



# Fund for Justice

Hope  
Change  
Recovery



Impact  
Commitment



Peace  
Catalyst

# and Education

*2008-09 Annual Report*



Assistance  
Partnership

Opportunity  
Leadership



Community  
Challenge  
Support

## **Mission Statement**

The ABA Fund for Justice and Education develops and provides financial resources that advance the public service and educational endeavors of the American Bar Association.



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**Promise  
Compassion  
Guide**

# Message from the ABA President and FJE Council Chair



**Homeless  
Courage  
Inspire**



**Dedication  
Justice  
Advocate**

Promoting access to justice, especially for people of limited means, is central to our professional calling as lawyers. In light of today's economy, there are plenty of opportunities for us to make a difference in our system of justice, our communities and, most of all, to the clients we serve.

For nearly 50 years, the ABA Fund for Justice and Education has helped empower the American Bar Association to support the legal efforts of ABA members and fellow lawyers as they serve those most in need. As the 501(c)(3) charitable fund of the American Bar Association, the ABA Fund for Justice and Education supports over 200 public service and educational programs each year that help address the legal needs of all individuals – regardless of race, income, gender, disability, or sexual orientation.

As members of the American Bar Association, the largest and most influential legal association in the world, we have joined

forces with a legal community dedicated to serving justice and helping people. Thanks in large part to the support generated by the ABA Fund for Justice and Education, the Association guides those who protect the elderly, represent the impoverished, advocate on behalf of youth in crisis, and defend our human rights.

This annual report highlights four programs from the 2008-2009 bar year that demonstrate just a few ways that the Association, through the ABA Fund for Justice and Education, is striving to ensure equal access to justice. The Commission on Homelessness and Poverty is addressing the foreclosure crisis facing many families, while the Death Penalty Representation Project is improving the quality of legal representation available to death row inmates. Working to improve the legal profession, the Commission on Mental and Physical Disability Law hosted a national conference to discuss the needs of disabled lawyers. And the Young Lawyers Division focused its annual public service project on domestic and dating violence, particularly among teen populations.

On behalf of the ABA Fund for Justice and Education and the communities it serves, we would like to thank Association members, donors and volunteers for contributing their time and resources to strengthening the ABA and its important work. Every single contribution helps inspire the ABA's public service programs, and we are grateful for your support.

In addition to the many individuals who support our public outreach efforts, we are extremely grateful to the government entities, private foundations and fellow bar associations that support our endeavors. We also would like to extend a special thank you to the American Bar Endowment, one of our leading contributors, for its ongoing generosity and essential support.

It is more important than ever that the American Bar Association remain committed to supporting its members and fellow lawyers as we seek to protect the legal needs of all individuals. Together, we will set an example for the profession and continue making a difference in the lives of those we serve.



Carolyn B. Lamm  
President  
American Bar Association



Alan S. Kopit  
Chair, Council of the ABA  
Fund for Justice and Education



**Intervention  
Service  
Youth**

# Young Lawyers Division

*Voices Against Violence*



**Awareness  
Empower  
Abuse**



**Volunteer  
Dialogue  
Violence**

Domestic violence affects every community regardless of age, economic status, nationality, or gender. For Candyce, the abuse began gradually while in high school. From the verbal harassment, the aggression quickly escalated to physical and emotional abuse. When her child fell victim to the violence, Candyce knew she needed to seek help.

The U.S. Department of Education estimates that girls and young women between the ages of 16 and 24 experience the highest rate of intimate partner violence – almost three times the average for women as a whole. As communities begin to recognize the pervasiveness of teen dating and domestic violence, legal and social service professionals must learn to recognize and respond to the unique needs of the youth population.

Acknowledging the acute need for specialized training, the Young Lawyers Division designed *Voices Against Violence*, its 2008-2009 public service project, to educate the next generation of lawyers about domestic violence issues and prevention, particularly among younger populations. Through support from the ABA Fund for Justice and Education, which funds a significant portion of the annual service project, the Division



developed a program to encourage young lawyers to provide support to existing domestic violence shelters, handle cases pro bono, coordinate roundtable discussions in their local communities, and much more.

