

LEGAL SERVICES CORPORATION

BOARD OF DIRECTORS

FORUM

June 27, 1993

3:00 p.m.

The Peabody Hotel
149 Union Avenue
The Memphis Ballroom
Memphis, Tennessee

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

BOARD MEMBERS PRESENT:

George W. Wittgraf, Chairman
J. Blakeley Hall
William L. Kirk, Jr.
Jo Betts Love
Norman D. Shumway
Jeanine E. Wolbeck

STAFF PRESENT:

John P. O'Hara, President
Emilia DiSanto, Vice President
Patricia Batie, Secretary
David Richardson, Comptroller and Treasurer
Victor Fortuno, General Counsel

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P R O C E E D I N G S

1
2 CHAIRMAN WITTGRAF: As Mr. Hall indicated, thanks
3 to the assistance of our Corporation secretary, Patricia
4 Batie, we've indicated to grantees in this part of the
5 country that at this point, or actually at 2:30 on this date,
6 we would like to have the opportunity to hear from and to
7 discuss with concerns and ideas from representatives of such
8 programs.

9 If there are several of you who would like to visit
10 with us at this time, I would encourage you to come forward
11 to this table in the middle of the room, and we will add as
12 many chairs as we need to.

13 MR. WAYNE: Thank you, Mr. Chairman. My name is
14 James Wayne, executive director of Capital Area Legal
15 Services in Baton Rouge. I didn't come prepared to address
16 this forum.

17 CHAIRMAN WITTGRAF: If there are others, come up.
18 We'll just do it together so we can be informal and we can
19 have whatever give and take.

20 MR. WAYNE: First, I would just like to take the
21 opportunity to thank the Board for the opportunity. As I
22 said, we came up since you were having your Board meeting, as

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1 the chairman said, in our neck of the woods.

2 I would like to at this time introduce my new Board
3 chairman, David Hamilton, if you would stand. He's the
4 chairman of the Board of the Capital Area Legal Services.
5 You might remember the former chairman, Janice Clark, who is
6 now Judge Clark in the Civil District in Baton Rouge at the
7 present time.

8 Next, I would just like to say that Capital Area
9 Legal Services definitely is indebted to the Legal Services
10 Corporation because you've definitely come to our need in the
11 past when we've gone through a lot of troubles, trials and
12 tribulations.

13 About two years ago, it was that we met in Jackson
14 at a forum like this, in Jackson, Mississippi, and Capital
15 Area Legal Services was on month-to-month funding at the
16 time. And there Mr. O'Hara promised that if we would invite
17 the team to come back and visit us, and if there was any need
18 to get us off month-to-month funding, they would do so. The
19 Corporation lived up to its word. We're very pleased with
20 the support we've gotten from the LSC.

21 In August of 1992, we had a major catastrophe at
22 the Capital Area Legal Services whereby the entire building,

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1 both floors, were destroyed by water. About a three-inch
2 valve burst on the third floor and emptied waters throughout
3 the night throughout the building onto the books and
4 libraries. Computers and everything was just wiped out.

5 That happened on a Thursday night. We discovered it
6 first thing Friday morning. We were able to move into hotels
7 by Monday, and we saw 52 clients on that Monday morning in a
8 makeshift office down the street. It were still on the bus
9 line. We were able to stay there for about six weeks. While
10 the building --

11 (Interruption to proceedings.)

12 CHAIRMAN WITTGRAF: If you ladies and gentlemen are
13 ready, we'll try to get everybody reestablished in their
14 seats so we can proceed.

15 MR. WAYNE: As I was closing --

16 CHAIRMAN WITTGRAF: I assume, Mr. Wayne, that
17 you're a preacher who likes to build a dramatic conclusion.

18 MR. WAYNE: LSC did come forth and give us an
19 emergency grant, a one-time grant. I'm happy to say I feel
20 that we were one of the first field programs that got money
21 from LSC and did not use it all up and returned that portion
22 that we did not use, some \$8,000.

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1 Also with us today from the Capital Area Legal
2 Services -- we hope to attend the banquet with Ben Cole
3 tonight in West Memphis -- I have the director of financing
4 and personnel, Eva Pratt, here and also one of our
5 coordinators from the pro bono project, our rural pro bono
6 project, the legal secretary there, Ms. Mary Patin, who is
7 also with us. Thank you.

8 CHAIRMAN WITTGRAF: Thank you, Mr. Wayne. It's a
9 pleasure to see you again. It was September of 1991 I think
10 we saw you in Jackson, not quite two years ago. As memorable
11 as the request that you and some of your colleagues made at
12 that time was the fact that that's when we, as a Board,
13 selected Mr. O'Hara to be the president of the Corporation.
14 He's made it almost two years, which, as the tenure of the
15 presidents of the Legal Services Corporation goes, is close
16 to a record. We're hoping for a "threepeat" ourselves so
17 that we can have one more threepeat for the books.

18 However, I don't think that Mr. O'Hara is being
19 paid as well as any member of either the Chicago Bulls or the
20 Phoenix Suns, or even close, I don't think.

21 What we were doing in Jackson, and that was one of
22 the first times we had done it, and what we've done

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1 occasionally since then, is whenever we've been outside
2 Washington -- and, of course, it's one of the reasons we go
3 outside Washington for our meetings -- is to have the
4 opportunity to learn what problems are, what concerns are,
5 what ideas are. I think they've been very helpful to us.

6 I'd like to think that your having, with a couple
7 of your colleagues, pressed some of your points on us when we
8 were in Jackson in September of 1991 caused not only the
9 Board but particularly the president and his staff to be
10 responsive, as you've indicated.

11 I should say, and this affects only a few of you
12 here, we're delighted that as we've attempted in the last two
13 or three months as a corporation with NLADA and with PAG and
14 the ABA and others to press the case for increased funding,
15 the response is that we've received both on the declination
16 of representation survey, which involved a couple of programs
17 here in this area in Tennessee and Arkansas and also the
18 response we received to the survey request we put out for
19 information regarding what had already been done by programs
20 in the way of personnel reductions, personnel layoffs, office
21 closings, and so forth have been very, very helpful.

22 I'd like to think that the figure that's currently

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1 making its way through the process with a couple of major
2 hurdles to go yet, but the figure of \$400 million as compared
3 with the fiscal 1993 funding level of \$357 million, that the
4 case that we were able to make for that, the Corporation,
5 NLADA, PAG, the ABA, and others, as I said, was made possible
6 because of the assistance we received from you and your
7 colleagues. We appreciate that very much.

