

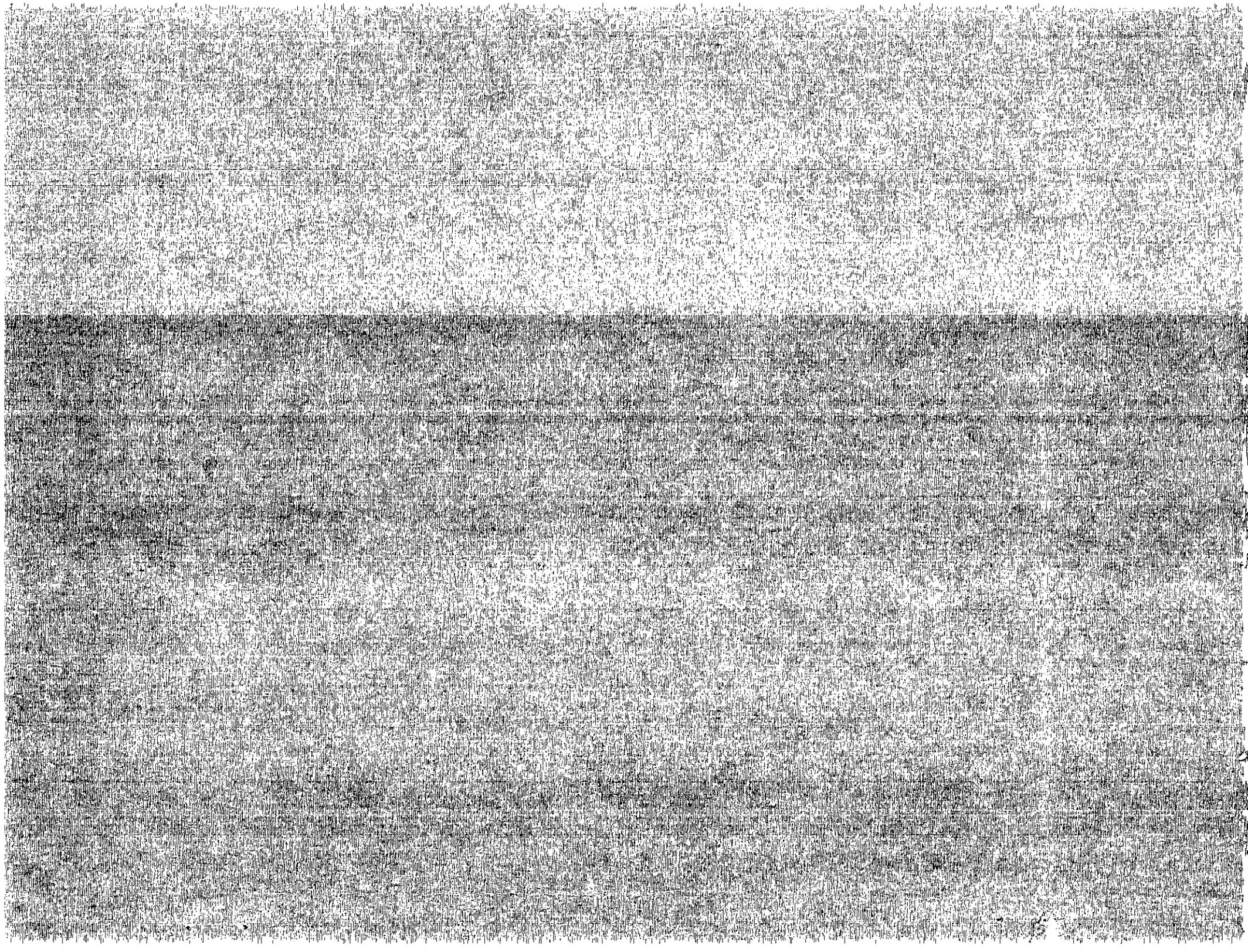
LEGAL SERVICES CORPORATION
BOARD OF DIRECTORS MEETING
OPEN SESSION

March 11, 1993

1:12 p.m.

San Francisco Hilton and Towers
333 O'Farrell Street
Plaza Ballroom
San Francisco, California 94102

Diversified Reporting Services, Inc.
918 16TH STREET, N.W. SUITE 803
WASHINGTON, D.C. 20006
(202) 296-2929



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Board Members Present:

Douglas S. Eakeley, Chairman
Hulett H. Askew
LaVeeda M. Battle
John T. Broderick, Jr.
John G. Brooks
Edna Fairbanks-Williams
F. Wm McCalpin
Maria Luisa Mercado
Nancy H. Rogers
Thomas F. Smegal, Jr.
Ernestine P. Watlington

Staff Present:

Alexander D. Forger, President
Martha Bergmark, Executive Vice President
Patricia D. Batie, Corporate Secretary
David L. Richardson, Treasurer and Comptroller
Victor M. Fortuno, General Counsel
Edouard Quatrevaux, Inspector General

* * * * *

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C O N T E N T S

	PAGE
Approval of Agenda.	5
Approval of Minutes of 1-28-94 Meeting.	5
Welcoming Remarks Offered by:	
Margaret Morrow, President, California State Bar Association;	6
Laurie Zelon, Chair, Standing Committee on Legal Aid to Indigent Defendants American Bar Association; and	15
The Honorable Quentin Kopp California State Senator.	26
Presentation by Members of the California Legal Services Community:	
Thomas Olmos, Executive Director Legal Aid Foundation of Los Angeles;	29
Patricia Lee, Legal Aid Society of Santa Clara County;	34
Lethia Hayes, Client, Legal Aid Society of Santa Clara County Client;	44
Janice Noble, Fair Housing Counselor, Legal Aid Society of Santa Clara County; and	47
Alicia Rodriguez, Client Board Member and Former Client, Legal Aid Foundation of Los Angeles.	52
Presentation by Richard Taylor, Jr., Chair, Project Advisory Group.	57
Chairman's and Members' Reports.	78
Consider and Act on Operations and Regulations	85
Committee Report.	

(Continued)

C O N T E N T S
(Continued)

	PAGE
Consider and Act on Provision for the Delivery of Legal Services Committee Report.	94
a. Consideration of and Possible Action on January 29, 1988 Board of Directors Resolution Adopting Corporate Policy Regarding Individual Grantees' Failure to Produce Materials Requested by the Corporation.	
Consider and Act on Audit and Appropriations Committee Report.	99
Consider and Act on Presidential Search Committee Report.	105
Inspector General's Report.	113
Public Comment.	115
Consider and Act on Other Business.	139

MOTIONS:

5, 5, 93, 95, 97, 112, 114, 147

* * * * *

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P R O C E E D I N G S

(1:12 p.m.)

1
2
3 CHAIRMAN EAKELEY: Let me call the Legal Services
4 Corporation Board of Directors meeting to order. You all
5 have the agenda. Subject to the usual latitude to be
6 accorded the chair, is there a motion to approve the agenda
7 as submitted?

M O T I O N

8
9 MR. BROOKS: So moved.

10 MS. MERCADO: Seconded.

11 CHAIRMAN EAKELEY: All those in favor?

12 (A chorus of ayes.)

13 CHAIRMAN EAKELEY: The minutes. We all have copies
14 of the minutes that were circulated. Any additions or
15 corrections to be made?

16 (No response.)

17 CHAIRMAN EAKELEY: Hearing none, a motion to
18 approve the minutes as submitted?

M O T I O N

19
20 MS. WATLINGTON: So moved.

21 CHAIRMAN EAKELEY: Second?

22 MR. BRODERICK: Second.

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1 CHAIRMAN EAKELEY: All those in favor?

2 (A chorus of ayes.)

3 CHAIRMAN EAKELEY: Tom, has Senator Kopp arrived
4 yet? Why don't we start with Margaret Morrow and Laurie
5 Zelon?

6 MR. SMEGAL: Mr. Chair, fellow Board members, it
7 gives me a great deal of pleasure and honor, as well, to
8 introduce to you the first woman president of the California
9 State Bar.

10 Margaret and I go back a long way. We served on
11 the Executive Committee of the State Bar several years ago
12 and I had the distinction when I was last on this Board of
13 speaking at a luncheon attended by 700 or 800 people in Las
14 Angeles, when Margaret was honored by the Legal Aid Society
15 of Los Angeles. She has been involved in legal services and
16 the delivery of those legal services to the indigents for
17 most of her adult life and we are indeed honored, here in
18 California, to have her as our state bar president.

19 PRESENTATION OF MARGARET MORROW

20 MS. MORROW: Thanks, Tom, very much, and good
21 afternoon to all of you. I'd like to welcome you on behalf
22 of the state bar of California and all the lawyers of

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1 California, to our state.

2 We're delighted to have the Board of Legal Services
3 Corporation meeting here in California so that we can
4 showcase for you some of the really strong legal services
5 programs we have here in the state and so that we can discuss
6 with you some of the very real and difficult problems which
7 those programs currently face.

8 First and foremost among those problems, in my
9 view, is adequate funding. While many California programs
10 receive a substantial part of their revenue from the Legal
11 Services Corporation, other programs depend heavily on grants
12 that they receive from our states' Interest on Lawyer Trust
13 Accounts program. Even those programs which are funded by
14 LSC look to the IOLTA program to supplement the revenue that
15 they get from other sources.

16 I'm sure it comes as no surprise to any of you that
17 our IOLTA program, like others around the United States, is
18 suffering as a result of the decline in interest rates that
19 we've experienced over the past couple of years. Two years
20 ago, the state bar was able to distribute more than \$22
21 million to 120 programs in California. This year, we'll be
22 lucky if we're able to disburse \$6 million.

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1 Some of our programs have seen their revenue drop
2 by as much as 75 percent and all programs in California have
3 felt a significant impact from having their IOLTA revenue
4 drop so substantially. Overall, certainly from the
5 standpoint of the state bar, the dramatic decline in IOLTA
6 funding has created what we think is a real crisis for legal
7 services programs here in this state. The state bar has
8 taken various steps to address the situation.

9 First, we've revised our policies on cash reserves
10 and our grant making procedures so that we are able to
11 distribute the maximum amount of money we safely can in the
12 quickest amount of time possible to our programs.
13 Additionally, in January, we invited a number of banks in
14 California to propose alternate types of accounts with higher
15 interest rates and higher yields that would be suitable for
16 trust account monies.

17 Based on the responses we've received, we are in
18 the process of drafting a proposed rule change which will
19 permit the deposit of trust account monies into these higher
20 yielding accounts. As soon as we have this rule completed,
21 we intend to submit it to the California Supreme Court and,
22 assuming that it's approved, we're going to turn to the local

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1 bar associations in California and ask for their help in
2 encouraging lawyers to move their trust account monies to the
3 banks which offer these higher yields.

4 Even if this type of effort is successful, however,
5 it's clear that we will never be able to restore our IOLTA
6 funding to its prior level. As a result, the state bar is
7 making a push to interest foundations in legal services
8 funding, foundations which have traditionally resisted that
9 type of grant making. We've also held fund-raising workshops
10 for legal services programs around the state and we're in the
11 early stages of a statewide effort to raise more money for
12 legal services from lawyers than we ever have before.

13 Given the state of California's economy, however, I
14 think it's clear that all of these efforts combined are not
15 going to close the gap, the \$16 million gap, that we have
16 between the prior level of IOLTA funding and the current
17 level. That's why ensuring that we are able to get our
18 California programs the maximum of funding possible from the
19 federal government, from the Legal Services Corporation is
20 something which we believe to be a critical priority.

21 At the same time that we're focusing on these
22 funding issues, we're continuing to encourage our members to

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1 supplement the efforts of legal services attorneys through
2 pro bono work. California attorneys engage in a wide range
3 of pro bono activities -- everything from staffing weekly
4 clinics to litigating impact cases to providing full service
5 representation for individual clients.

6 To focus our efforts somewhat this year, the state
7 bar hopes to promote what we call "lend-a-lawyer" programs.
8 Under this model, firms lend one or more lawyers from their
9 staff for a period of three or four months to a legal
10 services program. The temporary lawyers enhance the ability
11 of that program by giving additional staff resources and
12 enabling the program to serve additional clients.

13 We also hope at the state bar to endorse and
14 actively support the American Bar Association's law firm
15 challenge. The goal of this project, as you probably know,
16 is to secure commitments from law firms throughout the
17 country that they will contribute 3 to 5 percent of their
18 gross revenue annually to pro bono representation.

19 While some California firms have already accepted
20 this challenge, many have not and it's our hope that we can
21 secure greater participation in this state and make us one of
22 the leaders nationwide.

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1 Finally, we continue to encourage and to urge, as
2 we have for some years, that each and every lawyer in the
3 state of California donate at least 50 hours of pro bono time
4 each year to serving clients who cannot afford to pay for
5 legal services.

6 To the extent that we're successful in these
7 various pro bono efforts, we'll provide additional support
8 for legal services programs and legal services lawyers on the
9 front lines. We'll also reinforce the notion that lawyers
10 have a professional and an ethical obligation to help those
11 in need. Finally, we'll help forge an important link between
12 legal services programs and the lawyers who live and work in
13 their communities.

14 I have to tell you frankly, however, that pro bono,
15 in my view, will never be a substitute for adequate legal
16 services funding. Five years ago, when I was privileged to
17 be president of the Los Angeles County Bar Association, we
18 focused tremendous time and energy on a successful campaign
19 to increase the amount of pro bono time and service that was
20 being rendered by our members.

21 Today, my priorities have changed. Today, my focus
22 is on ways to increase the amount of money flowing directly

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1 to legal services programs so that those programs can hire
2 more staff attorneys and so they can maximize the efficiency
3 of their attorneys to serve the greatest number of clients
4 possible.

