ILEA Convenes Curricular Planning Session for Corrections

While many of the ethics issues in a corrections environment are similar to those in law enforcement, there are a number of significant differences. With that in mind — and in response to requests from various corrections professionals — ILEA organized and held a corrections curriculum planning session at The Center for American and International Law from August 27-29, 2008. With the intent of mirroring and honing the time-honored offerings in ethics and leadership for law enforcement, an international committee came together to design a significant number of exercises, creative teaching techniques contoured for the field of corrections, and innovative materials and learning products concerning the ethics of corrections and ethical leadership for corrections.

This 3-day work session consisted of ILEA staff, CAIL staff, academics, corrections experts and practitioners, and was funded by a Research Fellows grant from the Center for American and International Law, the parent organization of the ILEA. During this session, planning participants developed a corrections-specific adaptation of the Law Enforcement Ethics Train-The-Trainer curriculum (which will be called the Corrections Ethics-Train the-Trainer curriculum), and developed a corrections-specific adaptation of our Law Enforcement Leadership Symposium (which will be called the Leader Excellence: Ethical Approaches to Corrections curriculum). The planners gave attention to the development of associated innovative resources, materials and learning products for those new curricula. Currently, the ILEA is refining the curricula further and the program will be put into place and ready to implement very shortly.

The corrections curriculum planning team consisted of Captain Charles Eckert, Tarrant County, TX, Sheriff's Department; Dr. Eric Fritsch, Associate Professor at the University of North Texas; Dr. John Jones, Ontario, Canada; Lieutenant James J. Karam, Rensselaer County, NY, Sheriff's Office; Chief Deputy Gary Lindsey, Dallas County, TX, Sheriff's Department; Dr. James W. Marquart, Professor of Criminology/
C O R N E R

With a Little Help From My Friends

School work is difficult and tedious, and that whole “study and homework” thing has become so, well, “1960’s.” In an effort to help those who have better things to do than crack a book or review class notes in preparation for an exam, several enterprising folks have taken it upon themselves to establish web sites where students can scan and post tests for others to download. In the past, it has not been uncommon for fraternities and sororities to keep files of old exams for the use of colleagues, but according to an article in the New York Times (July 27, 2008), the Internet has taken repositories of such materials to new heights; 14,000 registered users from Virginia Tech, for example have scanned in almost 6,000 tests and study notes, and the University of Maryland, Cornell and Penn State have followed suit.

A quick review of several “test sharing” web sites reveals a glaring shortcoming: none of the exams given at the Institute for Law Enforcement Administration are available there. In the interest of leveling the playing field, therefore, here are some of the answers from various tests in the School of Police Supervision (in no particular order): a ... c ... Sir Robert Peel ... true ... all the above ... Tom Peters.

You’re welcome.

Moral Relativism: To Die For?
By Dan Primozic

The phrase “moral relativism” can and has been applied to many skirmishes, both old and new, on many philosophical and non-philosophical battlefields in the domain of ethics. One can justifiably say that Socrates, himself, was engaged in that skirmish on that old battlefield when the “moral relativists,” “moral conventionalists,” the famous Sophists of his time, gathered him up and executed him for his trouble.

If we yet dare to read Plato and his detailed and probably romanticized “dialogues” which have at their center his philosophical hero, Socrates, we will see a man who had something very important in common with police officers: i.e., a reverence for the law and a willingness to die for it. Without going into any depth on that issue, that is one of the undeniable truths about Socrates, no matter what else one may come to believe about him. And this willingness, yea, this duty, to be willing to die for the laws, just and unjust, should sound a very familiar note with police professionals everywhere.

But then, it will never cease to astound me when I hear an inevitable answer to a fundamental question usually asked in an ethics class: “what is morality?” That reaction comes from what can only be called the position of moral relativism: i.e., the position which holds, in its most simplified form, that “morality is just relative, isn’t it?” That reaction astounds me, especially in the context of policing ethics, coming from those same people who are willing to die for the laws, and for the dearly held values that underpin them. But why should that be astounding?

Before we can meaningfully answer that question, a few things must be observed to clear the brush that surrounds moral relativism. Essentially, the moral relativist claims that values, moral principles, and ethical standards are only binding and worthwhile relative to a specific culture, person, situation, or emotional state. What is clear and definite from this viewpoint is that there are no moral absolutes, no universal values, or objective ethical standards against which we should be measured. To the contrary: “it’s all relative, isn’t it?” In a manifestly ironic sense, this would seem to be the only absolute that should be universally recognized and valued.