8 We do certainly want to hear not only nice things
9 that you'll say about our staff -- it's always nice to have
10 those. We've had the opposite of those through the years
11 too, so we're appreciative of the fact that the tide has
12 turned. We also are interested in any suggestions, any
13 ideas.

14 We don't have much money. Most of the money, of
15 course, passes through. But as you may have gathered from
16 our discussion in the committee meeting chaired by Mr. Hall,
17 there are some bits and pieces, some unused funds each year,
18 and we attempt in different ways, whether it's through
19 so-called meritorious and innovative grants, whether it's
20 through funding of alternative dispute resolution initiatives
21 by migrant programs or other things, to get those monies out
22 the door. In fact, the Congress has told us to try to make

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1 every effort to get those monies out the door.

2 So we're particularly interested in knowing
3 whenever you have ideas, concerns, ways in which we can help,
4 either monetary, naturally, or even nonmonetary ways in which
5 our staff can help. With those comments, I'd be happy for
6 either of the other gentlemen to introduce themselves to us
7 and share their thoughts with us.

8 Before they do that, let me just make sure that you
9 all understand who we are. Jo Betts Love from the great
10 State of Mississippi next door is a member of our Board.
11 Norm Shumway, a former member of Congress from California is
12 a member of our Board. You know our president, Mr. O'Hara,
13 Jack O'Hara. Blakeley Hall from a suburb of Dallas is a
14 member of our Board.

15 (Interruption to the proceedings.)

16 CHAIRMAN WITTGRAF: Jeanine Wolbeck from near Sauke
17 Centre, Minnesota, on a farm is a member of our Board. Bud
18 Kirk from Orlando, Florida, is a member of our Board. We
19 anticipate that Basile Uddo, who is a law school professor, a
20 Mr. Hall indicated earlier, from New Orleans will be able to
21 join us tomorrow from Loyola University.

22 Three other Board members are not able to be with

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1 us during this meeting: Penny Pullen from the Chicago area;
2 Tom Rath from New Hampshire; and Guy Molinari from New York.
3 Our eleventh former Board member, Howard Dana, as I think
4 most of you know, is no longer with us. It was necessary for
5 him to resign when he became an associate justice at the main
6 Supreme Court.

7 So it is us 10 until we get a new Board. We assume
8 that that's in the offing. But, in the meantime, we're
9 trying to do everything we can to be of assistance, to
10 increase the level of funding, and to be responsible as
11 directors of the Corporation. Gentlemen?

12 MR. FORD: Thank you. I'm Clay Ford, the director
13 of Northwest Florida Legal Services in Pensacola. I thought
14 I would get the award for having traveled the farthest, but
15 with Mr. Kirk here, I guess I'm shot out of the saddle on
16 that one.

17 I'm relatively new to legal services, and I don't
18 want to sound like a cheerleader, but I guess I'm going to
19 have to take on that to some aspect. The bulk of what I have
20 to say is very positive and is favorable to the Board and to
21 the leadership at LSC right now.

22 With a year-and-a-half worth of experience at Legal

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1 Services, I've only had the opportunity to function under
2 Jack O'Hara's leadership, and I'd have to tell you that my
3 experience has only been positive.

4 I got a monitoring team visit last August. So
5 within about five months or so of having taken the job, I got
6 the experience that I was warned about by the millions in the
7 legal services business: LSC was coming to get me. I'm sort
8 of a positive sort, so I tried to think that perhaps all that
9 wasn't true and approached it with an open mind. I had a
10 wonderful -- I don't use the term "wonderful" very often, but
11 I had a very positive monitoring team visit, very helpful,
12 gave me a lot of suggestions, all of which we tried to put
13 into effect.

14 It's kind of like being in the Army, and I spent
15 some time in there, so I'm used to IGS saying we're coming to
16 help you. Nobody ever believes that. I honestly believe
17 that the monitoring team did approach it from that
18 perspective.

19 Now, what I'm saying is complimentary of the
20 leadership at LSC. But I think it also, to me at least,
21 reflects the spirit of the Board itself. I think that's even
22 more important, as Mr. O'Hara probably doesn't want to hear

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1 it, but presidents get replaced from time to time but the
2 Boards tend to be there and the philosophy doesn't change
3 quite as frequently. So I'd like to think that Mr. O'Hara
4 reflects the feeling of the Board in the way he goes about
5 his daily business and his operating under your guidance. So
6 I see the whole thing as very positive.

7 Of course, that can change, I suppose, with
8 presidential appointments. I'd like to hope not. I've held
9 elective offices before at the city council level, the state
10 legislature. So I understand what politicians, what
11 perspective they operate from and the pressures that they
12 have and those who accept the appointments as well.

13 I've enjoyed this job probably more than any I ever
14 have in my life. I wrote Mr. O'Hara recently and was
15 somewhat unhappy at that time. I still am about that
16 particular subject, but half my letter was complimentary. I
17 don't know whether he's had time to read it. I have not
18 discussed it with him yet personally. The beginning of it
19 was complimentary. The middle was sort of from the heart of
20 what I was feeling at the time. The tail end was
21 complimentary.

22 I made some what I hope are positive suggestions

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1 about LSC's ability to develop exportable packages that I
2 think will be very helpful to us, Office of Field Services.
3 You have the things you think you're supposed to be doing,
4 but I'm a believer that you can take a given amount of money
5 and use it as a multiplier to positively affect those of us
6 in the field. We have enough in numbers that anything you do
7 is cheaper just because of the numbers.

8 I used, for instance, just as most others did, the
9 tape for Board training. That's very useful to me. Now I
10 can reproduce paper and hand to my Board, but that particular
11 videotape -- I don't know who did it -- was very well done.
12 I used that immediately on getting it in time for Board
13 training. So I'm here to tell you within about two weeks of
14 getting the tape in the mail I was using it to train Board
15 members and supplement it as well with information from the
16 National Support Centers and other things I thought they
17 needed to know about.

18 So I guess the end of my cheerleading speech is
19 that I see LSC as being a very positive influence now. I
20 think you've supported us in trying to get more money for us.
21 Money doesn't grow on trees, and we have hopes that it's
22 going to increase as IOLTA monies scale back.