5 One of the reasons, in fact, that the state bar has
6 determined to focus its pro bono efforts on lend-a-lawyer
7 programs is because the effect of these programs is to
8 augment the staff of legal services and thus combine the best
9 of direct provision of legal services with private bar
10 involvement.

11 Perhaps my shift in focus reflects the fact that
12 the current funding picture in California is so dire.
13 Perhaps, however, it's a recognition that full time legal
14 services attorneys maximize our ability to meet the legal
15 needs of the poor more than part time lawyers from the
16 private sector.

17 I realize that this issue is a complicated one and
18 that there are many competing values and concerns which
19 influence how one determines the proper mix of private bar
20 involvement and full time legal services work. I offer these
21 comments to you today, however, to underscore what I think is
22 the reality, which is that state and federal funding of legal

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1 services is central to our ability to help the poor and the
2 disadvantaged in our communities.

3 The state bar of California is committed to doing
4 whatever it can to maximize this funding and it looks forward
5 to working with this Board on strategies to achieve that
6 result, on reauthorization, on the Corporation's budget, and
7 on any other programs that you believe will help support
8 legal services in California and elsewhere in the nation.

9 I appreciate having had the opportunity to share
10 these thoughts with you and I want to thank you for
11 recognizing California's important contribution to legal
12 services by holding one of your early meetings here in our
13 state. We hope that all of you will attend the reception
14 tonight, which is being given by the Project Director's
15 Association, the Bar Association of San Francisco, and the
16 State Bar of California.

17 I want to tell you here and now that unfortunately
18 I won't be able to be with you this evening. I'm going to be
19 attending a retirement dinner for a very dear friend of mine
20 in Los Angeles. But I will be there with you in spirit and
21 the state bar will be behind you all the way throughout this
22 next year and, hopefully, in the years to come. So thank you

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1 very much.

2 CHAIRMAN EAKELEY: Thank you very much. We
3 obviously share your perspective that state and federal
4 funding of legal services is vital to advancing towards equal
5 justice.

6 We're in the Congress now with a request for an
7 increase in federal funding and everything the state bar can
8 do to help encourage California's representatives in the
9 Senate and in the House to accede to our request and the
10 president's request will be greatly appreciated. We really
11 need to be putting on a full court press right now if we are
12 to have any hope of a meaningful increase.

13 MS. MORROW: We've already communicated with some
14 of our representatives; and rest assured that we will be
15 communicating with all of them in the very near future.

16 CHAIRMAN EAKELEY: Thank you. Tom, Senator Kopp is
17 here, I think. But why don't we introduce our other
18 distinguished private attorney from California?

19 MR. SMEGAL: Thank you, Mr. Chair and fellow
20 members of the Board. California has the distinction of
21 having among our members of the American Bar Association the
22 current chair of the Standing Committee on Legal Aid to

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1 Indigent Defendants.

2 I believe the Board is well aware of this component
3 of the American Bar Association which has been very much
4 involved in our selection, our nomination, and certainly in
5 the activities we're now engaged in.

6 Laurie Zelon is the most recent in a series of
7 chairs who have distinguished themselves further beyond this
8 committee. A number of them have gone on to be president of
9 the American Bar Association and Laurie's immediate
10 predecessor is currently the Mayor of Detroit. Laurie.

11 PRESENTATION OF LAURIE ZELON

12 MS. ZELON: Thank you, Tom. Tom knows that I have,
13 since ascending to the chair, taken the opportunity to thank
14 the electorate of Detroit for putting me here, and I think
15 that's the genesis of that comment.

16 (Laughter.)

17 CHAIRMAN EAKELEY: I would like to know whether Tom
18 has backed off your committee yet or not.

19 MS. ZELON: Tom is still a member of my committee,
20 and a productive one at that, and I'm not letting him go.

21 I want to thank you for letting me come here. I
22 want to echo the welcome that you've been given by Margaret.

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1 I bear you many greetings and many welcomes. The president
2 of the American Bar Association has asked me to send his
3 welcome to you as well. He is an honorary Californian and an
4 honorary member of many states.

5 I also bring you greetings from one of my other
6 hats, which is something else in which I follow Margaret, not
7 only speaking here today. I am the senior vice president of
8 the Los Angeles County Bar Association and, if you will
9 indulge me for a moment at the end, I will offer you a little
10 bit of local perspective from that point of view.

11 Before I get to the substance, though, I do want to
12 extend to you one more invitation of, hopefully, a social
13 nature. At your April meeting in Washington, D.C., the Board
14 of Governors of the American Bar Association will also be
15 meeting and they, along with SCLAID, will be hosting a
16 reception in your honor.

17 On Friday night at, I think, 7 O'clock, you'll be
18 getting written confirmation of that and we hope that you
19 will have an opportunity to meet members of the Board of
20 Governors who you haven't yet met as well as some of the
21 other members of SCLAID at that time, and we hope to see you
22 all there.

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1 In terms of SCLAID, you've heard from some of our
2 members before. I think the thing that we want to say to you
3 is that we have viewed the relationship between the American
4 Bar Association and Legal Services as something which must be
5 a partnership in bad times and in good.

6 In the bad times, our partnership was more directly
7 with the field programs and much less with the Board. We did
8 not receive as warm a welcome at the Board as we have
9 received from this Board and we are delighted to move forward
10 in partnership in what we view as the good times, in an
11 attempt to move forward with our shared goals.

12 During the past 12 years, when we did not have this
13 level of access to the Board, we worked closely with the
14 field and with the state and local bar associations to help
15 maximize the delivery of legal services despite the
16 limitations on resources and the limitations on the ability
17 of field programs to serve people -- many of the issues that
18 you've been discussing in committee before this meeting.

19 We think that the connections and the contacts that
20 we began to build and that people began to build alongside of
21 us are connections and contacts that are still there and that
22 are just as important now as we attempt to move forward in

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1 some positive ways as they were then when they were built to
2 avoid negative impacts.

3 I think that we want, as you do, to leverage the
4 resources that we have -- not only the financial resources
5 which need to be strengthened but the resources in terms of
6 the talent of the people in the field, the talent of people
7 who can be attracted into the field, and the talent that
8 resides in the local bar -- to draw upon that pool of skill
9 and knowledge to work together to help ensure access to
10 justice, to move us forward towards the real delivery that we
11 need to do.

12 We are looking to develop initiatives within
13 SCLAID, hopefully to assist you to make delivery more
14 effective and more efficient, to take the opportunity that we
15 have now to encourage experimentation, to encourage self-
16 criticism, and to look more closely at what works best in a
17 variety of environments, and to spread those models around
18 the country in a way that will increase delivery.

19 Some of the initiatives we have undertaken thus far
20 you are aware of. We adopted an action plan last spring
21 which I believe you have all received a copy of and, as you
22 will note, chief among that is reauthorization of the LSC and

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1 an increased budget. It also includes taking a fresh look at
2 some of the issues raised by private bar involvement and some
3 of the other issues which you have again been discussing
4 today and yesterday.

5 SCLAID has also participated in the ABA legal needs
6 studies, which was mentioned this morning. As you know, the
7 statistical part of that study was just released last month.
8 The study phase, the analysis and policy-making phase is
9 beginning now. SCLAID will continue to participate in that.

10 We would like to invite the members of this Board
11 to continue in conversations with SCLAID and with the
12 Consortium on Legal Services chaired by Esther Lardent, which
13 will be the primary driver of the policy-making phase as it
14 was of the study phase itself and, if anyone needs
15 information on the study, we can provide it to you through
16 our staff, either a copy of the study or any of the working
17 plans as we're going along.

18 We have participated on SCLAID in the regulatory
19 working group and we are continuing to do that and we are
20 also very interested, obviously, in the policy development
21 that is integrally related with the changes in the
22 regulations. Particularly in those areas where our contacts

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1 with the private bar may be helpful, we are seeking to gather
2 comments that we can then pass on to you to increase the
3 effectiveness with which you receive information.

4 We are participating in the pro bono conference
5 which will be held here in California, in San Diego, next
6 month. Your chair has kindly agreed to address the
7 conference and to participate on a panel which will discuss
8 private attorney involvement, which will be held there. My
9 understanding is that the standing committee which puts on
10 that conference is shortly to issue invitations to all of
11 you.

12 It is a very inspiring conference. There are
13 approximately 600 people who work every day in pro bono
14 programs across the country, who come to the conference to be
15 recharged, to share ideas, to be together, and to receive
16 training and there will be a number of people there who have
17 an awful lot to say about the issues that you address, and
18 it's a very special opportunity.

19 I wanted to just take a minute to let you know
20 about some of the resources we have that you can draw on. We
21 finished a migrant study recently which has been published.
22 I brought a copy of it with me. Unfortunately, it's the only

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1 copy I have.

2 What the study attempted to do was to look at some
3 of the criticisms of migrant programs that had been bandied
4 about for a long time without any apparent factual support
5 and to analyze those, and to look at some of the regulatory
6 and service delivery issues, and we're happy to share that
7 report with you.

8 The ABA and SCLAID together have done standards on
9 monitoring, have done standards for provision of legal
10 services, and we are currently working on pro bono standards
11 to provide a guideline for pro bono programs in much the way
12 that the civil standards have provided for some time. Those
13 are now in the works and we hope to have a draft soon.

14 It will not become official ABA policy, I was told
15 yesterday, until perhaps 1996. The ABA works in slow and
16 mysterious ways. But we will be able to share working drafts
17 with you earlier than that and we will be happy to do so.

18 CHAIRMAN EAKELEY: Next month?

19 MS. ZELON: Not quite.

20 CHAIRMAN EAKELEY: Because they're coming up with
21 performance standards which will include private attorney
22 involvement standards and they more or less promised that we

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1 would get them next month.

2 I'm not pushing you any more than you're pushing
3 yourselves but, obviously, as we look at performance
4 standards and criteria, we also need to look at all of the
5 other resource utilization questions that go with maximizing
6 delivery of justice.

7 MS. ZELON: All I can tell you, I'm just a poor
8 working stiff on that one. I'm one of the members of one of
9 the working groups and I know that all of the working groups
10 are having conference calls next week to try and get them
11 into as close to a full draft as we can as quickly as
12 possible and if you've been promised next month, we'll do our
13 best.

14 CHAIRMAN EAKELEY: Thank you.

15 MS. ZELON: The main message I want to leave you
16 with from SCLAID is that we offer you the assistance that you
17 want. We do not want to interfere with your operations in
18 any way but we do want to stand ready to help you with the
19 resources that we have through the connections with the bar
20 association and bar leaders all across the country to try and
21 assist you in any way.

22 I've learned to regret making this offer -- I will

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1 make it one more time -- which is, if you need anything,
2 please call me.

3 CHAIRMAN EAKELEY: Laurie, thank you very much.
4 Are you done?

5 MS. ZELON: I want to have you indulge me for one
6 moment just on a little local perspective. One of the issues
7 that the Los Angeles County Bar still faces, despite
8 Margaret's efforts of five years ago, is to coordinate the
9 delivery of legal services in the county and make the most
10 effective and make the best use of our members and
11 volunteers.

12 We've found that people tried so hard to fill in
13 some of the gaps that a vast number of programs rose up, even
14 in a community which was already served. We have a very
15 diverse community and we have a very diverse number of
16 programs, both inside and outside the bar association.

17 What we've done at the bar association is try to
18 organize our own programs to avoid overlap, to make sure
19 we're not competing with other providers in a way that, in
20 fact, diminishes the delivery of legal services and we hope,
21 in the coming year, to take that outside to the community in
22 Los Angeles as a whole and try and coordinate people, provide

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1 a forum in which they can come together and discuss efficient
2 delivery of legal services.

3 This is something that we believe on a very small
4 local level that we can begin to do and that gives us hope
5 that we can begin to maximize the resources we have to
6 enhance the leverage and to make a larger whole. I'm not
7 from Boulder, Colorado so I refrain from using the word
8 "holistic" but we are trying to do that. I will continue to
9 update you if we make any progress that I think might be
10 interesting to you.

11 Welcome again, and thank you for your attention.

12 CHAIRMAN EAKELEY: Thank you very much. We cherish
13 our relationship with SCLAID and all the support that your
14 committee has given legal services over the years.

15 I think we're especially conscious that, in order
16 for the bad times to become good times, a lot more than a
17 change in administration and a change in Board have to come
18 about, and we need the active, on going support of the
19 organized bar and all members of the community in order to
20 transform the bad times into the good times.

21 So we're looking forward to a renewed, active
22 working partnership with you and your committee and with the

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1 state bar. We accept your invitation to dinner next month in
2 Washington and we look forward to your reception this
3 afternoon. Ms. Morrow, I'm sorry you won't be there, but we
4 appreciate your hospitality. And let's try and pull this out
5 together.

6 Does anyone have any questions, comments?

7 (No response.)

8 CHAIRMAN EAKELEY: Thank you both.

9 MR. SMEGAL: Mr. Chair, fellow members of the
10 Board, it gives me a great deal of pleasure to introduce our
11 next welcoming guest. You will recall that, at our
12 confirmation hearings before Senator Kennedy, in response to
13 one of his questions, I pointed out that this was a
14 bipartisan activity.

15 I can think of no one in the state of California
16 more appropriate to address us and welcome us to California
17 than our only independent in the State Senate, and that
18 covers a period of about 115 years. Quentin wasn't always an
19 independent. It was only when the Democrats rejected him in
20 1986 --

21 (Laughter.)

