

NATIONAL LITIGATION  
*Academy*  
AN ALLIANCE DEFENSE FUND MINISTRY  
EQUIP. EMPOWER. DEFEND.

Summer 2006

Alliance Defense Fund™

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*Applications should be received no later than  
May 19, 2006.*

**Applications received after this respective date will be considered  
as space permits and subject to airline ticketing limitations.**

\* Please note that admittance into the Academy **and any subsequent relationship** with ADF **can be denied or terminated for any reason, or no reason, whatsoever** at the sole discretion and determination of the Alliance Defense Fund, Inc.\*

Thank you for expressing an interest in the Alliance Defense Fund's National Litigation Academy (NLA). It is exciting to know that attorneys like you are concerned enough about the direction of our nation to become directly involved in matters that weigh heavily in the future course of history.

### **The Alliance Defense Fund**

The Alliance Defense Fund is a legal alliance defending the right to hear and speak the Truth, through strategy, training, funding, and litigation.

Responding to the urgent need for the legal defense and advocacy of religious freedom, the leaders of more than 30 ministries came together in 1993 to launch ADF. These leaders included the late Dr. Bill Bright, the late Larry Burkett, Dr. James Dobson, Dr. D. James Kennedy, and the late Marlin Maddoux. Their prime concern was the dramatic loss of religious freedom in America's courts and the resulting challenges to people of faith to live and proclaim the Gospel.

ADF was founded for a unique purpose: to aggressively defend religious liberty by empowering our allies, recognizing that *together*, we can accomplish far more than we can alone.

This means we do not duplicate our allies' work nor aid them in areas outside the scope of our mission. We work tirelessly to assist them in their efforts through strategy, training, funding, and, where necessary, direct litigation through our own ADF legal team.

### **The National Litigation Academy (NLA)**

In 1997, ADF launched its first National Litigation Academy (NLA). The Academy is held 1-3 times each year at an undisclosed resort setting. The purpose of the Academy is *to provide superior legal training to enhance the ability of attorneys to successfully engage in litigation involving religious freedom, sanctity of life, and family values*. The Academy also serves as the gateway through which attorneys are introduced to the Alliance and some of its key members.

Each Academy lasts from 3-5 days and includes intensive training in the areas of law consistent with ADF's mission. Most Academies address crucial aspects of First Amendment law and civil rights litigation. Many Academies also provide training in other specialized areas of the law. Areas on which past academies have focused include, but are not limited to: 1) Litigation pursuant to 42 U.S.C. 1983; 2) Equal Access Litigation; 3) Parental Rights; 4) Trial Advocacy Skills; and 5) Preservation of the Traditional Family.

**Qualifications to Attend:** ADF seeks capable Christian attorneys who are concerned about the direction of our nation and dedicated enough to move from talk to action. ADF's vision is to recruit, train, and support an army of attorneys who will join the front lines of the battle to restore American culture and its legal foundations. The Alliance is firmly resolved to engage in pro-active litigation and other measures designed to conclusively alter the American legal landscape. The success of our efforts will be dependent in part upon the faithfulness of this nation's Christian attorneys.

Attorneys who attend the Academy must be committed Christians and licensed attorneys in good standing with the highest court of their state. They must also be willing to: 1) Make a moral commitment to perform a specified minimum of pro-bono legal work to the Body of Christ; 2) Report their pro-bono work to ADF; 3) Share the knowledge gained with other attorneys; and 4) **Attend the entire Academy** as scheduled (*no exceptions other than medical emergencies*). Interested attorneys must submit a written application, a copy of which is included with this brochure. Admission to the Academy is at the sole discretion of ADF.

**Pro-bono Commitment:** ADF is a steward for those members of the Body of Christ who have invested in the Academy. A substantial investment is made in each attorney who attends the Academy. In exchange, attorneys attending the Academy commit to essentially tithe their time for three years to serve the Body of Christ.

ADF assumes that an active attorney bills approximately 1500 hours each year (probably an understated total in this day and age). Tithing that time means that 150 hours each year would be devoted to pro bono service for Christ's Body. This is less than three hours each week. This commitment is for three years of tithed time or 450 hours and should be completed within three years. Some NLA graduates have discharged their commitment in less than six months.

