: What is Leadership and Why is it Imperative for Quality Client Representation? (one hour)

First breakout groups:

- First presentation: From Courtroom Advocate to Defender Manager (an interactive presentation) (45 minutes)
- Second presentation: Where Do I Go From Here? Administrative Challenges for New Managers (interactive presentation) (45 minutes)
- Break
- Workshop/problem-solving session on issues and problems from participants' own offices (two-hour discussion)

Second (parallel) breakout groups:

- First presentation: An Inside Job: Implementing the Mission with Staff (interactive presentation) (45 minutes)
- Second presentation: Introduction to Personnel and Employment Law (interactive) (45 minutes)
- Break
- Workshop/problem-solving session on issues and problems from participants' own offices (two-hour discussion)

Wrap-up plenary provides an opportunity for attendees to draw out larger themes for their work, discuss action strategies and identify future topics for training.

Other themes that may lend themselves to organization in these “Nuts and Bolts” learning blocks include

- Change Management

- Resources: How to Get Them, Allocate Them, and Manage Them
- Supervision, Coaching and Performance Evaluation
- Reducing Malpractice Risks and Insuring Quality Representation
- Information Technology: Equipment, Software and People
- Professional Development: Training, Work Assignment, Coaches and Mentors

This form of program requires presenters who are knowledgeable about the subject area and skilled at interactive work with small groups as well as skilled small-group facilitators. These may often be the same person, but conference organizers and curriculum planners need to recognize that some people proficient in presenting subject matter may lack skills in facilitating participatory discussions and problem-solving sessions. About 15 faculty are likely to be needed for 60 participants. A pro-forma budget for this program is contained in Appendix A.

New Leaders

This program would be the intermediate offering of NLADA's National Defender Leadership Institute training for 60 emerging or current leaders. It would consist of three days (probably broken up into opening and closing half days bracketing two full days) of intense work, primarily in small groups, on a variety of specific themes directly relating to the overall goals/principles/objectives of the program described above.

Since only 1,350 of the 3,083 counties in the nation have a public-defender system, one goal of the program is to attract assigned counsel managers and other defenders not practicing within agencies. Although most of the skills and themes of the program will be relevant to both agency and appointed counsel lawyers, some differences should be taken into account and lead to modifications of the design of the training and selection of a portion of faculty/coaches.

A major element of the program is to provide defender leaders, through developmental exercises, a set of skills they can deploy in their day-to-day work. These exercises involve presentation of a conceptual framework or set of understandings of their performance framework. They address the critical importance of external leadership (in terms of the wider community) and its integral relationship with internal leadership of defenders in the agency or assigned counsel setting. Some suggested themes and related skill exercise learning ideas are:

- Theme: *Leaders make compelling use of stories, just as successful litigators do.*
 - ◆ Skills work: Communication workshop, preparing, writing and delivering and obtaining critical feedback on talks in various internal and external settings (e.g., a speech as if a defender is an elective public office).
- Theme: *Leaders help others succeed by supporting them and helping them with corrective feedback.*

- ◆ Skills work: Coaching in small groups, using coaching/role-play situations of providing advice and/or imposing discipline on lawyers the leader is supervising.
- Theme: *Leaders appreciate the importance (and good use) of mistakes and realize they can change failures and prevent future mistakes.*
 - ◆ Skills work: Small-group reflective exploration of real “critical incidents” recounted by defenders, how they might have handled the situation differently and learn better how to think and act as a leader.
- Theme: *Successful leaders, like effective lawyers, see problems as opportunities and believe in their ability to influence others through values, vision and superior ideas.*
 - ◆ Skills work: Small group practice in negotiation and mediation skills using role playing within the analytical framework of Mark Moore’s “Strategic Triangle.”

