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**APPLICATION PERIOD
 FOR 2004-2005 NCLEAF FUNDS
 OPENS AUGUST 1, 2004**

Applications from eligible public service attorneys working in North Carolina must be received by 1:00pm, October 22, 2004. No faxed applications will be accepted. The Board of Directors will consider all submissions at their annual meeting on November 19, 2004, and all applicants will be notified of the Board's decision by the end of November. To review eligibility criteria or download application forms, please visit our website: www.ncleaf.org.

Also, beginning August 1st, NC LEAF is pleased to offer applicants the option of completing and submitting an application online.

NEWSLEAF

A PUBLICATION OF THE NORTH CAROLINA LEGAL EDUCATION ASSISTANCE FOUNDATION

NORTH CAROLINA LAW SCHOOLS BENEFIT FROM NC LEAF PROGRAM

Willis P. Whichard
Dean and Professor of Law
Campbell University

A TRADITION OF the Campbell Law School requires the Dean to make closing remarks at graduation each year. It has been my practice to include in these comments an admonition toward some form of public service. I acknowledge that in view of our political history of the past thirty-five years or more, the graduates may be thoroughly disillusioned with politics, politicians, and the political system. I then remind them, however, that in their time, just as in the days of Washington, Jefferson, or Lincoln, human experience and human aspirations are the materials of politics, and reasoned argument and honorable compromise are the civilized ways of conducting politics. Finally, I quote to them Albert Schweitzer's admonition to the Harvard graduates of many years ago: "I do not know what your destiny will be, but I do know that the only ones of you who will be truly happy are those who will seek and find how to serve."



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DISTRICT ATTORNEYS FACE HIRING SHORTAGE

Tom Keith, District Attorney
Twenty-first Prosecutorial District
Winston-Salem

THE BIGGEST problem this state's court system faces is not a rise in crime. Nor is it the influx of methamphetamine or the lack of resources to combat these issues. The biggest problem is the difficulty in hiring and retaining good assistant district attorneys (ADA's) and public defenders.

To put the matter in perspective, when I began studying at Wake Forest in 1967, law school tuition was about \$300 a semester. By the third year, it was up to \$450. By working in construction and sales during the summers, I was able to pay my tuition and most of my living expenses for the year.

I then began my career as an assistant solicitor, and when I left the solicitor's office in December 1972, I was making \$11,000 a year. I had purchased a nice small home in



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insideLEAF

Personal Stories by NC LEAF Participants

ADVOCATING FOR VICTIMS OF CRIME IN THE NORTH CAROLINA MOUNTAINS

Roy Wijewickrama, J.D., Assistant District Attorney, 30th Judicial District, Sylva



"I, ROY T. WIJEWICKRAMA, do solemnly swear that I will well and truly serve the State of North Carolina in the office of Assistant District Attorney for the State of North Carolina; and I will, in the execution of my office, endeavor to have the criminal laws fairly and impartially

administered, so far as in me lies, according to the best of my knowledge and ability, so help me God." This was the solemn oath that I took on the seventeenth day of September 2001. Taking this oath and becoming a prosecutor is a dream that I have had since my teenage years.

As a first generation American born of Sri Lankan immigrants who settled in the Blue Ridge Mountains of North Carolina thirty-five years ago, I am an individual of dual cultures who understands the issues of living in our multi-ethnic society. My interest in public service stems from my upbringing and my desire to help my community. During my high school years in Waynesville, I worked with the elderly, delivering Meals on Wheels and assisting the disabled through the Foster Grandparents Program. My interaction with the elderly, the disabled, and the poor helped solidify my determination to enter the legal profession.

After law school, I returned to my home community, and for the past two and one half years I have had the honor and the privilege of serving the people of North Carolina's Thirtieth Judicial District as an Assistant District Attorney. As a prosecutor, I am interested in not only punishing the criminal, but also in preventing crime. I advocate for and direct efforts to promote victim protection and community policing. This is the most rewarding of jobs. The experience of seeing tears of joy flowing from a victim in a child molestation case when the perpetrator is being sentenced to two hundred years in prison cannot be described in mere words. The satisfaction that I have gained in prosecuting such cases has been immense.