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1 We, in Florida, have been very fortunate, as Mr.
2 Kirk knows. So we, least of all, have any room to complain
3 about IOLTA money and its failure to support us because we've
4 certainly been very fortunate there. However, inflation, if
5 nothing else, is going to catch up with us. As you know,
6 over a period of time, if you don't do something, you really
7 slide farther and farther down in terms of services.

8 There are things we can do. In my particular
9 program, we've reduced administration overhead costs from 28
10 percent to 16. I warrant to you that's probably about as low
11 as I can squeeze it. I've squeezed every dollar. One of my
12 peer reviewers wanted to know why I wanted to make the
13 program lean and mean. She emphasized mean. Well, I had to
14 explain the phrase as one I've used all my life. That means
15 to get rid of the waste and fat out of a program and provide
16 more client service.

17 At the same time we reduced that overhead, what
18 we've done is turn into client service. In 1991, my program
19 handled 1100, slightly over 1100 cases, closed that many.
20 This year I would expect we'd close about 2400. Last year it
21 was slightly over 2000. So we've doubled it in the space of
22 a year, simply because I took the waste and turned it into

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1 case handlers.

2 So we've got to do our part too, and I think you've
3 been very supportive in doing your part. So I thank you from
4 the bottom of my heart, and I hope Jack takes the criticisms
5 I made of my own peer group with the spirits in which it was
6 intended. Thank you for allowing me to speak.

7 CHAIRMAN WITTGRAF: Thank you. We hope that
8 whenever either you need something or, as you said, for
9 example, with the Board training film, that you feel
10 something has been worthwhile, that you will particularly let
11 the president and the staff know. While we can only do so
12 much in getting additional dollars, we've got a staff, not
13 including the inspector general's staff, of approximately 112
14 or 115 at the moment. Mr. O'Hara wants and we all want to be
15 using that staff in the best way to support the field.

16 So if there are good things, say so. If there are
17 things that we are doing that you feel aren't accomplishing
18 much, either ask us to justify them or tell us that they're
19 not worth much. If there are some things you need, please
20 let us know because we would like to be able to help in ways
21 that we are now, but sometimes we need to know what
22 assistance you need. So please do write with both

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1 compliments and constructive criticism, no problem at all.

2 Mr. Kirk?

3 MR. KIRK: Thank you, Mr. Chairman. Most of us are
4 probably nearing -- I can tell you that I am -- nearing the
5 end of our terms on this Board. I guess to have heard
6 compliments coming from those chairs are really something
7 nice. Whether this Board deserves the credit or just the
8 executive office, I don't know. But I know that certainly
9 the Board has tried to improve relations with the field.

10 In talking with other field directors, have you
11 found that they likewise are recognizing that there's a
12 difference in monitoring visits and a difference in the
13 attitude that's coming from the Board?

14 MR. FORD: I would assess if I was going to put a
15 number on it, I'd assess 9 out of 10 as seeing it that way,
16 that there is a vast improvement in the relationship between
17 LSC and the field. I think we need to continue to do work on
18 it, and I'd encourage members of the Board and the executive
19 staff to make as many meetings in the field as is possible.

20 I suppose you need to get invitations to come to
21 some of those things, but I certainly will urge my
22 contemporaries to extend invitations to project directors

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1 meetings and things like that because I believe that would be
2 beneficial and would continue to enhance a close
3 relationship.

4 But I'd say by far the bulk of them, again this is
5 my perspective, but I would see the bulk of them as thinking
6 things are more positive. They don't look over their
7 shoulder all the time, as I understand was the case at one
8 time.

9 MR. KIRK: I sat through a monitoring visit a year
10 or so ago and was surprise, really impressed with the people
11 and the sincerity of those who were doing it. I'm sure that
12 I might have had a great group or something, but I personally
13 thought these were not people earning a buck; they really
14 cared about what they were doing.

15 MR. FORD: If I could speak to that, specifically
16 as to monitoring groups, in the year and a half I've been in
17 the legal services business, I've not heard one adverse
18 comment about a monitoring team visit, none. So I think that
19 speaks well.

20 MR. WAYNE: I'd like to echo the same comments that
21 Clay made. The only problem sometime you get with monitors
22 is convincing the monitors that what they're suggesting is a

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1 suggestion. It's not something wrong with the way you're
2 doing it. It's just that it may offer a suggestion and you
3 do not have to incorporate every suggestion. You may have
4 reason that because it's a great idea in another forum, it
5 may not be a good idea there.

6 But overall, I think the monitoring team that
7 visited us earlier this year were there to help. They gave
8 constructive criticism. The whole tone that the team leader,
9 the head of the monitoring team had in the initial meeting
10 and the exit interview was that of trying to make what we do
11 better. That was the common thread throughout the visit.

12 MR. KIRK: You haven't been identified yet, but
13 could I ask you if your experience has been the same?

14 MR. ROEBUCK: Yes. I'm Mike Roebuck. I'm the
15 director of Southeast Tennessee Legal Services in
16 Chattanooga. I'm a relatively new director. I've been there
17 a year. SLTS was monitoring in February before I got there.
18 I got there June 1st.

19 Not long after I got there, however, I had a call
20 from Paul Mensah-Kane at Legal Services saying that they
21 wanted to conduct a follow-up review on fiscal matters. I'd
22 been with Legal Services in one form or another for about

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1 nine years at that point, but not as a director. When I got
2 the call, my heart sort of sunk.

3 I told Paul and Tawana Smith it reminded me of a
4 movie I had seen years ago that had taken place during World
5 War II. A man was in a room. There was a knock on the door.
6 He went and answered the door. The man at the door
7 identified himself as one word "gestapo." He calmly walked
8 over to the window and jumped out.

9 But Paul and Tawana and Pat Grigsby got there and I
10 spent about a week with them. They were very, very helpful.
11 We had a great time working together. I felt like it was a
12 really good way for me to start my tenure at Southeast
13 Tennessee Legal Services because I learned so much during
14 that visit about how my program was operating.

15 At the time we did not have our accounting in
16 house. We were contracting with a private accounting firm.
17 It was kind of hard to get a handle on what was going on.
18 There visit helped out a lot in that regard. They came back
19 several months later for a follow-up visit to that visit.
20 Again, we had a very good time. I felt like it really helped
21 to put me in control of my program especially with respect to
22 fiscal matters.