“This project is a call to action to our 147,000 members to get involved in raising awareness of domestic violence issues while addressing the unmet legal needs of domestic violence victims,” said Lizz Acee, 2008-2009 Chair of the Young Lawyers Division. “It provides the tools and resources for young lawyers and young lawyer bar groups across the nation to make a difference in their own communities.”

*Voices Against Violence* launched during the YLD Fall Conference, where the Division presented a video documenting the experiences of several youth, including Candyce. The video served as a tool to introduce attendees to the project and provide an overview of violence in domestic and teen dating situations, including essential definitions, demographics affected, and statistics. Programming at the conference included roundtable discussions among young lawyers, judges, and local social service representatives about legal advocacy and the latest undertakings by lawyers to protect victims, especially teens. Roundtable discussions served as a

key element of the Division's national campaign to gather information and raise awareness about domestic violence. Fast and efficient, roundtable meetings establish a dialogue among advocates in a particular community about what resources may be needed and how lawyers can serve as their partners in prevention. The Division developed a Roundtable Toolkit to guide state and local bar associations in their efforts to mobilize young lawyers and link their expertise to issues pertaining to victims of domestic violence.

At a transitional stage of emotional development, a teen may not understand the cause of the abuse and could blame herself for a partner's violence. Like Candyce, many teens lack the experience to understand what constitutes a healthy, loving relationship. “I wasn't aware that pushing or shoving or being possessive wasn't a healthy relationship and maybe needed legal intervention,” recalled Candyce. “It was definitely a blessing to have a lawyer on my side. I was able to focus on school, on my daughter.”

One of the most important factors to escaping domestic and dating violence is having access to legal counsel. However, a young victim experiences unique forms of confusion and isolation, and may

not recognize the need for help. Her autonomy is likely to be restricted by her age and ties to family; she may feel confined or overwhelmed because she shares a classroom, apartment building, or neighborhood with her abuser. To help lawyers understand the needs of young victims, the Division constructed a comprehensive website that provided access to the latest information on domestic violence laws and training opportunities for legal professionals willing to volunteer their services.

The emotional and physical pain of domestic and dating violence in the early years of life can begin a ripple effect of individual and social problems that can last a lifetime, and even span generations. Through the Division's *Voices Against Violence*, young lawyers across the country helped educate today's youth about their rights and empowered them to end the violence in their lives.

At the closing of her interview, Candyce shared her final thoughts about volunteering with youth facing dangerous situations: “The one thing I want young lawyers to know is that the time you spend with victims of domestic violence could possibly save a life. If that isn't weight enough to spend your time and training with victims of domestic violence, then I don't know what is.”



**Discrimination  
Accommodate  
Change**

# Commission on Mental & Physical Disability Law

*Second National Conference on the Employment of Lawyers with Disabilities*



**Accessible  
Resources  
Participation**



**Opportunity  
Overcome  
Diversity**

**A**s a lawyer for the Justice Department, Isaac J. Lidsky was successful in all thirteen cases he argued before the Federal Courts of Appeal. Last year, he became one of five law clerks for Supreme Court Justice Ruth Bader Ginsberg and served as the only law clerk for retired Supreme Court Justice Sandra Day O'Connor. A most impressive career for any lawyer, but extremely remarkable for a lawyer who is blind.

Isaac is one of over 54 million Americans living with a disability. Diagnosed with retinitis pigmentosa, a progressively degenerative eye disease, Isaac gradually lost his vision until becoming legally blind at 25. Although the disease deprived him of sight, Isaac discovered that his condition did not limit him as much as the external environment, which failed to accommodate fully people with disabilities.

The ABA Commission on Mental and Physical Disability Law was created to help promote justice and the rule of law for persons with mental, physical, and sensory disabilities, as well as to promote their full and equal participation in the legal profession. For nearly 40 years, with the support of the ABA Fund for Justice and Education, the Commission has strived to help persons with disabilities



overcome social and physical discrimination and ensure that they receive the same opportunities afforded any other citizen.