Admission to the program might require completion of a background statement about the career of the participant and completion of a “critical incident” for discussion at the program. Some plenary-session speakers outside of the defender community are highly desirable because they bring a fresh perspective from other disciplines to the proceedings. Core faculty, however, would consist almost entirely of other public-defender leaders who would convene and coach the small groups in the style of peer-to-peer consultation. The ratio of “faculty/coach/mentor” defenders to “participants” should be designed to encourage intense coaching relationships in the small groups. Thus, for example at a faculty/student ratio of 1 or 2 to 8, 60 participants could be divided into 8 – 10 small groups with 16 or 20 leader/mentors assigned as coaches and convenors. A pro-forma budget for this program is attached in Appendix A.

Impact Leadership

This most advanced offering in the NDLI’s overall leadership-education programs is designed for experienced defender administrators of any type of public defense system or program, including appointed counsel leaders and agency managers in state or regional public-defender systems. The number of participants is limited (probably to no more than 30) and the program is held annually at a remote site over a period of about 3 and 1/2 days in order to build a strong sense of a defender-leadership community into the overall design of the work.

The key, organizing device of “Impact Leadership” is a written description or account of a participant’s own leadership challenges required as part of the application to the program. People experienced with similar “prework” writing emphasize how important it is to provide very explicit directions and guidance to participants, including examples or samples of what they seek. (This caution applies as well to the “critical incident” writing required of New Leader participants.) Impact Leadership is designed largely around these reports of actual challenges in need of a response, or initiatives which participants wish to implement, which serve as the centerpiece or substantive work of small groups offering peer counseling and coaching. The idea is to offer a “safe place” for defender leaders to talk about the realities of their work, their challenges, their failures and their successes, and within this environment,

to utilize a variety of methods and expertises to enable them to leave the conference with an “action plan.” The small-group leaders are other defender leaders skilled in coaching and counseling, and trainers with different types of leadership-related expertise who are prepared to lead by example with their own tales of challenge, failure and strategies to succeed in defender-leadership work.

Some themes and tools appropriate for this program:

- Theme: *Defenders are co-leaders in the criminal-justice system.*
 - ◆ Skills work: Analytical work using “strategic triangle” concepts to reveal that inaction with respect to the external role of a defender is a default of leadership. Specific work on:
 - Negotiation skills through coaching or role playing in small groups
 - Design of communications/public-relations strategies and substantive messages
 - Self-insight techniques through analysis of “critical incidents” drawn from participants’ descriptions of their leadership challenges/problems
- Theme: *Defender leaders build networks of community support.*
 - ◆ Skills work: Communications design, lobbying, relationship-building analyses and exercises.
 - ◆ Engage in “community mapping” exercises (identifying overlooked community assets and resources) and developing strategies that work to create lasting community alliances.
- Theme: *Defender leaders bridge the gap between public-defender agencies and assigned counsel programs.*
 - ◆ Skills work: Community building and organizing techniques, relationship and network building.
- Theme: *Defender leaders have a cohesive vision, and their external leadership mirrors and sustains internal-defender leadership. Internal-defender leadership mirrors and sustains external-defender leadership.*
 - ◆ Skills work: Analytical work on “reframing” one’s concepts of leadership to open up new solutions to problems. Communication design tools, techniques of inspiration and motivation, development of specific plans to be implemented upon return to the participant’s position.

Some of the analytical frameworks and tools used in Impact Leadership can be drawn from those in the New Leader program. The same low ratio of faculty/coach/group leader to participant that characterizes New Leader applies to Impact Leadership, as does the desirability of having some non-defender presenters from public policy or business schools. For future curriculum design, NDLI organizers will look to advanced leadership-training

techniques used in private, public and non-profit management. A pro-forma budget for this program is in Appendix A.

How Will We Know if these Leadership Programs Are Effective?

NLADA is vitally interested in whether the programs it offers is useful/inspiring/directly relevant to participants and if the training actually has an effect on the success of participants' offices or agencies and their work for clients. The value participants see in the program is relatively easy to determine by feedback requested of participants at the close of training and tracking demand for Institute programs generated by word-of-mouth testimonials about program quality. The second is a more challenging issue because it touches on NLADA's fundamental interest in leadership training—its goal is to make a positive *difference* in the quality and operation of defender and assigned counsel programs nationwide.