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1 Since that time, we brought our accounting in
2 house. I have a comptroller now. I think because of those
3 two visits, I don't feel beholden to my comptroller because I
4 knew what was going on in my program beforehand, and I can
5 more properly give direction. We were very appreciative. My
6 whole staff felt that same way, with the exception of one
7 person who felt kind of imposed upon.

8 MR. KIRK: Thank you very much. Mr. Chairman, I
9 have some more but go ahead. I don't want to take --

10 CHAIRMAN WITTGRAF: Why don't you go ahead? Two
11 things. First, speak up a little more loudly, if you can. I
12 think maybe some of the people behind you weren't able to
13 hear very well. Go beyond monitoring, and any ideas or
14 concerns that you've got, we'd be delighted to receive.

15 MR. ROEBUCK: Well, I originally didn't come here
16 intending to speak. This is my first meeting. In fact, I
17 originally didn't plan to attend. We're pretty busy with one
18 thing or another. I had a vacation coming up and this
19 coincided with my return from New Mexico. So I thought it
20 would be a good idea to stop in.

21 CHAIRMAN WITTGRAF: Kind of a depressing way to end
22 a vacation in Mexico, but all right. We're flattered.

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1 MR. ROEBUCK: I had, I think, a pretty interesting
2 and challenging first year at Southeast Tennessee Legal
3 Services. I felt like we accomplished a lot. One of the
4 major things was bringing the accounting in house but also
5 computerizing the program and doing a number of other things.
6 I was looking forward to a vacation. But by the time it was
7 coming up, things were running so well I decided I didn't
8 want to go. But my wife said no, we're going. I'm happy we
9 did. It's hard to get back into the kind of work mode right
10 now. I'll be going back tomorrow.

11 As I said, I didn't originally intend to say
12 anything, but I've always had a hard time keeping my mouth
13 shut. It was interesting listening to the talk about
14 attorney recruitment and retention. I was recruited out of
15 law school. I was one of these older law school students. I
16 was about 35 when I graduated.

17 I was recruited on campus at New York University
18 School of Law by Alaska Legal Services Corporation. That was
19 at a time when Alaska Legal Services had a little more money
20 than they have right now. They were recruiting at several
21 law schools throughout the country.

22 I think that my own experience in working with

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1 Alaska Legal Services for a number of years -- I was there
2 for eight-and-a-half years -- and with Southeast Tennessee
3 Legal Services now for a year, and some of my other
4 experiences prior to law school, have led me to view or have
5 several points to make on attorney recruitment and retention.

6 I used to have a saying at Alaska Legal Services,
7 we don't care about money, much. What I meant by that was
8 obviously if we went to work for Legal Services, money was
9 not a real significant factor. However, at the same time,
10 you had to be able to live.

11 I went to work in the Kotzebue Office of Alaska
12 Legal Services. If you're not familiar with that, it's an
13 Eskimo village about 30 miles above the Arctic Circle on the
14 northwest coast of Alaska, not real connected to anything.
15 We serviced 10 outlying villages besides Kotzebue that
16 covered an area about the size of Illinois.

17 That year I went to work for Alaska Legal Services
18 they had just raised salaries from \$22,000 a year -- my
19 starting salary as a supervising attorney was, I think,
20 \$34,000, which doesn't seem too bad until you consider the
21 cost of living in Kotzebue. I paid \$1200 a month for a
22 two-bedroom apartment. Travel costs to come outside of

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1 Alaska were very prohibitive.

2 I brought groceries and dry goods at the Alaska
3 Commercial Company, and my bill tended to run about \$1000 a
4 month. I'm not a very extravagant spender. On top of that,
5 I had all the law school debt coming from New York
6 University. It was overwhelming. I was insolvent for many,
7 many years.

8 At the same time, getting more to the point, I
9 think that salaries and loan forgiveness are important
10 factors. But I think that in recruiting, it's not enough
11 just to wave money out there and go out and get some bright
12 young lawyers. I think that when you are recruiting, equally
13 important or more important is to find persons who, for lack
14 of a better term, are able to empathize or at least
15 sympathize with our client population. I think there are
16 many lawyers out there looking for jobs and who take a job
17 with the Legal Services program, they are not going to stay
18 around. They're not necessarily desirable to have on staff.

19 I was at Alaska Legal Services during a golden age
20 when we managed to recruit a great number of very dedicated
21 lawyers who stayed with us for a very long time. I think
22 part of it was that they were dedicated to begin with and

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1 they were oriented towards public service.

2 Part of it as well was that when you're dealing
3 with lawyers, you're dealing with individuals. You can have
4 case priorities set by clients counsels and so on, but you
5 also have to give lawyers work that's interesting and
6 challenging.

7 It's fine for a lawyer out of law school to be
8 doing landlord tenant cases and doing some routine divorces
9 and so on, but they're not going to stay around if they're
10 still doing that five, six, seven, eight years from now, and
11 you shouldn't be paying them high salaries if they're still
12 doing that kind of work.

13 I think that you have to strike a balance between
14 doing service work and major litigation because the service
15 work is sort of like -- I'm talking strictly from the
16 lawyer's standpoint. It becomes very routine after a while
17 and a lawyer needs more in-depth challenging work such as
18 complex litigation. It can be in the state courts, in the
19 administrator arena, or in the federal courts. But I think
20 that you have to provide that to be doing your job as well.

21 I tell you, it's very difficult to do that with the
22 current level of funding. I know everybody -- I think we're

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1 all in accord that we need more money. There's tremendous
2 pressure from what we feel, from what we hear from our
3 clients, and from our boards to go out and do service cases.
4 At the same time, there's a need to do the major litigation.
5 But if you can't get your staff beyond a certain level in
6 terms of numbers, you simply tend to neglect that work and
7 focus your energy on providing mostly for your day-to-day
8 needs of your clients.

9 I think the major litigation is an interesting
10 work. It's a very important factor in program morale. Win
11 or lose, I think if lawyers are being challenged with complex
12 work, they're developing, they become a resource for other
13 lawyers, new lawyers coming into the program. In order to do
14 that, we need more money. I think we certainly need to have
15 salaries at a competitive level. I don't mean we have to be
16 paying what the private bar is paying, but enough so that our
17 lawyers can live decently, that we can have offices that are
18 professional in appearance.

19 I think that's another key factor, what I tell my
20 staff all the time, when a client comes to our program, they
21 should get the best representation in town. I expect you to
22 perform better than any private law firm out there. I don't

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1 expect us to have our offices in a novel either.