As with many professions, becoming a lawyer poses unique challenges for individuals living with a disability. Today, according to estimates based on the ABA census, there are over 26,000 ABA members who self-identify as having a disability. However, there are numerous physical barriers to practicing law that are not necessary elements of the legal system. For example, the steps up to a courthouse or the heavy doors of a courtroom potentially can deprive individuals of equal access to the justice system.

In June 2009, the Commission and then ABA President H. Thomas Wells, Jr., hosted the *Second National Conference on the Employment of Lawyers with Disabilities*. Co-sponsored by the Association of Corporate Counsel (ACC) and the Minority Corporate Counsel Association (MCCA), the event brought together lawyers and law students with disabilities, national disability organizations, law firms and other legal employers to discuss the issues related to hiring, retaining, and promoting lawyers with disabilities.

According to Alex J. Hurder, Chair of the Commission, “qualified people can be excluded from employment opportunities unintentionally because of arbitrary ways that society has constructed physical and social environments. Each of us has a responsibility to construct a legal profession and a justice system that is accessible to all.”

One of the primary purposes of the Conference was to encourage legal employers, including law firms and corporate counsels, to sign the “Pledge for Change” to demonstrate their commitment to disability diversity in the legal profession. The Pledge petitioned legal employers to make a concerted effort to promote disability diversity with the same level of commitment and resources that they do for diversity based upon race, ethnicity, and gender.

“It’s clear that people with mental and physical disabilities are as much part of the diversity fabric of our profession and of our nation as anyone,” stated President Wells. “When women and men of diverse backgrounds, including those persons with disabilities, face systematic barriers to either entering law school, graduating law school, passing the bar exam, or rising in the ranks of our profession, it’s more than just a lack of opportunity for those individuals. It is a lost

opportunity for the legal profession.”

A speaker at the conference, Isaac Lidsky described being told that he would be unable to succeed as a lawyer. However, with the aid of screen-reading software called JAWS (Job Access With Speech) and other technologies, Isaac’s legal career flourished. According to Isaac, his disability actually provided him with a competitive edge. Using JAWS, he is able to read hundreds of pages a day, a critical advantage when analyzing case law.

Complementing the American Bar Association’s commitment to diversity in the legal profession, the two day conference provided a forum for employers to discuss best practices for hiring, retaining, and providing workplace accommodations to lawyers with disabilities. Through a series of panel programs and keynote speeches, the conference spurred innovative ideas about how to make reasonable accommodations that eliminate the barriers to full and equal participation in the legal profession.

“I want to be hired as a talented lawyer who has additional skill in light of my disability,” stated Isaac. “I don’t want to be hired as a person with a disability who happens to be a lawyer.” And, as his career can attest, that is exactly what happened.



Constitution  
Sentence  
Inmate

# Death Penalty Representation Project



Punishment  
Justice  
Execution



Representation  
Volunteer  
Pro Bono

Approximately 3,300 people await execution in our nation's prisons and hundreds of these death row inmates are without representation of any kind. Although the American Bar Association neither supports nor opposes capital punishment, it does believe in the rule of law for all individuals. Criminal defendants, regardless of their innocence or guilt, must have access to competent lawyers who have the resources to be effective advocates. This is never more important than when the case is literally a matter of life or death.

Texas death row inmate Mauro Barraza was sentenced to death for a crime he committed when he was 17 years old while under the influence of drugs. In February 2004, a trial court in Texas set his execution for June 29, 2004, despite the fact that the U.S. Supreme Court, that January, had agreed to hear the case of *Roper v. Simmons*. In *Roper v. Simmons*, the constitutionality of executing persons for crimes they committed while under the age of 18 would be debated. The decision would directly affect the legitimacy of Mauro's execution.

In March 2004, the ABA Death Penalty Representation Project immediately recruited two attorneys from Jenner & Block to represent

Mauro. In a letter to Governor Rick Perry, lead attorney Scott T. Schutte, then a partner with the firm, wrote: “We respectfully submit that it would be unconscionable for the State of Texas to proceed with Mr. Barraza’s execution. The State of Texas will not be prejudiced by delaying Mr. Barraza’s execution for a relatively short period of time so that the State can be assured that it is not violating the United States Constitution.” When the request was denied, Schutte took his appeal to the U.S. Supreme Court.