One method of supporting the translation from leadership education to on-the-job performance is to encourage and provide incentives for participants to come to the Institute's offerings in pairs or groups. Two or more people from the same agency or state program are more likely to consult with each other and support each other's efforts to exercise stronger leadership.

Another method is to emphasize follow through. The Institute will provide ongoing communication with participants via telephone, e-mail or a listservice of the group that permits following up with consultation about efforts to use Institute "tools," implement plans developed at the Impact Leadership and other programs, and share information, ideas and advice. Apart from providing continuing support and coaching to participants in NLADA programs, establishing some form of continuing resource to participants may be indispensable to designing strong alumni programs and improving curricular design of future Institute programs.

One tool for developing a national network, information sharing and future training programs will be the Internet. A homepage for the NDLI (www.ndli.org) will be incorporated into the National Legal Aid and Defender Association Internet portal currently under development. Through the NLADA Web page, NDLI Web resources will serve as a central clearinghouse for a wide variety of leadership information and materials. The Web will extend the reach of NDLI training and serve as a central place for defender leaders to strategize, problem solve, share success stories and exchange advice with their counterparts nationwide.

The Institute will develop standards for measuring the effect of its programs as well as mechanisms to ensure that ongoing evaluation is an integral part of its efforts.

- Methods to alert program participants as they join the New Leaders and Impact Leadership programs of the high priority the Institute places on evaluation might include:
 - ◆ Substantive presentations and small-group work on cases and examples involving evaluation measures: their uses, possibilities, dangers and pitfalls.

- ◆ An application that requests information about the participant’s program that establishes a “baseline” in terms of certain measures that the Institute wishes the participants to track during his or her leadership career.
- ◆ An application indicating that part of the ongoing responsibility of the participant, as a member of a defender-leader community, will be keeping in touch with colleagues through the Institute and providing relevant information about the progress of their local agency or program, their leadership development and the usefulness of Institute tools and techniques.
- Some measures that could be considered useful and informative under certain conditions:
 - ◆ Increases in multi-agency partnerships, both with criminal-justice agencies and employment and mental-health units
 - ◆ Instances of formal and informal participation in discussions and decision making with criminal-justice system leaders
 - ◆ Changes in local criminal-justice system policies in which the public defender leader played some role
 - ◆ Changes in percentages of cases tried, diverted, plea bargained, dismissed as indicators of more effective client-serving activity
 - ◆ Relative recidivism rates of defendants diverted from the criminal-justice system through defender action
 - ◆ Life conditions or stability after different forms of resolution of criminal cases: family ties, housing, employment, mental and physical health conditions of former clients
 - ◆ Quality-of-counsel surveys of judges and clients
 - ◆ Recruitment, turnover and retention data for assigned counsel and public-defender programs

Program Support and Infrastructure

Resources for the National Defender Leadership Institute

The advisory committee prepared budgets for each of the three proposed offerings outlined in this report to test the feasibility of its ideas. The committee approached the question of funding on the basis of two goals or assumptions:

- Outside funding support for the initial offerings is essential to encourage a cadre of defender-leaders to attend, participate and spread the word about the high value of leadership education. “Jump-start” funding of this kind can cover travel costs of participants and limit the program cost per participant to something less than or comparable to the \$500 charge imposed by Vera’s NDLP program.

- Budgets for the programs, after initial start-up funding terminates, should be developed with the goal of making the Institute self-sustaining through tuition revenues derived from participants.

The budgets (attached in Appendix A) reveal significant challenges. Pro-forma costs of the programs without subsidy exceed fee revenues to such an extent that program fees per program approach \$600 – \$800 per participant for an approximately three-day conference *not including* (following traditional NLADA policy) travel, room and food costs that participants must bear. These factors could drive program fees per person as high as \$1,500. Conference costs at this level are modest by corporate and some non-profit organization standards but prohibitively expensive for cash-strapped public-defender offices and assigned counsel systems.