2 We have nice offices. They are modest. We have to
3 live within our means. But I expect that we have to project
4 a professional image in a community both to the rest of the
5 professional community and to our clients and also for the
6 importance it has on morale of the staff.

7 CHAIRMAN WITTGRAF: I don't think there's any
8 questions, but during the last two years, as we've been
9 around the country visiting with people and as we've had
10 meetings annually bringing people into first St. Louis and
11 then Minneapolis, this year Kansas City, that recruitment and
12 retention is an ongoing question or concern.

13 The retention part seems to have gotten even worse,
14 not only because of the comparative or competitive salaries
15 but because the debt burden that law students bring to their
16 practice of law seems to be greater and greater every year.
17 It's greater today than when you finished at NYU 9 or 10
18 years ago. It's certainly far greater than it was when some
19 of the people who are still practicing poverty law were
20 getting out of law school 15, 20, 25 years ago.

21 I think we've concluded that we're probably not
22 going to have a lot of money, if any money. We've actually

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1 asked the Congress for a little bit in a separate line item.
2 We're not going to have a lot of money specifically for
3 so-called recruitment and retention efforts, but rather we're
4 trying to get as much money to be passed through to the basic
5 field grant recipient programs as we can. Then they'll
6 decide with their priorities how to handle it. If better
7 office space or a better library helps with retention, that's
8 a decision for you and your Board to make. It's a big
9 problem.

10 This may or may not be true in Alaska today, but I
11 think we have found that particularly some of the more rural
12 areas have an especially difficult time recruiting lawyers to
13 come to them, particularly in parts of the midwest and the
14 west. We're trying to find ways to assist them, as you may
15 have heard in some of the committee discussions before this.

16 So I don't know that there will be a lot of money,
17 other than the money that you get as part of the regular
18 increase in your annual funding. But we're wrestling with
19 it. If nothing else, we're trying, as suggested by Mr. Hall
20 and Ms. DiSanto, to be sort of a conduit so that you can
21 learn what others are doing in the area of recruitment and
22 retention and apply it if it works.

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1 I think actually we've all been impressed as
2 members of this Board with the kind of commitment that you
3 were speaking of, that there are so many lawyers who are
4 working in Legal Services programs who have made poverty law
5 rather than real estate or plaintiffs or probate or tax or
6 whatever, poverty law, their specialty as a career commitment
7 who are with Legal Services programs for 10, 15, 20, 25
8 years.

9 That's one of the things we've tried to stress to
10 the Congress, that, on the one hand, these people aren't
11 expecting to make as much as lawyers in the private firms and
12 their given communities, but they have to be able to live,
13 just as you said.

14 To go back to Clay's point about being mean and
15 lean, I think we have concluded that most Legal Services
16 grantees have gotten lean and mean of necessity already.
17 There's not too much more lean and mean that's possible.
18 We're beyond the fat end of the muscle headed for the bone,
19 unfortunately, for too many programs.

20 If we, in fact, get the 12 percent increase in
21 funding that's on the table at the moment, the \$400 million
22 beyond the \$357, it's due to the efforts of a lot of people,

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1 but there's probably one person who ultimately deserves more
2 credit than anyone else, and that's a congressman who happens
3 to be from my home state. I'm a Republican; he's a Democrat.
4 He's from a different part of the state, but a man named Neal
5 Smith.

6 I would just say to the three of you and to any of
7 your colleagues with whom you visit, really however this
8 plays out, \$400 or maybe a little bit less, that you ought to
9 take time, you, the chairman or president of your Board,
10 somebody on behalf of your program, and write to him and tell
11 him how much you appreciate it because he's responsible for
12 Commerce, State and Justice, you know, a whole variety of
13 things, including the Justice Department, the State
14 Department, many others.

15 Our sliver is a very thin sliver, but we've tried
16 to sensitize him to the importance, especially the
17 substantial increase, and he's been very responsive. We need
18 to keep encouraging him. At the same time, the members of
19 Congress who have all or parts of the areas that you serve
20 with your programs you need to stay in touch with; lobbying.

21 No, you can't lobby, but I'm hoping that you all
22 get case referrals already with all three of your programs.

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1 Obviously, you continue to give those the attention they
2 deserve, but that you will make an effort to make sure that
3 your members of Congress know who you are, know what you're
4 doing, and will appreciate the fact that a few federal
5 dollars are making that possible and what an important thing
6 it is.

7 So when there are some test votes in committees or
8 on the floor of the House or Senate, that they will feel some
9 commitment to it. It's easy to feel a commitment today to
10 increase spending for the FBI or for prosecutors for the
11 Justice Department or even for more judges for the bench.
12 It's a little harder to feel much of a commitment to a little
13 bit of an increase for the salaries of the Legal Services
14 attorneys. But I think you as directors, with the members of
15 your Boards, have that obligation to try to make sure that
16 your member or members of Congress appreciate the importance
17 of that.

18 Again, you can't lobby. You can't be political,
19 but you've got to be educational. I think that's an
20 important part that you have as leaders to play, just as we
21 try in our way to present it to the members of Congress when
22 they are back in Washington. You've got to be in touch with

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1 them when they are at home. That's my sermon.

2 Mr. Kirk, do you have something else?

3 MR. WAYNE: We are doing that in Louisiana with our
4 congressional delegation. In fact, we've already sent a
5 telegram to the honorable congressman from your state. One
6 of my congressmen, Cleo Fields, served on that committee.
7 I've had a meeting with him to impress upon him the
8 importance of pushing for, with the congressman from Iowa,
9 that we do need their support and we need to give it the top
10 priority.

11 CHAIRMAN WITTGRAF: There's not a good natural
12 constituency for this particular program. You all are key
13 constituents and have to take advantage of that.

14 MR. WAYNE: One of the things that we're trying to
15 do is harness and mobilize the bar association throughout the
16 state which has been, except for the urban areas, has been
17 somewhat in disarray. They probably have meetings, like,
18 once a year.

19 We've been trying to be the gadflies, so to speak,
20 to mobilize the bar association to take a more demonstrative
21 role in supporting Legal Services and then have them write
22 the letters to the various congressional personnel in

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1 Louisiana so that they have to take a little bit more notice,
2 and trying to get the judges, the bench, and the bar out in
3 the open to support Legal Services. So far we think we've
4 done quite well and started to initiate that process as a
5 project director association.