How each attorney fulfills his or her pro-bono commitment will depend upon the convictions, faithfulness, energy level, and skills of the individual attorney as well as the needs of the Body of Christ. Fulfillment of pro-bono hours can be accomplished in many ways, including but not

limited to litigation, research and writing projects, legal service to local churches, legal service to Christian charities, legal service to Christians in need, legal service to the destitute, and by rendering legal opinions to legislative bodies. Some legal services need not be directly related to religious freedom, sanctity of life, or family values, but all legal service should serve the Body of Christ in a direct way. Attorneys are encouraged to consult with ADF in advance in questionable cases. Although ADF solicits regular reporting of pro-bono activities, monitors attorney pro-bono services, and coordinates some attorney activities, ultimately the attorney's pro-bono commitment is made to the Body of Christ. Accordingly, much discretion is left to the individual attorney in fulfilling the pro-bono commitment.

ADF views the Academy as the beginning of a long term and informal relationship with Academy graduates and it seeks to provide a variety of support services after the Academy. Accordingly, communication is essential and ADF uses e-mail and web-based resources as the primary means of regular communications. Prospective Academy participants who do not have an E-mail address are strongly encouraged to obtain one. While ADF does seek to communicate regularly with Academy graduates, we are nevertheless sensitive to the fact that most attorneys are extremely busy earning a living in the practice of law. Therefore, ADF endeavors to keep communications to levels that do not impose upon an attorney's other obligations.

**CLE:** For each Academy, ADF applies for Continuing Legal Education (CLE) accreditation in all states that require mandatory CLE. Past Academies have been accredited for 17-26 hours of CLE, including 1-2 hours for ethics or professional responsibility.

**Costs:** All attendees will be provided round trip coach airline transportation to and from the Academy location; hotel accommodation and taxes for those nights necessary for Academy participation; all meals and refreshments for events sponsored by the Academy, and all conference materials and texts. Attendees will be expected to pay ground transportation costs to and from their local airport and the conference site; any extra night hotel costs; costs for meals, airfare, and incidentals for spouses and/or children [who are welcome to attend and spousal attendance is encouraged]; non-Academy related meals; any travel or luggage insurance desired; and other incidentals.

**Travel Arrangements/Reservations:** In order to secure highly discounted rates for the resort property, ADF works through its own travel coordinator and pays through master billing. If an applicant is accepted, the applicant will receive travel reservation forms. A limited number of additional rooms before and after the Academy will be available at the Academy's highly discounted rate, but all reservations to obtain such rates must be made through the ADF travel coordinator. (Do not contact the resort directly.) Airline reservations will be made through the same agent, who will be pleased to assist with additional family members' travel, if desired. Finally, if pre-registered, family members may participate at all meals at the discounted rates.

**Faculty:** The Academy will be taught by law professors from several accredited law schools, experienced litigators, and other experts who are not only well-credentialed, but highly familiar with the topics they will teach. Biographies of faculty are listed in this brochure.

**Video/Audio Recording:** The Academy Sessions will be professionally video and/or audio recorded for the exclusive use of the Alliance Defense Fund in subsequent training efforts. No public distribution or broadcast will be authorized and tapes will not be sold except for public interest use by ADF. Each attendee will be asked to grant permission for such recordings.

**Post-Academy Support:** ADF will set aside preference grant funds to pay litigation related costs, expert witness fees, and expenses on behalf of clients of Academy graduates and faculty. Funding will be awarded through the normal ADF grant review process to clients otherwise qualified consistent with relevant Internal Revenue Service and ADF guidelines.

**Application:** If you would like to attend the Academy and you share our commitment to the faith and family, please complete and return the enclosed application as soon as possible. Admission decisions are made on a rolling basis and candidates will be notified in writing on a rolling basis. Space is limited and available slots are often filled quickly. The agenda for the next academy and an application are set forth in this brochure. Agendas are still tentative and subject to revision. **Applications should be received no later than May 19, 2006. Applications received after this respective date will be considered as space permits and subject to airline ticketing limitations.**

**Location and Attendance:** The Academies are held at different locations in and out of the country. For security and other reasons, the location of an Academy is not disclosed until an

applicant has been accepted to the Academy. Each scheduled Academy activity including social activities is critical. Attendees must attend the entire academy from registration through the closing dinner banquet. Exceptions to this policy are made only in rare cases that usually involve medical emergencies.