Two clusters of program costs, if eliminated, can significantly lower costs: outside presenters and site costs. Although much of the advising, coaching and facilitating work of these programs is carried by defender-leader volunteers, the advisory committee concludes it would be a serious mistake to eliminate outside presenters. The outsiders are typically dynamic teachers with rich experience in public-sector work who bring different perspectives and fresh insights to the program. They are often the source of new pedagogical ideas and contribute in important ways to establishing the unique quality of these programs.

Site costs, on the other hand, can be reduced in a number of ways. Highlighted on the budgets are some costs that might be lowered. Some conference facilities do not charge meeting-room fees if a certain number of rooms are filled. To the extent that the Institute can build relationships with partners, e.g., law or public-policy schools, site costs and AV charges can be eliminated or reduced significantly. A number of conference centers, such as Arden House, where many of Vera’s NDLP programs were held, charge a basic room fee that is inclusive of food, meeting space and AV equipment. These possibilities need to be explored aggressively to lower the basic out-of-pocket costs of Institute programs. The inset in the New Leaders pro-forma budget describes the costs of a three-day program in Kentucky that were markedly lower than the pro-forma budgets. Nonetheless, the remoteness of the Kentucky site and long driving times associated with it make achieving costs this low unlikely.

Personnel to Support the Institute

One major cost not reflected in the pro-forma budgets of Appendix A are the staffing requirements to support and sustain a set of programs as ambitious as proposed in this report. Appendix B contains draft job descriptions for three full-time people, contracted to NLADA, to manage the Institute.

The importance of staff dedicated to the Institute cannot be overemphasized. Defender-volunteers—from curriculum planners to small-group facilitators—need a strong staff and careful direction and management to be effective as coaches and mentors to program participants. Staff are responsible for marketing the program at the NLADA annual conference and other defender-conference venues. Staff build and sustain relationships within the indigent defense community nationwide that are essential to successful

recruitment and program management. Evaluation of the Institute program—crucial to its continued vitality, relevance and credibility—would be impossible without active staff. The Institute program cannot be successful without sufficient staffing, as outlined in Appendix B. Support for staffing is critical to establishing the Institute. Allocation of staff costs to each of the program offerings is unrealistic for a number of reasons. Fees for the various programs are not capable of bearing allocated staffing costs²—any more than fees for other NLADA conferences cover the salaries of NLADA staff who organize and support conference-related activities during the year. A substantial portion of the work of the staff—though generally supportive of the education function—may not be directly related to Institute program offerings. This is the work of building a network of Institute graduates, of being the connective tissue through newsletters, listservs, the NDLI Web page (ndli.org), e-mails and personal contact that builds bridges between leaders in indigent defense around the country. The Institute is not *just* a series of conference programs but an effort to change the nature of indigent defense through sustained attention to leadership development. A strong dedicated staff is critical to the success of the Institute.

Developing Alliances and Partnerships

The Institute is the creation of NLADA and is a sub-unit of the parent organization with some identity of its own. Thus, the key to moving forward depends in large measure on the perceived benefits to NLADA of the formation of the Institute. The Institute holds great promise of providing NLADA higher visibility because it exemplifies a much more active role within the various public-defender and appointed counsel communities throughout the country. An increase in defender membership in NLADA would be one anticipated result of this higher visibility.

Other organizations outside of NLADA might well be attracted to work more closely with NLADA as a result of relationships with the Institute. One promising example is the Center for Public Leadership at the Kennedy School of Government at Harvard University. Strong ties with other organizations are a priority for the Institute, such as the criminal-justice section of the American Association of Counties, the relevant sections or special committees of the ABA relating to the defense function and NAPIL, the National Association of Public Interest Law.

