

Bench PRESS

Newsletter

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AMERICAN BAR ENDOWMENT

Insuring your life's needs. Advancing your life's work.

INSURANCE FOR YOUR LIFE'S NEEDS

One of the most important aspects of the American Bar Endowment's insurance programs is that they are "lawyer's insurance for lawyers". By this, we mean that each of the ABE's six programs is tailored to a lawyer's special needs. As a current insured, we believe you know about these benefits.

In fact, meeting the special needs of member lawyers is the theme of the ABE's 2004 communications efforts. This year, we are placing special emphasis on communicating our theme to ABA lawyers who are not currently ABE members. Soon, they will be seeing three new postcards come across their desk that highlight this theme. For example, a card picturing a lawyer in a storm is headlined, "It matters in life". On the back of the card, we explain that quality insurance and a chance to give back are two important reasons that ABE insurance can help lawyers handle the "torrent" of life's details.

As you know, lawyers on the ABE's Board of Directors oversee the Endowment insurance programs. Each insurance program features the opportunity to contribute annual dividends to the Endowment and fund more than 200



Reneé Leskiw
Executive Director

law-related research and educational efforts. Lawyers that elect to donate their annual dividends are eligible to deduct this donation on their income tax returns.

The two other postcards in the series feature an acorn (focusing on how ABE insurance stays with you as you and your career grow) and a house on wheels (underscoring the portability of ABE insurance). Although, these postcards will be sent to non-ABE members, we plan to post them on our website so you can see them as well. Just go to www.abendowment.org/postcards.html to see all three postcards from the series.

Although we will continue our outreach efforts to ABA members, as a current insured you are in a unique position to provide your personal experience with our programs and their value to you and your profession. Such word of mouth has more impact than many mailings. We hope you will take any opportunity that presents itself to share your experience

with ABE and the multiple purposes that our programs serve by "Insuring your life's needs. Advancing your life's work."

As always, to learn more about ABE charitable giving and insurance products, visit our website at www.abendowment.org, email us at info@abendowment.org or call us toll free at 1-800-621-8981.

Who's Who at the ABE?

My name is Nancy Canning and I am the Senior Insurance Representative of the Insurance Administration Department. I started my career with the ABE 18 years ago.

I provide customer care to members of the ABA that call or write the ABE. My daily functions include communicating with members over the phone, by letter, fax or e-mail, and communicating with the insurance companies that underwrite our products. I work hard to assist ABA/ABE members with their insurance application process.

I also process reports and assist the Insurance Administration Supervisor on special projects when needed.

Within the past few years I have also become a licensed Life, Accident and Health Insurance Agent. I enjoy helping members with their questions and concerns. Please feel free to contact me with any questions you may have at our toll free number (1-800-621-8981) or e-mail me at ncanning@abendowment.org.

THE ABA AND ABE ARE MOVING

On May 14, 2004 the offices of the American Bar Association will be relocating to 321 North Clark Street in Chicago, Illinois. The headquarters of the American Bar Endowment will be located on the 14th floor. Our phone numbers, fax number, web, and email address will not be changing.

For those familiar with the Chicago landscape, our new building used to house

the Quaker Oats company. For those unfamiliar with the Chicago landscape, we will be replacing our Lake Michigan view with a view of the Chicago River.

If you have any questions regarding the move, our new location, or our contact information, please feel free to call us toll free at 1-800-621-8981 or email us at information@abendowment.org.

I CONTRIBUTE MY DIVIDENDS EVERY YEAR...

HOW IS THE MONEY USED?

Each year the ABE makes grants to support hundreds of research, public service and educational projects in the field of law through the activities of the ABA's Fund for Justice and Education (FJE) and the American Bar Foundation (ABF).

The Endowment's unique role in the ABA family is to "Fund the Future" of the legal profession through continued financial support to the FJE and ABF. (See below for further details on some specific programs ABE grants have supported.)

In order to "Fund the Future" we need your help and support. Member participation in our insurance plans is the life blood of the Endowment. Without your support and the dividend contributions made by participating members, we would not be able to continue the current level of grants established over our nearly 40 year tradition of grants to the ABF and the FJE.

Examples of two of the projects funded by the Endowment through the FJE and the ABF are outlined below. If you are interested in finding out about other funded programs, please call the FJE at 312-988-5927 or the ABF at 312-988-6513.

Commission on Homelessness and Poverty

The mission of the Commission on Homelessness and Poverty, supported in part by the ABE dividend contributions from insured members, is: (1) to encourage and assist in the development of bar and law school pro bono programs which provide legal and other services to homeless and near homeless people; (2) to educate members of the bar and the public on legal and other problems of poor and homeless people and ways in which lawyers can assist in solving or ameliorating them; (3) to train lawyers in areas needed to provide pro bono legal assistance to homeless and near homeless people; and (4) to work with all ABA entities on issues arising in their jurisdiction that affect poor and homeless people.

The Commission has produced a new publication entitled *The Homeless Court Program: Taking the Court to the Streets*. The Homeless Court Program operates on a monthly basis at two of San Diego's largest shelters. A special voluntary court session is convened at the shelter, and a judge, clerk, public defender and prosecutor come to the shelter to provide greater access to justice to homeless people with outstanding misdemeanor warrants.

The philosophy behind this unique program is rehabilitative rather than punitive, and no one is taken into custody. The key players involved in the program realize

that outstanding criminal warrants often preclude homeless people from accessing vital services such as employment, housing, public benefits, and treatment for mental health and/or substance abuse problems. As such, the court seeks to address the legal problems of the homeless participants and link them with appropriate services and treatment programs. By producing this publication highlighting San Diego's program, the Commission seeks to inform other communities about ways to assist people experiencing homelessness.

For more information on the *Commission on Homelessness and Poverty*, please contact the FJE at 312-988-5927.

The Effect of Victim Impact Testimony on the Severity of Punishment Decisions

American Bar Foundation Research Fellow Janice Nadler and her collaborator, Professor Mary R. Rose at the University of Texas at Austin have been conducting research, supported in part by the ABE dividend contributions from insured members, designed to test whether the severity of emotional harm described by a victim in a criminal proceeding is directly related to the sentence imposed on the defendant. The importance of this research is particularly important in light of the fact that the U.S. Supreme Court

has held in *Payne v. Tennessee* that juries may consider victim impact statements when deciding whether to sentence a defendant to death. Indeed, at least thirty two of the thirty eight death penalty states permit victim impact statements in the penalty phase of capital trials.

Nadler and Rose conducted their experimental study using burglary and robbery vignettes which varied the emotional injury experienced by the victims. Examination of the results of this effort produced evidence of a very clear effect. Study participants awarded longer prison terms, on average, in situations when the emotional injury was more severe. Given the admissibility of statements regarding emotional harm, these clear patterns raise concerns that such evidence produces punishment judgements that are less reliable than they would be were jurors not exposed to this information.

Counter to the concept that harm that is unforeseeable should not be relevant to the jury's punishment decision is the concern that the victim's voice should be heard in a criminal trial. To balance these issues, Rose and Nadler suggest that the scope of victim witness statements should be limited to reduce the inherent arbitrariness of their effects.

For more information on this program, or any other research projects of the American Bar Foundation, call 312-988-6513 or visit the ABF website at www.abf-sociolegal.org.