

ORIGINAL

**LEGAL SERVICES CORPORATION
BOARD OF DIRECTORS MEETING**

OPEN SESSION

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Executive Office

Saturday, January 29, 1994

10:30 a.m.

**Wyndham Bristol Hotel
2430 Pennsylvania Avenue, N.W.
THE WILLIAM PENN ROOM
Washington, D.C. 20037**

**RETURN TO CORPORATION
SECRETARY ARCHIVES FILE**

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

BOARD MEMBERS PRESENT:

Douglas S. Eakeley, Chair
Nancy Hardin Rogers, Vice-Chair
Hulett "Bucky" Askew
LaVeeda M. Battle
John T. Broderick, Jr.
F. Wm. McCalpin
Maria Luisa Mercado
Thomas F. Smegal, Jr.
Ernestine P. Watlington
Edna Fairbanks-Williams

PRESIDENTIAL SEARCH ADVISORY COMMITTEE MEMBERS PRESENT:

Paulette Brown
Marilyn Mullane
Jose Padilla
Rosita Stanley

PRESIDENTIAL SEARCH CONSULTANTS:

John Isaacson
Alan Wichlei

STAFF PRESENT:

Alexander D. Forger, President
Martha Bergmark, Executive Vice President
Patricia D. Batie, Secretary
James Head
Ada Shen-Jaffe
John Tull

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P R O C E E D I N G S

(10:30 a.m.)

1
2
3 CHAIR EAKELEY: Let's reconvene the Board of
4 Directors meeting. We're meeting and opening the meeting to
5 join with our senior management and our advisory search
6 committee and our executive search consultants, John Isaacson
7 and Alan Wichlei. I think everybody around the table has met
8 everybody. Is that right? I think we were all pretty much
9 here yesterday.

10 Let me just launch into this. What I would like to
11 get from the meeting is -- we have different people around
12 the table who have different objectives for the meeting.
13 John and Alan have said last night they can't do a search or
14 help us in a search unless they know the objectives of the
15 Corporation or what are the challenges that we think we would
16 like to overcome as a board in the next two to four years so
17 that that can start tailoring the candidate's clothing.

18 I think it's important for us as a board for that
19 purpose. But, in general, if we are to be as effective as we
20 can to develop as early as possible and as clearly
21 articulated as possible both a sense of mission -- what it is
22 that the Corporation of which we are directors should have as

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1 its ultimate objective, what primary challenges or objectives
2 we consider as needing to be overcome in order to advance
3 towards that mission -- and what the respective roles and
4 responsibilities of the Board and management, particularly
5 the president, ought to be.

6 I'm sorry Ada is not here. She'll be here by the
7 time we get to it. I know she will be vocal in her
8 participation. But it was Ada in our first Presidential
9 Search Committee, having come all the way from Seattle to say
10 this, said, "You can't do a job description for a president
11 if you don't have a job description for a board." And I took
12 that to heart. How far we'll get is another matter.

13 I'd like to start with where we left off just a few
14 minutes ago at our breakfast where we went around the table
15 and tried to just identify without discussing terribly much
16 what each of us thought the mission of the Corporation might
17 be. This is without an opportunity for an exchange and for
18 further development but first blush. And then secondly,
19 first blush, were the principal challenges each of us saw
20 consistent with that.

21 I think I'll set the background for the discussion
22 and I think I'd like to focus the discussion more on the

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1 objectives than on the mission and back into that. But this
2 is without attribution and hopefully with some understanding
3 of the inherent limitations of the scrivener.

4 The mission statements included the following:
5 Development of a true partnership with the field and client
6 communities to provide the best legal services possible. To
7 ensure equal access to all segments of the client community.
8 True client involvement in all activities and at every level
9 to assist and develop planning and delivery of legal
10 services.

11 Second view of mission: Develop a real ship-shape
12 organization without any wasted money so that all monies
13 received could be expended to the delivery of high quality
14 legal services. Client training to help clients help
15 themselves. Reestablishment of the wonderful feeling of the
16 original program, not just the credibility of the program but
17 a shared sense of community and of values and of a commitment
18 to a common goal of equal justice. Greater support for money
19 for clinics and programs and help for access for the poor for
20 every legal problem, not just those set by priorities that
21 exclude certain problems.

22 Third view of mission: To be a true advocate for

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1 poor people in every sense of the word advocate.

2 Fourth mission: To maximize the effective use of
3 federal dollars to deliver the highest quality of legal
4 services.

5 Fifth statement: To provide high quality legal
6 assistance in order to assure equal access to redress of
7 grievances. And improved economic opportunities for
8 low-income people while encouraging the nation to do justice.

9 Another statement of the mission: The development
10 and maintenance of delivery of high quality legal assistance
11 while strengthening local control. Developing and
12 maintaining systems that ensure legitimate and appropriate
13 client involvement at national and local levels. Assuring
14 the integrity of the Corporation and developing a shared
15 sense of community among and with the stakeholders.

16 Another statement: Ensure the poor perceive and
17 receive equal treatment and equal access in civil justice
18 systems throughout the United States.

19 Another director: To be the preeminent leader and
20 voice for the provision of civil justice to indigent persons.

21 Another: To try to afford clients the same
22 opportunity for advocacy as they would have with private

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1 attorneys through reauthorization without restrictions,
2 enhanced funding, and to empower our clients to be their own
3 advocates.

4 I just want to pause there and open this up. There
5 are some themes that I think that resonate through that whole
6 listing, which was done before we had much of a chance to
7 discuss it. But one of them was a commitment to justice, a
8 commitment to equal justice for the poor, not only for the
9 poor but recognizing the mission of the Corporation to serve
10 the poor by providing access to justice, high quality access
11 to justice.

12 A second had to do with the current system of the
13 legal services delivery, not to replace that with a new
14 delivery system but rather to enhance it by enhancing local
15 programs, by empowering clients, by involving clients in the
16 delivery of legal services.

17 A third had to do with the role as advocate for
18 justice at a national and local level. I'm not trying to
19 reincorporate everything, but I think that those are at least
20 the principal mutually consistent and reinforcing themes that
21 I see in these. We haven't studied them but -- let's just
22 stay on the mission thing for a moment, if I can, and see

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1 whether or not anyone disagrees with that or thinks that we
2 should be adding something, we've overlooked something, or we
3 can articulate it somewhat better.

4 Let me ask this, first of all, did I leave out
5 anything that any of the directors thought was important that
6 I, in my frantic note-taking, didn't capture adequately?

7 MR. McCALPIN: Let me say that, although my
8 formulation which you've read does not adhere to it, I think
9 one of the things we need to recognize is that this
10 Corporation is a creature of the Congress and the Congress
11 has in the statute stated what is our mission, which is most
12 precisely stated in your own formulation of the mission of
13 the Corporation. So I think that -- I haven't heard the
14 phrase "ultra vires" in a long time, but I do think that we
15 need to keep in mind the fact that the Congress has specified
16 what are the purposes of this Corporation.

17 CHAIR EAKELEY: Well that's -- where's my Act? I
18 guess another way of asking the question or following up on
19 that, Bill, would be to see whether or not anyone has a
20 serious problem because if they do, then we're into a
21 different type of planning activity.

22 Can we agree just for purposes -- not just for

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1 purposes but is it fair to say that we're in fairly general
2 agreement that the mission of the Corporation includes, at
3 least, "The provision of equal access to the system of
4 justice for individuals who seek redress of grievances, the
5 provision of high quality legal assistance to those who would
6 be otherwise unable to afford adequate legal counsel, and to
7 continue the present vital legal services program, and that
8 providing legal assistance to those who face an economic
9 barrier to adequate legal counsel will serve best the ends of
10 justice and assist in improving opportunities for low-income
11 persons consistent with the purposes of this Act."

12 That's pretty articulate and that's the Congress of
13 1974. And I think that that's as true today as it was then.
14 And it emphasizes justice and not just access but justice for
15 poor people, the role of the present legal services delivery
16 system.

17 MR. McCALPIN: That was OEO. But let me just say
18 that history makes clear that they were referring to OEO.

19 CHAIR EAKELEY: Okay, but in 1994, what we're
20 talking about as our mission is to support, nurture, and
21 further a delivery system that is comprise of field programs,
22 special programs for Native Americans and migrant farm

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1 workers, state support, national support, clearinghouse
2 review, and such other enhancements as we can think of
3 through funding, through monitoring, through evaluation,
4 through technical assistance, communication, and, throughout
5 the entire system, client involvement and empowerment.

6 MR. PADILLA: I think the articulations that went
7 around from the Board I think are shared by me. There are
8 two things that I wanted to just mention. I think yesterday
9 you may have said that perhaps we should be dreaming a little
10 bit. Somebody mentioned picking up the flavor of the
11 original intent of why we got into this work.

12 One thing is when we talk about justice there's no
13 way that we can leave out trying to do something significant
14 about poverty. One of the things that I've seen in the last
15 ten years is that the Board never, never articulated to the
16 field nor to clients any sense that poverty was at the root
17 and that we were there to do something about that. So part
18 of it is the language and the way we -- how we see and speak
19 of the problem.

20 The second part to that is when we talk about
21 client involvement and client empowerment I think there are
22 some within the community that feel that that has to go

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1 somewhere a little beyond. And I really do feel that we need
2 to develop within the client community capability of
3 leadership, because it's one thing for you to say
4 participation is enough. And I think that we all can end up
5 at the local level with a lot of clients excited because they
6 sit at our meetings and they get reports.

7 But I think that we have to rid -- part of it is on
8 your shoulders -- but rid ourselves of all of those
9 obstacles. And a lot of that has to do with our ability to
10 work with clients at organizing, our ability to work with
11 clients at certain aspects of grass roots lobbying. If we
12 don't focus at that, I think the involvement of the client
13 would be what it always seems to end up as, an administrative
14 responsibility.

15 CHAIR EAKELEY: I want to get back to that. Right
16 now we're just talking -- I've got a longer list of what John
17 Isaacson calls challenges that I was calling operation
18 objectives for our first two to four years that will get to
19 that second point a little bit more. Obviously there are
20 means and ends -- and we were talking just at the moment
21 about the mission statement -- and how you effectuate client
22 involvement and empowerment is a very important question.

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1 But if I could hold that for a minute and go back
2 to the try-to-do-something-about-poverty point. The third
3 finding of the Act we had a little bit of a -- no. The third
4 finding of the Act I think addresses the poverty issue, not
5 just people in poverty facing access problems, when it talks
6 about the importance of providing legal assistance to those
7 who face an economic barrier to adequate legal counsel will
8 serve best the ends of justice and assist in improving
9 opportunities for low-income persons consistent with the
10 purposes of this Act."

11 There is my biblical text for saying I agree with
12 the first point you made. And I assume James' program is
13 right up there on economic development, in part because we
14 realize that to the extent that we can help people find ways
15 to break out of the lockjaw of poverty that we're doing
16 something significant.

17 MS. STANLEY: I just want to address the initial
18 statement coming from just what you said. And I think this
19 has been true for us for I know at least 12 years. And we in
20 the community, legal service community, tried to ensure that
21 clients had access to the justice system. Because of the
22 regulations and the past administration, even that process

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1 has been diluted.

2 And so just to have access to the court system is
3 no good if the quality of the representation is not equal to
4 the need of the court system. Do you understand? I've had
5 opportunities to be in court where people who could not
6 afford an attorney had a court appointed attorney. And the
7 representation they got was just nothing, okay.

8 And we filed -- the parent, I got with her -- we
9 filed some -- we filed with the court that the child did
10 not -- that the person did not have proper representation to
11 find out that as long as there was a lawyer in the court with
12 the person, even if he never interviewed the client until the
13 morning of the court hearing, that he had access to the court
14 system.

15 So I think that we ought not be in the position in
16 1994 of propping up and maintaining, but we ought to be
17 excelling to do different and better. And I'd like to see us
18 begin to talk about high quality equal access to the justice
19 system and not just having a lawyer or a paralegal or
20 somebody.

21 And the other thing that I found out in the
22 community is that because of the goals and priorities process

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1 that a lot of times the services that a program provided are
2 needed, but they aren't relevant. You know what I'm saying?
3 Food stamps, housing, and all -- they're going will always be
4 our problem. You can always find a case, but that don't
5 change the conditions in the community.

6 And when I was talking to one of the managing
7 attorneys in our program this week about me being on this
8 committee his concern was that even his staff is getting
9 burned out from doing the same kinds of cases. And he said,
10 "Don't nothing change." I said, "The only thing changed is
11 the client name and the year." The issues are the same ones.

12 So I think we have to say we want a president
13 that's going to come in here and provide and support us there
14 in being more radical -- the word for me from my community --
15 and not just being people who mitigate poverty. I mean
16 because then you become just as much as a problem for the
17 people in my community as the people who are enforcing these
18 bad policies and rules.

19 And when we find that we have legal services
20 attorneys working in the field that -- working in coalition
21 building with housing authority directors and helping them to
22 write bad laws that effect us adversely, and then when we end

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1 up being faced with a law we had go to the program and they
2 said, "But it's legal." You know what I'm saying?

3 So just access to the court -- I mean I know for 12
4 years we had to maintain that because we had so many controls
5 and so many restrictions and stuff like that. But I think at
6 this point we ought to want somebody that's going to move us
7 more forcefully.

8 CHAIR EAKELEY: Okay, I'm going to stop with the
9 mission now. Then we're going to get to objectives. Then
10 we're going to get to job descriptions of the Board and also
11 of the president. But I think it's fair to say that we have
12 a strong consensus and it's in the statute which -- some
13 people, not around this table, but others out there needed
14 reminding -- talks in terms of the three findings that I
15 mentioned before, but also talks in terms of the Corporation
16 being required to ensure the maintenance of the highest
17 quality of service and professional standards, and also that
18 we ensure that grants and contracts are made so as to provide
19 the most economical and effective delivery of legal services.

20 So high quality, effective, and economical
21 delivery of legal services consistent with the purposes of
22 the Congress in funding us to do that so that there is no

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1 waste and that we maximize the effectiveness of those dollars
2 I think is among the primary missions of the Corporation.

3 MS. STANLEY: But see what I'm saying to you that
4 reading that and hearing you saying it, if that was true, how
5 could we have a Board that sits up here and did the kinds of
6 stuff -- and a president that supported that -- that diluted
7 the strength of the people in the field to serve the client.
8 If that's what we are about, then surely your president of
9 this Corporation ought to have been working to make sure that
10 they didn't put those kinds of restrictions on the program
11 which precluded them from jealously practicing law for poor
12 people.