One of the most important relationships to the future of the Institute is the American Council of Chief Defenders (ACCD), a unit of NLADA developed within the last few years. A strong connection between the Institute and ACCD can generate enormous benefits to each entity. NDLI can serve as the primary training arm of ACCD and also can develop research capabilities on criminal-justice administration issues, not unlike the research institute that serves the National Association of District Attorneys. ACCD will need such a function to build its program and attract defender participation and support and can, in turn, promote and provide invaluable guidance to the NDLI's programs of training and research.

² Assuming that total costs for a three person staff might approach \$150,000 – \$200,000 a year and assuming total staff costs are allocated equally to at least three major offerings a year, costs for each offering would reflect an additional \$50,000 – \$65,000 in expenses, This would more than double the expense budgets spelled out in Appendix A.

Another important set of relationships the Institute must build outside of NLADA and the ACCD is with universities interested in the kind of leadership-development education represented by the Institute. Universities with both schools of law and public policy are prime prospects for program sites, presenters at programs and other forms of tangible and intangible support for the Institute effort. Initially, the Institute might develop informal or program-by-program alliances with different universities throughout the country. Ultimately, some form of more permanent connection for the Institute might emerge from one of these university relationships.

Looking Ahead

NLADA's first priority must be to establish the three levels of programming described in this report and assure that they are of the highest quality. The crucial threshold for these programs is that they become sustainable—that, like the NLADA annual appellate-litigation program, NLADA support and the enthusiasm of faculty and students for the quality of the programs year after year provide a basis for long-term financial and programmatic success. Ultimately, building a strong market for training that is inspiring, useful and attractive to a community of defender learner/leaders will determine the success or failure of this effort.

The goal of the Institute is to build a certain permanence and stability into leadership education for defenders, either through a university-based “home” or a strong connection with a public agency interested in sponsoring such training. The National Defender Leadership Institute is an idea enthusiastically developed by the NLADA advisory group that has authored this report. Over time, it will evolve into a young organization. Ultimately, it will become a mature institution that year after year, with a rich assortment of educational programs and networks, supports enhancement of the indigent defense function and advances the interests of clients who are most in need of the protections of our Constitution.

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Appendix A:
NLADA Programs: Proposed Budgets—DRAFT

New Leaders				
Costs	Single Amount	Total	Comments	Assumptions
Pre-Conference Costs				
Administrative Costs				
Brochure	500	500	1 in-house brochure	Line item can be for brochures or giveaways or both
Communications	500	500	Planning work, outreach, (phone, conference calls, faxes)	
Postage	1,200	1,200	Postage, Fed Ex, freight shipping	
Copying	1,000	1,000	For all materials internal and external	
Supplies	150	150	Standard in all budgets	
CLE fees	400	400	Standard in all budgets	
TOTAL		3,750		
Administration—Staff (3)				
Staff Time			Dedicated staff at NLADA	Time it takes to put it together—salary/time
TOTAL				
Conference Costs (3 days)				
NLADA Staff (3)				
Time	0	0	1 trainer, 1 defender, 1 additional	
Travel	400	1,200	300 travel + 100 expenses	Need to add per diem rate
Rooms	125	1,125	125 rate per person per night	
TOTAL		2,325		
Speakers (3)				
Compensated Time	2,000	6,000	Fee of 2K per person per session (1 session per speaker)	