Moral relativism has many levels and layers to it, going from very general to narrowly specific: one can claim that morality is relative only to the arbi-

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The “Bad Faith” Phenomenon: Episodic or Epidemic?

By Dan Primozic

For many years I have stood slack-jawed before a phenomenon that a famous, mid-twentieth century French philosopher named Jean-Paul Sartre called “bad faith.” The rest of us know this phenomenon by the much more common titles, “self-deception,” or less strongly, “wishful thinking.” The reason I bring the famous Frenchman into this is because his concept contains what the other titles for it may leave out: i.e., a destructive and self-destructive element to what amounts to our lying to ourselves about ourselves.

The reason that I am stunned by this phenomenon is not that we all engage in it. That we do so is unambiguously clear. Rather, I have always wondered, from the point of view of pure logic, how it is possible for it to exist. Let’s take a close look at this from that logical viewpoint.

Remember what we are talking about here: we, the author of our lies about ourselves, are capable of successfully promoting those lies to ourselves, the victims of those very lies. Surely, here is something that should be logically impossible, since the perpetrator and the victim of the lie are the very same person. If anyone should “know better” about the lying, should it not be the very author and promoter of the lie? Very simply, I understand how you may be fooled be me, but I fail to understand how I can be fooled by me.

Yet, this is an ancient, contemporary, pervasive, deep seated phenomenon of humanity, epidemic in proportion and pernicious in its consequences. We all know this “move.” We’ve all been guilty of it (and “victim” of it). And, even the best and most noble of us fall prey to this psychological, immoral malady. But, it would probably help to let you know precisely what I am talking about by providing some concrete examples.

Of course, once I begin this it will become obvious that there are too many examples from which to choose. Even so, let us begin with the primitive moral life of childhood. We all can re-contact childhood moments of profound guilt for doing something wrong, on a playground let’s say, and rehearsing our excuses (lies) that we will be happy to share with our authorities in the hope that we will be exonerated. We might even, perhaps, hope to be rewarded because of the “truths” of the nobility of purpose, of design, of the actions and the conditions we have brought into the world by blithely slamming a fellow student in the head with an ice-ball for no apparent reason. The more we rehearse, the better the story becomes and the more we, ourselves, come to believe it of ourselves: so much so that the perspiration that accompanies guilt subsides and the blood-rush of righteousness takes its place. We may “get away with it,” or not (probably not). That does not matter as much as our grasping the phenomenon of self-deceit at work in this example.

In that example, I have some glimpse of how this can take place because of the relative innocence of the perpetrator (who is also the victim of the self-lie). At this young age, lies and truth are still new subjects to be well learned and the lack of a lucid vision and solid grasp of either one early in
Decaf Anyone? Or How the Free Cup of Joe Can Get Really Nasty.
by Dan Primozic

Reading two recent articles that trace how two police officers in two different cities attempted “badge” free Starbucks goods makes one wonder about whether there may not be a hitherto unforeseen risk of overdosing caffeine. These incidents are not the typical cases that make taking a free cup of coffee “problematic” for cops; these cases go well over the top of those familiar kinds of scenarios. They are noteworthy if only for their downright surrealist qualities.

The Associated Press (August 7, 2008) published a story of veteran Officer Barbara Nevers demanding free coffee and baked goods from six different Starbucks stores in the city of Chicago. The story has it that the Police Board ruled that she “intimidated Starbucks employees by screaming at them and flashing her badge, handcuffs or gun when they wanted her to pay.”

We are forced to suspect that she might not have really needed anymore coffee and sugar items, but instead, would have done herself better by going with some whole milk. She has been ordered to undergo counseling.

The Florida Today of July 16, 2008 reported that in Daytona Beach police Lt. Major Garvin “was fired over accusations that he threatened slower emergency response times if he was not given complimentary specialty Starbucks coffee drinks.” Garvin had been receiving free coffee for about two years from a local Starbucks location until, under new management, the pipeline was shut down and free coffee denied. Garvin is accused of telling the new managers “If something happens, either we can respond really fast or we could respond really slow. I’ve been coming here for years and I’ve been getting whatever I want. I’m the difference between you getting a two-minute response time, if you needed a little help, or a 15 minutes response time.”