13 CHAIR EAKELEY: Fine. But we're talking about a
14 new president though and a new direction and a new Board.

15 MS. STANLEY: But I'm saying if your mission guides
16 you, if your mission statement is what guides you, then
17 that's what you're going to hold the president to.

18 CHAIR EAKELEY: Right.

19 MS. STANLEY: But if your mission statement is so
20 broad and it's so weak -- you know what I'm saying -- then
21 you can hire a director that says, "Yeah, I believe in that.
22 I believe in that," and they come in here and go to the

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1 Congress and go with the same old crazy mess. And by the
2 time we get a hold on it we'll be twelve more years in the
3 hole.

4 CHAIR EAKELEY: But I thought that we were -- I was
5 agreeing with you. But finding in the statute already the
6 charge that highest quality legal services and not merely
7 access to any old kind of justice was the mission or was a
8 priority for the Corporation. In fact, it's raison d'etre.

9 MS. MERCADO: I guess the easiest way to answer
10 Rosita is that the ambition has always been the same. It has
11 been the people who implemented issues that --

12 CHAIR EAKELEY: Fund and implement.

13 MS. MERCADO: -- funded and implemented that it
14 have had difference in carrying it out.

15 CHAIR EAKELEY: You can have a committed Board and
16 no resources to do it also. So that's not going to help us
17 either.

18 MS. STANLEY: But you can have -- and I guess I
19 have to stay on this for a minute. Please indulge me. You
20 can have a person that -- and if you'd only let them know
21 that you will be supportive of them pushing that Act to the
22 max to protect the people, then they will come in here and do

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1 what is conveniently nice for the legal services community
2 and it has no worth.

3 And so for me when you spend money and do the same
4 thing and don't change nothing, even though you can
5 categorize it in a budget and you can receive it, that's a
6 waste of expenditures.

7 CHAIR EAKELEY: What we're trying to do today is
8 find a mission that we agree upon, identify the mileposts,
9 the objectives that would help tell us this is how that
10 mission gets translated into action, and then use those
11 mileposts or challenges or objectives to help identify the
12 type of president who could accomplish them and also give us
13 a way of telling in a year or two whether we've succeeded or
14 failed in finding the right person.

15 So this is just the start of the morning exercise
16 and not the end of it. And you're right, if we leave it at
17 the rhetorical level, that's all, it's just words.

18 On the objectives let me, if I could, just go
19 through -- again I asked the directors just to write down
20 thoughts about top priorities and challenges, objectives to
21 accomplish. And rather than paraphrase or group, I think
22 that it might be a benefit to everybody if I just quickly

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1 went through all of them because, again, I think you'll see
2 some themes already emerging that may be helpful in starting
3 the discussion.

4 Develop and identify a process by which we can
5 involve clients meaningfully in a true partnership that is
6 fair and equal and that everyone can buy into. And develop
7 ways to make highest quality services accessible to the
8 community. One set of challenges.

9 Second set: Accomplish a training of clients so
10 that they can help themselves create a system where there is
11 no wasted money and that the organization performs.

12 Third set: Accomplish a greater diversity in the
13 people who provide legal services from top to bottom, a
14 diversity that reflects the culture and genders of the client
15 community. Two, increase the level of funding to where we
16 can have minimum access within three years -- that's defined
17 as \$848 million in our current Budget Mark. Three, create a
18 broad support not only from allies in the community but in
19 the business, corporate, social service sectors, government,
20 across the political spectrum for legal services and equal
21 justice.

22 Another director: Establish credibility of the

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1 Legal Services Corporation and program in the community with
2 the private bar but especially with the Congress, because the
3 Congress has to be persuaded that federal dollars are being
4 spent to accomplish the overall Congressional scheme. A
5 recommendation that we all read or reread "Robber Barons of
6 the Poor" by Senator Orrin Hatch to remind us of some of
7 that.

8 Secondly, enhance the current delivery mechanism
9 not just through increased federal funding but through
10 improvements to and support for technical assistance to
11 existing delivery mechanisms, but treat federal funding in
12 the existing delivery system as a Christmas tree and
13 supplement it with delivery systems including greater use of
14 pro bono, alternative dispute resolution, client involvement,
15 and outside funding sources.

16 Another one was -- priority -- three priorities:
17 Secure adequate funding for the legal services system
18 including adequate funding for field programs, specialized
19 delivery programs, national support centers and state support
20 centers -- in dollar terms, \$848 million -- for minimum
21 access as a first step towards the larger step of equal
22 justice, currently defined as \$1.2 billion as an objective

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1 for the Legal Services Corporation.

2 Related to one, improve the delivery of legal
3 services to clients through redesigned evaluation,
4 monitoring, technical assistance, communication, and client
5 involvement.

6 And three, develop a role for the Corporation to
7 encourage the nation to do justice introducing legal services
8 programs, advocates, and clients into the decision-making
9 process through the organized bar, Executive Branch, the
10 Congress, state and local governments, legal services as a
11 catalyst.

12 Another set of challenges: First year, hold the
13 Legal Services Corporation to a "do no harm" standard.
14 Eliminate the unnecessary regulation, monitoring, and
15 interference with current programs' ability to advocate for
16 the poor.

17 Secondly, create a reputation for the Legal
18 Services Corporation and local programs for high standards of
19 excellence that will help with both the resource issue and
20 the morale issue.

21 Thirdly, identify more resources, federal and
22 others, to extend services to more needy people.

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1 Fourthly, contribute to the improvement of the
2 effectiveness of legal services lawyers over time through
3 quality evaluation, support, recruitment, training, and
4 diversity.

5 Next viewpoint: Steer more and row less. Just as
6 government needs to be reinvented, so does the Legal Services
7 Corporation. We should develop a better sense of mission and
8 consensus about that mission and how we get there. Eliminate
9 unnecessary regulations, paperwork, operations. Delegate
10 authority. Empower local programs and clients and encourage
11 them, likewise, to eliminate what isn't necessary to
12 accomplish their purposes.

13 Reestablish the credibility of the Corporation with
14 the Congress, bar, and field programs. Rethink and
15 reestablish the Corporation in meeting the mandates of the
16 Legal Services Corporation Act that I read before.

17 Develop strategies to ensure the stability and
18 institutional integrity of the Corporation into the future.
19 In other words -- and this comes up in the next one, too --
20 secure reauthorization with as few restrictions as possible.
21 Proceed in a fashion that is designed to establish and secure
22 as broad-based bipartisan support as possible. Avoid, as

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1 John Broderick said on another occasion, developing new hard
2 edges that can be used against programs in the future.

3 Fourthly, make Legal Services Corporation a truly
4 diverse environment and assist and encourage grantees to do
5 the same.

6 Another director: Secure adequate funding to
7 approach, if not ensure, equal access to justice. Make sure
8 that Legal Services has a seat at the table.

9 Secondly, build a constituency that is as broad as
10 the nation at large. Expand public knowledge and awareness
11 of what we do, what our mission is, why the constituency that
12 we serve that is largely disenfranchised deserves the support
13 of the entire community.

14 Three, aggressively pursue reauthorization that
15 would permit greater autonomy and local control so that
16 people closer to problems can solve them better. Reduce
17 regulatory burdens and unnecessary interference.

18 Fourthly, involve private attorneys in securing
19 access to justice. Expand the base.

20 Next -- and I've got just two more but it's
21 important that everyone in the room hear this, however
22 abbreviated. We need a tightly organized, well-functioning

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1 organization that, secondly, provides maximum support to
2 grantees within the parameters of the law, thirdly, with the
3 understanding and support of the needs of clients, knowing
4 what the problems are, how to address them, and involving the
5 clients in all of that process.

6 Fourthly, understanding the limitations of the
7 Corporation and of its Board of Directors and of its
8 president so that we can leave as a legacy to those who come
9 after us and for those in the field a Legal Services
10 Corporation and program that is an established accepted and
11 relatively noncontroversial but imminently successful feature
12 of the United States landscape.

13 Fifth, the Corporation must take a principal role
14 in carrying the message of justice for all, especially the
15 indigent, to the country and to the Congress.

16 And finally, the final set of challenges:
17 Establish diversity from the top in the program. Secondly,
18 energize, excite, and encourage the ranks within the
19 community and in the Corporation to accomplish the mission of
20 the Corporation. Develop the capacity to attract people with
21 ability, talents, gifts, and commitment into the program to
22 serve others in need.

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1 Thirdly, make the Congress comfortable with the
2 Corporation, with the program, conscious of the Corporation
3 of the program so that we can secure reauthorization without
4 undue restrictions, funding commensurate with need, and an
5 opportunity to work together to address other problems of the
6 poor.

7 Now those are my renditions a little bit, but I've
8 try to keep as faithful to the spirit of what was offered.
9 Just a moment to pause, I think we have there at least three
10 or four clusters of issues or challenges. One was an
11 organizational one. We've inherited a Corporation -- and
12 Bill McCalpin --

13 Ada, could you squeeze a chair in the table? I
14 told everybody that you were going to challenge us to find a
15 job description for the Board and I said I couldn't do it
16 without you. We're delighted to have you with us.

17 MS. SHEN-JAFFE: Even in my disheveled state?

18 CHAIR EAKELEY: That's all right.

19 MS. SHEN-JAFFE: I apologize, but I went to the
20 office.

21 CHAIR EAKELEY: Ada Shen-Jaffe, another one of our
22 senior transitional management team.

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1 One cluster focuses on organizational issues.
2 We've inherited a Corporation that has lost its way, its
3 sense of mission, and indeed a great deal of its support in
4 the community. And one of the shorter-term objectives or
5 cluster of objectives or challenges, as I see it here, had to
6 do with getting the Corporation's organization in place in a
7 fashion so that it could do its job.

8 Reestablish credibility with the community and with
9 the Congress. And as part of that, but only part and not the
10 only place where this plays out, but throughout there's a
11 constant theme of diversity both in terms of leadership but
12 also in terms of ultimate ability to be effective in
13 delivering legal services to those who need and encouraging
14 the nation to do justice.

15 As a second subpart of this same organizational
16 imperative I think the point about trying a shorter-term goal
17 to hold the programs harmless, in other words, to get to the
18 point where we can assure ourselves that the Corporation is
19 doing no harm to the field is an important first step towards
20 leveling off so that we can move forward together.

21 A second I think theme and I think consensus -- but
22 I will say a consensus and then people can attack me. But I

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1 think it's fair to say that another important challenge or
2 priority for the Board for the next two to four years or
3 whatever our tenure is because we've got -- what do we have
4 Bill, three-year terms? But they all start at different
5 times the way the White House did this or the council did it.
6 But in any event, another important priority is to secure
7 greater federal funding for legal services programs.

8 We have committed as a Board to going to the
9 President and the Congress for a minimum access funding level
10 of \$848 million as a first step towards a longer-term
11 objective of equal access. We may differ in terms of
12 ultimate priorities and objectives, but I think one of the
13 things we're all about is to try to get back to a point where
14 there are funds to fuel important programs serving important
15 needs.

16 Related to that, I think we have another consensus
17 that the Corporation is not only the conduit for those
18 hopefully enhanced funds that flow but also has an important
19 role to play in ensuring that they're well-spent but also in
20 contributing towards the effective, high quality, meaningful
21 delivery of legal services through such things as evaluation
22 and technical assistance and client involvement and that we

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1 buy into delivery issues as well as funding issues, and we
2 can't buy into one without the other, and both involve and
3 require diversity and client participation.

4 Thirdly, I will venture that our objectives or
5 challenges will enhance our ability to accomplish the first
6 two or three. The first one is really if the ship isn't in
7 shape, we're not going to get funding and we're not going to
8 be able to promise enhanced delivery.

9 But there is a larger role to play that no one else
10 is playing in this government of ours which has to do with
11 letting our government and our community know about the
12 requirements of justice, the needs of the poor living in our
13 midst, the ability of programs to address those needs, and
14 the role of legal services -- not the exclusive role but the
15 role of legal services programs and advocates and clients and
16 governments and neighbors in the process.

17 Part of that later objective or challenge, how do
18 we develop a role that includes a call for justice, also
19 includes I think an admonition that in our zeal to do justice
20 we do not unconsciously or unintentionally sow the seeds of
21 injustice down the road by alienating and antagonizing or
22 failing to bring into a larger base and constituency that is

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1 not partisan in nature important segments of the community by
2 heedless or thoughtless actions or actions that tend to
3 alienate rather than consolidate support for justice in the
4 country.

5 That's my cut at it. Corrects, additions, total
6 changes, comments?

7 MR. FORGER: Is your last social justice or legal
8 justice?

9 CHAIR EAKELEY: I didn't put a -- I think we can
10 talk about this a fair amount, but we did talk some about
11 access to justice -- Legal Services is not a charity. It's a
12 necessity. It includes access to justice, but it is not
13 limited to access to justice. It seeks as an objective equal
14 justice. Lawyers are not the sole gatekeepers and should not
15 be and nor should we be relying exclusively on lawyers to
16 accomplish those objectives. But they do have an important
17 role to play.

18 MR. ISAACSON: May I make a process suggestion?

19 CHAIR EAKELEY: Yes.

20 MR. ISAACSON: I think we should find some way to
21 put in front of you as a group those clusters, which is
22 called clusters of purposes or objectives --

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1 CHAIR EAKELEY: Challenges.

2 MR. ISAACSON: Challenges. Take these sort of
3 rather large challenges and list them out. I've written down
4 I think six. Just write them out almost as one or two-word
5 headlines, little headlines, so that you can see as a group
6 what they look like. And then take each one and make sure
7 that you can describe each one of these particular challenges
8 in a way that you think is acceptable to the whole group.

9 Now I don't mean do a whole lot of literary
10 crafting, but argue about them somewhat. Make sure you mean
11 crudely the same thing by it.

12 CHAIR EAKELEY: Do we have -- we don't have a
13 flip chart.

14 MR. McCALPIN: Let me ask Pat.

15 CHAIR EAKELEY: Does everybody have a notepad
16 around the table? There are some notepads at least. I could
17 make this suggestion for starters.

18 MR. McCALPIN: We're waiting for Pat to get a flip
19 chart. Pat thinks one is available. And John Tull is very
20 good at doing this sort of thing.

21 (Laughter.)