However, given the fact that I must repay a considerable amount of law school debt, it would have been impossible for me to take my oath as a prosecutor were it not for the existence of NC LEAF. This program has given me the opportunity to pursue my dream of being a true advocate for victims. Quite frankly, NC LEAF has made it possible for me to work at my position and still make ends meet. Were it not for NC LEAF, there is no question that I would be forced to choose a higher paying job elsewhere. NC LEAF has given me the chance to live out my dream of fighting on behalf of victims of crime, and I will be forever grateful.

PROTECTING INDIVIDUAL RIGHTS

Matthew Wunsche, J.D., Office of the Appellate Defender, Durham

WORKING IN THE Office of the Appellate Defender is a rewarding experience. As an attorney at the OAD, I have an opportunity to mitigate the effects of financial inequality on the criminal justice system. My office represents indigent criminal defendants on appeal. Our job is to examine the trial transcript and other documents to make sure that every criminal defendant, regardless of his or her income, is afforded the fairest and most accurate adjudication possible. When a defendant's rights are violated at trial, they become issues on



appeal to be decided by the appellate courts. In this way, the appellate process helps to create rules that guide trial judges and attorneys as they deal with complicated issues in litigation.

I believe that one can largely judge the success or failure of the criminal justice system by the way it protects the rights of the poor. Unfortunately, the shortcomings of the system provide our office with a large workload. Without the OAD, indigent defendants would have much greater difficulty pursuing appeals, and the

PROTECTING INDIVIDUAL RIGHTS (CONTINUED)

system of appellate review would break down and erode individual rights for everyone.

As a young lawyer, my position with the OAD is also a great personal learning experience. I cannot imagine a better work experience that would give me the opportunity to gain more understanding of both substantive and procedural criminal law through extensive research and writing. Like a lot of aspiring lawyers heading into law school, I was determined to do public interest work. I wanted to turn my education and opportunity into a tool with which I could do work that would help others, and I have found a career path that is both professionally and

personally satisfying. With my general interests in criminal law and social justice and my love for research and writing, the OAD has been a natural fit for me.

As happens with many law students, however, I heard many voices discouraging me from pursuing a public interest career, reminding me that the financial consequences of student loans combined with public interest pay levels can be devastating. I can say with absolute confidence that I could not afford to work in my current job if not for the financial assistance I get from NC LEAF.

EDUCATION LAW: PROTECTING THE RIGHTS OF ALL CHILDREN

Melanie Byrd, J.D., Formerly with the Children's Law Center and currently Site Director, Teach For America, Charlotte

IN 1993 I JOINED Teach For America. I boldly left the camaraderie of the Los Angeles institute where we were trained and headed to Granville County, North Carolina. I had planned to pursue a career in Child Psychology after my two-year commitment and welcomed the experience and insight two years of teaching special needs elementary students would bring.

I never dreamed that the children I met and spent six hours a day with for two years would have such an impact on my life. After my first ten months of teaching, my life course turned. Although the actual "teaching" part of my day was tremendous- my students were making excellent gains, most had learned to read, they were excited about math, they asked for HOMEWORK every night including Fridays- there remained a troubling and colossal challenge. My students did not have what the law guaranteed. I had twenty-eight students on my roll and no assistant. I had thirteen chairs and thirteen desks. I had no books. I was taught to hold IEP (Individualized Education Program) meetings without the legally required attendants.

I saw that there was no one to protect the rights of the children. So I went to law school. My determination to represent children with special needs, my students, is what motivated me through my three years at the University of North Carolina at Chapel Hill School of Law. In December 1999, I joined the staff at the Children's Law Center in Charlotte as the Lead Attorney for the Education Law Project (ELP). The ELP represents students with special needs in school related matters and seeks to ensure access to education for every student.

As a non-profit law firm however, the Children's Law Center offered me a salary that could neither compare with those of my colleagues nor make all ends meet. NC LEAF enabled me to continue working for students with special needs by providing assistance with my law school loans. Without NCLEAF, I would not have been able to provide quality legal representation to the children who are in the greatest need.