Such determination exemplifies the heroic work being accomplished by the volunteer attorneys enlisted through the Death Penalty Representation Project. Working to improve the quality and availability of defense counsel for anyone facing a possible death sentence, the Representation Project has engaged more than 1,000 attorneys to donate in excess of one million hours of pro bono time to assist the men and women residing on Death Row.

Ineffective assistance of counsel is the leading cause of wrongful convictions. Those lawyers appointed to represent indigent capital defendants are frequently untrained, unqualified, and sometimes dangerously incompetent. Appellate courts can correct the mistakes and

errors that often occur at trial, but there is no federal constitutional right to counsel in state post-conviction proceedings. Without a lawyer, there is no chance for a Death Row prisoner to challenge his conviction and sentence of death.

“Our volunteer lawyers represent every ideological and political background,” says Robin M. Maher, Director of the Death Penalty Representation Project. “They disagree about many things but they all agree that representing a death-sentenced prisoner is one of the most personally and professionally rewarding experiences of their careers. Most are also astonished at the poor quality of legal representation most capital defendants receive. They quickly become motivated to spend hundreds of hours zealously representing clients who have never had a fair chance.”

As the only organization working on a nationwide basis to recruit and train volunteer pro bono lawyers, the Representation Project has placed hundreds of death penalty cases with law firms across the country. It was those attorneys recruited by the Representation Project that persuaded the U.S. Supreme Court to stay Mauro’s execution, just hours before it was to take place. When the Court ruled it was unconstitutional to

execute juvenile criminals, Mauro was among the 72 juvenile offenders who had their sentences commuted to life in prison.

The Representation Project also works toward long term, systemic solutions to the crisis of counsel by partnering with bar associations, courts, and elected officials to change the status quo. In recent years, the Representation Project has been instrumental in convincing death penalty jurisdictions and courts to adopt the ABA Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty cases. The ABA Guidelines articulate the minimum standard of care for the effective defense of capital cases and provide useful information about the necessary qualifications, skills, funding, and performance of counsel.

A just legal system must appropriately punish the guilty and protect the innocent. In recent years, nearly 140 people have been released from Death Row with evidence of their innocence. For hundreds of men and women on Death Row without counsel, the Representation Project is their only hope for justice. Through the support of the ABA Fund for Justice and Education and its many volunteer attorneys, the Death Row Representation Projects is helping to ensure justice for all.



**Solutions  
Assistance  
Housing**

# ABA Commission on Homelessness and Poverty

*Preventing Foreclosure Initiative*



**Prevention  
Indigent  
Shelter**



**Subprime  
Families  
Turmoil**

In 2009, a record 2.8 million households were threatened with foreclosure, an increase of 21% over 2008, and a staggering 120% jump since 2007. Among the millions of families on the verge of becoming homeless were Raul and Agnes, siblings from El Salvador. Speaking little English, Raul and Agnes fell victim to predatory lending strategies when they accepted a \$500,000 adjustable rate mortgage with balloon payments that they could not afford. With few funds to spare, Raul and Agnes were on the brink of losing their home and becoming one of the 3.5 million people who experience homelessness every year.

Foreclosure may be inevitable for some homeowners, but many are losing their homes because they lack the ability to navigate complex lending laws. Although a lawyer can help open doors to alternative solutions, such as mortgage refinancing, many families cannot afford legal representation. Our nation's legal aid community, understaffed and underfunded, struggles to fill the gap between homeowners in need of foreclosure legal assistance and the number of attorneys available to provide those services.

The ABA Commission on Homelessness and Poverty, through

its Preventing Foreclosure Initiative and other programs, responded to the need for more trained legal professionals by equipping lawyers with the legal tools needed to help families remain in their home.

Offering several free continuing legal education courses, the Commission hosted *"Foreclosing on the American Dream"* at the ABA 2009 Midyear Meeting. Using a hypothetical family in crisis, this interactive program explored how lawyers could assist those facing such turmoil, as well as ways to bolster efforts to create new affordable housing options.