22 MR. SMEGAL: -- and he had to find some other way

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1 to run for the State Senate, that he became an independent.
2 But I've known Quentín a long time. When I was on the Board
3 of Governors and chair of the Legislative Committee, Quentín
4 was new to Sacramento, but he was always willing to introduce
5 any crazy bill the State Bar of California had to offer and
6 he would carry it, with enthusiasm, all the way to defeat
7 every time.

8 (Laughter.)

9 MR. SMEGAL: He had a wonderful record. Quentín,
10 thanks for being here and we're delighted that you were able
11 to take some time and join us.

12 PRESENTATION OF THE HONORABLE QUENTIN KOPP

13 CALIFORNIA STATE SENATOR

14 SENATOR KOPP: Thank you, Tom, for that awesome
15 introduction. I want to thank the Board of Directors for
16 making Plaza B famous. I've practiced law in San Francisco
17 since 1955 and I think it's the first time I've been in Plaza
18 B.

19 (Laughter.)

20 SENATOR KOPP: And I was thrilled to hear the
21 immortal phrase, "private lawyer" used by Tom a couple of
22 minutes ago, and I was hanging on every word to see how he

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1 would introduce me, whether as a State Senator or as a
2 private lawyer.

3 I apologize for my lateness. I think you had me
4 scheduled at 1:00 p.m. But I was engaged in the wonderful
5 transaction called cite checking and quotation checking for a
6 brief that we're going to file Monday morning in the
7 California Supreme Court.

8 This is an auspicious day and an auspicious period
9 for San Francisco and the fact of your meeting here is what
10 makes it auspicious and special, because you are, indeed,
11 special. I reflect on days 35 years ago when I was a
12 director of the Legal Aid Society and how relatively nascent
13 that era was insofar as providing legal service to those who
14 couldn't pay for legal services and in trying to create the
15 balance that the adversary system should produce.

16 I know that you've endured vicissitudes over the
17 past decade and a half, just like California endures
18 earthquakes and mammoth fires and floods and all of the other
19 acts of damage and destruction, but you've survived, just as
20 California has survived and will survive.

21 So if you're concerned about those reports of
22 California's demise, I want to reverse any such thoughts on

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1 your part because, despite all of the economic problems, it
2 is still a robust state with a robust legal system, probably
3 as good a legal system as any state in the country and with a
4 state bar which is certainly vital in terms of legal services
5 for the indigents and no better representative of the state
6 bar exists than Tom Smegal.

7 I welcome you formally for the record, Madam
8 Reporter, to the district I have the honor to represent in
9 the California State Senate and I know that you will have
10 available all of the advantages of San Francisco which,
11 notwithstanding the typical urban ills, remains a delightful
12 place to meet, to confer, and to visit socially.

13 I wish I could think of some social occasion or
14 event to which I could invite you. The closest I think I can
15 come is perhaps Monday you'll see how the Senate votes on a
16 \$2 billion bond issue the Governor has proposed for repairs
17 and other reconstruction resulting from the Northridge
18 earthquake.

19 Seriously, I'm delighted to be here on behalf of
20 the legislature of the state of California and I'm delighted
21 that you have chosen us for this meeting with the hope that
22 you will return, even though you have a federal budget

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1 problem to think about, too. It's worth a few extra dollars.

2 CHAIRMAN EAKELEY: Thank you very much, Senator.
3 Next, we have a presentation by members of the California
4 legal services community -- Tom Olmos, Pat Lee, Lethia Hayes,
5 and Janice Noble. Am I right? Is my advance information
6 correct?

7 MS. OLMOS: Yes.

8 PRESENTATION BY THOMAS OLMOS

9 MR. OLMOS. My name is Thomas Olmos. I'm executive
10 director of the Legal Aid Foundation of Los Angeles. I have
11 the distinct honor to represent the project directors of
12 California and Nevada in inviting you to our state and our
13 community.

14 One of the things that we are trying to accomplish
15 or take advantage of while you are here is to provide a face
16 to the image that you may have and the world has of
17 California. Clearly, California does have a very strong
18 image throughout the world as the Golden State, and it
19 certainly has earned that reputation because of the natural
20 wonders that we have, the climate that we have, from sea to
21 shining sea. From one point of the state to the other, our
22 state is filled with natural wonders.

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1 At the same time, nature has not always been kind
2 to the state of California. We also experience earthquakes,
3 floods, mud slides, and these have become part of our way of
4 life, and these cause problems for us in terms of the
5 challenges that we face, in that we are constantly being
6 required to respond to rebuilding our state and, each time,
7 the effort and the challenge is to make it better, to make it
8 a better place for our society.

9 Just as this city was once destroyed, you can now
10 see that it is a marvelous, beautiful place because of the
11 fortitude of the people of this city and that same rebuilding
12 is occurring throughout the state. It is occurring right now
13 in Los Angeles, as a result of the earthquakes there, and
14 throughout the state. That is one of the measures of the
15 fortitude of the people of this state.

16 It is that richness of the state that has been
17 measured by its natural wonders, that I believe has been
18 superseded by the richness of its people. Clearly, it is the
19 goal that brought many people to this state, brought a lot of
20 immigrants, who rushed for the gold.

21 The gold is long gone but the immigrants continue
22 to come and they are coming in larger and larger numbers.

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1 These immigrants shape our society and it is these
2 individuals who currently will be shaping the future of the
3 society. Right now we project that, by the year 2000, this
4 state will be composed one half of people of color. This is,
5 in fact, a true multilingual, multicultural melting pot in
6 the works right now.

7 By the year 2000, the population of this state will
8 be over 30 percent Latino; 12.7 Asian; and 6.6 percent
9 African American. Currently, this state is also home to over
10 130 distinct Indian tribes, over one third of the total in
11 the United States. There are over 224 languages spoken
12 throughout the state.

13 Unfortunately, in addition to this diversity, we
14 are also a state with a very large population of poverty.
15 Our poverty population has risen to the total of 5 million.
16 This is an increase from the 3.7 million of 1980. In
17 appreciating the magnitude of that poverty population, we
18 must also be aware that this is aggravated by a higher cost
19 of living in the state and also a higher cost of doing
20 business.

21 Another factor that you must be aware of is, when
22 you have large concentrations of poverty and large

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1 concentrations of diversity, that that is a very volatile mix
2 that doesn't always mix very well and that can cause human
3 disasters as we experienced in the civil disruptions in Los
4 Angeles in 1991. That also causes problems of rebuilding and
5 the problems of rebuilding a human society, of healing, are
6 not as easily accomplished as rebuilding structures and
7 bridges.

8 I'm sure most of you are now very much aware of the
9 lingering recession in the state of California. This has had
10 a devastating impact on our IOLTA trust fund monies. As you
11 heard earlier from Margaret Morrow, we are projecting a loss
12 of over \$18 million in IOLTA funds. This year, they are
13 projecting that the amount of IOLTA funds will be in the
14 neighborhood of \$6 million. In 1992 and 1993, that total was
15 over \$22 million.

16 We greatly appreciate the effort that this Board
17 has done and is continuing to do with regard to the increase
18 of LSC funding for legal services throughout the country. We
19 have benefitted by your efforts this year in receiving an
20 increase of approximately 22 percent in the amount of LSC
21 funds coming to California. That constitutes an increase of
22 \$8 million in new monies but you must realize that increase

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1 of \$8 million is offset, to a large degree, by the loss in
2 IOLTA funds.

3 The challenge that all these factors -- the human
4 factors, the monetary factors and the natural factors --
5 creates for legal services in California is an awesome
6 challenge of how to meet an increasing need of legal
7 services, not only in terms of volume but also in terms of
8 diversity. We are finding that, in meeting that challenge,
9 that we can no longer rely upon traditional and old methods
10 that may have worked in the past.

11 It is increasingly important and necessary for us
12 to come up with innovative and creative programs and I'm
13 proud to say that, throughout the state, programs, directors,
14 and staff have been dedicated to their mission of developing
15 such programs and, even though it's impossible for me to try
16 to bring you any kind of summary or description of those
17 programs, what we have done is to prepare a summary of those
18 programs throughout the state, which we have compiled in this
19 report.

20 I would urge each of you to read that whenever it
21 is possible. It's an excellent summary and it gives you not
22 only an idea of the problems we're dealing with but of the

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1 diverse approaches and strategies that are being implemented
2 here in California.

3 To try and attempt to give a face to all these
4 numbers and statistics, we felt it would be important for
5 your benefit to meet some of our clients as well. To present
6 our first clients, Pat Lee, one of my esteemed colleagues,
7 will introduce them.

8 PRESENTATION OF PATRICIA LEE

9 MS. LEE: Thank you, Thomas. On behalf of our
10 program, the Legal Aid Society of Santa Clara County and the
11 project directors in this region, I would like to take the
12 opportunity to welcome you here as well, and to give us the
13 opportunity to share with you our experiences so you get a
14 firsthand taste of what it's like to deliver legal services
15 in California and Nevada.

16 Our purpose with this particular segment is to show
17 you the ways in which the programs in our region have
18 responded to the diversity issues and emerging needs of our
19 client community which Thomas has summarized for you in his
20 overview.

21 We will do that through focusing on a specific type
22 of case, fair housing, housing discrimination case, because

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1 that type of case for us in this region presents ways to
2 address a number of priorities that have emerged in our
3 priority surveys and client input studies as well as a
4 variety of service delivery models. That, we felt, would be
5 the best example for you to understand how we incorporate all
6 those things in meeting these needs that come out every time
7 we do surveys, client inputs, and discussions and focus
8 groups.

9 Before I start in general, I want to give you a
10 sense of where we are. You've heard from the president of
11 the Bar, Margaret Morrow and from Thomas the funding crisis
12 that faces our state through the IOLTA cuts and other cuts
13 through other sources of funding, such as United Way and
14 other foundation grants.

15 With that type of an approach, it would be fairly
16 easy for programs to say that we really can't take on any new
17 cases, focus on any new areas, despite the emerging needs
18 that exist in our state and that what we'll do is to simply
19 continue to cut back on the core services that traditional
20 legal services programs offer such as housing, public
21 benefits, consumer clinics, and so forth.

22 From our region, we've taken an aggressive and

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1 creative approach. From our region, that really isn't the
2 appropriate approach. What we choose to do is to try to take
3 into account the emerging needs, the needs that have been
4 stated by our clients, by our community organizations, and to
5 try to come up with innovative approaches to meeting those
6 needs as well as the core traditional legal services needs of
7 our clients and to do it in a way that maximizes our
8 resources and continues to address these needs of our
9 clients.

10 In doing so, I think that on behalf of our
11 colleagues, I would like to emphasize to you that our region
12 has taken the necessary leadership and has exercised the
13 appropriate vision to continue to meet that challenge that
14 Thomas has expressed for you to come up with the different
15 ways to meet these needs -- the service delivery models,
16 utilizing client groups, outreach education -- whatever it
17 takes to make sure that access to the judicial system for our
18 clients exists as best as possible.

19 In turning to the fair housing issues, I mentioned
20 to you that we can use that type of case to give you an
21 example of addressing a variety of priorities as well as
22 service delivery models. From our perspective, when we

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1 handle our fair housing cases, and based on our priority
2 studies, what we find is that enables us to address a number
3 of areas, the first one, of course, being access to
4 affordable housing of choice for our client community; the
5 second one being the areas of discrimination.

6 In the areas of fair housing, there are four bases
7 for discriminatory practices, one being race, age,
8 disability, and familial status. Commonly what we find on
9 the rise is that landlords, property owners refuse to rent to
10 families with children and, in particular, single heads of
11 household with children and most likely single women with
12 children.

13 Another issue that this allows us to address is the
14 family self-sufficiency issues, which encompass a variety of
15 poverty issues and which is also one of the main topics of
16 the recent executive order issued in January of this year
17 which places a very high priority on fair housing issues as a
18 means of addressing and attempting to resolve the issues of
19 family self-sufficiency.

20 The final area of priorities that it enables us to
21 address is the issue of client involvement, client
22 empowerment, getting members of our client community involved

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1 in investigating these cases, in helping to address and
2 resolve these issues as part of the resolution of these
3 cases.

4 The type of delivery systems that we bring into
5 play when we address these cases first of all involve
6 extensive education and outreach to our client community and
7 lay community. We do workshops throughout the country. We
8 have brochures that we circulate to every agency and every
9 client service organization, and you have samples of those
10 that were passed around.

11 We send flyers, PSAs, to all the media, the TV
12 stations, radio stations, our staff. Clients have been
13 guests on many of these shows to provide education and
14 outreach to members of the public on these issues as well as
15 other issues that relate to our client community.

16 We also provide education and training to the
17 property owners, to landlords in our county. This was a
18 conscious effort on our part when we created this program, is
19 that we didn't want to isolate ourselves from the property
20 owners because we felt that a positive working relationship
21 with them would go a lot farther than an adversarial one. We
22 hold seminars for them that are general workshops scheduled

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1 throughout the year.

2 Also, as part of the resolution of our fair housing
3 cases, we provide extensive training as needed or as
4 requested by HUD, for various property owners who have
5 violated the fair housing statutes and need further training
6 and education.

7 We also work closely with the local real estate
8 board and we've recently encouraged them and received their
9 agreement to participate in our annual fair housing poster
10 contest. Every year we have a poster contest among the local
11 high school district in our county that's on the east side of
12 our county, which is a predominantly hispanic and Asian area.

13 The high school students are encouraged to enter
14 their art work as posters. We judge them. Three top winners
15 are selected and a total of 12 are used to produce a fair
16 housing poster which then commemorates April as Fair Housing
17 Month and the posters are also put on display at City Hall
18 during April for the members of the public as well.