22 CHAIR EAKELEY: How about doing this, how about

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1 everybody get a notepad and let's just capture these under
2 these headings, although they might not be the right
3 headings. One item was just organization. Second would be
4 funding. Third would be delivery. And I don't know what to
5 call the fourth but maybe catalyst.

6 MR. ISAACSON: What did you mean by that? Let's
7 see if we can get a good headline. Catalyst, all right, just
8 call it catalyst.

9 MR. McCALPIN: I don't know what you include as
10 catalyst.

11 MS. BATTLE: I had advocate, not alienate.

12 CHAIR EAKELEY: Okay.

13 MR. WICHLEI: My typography was just a tad
14 different. I'm hearing a task of internal healing. This is
15 both relationship between the Corporation and the local
16 entities. This is not getting the -- reversing the history
17 of punitive management and becoming supportive. So it's an
18 internal healing.

19 I'm hearing an external support task, martialing
20 the reauthorization, additional funding, pulling in a broader
21 base of support.

22 CHAIR EAKELEY: And the credibility -- actually the

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1 credibility is internal as well as external.

2 MR. WICHLEI: That's right, credibility plays in
3 both of these large areas. And then this third is the
4 touchier one, because I'm hearing a desire to move beyond the
5 redress of individual grievances to the boarder amelioration
6 of poverty. And you're talking about there how do you do
7 that in a manner that doesn't undermine your desire to get
8 this broader-based bipartisan support. I mean it almost --
9 as I was listening to this I was wondering how on earth do
10 you significantly address --

11 MR. ISAACSON: All right, don't get on the
12 substance for a minute.

13 MR. WICHLEI: Okay.

14 MR. ISAACSON: Just get yourself a list of
15 headlines that you think is more or less credible and then
16 work the substance of it because you've got plenty -- Doug
17 got us organization, funding, delivery, and something called
18 catalyst.

19 MR. MCCALPIN: And I don't know what you mean by
20 that.

21 CHAIR EAKELEY: How about advocate?

22 MR. ISAACSON: By catalyst you mean advocate?

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1 MR. McCALPIN: I still don't -- I don't know what
2 things you're talking about.

3 MS. MERCADO: I see it as the marketing. It's a
4 trying to --

5 CHAIR EAKELEY: Messenger for justice.

6 MR. McCALPIN: Okay, that I can understand.

7 MR. ISAACSON: That's catalyst or that's another
8 one. We'll call that messenger.

9 CHAIR EAKELEY: Messenger for justice, is that all
10 right?

11 MR. ISAACSON: You guys can figure out what you
12 meant by that later.

13 MS. MERCADO: Okay.

14 MR. ISAACSON: Just get yourself a list that you
15 can work on.

16 MS. MERCADO: Everybody has to buy into it,
17 otherwise it doesn't work.

18 CHAIR EAKELEY: Yes.

19 MR. ISAACSON: Messenger for justice.

20 CHAIR EAKELEY: Now on organization we've got --

21 MR. ISAACSON: Is that a sufficient list? Does
22 that capture that whole --

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1 MS. BATTLE: I thought internal healing.

2 MR. ISAACSON: That might fit under organization.

3 MS. BATTLE: Okay.

4 CHAIR EAKELEY: And diversity is not only limited
5 to there, but diversity is part of the organization.

6 MR. ISAACSON: It should be separate -- well, it
7 could be part of the organization, but it needs to be on your
8 list in a significant way.

9 MS. BATTLE: Let's just make that a separate
10 category because these all interrelate in large measure. But
11 diversity is a separate category.

12 MS. MERCADO: What were your other six?

13 MR. ISAACSON: Well I called organization
14 "corporate management," but it's the same sort of thing.
15 Diversity. Is funding the Congress? They're not quite the
16 same, right?

17 MS. BATTLE: Funding comes from the Congress.

18 MS. MERCADO: But also it means extending our
19 funding base to other funding entities, pro bono, alliances.
20 It's more than just relying on one source of funding.

21 (Simultaneous conversation.)

22 CHAIR EAKELEY: John, your services are being --

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1 MS. MERCADO: Poor John.

2 CHAIR EAKELEY: Yes, but we are not delegating
3 editorial discretion here.

4 MR. TULL: Thank you.

5 CHAIR EAKELEY: Can people kind of see that?

6 John, how about you do this? That way you can sort
7 of lead this part of the discussion anyway.

8 MR. ISAACSON: All right. Okay, now you'll have to
9 excuse the handwriting.

10 Well the first one is sort of simple. You can call
11 it organization. I had down originally sort of corporate
12 management.

13 Now your next one you've called funding, but it
14 could be a broader term. You want to decide where you're
15 going to put the whole issue of the support for the
16 Corporation.

17 CHAIR EAKELEY: Well, we have two issues there
18 principally. We are a funding conduit. We distribute 95
19 percent of what we receive. And what we receive and
20 distribute is absolutely critical to field programs. And so
21 once we're reauthorized, we're reauthorized for five years,
22 presumably --

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1 MR. McCALPIN: Maybe.

2 CHAIR EAKELEY: -- maybe. And we can function
3 without being reauthorized. Although we can function better
4 as reauthorized with least numbers of restrictions. But I
5 see it -- you can either say we need Congressional support
6 for funding in reauthorization, or you can say we need
7 funding and we need to emphasize delivery and reauthorization
8 is important to delivery. It's also important to funding,
9 though, I don't know -- I think that the resource issue is --

10 MR. ISAACSON: Large.

11 CHAIR EAKELEY: We're in the business of
12 distributing funds and making sure they're spent properly.

13 MR. ISAACSON: Let's keep a target. Let's do
14 reauthorization and federal money, and then you can --

15 CHAIR EAKELEY: But I wouldn't --

16 MR. ISAACSON: You can separate out the other ones
17 because they're probably different.

18 CHAIR EAKELEY: Yes, but I wouldn't --

19 MR. ISAACSON: You don't want to do that?

20 CHAIR EAKELEY: I think there are different
21 strategies for reauthorization than for funding.

22 MR. ISAACSON: There are?

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1 CHAIR EAKELEY: There are, and different committees
2 and different issues.

3 MR. ISAACSON: All right.

4 MS. BATTLE: Reauthorization is just --

5 MR. ISAACSON: So reauthorization is one and
6 funding is another.

7 CHAIR EAKELEY: I don't think we can make it --
8 sure.

9 MR. ISAACSON: Make it two?

10 CHAIR EAKELEY: Make it two, yes.

11 MS. MERCADO: Because funding ought to be more
12 than --

13 CHAIR EAKELEY: Funding is --

14 MS. MERCADO: -- I mean part of what we need to do
15 in economic independence is get additional outside funding
16 other than just solely relying on Congress.

17 MR. ISAACSON: So money is a separate thing and it
18 has a broader agenda and there are different challenges in
19 it.

20 MS. SHEN-JAFFE: It isn't just money. And when
21 Doug used the word catalyst I thought in part the notion of
22 resources, using this fixed pool of resources as a catalyst

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1 to empower the entire community, including the Legal Services
2 Corporation itself, to be able to leverage other resources,
3 make sure that the best and highest use for each resource is
4 made.

5 In effect, what you are is a linchpin, an anchor
6 point, an entrepreneurial base for very aggressive pursuit of
7 resources. And you're also a mechanism to organize the
8 resources so that the best and highest use is made of each
9 one. That's much bigger than reauthorization. It's much
10 bigger than federal money. It's really a catalytic resource
11 capitalization role.

12 CHAIR EAKELEY: That's where I -- I would stick
13 that under -- include that within messenger for justice maybe
14 slash catalyst.

15 MS. MERCADO: No, because we're going to have to
16 work on pro bono --

17 MR. ISAACSON: All right, hold on. Let me work you
18 a little on your ground rules for a second, okay. You have a
19 search to do. I'll tell you a little bit more about your
20 task and then I'll stop. This is your problem, but I'm going
21 to tell you what your problem is.

22 You have a search to do, and in order to do it you

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1 have to say what you think your next president is going to
2 have to accomplish. And what you've sort of just given to us
3 is an exceptionally eloquent speech about all of what this
4 person has to accomplish but not broken out by pieces.

5 So in order to make sure you really do agree about
6 the pieces, break them out into discrete parts, things that
7 are different.

8 CHAIR EAKELEY: I would put federal funding as a
9 separate category.

10 MR. ISAACSON: All right. Do you want to make that
11 federal and all other money, too?

12 CHAIR EAKELEY: No, because that's a different
13 issue and it goes to the larger community and role, which is
14 important. But the federal funding is a specific.

15 MR. ISAACSON: It's a separate thing. It takes a
16 certain kind of skill. Remember --

17 CHAIR EAKELEY: Not necessarily a separate skill
18 but I --

19 MR. ISAACSON: Right.

20 CHAIR EAKELEY: Okay.

21 MR. ISAACSON: Think about things because they
22 drive a kind of person you're seeking, and some topics are

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1 different from others.

2 CHAIR EAKELEY: We have a cluster of delivery
3 issues.

4 MR. ISAACSON: All right. Different from this
5 organization issue?

6 CHAIR EAKELEY: Absolutely, absolutely.

7 MR. ISAACSON: Good, all right.

8 CHAIR EAKELEY: Although there's an organizational
9 component to delivery, but that's not what we're talking
10 about here.

11 MR. ISAACSON: And then we'll spend time defining
12 what you mean by that. Just say a word so people a sense of
13 what category that is.

14 MS. SHEN-JAFFE: One is internal and one's
15 external.

16 CHAIR EAKELEY: Delivery is making sure that the
17 recipients of the funding -- that there is a system of legal
18 services providers out there that is not only adequately
19 supported with resources but which is provided with
20 evaluation and encouragement and communication and national
21 and state support and training and meaningful client
22 involvement so that we do accomplish the objective of highest

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1 quality, most effective legal services to those in need.

2 MR. ISAACSON: Does that make sense? All right.
3 You had as a topic something like catalyst.

4 CHAIR EAKELEY: Yes, or messenger for justice is
5 what we were --

6 MR. ISAACSON: Well all right, that's what it is.
7 It's the messenger for justice.

8 CHAIR EAKELEY: It's both.

9 MR. TULL: Before we go to that one, the delivery
10 one, there were two subsets that maybe should be broken out.

11 MR. ISAACSON: All right.

12 MR. TULL: Someone suggested one which was the
13 diversity issue, which really runs throughout certainly the
14 organization one and the delivery one. And the second was
15 client involvement. I think you could put them in in the
16 delivery issue piece. But certainly in your iteration of the
17 themes around mission they were mentioned over and over --

18 CHAIR EAKELEY: I think those are where they belong
19 most importantly. And it's probably important to anchor them
20 in organization and in delivery.

21 MS. MERCADO: But in addition, diversity is not
22 only the people that you have working within and doing that.

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1 The diversity aspect also goes to the broader network of
2 support that you want out of the community has got to be
3 diversified. So it actually is something that works
4 throughout.

5 MR. ISAACSON: Many of these things will affect
6 each other.

7 MR. TULL: I think it works throughout, but it's
8 useful to put it down as a category because delivery --

9 MS. BATTLE: Well I thought we were going to do a
10 separate category because of the fact that --

11 MS. MERCADO: Yes, we are.

12 MR. ISAACSON: Do you want to do a separate
13 category?

14 MR. TULL: Yes.

15 MR. ISAACSON: All right, we'll just make it a
16 separate one. And client involvement as well, right?

17 MS. BATTLE: Yes, because it is one.

18 MR. ISAACSON: All right.

19 CHAIR EAKELEY: And messenger for justice/catalyst.

20 MR. TULL: Slash alliance builder. And I heard a
21 theme in what was said of reaching out and casting a wider
22 net in terms of who connects with not just the Corporation

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1 but the entire delivery system and --

2 CHAIR EAKELEY: Foundation building.

3 MS. MERCADO: I thought one of the greatest
4 examples that was given was by Bill when we were doing our
5 discussions, that Head Start and Legal Services Corporation
6 were both started and funded at the same time.

7 No one questions that Head Start doesn't work and
8 it isn't needed in this country. Likewise, two years from
9 now or five years or ten years from now, people shouldn't
10 question whether legal services should be needed or not,
11 regardless of what party of they are, regardless of what
12 region they come from or economic level. And that's the
13 broader networking that we need to bring all that support
14 from the different -- private and public sector, both parties
15 or bipartisan or tripartisan, everything.

16 MR. TULL: Did Bill mention that we have \$400
17 million and they have \$10 billion?

18 (Laughter.)

19 MR. ISAACSON: Is this it right here, the
20 broadening support theme as a messenger for justice?

21 MS. MERCADO: Yes.

22 CHAIR EAKELEY: We've got an institutional

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1 objective of making this a permanent fixture.

2 MR. ISAACSON: Okay.

3 CHAIR EAKELEY: We also have a role for that
4 fixture to play which is the messenger for justice, that they
5 relate together.

6 MR. ISAACSON: Do you want to make those separate,
7 making the institution -- what did you call it?

8 MS. MERCADO: Well institutionalizing legal
9 services --

10 CHAIR EAKELEY: Institutional integrity I guess is
11 the way to do it, both Bucky and Bill on that, because that
12 involves the no sharp edges that will swing back and cut us
13 off at the knees, as well as the long-term.

14 MS. MERCADO: Yes, when we're gone it ought to be
15 able to survive on its own.

16 MR. ISAACSON: It survives and it's a credible part
17 of the landscape, and that fits in this territory.

18 CHAIR EAKELEY: I think sort of the same types of
19 characteristics.

20 (Simultaneous conversation.)

21 CHAIR EAKELEY: Going back to organizational, I
22 would include in the organizational -- that's the healing

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1 part -- I would include the do-no-harm there. That's sort of
2 -- healing, getting rid of the junk that's come up.

3 MS. STANLEY: But we do expect that this Board
4 would expect that we would be accountable.

5 CHAIR EAKELEY: We agree.

6 MS. STANLEY: Because sometimes when you try to
7 them accountable they think you're going them harm. But we
8 don't want this Board to come home and go to sleep.

9 CHAIR EAKELEY: We're not.

10 MS. STANLEY: So you have the accountability issue
11 for the community.

12 CHAIR EAKELEY: Understood.

13 MR. ISAACSON: Mr. Chairman, let me push a little
14 trouble. Actually, let's keep something simple. Let's make
15 sure that you understand these words the same way. Why don't
16 we try that?

17 CHAIR EAKELEY: Okay.

18 MR. ISAACSON: Let's see if we know what each of
19 these words means, and then let's probe for where we may be
20 tapering over.