Garvin agreed to a polygraph upon being investigated and failed it when he denied the accusations. It is reported that Garvin visited the Starbucks six times a day during his shifts and intimidated some workers while visiting the store. He is said to have asked for the complimentary brew even when not on duty.

We, who throughout many years have warned our ethics students concerning the perils of the free cup, and who have been mocked at times for our trouble, must now stand speechless before this rather bizarre set of examples that we would never even have dared to dream up for the ethics classroom. Reality, indeed, is much stranger than fiction.

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iii Ibid.

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Snapshot: Deep Lessons Learned From Those Less Fortunate

The following was written by a participant in the 94th School of Police Supervision after he volunteered some of his time at the Arlington Life Shelter in Arlington, TX. This organization is dedicated to helping restore the homeless and their families to a satisfying and productive life in their communities, and the ILEA has been offering this volunteer option to Supervision School participants for more than 10 years. The remarks that follow capture well what many of our alumni have said about their volunteer experience there.

My volunteer time spent at the Arlington Life Shelter was a very enjoyable and a very humbling experience. I think I sometimes forget that what I have, and what I am able to provide for my family is not as important as the love I give them. These families all live together, eat meals together, celebrate each other’s birthdays and help to raise each other’s children. They may be down on their luck, but they seem to be well centered. I started the night hoping to make a difference to the residents and ended it knowing that they made a difference to me and the way I perceive my everyday life.

Sergeant Ross Dobelbower Duncanville Police Department, TX
Smile, You’re On ......

by Dan Carlson

Back before iPods, Game Boys, Satellite TV, and the Blu-ray - DVD controversy, there existed an invention - often found in the corner of a living room - called a television. If you remember that antiquated device, you know that it wasn’t necessary to get up out of your chair to adjust the color settings as there were only two ... black ... and white. For those readers dumbstruck by these revelations, it is worth repeating ... yes, people once had to actually get up to operate the controls on a television and ... yes, there was civilization before the internet.

Those old enough to remember those pre-historic days may also recall that the networks (all three of them) would shut down around midnight with the words ... “this concludes our broadcast day.” Programming during this era was sparse and (by today’s standards) rudimentary, but there were some entertaining and ground-breaking shows. Among them was Candid Camera, which first aired in 1948. Using hidden cameras to film ordinary people caught in unusual situations, the prank would ultimately be revealed with the classic line “Smile, you’re on Candid Camera.”

In an age when electronic technology seems to emerge and be rendered obsolete at warp speed, Allen Funt (the original host of Candid Camera) would be amazed. For his show, he had to set up cameras and microphones and make elaborate arrangements to catch someone in an embarrassing situation. Today the process of capturing both voice and picture and then immediately posting that file for others to view is simple ... just whip out a cell phone. But regardless of whether you’ve had the misfortune to appear on Candid Camera’s black and white film or some casual observer’s digital recording device, the results are identical ... it is impossible to deny what you have done or said when your words or image are played back before the world.

This is not simply a treatise on the wonders of today’s mega-connected electronic universe versus the archaic world of rabbit ears and dial telephones ... for the law enforcement practitioner, this information should represent a big “heads up!” Truthfulness and honesty are core values of policing, and few things can be more embarrassing - or career-threatening - for an officer than for his official report or sworn testimony to be refuted by a recording that presents an entirely different version of the event in question.

In one recent and highly-publicized case, a police officer present at a protest bicycle rally in a major city arrested one of the participants for several offenses including attempted assault and resisting arrest, writing in his report that the cyclist had ridden straight into him. In court documents, the officer also said that he (the officer) had suffered cuts to his forearms when he fell to the ground. Much to the embarrassment of the officer and his agency, a bystander who happened to be videotaping the protest caught the incident on tape. That recording (which has been viewed more than one million times on YouTube) showed the officer lunging at the bicyclist who seemed to be trying to steer away from any contact.

Another similar case from 2007, involved a nineteen-year veteran police detective who, in court testimony, denied under oath that he had threatened or even interviewed a man accused of attempted murder and several other crimes. What the detective did not know was that the man had secretly recorded the entire one hour and fifteen minute interrogation on an MP3 player concealed in his pocket. When the recording was revealed during the trial, the District Attorney’s office dropped the attempted murder charge against the man, and allowed him to plead to a reduced charge of weapons possession. The disgraced detective, however, was charged with twelve counts of first-degree perjury, each count of which is punishable by up to seven years in prison.