**A Note on Finances:** All funding for the Academies is *sacrificially* provided by men and women who are deeply concerned about our nation and the welfare of its families. Candidates should not apply unless they are serious about serving the Body of Christ in a manner consistent with ADF's mission.

Thank you for your interest. We look forward to hearing from you in the near future. Together, by the grace of God, we can make an incredible difference in America's future.

### **ADF Guiding Principles**

#### **ADF is Christ-Centered**

We rely solely upon God's redemptive grace for our existence, our vision, and our sustenance, trusting in His sovereignty as we seek to convey hope to all we serve.

#### **ADF is Servant-Oriented**

We are committed to anticipating and meeting the legal needs of those dedicated to preserving religious liberty.

#### **ADF is Committed to Victory**

We will prayerfully enter every battle expecting to win while always demonstrating respect toward those who oppose us.

#### **ADF is Committed to Excellence**

We are dedicated to achieving superior quality and exceptional results in defending the right to hear and speak the Truth.

#### **ADF is Committed to Stewardship**

We acknowledge that all resources are a gift from God and hold ourselves to the highest standards of accountability to Him and those who support our efforts.

### ***Tentative Agenda***

**Tuesday** Opening Session: Alliance Defense Fund: Its History and Vision

**Wednesday**

- CLE I: Religious Liberty and the Right of Conscience
- CLE II: Where's The Wall? Free Exercise in a Post-Smith Era
- CLE III: Where to Speak, What to Speak – Contours of the Public Forum Doctrine
- CLE IV: Tactics for Effective Pre-Trial Advocacy

**Thursday**

- CLE V: Tactics for Effective Oral Advocacy
- CLE VI: Preparing and Filing an Airtight Constitutional Claim (42 U.S.C. § 1983)
- CLE VII: Ethics and the Practice of Public Interest Constitutional Law

**Friday**

- CLE VIII: "Same-Sex Marriage" and Its Relatives
- CLE IX: Conscience, Wisdom and the Natural Law in Constitutional Litigation

**Saturday**

- CLE X: Drafting, Submitting and Collecting Costs and Fees under 42 U.S.C. § 1988
- Final Session: Glorifying God through the Practice of Law
- Closing Banquet

## FACULTY BIOGRAPHIES

**(Faculty listed below have been invited to the Academy and have served as faculty at past Academies. Their attendance has not necessarily been confirmed. Other faculty not listed below have been invited.)**

**Benjamin W. Bull, Esquire:** Mr. Bull serves as Executive Vice- President of Special Services and Chief Counsel of the Alliance Defense Fund and practices exclusively in the area of constitutional law. He has served as Executive Director of the European Center for Law and Justice (Strasbourg, France), Senior Counsel of the American Center for Law and Justice, founding General Counsel of the American Family Association Law Center, General Counsel of the Children's Legal Foundation, and was a founding director of the Slavic Center for Law and Justice (Moscow, Russia). He has been lead attorney in over 200 trial and appellate cases, including over 25 reported decisions in the First Amendment area. Mr. Bull has lectured widely on religious freedom issues throughout the United States and Europe. He obtained his J.D. from the University of South Carolina Law Center (1975) and has been awarded an honorary Doctorate of Law from the Institute of Law and Religion in Moscow, Russia. He has been a CLE speaker on First Amendment litigation at numerous state and federal attorney associations, including the American Bar Association. He has appeared on many television and radio shows, including *Today Show*, *Good Morning America*, *NightLine*, *Crossfire*, and *Headlines on Trial*.