No one wins when it comes to foreclosure. Homeowners do not want to lose their homes and banks do not want to be landlords. At the ABA 2009 Annual Meeting, the Commission sponsored *"Preventing Foreclosure: A Win-Win Solution for Everyone"* to discuss amicable legal resolutions between lenders and debtors. Designed for members of the bar and public service providers, session panelists suggested foreclosure prevention strategies and defenses to foreclosure, as well as shared advice on how to work with lenders to modify loans.

As foreclosures continue to rise across the country, especially among

low-income families, so will the rate of homelessness. Organizations offering free legal services are critically important for African-American and Latino populations, which are more likely than other communities to be injured by dangerous lending practices and to require the assistance of publicly funded counsel.

"The effects of foreclosure have been devastating for individuals, neighborhood blocks and whole communities," commented former ABA President H. Thomas Wells, Jr. "Nowhere is this more apparent than in minority communities, particularly among African-Americans and Hispanics, which have long been subject to disproportionately high shares of subprime lending."

Raul and Agnes depended upon the free support they received from Greater Boston Legal Services, a nonprofit organization that only helps families whose yearly income does not exceed 125% of Federal Poverty Income Guidelines (\$27,563 for a family of four).

Rachel Ann Culley, a 2009 recipient of the Commission's Curtin Justice Fund Legal Internship, volunteered her summer with Greater Boston Legal Services. An endowed fund maintained within the ABA Fund for Justice and Education,

the Internship provides a \$2,500 stipend to law students who spend the summer months working for a bar association or legal services program designed to assist homeless or indigent clients.

Annually, Greater Boston Legal Services handles approximately 3,000 housing cases helping low-income individuals and families who are homeless or at risk of becoming homeless. A student from the University of Michigan Law School, Rachel received direct public service experience assisting with client interviews, performing research and writing assignments for her supervising attorney, and supporting efforts to increase the availability of low-income housing in Boston.

For clients Raul and Agnes, their pro bono attorney succeeded in negotiating a significant modification of their loan, with close to a \$100,000 reduction in principal and arrears, and a fixed interest rate of 3%, which allowed them to remain in their home. Regrettably, many other families are not as fortunate. The Commission on Homelessness and Poverty is working to educate lawyers about the realities of this social epidemic and help prevent homelessness before it strikes.



# Projects Supported through the ABA Fund for Justice and Education

AIDS Coordination Project ■ Center on Children and the Law ■ Enhancing the Justice System's Response to Elder Abuse ■ Improving the Courts Response to Domestic Violence ■ Legal Center for Foster Care ■ Center for Professional Responsibility ■ Law Firm Pro Bono Project ■ Commission on Racial and Ethnic Diversity in the Profession ■ Legal Ethics in Child Welfare Cases ■ Criminal Justice Standards Committee ■ Legal Services Division ■ Health Care Decision Making for the Elderly ■ Committee on Substance Abuse ■ National Judicial College ■ Community Based Approaches to Find Missing and Exploited Children ■ Young Lawyers Division Public Service Projects ■ Medicare Advocacy Project ■ Commission on Homelessness and Poverty ■ Professional Responsibility Law Library ■ Consumer's Tool Kit for Health Care Advanced Planning ■ Death Penalty Moratorium Implementation Project ■ Child Custody and Adoption Pro Bono Project ■