In ILEA ethics programs, a key element of the “ACT” decision-making model encourages us to ask ourselves whether we can “Tell Our Story.” In other words, can we defend our actions at a press conference, without lying, in such fashion that our organizations, our fami-

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“BAD FAITH” PHENOMENON
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the learning process is understandable. Also the self-destructive consequences of the self-false are redeemable and correctable, the destruction to others is also relatively minor, and compensation for the other child hit blindingly hard with the ice-ball are gained without extraordinary expense or effort. Lessons learned can be had by all "inexpensively," so to speak: unless, of course, the perpetrator never learns or comes to understand the pernicious consequences that are wedded to this kind of self-deceit, or "bad faith."

And, I am afraid that too few of us really ever learn that lesson to an adequate, satisfactory degree: i.e., to the degree that we slip the knot of “bad faith” reactions to the wrongs we have created in our lives and escape to the plain, blunt clarity and truth of assuming full, personal responsibility for those creations. Again, I will illustrate what I mean by turning now to a more "expensive," fully grown, instance of self-deception. And though the field of choice here is far too extensive, an all-too-powerful example of this on-going, pervasive phenomenon does exist for our present use.

In a fine book by Carol Tavris and Elliot Aronson called Mistakes Were Made (But Not By Me): the issue of "actual innocence" raises its head. The term "actual innocence" refers to cases in which persons convicted of a crime were actually innocent; in other words, they did not commit the crime with which they were charged. The authors point out that as far back as 1932, a prosecutor may have acted in "bad faith" when he maintained that "innocent men are never convicted," while acknowledging that out of sixty-five cases investigated by a Yale law school professor, eight of whom involved defendants convicted of murder whose alleged victims were later found to be alive. This could amount to a quaint tale of a bygone era if it were not replicated to an alarming similarity in more contemporary contexts.

According to Tarvis and Aronson, an Oregon district attorney named Joshua Marquis downplayed the staggering epidemic number (2,012) of wrongful convictions reported by the Center for Public integrity by saying "The truth is that such misconduct is better described as episodic." Mr. Marquis is doubtless an honorable man with good purpose in his heart. Yet his comment seems a bit flip, given the experience of the wrongfully convicted imprisoned or otherwise punished by society’s arms and legs of the law for crimes they did not commit.

No one is saying that such prosecutors, even those who wrongfully convict are bad people. But I think what we need give attention is an interesting analysis provided by Rob Warden, executive director of the Center on Wrongful Conviction at Northwestern University’s school of law:

You get in the system, Warden says, and you become very cynical. People are lying to you all over the place. Then you develop a theory of the crime, and it leads to what we call tunnel vision. Years later overwhelming evidence comes out that the guy was innocent. And you’re still sitting there thinking, ‘Wait a minute. Either this overwhelming evidence is wrong or I was wrong – and I couldn’t have been wrong because I am a good guy.’ That’s a psychological phenomenon I have seen over and over. . . That phenomenon is self-justification.”

We have all seen that phenomenon over and over, especially in ourselves, should we give ourselves a satisfactory "look see." The psychological phenomenon that Tarvis and Aronson call “self-justification” is what I have been calling “bad-faith.” And it still remains a mystery to me as to how it is logically possible to "kid" ourselves in this manner, either as a child or even more so as an adult.

My wonder could remain just that and could be dismissed as something from my irrelevant, philosophic “waste land” if it were not for the fact that this phenomenon can have horrible consequences in the realm of criminal justice: consequences that involve the unjust suffering of innocent people and the embarrassing lack of personal responsibility of the criminal justice community.

“Bad faith” and “self deception” contain horrible psychological and moral consequences for anyone who engages in them either frequently or just occasionally. I see it as keeping us as morally immature as the child “ice-baller” in my first example. It seems to me that one of the signs of human moral maturation is that we take personal responsibility for the wrongs we do, and that we do not childishly wiggle away from that responsibility with rationalizations, excuses, or outright denial of the facts in the teeth of overwhelming evidence.