19 We've found that the Realtor Board has taken a very
20 positive approach to coordinating that with us and for
21 ongoing participation in all of our educational projects as
22 well.

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1 We also work closely with our local housing
2 authority. They administer the Section 8 subsidized housing
3 programs. They are also a pilot site for the HUD family
4 self-sufficiency programs. Through those two programs, we
5 are coordinating with their staff to educate their tenants
6 and landlords.

7 It's estimated through them on their roles that
8 there are approximately 9,000 tenants that participate in
9 both of those programs and up to 6,000 landlords and, through
10 a very systematic training program, we will be working with
11 them to educate all of those individuals on the issues
12 related to fair housing as well.

13 We also work with the private bar. On many of our
14 cases, we have co-counsel from the private bar association
15 and we use them for their expertise and for their resources
16 in helping us to process these cases and to come out with the
17 positive resolutions on behalf of our clients.

18 Finally, we've worked on a very close,
19 collaborative effort with the statewide support centers and
20 local support centers in California, including Western Center
21 and the National Youth Law Center, on many of these issues
22 that address the issues of fair housing and family self-

1 sufficiency.

2 I might add at this point that, in terms of the
3 collaborative efforts between the local and state bars, our
4 Board has been very, very positive and encouraging to me and
5 my staff in terms of creating very close alliances with the
6 bar associations, our Santa Clara Bar Association as well as
7 the state bar. As a result of that, I've been able to have
8 the extra time, with their blessings, to involve myself in a
9 lot of the activities that are related to local and state bar
10 issues.

11 I'm currently, the chair of the State Bar Legal
12 Services Section. I'm also the chair of the Two-Year
13 Strategic Planning Committee for our Lawyer Referral Service
14 for our local bar and I've also served as president of the
15 Pro Bono Board of Directors for our local bar as well. So
16 our program has taken a very active role in working very
17 closely with the private bar towards these efforts.

18 One other point I'd like to make before I turn it
19 over to our client and our staff to give you a firsthand
20 dialogue in terms of these cases and how we handle them, I
21 too would like to take the opportunity to thank you for your
22 continued funding, for your positive approach, and for this

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1 last increase in funding and Legal Services Corporation
2 funds.

3 CHAIRMAN EAKELEY: Don't use the word "last."

4 (Laughter.)

5 MS. LEE: Most recent and, hopefully, not the last.

6 Just to let you know what that meant for our
7 program, the kinds of efforts that we've undertaken with fair
8 housing have been recent, within the last three, three-and-a-
9 half years. We've used Legal Services Corporation funds. We
10 received a C grant from the block grant in San Jose which
11 continues. We used United Way funds. We also used trust
12 fund monies, IOLTA monies.

13 Over these last four years, we've seen the kinds of
14 cuts that have been described for you in IOLTA monies. This
15 year, it could be up to 65, 70 percent, depending on what the
16 revenues are. Over the same period, the exact same period of
17 time, we've received in our accounting similar cuts in our
18 United Way funding.

19 Although we're in the heart of the Silicon Valley
20 and you think of it as this high tech area, our area has also
21 suffered from the economic downflow. Many companies have
22 closed and that has meant a very, very severe cut in the

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1 United Way campaign in our local county. That, too, has had
2 a negative effect on our abilities to continue to provide
3 services.

4 Without the increase in the Legal Services
5 Corporation funds, we would not be able to continue at this
6 very high level of fair housing and family services, and I
7 wanted you to know that this has made a very significant
8 impact in enabling us to continue this and also, hopefully,
9 to improve and increase these services throughout our county
10 in the coming years.

11 At this time, I would like to introduce you to our
12 client Lethia Hayes and our fair housing counselor, Janice
13 Noble. As you can see, on the pink paper in your folder,
14 there's a copy of a news article that describes to you
15 Lethia's case and the settlement of her case, and I'm going
16 to let her describe it to you because she can do this a lot
17 better than me. She's very articulate in this area.

18 Just to give you a little bit of background, the
19 case took almost two years -- Janice was exactly two years --
20 to come to final resolution and, with that, we know that
21 Lethia is a strong, persistent individual. She's highly
22 independent. As you can see from the article, she loves to

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1 ride horses and she's an avid bingo player.

2 Janice has been in the fair housing area for over
3 ten years. When we started our fair housing project three-
4 and-a-half, four years ago, we were very fortunate to be able
5 to recruit Janice as part of our core staff in fair housing.
6 With her as part of our staff, we've been able to hit the
7 ground running and to really provide this high level of
8 service from the very beginning.

9 At this point, I would like to turn it over to
10 Lethia and to Janice to describe to you the cases that
11 they've handled.

12 PRESENTATION OF LETHIA HAYES

13 MS. HAYES: Good afternoon, ladies and gentlemen.
14 I'm glad to be here and I'm glad to see you all here
15 together, too. My case was one of discrimination because of
16 my disability. The housing that I was in and the landlord
17 that we had would not fix the elevator whereas I could get in
18 and out of my apartment.

19 I called a multitude of agencies that were listed
20 in the phone directory because I didn't know of any other way
21 to go about finding assistance to cure the problem that I
22 had. Habitability problems were also a major factor but,

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1 mainly, I wanted the elevator operable and there was a
2 refusal to fix it.

3 I finally found Legal Aid, which I am glad I did.
4 In finding Legal Aid, I found a true friend, which was Janice
5 Noble, which helped me en route to a solution to the problem
6 that I had, along with Scott Chane, which I won't forget,
7 which is near and dear and no longer at Legal Aid.

8 They assisted me in more ways than I can tell you.
9 Strong I might be but, at one point, I was willing to just
10 about do anything to cure the problems of the complex that I
11 was in at that time. Not only was the elevator inoperable
12 for a period of nine months, whereas I was unable to get in
13 and out of my apartment to go about my daily life, which I
14 don't know whether you people would understand this or not,
15 not to the degree that I do, being in the position that I
16 can't go up and down the stairs.

17 And there are stairs there. I'm on the second
18 level. My car is on the garage level. I do everything but
19 walk and run, which I was denied.

20 I was kept within the realm of my apartment until
21 my husband could assist me in carrying me up and down the
22 stairs, which was humiliating, degrading, and a multitude of

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1 other adjectives that I might use that still would not
2 explain to you how I truly felt, seeing as to how I didn't
3 need this assistance if these people were not so indifferent
4 towards the problem that they had with this particular
5 property, and other properties, that I am aware of, through
6 Janice Noble and Scott Chane, which Janice worked diligently
7 with me and supported me not only mentally but emotionally
8 and got this problem resolved to the extent whereas I am no
9 longer in this particular building.

10 I received a very nice settlement, as you can see
11 in the ad in front of you, which I'm glad to see that Legal
12 Aid got a portion of, which was nearly not enough. It was
13 not as much as they truly deserved to get.

14 I'm hoping beyond all hope that any and all the
15 assistance and the help that you can give to Legal Aid and
16 agencies of this kind -- open your hearts, open your pockets,
17 take it from your neighbors.

18 (Laughter.)

19 MS. HAYES: Do like the government always does.
20 Take it from anywhere you can and put it into these programs,
21 because they definitely need it.

22 I thank you for your time and your patience, and

1 thank you for having me.

2 CHAIRMAN EAKELEY: Thank you very much. If you
3 know of any other pockets we can look in, let me know.

4 (Laughter.)

5 MS. HAYES: Well, you can look in mine, but you
6 wouldn't find anything. And now, here's Janice.

7 PRESENTATION OF JANICE NOBLE -

8 MS. NOBLE: Hi, and thank you for allowing Lethia
9 and myself to come and talk before this Board.

10 What happens in the agency is I get fair housing
11 complaints one of three ways. I will either have a referral
12 from another agency, I'll have a referral from the housing
13 counselors in-house, or a client will come directly to me.
14 Once I get the complaint in the office, I will contact the
15 client if it has been a referral or I'll talk to them
16 directly.

17 What I do is what's called an intake and, where an
18 intake in housing can take anywhere from 10 to 15 minutes, an
19 intake in a fair housing case can take anywhere from 30 to 45
20 minutes. I need to determine that discrimination did occur,
21 if the client was in the application stage, if it's on-site,
22 are there other people involved, who was there, what you saw,

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1 what happened, who you talked to, how long you were there, et
2 cetera, et cetera, et cetera.

3 Once we've determined that there is a possibility
4 that discrimination did occur, we start the investigation.
5 In an investigation, you can contact other tenants; you can
6 have the tenant contact other tenants. You can go out to the
7 complex and take pictures. You can go out and take
8 videotapes. You can talk to the management personnel. You
9 can go out and talk to the housing provider, the owner of the
10 property or, in some cases, what we have to do is, we have to
11 do what is called testing.

12 Legal Aid has established their own tester pool.
13 Once every three months, what we do is a tester training. We
14 put out ads at the local community colleges, the local
15 agencies, community centers, churches, to recruit people to
16 come in and pose as home seekers to find out what indeed the
17 landlord tells people when they're coming to rent.

18 Say we have a case of race discrimination. In that
19 case, we have a 34-year-old black male. We'll send a 34-
20 year-old black male, 34-year-old white male, and try and
21 determine if there is differential treatment. We conduct the
22 test. The test will be part of our case.

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1 We always say to our clients up front, unless it's
2 extremely blatant, whereas the case where we had a landlord
3 to put a sign in front of his house that said: "No pets, no
4 kids" -- that was pretty blatant -- we try our best, in the
5 beginning of a case to conciliate it. If the tenant wants
6 the housing, we do everything we can to get the landlord to
7 allow the tenant in the housing.

8 If the landlord has a rule where the children under
9 17 can't be seen outside without a parent, we try to explain
10 to him that that's unreasonable as well as illegal. Our
11 first step is to try and conciliate it to get whatever it is
12 the client needs to get into that housing that they should be
13 in in the first place.

14 When conciliation fails, we of course go to
15 litigation or to either the state or the federal agencies.
16 HUD will take fair housing complaints and do an
17 administrative process or Department of Fair Employment and
18 Housing will take a case and do an administrative process.
19 Litigation is the last straw.

20 We do the testing, we do the investigation.
21 Sometimes during the investigation we find also that we have
22 to consult with, say, Western Center, because they say it's a

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1 subsidized housing complex. They're the subsidized housing
2 complex experts. They can tell us what kind of tests to
3 conduct, what kind of things to look for.

4 Say it's a case against families with children. In
5 that case, we probably contact the Youth Law Center, talk to
6 Jim Morales. He's done zillions of these cases. He can tell
7 you the kind of testing to do, what to look for, send you
8 pleadings.

9 We also do, as Pat told you earlier, training. We
10 do training. We do outreach and education. In Lethia's
11 case, when she came in, she came through another counselor.
12 She had contacted OSHA who we contacted again who could
13 probably get somebody out there to fix the elevator in the
14 next three months.

15 What Lethia wanted initially was to have the
16 elevator fixed, so we went to the, "Let's talk to the manager
17 and see if we can have the elevator fixed." Well, the
18 manager could have the elevator fixed in a couple of months.
19 In the meantime, what we have in fair housing in a physical
20 handicap case is to have the landlord make what is called a
21 reasonable accommodation -- closer parking place, fix the
22 elevator.

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1 Our landlord's reasonable accommodation was to have
2 Lethia call the maintenance man when she was ready to go
3 downstairs. He would come and get her and carry her
4 downstairs. When Lethia returned, perhaps she would see
5 another tenant in the parking lot. She could have that
6 tenant go to the management office so management could
7 contact maintenance to bring Lethia back to her apartment.
8 Needless to say, we didn't find that a reasonable
9 accommodation.

10 We went through that with them first. Then we went
11 through them fixing the elevator. It would work for a month
12 or two. What they did is band-aid the elevator. They didn't
13 fix the elevator. This went on.

14 Six months into the case, we decided maybe we're
15 going to have to litigate here. Once we filed litigation,
16 everybody in town came out to look at the elevator but the
17 elevator still didn't get repaired. It took us, almost to
18 the day, two years to settle this case for Lethia, and that's
19 not unusual in a fair housing case. Fair housing cases are
20 timely, expensive.

21 We're glad we got to come and talk to you today.
22 If there's money you want to send to us personally,

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1 individually, through a group, we'll take it. Thank you.

2 CHAIRMAN EAKELEY: Thank you very much. This is an
3 excellent report and I'm looking forward to spending more
4 time with it.

5 MR. OLMOS: We have one more client to present.

6 CHAIRMAN EAKELEY: Surely.

7 MR. OLMOS: To give you more of an idea of the
8 innovative approaches that legal services programs are
9 required to undertake, I have asked Alicia Rodriguez, who is
10 a former client of the Legal Aid Foundation, to come and tell
11 her story. Alicia?

12 Alicia is a former client, is now an active member
13 of our Client Advisory Council for the East Los Angeles
14 Office and a member of our current Board of Directors for the
15 Foundation.

16 PRESENTATION OF ALICIA RODRIGUEZ

17 MS. RODRIGUEZ (as translated from Spanish): Thank
18 you. My name is Alicia Rodriguez. I am currently a client
19 board member of the Legal Aid Foundation of Los Angeles
20 representing the East Los Angeles Office. However, I am here
21 to address you as a former client of LAFLA.

22 I believe that my experience as a client will give

1 you an insight into the need for increased legal services and
2 also provide you reassurance that legal services programs in
3 California consistently strive for creative solutions which
4 produce long-term solutions for clients.