21 Organization/corporate management, at the moment
22 you have that --

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1 (Simultaneous conversation.)

2 CHAIR EAKELEY: Hold on one second everybody.

3 MR. ISAACSON: We'll start you up so everybody gets
4 a voice. At the moment you've defined organization/corporate
5 management as doing no harm, healing within the Corporation,
6 eliminating unnecessary paperwork, regulation, things that
7 impede, eliminating self-inflicted wounds, I guess, something
8 like that. Is that a sufficient description of what you mean
9 by this?

10 MS. MERCADO: Well it also means restructuring the
11 delivery system, what the mission of legal services ought to
12 be.

13 MR. ISAACSON: Now you have delivery issues down
14 here so you may --

15 MS. MERCADO: Well, that's part of it. It's
16 designing the Corporation.

17 MS. BERGMARK: It means designing a Corporation
18 that fits the goals that you then want to carry out.

19 MR. ISAACSON: And those are major, those sort of
20 major internal reorganization efforts.

21 CHAIR EAKELEY: Yes, but it is a reorganization to
22 do these other things actually. But as a starting point, to

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1 get rid of a lot of unnecessary baggage by the way of
2 regulations and paperwork requirements and the like.

3 MR. ISAACSON: You've sort of got two steps in this
4 task. You've got a sort of first step of ceasing harmful
5 behavior and a second much longer one of reinventing the
6 Corporation.

7 CHAIR EAKELEY: And there's a staffing element to
8 that also.

9 MR. McCALPIN: John, the do-no-harm concept I think
10 has to be understood in two ways. When it was initially
11 enunciated it was in terms of doing no harm to the grantees
12 of the Corporation through excessive regulation, intrusive
13 monitoring, and that sort of thing.

14 Under institutional integrity we're talking --
15 which may or may not be up there -- we're talking about doing
16 no harm to the Corporation as an entity so that it may
17 survive.

18 MR. ISAACSON: That's probably over here --

19 MR. McCALPIN: We're talking about doing no harm in
20 that sense to the institution.

21 MR. ISAACSON: Okay, all right. Do you feel you
22 have a reasonable description of this sort of organization

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1 one by saying cease harm and then slowly redesign it for new
2 ends?

3 CHAIR EAKELEY: Slowly, we're going to --

4 MR. PADILLA: I'm not sure about adding slowly to
5 that.

6 CHAIR EAKELEY: This will be accomplished by our
7 transition team.

8 MR. ISAACSON: Oh, I see.

9 MR. PADILLA: And when you say redesign do you mean
10 undo the harm?

11 CHAIR EAKELEY: Yes.

12 MR. ISAACSON: Rather than cease, all right, undo.

13 CHAIR EAKELEY: Yes, undo harm.

14 MR. ISAACSON: Okay, you're probably reasonably
15 clear on that one. Let's try the next one. Reauthorization,
16 you're reasonably clear on what that is?

17 CHAIR EAKELEY: Sure are.

18 MR. ISAACSON: All right, this one requires
19 virtually no debate. Well, we'll press it. What will the
20 new president have to do with reauthorization?

21 MS. BATTLE: The reauthorization issue is really
22 designed around certain specific issues that are already in

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1 what we're going to have to present in -- potentially markup
2 before Congress in a House bill and a Senate bill. But the
3 overall arching mission is to get back to what's stated in
4 the Act as our mission and to alleviate undo restrictions.

5 MR. ISAACSON: Okay.

6 CHAIR EAKELEY: But actually, if we're -- we very
7 well may have a reauthorization bill out of both committees
8 before we have a new president. So in terms of --
9 reauthorization happens to be one of --

10 MS. BATTLE: It's on a fast track.

11 CHAIR EAKELEY: It's a symbolic issue. We want to
12 encourage the Congress to recognize the Corporation and to
13 say, after 14 years, "Yes, you are reauthorized to do what we
14 charged you to do in 1974," and secondly, "We trust you
15 enough and we think you're important enough that we are going
16 to charge you with the authority to take these funds and
17 distribute them without all of the ridiculous restrictions
18 that we've imposed upon you in the past."

19 MR. TULL: Is it fair to say that there's a sort of
20 one time in an ongoing --

21 CHAIR EAKELEY: Ongoing on the restrictions. We
22 will be -- even if we get reauthorized this year, we will not

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1 get as far as we want to get on restrictions. And that will
2 be an incremental --

3 MS. BATTLE: I think that's right. So there's an
4 ongoing need to unbundle some of those restrictions over
5 time.

6 CHAIR EAKELEY: -- we will be able to free up over
7 time. So that is a longer, that does have longer-term
8 ramifications.

9 MS. BATTLE: It does. I think it does.

10 MR. ISAACSON: Persuading the Congress to trust
11 you.

12 CHAIR EAKELEY: Yes, and it's the flip side of
13 "trust us with your money."

14 MS. BATTLE: Trust us with your money. Trust us
15 with the responsibility.

16 CHAIR EAKELEY: Give us your money and then trust
17 us with it.

18 MR. ISAACSON: Trust us with your money, that's why
19 I wish I had more room. I apologize about all the writing. I
20 should probably rewrite this.

21 Okay. Are you clear about federal money? I guess
22 you probably are.

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1 CHAIR EAKELEY: We are clear. We have a \$400
2 million current level of appropriation. We have a budget
3 request in for \$848 million, which is the equivalent of the
4 1981 funding level adjusted for inflation and demographics of
5 poverty.

6 MR. ISAACSON: That's a minimum access --

7 CHAIR EAKELEY: Nearly minimum access. And we're
8 all in agreement that minimum access is just that, minimum,
9 not full or fair or equal.

10 MS. MERCADO: I think it's only me that wants to
11 see funding extended to a whole lot of --

12 CHAIR EAKELEY: And there are people out there who
13 are hurting. Maria?

14 MS. MERCADO: I think that part of our job as a
15 Board and my fiduciary obligation in looking at a nonprofit
16 corporation is that I have to think of what ways can this
17 Corporation survive on its own. And when you're totally
18 dependant on one conduit for funding you're not able to do
19 that. I know that in some states we have IOLTA, but in other
20 states we don't. So we need to do extending of the funding
21 sources.

22 CHAIR EAKELEY: I agree but I think that the

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1 sources of funding, there are different strategies for those.
2 And since we are the creature of Congress, funded by the
3 Congress exclusively -- we don't get other funds, although
4 we're authorized to take them. We do want to help supplement
5 programs' fundraising but --

6 MR. ISAACSON: Are you reasonably clear? What
7 possible disagreement have you on the federal funding money?
8 Are you worried that you're only making the minimum access
9 argument and that you have a different argument to make, or
10 do you think that's clear for the time being?

11 CHAIR EAKELEY: We are I think committed to going
12 beyond minimum access and feel restricted conceptually by
13 emphasis merely on minimum access and also, indeed, on an
14 approach that stresses access which is legalistic in nature
15 and comes at the expense of doing justice.

16 MR. ISAACSON: And you may have a requirement for
17 your next president to help you prepare the next
18 philosophical grounds for the appeal for money?

19 CHAIR EAKELEY: Well just speaking for myself for
20 once, there's no doubt in my mind that our president should
21 be a presence on Capitol Hill advocating for greater federal
22 commitment to equal justice.

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1 MR. ISAACSON: And that's a different argument than
2 minimum access.

3 CHAIR EAKELEY: That's a related argument that
4 flows from minimum access and involves political tactics as
5 much as anything, because the minimum access was an objective
6 that was sought and fleetingly achieved when the First Lady
7 was Chair and then ably succeeded by Bill McCalpin. That was
8 part of it then when you were chair?

9 MR. MCCALPIN: We hit it in fiscal '81 for the
10 first time, first and only time.

11 CHAIR EAKELEY: Jose.

12 MR. PADILLA: Along that line what I wanted to
13 articulate is one community sentiment that at least took me
14 by surprise at the last conference in Albuquerque, and that
15 is because of the fresh air that you all represent people are
16 talking about minimum access plus.

17 So I think some time earlier you said something
18 about the billion dollar goal or whatever that is. I think
19 the community is talking about that because -- and it may
20 just be -- I'm not going to say it's a pipe dream because I
21 think in that you're talking about a role that goes beyond
22 just looking at legal representation as the only way that you

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1 alleviate this and that equal justice means something about
2 the poor and other things they need. So the community was
3 thinking about minimum access plus, whatever that means. So
4 I just wanted to --

5 CHAIR EAKELEY: Agreed. But without regard to the
6 terminology now, I, for one, would be very disappointed if we
7 did not do our utmost to secure \$848 million in three years.
8 And that's what we're talking about in numerical terms.

9 But I've mentioned the numbers not because there's
10 magic in the number but it suggests an order of magnitude
11 shift in funding at a time when everything else is going in
12 reverse.

13 MR. ISAACSON: Just to summarize this, and we'll
14 leave it, you're seeking federal -- this is a federal money
15 issue. You have two theories for seeking money, minimum
16 access and something called equal justice, which is a still
17 yet not highly defined as a way of appealing for money. And
18 you have at least one order of magnitude target for money.
19 And you believe that your president has a serious role in
20 moving this task for you.

21 CHAIR EAKELEY: We're not going to do it without
22 him or her.

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1 MR. ISAACSON: Moving us up along, the next line I
2 think is delivery systems.

3 CHAIR EAKELEY: Delivery.

4 MR. ISAACSON: Okay, what do you mean by that,
5 delivery issues? What do we expect the new president to do
6 for us on issues of delivery? People that haven't spoken or
7 who feel strongly about it, what do you think we mean by
8 delivery issues in the Corporation?

9 MR. MCCALPIN: Or particularly, what do we mean
10 about a presidential role in delivery issues in the
11 Corporation?

12 CHAIR EAKELEY: Well but I think Bill, John's
13 suggestion was that if we start out saying, "What it is the
14 Corporation needs to accomplish?" it will help us define what
15 -- maybe that's the role for the president or whatever.

16 MR. ISAACSON: It might be a Board role or it might
17 be the president's role.

18 CHAIR EAKELEY: But I think how we translate the
19 mission rhetoric or statement into concrete objectives is
20 important. And that's why I asked Bucky last night what he
21 thought to be the top three delivery issues confronting us as
22 a Board or Corporation.

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1 The objective is high quality, effective,
2 meaningful. But there I would put meaningful client
3 involvement clearly is, among other things, a delivery issue.

4 MS. WATLINGTON: What about partnership, where
5 would that come?

6 MR. ISAACSON: Say that again?

7 CHAIR EAKELEY: Partnership.

8 MS. WATLINGTON: Partnership, that's part of
9 delivery because we don't, the Board doesn't deliver the
10 services to clients; it's the field that delivers the
11 services.

12 ISAACSON: You've talked a fair amount at other
13 times about encouraging, strengthening, a sort of feeling
14 that the organization field or part of the organization is
15 dispirited, beaten down, sometimes led by very young people,
16 sort of those kinds of issues. Is that what you mean here?
17 Do you mean sort of reviving the field? Bill used to talk
18 about nurturing the organization, or maybe that was Alex.

19 MS. BATTLE: I guess that's where part of the
20 statement that I made about energize, excite, encourage, and
21 involve the ranks --

22 MS. WATLINGTON: Right.

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1 MS. BATTLE: -- is part of what the delivery system
2 is all about, and educate.

3 MR. BRODERICK: I think there was also a question
4 raised earlier -- I think LaVeeda, you raised it -- about
5 seeking and securing the highest quality lawyers.

6 MS. BATTLE: That's right.

7 MR. BRODERICK: That impacts delivery rather
8 immensely, and morale and training and recruiting.

9 MS. MERCADO: Because one of the things that we've
10 discussed with some of the projects in some of the areas that
11 we've been in that because this Board is very committed to
12 high quality legal education, by its very nature, it means
13 that a lot of the people that are currently servicing legal
14 services clients cannot add up to that standard because it is
15 not in their nature to do that. Because as someone so aptly
16 said a little while ago, we've got a lot of rejects that
17 couldn't make it out in the real world and they're out there
18 and they don't want to do anything to disturb that kind of
19 work.

20 (Simultaneous conversation.)

21 CHAIR EAKELEY: But we also heard a lot about the
22 potential for national and state support and uniting support.

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1 We're also looking very carefully at appropriate evaluation
2 methods that provide peer review and support to improve
3 delivery. So John, I think the state support --

4 MR. ASKEW: It's an interrelationships issue.

5 CHAIR EAKELEY: Yes.

6 MR. ISAACSON: It's a relationship issue, okay.

7 This is a relationship between programs and the LSC.

8 CHAIR EAKELEY: Programs, support, technical
9 assistance, communication, and clients. Marilyn.

10 MS. MULLANE: But it isn't just programs in the
11 LSC. It's reorganizing so that you can effectively get to
12 the justice issues so that you can promote the highest degree
13 of advocacy that is achievable by your community. And so --
14 I mean there are very poorly managed programs. So you need
15 to look at the effective expenditure of funds, but to do
16 what, to achieve justice.

17 MS. MERCADO: And one of the things that we want to
18 get, especially with the whole delivery of legal services, is
19 to get out of the mindset that legal services means filing a
20 case in court or taking it through administrative process,
21 that it means doing economic development, that it means
22 helping nonprofits build housing, that it means involving big

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1 corporate firms to do some pro bono work for us and to do
2 some creative economic development issues. There are all
3 those kinds of things.

4 And that's why we're talking about the broadening
5 of the delivery so that people are empowered and become
6 independent. Our role in the end should be that we're not
7 needed 20 years from now. I know that's not a reality --

8 CHAIR EAKELEY: We're still required to do
9 monitoring for compliance and evaluation for operational
10 performance. And we fund different programs at different
11 levels that do require some coordination as well as
12 resources, that's the national support and state support,
13 clearinghouse review and communications, possibly even a
14 research, the reinstitution of a research institute possibly
15 independently funded. And then we had the law school clinics
16 discussion yesterday, too.

17 MR. ISAACSON: Take Maria's speech though for just
18 one second. You gave a speech that is dramatically different
19 from anything managerial. It's really moving the Corporation
20 into new fields of endeavor, right?

21 MS. MERCADO: Yes.

22 MR. ISAACSON: And that's a topic for you and it

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1 may in fact be a dangerous topic because it may be that some
2 new fields of endeavor might in fact undermine your ability
3 to maintain institutional integrity or to broader your
4 support.