New Leaders				
Costs	Single Amount	Total	Comments	Assumptions
Travel	400	1,200	300 travel + 100 expenses (ground travel)	
Rooms	125	1,125	125 rate per person per night	
TOTAL		8,325		
Leaders/mentors (15)			NDLP alumni, public defenders (15 for 60 people)	Volunteers
Compensated Time	0	0	Volunteers	
Travel	400	6,000	300 travel + 100 expenses (ground travel)	
Rooms	125	5,625	125 rate per person per night	
TOTAL		11,625		
Participants (60)	60			
Travel	0		Will NLADA or grants cover participants' costs?	
Rooms	0			
TOTAL		0		
Site			Costs if meeting rooms at neighboring law school or other non-hotel site (from AT 2001 proposed)	
Meeting Rooms	6,000	6,000	Rate can be deleted if meeting rooms at hotel	Assume Arden House is not large enough
Functions	3,000	3,000	Food: cont. breakfasts, 1 reception (cash bar)	Rest of food is out of pocket
A/V requirements	3,000	3,000	Plenary sessions, especially	From AT 2001 proposed
TOTAL		12,000		
COST TOTAL		38,025		New Orleans total (actual) = 33K
Revenues				
	Fees	Total		
Participants (60)	300	18,000	100/day per participant standard fee	
Additional fees needed to balance budget	334		Additional fee per person	
Total fee per participant	634			
Grants				

Impact Leadership				
Costs	Single Amount	Total	Comments	Assumptions
Pre-Conference Costs				
Administrative Costs				
Brochure, etc.	500	500	In-house brochure	Line item can be for brochures or giveaways or both
Communications	500	500	Planning work, outreach, (phone, conference calls, faxes)	
Postage	1,200	1,200	Postage, Fed Ex, freight shipping	Estimate for 60 – 100 participants
Copying	1,500	1,500	For all materials internal and external	
Supplies	150	150	Standard in all budgets	
CLE fees	400	400	Standard in all budgets	
TOTAL		4,250		
Administration—Staff (3)			Recruiting, scheduling, etc.	Time it takes to put it together—salary/time
Staff Time			Dedicated staff at NLADA	
TOTAL				
Conference Costs (3.5 days)				
NLADA Staff (3)			1 trainer, 1 defender, 1 additional	
Time				
Travel	400	1,200	300 travel + 100 expenses	Need to add per diem rate
Rooms	125	1,125	125 rate per person per night	
TOTAL		2,325		

Impact Leadership				
Costs	Single Amount	Total	Comments	Assumptions
Speakers (3)			Experts outside of field	1 outside person per day
Compensated Time	2000	6,000	Fee of 2K per person per session (1 session per speaker)	Try to get volunteers to reduce costs
Travel	400	1,200	300 travel + 100 expenses (ground travel)	
Rooms	125	1,125	125 rate per person per night	
TOTAL		8,325		
Leaders/mentors (8)			NDLP alumni, public defenders (16 – 20)	Volunteers
Compensated Time	0	0	Volunteers	
Travel	400	3,200	300 travel + 100 expenses (ground travel)	
Rooms	125	3,000	125 rate per person per night	
TOTAL		6,200		
Participants (30)				
Travel	0		Will NLADA or grants cover participants' costs?	
Rooms	0			
TOTAL		0		
Site				
Meeting Rooms	0	0	At Arden House—meeting rooms included	
Functions	1000	1,000	Food included at Arden House	Add 1 small reception (cash bar)
A/V requirements	3000	3,000	Plenary sessions, especially	From AT 2001 proposed budget
TOTAL		4,000		
COST TOTAL		25,100		New Orleans total (actual) = 33K
Revenues	Fees	Total		
Participants (30)	350	10,500	100/day fee is NLADA standard	
Additional fees needed to balance budget	487		Additional fee per person	
Total fee per participant	837			
Grants				

Nuts and Bolts				
Costs	Single Amount	Total	Comments	Assumptions
Pre-Conference Costs				
Administrative Costs				
Brochure, etc.	500	500		Line item can be for brochures or giveaways or both
Communications	250	250	Planning work, outreach, (phone, conference calls, faxes)	From Dayton conference
Postage	700	700	Postage, Fed Ex, freight shipping	From Dayton conference
Copying	1700	1,700	Internal and external materials	From Dayton conference
Supplies	150	150	Standard in all budgets	
CLE Fees	350	350	Standard in all budgets	
TOTAL		3,650		
Administration—Staff (3)			Recruiting, scheduling, etc.	Time it takes to put it together—salary/time
Staff Time			Dedicated staff at NLADA	
TOTAL				
Conference Costs (2.5 days)				
NLADA Staff (3)			1 trainer, 1 defender, 1 additional	
Time	0	0		
Travel	400	1,200	300 travel + 100 expenses	Need to add per diem rate
Rooms	100	600	100 rate per person per night	
TOTAL		1,800		