5 I was a resident of the Estrada Courts, a public
6 housing project. This project consists of 414 units set
7 aside for low-income tenants, most of whom are families with
8 children. In 1989, the housing authority decided to move in
9 a large number of mobile trailers to provide additional
10 housing. We objected to this decision because of the
11 negative impact this would have on overcrowding, security,
12 elimination of recreational space for our children, and the
13 quality of life in general.

14 With the help of LAFLA, we organized a tenants'
15 association and quickly became educated about the legal
16 rights of tenants. However, we soon learned that we all
17 shared a dream of a better life for our families that would
18 not be merely satisfied with fighting to keep the trailers
19 out. As an organization, we learned about the concept of
20 resident management.

21 With LAFLA's assistance, we succeeded in securing a
22 HUD grant in the amount of \$97,000 for the purpose of

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1 implementing a management training program. We formed a
2 nonprofit corporation to implement the training program. Of
3 a total of 58 tenants participating in a one-year training
4 program, we succeeded in having 57 graduate.

5 We recently secured a \$200,000 grant for a second
6 phase training program. A total of 65 residents are
7 currently enrolled in this program, which is training us on
8 how to manage and operate the housing project.

9 Through these and other similar training programs,
10 we have provided employment opportunities to many of our
11 tenants, including numerous youths who have dropped out of
12 school.

13 In September of this year, we will break ground to
14 begin construction of a center for the housing project. This
15 center will be a true community center, complete with
16 gymnasium. All these projects are being realized in part
17 because of the availability of dedicated legal services staff
18 who share the client's vision of self-empowerment and who
19 refuse to be satisfied with merely preserving the status quo.

20 In short, legal services is essential to clients
21 being able to believe in the legal system and to keep the
22 American dream alive.

1 MR. OLMOS: I would also like to add that Alicia's
2 story is not an isolated story. In the report on LAFLA
3 that's in your booklet, you will see a similar example, a
4 similar story of another client, Mission Plaza Tenants'
5 Association, which also began with tenants organizing to
6 oppose hazardous conditions in their apartment building.

7 This was a 132-unit apartment building. The
8 tenants organized. We helped them. Later this month, or
9 later this year, that organization will receive title to that
10 property. They will become the owners of that property.
11 That's one example of traditional legal services going beyond
12 the approach that worked in the past and looking to a vision
13 for the future, and this really rests where clients and legal
14 services staff are working in partnership.

15 I would like also, while I have your attention, to
16 extend our appreciation to this Board for supporting
17 innovative programs. We realize there are risks involved
18 when you launch innovative and creative approaches but we
19 realize it's the only way to meet the changing demands that
20 we face on a day-to-day basis.

21 One example that I'm especially proud of in Los
22 Angeles is the bridge project which received an innovative

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1 and meritorious grant from legal services. It's a
2 partnership with the Asian Pacific Law Center in Los Angeles
3 which allows the Legal Aid Foundation to provide greater
4 access and to reach out into the growing Asian Pacific
5 community.

6 We would urge you to support these and similar
7 types of innovative programs in the future. Thank you.

8 CHAIRMAN EAKELEY: Thank you very much. I would
9 just say generally and also directed at your panel and at the
10 people who we heard yesterday -- Ramon and Billy and Mike
11 Pepper, and Mary Burdick, and the people who preceded you
12 today, and Pat Lee, we're here because you're here. We're
13 here to support your efforts.

14 You are the source of our inspiration and it's
15 wonderful for us to be here and to be able to share a little
16 bit and to learn a lot more what it is that we have some
17 small part in enabling you to do. So please keep up the good
18 work and we'll look forward to seeing you the next time.

19 MR. OLMOS: Thank you. A question came up
20 yesterday regarding any information or data on unmet needs of
21 legal services and I would like to report to you that the
22 Public Interest Clearinghouse, in 1991, published such a

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1 study and that's a report that, unfortunately, we don't have
2 available today but Nancy Strobe, who is the director of the
3 Public Interest Clearinghouse, has committed to sending you
4 each a copy.

5 CHAIRMAN EAKELEY: That would be great.

6 MR. OLMOS: It's a very comprehensive study.

7 CHAIRMAN EAKELEY: Okay. Thank you again. Richard
8 Taylor, chairman of the Project Advisory Group. Welcome back
9 to the table.

10 PRESENTATION OF RICHARD TAYLOR

11 MR. TAYLOR: Thank you, Mr. Chairman. I will
12 recall our discussion at lunch about your schedule.

13 CHAIRMAN EAKELEY: That's okay.

14 MR. TAYLOR: It's a great pleasure to be here and
15 to appear before the Legal Services Corporation Board. This
16 is not my first opportunity to appear before the LSC Board of
17 Directors but it is the first time that I've appeared without
18 counsel.

19 (Laughter.)

20 MR. TAYLOR: I remember particularly on one
21 occasion when my program had been investigated for
22 representing clients before the General Assembly of North

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1 Carolina that a Raleigh lawyer who represents the program
2 described what we do, and apparently in a fashion that was
3 persuasive to the Board, that we were doing our
4 representation in conformance with the regulations and so
5 forth, because there was no consequences or nothing ever
6 happened after that presentation except that, as we were
7 leaving, one of the members of the Board said, well, that she
8 was persuaded that our lawyers' presentation had been solid
9 and that we were conforming with the regulations except for
10 one thing and that was that she didn't understand why Mr.
11 Taylor and the North Carolina program needed such a good
12 lawyer.

13 (Laughter.)

14 MR. TAYLOR: It truly is a new era when we don't
15 need intermediaries and we can talk directly to the Legal
16 Services Corporation Board.

17 I am the director of the statewide program in North
18 Carolina and the chair of the Project Advisory Group and
19 wanted to speak with you a few minutes today about PAG and
20 where our organization comes from and what we've been doing
21 now and the type of relationship that we look forward to
22 having with you in the future.

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1 Let me first say that you have already accomplished
2 a great deal. I felt in my discussions with some of you
3 earlier that there is some impatience and some desire on your
4 part to get more and to accomplish more because there is just
5 so much to do and so much that's been undone for 12 years,
6 but that, your being who you are and on this Board and the
7 message you've sent to the country and to our community, you
8 can't underestimate the importance of that.

9 When Doug Eakeley spoke to the Southeast Project
10 Directors in their meeting in Louisiana last week, it was
11 just a remarkable sense of hope and optimism and of being
12 supported that that group had. So we are already feeling
13 very much the positive impact of your service, and we
14 appreciate it.

15 The Project Advisory Group is an organization that
16 was created in 1967 by your predecessors, by the OEO Office
17 of Legal Services, to provide the field voice to national
18 deliberations about legal services. We celebrated our 25th
19 anniversary a couple of years ago.

20 Originally, PAG was a hand-picked group by now
21 Justice Earl Johnson and his colleagues in Washington of the
22 project directors that he thought would be most helpful to

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1 him and to the national office of OEO Legal Services in
2 implementing and running this program.

3 In the '70s, when Tom Erlich was the first
4 president of the Legal Services Corporation, he commented
5 that if PAG didn't exist, that they would have to invent it
6 because having a powerful and effective voice in the field
7 was necessary for the Legal Services Corporation.

8 Around the time that legal services went from an
9 OEO, anti-poverty program that existed in some of our
10 communities, and grew from that to a national delivery system
11 providing some access to justice for people all over the
12 country, PAG changed, too. We went through a democratization
13 and became representative.

14 First, I guess, we threw off being run by
15 Washington, OEO, and LSC, and became a not-for-profit
16 corporation that was owned by the field and we became a
17 diverse organization governed by a body that has five
18 representatives from each of the then-existing legal services
19 regions, two project directors, staff attorney, paralegal,
20 and client, and we operate with an Executive Committee and a
21 Funding Criteria Committee.

22 Through the '70s, we worked in collaboration and

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1 partnership with the Legal Services Corporation to help build
2 this national program. Our Funding Criteria Committee and
3 its then chair, Denny Gray, helped define the concept of
4 minimum access which the Corporation successfully took to the
5 Congress to achieve funding, which Mr. McCalpin and his
6 colleagues got at the level of minimum access, in 1981.

7 PAG shifted its role. I would say at that time
8 also we were still small and a voluntary organization with
9 not much staff and not much financial capacity but in the
10 '80s we had to shift from being a collaborative partner to
11 the Legal Services Corporation to being its adversary.

12 We had to become an advocacy outfit that had
13 sufficient resources to employ lawyers and lobbyists and
14 public relations people and to work in concert with the
15 National Legal Aid and Defenders Association to employ Allen
16 Houseman and the Center on Law and Social Policy to represent
17 the field, and we went through a very difficult but
18 challenging time for PAG where we continued our field
19 process, we affected funding issues, and we became an
20 organization which had the financial capacity to represent
21 our field constituency.

22 As you know, for the past 12 years, the program has

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1 been frozen in its 1981-82 state and we are now facing in the
2 '90s a number of issues that we haven't dealt with for 12
3 years. I guess the '90s were ushered in for PAG with dealing
4 with twin issues around the '90 Census: the distribution of
5 funding based on the '90 Census and then reapportionment of
6 PAG itself.

7 While the Legal Services Corporation has not had
8 regional offices or a regional structure for some time, we
9 still operate with the regional structure and I suppose we've
10 become the entity who decides what the regional structure for
11 this national program ought to be.

12 One thing that I thought was somewhat amusing in
13 our process of looking at both funding and PAG's
14 reapportionment over the last couple of years was
15 entertaining a request from the Virginia programs that
16 Virginia be allowed to secede from Region 5 and join Region
17 2, and Robert E. Lee and some great Southern statesmen were
18 cited in that request and, after much political harangue, we
19 were able to accomplish that.

20 I think that the fact that we kept the field
21 together and not completely consensused on the census but,
22 for the most part, we were of one mind about how to balance

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1 hold harmless and equalization and how to distribute the
2 funding was a tribute to our organization and its field
3 constituents.

4 A couple of other things that I think are of
5 importance that we've handled in the last couple of years
6 include the migrant count that, for the first time,
7 comprehensive and fair study was done of the manner to
8 distribute funding to migrant farmworker programs since 1977,
9 I guess, and the features of that process that made it
10 effective were that there was field buy-in and there was an
11 unbiased and professional research team that was working on
12 that.

13 We were proud to have been preparing for your
14 coming into office by working with NLADA and bar folks on the
15 regs work group staff, Alan Houseman and Linda Perle from
16 CLASP and we set up a future funding group which presented
17 the Equal Justice paper that we were so pleased that you
18 adopted in concept and that our paper bears so much
19 resemblance to the budget request that you sent to the
20 Congress last week.

21 So we are happy to be working in concert with you
22 and we think that we're ready to move quickly on funding and

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1 regulatory matters with you but there's a whole range of
2 important delivery type questions that we have not dealt with
3 for more than 12 years, and I wanted to speak with you for a
4 few minutes about how the field intends to provide some input
5 to you as you address questions that we have just left frozen
6 in place for a long time.

7 A number of these issues apparently have already
8 arisen in funding contexts and, as you think just about who
9 we are, frankly, there are any number of ways to get into the
10 question of what is this national program and who is it, and
11 we need to be confronting that over and over, but these
12 delivery questions raise those.

13 In concert with the National Legal Aid and
14 Defenders' Association and with CLASP assistance, PAG is
15 appointing seven work groups, PAG and NLADA are appointing
16 seven field work groups to look at what seems to be a logical
17 clustering of issues in the area of delivery to provide input
18 to you as you face these questions and I wanted to talk with
19 you for a moment about each.

20 The first one is responsiveness to client community
21 needs, how our programs engage the client community. Ours is
22 a program that is built on the premise that priorities are

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1 set with involvement of low-income people to determine how we
2 allocate resources and decide which cases to take.

3 In North Carolina, for example, we have \$1.2
4 million eligible people and an annual caseload of around
5 40,000. It's critical that we're choosing the right cases
6 and that we are properly engaged with the client community in
7 being a resource to them.

8 I think that's just good lawyering, that the client
9 would be informed and direct our work. It's not easily done.
10 This is an area where we've been dormant for 12 years. It is
11 critically important. We need new and better ways for legal
12 services programs to be responsive to the client community
13 and for the client community to be engaged with us and
14 directing our work.

15 Part of that answer is what sort of support for
16 client activities and client involvement and engagement
17 activities should happen at the national level but, to me,
18 the real thrust is what happens locally and how should we be
19 supporting the right sort of client involvement and client
20 engagement.

21 Because I think it's very important, I am going to
22 be one of the chairs of that work group and, along with me,

1 Peggy Santos and Rosita Stanley, two client persons of great
2 experience who have worked in the legal services community
3 for a long time, and we have a good nucleus of folks to work
4 with us and think that we're about probably the most
5 important issue that the community faces.

6 The second group is on support and technical
7 assistance. There has been no comprehensive examination of
8 the issues of legal services support -- state and national
9 support -- since 1978 or '79. We have frozen in place some
10 training mechanisms, approaches to technology, which is the
11 12 years when the technology and the state-of-the-art has
12 changed so much.

13 How should our programs be supported? Where should
14 training come from? What is the national, the state, and the
15 local role in all of these things? Dee Miller, Mysteria
16 Ludgood, and Larry Lavin are going to be asked by us to co-
17 chair that important work group.

18 The third group is on recruitment, retention of a
19 diverse, high-quality staff. It's possible that you should
20 create national efforts to aid us in recruitment and
21 retention, in having the most diverse and effective staff
22 that we can.

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1 Law school loans and law school debt is a much
2 different issue than it was 12 years ago. Salaries,
3 pensions, fringe benefits are a problem in this community.
4 What should the national role be in speaking to these
5 questions and how does it interface with issues of collective
6 bargaining, local control? These are important questions.