**Professor James Duane:** James Joseph Duane is an Associate Professor at Regent Law School in Virginia Beach, Virginia. He received his A.B. magna cum laude from Harvard College (1981), where he was also elected to Phi Beta Kappa, and his J.D. cum laude from Harvard Law School (1984). After law school, he clerked for the Hon. Michael A. Telesca of the United States District Court for the Western District of New York, and the Hon. Ellsworth A. Van Graafeiland on the United States Court of Appeals for the Second Circuit. He was senior associate at the law firm of Connors & Vilardo in Buffalo, New York, where he practiced civil litigation and criminal defense. He was trial counsel for all of the defendants in *Schenck v. Pro-Choice Network of Western New York*, 519 U.S. 357 (1997). He has taught at Regent Law School for eight years in the areas of Evidence, Civil Procedure, and Trial Practice, and has published more than fifteen articles in those fields. Since 1995, he has also been a member of the faculty at the Trial Advocacy Institute conducted annually at the University of Virginia Law School in Charlottesville, Virginia. In September 1997, he spoke on "Truth and its Rivals: Evidence Reform and the Goals of Evidence Law," at Hastings College of the Law in San Francisco, California.

**Professor Richard Duncan:** Professor Duncan joined the faculty of the University of Nebraska College of Law in 1979. He received his B.A. degree from the University of Massachusetts (Amherst) in 1973. In 1976, he received his J.D. degree from the Cornell Law School, where he served on the Board of Editors of the *Cornell Law Review*. He was admitted to the New York Bar in 1977. From 1976-79, he was associated with White & Case, a New York City law firm. Professor Duncan teaches Property, Constitutional Law, and Religion and the Constitution. He has published numerous books and articles on legal topics ranging from Article 9 of the UCC to religious liberty, equal protection, and same-sex marriage. He has a special interest in the area of Religion and the Constitution. His essay, "On Liberty and Life in Babylon: A Pilgrim's Pragmatic Proposal" was recently published by Yale University Press as part of a book on Christian Perspectives on Legal Thought (2001). Professor Duncan and his wife, Kelly, have five children (Casey, Joshua, Rebecca Joy, Hannah Grace, and Kathleen Noel). They are active in the home school movement and are currently educating their children at home. Professor Duncan's activities outside law include bird-watching, working on the native grass and wildflower meadow on the family acreage, and pumping iron (i.e. weightlifting).

**Joseph P. Infranco, Esquire:** Joe Infranco recently left his practice in New York as a partner experienced in many areas of litigation. There, he represented hundreds of churches and ministries in a wide variety of matters including First Amendment litigation, corporate matters, tax issues, and administrative and zoning proceedings. He was counsel for New York State American Family Association, Teen Challenge, Youth For Christ, Youth With A Mission, and many other organizations. Joe was involved in many equal access cases and high school Bible Club issues, and testified on the rights of religious organizations before a congressional sub-committee and the U.S. Department of Civil Rights. He graduated from Manhattan College, where he received the Alumni Medal for the outstanding undergraduate record in his class. He attended Franklin Pierce Law Center and also clerked for New Hampshire Supreme Court Justice Maurice Bois. Joe is married to Valerie and they have three children. They recently relocated from Smithtown, New York to beautiful sunny Scottsdale, Arizona.

**Jordan Lorence, Esquire:** Jordan Lorence is the Senior Counsel for the Alliance Defense Fund. He specializes in constitutional law and has litigated religious liberty and free speech cases around the nation since 1984. Jordan has worked for the Home School Legal Defense Association, Concerned Women for America and the American Center for Law and Justice. In November 1999, Jordan argued the *Southworth* case before the U.S. Supreme Court, involving mandatory student fees at public universities. Jordan earned a B.A. in journalism from Stanford University (California) in 1977, and earned a J.D. from the University of Minnesota Law School in 1980. Jordan grew up in Mound, Minnesota, worked from 1980 to 1982 at the Minnesota State Senate as the administrative assistant to a Senate committee chairman. Jordan traveled to Honduras in 1983 with a medical missionary group and aided Nicaraguan refugees in Costa Rica in 1987. In 1974, Jordan studied for almost one month at L'Abri in Switzerland under Francis Schaeffer. He is married with two daughters and five sons. They live in the Phoenix valley. Jordan has written opinion pieces for the *Wall Street Journal*, the *Washington Post*, the *Minneapolis Star and Tribune*, the *St. Paul Dispatch*, *Pioneer Press*, and the *Miami Herald*. Jordan has appeared as a contestant on Jeopardy!