For us, the grown men and women of our society, to avoid or dismissively duck those personal
Moral Relativism continued from page 2

trarily formed conventions of discrete and diverse cultures; one can claim that even within these discrete and diverse cultures there are values and standards that are valid only for the person; one can claim that even for the person there are situations that may make one’s moral response today different from the response they had to a situation similar but somewhat different yesterday; and one can claim that one’s moral response is guided and is valid only insofar as it is tied to one’s current emotional and aesthetic climate (“I killed him because I felt like it right then and it gave me a certain intense pleasure – and I liked intense pleasures right then”).

Often, moral relativism has been described as something called “perspectivism.” Many people have held this position, mainly, I think, because it serves to justify an “anything goes” approach to life and to defining the “good life.” The “good life” is what I say it is and what I will say it is will be what makes me feel good (in any or all the senses of feeling good). This is the “good” from my perspective. And the good from my perspective is good enough because it is the only kind of good there is anyway because there is no objective perspective to run contrary to mine in any event. It is a very attractive, but dangerous and ultimately silly position to take, and as such, it amazes me at how many people fall prey to it and how many times I will hear it spoken as “absolute truth” in classroom and less formal settings.

It is an attractive position mainly because those who embrace it may feel awfully sophisticated and entranced by the fact that they realize that there are cultural value differences, personal value differences, situational value differences, and there are differences in how I feel about being in traffic today as opposed to yesterday. Nevertheless, it is an essentially silly position to hold because those who try to hold it intellectually inevitably fail to live it existentially. For example, I can say that a crime might just be something relative to one’s cultural norms or just “in the eyes of the beholder,” until someone commits a criminal act against a child of mine and then they surely will deserve severe punishment.

Another example comes to mind when we remember the deadly battlefields of WWII as scattered with the remains of ally soldiers of an army who finally convinced Hitler that the pitch he used — “now, if you only understood our

German social conditions, you surely would understand why we must exterminate the Jews and run rapaciously over the rest of Europe” – was really not absolutely correct after all, even though it seemed so from his perspective. Those allies did not die on those battlefields for values and morals that they thought were only relative or for those that were only correct from their own perspective. People, before they die for something, must be able to somehow convince themselves that it is well worth dying for. And it seems to me that something of only relative value or worth does not rise to that required level of major worth or value.

Hence, I am astounded that moral relativity springs so easily from some police professionals I have taught because, like Socrates and the allied forces of WWII, police probably would not be willing to die for something only relatively important. Thus, I usually respond by saying that I don’t really believe that they really believe in the position of moral relativism – which, of course, tends to confuse matters more than clarify them. That fact finally forced my hand to try to deal with this issue in more detail and in writing.

Worst of all, moral relativism is a dangerous position because if embraced widely and socially (and I think that, unfortunately, it has been), it erodes and ultimately washes away the lawful and ethical underpinnings of persons and society itself. If there are no objective values, if there are no unalienable rights, if there are no real and true personal or social obligations, then you must ask any juror, cop, judge, senator or congressperson why and how they can formulate, enact, and enforce the legally enshrined values that become their tasks at hand. The very idea of so doing would be a brightly lit absurdity.

It also is dangerous because moral relativism washes away that which people are really willing to die for (and really live for) – something of ultimate, solid, and enduring objective value and worth – the moral, the true, and the good. Relative values are only relatively valuable and are not and cannot really be lived or sacrificed for – and, therefore, are not really of much value at all when it comes down to it. If we don’t have our heads screwed on in a reverse-threaded manner, we live and die only for those things that are absolutely worthwhile and valuable – only those things that are “to die for.” Down deep, where we really do our living and dying, we all really do know that full well, no matter what we like to say. continued on back page
Ethics Roll Call is published quarterly by the Ethics Center at the Institute for Law Enforcement Administration, 5201 Democracy Drive, Plano, Texas 75024. Telephone: 972/244-3430. Fax: 972/244-3431. This publication is not operated for pecuniary gain, and articles may be reprinted provided due credit is given to the Ethics Roll Call. Signed articles are accepted with the understanding that the Institute for Law Enforcement Administration possesses the exclusive right of original publication. Authors are requested to assign copyright to the Institute for the collected work, while permitting the author unlimited use of the article and ordinary copyright protection. Opinions expressed do not necessarily reflect the views of the The Center for American and International Law.