7 Mickey Ryan, who is a staff attorney with the
8 program in Portland, Oregon and on the PAG Executive
9 Committee; Faye Jackson, a paralegal in New York City; and
10 Patricia Papp, a project director from Massachusetts, will be
11 asked to co-chair the committee dealing with those questions.

12 Law school clinics is the fourth group, or the role
13 of law schools. We thought initially about having one group
14 that was sort of like your budget, that lumped supplemental
15 types of things together, but these are on different tracks
16 and the law school one, we understand, is on a bit of a
17 faster track and they have different stakeholders and there's
18 a need, we think, for separate groups to work on the distinct
19 issues that relate to some of these supplemental delivery
20 questions.

21 On law schools, we're not going to have a chair and
22 all of that sort of thing. For one reason, we have to

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1 immediately meet with law school folks and provide some
2 advice and support to you as you let grants and get about the
3 business of the current grant cycle.

4 I understand we have a meeting, that John Tull has
5 arranged for, in a couple of weeks to go to work on this
6 question and Bristow Harden of NLADA's staff is going to be
7 the convener of the field group to work on law school
8 questions.

9 I think, with regard to that, I should say that we
10 think that the goal of a law school project should probably
11 be to enhance the quality and effectiveness of service to
12 clients but not necessarily direct service, and delivery
13 issues alone may not be the only place where law schools best
14 interface with our programs, that there are other goals that
15 law school work can serve, including recruitment and
16 retention and engaging the academy in new thinking about the
17 ways that we do our work. So we want to think very broadly
18 about the role of law schools.

19 ADR, or alternative dispute resolution. Michael
20 Lewis of the Center for Dispute Settlement and John Asher
21 from Denver Legal Aid are going to co-chair that committee
22 which will again look very broadly at the whole area of ADR

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1 and where we're using it and not and where should we be using
2 it. And it's been said that soon the only people
3 participating in the court will be our clients, as people who
4 can pay for a better form of justice will use ADR, and we
5 need to think about that.

6 The question of private attorney involvement, the
7 work group on PAI will be chaired by Ashley Wilshire of the
8 Nashville, Tennessee Program and Meg Connolly from Boston,
9 who runs the Supplemental Delivery PAI Project. While
10 private attorney involvement is a strong success story of the
11 '80s, it is one with uneven success and the origin of the
12 12.5 percent requirement was without rationale, and it is
13 time that we do some broad thinking about what is the proper
14 role of private attorney involvement in our system and how
15 can we best work together with private lawyers to meet our
16 mission?

17 We understand the need to move very quickly in this
18 area and we already have a nucleus of a work group because we
19 have a work group of the regs process that's been working on
20 1614 and that will be the nucleus of our work group on this
21 area, and I do believe we'll be able to move quickly.

22 Lastly, but certainly not least, is the whole issue

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1 of special populations. The 1007-H study at the beginning of
2 the Corporation that talked about the access needs of clients
3 enumerated a number of very critical groups: migrant
4 farmworkers, Native Americans, and people in rural areas.
5 PAG has been very interested also in the institutionalized
6 and, for the last two years, in PAG's budget mark and
7 presentation to the Congress, we have recommended the funding
8 of a \$2 million demonstration project on the question of
9 representation of the institutionalized.

10 The whole area of special populations and how they
11 interface or connect to the basic field program needs
12 examination. One thing in common is that there are basic
13 field programs in every part of the country and there are
14 some special components that deal with special populations
15 and their relationship and the they work together needs to be
16 thought about and fleshed out.

17 So those, on the short track, are some things that
18 we are putting in place to be responsive to issues that we
19 think are important and we look forward to working with you
20 on a pretty fast track on those issues. In the future, we
21 expect to continue to be the voice of the field.

22 Our history is that we can sort through our various

1 self-interests and can come to one voice about what is good
2 for this community, and we will continue to attempt to do
3 that. We also would expect to be your partners and to
4 collaborate with you.

5 Our history is also that, with a supportive
6 national Corporation and national leadership, and a field
7 process which is effective, that we can accomplish great
8 things together, and we look forward to being able to do
9 that.

10 You can also expect, however, that we are going to
11 disagree with you. I understand that PAG fought like crazy
12 with the OEO Legal Services Office, and I remember the early
13 days of the Legal Services Corporation when the field was not
14 always thrilled with the actions by LSC and, when that's true
15 today, you'll hear from us.

16 I also think you should expect that, while you will
17 resume much of the responsibility for things which we have
18 done over the last 12 years and that we are glad to have that
19 happen and to share some of this load with you, as you have
20 resources that we don't have to do some of this work, on the
21 other hand, that we would intend to retain our residual
22 capacity to advocate on behalf of our clients, on behalf of

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1 our programs, and to retain independence, because the
2 pendulum can swing back and the programs may need to assume a
3 different role again.

4 Justice is the first guarantee of our
5 constitutional government and, to the degree that justice is
6 provided and is a reality for those with the least advantage
7 in our society, then it is an advantage for all of us. We
8 see this as a window of opportunity that we can work with you
9 to advance that cause and we are truly behind you and with
10 you.

11 Thank you.

12 CHAIRMAN EAKELEY: Thank you, Dick. I can see that
13 you are marching in the same direction we are. I'd start to
14 lose sleep at night if I didn't anticipate some disagreements
15 and arguments. It's in the nature of things. But friends
16 can agree to disagree and that's where we ought to be aiming.

17 Just let me ask you a couple of questions about the
18 delivery working group. Do you contemplate developing in one
19 of more of these different areas broader-based participation
20 by other stakeholders similar to the regulations working
21 group?

22 MR. TAYLOR: Yes. We have beginning lists of core

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1 participants for each of the groups and we have tried to pull
2 in the right players, stakeholders that aren't necessarily
3 field people. And the chairs and members of the committee,
4 part of their charge and responsibility will be to include
5 people that need to be included so that the product has buy-
6 in.

7 CHAIRPERSON EAKELEY: My inclination would be,
8 without appearing to co-opt you in any way -- of course, we'd
9 never do that, but I would like to buy into several of those
10 groups, if not all of them right now, or at least ask Alex
11 Forger to explore with the transition staff ways that we can
12 participate and also help broaden some of these, where it's
13 appropriate. I don't want to rush it, but on the other hand,
14 I think these are wonderful developments and we'd like to
15 encourage and support them and participate where that makes
16 sense.

17 MR. TAYLOR: Well, we would like to talk about that
18 with Mr. Forger and Martha and you. In the instances where
19 we have involved the Corporation with the Rex work group and
20 with the PICA -- I'm not familiar even with our own acronyms
21 anymore, but that it's worked out very well. And it seems to
22 me that we should look forward to that kind of inclusion and

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1 cooperation.

2 CHAIRPERSON EAKELEY: Let me ask one other thing
3 and then I'll see whether any other Board member has a
4 question or comment. Actually, I think Jose and Michael
5 Fefra both left the room for a moment, but I was -- one of
6 the things that struck me about part of what each was saying
7 yesterday was how significantly the federal government, in
8 their individual areas, was failing in its responsibility to
9 serve the people.

10 Mike was talking about 60 percent of his program's
11 efforts go towards doing battle royal with the Bureau of
12 Indian Affairs. Jose was talking about San Diego County and
13 the inability of state and federal government labor
14 departments to provide the kind of protection and enforcement
15 that's necessary to assure anything like minimally adequate
16 conditions for habitation and for employment.

17 Am I dreaming, or is there a role that the Legal
18 Services Corporation and its revived staff can play at the
19 national level in serving as a catalyst or source of
20 interaction in bringing to the attention of responsible
21 agencies in the administration areas like these, where there
22 are clearly systemic failures in our government?

1 MR. TAYLOR: I think that -- I'm not sure about the
2 answer to that. I think, as to the first thing, that that's
3 right, that what Jose and Michael described is what we
4 experience everywhere, that government is the major
5 institution that we represent our clients in dealing with.

6 And I think it's also true that we have, at least
7 my sense is we have more capacity to deal with government at
8 the local and state level than we do at the national level.
9 And one question which we ought to explore together is what
10 do we do about that?

11 CHAIRPERSON EAKELEY: Can we develop more of a
12 capacity there? Maria Luisa?

13 MS. MERCADO: Yes. I know some of us on the Board,
14 anyway, have been looking at how can we, especially when we
15 have maybe a friendlier administration or people as heads of
16 government, where a lot of the problems that can be taken
17 care of may be basically by changing regulations within that
18 particular agency, whether it's HUD. I know Chairman
19 Cisneros was asking particularly about the drug eviction
20 cases, and his response was basically that he hoped that
21 although we were trying to take care of the drug problem,
22 that we still could spare some due process of people.

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1 And so, you know, there are some partnerships that
2 we can work with, within the different agencies. I know, in
3 the farm labor issue, that we're visiting with members of the
4 Department of Labor, who deal particularly in the Wage and
5 Hour Section. Don and I have set up some appointments with
6 the Department of Education to work with the loan forgiveness
7 aspect within their regulatory changes.

8 I mean, there are a lot of partnerships that we can
9 work with, that the Board can help with, that PAG and other
10 individuals can help with in making some of those changes. I
11 mean, I see our role as even broader, in trying to narrow the
12 kinds of problems that our clients are feeling at the end
13 result because of a policy decision that was made either in
14 Washington or in the State of California or whatever, that we
15 do that.

16 And I understand, from the local programs that we
17 have visited with is that part of their concern is, as far as
18 the local programs are concerned, is if we get into that type
19 of negotiating and cooperating with agencies to try and
20 change some policy, is that akin to lobbying or legislating
21 or politicking to try and change a particular regulation or
22 law that affects our clients, versus, you know, something

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1 that we're allowed to do within the reg?

2 And I think part of what they're trying to look to
3 this Board, and probably through LaVeeda's reauthorization
4 efforts, her committee and the whole Board, is to encourage
5 that kind of networking, cooperative effort between agencies,
6 both at the local, state and national level, where we can
7 make those changes that affect our clients, that we do so
8 without the necessity of having to litigate. It's possible
9 to do that.

10 I do think that we have a more interested and
11 definitely in many cases sympathetic people that are making
12 those decisions, that we can talk to at this point.

13 MR. TAYLOR: Well, if our mission, and I think that
14 the field is very excited about the way Doug Eakeley has
15 described our mission as being justice and not just access,
16 then I think we need to think broadly about how to get there.

17 CHAIRPERSON EAKELEY: I was reflecting the Board's
18 sentiment on that.

19 Okay, we're running late. Does anyone have any
20 questions or comments?

21 (No response.)

22 CHAIRPERSON EAKELEY: Thank you very much, Dick.

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1 Major oversight, major apology. Ron Rozella and
2 Rosie Newsome, I thought your presentation yesterday was very
3 effective, information also, and thank you for it. And I was
4 focussing on our California friends when I said "Thank you
5 for coming before us," but I did not mean to exclude you and
6 we'll take back your comments and suggestions, as well.

7 CHAIRMAN'S AND MEMBERS' REPORTS

8 Now we are at the chairman's and members' reports,
9 hopefully abbreviated. First, while we're on the thanks
10 department, I wanted to thank the committee chairs for the
11 large amount of effort and preparation that went into each of
12 the committee meetings. I know we had a little conversation
13 over lunch about feeling a little too compressed, but I
14 thought that we learned a lot and we got a lot done, and it
15 was because of all of your efforts, and I want to thank you
16 for that and congratulate you on that.

17 I'd also like to thank and voice my strong
18 appreciation for the wonderful work that Alex Forger and our
19 transition management team and our regular management team,
20 including David Richardson and Victor Fortuno and Pat Batie
21 and our inspector general have been providing. We've just
22 made enormous strides that seem to be accelerating every time

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1 we come together as a Board because of the take-charge
2 command of this wonderful staff.

3 I spoke to the ABA House of Delegates in February
4 in Kansas City briefly, but tried to say thank you to the ABA
5 but also, we need your help now more than ever. It's no time
6 to slacken our collective efforts to advance this cause that
7 has now been entrusted to us.

8 And I spoke last weekend to the Southeast Region
9 Project Directors at their conference in New Orleans, and it
10 struck me, and we've shared this experience, but it struck me
11 as both inspiring but a little ironic, perhaps, that merely
12 being supportive is so appreciated.

13 I don't mean to be ungrateful for the welcome I've
14 received and we've received, but I think the appreciation
15 really ought to be reversed. It's really, as I said before,
16 we're here because of the work of the legal services
17 advocates who have labored hard and long in the vineyards
18 under extraordinarily adverse conditions that bring us
19 together today.

20 And to that end, I really want to get launched
21 planning preparatory efforts for a 20th anniversary
22 celebration of the Legal Services Corporation Act signing,

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1 which took place in July of 1974. And Alex, I'd like to just
2 ask you to perhaps see whether or not we can get Ada perhaps,
3 or someone else, to head up and take responsibility for doing
4 the things that need to be done in order to involve the
5 nation in an effort that will celebrate 20 years of legal
6 services -- I know it's more than 20 years, but 20 years of a
7 particular form of legal services advocacy.

8 As part of that, we haven't done anything, and
9 we've been in such a rush to go forward, we haven't looked
10 briefly back at our predecessor Board and the state of
11 affairs that they left for us, which was a more or less
12 stable, calmed water. George Wittgraf, in particular, I
13 would like to do something to honor him and say thank you to
14 him.

15 But the larger effort for the celebration really
16 ought to be aimed at thanking legal services advocates across
17 the country, using that opportunity to tell the country at
18 large what the program is about, why it's worthy of support,
19 and advancing the cause in that fashion.