5 MS. MERCADO: But it also means in being fiscally
6 responsive that we do the most with that dollar. And if we
7 can help 10,000 people versus, you know, 100 people, that --

8 MR. ISAACSON: So where would you gather that
9 particular problem?

10 MR. FORGER: Delivery models.

11 MS. MERCADO: It's a delivery model.

12 MR. FORGER: The private bar, for example.

13 MS. MERCADO: Yes.

14 MS. WATLINGTON: There's a word though that's still
15 missing in that. It's also that partnership because you need
16 each other.

17 MR. ISAACSON: And that's a partnership between
18 field organizations and LSC?

19 MS. WATLINGTON: Right.

20 CHAIR EAKELEY: And providers and clients.

21 MS. WATLINGTON: Right.

22 MS. BATTLE: One of our mission statements for

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1 reauthorization has to do with innovation. So I think that
2 that really translates into delivery models so that we can
3 explore and look at and test ways to deliver the services
4 that are different from ways that we've done it in the past.

5 But we need to do that with a measure or ensuring
6 that we're looking at it for the long haul, within this
7 statement of the mission, for improving opportunity for the
8 poor. So as long as we're doing it with that being the
9 focus, then I think we don't run up against the problem with
10 the institutional integrity.

11 CHAIR EAKELEY: It's also Tom's Christmas tree
12 analogy.

13 MS. WATLINGTON: And we do it with them, not for
14 them.

15 CHAIR EAKELEY: Yes.

16 MR. ISAACSON: I'll reframe it back to you and see
17 if it sounds acceptable. You are interested, in sort of
18 Maria's terms here, in innovating with new delivery models
19 that may be very efficient ways of systemically changing life
20 for poor people. But you want to do it within a framework
21 that doesn't undermine your institutional integrity.

22 MR. TULL: I think there's another dimension to

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1 that which may or may not --

2 MR. ISAACSON: You have some people here who also
3 disagree, so do it but then let the people who disagree do
4 that. Sorry, John.

5 MR. TULL: I think the dimension that may not
6 capture it has to do with the partnership issue which is --
7 and it's idiosyncratic to the responsibility of the
8 Corporation and the structure which is that there are
9 independent delivers of the services, the folks that are
10 funded. And one of the responsibilities of the Corporation
11 and what Alex described with delivery models is helping
12 others to do that. It's not something that the Corporation
13 does. So one piece of it is empowering and pushing and
14 encouraging and supporting others which affects, I think, the
15 institutional integrity.

16 MR. ISAACSON: Do you think if they do it you won't
17 get blamed?

18 (Laughter.)

19 MR. TULL: No, but it makes it harder to control
20 how that plays out.

21 MS. BATTLE: Our laws don't restrict them from
22 doing it, that's the other thing.

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1 MS. WATLINGTON: See, the local ones have their own
2 board and you don't want to take away from that. That's why
3 I'm trying to say partnership because you also don't want to
4 become a dictator either because you're not going to get
5 anywhere by telling them what they can and can't do, in a
6 dictatorial. You want it more as a partnership. And that's
7 why we're where we are now, that we want to get away from
8 that.

9 MR. ISAACSON: But when I repeat it back to you,
10 you have one clear goal which is to energize your field
11 operations, to help them build the quality of the attorneys
12 to provide technical assistance to build a partnership to
13 support them. That is a fairly clear, coherent statement and
14 you want to do that, right?

15 MS. WATLINGTON: Very clear.

16 MR. ISAACSON: Then you have a second goal which is
17 somewhat different and more dangerous. And that one is to
18 build alternative delivery models that systemically change
19 the rules under which poor people function and make it easier
20 for them to achieve justice. And that just might get you in
21 trouble.

22 MS. SHEN-JAFFE: Is that what we're saying that we

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1 would actually use different delivery models as opposed to
2 linking back up to the first statement which is to energize,
3 empower, and be a catalyst for the field, the community of
4 interest that exists now, to enable them to engage in multi-
5 forum advocacy, interdisciplinary advocacy, kind of a
6 corporation counsel for the poor, entrepreneurial approach.
7 And if that's what you're saying then that belongs of a piece
8 in the top section of delivery and it's not a separate --

9 CHAIR EAKELEY: It's enhancing and replacing
10 delivery system.

11 MS. MERCADO: It is. It's broaden the different
12 types -- part of the problem is that because of the situation
13 that we've been in in the last four years, it has been
14 narrowed to only be the court-type representation or
15 administrative type of representation, but not anything that
16 you can enhance and get people out of their poverty
17 situations.

18 MR. PADILLA: But that's not true. There are
19 people in the field who have, in spite of LSC, ignored LSC as
20 much as is conceivably possible and have gone around and
21 found very, very aggressive, proactive ways to engage in
22 advocacy, despite LSC's role in stamping out words like

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1 coalition building, grass roots organizing, connecting with
2 the community, which if it ever appeared in any of your
3 paper, it was a call to investigation, harassment, and
4 attack. I mean you knew, automatically, if you were going to
5 engage in any of those activities with clients --

6 MR. ISAACSON: And those would be corrective acts
7 to institutional integrity, right?

8 MR. PADILLA: -- that's what would happen to you.
9 And there are programs around the country -- Jose's is one of
10 them; there are many others -- who engage in it anyway.

11 MS. MERCADO: I mean I understand that, but we want
12 you to be able to do that --

13 THE WITNESS: Learn from what's been done.

14 MS. SHEN-JAFFE: Exactly.

15 MS. WATLINGTON: That's good.

16 CHAIR EAKELEY: Isn't the risk of calling it
17 alternate delivery models that some people will read it as
18 being something to replace -- it's one thing to say alternate
19 advocacy approaches to effective advocacy and it's another to
20 say replace current field programs. And when we start
21 talking about different delivery models some people will
22 understand that to mean replace current field programs.

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1 And I think that this program -- I think there's a
2 fundamental commitment to the current field programs.

3 MS. MERCADO: Yes, but the delivery of legal
4 services, I mean the models that she's talking about -- I
5 don't think there's anything wrong with saying that you have
6 a different variety of ways in which to deliver legal
7 assistance, how to get justice.

8 MS. WATLINGTON: Absolutely.

9 CHAIR EAKELEY: No, we're not disagreeing.

10 MR. FORGER: And it's not exclusively Legal
11 Services Corporation people.

12 MS. MERCADO: No, because a lot of it is private
13 bar, community people.

14 MR. FORGER: It's how and who will do that.

15 MS. MERCADO: Yes.

16 CHAIR EAKELEY: Enhance, not replace.

17 MS. MERCADO: And develop partnerships,
18 partnerships greater than just partnerships with the client
19 community, the community at large as well, so that they do
20 buy into the necessity of having legal services.

21 MR. TULL: Which relates to the last item, the
22 messenger for justice, the piece of that which is linking

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1 with the larger community.

2 MR. ISAACSON: Let me just turn to it for a moment.
3 It sounds like you edge up to thinking out how do we get to
4 sort of rule changes for poor people, either law or
5 administrative procedure, how do we change systems of rule
6 enforcement for poor people. And what you say is that is so
7 loaded a territory we should do it incremental and carefully,
8 rather than as a big agenda item.

9 MS. BERGMARK: Well I would say -- the way I would
10 think about that has to do with the sort of role and
11 structure of the Corporation question and what is the
12 Corporation going to do here? It's sort of the steering
13 versus rowing dichotomy. And being sure that as the
14 Corporation does some of these things it is thinking about
15 whether it, itself, does them, whether it encourages others
16 to do them, and so forth. So it's the role of the
17 Corporation.

18 CHAIR EAKELEY: But don't we have a pretty good
19 consensus that at least the Corporation should be steering
20 and not rowing?

21 MR. ASKEW: Certainly from me.

22 CHAIR EAKELEY: And isn't it fair to say that

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1 that's what the Board should be doing too?

2 MS. BERGMARK: Yes, I think now we get down to some
3 hard questions about what precisely does that mean --

4 MR. ASKEW: It's also more steering. I mean part
5 of it has been going on for 12 years, it's either no steering
6 or steering in the wrong direction.

7 CHAIR EAKELEY: As long as it's consistent with
8 locally established priorities.

9 MR. ASKEW: Right.

10 CHAIR EAKELEY: And meeting local needs.

11 MR. ASKEW: Right.

12 MR. McCALPIN: John, I don't think that that's as
13 big a mine field as you're suggesting. I think that the
14 alternate delivery through -- the ABA is engaged now in a big
15 study of nonlawyer practice and will come out with some
16 authorization of nonlawyer practice. I mentioned a while ago
17 that we have self-help seminars in various of the programs.
18 So I don't think alternate delivery systems is as big a mine
19 field as you were suggesting.

20 MR. ISAACSON: Okay, well I just saw the group walk
21 away from it and interpreted that as a mine field.

22 MS. MULLANE: I differ because of the old Board and

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1 because -- I mean that term alternate delivery systems and
2 experimenting with delivering systems has been a threat to
3 the community in the past. And I think if you talk about
4 alternate advocacy forums or alternate, not that it's doing
5 advocacy, you're in safer territory. And I think that's
6 really what we're talking about is some leadership at the top
7 that encourages programs to engage again in legislative and
8 administrative advocacy and in community-based economic
9 development work and in class litigation.

10 MR. ISAACSON: Let me try it back to you for what
11 you want your president to do, all right, because maybe
12 you've got a consensus emerging. You would like a president
13 to steer you toward new and not necessarily that
14 controversial arenas where you're developing alternative
15 advocacy. And you mean by that more systemic changes but
16 ones that will have a real consensus behind it.

17 MS. SHEN-JAFFE: I would change the word alternate
18 and put multi-forum or something that expresses in a positive
19 and proactive way what the meaning of it is as opposed to
20 choosing something else.

21 MR. ISAACSON: And that's what they are. By
22 multi-forum, that's sort of many different forums?

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1 MS. WATLINGTON: Yes.

2 MS. SHEN-JAFFE: Multi-forum which includes the
3 forum of public opinion, the organized traditional media, the
4 courts, administrative agencies, the executive branch at the
5 local level, city councils, regional governments, federal
6 governments, state governments.

7 MR. FORGER: We've got it.

8 MS. SHEN-JAFFE: This is what happens when you take
9 the red-eye in here on auto pilot.

10 (Laughter.)

11 MR. ISAACSON: Okay folks, you've got one last one
12 to go to and that's the messenger of justice idea. And you
13 have a consensus about that. At the moment, you've got down
14 underneath it outreach to broaden support and to preserve the
15 institutional -- or enhance, I guess -- enhance the
16 institutional integrity of the organization over time,
17 particularly after 1996.

18 MR. McCALPIN: Let me say that my feeling is that
19 you're not going to get increased funding, you're not going
20 to get the kind of reauthorization you're looking for unless
21 you broaden the base of public support, not just in the
22 Congress but in the people who send the people to Congress.

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1 MS. MERCADO: Thank you.

2 MS. WATLINGTON: That's true.

3 MR. ISAACSON: So this is really public as well as
4 Congressional?

5 MR. MCCALPIN: Absolutely.

6 MS. MERCADO: Yes, definitely.

7 MR. ISAACSON: Okay, there you have a broad
8 consensus in the group that that's a task, and your president
9 shares in this task?

10 CHAIR EAKELEY: Well Bill, you might expand a
11 little bit on the flip side of that notion which is that we
12 have to be careful not to alienate the constituents who are
13 necessary for the foundation.

14 MR. MCCALPIN: Well what I said earlier is that we
15 have to understand that we live in a world which imposes
16 limitations upon us. And we have to carry the positive
17 message of justice, what justice means for all people and
18 particularly for indigent people and how we figure in that.

19 But we also, I think, have to recognize that we
20 live in a world where we're not just a law firm that can do
21 anything a client asks us to do. We are a quasi law firm
22 that lives within the strictures that the Congress imposes on

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1 us. And we have to be sensitive to those but we have to
2 carry a positive message within the framework of what we're
3 able to do.

4 CHAIR EAKELEY: We want a kind of John Broderick
5 new democrat.

6 MR. BRODERICK: I'll tell you though, the concern I
7 have --

8 CHAIR EAKELEY: Aply assisted by an inspector
9 general.

10 (Laughter.)

11 MS. MERCADO: He wanted to triple the funding.

12 MR. BRODERICK: Let me just turn it off, he asked
13 me to record this.

14 (Laughter.)

15 MR. BRODERICK: My concern is that the politics of
16 this is so incredibly sensitive, and I'm sure everyone
17 appreciates that. But I don't want the debate to be on what
18 kind of physical therapy the patient is going to have because
19 the patient may die on the table. We've got to get the
20 patient off the table. And there are a lot of people that
21 don't want the patient to move. And if we are too far over
22 here too fast, we're going to lose the patient. That's my

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1 concern. I think Bill has that same concern.

2 You're not going to develop new constituencies --

3 MR. McCALPIN: My medical expertise would not
4 permit me to use that example.

5 (Laughter.)

6 MR. BRODERICK: No, but I mean I think both of
7 those are important but it's a very delicate balance. And I
8 think, you know, too many high-fives on Capitol Hill, you're
9 going to set yourself back. It's not a high-five kind of
10 time over there, not only politically but economically. So I
11 think we've got to have a lot of zeal but modest political
12 expectations. And I think our conduct somehow has got to
13 reflect that. We cannot do the "in your face" routine or
14 we're going to pay a price because Bob Dole wants to cut our
15 funding by 50 percent. That's the reality of it.

16 MS. MERCADO: But this is where the messenger for
17 justice becomes very important. Because until people, and
18 that includes of course the Congress, buy into legal justice
19 for the poor as their own, if they don't buy into it in their
20 own interest, they're not going to buy into it at all. And
21 we have so many other issues out there that legal services
22 affect, whether it's juvenile crime or whether it's drugs,

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1 all of them which are poverty-related in many ways. And that
2 messenger becomes even more in the ability to have everybody
3 buy into it as to why it's important just like Head Start was
4 important.

5 MR. BRODERICK: As I said, I think politically if
6 we focus ourselves on being the law firm that practices
7 poverty law, the political reality of that is you're not
8 going to move this boat. If we are a law firm that's
9 concerned about equal rights and equal access and civil
10 rights and fundamental justice, which the chairman can
11 articulate very well around the country in whatever form, I
12 think that that's inspirational and aspirational for a
13 country.

14 But if you say to people, "Let's increase welfare,"
15 people say, "No, I don't want any of that." "Let's increase
16 money to poverty law." "No." The politics of the language
17 is compelling.