Editor..........Daniel T. Primozic
Staff Assistant....Tracy B. Harris

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1 See further Carin Romano, “Socrates in the 21st Century,” The Chronicle Review, February 15, 2008, where Romano raises many possible and conflicting views about what Socrates was really like, especially concerning whether he deserved to die for the charges brought against him, until coming to some indisputable points about him:

“In the year 399 [BCE], after the restoration of Athenian democracy, Socrates faced charges of failing to respect the city’s deities, introducing new gods, and corrupting the youth. A jury found him guilty by a vote of 280 to 220. He refused to accept an offer to escape the death penalty on the principle that he was obliged to obey the laws of Athens, just or unjust. He drank the hemlock, leaving Western culture an image and phrase not as resonant today as “drank the Kool-Aid,” but certainly more long-lived.”

CURRICULAR PLANNING SESSIONS continued from page 1

Director of Crime and Justice Studies, University of Texas at Dallas; Michael J. Silsbee, North Carolina Department of Correction (Retired); and Daniel P. Carlson, Gregory Smith, and Dr. Daniel T. Primozic of the ILEA. In addition, those corrections experts and practitioners who took part in this curricular planning session agreed to become the ongoing Advisory Task Force for this Ethics, Leadership and Corrections project.

We here at ILEA are excited about the opportunity to provide the profession of corrections the same services that we have offered to law enforcement for so many successful years. We will keep you posted on the developments of this new and important initiative.

SMILE, YOU’RE ON ...... continued from page 5

lies, our communities ... and we ourselves ... can be proud of what we did. Today, given the plethora of recording devices present at all times and in all places, officers no longer have the luxury of assuming that the only camera before which they will have to defend themselves is the one aimed by the local news crew; nowadays, it would be smart to behave as if every move and utterance might have been captured for posterity.

When the late comedian Richard Pryor talked about being caught by his wife in a compromising position, he said that he immediately challenged her with: “Who are you gonna believe, me or your lying eyes?” That famous line may have generated a lot of laughs in a comedy routine, but it is likely destined to fall on deaf ears when offered to an Internal Affairs investigator.

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responsibilities and hide under the bushel of “bad-faith” is not just an object of irrelevant, ephemeral philosophic query. Instead, it is an immorality that none of us can afford on either a professional or personal level. The trick is for us to notice it when we do it. I hope that we humans are not irredeemable past masters at “kidding” ourselves and are not exceptionally bad at noticing it. I hope that our falling prey to “bad faith” and the associated lack of personal responsibility can truly be “better described as episodic” and not “epidemic.”

ii Ibid., p. 130.
iii Ibid., p. 132.
iv Ibid., pp. 132-133.

UPCOMING PROGRAMS

2008

Police Use of Force: Less-Lethal Weapons and In-Custody Deaths Sept 29-Oct 1
School of Police Supervision Oct 6-31
Administration & Management of Training Oct 13-17
Internal Affairs, Professional Standards and Ethics Nov 3-7
Police-Media Relations Nov 18-20
Police Supervisor’s Update Dec 3-5
Basic Police Supervision Dec 8-12

2009

School of Police Supervision (Arlington, TX) Jan 5-30
Racial Profiling: Data Collection and Analysis Jan 13-14
Litigation-Free Management (Houston) Jan 19-20
Crime Analysis in the Information Age Jan 21-23
45th Management College Feb 2-Mar 27
Ethics Train-the-Trainer (Houston) Feb 9-13
Advanced Ethics Train-the-Trainer Feb 17-19
Guide to the Fair Labor Standards Act (Houston) Mar 9-10
Teaching Diversity (Cheltenham, MD) Mar 16-20
Contemporary Issues & Ethics Conference Mar 25-27
Police Resource Allocation and Deployment: Patrol Staffing Methods for Law Enforcement Managers Apr 6-8
Internal Affairs, Professional Standards and Ethics Apr 20-24
School of Police Supervision (Houston) Apr 20-May 15
Basic Police Supervision (UTA/FW Center) Apr 27-May 1
Ethics Train-the-Trainer (Ontario, Canada) May 4-8
Managing the Media (UTA/FW Center) May 5

ALL PROGRAMS WILL BE HELD AT ILEA HEADQUARTERS UNLESS SHOWN OTHERWISE

Article and idea submissions are always welcome. For further information, or to submit a contribution for a future issue, please e-mail: dprimozic@callaw.org.