20 In August, the American Bar Association's annual
21 meeting will have an equal justice theme, as well. And we've
22 been in discussions with William Ide. Actually, I had lunch

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1 with Bill Ide, Roberta Ramos and Webb Hubbell to talk about
2 more meaningful collaboration between ABA, Justice Department
3 and Legal Services going forward. But I think we want to be
4 looking for several different opportunities in August, to
5 come, Laurie, with SCLAID but also with the -- whatever
6 SCLIPSA stands for -- Standing Committee on Pro Bono.

7 I've asked for an opportunity to address the state
8 bar presidents at the time, but again, it's another
9 opportunity to get the word out that this is something that
10 all of us should be supporting.

11 We also agreed, just at breakfast and then at
12 lunch, and I'd like to formalize it a little bit by
13 announcing it, that starting tomorrow, the procedure for
14 developing our agenda for each Board meeting and the
15 supporting materials that go with the agenda will include an
16 initial circulation of draft committee agendas and Board
17 agenda among the committee chairs and the president, and then
18 a conference call, with a further request of the staff that,
19 wherever possible, when we have an agenda item involving a
20 presentation or a report, that that be presented in advance
21 in writing so that we can advise people who are not on the
22 particular committee what's going on, if and when those

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1 committees meet simultaneously rather than sequentially, and
2 secondly, so that we can take more time at the Board meeting
3 with discussion and deliberation, rather than receipt of
4 verbal presentations, that are excellent, but nevertheless,
5 just in terms of managing time, I think that would be a
6 better way to deal with it.

7 And if we look at the agendas before they're
8 finalized, we can also coordinate them better and make sure
9 that each committee chair has a chance to poll his or her
10 committee about what's of interest or importance that ought
11 to be considered for the agenda. So I'd like to do that as
12 we go ahead.

13 Going back to Dick Taylor's delivery working group,
14 of the seven cluster groups, one has both a resource-driven
15 element, a delivery issue, and a regulatory reform issue,
16 namely, private attorney involvement. And I would like to
17 invite people to give some thought to how we advance
18 consideration of enhancing private attorney involvement and
19 making that part of an enhanced delivery system, in a way
20 that is maximally constructive and collaborative and actively
21 involves the principal participants and stakeholders in the
22 process beyond the field. And by that I mean SCLAID and

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1 SCLIPSA and the Consortium on the Availability of Legal
2 Services, as well as the National Association for Pro Bono
3 Coordinators, staffed internally but hopefully led or
4 coordinated by a Board member.

5 But we'll talk some more about that. I'd like that
6 to get in process, though, Alex, so that we can come to the
7 next Board meeting, hopefully with a consensus on what to do
8 to look into private attorney involvement, and how we're
9 doing and how we can improve on how we're doing.

10 And I was hoping to prevail upon Nancy Harden
11 Rogers to undertake the facilitating endeavor of pulling
12 together and taking consultation with staff and PAG, and
13 Laurie Zelon and others, and actually consulting with the
14 father of the private attorney involvement, or one of the
15 antecedents, at least, in the efforts that went into a study
16 that was done -- what, in 1982, Bill?

17 MR. MCCALPIN: 1984 or '8.

18 CHAIRPERSON EAKELEY: Okay. But I think we want to
19 have a deliberative process of evaluating that coincides with
20 the development of performance criteria and standards, so
21 that we can evaluate this and other areas of delivery in ways
22 that encourages, rather than discourages, a continuation and

1 an improvement on what we're doing.

2 So is that all right, Nancy? May I impose upon you
3 to that extent?

4 Finally, on my report, once again, when we lapse,
5 and I use the term advisedly, into executive session, I will
6 not have finalized minutes of the January executive session.
7 And it seems to me that we could ask the reporter to
8 transcribe the minutes of our first two meetings now, and
9 then perhaps -- I mention that because it's something that we
10 may want to consider.

11 But I'm feeling a little -- I'm definitely feeling
12 a little remiss, but I can't figure out a way to get over
13 that initial feeling of remissness without asking somebody
14 else to do something about it. I just mention that for what
15 it's worth. We can return to that in executive session. But
16 that's, I guess, an internal operating procedure that we can
17 discuss internally, but I wanted to flag externally.

18 Now, because the Operations and Regulations
19 Committee met last in sequence, that meant that that
20 committee was given the greatest compression. And indeed, I
21 volunteered to take into the main Board agenda two items from
22 that committee: the president's report and also a report on

1 an update from Alan Houseman on how the regs working group --
2 is that what it was I preempted, Alan?

3 MR. HOUSEMAN: Yes.

4 CHAIRPERSON EAKELEY: So LaVeeda, why don't I turn
5 the meeting over to you and deem this your committee report,
6 and do with it as you would have before I interrupted you.

7 CONSIDER AND ACT ON OPERATIONS AND REGULATIONS

8 COMMITTEE REPORT

9 MS. BATTLE: That's fine. I think what we'll do is
10 to take Alan first and what we would like to hear about is
11 just a status report that tells us where the regulatory
12 reform effort is at this point.

13 We have some drafts that have been presented, but
14 there has been a lot of work that has gone into the
15 particular regulations that are in draft form.

16 PRESENTATION OF ALAN HOUSEMAN

17 MR. HOUSEMAN: Yes. Since this Board last met in
18 January, a set of six regulations was reviewed by the
19 Standing Committee on Legal Aid and Indigent Defendants and
20 by the Regulations Working Group. And after the meetings of
21 both of those committees, we have finalized positions on six
22 regulations: 1604, outside practice; 1607, governing bodies;

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1 1608, political activities; 1609, fee-generating cases; 1611,
2 eligibility; and 1621, grievance procedures.

3 And we're prepared at this point in time to
4 proceed to the committee and with those regulations. The
5 Corporation staff has received our virtually final cut on
6 those regulations, as has Bill McCalpin and yourself, and
7 we're prepared to go forward at your pleasure.

8 That's the status of that set of regulations. With
9 regard to the other ones, we are on the same time track that
10 we mention in our memo that was before the committee last
11 time. I think that we are prepared to be in a position to
12 consider the rest of the program regs, to consider revisions
13 in 1612 some time by early -- I mean, late spring. And we
14 will be in a position to consider regs such as 1614 by late
15 summer, early fall, depending on how you define that.

16 That's the track we're on and that's the track
17 we're going to continue to be on. And I should say, for the
18 record, that a number of Corporation staff attended the
19 Regulations Working Group and participated fully in those
20 discussions, and both benefitted from and contributed to
21 those discussions that we had.

22 The issues in those set of regulations are hard,

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1 but they're not issues that stake out a particularly
2 different position between the Corporation staff and the
3 community. There are issues that really raise very difficult
4 policy questions, even within the community, which this
5 Board's going to have to struggle with.

6 MS. BATTLE: We've drafts, and what I'd like to do,
7 we've got the initial tentative drafts. I don't know if
8 those were the final ones that the staff now has. If they
9 are, then what we need to do is to circulate them. We don't
10 have time at this meeting, of course, to get into any of the
11 details that relate to any of those regulations, but
12 certainly the Board will set aside time to carefully go
13 through and be briefed as to the background, the
14 considerations that went into where you are right now before
15 we begin to do --

16 MR. HOUSEMAN: We plan to send out, very soon -- we
17 would have had it ready for this meeting had you gone forward
18 -- we plan to get in your hands very soon a set of those
19 drafts with -- the package will look like this. It will have
20 a brief, one-page overview of the main issues. It will have
21 the statutory provisions that are directly relevant to that
22 regulatory provision, and then it will have the regulatory

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1 change, with showing the change from the current reg, with
2 detailed footnotes framing policy questions and issues that
3 have to be addressed by the committee. And you will get that
4 package. You can have it -- you would have had it for this
5 meeting. You will have it soon, next week.

6 MS. BATTLE: Bill?

7 MR. McCALPIN: I would remind that the procedure
8 which was adopted by this Board a meeting or two ago with
9 respect to the revision of the regulations was that the
10 proposed revisions would come to the Operations and
11 Regulations Committee. That committee would consider them,
12 make whatever changes it wanted, and the committee would
13 approve them for publication, but circulate them to the rest
14 of the Board before the actual publication, in case there is
15 some obvious serious problem.

16 After the publication and the 30-day comment
17 period, then the whole thing would come back to the Board for
18 final approval.

19 CHAIRPERSON EAKELEY: I think that's fine. We took
20 this out of sequence. This should have been in the Ops and
21 Regs Committee meeting context.

22 MS. BATTLE: And Doug is a member of that, so he

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1 would get a copy.

2 CHAIRPERSON EAKELEY: I do welcome -- the format
3 that you're describing is precisely what we're looking for to
4 help us manage our time better. And I might add, Alan, you
5 have been quite consistent in your thoroughness, and it's
6 been very helpful in your submissions to the Board.

7 There may be issues imbedded there sometimes that -
8 - they've been very helpful, and we look forward to this
9 additional written submission.

10 MS. BATTLE: And I might add that I really, in
11 preparing for this meeting and realizing the time frame that
12 we had and the issues that we had on our plate, requested
13 that we defer having all of that information right at this
14 point, and that is why Alan got to us the draft that we have.
15 And we look forward to the additional materials.

16 CHAIRPERSON EAKELEY: That will be an item for next
17 committee meeting.

18 MS. BATTLE: The next meeting of Ops and Regs.

19 CHAIRPERSON EAKELEY: Good. Thank you very

20 much. MS. BATTLE: Thank you. Are there any questions
21 from anyone?

22 (No response.)

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1 MS. BATTLE: Thank you very much, Alan. And I
2 guess the other portion of our agenda that was deferred is
3 the president's report.

4 CHAIRPERSON EAKELEY: We've got him on the agenda
5 for later in the afternoon, so we can just go ahead with the
6 rest of your committee report, if you want, or we can take
7 Alex out of -- I'd go ahead with the rest of your committee
8 report, if that's okay.

9 MS. BATTLE: Okay. The Ops and Regs Committee this
10 morning met and we got a chance to just do about a thimble's
11 worth of work on reauthorization by talking about some of the
12 issues that are going to be discussed in the process of
13 putting together a mark-up bill for the committee in the
14 House that will be considering reauthorization.

15 And as we got into that discussion, we recognized
16 that though we have put together a comprehensive mission
17 statement that considers overall some of our positions on
18 those issues, there are going to be additional issues that
19 will have to be addressed.

20 And we decided to recommend to the Board that
21 myself and Doug and our president be empowered to be involved
22 in making those decisions in the course of discussions that

1 take place on the proposed reauthorization legislation if
2 they go beyond the scope of what we've got, but within the
3 framework of the discussions that we had this morning, as
4 those issues arise. So that's one recommendation that comes
5 from our committee to the full Board.

6 The other thing that we did spend some time on this
7 morning is the issue of where we are in by-laws, and we
8 received a report from Bill McCalpin. He and John Brooks
9 spent considerable time with our Office of General Counsel
10 going through the specifics and coming up with six areas that
11 he advised us of which required some judgment from the Board,
12 and we gave it to him during our discussion and Board
13 meeting.

14 I think that those were the two main issues that we
15 were able to cover, based on the time frame that we had. And
16 so, Mr. Chairman, that is our report.

17 CHAIRPERSON EAKELEY: I think most of us were in
18 attendance at the Ops and Regs Committee meeting when Bill
19 McCalpin's motion was discussed and passed that authorized
20 the three of us to do what we could, consistent with the
21 principles adopted by the Board, to advance the
22 reauthorization process.

1 And there was a little further discussion about
2 trying to establish the correct measure of independence and
3 discretion to be secured for the Board, consistent with
4 wanting to protect the programs in a new administration, as
5 an additional working principle and objective. But I don't
6 think we need to put that to a motion or anything. It really
7 was a sense of the Board motion, wasn't it, Bill?

8 MS. BATTLE: Well, it was a question of whether or
9 not we're be authorized by this Board to continue to
10 participate in that deliberative process, and so that's the
11 reason I put it in that form, so that we'd have that
12 authorization.

13 CHAIRPERSON EAKELEY: Would you like to
14 reintroduce --

15 MR. MCCALPIN: The other aspect of that was, in
16 response to what we heard, it was to expedite the filing of
17 legislation in the United States Senate, and that also was
18 within the purview of the delegated responsibility of the
19 three of you.

20 CHAIRPERSON EAKELEY: All right. Well, why don't
21 we reinitiate the motion, if you wouldn't mind. It was the
22 recommendation of the Operations and Regulations Committee

1 that the chair of the committee, the chair of the Board and
2 the president of the Corporation be authorized to participate
3 in the mark-up process in the House of Representatives on the
4 reauthorization bill and in the process of introducing
5 reauthorization legislation in the Senate, consistent with
6 the principles adopted by the Board at our December meeting?

7 MS. BATTLE: January.

8 CHAIRPERSON EAKELEY: At our January, 1994 meeting,
9 subject to bringing back to the Board when we could changes
10 in tactics or responses to positions that we encountered
11 along the way.

12 M O T I O N

13 MR. MCCALPIN: I will move that with the minor
14 correction, that we will not be participating in the mark-up
15 process. Nobody but members of the Congress participate in
16 that. Anything we do will have to be in advance of it.

17 CHAIRPERSON EAKELEY: Okay. That's fine. What I
18 meant to say was we will be conveying the Corporation's views
19 to the House during their mark-up process of reauthorization.

20 MR. MCCALPIN: I so move.

21 MS. WATLINGTON: I will second.

22 CHAIRPERSON EAKELEY: All those in favor?

1 (Chorus of ayes.)