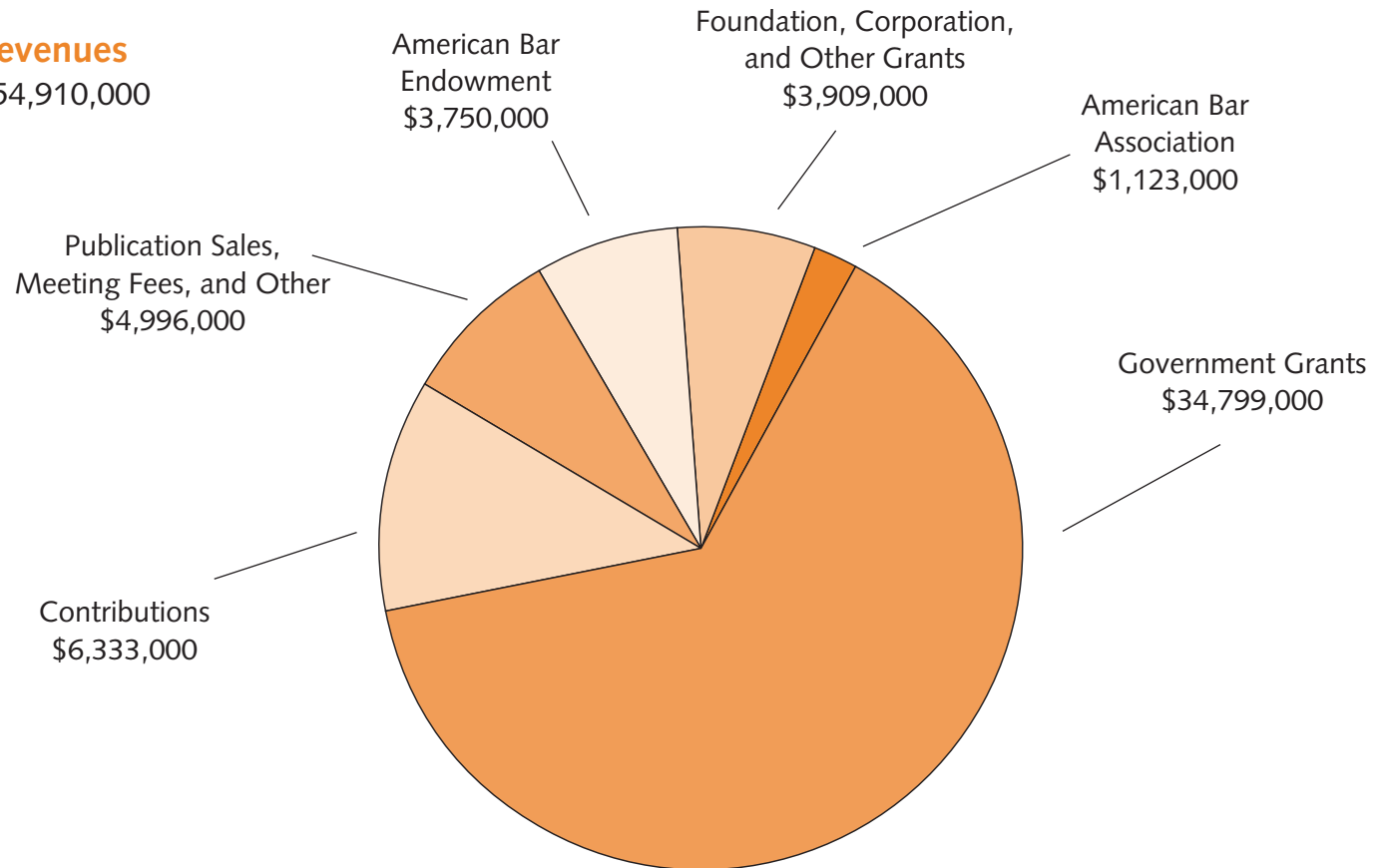
Law Day Program ■ Resource Center for Access to Justice Initiatives ■ Commission on Women in the Profession ■ Substantive and Management Training for Lawyers Serving the Poor ■ Death Penalty Representation Project ■ Development of Curriculum for Judges ■ Effective Criminal Sanctions Project ■ Commission on Immigration Permanency Barriers Project ■ Standing Committee on Legal Aid and Indigent Defendants ■ Commission on Law and Aging ■ Educating to End Domestic Violence ■ Commission on Mental and Physical Disability Law ■ National Legal Resource Center on Children and Court Issues ■ Center for Continuing Legal Education ■ ProBAR (South Texas Pro Bono Asylum Representation Project) ■ Commission on Domestic Violence ■ Mediation Nursing Care Conflicts ■ World Justice Project ■ Center for Pro Bono ■ Detention Standards Implementation Initiative ■ Criminal Justice Section ■ Rule of Law Initiative

# Financial Summary

The financial information provided in this Annual Report summarizes the consolidated financial statements of the American Bar Association. For more detailed financial information, please contact the Office of the Fund for Justice and Education.