While at the Center, I was able to represent hundreds of students who were struggling with legal issues in the school system. One particular child was able to make more than two years of academic gain in one school year after receiving assistance through the Education Law Project. For each of those hundred students, there is a heartfelt and compelling story of strength and determination. NC LEAF made it possible for me to share in the struggle and success of each individual child and for each individual child to experience that success.

After five years of participating with NC LEAF, I have chosen to return to Teach For America as the Site Director in Charlotte. I now have the opportunity to place highly qualified, trained teachers into Charlotte-Mecklenburg classrooms, teachers who will work relentlessly to provide excellent lessons to those students represented by the Children's Law Center. I would like to thank NC LEAF for invaluable aid (far greater than the bottom-line number) during my legal career. The thanks comes not only from me, but also from Adam, Cameron, Lizzy, Brian, Annika, Lindsay, Christopher, Scott, Julie, Donald, Travis, Jennifer...



ENSURING EQUAL ACCESS TO JUSTICE

Jennifer Stuart, J.D., *Legal Aid of North Carolina, New Bern*



ONE OF THE most difficult challenges for Legal Aid attorneys is being forced to turn away cases even when these potential clients have nowhere else to go. Often by the time people get to us, they have already exhausted the few resources available to them and cannot afford to hire an attorney. Yet, even though we stretch our resources as far as possible, there are never enough of us to serve every person eligible for our services, so we must often turn away eligible clients without providing representation.

The lack of resources for low-income people is essentially what prompted me to go to law school in the first place. As a VISTA Volunteer in Gastonia, North Carolina, I had seen first-hand the connections between poverty and societal problems such as illiteracy. Unfortunately, Americans are not all born equal in terms of resources, and poverty creates a downward spiral of diminishing resources. Access to our justice system is supposed to be available to all of us, no matter what else we lack. I feel privileged to practice law with an organization dedicated to fostering and promoting equal access to justice.

Last September, I began working in the New Bern office of Legal Aid of North Carolina as a Clifton-Everett Fellow. A large portion of my time has been dedicated to creating a family law pro se project for the many clients whom we cannot represent directly. A great number of low-income people in Eastern North Carolina struggle with fundamental divorce and child custody issues because they cannot afford to retain a private attorney and have no idea how to access the court system without one. This leads to great insecurity and chaos in ongoing custody disputes. Many of my clients have already had lack of knowledge used against them by their opponents in custody disputes. I have also met people who have waited years to get a divorce because they could not afford an attorney and had no idea how to get a divorce without one.

Through the New Bern office of LANC, I am now providing community education on divorce and custody, as well as divorce and child custody clinics in several counties on a regular basis. In the clinics, our clients are given packets of forms, including fill-in-the-blank forms designed for self-representation, along with information on the court system and steps for pursuing divorce or child custody in court. The clinics guide participants through the entire process from filing a complaint to presenting evidence in a hearing. This project effectively opens the door for people who before had no meaningful access to the justice system.

NC LEAF has been and will continue to be critical to my career as I begin paying off law school loans. Several years ago, when I had applied to law schools across the country and faced the decision of where to attend law school, NC LEAF was actually a factor that I considered. Although I knew there was no guarantee that I would receive assistance through NC LEAF, I did know that I planned to devote my legal career to public interest and that few other states or schools were offering loan repayment assistance programs. Just knowing such assistance was a real possibility in North Carolina gave me some peace of mind about my decision. Now that I am in the program, NC LEAF continues to give me the ability to make my loan payments and plan financially for my future.

We invite YOU to join our current 2004 donors!

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NORTH CAROLINA LAW SCHOOLS BENEFIT FROM NC LEAF PROGRAM

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These are nice words, but they can ring rather hollow in the ears of students graduating with a mountain of debt to amortize; and that is now the norm, not the exception. The median debt for law graduates nationally is in the \$85,000 - \$90,000 range, and many of them have additional debt lingering from undergraduate days. Liabilities at this level inevitably constitute a considerable disincentive to graduates who would otherwise be motivated toward careers in various forms of public service.