18 MR. HEAD: The discussion is a little bit different
19 now because it's rather than -- the shift is that if there's
20 a movement towards reforming welfare, the shift is on: Are
21 there adequate jobs and, if not, how do we create adequate
22 jobs? And I think at the local level what's beginning to

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1 happen is what people are seeing is that in order to have a
2 long-lasting impact on issues of crime and youth violence and
3 problems in inner cities you've got to wrestle with how to
4 integrate people into a larger economic base.

5 And I would like nothing better than for the
6 Economic Development Law Center to be called the National
7 Corporate Law Center for -- for somebody. But the reality is
8 that there's a small difference of nuance in terms of the
9 kinds of strategies that are necessary to make that leap
10 before people then enter into a stream of economic
11 advancement that's on an equal playing field.

12 MR. BRODERICK: I think the challenge is to make
13 the average American a stakeholder in the success of equal
14 justice. You've got to give them that personal interest to
15 truly succeed.

16 MS. MERCADO: They have to buy into it.

17 CHAIR EAKELEY: Absolutely.

18 MR. BRODERICK: And I agree with you, I think
19 that's the way to do it. And it plays into health care and a
20 lot of other issues.

21 MS. MERCADO: And you can look at all of the grass
22 roots organizing laws. And the key stuff in there is that

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1 unless the individual in that community buys into their own,
2 that that affects --

3 CHAIR EAKELEY: We, the people of the United
4 States, in order to establish justice.

5 MS. MERCADO: People don't do it for the United
6 States.

7 CHAIR EAKELEY: Well they do it for themselves.

8 MS. WATLINGTON: "What's in it for me?" that's --

9 MS. MERCADO: And if you look at all the models of
10 IAF in organizing community grass roots which have been the
11 most powerful and the most aggressive in community
12 development and everything, which is another issue.

13 MS. BATTLE: Which gets to the point, I guess, that
14 I keep coming back to. The more examples that we can devise
15 from this whole process, from the field of people who started
16 out in being clients and moved beyond our realm, the better
17 off we are.

18 Because then what we're able to show is that we're
19 part of the linkage, which is in the interest of everybody in
20 this country, of being able to improve opportunities for
21 low-income people, for our clients, to move from being at one
22 level and how we were able to assist them by finding day care

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1 opportunities, by finding economic opportunities for jobs, by
2 changing, potentially locally transforming the requirement
3 that you cannot work while you're seeking an education or you
4 cannot continue to get welfare benefits, showing how we have
5 been able to move people from that initial stage to the next
6 and showing Congress and the public that we're part of that
7 linkage is, I think, the way that we get to institutional
8 integrity and to being a part of the fabric, just like people
9 are now convinced that early childhood development makes a
10 difference in a child's life, and that will make a long-term
11 difference. That's where I see our linkage coming and our
12 ability to show that.

13 CHAIR EAKELEY: I don't want to cut off discussion
14 here, but we've got about half an hour before we start losing
15 people. And I'm wondering whether our facilitator can start
16 the -- is your next step to see where these break out, work
17 together, or --

18 MR. ISAACSON: That's less important, actually.
19 They don't have to be in priority order, unless you feel very
20 strongly about it. I'll review with you what they are and
21 what the list is. And then the last part of the discussion
22 that would help the most would be a discussion of what kind

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1 of person you could imagine could do these things.

2 MS. FAIRBANKS-WILLIAMS: A saint.

3 (Laughter.)

4 MR. ISAACSON: Let me try to press that for a
5 second. Very large phrases don't help, leadership for
6 example. The kinds of things that really do help are names
7 of a person. And the best names are ones who won't do it.
8 Let's say they're dead, for example, so that's a good reason
9 why they wouldn't do it.

10 (Simultaneous conversation.)

11 CHAIR EAKELEY: Martin Luther King.

12 MR. ISAACSON: Or people you just think they
13 wouldn't do it in a million years, but they're a kind of
14 person that strikes you as, "Yep, that's exactly right." And
15 trying out those kinds of names on each other and then
16 exploring why that's a good or a bad idea is very useful
17 guidance to us, especially if you refer them back to this
18 list.

19 I apologize for the handwriting, but I'll just
20 review the list again with you again for a second. You've
21 got organization, by which you mean undoing the current
22 difficulties and rebuilding the structure so that it supports

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1 the field organization and accomplishes your end. You have
2 words like healing, restructuring, redesigning.

3 You have reauthorization. And in it you mean
4 really a long-term agenda of working with the Congress on the
5 restrictions now built into the law so that they trust you
6 enough to remove them.

7 You have acquiring federal money, which I think we
8 have over there. You have a minimum access agenda, an equal
9 justice agenda. You expect the president to play a
10 significant role and you have a target, within three years.

11 You have delivery system issues. And there you
12 have sort of two themes but you've sort of brought them
13 together. One is encouraging and nurturing and supporting
14 higher quality, more enthusiastic, higher morale operations
15 in the field. You have a second theme of encouraging
16 steering, innovation in the field in multi-forum efforts that
17 might be more effective in handling legal problems of the
18 poor.

19 And then you've got diversity agendas, client
20 involvement agendas about which you seem to have a pretty
21 good consensus.

22 And finally, messenger for justice agendas in which

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1 you hope that your new president will help you build public
2 support broadly amongst all Americans for a justice agenda
3 helping to build long-term institutional integrity.

4 That's your list, I think. Do you feel like if you
5 got that list that your missing things that your new
6 president -- that you really have some agenda items that
7 aren't up here? Or have you got it mostly?

8 MR. FORGER: Managing an organization.

9 CHAIR EAKELEY: That's part of one, I think.

10 MR. ISAACSON: Could it reasonably be in number one
11 without a lot of trouble?

12 MS. SHEN-JAFFE: There are two words which should
13 be in there somewhere but I'm not sure where.

14 MR. ISAACSON: All right.

15 MS. SHEN-JAFFE: One is the theme of this catalyst
16 role and function which may just be the how, the way in which
17 these things are done. And the other is when you use the
18 word innovative --

19 MR. ISAACSON: Yes.

20 MS. SHEN-JAFFE: -- I think a better word would be
21 strategic, that is we'll never have sufficient resources.
22 And the goal is to deploy the resources that we do have,

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1 which are always going to be limited to too little for the
2 task, in the most strategic way possible as opposed to
3 innovation for innovations.

4 MR. ISAACSON: All right, that's probably a real
5 good word. And when you say catalyst do you mean it
6 politically, do you mean it organizationally?

7 MS. SHEN-JAFFE: Well I guess I mean it everywhere
8 as a thread. It has come up over and over again throughout
9 this discussion. This notion of using the resources that we
10 have as a hub, an anchor point, a linchpin, a departure point
11 for adventure, experimentation, empowering the field,
12 enabling the field and the client community.

13 MR. ISAACSON: So it tends to fit in here in
14 delivery issues rather than say, for example, federal money
15 issues or reauthorization?

16 MS. SHEN-JAFFE: I think it's a good part of
17 resource development. I think it's a good part of the
18 messenger for justice piece as well.

19 CHAIR EAKELEY: I'd put it under -- I'd put
20 messenger/catalyst for justice because then you can refer
21 back -- it enhances your ability to do all of the above just
22 the way the messenger part of it does, hopefully.

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1 MR. ISAACSON: All right. Well if you think you
2 aren't missing substantial pieces, if you've sort of captured
3 most everything, now start to worry a little about the kinds
4 of people that you like to imagine doing this job. Or even
5 just think about categories of people? Has anybody got a
6 particular heroic profile that they can offer?

7 CHAIR EAKELEY: Martin Luther King.

8 MR. ISAACSON: All right, Martin Luther King before
9 he became famous. You're not going to recruit him once he
10 was in charge, right?

11 CHAIR EAKELEY: Okay. I guess I would ask about
12 his organizational -- but we've got --

13 MS. BATTLE: I want to just share something with
14 you that's real interesting because the church that Martin
15 Luther King was at in Montgomery is a church that I have
16 attended. And it was a church full of people who were middle
17 class. They weren't part of the struggle. They weren't
18 particularly interested in the struggle. And I think it's
19 magnificent that he was able to come in an fire up that group
20 as well as other people in the community to become a part of
21 that bus boycott at the time that he did.

22 And so that's a skill that may not have been

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1 recognizable once you saw him in front of the crowd, the
2 masses, but it was indeed a skill that he was able to fire
3 that particular congregation up that hasn't been fired up
4 since.

5 MR. ISAACSON: Can you imagine turning to America's
6 pastors?

7 CHAIR EAKELEY: Absolutely.

8 MR. MCCALPIN: To who?

9 MR. ISAACSON: America's pastors.

10 MS. STANLEY: But what's interesting about that
11 story there though is that Vernon John had really caused the
12 movement to start. I mean so Dr. King had some strength, but
13 basically the people was already energized and they had had
14 so much tragedy from sitting back watching stuff.

15 So Dr. King did like I did. I came in and took
16 over some places where (Inaudible) and Mary Ellen had began
17 to build a fire. But it wasn't like he came in there and just
18 started the movement. This older preacher was really --

19 So I'm looking for a person like Vernon John who
20 nobody had heard of, that would stand up in a community where
21 nobody knew him, and be bold and aggressive and say, "These
22 are the kind of things that set my people free and these are

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1 the kind of things we're want to do. And it ain't popular in
2 my church, but I'm going to be a leader in this." And after
3 so much happened, Dr. King came in and people was willing to
4 go on then.

5 So we need a person in this Corporation that's
6 going to come here and say, "I want to be --" that has a
7 vision about justice and the court, that has a vision and
8 say, "I can cooperate with people in this community and move
9 the justice agenda this far," okay. And somebody else might
10 have to come on and move it another farther. But I don't
11 want us to just have a director. I want somebody with a
12 vision that wants to take legal services, move them and what
13 we're all about to the next level.

14 MR. ISAACSON: I want to press you all for a
15 second. Try and imagine what this person is doing today,
16 that's the test.

17 MS. MERCADO: See I think of someone probably like
18 Lee Iacocca, you know, that has a floundering organization
19 that needs to be revived, that needs to survive.

20 MR. McCALPIN: How about Ross Perot?

21 (Laughter.)

22 CHAIR EAKELEY: John.

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1 MR. BRODERICK: The one mistake I think we might
2 make is to try to pick a president for this Corporation for
3 all time. See I think this is an incremental process. I'm a
4 great admirer of Dr. King. But I don't think Dr. King would
5 be the person that should be here now, only because I think
6 you've got to move this organization incremental.

7 I hope this person isn't politically dead, but the
8 person that I would think about if I were selecting someone
9 for an organization like this at this time, I would select
10 someone like the President of the United States, Bill
11 Clinton, who has credibility with various constituencies,
12 who -- although he comes out of a political background -- I'd
13 rather have someone who didn't. But somebody who can talk to
14 various constituency groups on this whole healing process.

15 I think if you have a confrontational president, as
16 correct as he or she may be, I think the timing is wrong.
17 Maybe an interim person who is not hired for that reason
18 but -- this is a long process and the president of this
19 Corporation over the next five years would probably be
20 inappropriate if he or she succeeds for the next five because
21 we're going to move the agenda. But I don't think you can
22 start with an assault. I just don't think it's going to

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1 work.

2 MR. ASKEW: Actually, I was thinking of Hillary
3 rather than Bill because of some of the experience she
4 brings.

5 But a person I would think of is Marion Wright
6 Edelman because of what she's done on children's issues and
7 the prominence she's brought, the attention she's brought to
8 that is part of what we need brought to our messenger for
9 justice. And she's here she knows legal services.

10 MR. ISAACSON: That's a good example of a person
11 who is not going to take the job but is a good model. How
12 does that model feel to you?

13 CHAIR EAKELEY: Bill.

14 MR. McCALPIN: Let me make a couple of comments,
15 and I'll pick up on that one first. Talk to people who have
16 worked for Marion Wright Edelman and you will find that she
17 does not run a happy ship by any means. And it goes to the
18 organization question that we're talking about up there
19 whether she would be appropriate for that.

20 Let me then go from the sublime to the ridiculous
21 and suggest that if you're looking for a great communicator
22 how could you go wrong with Ronald Reagan? There's a guy who

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1 can communicate.

2 CHAIR EAKELEY: I thought we wanted a little -- a
3 modicum of commitment to justice.

4 (Laughter.)

5 MR. McCALPIN: And the real footnote that I want to
6 add to John's comment is in addition to the question of
7 whether we ought to be seeking a president for all time, it's
8 a question of whether we ought to be seeking one individual
9 who can do all of those things or whether we want to seek an
10 individual who can do the most important, we believe, of
11 those things and have somebody else who can do the other
12 things.

13 Let me give an example. I think it might well be
14 possible that we find a person who satisfies the messenger of
15 justice concept but who may not be very good in terms of the
16 organization thing, but we can have a vice president or a
17 staff internally who can do part of it. So I think it might
18 be a mistake to look for somebody who can do everything.

19 CHAIR EAKELEY: I think we have to distinguish
20 between today and where the Corporation is likely to be in
21 four or five months and its needs. I think we are
22 extraordinarily blessed with having Alex and Martha and John

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1 and Ada and Gerry and James here in a transitional period. I
2 think there are a lot of things in the short term which will
3 be accomplished by the time we get a new president. I think
4 that that will make it easier --

5 MS. FAIRBANKS-WILLIAMS: Then just concentrate on
6 the messenger for justice.

7 CHAIR EAKELEY: -- well easier to concentrate on
8 some longer-term objectives. I'm tempted to say as somebody,
9 Jonathan Ross, I guess, for the ABA said last month, "We want
10 you to slow down on your search because we want Alex Forger
11 to stay in longer."

12 (Laughter.)

13 CHAIR EAKELEY: But we're very fortunate to have
14 that. I think that some of these shorter term issues will
15 fade away and are fading away as we sit here because of the
16 people around the table.

17 MS. SHEN-JAFFE: Because the transition team is
18 fading away.

19 (Laughter.)

20 CHAIR EAKELEY: Rest up, but stay put for a while.
21 Don't slip on the ice anymore, Ada.

22 MR. McCALPIN: Beware of Ada when she's had a

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1 night's sleep.

2 (Laughter.)

3 MR. ISAACSON: This may be one of your more
4 important moments here. Bill is sort of suggesting, I think,
5 that this one, messenger for justice, and probably
6 reauthorization in its long-term focus and maybe issues of
7 federal money as well, those three in a kind of package are
8 your more important issues for a president to be worried
9 about. Do you think that that might be true?