6 CHAIRMAN WITTGRAF: Clay, were you going to --

7 MR. FORD: If I could shift the emphasis for just a
8 moment away from the need we've all expressed, I think, for
9 direct funding for the programs and ask you to think strongly
10 about continued support in another area, and that's for the
11 state support centers. That money that goes into those state
12 support centers directly impacts on us. It allows us to get
13 training that's directly related, practice law in our own
14 states. It's not something that's so general in scope that
15 we have to sort of sift through it to get down to the part
16 that actually applies. It all applies.

17 Secondly, they fund, or at least in Florida,
18 Florida Legal Services funds the work group training, work
19 group operations. That allows our attorneys and our
20 paralegals to get involved more directly in the substantive
21 area that they work. It's extremely beneficial to us.

22 The second subject that I'm a little disappointed

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1 in now, and I don't know which pocket the money comes out of,
2 it comes out of the large LSC pocket, I guess, but we have a
3 little difficulty in my program because it's a small one to
4 be able to afford advocacy training for our young attorneys.

5 Last year I was fortunate enough to get an LSC
6 grant to send one of our folks to Drake University. I
7 understand it's been canceled this year. I have another one
8 that's primed. I was in great hopes that I was going to be
9 able to send him. But I understand that that's been
10 canceled.

11 CHAIRMAN WITTGRAF: Hopefully, this year's
12 cancellation means two institutes next year, one in the
13 spring and one in the summer, the traditional period. They
14 are, as I think you know, expanding the Neal and Bea Smith
15 Law Center to be able to do more training because that will
16 literally be going on this summer. They've asked, and I
17 think Mr. O'Hara has acquiesced in the request, that there be
18 two 1994 institutes instead of one 1993 and one 1994.

19 MR. FORD: Great. I'll get primed to send two
20 nominations, then. Thank you very much. I'm glad to hear
21 that. I was not aware of it.

22 CHAIRMAN WITTGRAF: Mr. Kirk?

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1 MR. KIRK: Just a couple of informational
2 questions. Let me ask each of you to give me maybe a minute
3 at most, but if you had a 20 percent increase in your budget
4 and you could plan for it, I'd like to know what areas that
5 you are not serving now that you might try to serve, or maybe
6 if there's not and you just want to expand what you're doing?
7 What other needs would you be fulfilling, such as maybe
8 creating a fund to pay off loans for law students -- I mean,
9 new lawyers, or increase facilities, or what have you? Clay?

10 MR. FORD: I'm always quick to leap forward to
11 speak, I suppose, but I can tell you very quickly what I'd
12 use mine for. In 1982, our program was forced to close an
13 office because of reduced funding. It's in the northern part
14 of my program area. I serve it now with outreach by sending
15 an attorney out on an occasional basis, but the need is
16 there.

17 If I had visibility the very small office space
18 would allow me, I know that I'd be able to reach people that
19 we know need it and just aren't coming in because they don't
20 know where we are. So we have limited ability to reach into
21 the northern part of the country.

22 We actually send attorneys out for two outreach

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1 locations, but they could be handled from the one if I were
2 able to reopen the office. It could be done for a very
3 modest amount of money.

4 The second thing I'd do is fund something I've been
5 wanting to do and just didn't have the money, and that is an
6 outreach van equipped with a computer and -- that sounds a
7 little spacy, I guess -- the laser printer and a cellular
8 telephone to be able to do outreach in nursing homes. The
9 elderly are just not able to get in. We do some of that
10 where we have shut-ins that aren't able to travel, but it's
11 so spotty that I feel like it's a large area we're
12 neglecting.

13 If I could equip a van so I'd be able to send an
14 attorney out and a notary, we could do a great deal of work
15 just by a call at a nursing home, for instance, to be able to
16 do the common things that most of the elderly are looking
17 for. We're talking about last wills, and we're talking about
18 living wills, and we're talking about doable powers of
19 attorney, that sort of thing.

20 So we could do that and we could do it for a very
21 little amount of money. The concept, I think, would work
22 very well by using a van. What we had in mind, and not to

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1 get into too much specifics, was just the removal of the
2 third seat and some simple carpentry installation of -- you
3 can do great things to computers these days.

4 With the cellular phone, for something that they
5 didn't have there, you could tie right back in to our
6 principal office and be able to get any forms transmitted to
7 you by fax that you wanted to directly into the computer,
8 download it on the laser printer and do high quality work
9 right on the spot without even having to come back to the
10 office.

11 So they never have to -- you'd find out what needs
12 to be done. You'd do it while you were there. You'd finish
13 it up, execute it, notarize it, and go back to the office.
14 So you could use that in a traveling mode and do a tremendous
15 amount of outreach we just aren't able to do now.

16 MR. KIRK: You haven't mentioned salaries.

17 MR. FORD: I've worked real hard on doing that
18 already within the year and a half I've been there. We've
19 instituted a salary scale for our attorneys. If we have
20 normal kinds of growth, we'll be able to sustain a salary
21 schedule. Ours begins at \$26,000 and go to \$40,300, I
22 believe is the top for our attorneys.

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1 Certainly it would be nice to be able to do that,
2 but right now my attorneys, I think, would rather do the two
3 things I just described to you than add to the salary scale,
4 to be honest with you. I can't do much with them in terms of
5 retirement. We do three percent. I certainly would like to
6 be able to improve that.

7 MR. KIRK: Assuming that you're a taxpayer, and
8 your money is everybody else's. How well do you think you're
9 meeting the needs reasonably with the money that's coming in
10 that you have at this point?

11 MR. FORD: I think we're doing a reasonable deed.
12 I can't speak for other programs, of course.

13 MR. KIRK: Sure.

14 MR. FORD: But my policy is that we have our
15 priorities. I understand how you're supposed to work those,
16 but my viewpoint is, regardless of priorities, if you're able
17 to handle it and they walk in and they're the seventh
18 priority, unless you're turning down somebody in the top
19 sixth, you do all the service. It doesn't matter that it's
20 the seventh priority. So we try to take care of everybody
21 who comes in. As a practical thing, we do that, if they are
22 financially qualified.

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1 The only exception to that are what I call mad
2 divorces. They want one because they're mad at the other
3 one. They may have been separated for six or eight years,
4 but they want a divorce right now. Now, then, if there's
5 physical abuse or if somebody has been served papers, those
6 are high priority and we take those automatically.