**Tom Minnery:** Tom Minnery has been Vice President of Public Policy for Focus on the Family since 1988. His staff produces *Citizen* magazine, a monthly issues magazine with a circulation of 60,000; *Family News in Focus*, a daily information and analysis radio program broadcast on approximately 1,600 radio outlets; for college students; and *CitizenLink*, a daily e-mail alert on hot issues and legislation distributed to 70,000

In addition, the Public Policy Division trains people for effective grassroots involvement via the nurturing of state-based family policy councils, which now operate in 38 states, and through field seminars on specific issues. The staff also produces the Love Won Out conference in cities around the country, in which the causes of homosexuality are presented professionally and the love of Christ is shown to homosexual men and women.

Prior to coming to Focus on the Family, Mr. Minnery was senior editor at *Christianity Today* magazine in the Chicago area, and prior to that was a Capitol Hill correspondent and a manager in the Washington Bureau of Gannett Newspapers. He has a Bachelor of Science degree in Journalism from Ohio University and Master of Arts in Religion from Trinity Evangelical Divinity School. He is the author of the book entitled *Why You Can't Stay Silent*, published by Tyndale House. Mr. Minnery also serves as chairman of the board of the Alliance Defense Fund, a national organization devoted to the legal strategy and funding of court cases, involving pro-life, religious freedom and family values issues.

**Reverend Alfred J. Poirier:** Rev. Poirier is senior pastor of Rocky Mountain Community Church, PCA in Billings, Montana. Rev. Poirier holds the Masters of Arts in Religion Degree (M.A.R.), Masters of Divinity (M.Div), and Doctor of Ministry (D.Min.) from Westminster Theological Seminary, Pennsylvania. He serves as Lecturer in Pastoral Theology for Westminster Theological Seminary, California. He also is an adjunct faculty with the National Litigation Academy and the Blackstone Fellowship, both of the Alliance Defense Fund. As Chairman of the Board of Peacemaker Ministries, is one of its adjunct instructors and mediators, conducting seminars on: conflict resolution for a variety of evangelical denominations and churches. He has pastored churches for the past 24 years in California, Oregon, and currently in Montana. He and his wife, Trudy, have three children: Sarah, Sonja, and Anya.

**Trudy E. Poirier:** Trudy Poirer holds two Bachelor degrees (Liberal Studies and Music Education). She has served as music director in the churches her husband has pastored and currently serves in that capacity at Rocky Mountain Community Church. She is also active in composing and arranging. Alongside her work in the church, she has taught piano for the past 25 years.

**Alan E. Sears, Esquire:** Alan E. Sears is president, CEO and general counsel for the Alliance Defense Fund, America's largest public interest religious liberty legal alliance. Since the Alliance Defense Fund's inception in 1994, Sears has led the strategy, training and funding initiatives in the legal battle for religious liberty, sanctity of life and traditional family values. Alan is a graduate of the University of Kentucky, with a Juris Doctor from Louis D. Brandeis School of Law.

Previously, he held numerous positions with the United States Government including the Department of Justice, under Attorneys General William French Smith and Ed Meese III, as an Assistant United States Attorney and Chief of Criminal Section; as Director of the Attorney General's commission on Pornography; and the Department of Interior under Secretary Donald Hodel as an Associate Solicitor, with other not for profit public interest legal organizations, and in the private practice of law.

As a federal prosecutor, Alan was responsible for running regional and national task forces, prosecuted hundreds of complex federal crimes, and argued 22 cases before the federal court of appeals (with only one loss). Alan also wrote state and federal laws, testified before the committees of the U.S. House and Senate, and before 22 state legislatures. Twenty states adopted his recommendations. He has spoken before committees of the British Parliament and at the Vatican, as well as training hundreds of law enforcement officials from Australia to Scotland Yard.