## Revenues

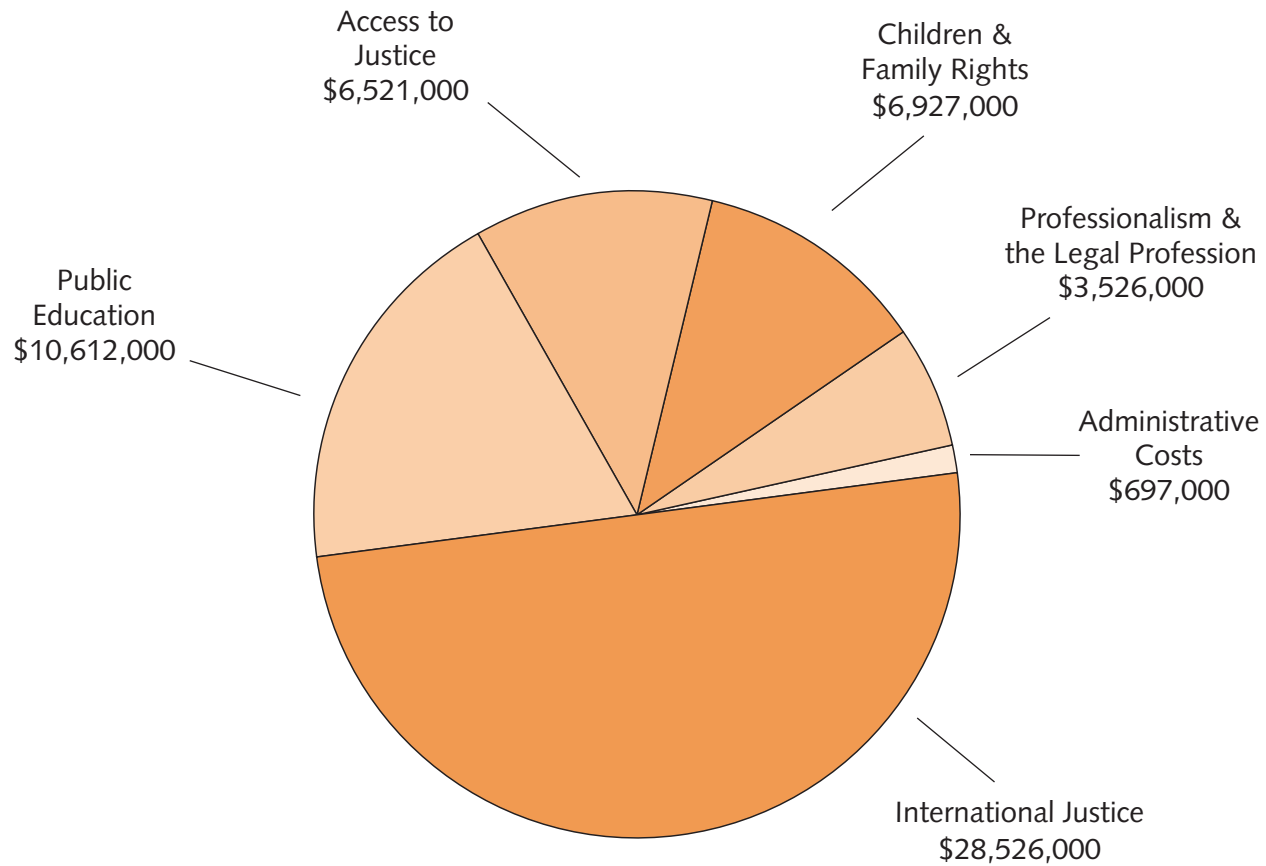
\$54,910,000



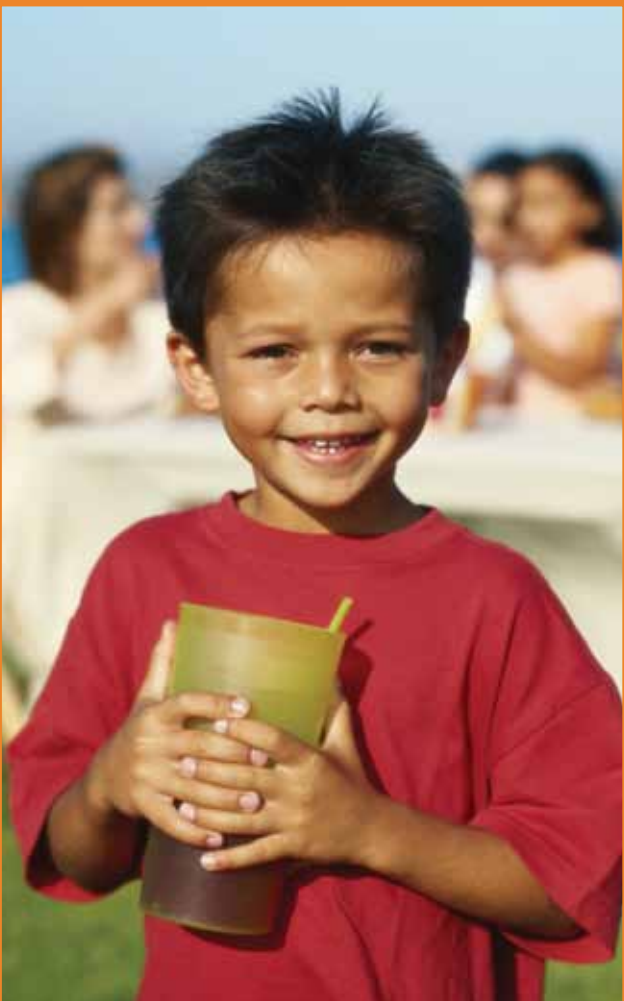
These categories reflect revenue generated for operating income, as well as changes in temporarily restricted and permanently restricted net assets. The category of *Publication Sales, Meeting Fees, and Other* includes investment income, which this year reflected a decline.

## Expenditures

\$56,809,000



The expenditures listed above illustrate the programmatic costs associated with FJE-funded programs. The five program categories represented are the main areas of concentration for the Association's public service efforts, which are funded through the FJE. Administration costs represent 1% of the overall expenditures.



## Justice Funds

Justice Funds are named endowment funds established within the ABA Fund for Justice and Education to honor those lawyers whose careers have demonstrated dedication to the pursuit of justice and outstanding service to the profession and the public.

A Justice Fund is created with a commitment of \$25,000 or more in recognition of a person's exceptional achievement. The income earned from the Justice Fund helps ensure that the Association continues to provide services to those in need. If the Justice Fund reaches a designation threshold of \$100,000, the annual income from the Justice Fund may be designated to support a restricted FJE activity in an area of particular interest to the individual honored.

Joseph A. Ball Fund  
William H. Bell Fund  
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John A. Sutro, Sr. Fund  