Nuts and Bolts				
Costs	Single Amount	Total	Comments	Assumptions
Leaders (15)			Experts, NDLP alumni	
Compensated Time			Volunteer time	
Travel	400	1,200	300 travel + 100 expenses	Need to add per diem rate
Rooms	100	600	100 rate per person per night	
TOTAL		1,800		
Facilitators (20)			NDLP alumni, public defenders	
Compensated Time				Leaders and facilitators are at conference already
Travel	400	8,000	300 travel + 100 expenses	Need to add per diem rate
Rooms	100	4,000	100 rate per person per night	
TOTAL		12,000		
Participants (60)				
Travel				
Rooms				
TOTAL		0		
Site			Costs if mtg. rooms at neighboring law school or other non-hotel site (from AT 2001 proposed)	
Meeting Rooms	6,000	6,000	Rate can be deleted if mtg. rooms at hotel	Assume Arden House is not large enough
Functions	2,500	2,500	From Dayton estimates	Rest of food is out of pocket
A/V requirements	500	500	For course instructors	
TOTAL		9,000		
COST TOTAL		28,250		Dayton Totals = approx. 20K for six days
Revenues	Fees	Total		
Participants (60)	250	15,000	100/day fee is NLADA standard	
Additional fees needed to balance budget	238		Additional fee per person	
Total fee per participant	488			
Grants				

Appendix B: **Job Descriptions**

Director of the National Defender Leadership Institute (NDLI)

The NDLI Director will be a senior person with at least ten years experience as both a practitioner (preferably with some defense experience) and as an educator.

Since the mission of NDLI is to provide a forum for teaching leadership and developing collective learning, the Director should also have:

- Background and familiarity with curriculum-development issues
- Experience in administration of a public-defense-oriented project with a teaching component designed to improve either particular skills or address larger problems in public defense
- Experience working with academics, practitioners, policy experts and national leaders of multidisciplinary background

The Director is responsible for establishing a realistic trajectory for developing a program that supports and facilitates defender-leadership management and training.

The duties of the NDLI Director fall into three categories:

Administrative

The NDLI Director will be responsible for overseeing the daily administrative tasks necessary to operate the Institute and run educational programs for defender leaders on a regular basis. The Director will attend NDLI Advisory Board meetings and report to the head of the Defender Legal Services Division of the NLADA, who is currently Jo-Ann Wallace, Esq., Chief Counsel for the Division. The Director will work with the head of the Division to prepare a budget, staffing proposal, and strategic plan for the Institute. The Director will work with NLADA's training staff and supervise the NDLI Training Coordinator and Program Assistant. The number of training programs offered each year and general content will be decided by NLADA in conjunction with the NDLI Advisory Board.

Curriculum

1. *Develop training materials.* The Director must seek-out and select materials for generating content to be used in the leadership training sessions. To stay abreast of developments in the field, the Director should attend, as appropriate and time and budget permit:
 - ◆ Other defender training at the local, state and federal defender levels
 - ◆ Training sessions in other professional-development programs to identify “best practices” in the field

- ◆ Conferences related to developments in prosecution, the courts, sentencing, corrections, parole and probation

The Director should stay abreast of current teaching methodologies, especially interactive teaching techniques, and decide which ones are most applicable in NDLI training programs.