For some years now NC LEAF has contributed significantly to the amelioration of this problem. By assisting law graduates who take public sector jobs with repayment of their loans, LEAF makes public service possible for many who otherwise simply could not afford it. Campbell law graduates are benefiting from this program in increasing numbers, and I am confident that other

North Carolina law school deans could report the same.

One of our service-minded graduates works for Legal Aid of North Carolina, Inc. The gap between salaries of legal aid lawyers and their counterparts in private practice, always considerable, has grown in recent years. Without the aid of NC LEAF, this graduate almost certainly could not have accepted this position. With that aid, he can meet his budgetary goals (minimized, even so) while doing work that he loves and serving people who need help. Without LEAF, he would almost certainly be working long hours, often for faceless clients, and with the bottom line foremost in mind. NC LEAF's support in reducing his debt allows him to pursue the career he wants, and more important, to provide access to the legal system for many who otherwise would be excluded.

The state's five law schools make a small annual contribution to NC LEAF



By far the greater portion of its funding, however, comes from the North Carolina General Assembly. Continuation of that funding is essential if we expect to provide competent, ethical law graduates to public sector positions on an ongoing basis. As Legal Aid lawyers, assistant district attorneys, assistant public defenders, and in other public capacities, they are bringing high quality legal services to a sector of the public that desperately needs them.

DISTRICT ATTORNEYS FACE HIRING SHORTAGE

CONTINUED FROM PAGE 1

an older residential neighborhood in town for \$20,000, about twice my yearly salary. In 1998, that same house sold for \$165,000. The annual starting salary in 1998 for an Assistant District Attorney in North Carolina was about \$28,000. In 1998, my little home sold at almost six times an ADA's annual salary. Salaries for public interest attorneys simply have not kept up with the cost of living.

At one time, I employed three Assistant District Attorneys, all graduates from Wake Forest University School of Law, who owed a combined debt of \$250,000 for their legal educations. All three loved their jobs but had to leave for more pay. This, unfortunately, is not unusual. Approximately ten percent of all ADAs leave each year. This means that every five years, our office experiences a turn over of half of our staff. Most leave for financial reasons. With them leaves all of the collective training and experience that the state has invested in them.

In 1996, District Attorney for Wake County Colon Willoughby and I surveyed

the Assistant District Attorneys across the state. The high amount of law school debt shocked us. Most of those surveyed owed an average of \$60,000; fifteen owed over \$100,000. One of the first questions I now ask of all applicants for positions at my office is "how much do you owe". I even asked one applicant to give me a proposed budget to see if she could live on the starting salary. She couldn't. She had to end her church tithing and get two part-time jobs before she could pay her loans and barely live on what little was left.

This is a problem not only in North Carolina, but nationwide. I had dinner last year with the president of the National District Attorneys Association who told me that his top priority was increasing the salaries of Assistant District Attorneys in order to help them pay off educational debts, stay in public interest legal work, and make enough income to pay the bills.

In the future, I hope our state legislature realizes it is cheaper and a better

investment to award NC LEAF more funds for loans to public interest attorneys than it is to raise salaries by the same net amount. The loans are tax free to the recipients, so the state employee gets more take home money. The state saves by not having to pay matching monies for FICA taxes on salary increases and also saves by not having to contribute additional funds for salary-based pensions. It is a win-win scenario for everyone. I would also like to see the dues for the State Bar be increased by ten dollars an attorney and donated to LEAF. That would double the number of attorneys that LEAF could serve. If we do not find some way for every eligible public interest attorney in North Carolina to receive assistance from LEAF, only the rich, or perhaps some graduates from state schools, can afford to consider public service careers.



North Carolina Legal Education
Assistance Foundation
6070-J Six Forks Rd.
Raleigh, NC 27609-8611
www.ncleaf.org



NC LEAF is a collaborative effort of law schools and bar organizations in North Carolina including:

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Website: www.ncleaf.org

Donations to NC LEAF are tax deductible. Applications for loan repayment assistance are available from the NC LEAF office and may also be downloaded from the website above. Applications are generally distributed in August and are due by early October each year.



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