Randolph W. Thrower Justice Fund\*  
Edward Bennett Williams and Paul R. Connolly Fund for Litigation Public Interest Programs

\*Pledges have been received to establish these Justice Funds

## Other Endowment and Named Funds

Children's Pro Bono Endowment Fund  
Carlross Morris Fund for Professional Education  
Magna Carta Memorial Fund

Marie Walsh Sharpe Fund  
Robert B. Yegge Fund

## Thank You From the FJE

The ABA Fund for Justice and Education would like to thank all of its 2008-2009 donors. The generosity of our contributors supports nearly 200 ABA public service programs every year that enable the profession to preserve the integrity of the law and promote equal access to justice.

The following pages recognize individuals at specific donor levels who have contributed to the FJE Annual Fund and/or to specific ABA projects or initiatives.

### Annual Fund

Organized in 1982, the FJE Annual Fund provides a yearly giving opportunity to those interested in supporting the ABA's mission of ensuring access to justice and improving the judicial system.

### Restricted Funds

Donors also may contribute to a specific ABA project or special initiative. Restricted gifts benefit justice funds, program support funds or specific project funds.

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*Patron's Circle members are individual donors who have made gifts of \$2,500 or more to the FJE.*

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*Governors' Society members are individual donors who have made gifts of \$500 to \$999 to the FJE.*

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