10 MS. FAIRBANKS-WILLIAMS: I think so.

11 MR. ISAACSON: If it is true, that will certainly
12 guide the framework of what you're doing. I could then take
13 John's comment here --

14 MS. BERGMARK: Although I think that has
15 implications for what Ada cautioned you about which is what
16 is the Board going to do, what sort of role, Doug, are you
17 going to play and are others going to play as well.

18 CHAIR EAKELEY: I see them -- our product, our
19 service is delivery. Yes, it's the conduit type of thing.
20 But I don't see how a president can be effective as a
21 messenger and as designated spokesperson, hopefully with
22 Board support on Capitol Hill or around the nation, without

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1 being intimately involved in enhancing the effective delivery
2 of legal services to the poor.

3 And I think the organizational point, the
4 management question is not as daunting, with all due respect.
5 We've got a staff of maybe -- we've got a Management and
6 Administration line of maybe ten to fifteen million dollars
7 and the need for top quality people. But it's a small
8 management team that, if well chosen, could manage well.

9 But I think the others, the delivery issues and the
10 assuring the institutional integrity could go, to me,
11 hand-in-glove. And I find it hard to distinguish.

12 We haven't gotten to talk about Board versus the
13 president. But I do think it's the president whose presence
14 on a daily basis is going to be what counts the most rather
15 than any individual Board member. Although the Board has a
16 role to play that should be a very important one in terms of
17 policy and being part of the message dissemination system.

18 MR. ASKEW: I think the important discussion we'll
19 ultimately have to get to is sorting these out and
20 prioritizing them in a way, because I agree with Bill that I
21 don't think we're going to be able to find someone who can do
22 all of these things equally well.

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1 And part of it is going to be a timing issue in a
2 sense because I think if you had measured people we would
3 view as successful -- if we would all agree Dan Bradley is a
4 model and was a successful president of the Corporation, he
5 would fail under three or four of these standards. And if
6 you were trying to look at him today as a future president,
7 you would say, "Well he doesn't measure up because he's not a
8 good organizational person." That's not one of his skills.
9 He's not good at writing and regulations are things that he's
10 just not -- that's not his bag. And you could identify
11 things.

12 MR. ISAACSON: What made him good, Bucky?

13 MR. ASKEW: What made him good was the messenger
14 for justice, the reauthorization, appropriations, dealing
15 with people, healing, sort of making everybody feel good.

16 MR. ISAACSON: Was he capable of hiring people?

17 MR. ASKEW: Hiring very skilled people and
18 delegating to them and trusting them.

19 MR. McCALPIN: And going out in the field and
20 putting out fires between warring factions.

21 MR. ASKEW: Right. For his time he was the right
22 person.

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1 MR. ISAACSON: It doesn't sound like a bad formula
2 at the moment.

3 (Laughter.)

4 MR. ASKEW: Well the question is going to be for
5 this time who is the -- and you can even argue that Jim
6 Wentzel and Terry Wear were the right people at the time for
7 what we needed.

8 (Simultaneous conversation.)

9 MR. ASKEW: We're not going to find a renaissance
10 person.

11 MR. ISAACSON: If you find somebody who can do a
12 lot of things, you might not want that person to do a lot of
13 things.

14 MS. BROWN: I think that you're being
15 short-sighted. I think that you're being short-sighted by
16 saying that you're not going to find the renaissance person,
17 that you're not going to find the man for -- or the person --
18 for all seasons or whatever. I think that if you go in with
19 that kind of attitude, I think it's really incorrect and
20 inappropriate.

21 I think that maybe we won't find someone with all
22 of these qualifications, but certainly you should set your

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1 sights very high and think in terms of them being present on
2 a very long-term basis. Because even if they're not there
3 beyond five years and even if they've done the maximum that
4 they can do within that five-year period, you still have to
5 think of them as being there forever because they'll set the
6 stage for whoever comes after them. So I just -- I think
7 that it would be a mistake not to think that we can get that
8 type of person.

9 MS. MERCADO: And the danger with solely focusing
10 on doing the reauthorization or the funding to solely rest on
11 the shoulders of one individual is that -- assuming the best
12 of all possible scenarios that that gets accomplished in a
13 year because we have a Martin Luther King type of individual
14 that can energize and a move-the-masses-type person, then
15 what happens with the implementation of that programming,
16 that leadership that has to go out into the field to get
17 people to advocate in a variety of formats, because you've
18 already done your one-year agenda which was to get your
19 increased funding and get the reauthorization. Then what
20 then?

21 This charismatic leader is no longer the kind of
22 person that you need to run the Corporation, unless that

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1 charismatic leader was the kind of person who had the insight
2 to hire very talented or very competent people to do a lot of
3 those things. And so I focus on not getting the charismatic
4 leader but getting someone who has more of the pragmatic and,
5 at the same time, has the ability to work with different
6 public segments.

7 We discussed this just informally --

8 MR. ISAACSON: Let's try this. In what way do you
9 think what you've just said is consistent or inconsistent
10 with what John Broderick described as his ideal person?

11 MS. MERCADO: Let me check my notes for yours.

12 Well, no, I mean I think --

13 MR. ISAACSON: Well don't use Bill; it's not the
14 name. John had a theory about the right person. He said we
15 don't really want Martin Luther King this time because we are
16 not seeking a major confrontation on broad social issues. We
17 are looking for a person who can heal and who can lead us in
18 the Congress and who can build broad support for us. Now is
19 that consistent with your statement of pragmatic virtue?

20 MS. MERCADO: Well that's only half of it. Beucase
21 the other half is dealing with the field and dealing with the
22 client community in the kind of creative and leadership type

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1 of ways that management, with the president and the folks,
2 are going to have to do to encourage the fields to do justice
3 in the field.

4 CHAIR EAKELEY: But you know that you do need a
5 consensus builder -- we're talking about the president of the
6 Corporation right now. Since the Corporation has been so
7 alienated from or has alienated the community for so long, it
8 may well be that you need the same kind of consensus-building
9 skills to build the partnerships between the Corporation and
10 the client base and the providers, as well as bar
11 associations and the public and the legislature.

12 MS. MERCADO: But you could have a lot of that be
13 done by the executive people, your heads of your divisions
14 that you're doing.

15 One of the comments that both the Native American
16 and the migrant legal services community have brought to our
17 attention is that in the past there used to be desks or
18 offices that dealt solely with those issues because, as an
19 institution, there wasn't really anyone that they could talk
20 to if you have any problems within that segment of the
21 population or ideas of how you can better deliver services.
22 But there isn't anyone, I mean, including the president, that

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1 did that or has done that.

2 And again, it takes an integrated system, a very
3 competent and capable committed people, a team effort rather
4 than a sole person to do it. And I see the role of the Board
5 as being as aggressive as a president in getting that broad
6 support from Congress and elsewhere.

7 MR. ISAACSON: I want to try out some theories of
8 where this person works today and see what this feels like.
9 Can you imagine somebody as president who comes out of a
10 current legal services community, a program manager at a
11 state level, a figure in one of the national organizations,
12 NLADA or something like that, a long-term, experienced legal
13 services hand? Is that a place we should be looking for
14 talent?

15 MR. BRODERICK: I think it's a place you should be
16 looking.

17 MR. ISAACSON: But not exclusively.

18 MR. BRODERICK: I don't think -- my own bias is,
19 given the political objectives that I've described, it would
20 not be the place that I would --

21 MR. ISAACSON: You wouldn't expect to find the next
22 president there.

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1 MR. BRODERICK: No. My sense is, you know, if --
2 and I'm not talking about -- it is politics for the moment.
3 But someone like -- and I don't know what his politics are --
4 someone like Justice Powell. If you have somebody of
5 immediate authority and respect who will not be questioned
6 about his or her agenda because of a lifetime of commitment
7 to it, not that that's a negative in any sense -- but if
8 you're trying to persuade people who think your program
9 shouldn't be funded, I don't think you persuade them by
10 delivering someone who thinks they're a neanderthal because
11 they don't get it.

12 I really go back to the sense that you've got to
13 move this crowd affirmatively, respectfully, and patiently.
14 And in think impatience will lose the patient. I think you
15 need somebody who is going to be respected because of what
16 they have accomplished and hopefully persuade people because
17 of their commitment.

18 MS. MERCADO: But then we go back to the thing that
19 in many programs, especially a lot of nonprofits, the people
20 who lobby and convince their Congresspeople to do whatever it
21 is that they want them to do that is right is often not the
22 executive director or the president of that organization.

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1 They may, from time to time, testify on a couple of
2 aspects. But the real people that are handling and
3 persuading, you know, Congressmen Y and all their staff that
4 this is the regulation that they ought to have isn't the
5 executive director or the president of that organization.
6 Most times it isn't.

7 MR. McCALPIN: But can that individual persuade the
8 public who will coerce the Congressmen?

9 MS. BATTLE: Well, and then that's the broader
10 issue. But I think that there's two different roles that
11 they play.

12 MR. ISAACSON: Well let's press John's -- John has
13 put a proposal before you in effect. Let's try it and see.
14 He has an alternative view. I've tried out legal services
15 people, and that's possible but, as John thinks, not likely.
16 Let's try a John view which is we are seeking a senior
17 statesperson with stature already earned in the country who
18 will be respected by the major power centers at the moment of
19 appointment.

20 MS. BATTLE: Do they care about legal services?

21 MR. ISAACSON: Committed to the mission.

22 MR. BRODERICK: Of course, they have to be

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1 committed to the mission and willing to persuade people.

2 CHAIR EAKELEY: Somewhat like Alex Forger.

3 MR. FORGER: No, Cyrus Vance, a younger Cyrus
4 Vance.

5 MS. ROGERS: We'll take Cyrus Vance.

6 (Laughter.)

7 MR. ISAACSON: Okay let's try that one out as an
8 idea. How does that one feel? Cyrus Vance is a nice name.

9 MR. McCALPIN: I guess I'm not enough -- I don't
10 have enough knowledge about his commitment, his experience,
11 to know whether he -- he may be a good communicator of a
12 message that somebody gives him to communicate, but does he
13 have the message internally and can he relate to the programs
14 in the field and that sort of thing? I think it has to be
15 more than just a public figure. It has to be a public figure
16 with some identification.

17 MR. ISAACSON: So you're saying demonstrated
18 commitment in some tangible way.

19 MR. McCALPIN: Right, I think so. Some at least
20 identification.

21 MR. ISAACSON: With the field.

22 MR. BRODERICK: Right, it can't just be a

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1 mouthpiece.

2 MR. McCALPIN: That's right.

3 MR. ISAACSON: Got to believe the mission and have
4 to have shown it. Okay, the next qualification. Ada.

5 MS. SHEN-JAFFE: I would say -- I'm trying to think
6 of what's the irreducible quality that this person has to
7 have. Because there are so many that we're talking about,
8 all of which would be fabulous, to have someone who could
9 step right in and so on and so forth. And the best that I
10 can do is that the person has to be able to articulate,
11 carry, and mobilize the community as we've defined it, which
12 is a broader community at large, around the vision of equal
13 justice.

14 And I don't think that that is -- even though it's
15 a fairly activist way of saying it -- I don't think that that
16 has to be inconsistent with political centerism. Because you
17 can go about that through team-building and
18 consensus-building, and that's part -- part of it is the need
19 to have an exquisite ability to articulate to different
20 audiences so that you build bridges, as opposed to
21 fractionalize, or, you know, create divisions in this
22 community at large. And for me, that's the bottom line.

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1 If the person can't do that, that's not delegable,
2 that's not assignable to somebody else. If the flag carrier
3 isn't carrying that flag, then they don't belong there.

4 MR. McCALPIN: Who is the person that meets your
5 formula?

6 MS. SHEN-JAFFE: I don't know.

7 MS. BATTLE: You said Cyrus Vance. I was thinking
8 Jimmy Carter.

9 MS. MERCADO: That's what who were over here
10 talking about.

11 MS. BATTLE: Is that right? Jimmy Carter has
12 demonstrated --

13 MR. BRODERICK: With a law degree.

14 MS. MERCADO: With a law degree, that's right.

15 (Simultaneous conversation.)

16 CHAIR EAKELEY: How about Chris Edley, the younger.

17 MR. ISAACSON: Chris Edley, the younger.

18 CHAIR EAKELEY: Yes.

19 MR. ISAACSON: Good, that's a completely different
20 model. A youthful, talented --

21 (Simultaneous conversation.)

22 MR. FORGER: UNCF, United Negro College Fund is the

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1 elder.

2 MR. McCALPIN: Yes, but who is Chris Edley, the
3 elder?

4 CHAIR EAKELEY: That's the elder. This young Chris
5 Edley who is roughly about 40, came out of Harvard, who is
6 now presiding over our division within OMB but has a much
7 broader sweep. He's got all justice issues there.

8 MR. FORGER: The elder headed the United Negro
9 College Fund.

10 MR. McCALPIN: He's there now?

11 MR. FORGER: No.

12 MR. McCALPIN: No?

13 (Simultaneous conversation.)

14 CHAIR EAKELEY: Where would we look -- who might
15 meet some of these things, I think Chris would.

16 MR. ISAACSON: Not a person in a statesperson role,
17 but try out Chris for a moment as an idea. I'll describe
18 Chris for a second and then you just try that out. This is a
19 young man in his early forties, a very good lawyer, a Harvard
20 Law School faculty, served a term in the Carter
21 Administration in both HHS and in the Policy Council, went
22 back to Harvard, and has now returned to OMB. There are

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1 issues with Chris but just ignore them for a second. This is
2 a rising youth.

3 CHAIR EAKELEY: And African American.

4 MR. ISAACSON: African American man. Young, right,
5 not tested before the Congress, experienced in the ways of
6 the federal bureaucracy, not a public spokesman to date,
7 articulate, smart.

8 MR. McCALPIN: What does he know about poverty?

9 MR. ISAACSON: Plenty.

10 MR. McCALPIN: How?

11 MR. ISAACSON: Both in his legal practice and in
12 his --

13 CHAIR EAKELEY: Government service.

14 MR. ISAACSON: One of the original authors of the
15 welfare reform efforts under the Carter Administration,
16 national stuff.