2. *Curriculum committees.* The Director, after seeking the advice of the Advisory Board, is responsible for appointing the curriculum committee charged to assist the Director in the development of detailed design of the Institute's offerings, including:
 - ◆ Teaching methods
 - ◆ Curriculum content and materials
 - ◆ Learning objectives
 - ◆ Preparatory and follow-up activities with program participants
3. *Faculty.* The Director will lead the effort to identify outstanding faculty members who constitute a geographically, culturally and experientially diverse group of NDLI instructors and trainers. The Director will develop working relationships with faculty and ensure they are prepared for training sessions by communicating with them before, during and after training sessions. The Director will oversee the creation of evaluation tools and ensure that evaluations (written or interview form) are completed in a timely manner for training feedback.

Program Development

The Director's duties will include program-development activities such as marketing outreach, curriculum planning and design and upkeep of Web-based resources for defender-leaders (currently in development at ndli.org). The Director, with the advice of the Advisory Board, decides which of these activities are the most efficient and beneficial to the defender community. Outreach may include but is not limited to face-to-face meetings, mailings, Internet correspondence, academic publications and publications in the popular press. The Director should work with staff members to identify distribution channels in which to advertise NDLI programs and distribute NDLI publications (in print and on the Internet). Program development also includes maintaining contact with NDLI alumni.

The Director will decide which program-development activities to pursue based on available resources and the prevailing public climate toward public defense. The Director will work closely with the Advisory Board and NLADA staff to identify potential funding sources and ways to improve program-development opportunities.

Training/Project Coordinator

The Training/Project Coordinator reports to the Director and should have at least three – five years previous experience in training and project development unrelated to law. The primary responsibilities of the position are to implement, manage and monitor the projects of the Institute. Since this role is something like the chief operating officer of the Institute, it is essential that the activities of the Coordinator be complementary to that of the Director and that there be a close and effective working relationship with the Director.

Responsibilities of the Training/Project Coordinator will include but are not limited to:

- Coordinate and take responsibility for ongoing correspondence and communication with participants, program alumni and faculty.
- Read and review applications of program participants and disseminate information on participants to the Director and program faculty.
- Maintain communication with participants after application is received.
- Maintain the applicability of curriculum materials and participant binders—reviewing and updating as necessary with Director.
- Review the “homework” materials received by participants and disseminate information to Director and program faculty.
- Ensure that the teaching tools are connected to the information in participants’ applications.
- Implement the evaluation of the program, following up with faculty and participants after training to obtain feedback and input.
- Monitor and manage the program network through ndli.org using e-mail or listserv techniques, newsletters, etc.
- Organize information of potential value for inclusion in future programs.

Program Assistant

The Program Assistant can be a college graduate or high school graduate with experience. The position provides administrative assistance to support the Coordinator and Director, working directly with the Program Coordinator for seamless program delivery.

Responsibilities of the program assistant include but are not limited to:

- Work with the Coordinator on evaluations, applications, homework and curriculum projects.
- Coordinate hotel and program-site arrangements.
- Coordinate travel and hotel arrangements for faculty and speakers.
- Organize and maintain correspondence from all stakeholders—participants, faculty and alumni.

- Organize curriculum materials, program-binder materials and external marketing mailings.
- Disseminate and collect application and homework materials.
- Maintain a calendar of all program activities and operations and “official institutional memory” materials to help document how the program develops.

The NDLI Advisory Board

The Board of not less than five and not more than 15 experienced public defenders will be appointed by NLADA, which shall also designate the chairperson of the Board. The Board may decide to include in its membership educators or others who might make constructive contributions to the policies of the Institute.

Board members serve three-year terms (which should be staggered) with possibility of a renewal for a second term. Following completion of a second term, a Board member will be eligible for reappointment after a one-year absence from the Board.

The Board shall meet at least once a year in person and more often, as appropriate, including the use of telephone conference calls.

The responsibilities of the Board are to:

- Advise the Director on program goals and development and progress of the Institute, including curricular and evaluation materials.
- Advise NLADA about appropriate directions for the Institute.
- Promote and represent the Institute among public defenders and appointed counsel.
- Assist NLADA with fundraising and other efforts to support the NDLI’s programs.