7 However, if they want a divorce because they're
8 mad, they go on a wait list. We just simply can't get to all
9 the family law. For us, the wait list is now about two or
10 three months. We're working with the local bar on putting on
11 pro bono clinics. We're getting prepared to do that. We
12 hope we'll able to address that through the use of a local
13 bar, to be able to get to those we're not able to.

14 We have a panel of about 47 local bar members who
15 do family law. We have a panel of about 250 who take cases.
16 In any given time, we've probably got 100, 110 or so who are
17 out in process in some form. So we're just in the problem.

18 Now, then, to get to the answer, and I realize I'm
19 taking a long way to get there, but the people we aren't
20 getting to are those who don't know we exist, the outreach.
21 That's where the money needs to be put. We need to do a
22 better job of going out into the smaller communities out in

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1 our counties. I only have two counties, but it covers 1700
2 square miles. So that's a lot of area.

3 I know two or three local communities that if I had
4 just a small amount of funding, something to allow for
5 staffing support for the local bar, that they would do the
6 intake and they would do some of the work in these outlying
7 communities if I just could support them with secretarial
8 help and those kinds of things.

9 It wouldn't take very much. Usually senior citizen
10 organizations, local community centers will provide a place
11 for us to work. So with a small amount of money we can do a
12 whole lot more work. That's where I think it is, is the
13 untapped need, outreach need that we just don't get to.
14 Those that walk in the door, I'm doing a pretty fair job of
15 handling that.

16 MR. WAYNE: I guess the first thing we would try to
17 do is the last point that Clay made, is serve the outreach
18 areas. Ever since 1974 when Legal Services was created by
19 Congress, I've always, starting from that time up to today,
20 feel that because of the short funding to adequately meet the
21 needs to access the justice for every citizen in America,
22 Legal Services for the poor sell by what I deem as

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1 geographical chance.

2 If you live in a major urban area, you can catch a
3 bus. You can go to a nearest Legal Service office. But if
4 you live across the river and some of the areas I serve, some
5 12 parishes, almost 200 miles in length, all the way from the
6 State of Mississippi to the Gulf of Mexico, many of the
7 remote areas, Legal Services, even though it's there, it's
8 not there.

9 What we've done in the last year in trying to
10 address the problem, I asked the bar association, each one of
11 the bar associations in rural areas, to apply for a grant to
12 the IOLTA foundation. Most of them didn't know what IOLTA
13 was. We wrote the grant for them and networked with them.

14 We put on seminars with the local bar association.
15 Instead of having one Christmas meeting a year, now at least
16 they have a couple meetings when we ask for a meeting. All
17 of those bar associations were given a grant. With that
18 grant, we hired a rural intake specialist. What that person
19 does is go into the rural areas. Ms. Patin here is working
20 in that program funded through the IOLTA program.

21 They go to the nursing homes, they go to the aging
22 centers in the rural areas once a day, two hours here, two

1 hours there. We support the travel and other support
2 services from our budget. They do intake. At the beginning
3 of this year they set goals. Each one of those intake
4 persons said I want to do 300 cases, new cases, in these
5 remote areas.

6 We had our meeting this past Friday, and we're
7 about half of the year gone, and they are two-thirds to
8 meeting the goal already. So there is a need out there that
9 can be served. That's what I would like to do with
10 additional funds, is serve the unmet need in the rural
11 population.

12 MR. KIRK: How well do you think that you're
13 meeting the needs there where your offices are, I mean the
14 people that come in?

15 MR. WAYNE: We're meeting it, I guess, the best we
16 can. Of course, we don't have an attorney there on site.
17 It's still a delayed process. But once the program gets in
18 full swing, what we hope to do is that first, every case that
19 we recruit in the rural area, the pro bono panel in that area
20 will handle that case. We've had moderate success in doing
21 that.

22 If you cannot find a pro bono attorney in the rural

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1 area, then we use our PAI funds to hire an attorney in that
2 area so that the client still is not trying to come the 150
3 miles to Baton Rouge in order to get service or one of the
4 other near branch offices.

5 If we don't have a PAI attorney, don't have a pro
6 bono attorney, then the main office will send someone from
7 the Baton Rouge office or the nearest branch office in order
8 to serve the client. So if we had additional funds, I
9 guarantee it would go into direct services to the client in
10 the case of case handling.

11 I've been there for two years. We have not
12 increased administrative staff not one person, except a
13 part-time student working in high school. It's the only
14 person we've brought to the administrative staff in the two
15 years I've been there.

16 MR. KIRK: What's your starting salary?

17 MR. FORD: Starting salary is \$22,500.

18 MR. KIRK: Thank you very much.

19 MR. ROEBUCK: Well, I feel our salaries are fairly
20 good right now. Our starting salaries for attorneys are
21 \$24,000 and they range to \$48,000. I'm pretty happy with
22 that. I have constant queries from staff about retirement.

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1 It's something we can't even think about. But if we had a 20
2 percent increase, I think the first thing I would look at
3 doing is hiring a litigation director.

4 I did primarily complex litigation before becoming
5 a director. It was my hope that I'd be able to spend more
6 time giving direction to managing attorneys and staff
7 attorneys in terms of improving the overall quality of the
8 legal assistance we give in terms of litigation. That's
9 proved to be a dream so far because I've spent most of my
10 time on administrative matters. But I would hire a
11 litigation director.

12 With the rest of the money, I think I would hire
13 another staff attorney and two paralegals. I feel like we're
14 meeting maybe -- even in terms of service cases, I'd say
15 maybe we're meeting one-third of the need at this point.
16 It's an area I don't really like to talk about with family
17 law. There is a real need out there.

18 We have a steady stream, a constant demand. We can
19 only serve a small percentage of those cases. We only handle
20 cases where there's spousal or child abuse going on or some
21 other large issue. Everybody else is just sort of out there
22 waiting and trying to figure out how they're going to get

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1 divorced.

2 We, too, don't do the mad divorces. We have a
3 waiting period because frequently you have somebody come in
4 who wants a divorce. It's been my experience you take the
5 divorce on, you file it, and then two weeks later they're
6 back together again. So we try to weed those out.

7 But there is a great unmet need not only in that
8 area but in all the areas that we deal with, entitlements and
9 landlord-tenant situations that we're not meeting at this
10 time. We have very severe restrictions on the cases we do.