17 MS. BROWN: If you're still thinking about roles,
18 Elaine Jones is a good example.

19 MR. ISAACSON: Talk about why.

20 MS. BROWN: Well she has the organization skills.
21 She already has a lot of contacts and a good relationship
22 with people in Congress. She's been a messenger for justice

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1 for a long time. She's the head of the Inc Fund. I know she
2 wouldn't be interested

3 MS. BATTLE: That's absolutely right.

4 MR. McCALPIN: Former member of the Board of
5 Governors of the ABA.

6 MS. BATTLE: That's right, and very active with the
7 NBA.

8 MS. BROWN: Right, and a good relationship with the
9 Administration, very good relationship.

10 MR. ISAACSON: Have you asked her?

11 MS. BROWN: Did I ask her?

12 MR. ISAACSON: Whether she's interested or not?

13 MS. BROWN: Well I don't think she -- she is not.
14 This is her pride and joy, the Inc Fund. She was asked
15 before --

16 MR. ISAACSON: But let me just raise it for a
17 second because you are going to be called on in the search to
18 ask people. If you're not called on to ask people, it's a
19 mistake. I'll call on you to do it right now. And one of
20 the things to do is to ask people you think won't take it,
21 because once in a while they'll surprise you. And also, you
22 can get their loyalty and they will help you think about

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1 other people.

2 CHAIR EAKELEY: Jose, you were going to mention
3 somebody?

4 MR. PADILLA: Yes, for those people who have worked
5 with or known Cruz Reynoso, he's another person who comes in
6 with a past history of, you know, the fight with certain
7 administrations. He knows it from the inside. Having served
8 on the California Supreme Court, you know, I think comes in
9 with that kind of reputation, very skilled with people, very
10 much of a peacemaker and a healer when necessary. He knew
11 how to confront unions when they hit CRLA. He just has a lot
12 of those qualities -- because I was thinking about it last
13 night. But at least as an insider, he struck me.

14 MR. McCALPIN: Unfortunately there would of course
15 be an immediate adverse reaction to him in California.

16 MR. PADILLA: Because of the death penalty or what?

17 MR. McCALPIN: Yes.

18 CHAIR EAKELEY: Tom mentioned Warren Rudman.

19 MR. ISAACSON: We'll try it out because it's an
20 important idea. First of all, he saved the place once. And
21 I think he raises the question of whether you would look to a
22 well-known elected official who is retired, because that's a

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1 significant pool to tap.

2 CHAIR EAKELEY: We did once. Actually, we're being
3 ably lead by another member of that extraordinary pool.

4 MR. ISAACSON: Is that right?

5 CHAIR EAKELEY: Bill is a member of that retirement
6 pool that you mentioned.

7 MR. ISAACSON: Oh, I'm sorry, I meant people who
8 have actually run for office, been elected, and retired from
9 it, that's a pool to count.

10 MR. PADILLA: Could I ask Mr. McCalpin a little
11 about that? To what extent is that kind of political baggage
12 -- do we start assessing people because of that political
13 baggage with respect to at least that one state --

14 MR. McCALPIN: Cruz you mean?

15 MR. PADILLA: I mean it's going to offend our
16 senators -- not a bad idea.

17 (Laughter.)

18 MR. PADILLA: I really am concerned about those
19 kinds of political, what some people would consider political
20 baggage. Yet within our own community, some civil right
21 advocates, that is exactly the value that -- the moral value
22 of a certain position that the person has taken that has

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1 meaning. So I'm just wondering how much we're going to play
2 that in.

3 Beucase I don't think it was beyond me to actually
4 speak with Mr. Reynoso about any interest, at least with
5 respect with the Latino community.

6 MR. McCALPIN: I know Cruz very well. But let me
7 posit for you the situation of Cruz going to the Congress, on
8 behalf of Legal Services, and Congress which has just added
9 50 death penalties to the criminal code and the kind of
10 reaction he would get there in view of his demonstrated
11 record on the Supreme Court of California.

12 MS. MERCADO: Well I guess to dovetail on that
13 question, one of the people that I had thought of and I had
14 discussed with a couple of folks was Velma Martinez, who is a
15 former executive director of MALDEF. She is a partner. I
16 think she was the first minority law partner in a huge firm,
17 labor firm, in California.

18 But she has distinguished herself, I think, more
19 than anything else in the ability to get a cross-segment of
20 the society for private and public in funding, some of the
21 most innovative programs, especially in the Hispanic
22 community, but not even the Hispanic community, but a lot of

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1 civil rights oriented communities across the country and has
2 an ability to work with people. She's very soft spoken, an
3 excellent trial lawyer, litigator. She has that ability to
4 mend a lot of bridges and to be able to work with people.

5 But that was -- you know, I guess my concern for
6 Bill is, because she was involved in redistricting
7 litigation, is that going to be a negative for her since
8 we're saying that that's one of the regulations that we're
9 not going to look at. Because I consider that kind of a
10 person someone who could lead a large organization, deal with
11 Congress --

12 MR. ISAACSON: Let me offer some advice as your
13 search consultant. This early in the hunt include, don't
14 exclude. You've have lots and lots of time to cut people out
15 and you've have lots of time for good debate. At this stage
16 we need to build the list, not cut it down. You'll have
17 choices and you can see people in a whole continuum of
18 alternatives as the time comes.

19 I gather we are running out of time, Mr. Chairman?

20 CHAIR EAKELEY: Unfortunately. We can -- yes.

21 (Laughter.)

22 CHAIR EAKELEY: Don't get up yet because I've got a

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1 scheduling issue that we have to resolve. The time thing is
2 the 1 o'clock check-out.

3 MS. MERCADO: No, 2 o'clock check-out.

4 CHAIR EAKELEY: Well it's 1:00. They said that
5 since we're a group they want us -- that they will charge us
6 for a half a day if we stay beyond 1:00. So we have to check
7 out by 1:00.

8 We can return after that. But my sense of it is
9 that people have to -- that the African American Project
10 Directors Association is hosting a lunch at 12:30. Some
11 people have flight arrangements.

12 MS. MERCADO: Yes, and there's a lunch right here
13 outside for everybody who is here.

14 CHAIR EAKELEY: Oh, there is. So we could check
15 out and then come down and, those of us who can, have lunch
16 and -- if that's all right with everyone.

17 Let me though do the scheduling issue, which is our
18 March meeting. We had an internal conflict. And what we
19 have tentatively agreed to, everybody, is for the Legal
20 Services Corporation directors to meet Thursday afternoon,
21 March 10 and all day Friday, March 11. Actually, we're going
22 to start with the Provisions Committee meeting hopefully by 1

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1 o'clock on Thursday the 10th; Audit and Appropriations to
2 follow at 3:00. We'll do, if we could LaVeeda, Ops and Regs
3 from say 9:00 to 12:00 on Friday?

4 MS. BATTLE: 9:00 to 12:00, okay.

5 CHAIR EAKELEY: Friday the 11th.

6 MS. BATTLE: Okay.

7 CHAIR EAKELEY: And then we'll have our Board
8 meeting 1:00 to 5:00. And then Jose what we'd like to do --
9 two things. One is could we possibly -- will you have these
10 arrangements readjusted at your home?

11 MR. PADILLA: This is fine. Those two will work.

12 CHAIR EAKELEY: Could we meet from 1:00 to say 5:30
13 and then still keep your invitation to a party open? What
14 I'd like to do during that 1:00 to 5:30 is invite -- we want
15 to talk some more about whom to invite, but CRLA definitely
16 and at least one, maybe two, other types of legal services
17 provider programs.

18 MR. PADILLA: Excuse me.

19 CHAIR EAKELEY: Yes.

20 MR. PADILLA: The programs that actually -- the
21 National Center for Youth Law, the San Francisco Neighborhood
22 Legal Foundation, California Rural, we were the ones that

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1 talk about trying to host something.

2 CHAIR EAKELEY: Well maybe all three then.

3 Although we've heard -- is that John O'Toole?

4 MR. PADILLA: Yes.

5 CHAIR EAKELEY: We've heard from John once.

6 MR. ASKEW: He's confusing the party with a making
7 presentation.

8 CHAIR EAKELEY: No, I'm talking about presentations
9 by CRLA and by SNLAF. Any others? I mean that's a lot, but
10 I don't want to give anyone a short trip while we're there.

11 MR. BRODERICK: We've got a regional office over
12 there, we might ask them --

13 (Simultaneous conversation.)

14 CHAIR EAKELEY: All right, in June, LaVeeda, we're
15 going to spend Saturday morning on the search committee,
16 Advisory Search Committee and Presidential Search Committee,
17 a joint meeting starting at 9 o'clock, hopefully ending by
18 12:00 on Saturday. And we hope that the Advisory Committee
19 could join us for our Board meeting on the afternoon of the
20 11th, since you've got to get out there in time to be there
21 for the morning meeting.

22 Then depending upon where people are -- I'm going

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1 to jump ahead to June. We had a conflict for the -- I'm
2 sorry, yes.

3 MR. PADILLA: I'm sorry, I missed the May.

4 CHAIR EAKELEY: Yes, I'm jumping ahead. I said I
5 was jumping ahead. I'm jumping ahead to June. And I'm
6 jumping ahead to June because we were scheduled for June 10
7 and 11 in D.C., but there's a conflict. And I'm wondering
8 whether people have conflicts if we were to do it June 17 and
9 18 instead. And if we were to do it the 17th and 18th,
10 whether it makes sense to do it in conjunction with the
11 Uniting Support Conference that's going to be taking place in
12 Atlanta. Does that make sense?

13 MS. BATTLE: The 17th and 18th will actually be
14 better for me.

15 CHAIR EAKELEY: Now can we do that and not
16 interfere with --

17 MS. BERGMARK: That works I think. I think they'll
18 want the Uniting Support attendees basically to go to the
19 Uniting Support meetings.

20 CHAIR EAKELEY: Yes.

21 MS. BERGMARK: But I don't think this is likely to
22 provide a distraction except maybe for a couple of people who

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1 would come over and speak to you.

2 CHAIR EAKELEY: Or should we not meet there?
3 Should we meet -- of course we can't -- would this be running
4 too much in conflict?

5 MS. BERGMARK: No, I don't think it will.

6 MS. MERCADO: Well the Board is having an evening
7 function together, isn't it?

8 MS. BROWN: Does this June meeting anticipate that
9 the search committee shall be finished in May?

10 CHAIR EAKELEY: The reason I'm jumping to June is
11 because if the Board is in agreement that we meet that next
12 weekend and that we meet in Atlanta, then we don't meet in
13 Atlanta for the May meeting.

14 MS. BROWN: I understand that. But I'm saying do
15 you anticipate that the search committee's function will be
16 over by -- whenever the May meeting is.

17 MR. MCCALPIN: We hope. We hope.

18 CHAIR EAKELEY: I think the hope was that the May
19 meaning was the finalist --

20 MR. MCCALPIN: We hope, as we discussed last night,
21 that the May meeting would be the meeting at which we would
22 do the interviewing, have the post-interviewing discussions.

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1 Although there may be formal action by the Board on the
2 president at the June meeting, I think the search committee's
3 function will have ended.

4 MS. BROWN: Okay, all right.

5 MR. MCCALPIN: That's our hope.

6 CHAIR EAKELEY: Well I'm going to lose Tom if we
7 move that June meeting ahead a week.

8 MR. SMEGAL: We talked about having it earlier in
9 the week --

10 MS. BATTLE: I'm going to be in France the first
11 week of June.

12 CHAIR EAKELEY: Well this was a question of the
13 10th and the 11th.

14 MS. BATTLE: It would be the first ten days. So I
15 will just be getting back around the 10th of the 11th.

16 CHAIR EAKELEY: All right, should we do it in
17 Washington instead of Atlanta in June?

18 MR. ASKEW: The problem with Atlanta is that the
19 State Bar Board of Governors is meeting in Savannah that same
20 week, which means all of our leaders will be -- I mean not
21 that that really matters, but there would be no one there the
22 week of the 17th.

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1 CHAIR EAKELEY: Who from the Corporation will be at
2 the Uniting Support? Could we just meet in Washington, then?

3 (Simultaneous conversation.)

4 CHAIR EAKELEY: LaVeeda, block out the 17th and the
5 18th and we'll figure out where.

6 MS. BATTLE: Okay.

7 CHAIR EAKELEY: We'll deal with the locations, I
8 don't know.

9 MR. McCALPIN: Did we figure about May we'll have
10 the 12, 13, and 14?

11 CHAIR EAKELEY: He can make the one you can't make.
12 But LaVeeda has trouble with it.

13 The dates are still going to be March, April, May
14 is still going to be 13th, 14th and 15th at a place to be
15 announced.

16 MR. McCALPIN: I thought it was 12th, 13th, 14th.

17 CHAIR EAKELEY: You're right. You're right, at a
18 place to be announced.

19 MS. SHEN-JAFFE: And March is 11 and 12, not 4 and

20 5?

21 CHAIR EAKELEY: Yes.

22 MS. MERCADO: And May is what?

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1 MR. ASKEW: 12, 13 and 14.

2 MR. FORGER: And where is May?

3 CHAIR EAKELEY: We don't know.

4 MS. MERCADO: April stays 14, 15.

5 MR. McCALPIN: April is 15 and 16? 14 and 15?

6 CHAIR EAKELEY: Yes.

7 MR. McCALPIN: 15 and 16, where?

8 MR. SMEGAL: The 14th is a Thursday.

9 CHAIR EAKELEY: Washington.

10 MR. McCALPIN: Washington.

11 CHAIR EAKELEY: That Friday evening is our dinner
12 with the ABA.

13 MR. McCALPIN: Is it Thursday-Friday or
14 Friday-Saturday?

15 CHAIR EAKELEY: Friday-Saturday.

16 MS. MERCADO: Although probably one of the
17 committees will meet on Thursday afternoon or Thursday
18 evening, unless people want to meet Sunday afternoon or
19 something.

20 CHAIR EAKELEY: I would dearly love to persuade the
21 directors that two committees can meet simultaneously.

22 MR. McCALPIN: Except Search.

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1 CHAIR EAKELEY: Well but hopefully -- we're talking
2 in June now.

3 MS. MERCADO: No, we're in April.

4 MR. McCALPIN: No, we're in April.

5 CHAIR EAKELEY: Oh, I'm sorry, yes, April.

6 MS. MERCADO: In April we're going to have to meet
7 on like a Thursday on my committee.

8 CHAIR EAKELEY: Let's check out. And those,
9 including everyone else in the room, who want to join us for
10 lunch are more than welcome to come back for lunch.

11 (Whereupon, at 12:46, a luncheon recess was taken.)

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