As a result of his impressive record, the liberal American Bar Association's magazine, *Barrister*, once recognized him as one of the outstanding young lawyers in America. Alan has appeared on more than one thousand radio and television programs, including ABC's 20/20 and Nightline, Fox's O'Reilly Factor, NBC's Today, and media outlets such as CNN, PBS, and CBS News. He has also been featured on Dr. James Dobson's Focus on the Family program more than 25 times. He is the co-author of *The Homosexual Agenda: Exposing the Principal Threat to Religious Freedom Today* with Craig Osten, published by Broadman and Holman in June 2003, and has written numerous other publications.

Alan has a rare blend of experience in administration, intense legal practice in both private and public sectors, and expertise in First Amendment issues. Under Alan's leadership, the Alliance Defense Fund has a three to one success rate in cases litigated to conclusion.

**Kelly J. Shackelford, Esquire:** Mr. Shackelford is the Chief Counsel of the Liberty Legal Institute (1997-present) and the President of the Free Market Foundation (Texas family policy council associated with Focus on the Family). He also serves as an Adjunct Professor of Law at the University of Texas Law School teaching religious liberties (1994-present). A constitutional attorney, he has been involved in numerous cases, including having argued before the U.S. Supreme Court. Mr. Shackelford was the Regional Coordinator for the Southwest and Mid-America regions of The Rutherford Institute (1993-1997), and Director of Texas Rutherford (1989-1992), as well as serving as a lawyer under U.S. District Court Judge Sidney A. Fitzwater (1988-89). He has testified as an expert before the U.S. Congress as well as the Texas Legislature. Mr. Shackelford graduated cum laude from Baylor University and Baylor Law School (highest unadjusted GPA in graduating class). He is a member of "Who's Who International" and has had numerous television, print, and radio appearances, including CNN, NBC Today, local ABC, NBC, and CBS affiliates across the country, The Washington Times, The Washington Post, The L.A. Times, and national talk shows among others. Mr. Shackelford and his wife, Karen, have two sons, Nathan and Noah, and daughter Catherine.

**Jeffery J. Ventrella, Esquire:** Mr. Ventrella, as an ordained servant preaches and lectures in churches and conferences throughout the United States. After graduating first in his high school class, he received the B.M.E. degree (*magna cum laude*) from the University of Northern Colorado where he specialized in trumpet performance. He then attended law school, and after serving as the Production Editor for the *Hastings Constitutional Law Quarterly*, he received the Juris Doctorate degree from the University of California, Hastings College of the Law.

Prior to joining the Alliance Defense Fund, Mr. Ventrella litigated for nearly 15 years, concentrating his work in complex commercial and insurance litigation financial litigation, environmental and natural resource litigation, and appellate advocacy. He has presented seminars for a number of organizations, including the Idaho State Bar, regarding a host of topics including motion practice, discovery practice, boundary law, legal reasoning and appellate advocacy. He has also lectured extensively on the relationships among civil law, tort liability and ecclesiastical jurisdiction with an eye toward equipping churches with more biblically-based institutional by-laws. As Senior Vice-President of Strategic Training, Mr. Ventrella oversees the design and implementation of The Blackstone Fellowship and National Litigation Academy programs. He also engages the culture through formal debate and serves as an "approved speaker" for The Federalist Society.

Mr. Ventrella's professional writings have appeared in a number of legal journals and periodicals such as *For the Defense* as well as Christian publications such as *Citizen Magazine*, *Penpoint*, and *New Horizons*. He is a contributing author to several books, including: *The Idaho Appellate Handbook* (3rd Ed.); *The Standard Bearer* (2001); *Thine is the Kingdom* (2003) and *Contemporary Perspectives in Covenant Theology* (2004). He is also the General Editor for ADF's Blackstone Core Curriculum Project.

Mr. Ventrella serves on the adjunct faculties of both Greenville Presbyterian Theological Seminary and Bahnsen Theological Seminary where he teaches Ethics and Apologetics. He is a member of the Idaho State Bar and is also admitted to practice before the United States Court of Appeals for the Ninth Circuit and the Bar of the United States Supreme Court. His martial arts training achieved the rank of 2<sup>nd</sup> degree black belt, Tae Kwon-do.