11 I should mention we really don't do any brief
12 service and advice cases. All the cases we take on at this
13 point involve going to court or doing some sort of litigation
14 in the administrative arena in one form or another. We're
15 presently trying to address that need by conducting or
16 putting together a program for assisting people through
17 divorce clinics.

18 Now I think we have a real uphill cell in
19 Chattanooga, Tennessee, with the bench and bar on that. I
20 think we have to get them to buy into that before we ever put
21 on a first clinic. But I've seen it work in other places.
22 We're hoping we can. But I'd like to have a litigation

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1 director, another lawyer, and a couple more paralegals.

2 MR. WAYNE: Mr. Kirk?

3 MR. KIRK: Mr. Wayne?

4 MR. WAYNE: I'd like to say also that in the
5 southeast region, which is Region 6, we've probably had,
6 except for some parts out west, we've had the largest
7 increase in poverty than any legal services region in the
8 country.

9 For example, with all the problems we've had with
10 the water, month-to-month funding, and the turmoil that we've
11 had, we're serving clients at a rate of about \$6.34 per poor
12 person based on the attorneys that we have. So when you look
13 at what we're doing with what we have now and the lean mean
14 machine that we were talking about earlier, if we got some
15 increase like that, it would mean that we can serve more
16 clients. We can hire more case handlers and do a lot better
17 job in meeting the needs.

18 CHAIRMAN WITTGRAF: Hopefully, a fairly substantial
19 increase from Congress this year will allow a move toward
20 equalization. Hopefully, those who have suffered the big
21 increases in property with the 1990 Census will have some
22 parity with those who have been fortunate enough to remain

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1 constant in their poverty increase figures or perhaps even
2 gone down slightly. Hopefully, the increase, 12 percent or
3 whatever it is, will allow for some of that.

4 Further questions or comments for these gentlemen?

5 (No response.)

6 CHAIRMAN WITTGRAF: Mr. O'Hara?

7 MR. O'HARA: Thank you, Mr. Chairman. To the panel
8 at the table, I appreciate the comments about the Corporation
9 Staff, especially our monitoring staff. What you have said
10 is exactly what I had hoped to hear from my talking with the
11 people who run that program and from the individual people
12 who do that work for us.

13 I did want to comment, Mr. Chairman, if I might, on
14 Mr. Ford's comment on training. I will be reporting to the
15 Board tomorrow on a proposal I have from OLSBUC which is the
16 National Support Center group on training. They have given
17 me a proposal now where they will undertake three trainings
18 over the next two years, and this will be in kind of
19 coordination with NLADA's training at Berkeley.

20 The trainings that OLSBUC will do will be on a
21 regional basis, and they will be coming to the areas where
22 you are rather than you having to travel all the way to

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1 California. The trainings will not, obviously, take place in
2 the California area because that NLADA training takes care of
3 most of the west coast, and people will come from all over.
4 But in order to cut down on travel expenses, they will do
5 their training in other places.

6 One of the places they've already initiated some
7 contacts with is the Law School Clinic Facility in New
8 Orleans. Their proposal, I'm very pleased to tell the Board
9 at this point, has come in lower than I thought. They are
10 asking us for roughly \$166,000 over the next two years to
11 cover these three trainings which is about \$55,000 or so from
12 the Corporation. They, in turn, intend to provide about
13 \$65,000 of in kind services in the training of the
14 professionals that they will use to do the training.

15 So I'm very pleased at this. I think as we work
16 this out, it will be something that will be very helpful to
17 you in getting the type of training that your staff attorneys
18 need. Thank you, Mr. Chairman.

19 CHAIRMAN WITTGRAF: Further questions or comments
20 from Board members?

21 (No response.)

22 CHAIRMAN WITTGRAF: I guess not, gentlemen.

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1 MR. WAYNE: Thank you very much.

2 CHAIRMAN WITTGRAF: As Mr. Kirk indicated and as I
3 suggested, it would appear likely that the tenure of this
4 Board, the six of us who are here and our four colleagues who
5 weren't here this afternoon, is limited to some time this
6 fall or the end of this year probably. Whoever succeeds us,
7 I think, is going to be left with the same general dilemma we
8 have and that is just inadequate resources to meet the needs
9 of which you gentlemen have been speaking.

10 So I think that as you visit with our successors,
11 either in person, or by phone, or by mail, we're all going to
12 be concerned with how to better train, how to better reach
13 out, how to make better use of our staff, and that's really
14 the key.

15 With these limited resources, the somewhat
16 diminished or, in some states, the substantially diminished
17 IOLTA funds, with the relatively small increases in federal
18 funds, and I've got to say if we end up with 12 or anywhere
19 near a 12 percent increase this year, it will probably be a
20 couple of years before any group, however well intended as
21 our successors is able to get the Congress to make a big jump
22 again, because I think this is a bit of a leap and I don't

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1 think realistically we can expect leaps year after year after
2 year. Hopefully, you will continue to work with our
3 successors to tell them what you need to help us all do
4 better with our limited resources.

5 It's hard to say what will happen with the staff,
6 president, executive staff, and staff as a whole. You all
7 may have more tenure than all of us at this point, but the
8 challenges are going to be about the same, I think. Again,
9 that makes the leadership of you and your colleagues probably
10 more important than that of the Board and any executive
11 officers because you'll be the ones with the experience.

12 Our successors, by and large, will be again feeling
13 their way, as to some extent we've done over the last four
14 years. So hopefully you'll get a chance to share your ideas
15 and your thoughts with our successors before long. They need
16 it. Don't be hesitant, don't be reluctant because they
17 really need to hear from you. I'd like to think the 1990s
18 represent a pretty good working relationship between
19 Washington and the field, unlike the 1980s, in that our
20 successors will want to hear your thoughts and your ideas and
21 your concerns.

22 Thank you for taking the time to be with us this

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1 afternoon. We will hope to see you again.

2 MR. WAYNE: Thank you.

3 MR. FORD: Thank you, Mr. Chairman.

4 CHAIRMAN WITTGRAF: Before we adjourn, one
5 administrative announcement for members of the Board. We are
6 to convene at about 5:30 for transportation purposes at the
7 fountain or the duck pond in the middle of the hotel lobby.

8 Ms. Batie, anything else before we conclude?

9 MS. BATIE: Nothing.

10 CHAIRMAN WITTGRAF: Thank you. See everybody at
11 8:00 in the morning.

12 (Whereupon, at 4:13 p.m., the meeting was
13 adjourned.)

14 * * * * *