2 CHAIRPERSON EAKELEY: Opposed?

3 (No response.)

4 CHAIRPERSON EAKELEY: The ayes have it. Thank you
5 very much. Bucky?

6 CONSIDER AND ACT ON PROVISION FOR THE DELIVERY OF
7 LEGAL SERVICES COMMITTEE REPORT

8 MR. ASKEW: Thank you, Mr. Chairman. I believe
9 that all of the Board members attended most, if not all, of
10 the Provisions Committee meeting, so I'm not going to go over
11 the details of everything we did there. We do have two
12 resolutions that we adopted that we would ask the Board to
13 adopt also.

14 The committee heard reports from our large staff
15 -- that is, John Tull, about the status of work in
16 reorganization OPEAR and in evaluating the work of the Office
17 of Program Services, status of monitoring and evaluation,
18 and, importantly, the movement towards the new and creative
19 approach to program accountability and support.

20 In that regard, the committee passed a resolution
21 which I'm going to pass around, which we would ask the Board
22 to adopt, which rescinds a resolution adopted by the Legal

1 Services Corporation Board on January 29, 1988.

2 I won't read you the entire resolution that they
3 adopted, but it basically gave powers to the president when a
4 program was perceived to have resisted or refused to provide
5 documents and materials to the Legal Services Corporation
6 during it monitoring and evaluation process.

7 It's the opinion of staff and the committee that
8 resolution is unnecessary now, if it ever was, and we would
9 request that the Board adopt this resolution rescinding that
10 resolution from 1988.

11 M O T I O N

12 MR. ASKEW: I'd move the adoption of the
13 resolution.

14 MS. MERCADO: Second.

15 CHAIRPERSON EAKELEY: Discussion?

16 (No response.)

17 CHAIRPERSON EAKELEY: All those in favor?

18 (Chorus of ayes.)

19 CHAIRPERSON EAKELEY: Opposed?

20 (No response.)

21 MR. ASKEW: The committee also heard a report from
22 John Tull, Don Saunders of PAG and Kathleen Welch from NAPIL

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1 about the community, the National Community Services Act.
2 The April 15 deadline for filing of applications hopefully
3 has been extended by a couple of weeks to give a little more
4 breathing room, but that's still not enough time for us to
5 act upon an application at our April 14-15 meeting of this
6 Board.

7 So in discussions with John and others, we decided
8 that we needed to adopt a resolution to authorize the staff
9 to go forward with an application under certain conditions.

10 So I have a second resolution here, which I'll pass
11 around, which -- I'll read this one to you. "Staff of the
12 Legal Services Corporation is hereby authorized to prepare
13 and file a proposal for funding from the Corporation for
14 National and Community Service, provided that the staff has
15 determined that there are no legal impediments to the receipt
16 and administration of such funds by the Legal Services
17 Corporation and provided that the staff is satisfied that a
18 project for the utilization of National Community Service
19 participants by legal services programs can be administered
20 by the Legal Services Corporation, consistent with its
21 purposes and its responsibilities under the Legal Services
22 Corporation Act.

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1 "It is understood that the Legal Services
2 Corporation will develop a proposal in cooperation with the
3 National Association for Public Interest Law and the National
4 Legal Aid and Defender Association."

5 M O T I O N

6 MR. ASKEW: I move the adoption of that resolution.

7 MS. MERCADO: Seconded.

8 CHAIRPERSON EAKELEY: Discussion?

9 (No response.)

10 CHAIRPERSON EAKELEY: All those in favor?

11 (Chorus of ayes.)

12 MR. MCCALPIN: May I ask, who's going to be the
13 grantee of this proposal? We, the National Association of
14 Public Interest Law or NLADA or all three of us jointly?

15 MR. ASKEW: It's anticipated at this stage that the
16 Legal Services Corporation would be the grantee. There are
17 some legal issues that have to be resolved, and our general
18 counsel has been working with the general counsel of the
19 AmeriCorps to resolve those, but assuming those could be
20 worked out, then we would be the grant recipient, the
21 Corporation.

22 We also heard reports from --

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1 CHAIRPERSON EAKELEY: Do you want to put that back
2 to a vote, Bill? Is that all right?

3 MR. McCALPIN: I just wanted to know who the
4 grantee was.

5 MR. ASKEW: We also heard reports from the Field
6 Working Group that Dick Taylor referred to called the PICA
7 Committee. Ramon Arias and Anne Bailey made a report to us
8 on their work. We had an update on the law school clinics.

9 And lastly, and very importantly, and something
10 that our committee will continue doing, we heard from field
11 program representatives in this state, Jose Padilla from
12 CLRA, the photos, for those of you who weren't here
13 yesterday, the photos around this room were part of Jose's
14 presentation. The photos along this side of the wall were
15 from, I think, a 25th anniversary publication of CLRA called
16 "Organizing for Our Lives." The photos in the back were from
17 San Diego County and "housing" conditions of migrant farm
18 workers in San Diego County.

19 Jose also introduced to us Claudia Smith and Noel
20 Juarez, a client of the program, who spoke to us about a
21 lawsuit that was filed in San Diego County and successfully
22 litigated by CLRA. It was a very powerful presentation.

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1 Mike Fefra of California Indian Legal Services
2 spoke to us also about Indian legal services generally and
3 also about the California program, and Mary Burdick from the
4 Western Center on Law and Poverty spoke to us about state
5 support in California.

6 That concludes my report, Mr. Chairman.

7 CHAIRPERSON EAKELEY: Thank you. Any questions of
8 Bucky?

9 (No response.)

10 CHAIRPERSON EAKELEY: Maria Luisa, Audit and
11 Appropriations Committee report?

12 CONSIDER AND ACT ON

13 AUDIT AND APPROPRIATIONS COMMITTEE REPORT

14 MS. MERCADO: Mr. Chairman and members of the
15 Board, I think that most of you were here during most of the
16 two days that we covered the Audit and Appropriation
17 Committee.

18 Basically, the Audit and Appropriation, first of
19 all, heard representatives of the client community. We'd
20 been requested to have a panel so that we could get input
21 from the client community as to what initiatives they see
22 that Legal Services could begin to work with them in

1 partnership.

2 And we had Alicia Rodriguez, who's a client
3 representative of the Legal Aid Foundation of Los Angeles,
4 and Ronald Rozella and Rosie Newsome that provided input for
5 us as to how we can best try and do partnerships with client
6 community, and had some excellent examples of what many of
7 the local programs of client groups are doing, as far as
8 training and educating clients to be advocates for other
9 clients within the legal services community, and thereby
10 expanding the number of poor people that are helped through
11 those services.

12 The aim, again, was from the client community, for
13 us to seek a greater amount of funding for training of the
14 client groups, and I think that they are, as we are, in
15 process in discussing how that will come about, what kind of
16 procedures are set up, both on the local and the national
17 level, that will be done as far as client representation is
18 concerned.

19 And we do have our client representatives,
20 Ernestine Watlington and Edna Fairbanks-Williams, that will
21 be working with some of the staff and James Head to also come
22 up with some initiatives, and I know we'll be looking toward

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1 the client community to have input into that process.

2 Mr. Quatrevaux, inspector general, presented for us
3 the audited financial statement for fiscal year '93. We will
4 have a final presentation of that in our April meeting in
5 Washington, where we will have someone from Grant Thornton
6 present to answer any questions that anyone might have.

7 If you didn't get a copy of the report yesterday,
8 please let Ms. Batie or Ms. McCullom know, so that you can
9 look at it and have any questions ready for the next meeting.

10 The next item was to review the guidelines for the
11 committee's budget review process and scheduling during the
12 calendar year. We looked at a 16-month period of time as to
13 what this Board and ultimately the Audit and Appropriations
14 Committee needs to do as regards to submission of budgets to
15 Congress, input from the field regarding not only fiscal '95
16 but also fiscal '96, and I think most of you were here, as
17 well, for the calendar year.

18 It is included in the Board book for the Audit and
19 Appropriations Committee. If any of you, during the time
20 between here and the next April meeting, have recommendations
21 on the guidelines themselves, and I particularly want input
22 from my committee members, to review those committee

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1 guidelines, and from staff, if staff has some experience as
2 to whether or not these guidelines have worked well in the
3 way that they are written or there are some changes that need
4 to be made, if you'll make that known to me so that we can
5 prepare a final draft for the Board for the next meeting.

6 The other action -- not action, I should say, but
7 we reviewed the quarterly report through January 31 of 1994
8 for the expenditures and revenue of the COB for 1994, and
9 those are also included in the Board book for Audit and
10 Appropriations Committee.

11 And unless anyone had any particular question on
12 that, I think that, again, pretty much everyone was here, and
13 it's just mainly done for your purpose. The two basic things
14 that everyone just needs to keep in mind is that we're
15 dealing with a deficit that we inherited in a two-year period
16 of time, and that is allocated and noted within that budget.
17 And there might be some budget modifications, but those will
18 be forthcoming at a later date.

19 We also considered the budget request that was sent
20 to Congress for fiscal year '95 and our present, Alex Forger,
21 gave us some insights on his visits to the Hill with members
22 of the staff and NLADA and PAG regarding what Congress

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1 thought of our request for \$848 million as a minimum access.

2 And the basic bottom line to that is that that
3 would be too much, too soon, at this time. However, that we
4 should aim for the \$500 million that the President's budget
5 has incorporated, and the details of how that expenditure
6 will occur, the \$500 million, will be worked with the
7 committee, with Mr. Forger, Mr. Eakeley and other members of
8 the field, PAG, NLADA, to give input to us as quick as
9 possible. We would like to get that in to Congress before
10 our April 14 meeting, if possible.

11 CHAIRPERSON EAKELEY: Do we need a vote on -- the
12 committee agreed that we would go ahead and prepare and
13 submit a justification of the President's request as a
14 supplement to our request for 848, with an explanation of how
15 this advances to that, but also what will be missing because
16 it is not a minimum access budget.

17 Is that something that we should -- do we need a
18 formal -- it was just the sense of the committee, and
19 everybody was there.

20 MS. MERCADO: Do you want me to go ahead and just,
21 pro forma, go ahead and move that?

22 CHAIRPERSON EAKELEY: If nobody feels the need for

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1 a motion, then let's have one less motion on the table.

2 MS. MERCADO: Okay. What I will report to the
3 Board is that we have been asked to testify before Congress
4 on April 21, as far as the budget request for fiscal year
5 '95. And we're also looking forward to testifying -- not
6 testifying, but communicating with the Hispanic Congressional
7 Caucus on the 14th, as well, as to our budget request.

8 CHAIRPERSON EAKELEY: I was wondering if maybe we
9 could also try and touch base with the Congressional Black
10 Caucus that week.

11 MS. MERCADO: And all those calls are in. I just
12 don't have a definite on them yet. But my thinking was to
13 try to get as many of our constituent caucuses, as many
14 people as we could get in one room, to visit with them.

15 And I also visited with them that more than likely,
16 Ms. Battle and you would probably address them on
17 reauthorization at a later date, as well. And they're
18 willing to listen to all that, as well, also.

19 As far as the fiscal year '96 budget mark, I think
20 we've decided that in June is when we will get input from the
21 community and submit an initial proposal for the budget mark
22 for '96, so if the field would start looking at some

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1 suggestions and recommendations to us.

2 And with that, that pretty much concludes the
3 committee report for Audit and Appropriations, Mr. Chairman.

4 CHAIRPERSON EAKELEY: Any questions?

5 (No response.)

6 CHAIRPERSON EAKELEY: All right, thank you. Bill?

7 CONSIDER AND ACT ON PRESIDENTIAL SEARCH

8 COMMITTEE REPORT

9 MR. MCCALPIN: Thank you, Mr. Chairman. As I
10 previously reported, beginning in the month of January, we've
11 publicized widely the vacancy in the position of president,
12 and the search for an occupant of that position.

13 I'm pleased to say that our publication efforts
14 have borne results. We have received, and I keep looking
15 around because I expect our consultants to walk in the door
16 any minute, but I haven't seen them yet, but at last count,
17 we had received 110 responses from individuals who were
18 offering him or herself as a candidate for the office of
19 president of the Corporation.

20 In addition, there are 50 or more individuals who
21 have been nominated for that position by somebody else, other
22 than self-nominated. So that as best I can tell you, the

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1 latest figures that I had earlier this week, something over
2 160 candidates for the position.

3 Last week I went to Boston to review the resumes
4 that we had in hand then. Because we were in Boston, I asked
5 John Brooks to attend with me and he did. He and I have
6 reviewed 111 resumes, and we'll report on the content of
7 those at the Search Committee meeting tomorrow.

8 We did not, of course, have resumes on those who
9 had been nominated by someone else to review at that time,
10 but we offered to the search consultants such information as
11 we had concerning those individuals who had been nominated by
12 others.

13 We do know that many names of sources had been
14 submitted, people who were to be contacted with the thought
15 not so much that they would be candidates themselves but that
16 they would suggest to us the names of persons who might be
17 candidates.

18 To my knowledge, over last week or so, our search
19 consultants have initiated literally hundreds of telephone
20 calls, talking to sources and candidates. We expect to get a
21 report from them tomorrow on that.

22 In that process, they have put together, with

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1 assistance from members of the staff and other members of the
2 Board, a so-called profile of the position to be used to
3 encourage those who have been nominated by others to put
4 themselves into the race, offer themselves for consideration.
5 It is a well done piece.

6 I think that pretty much takes us to where we are.
7 At this point our schedule, hopeful, is that by the time we
8 meet next in the middle of April, we will have a complete
9 list of candidates and that we will, at that time, we able to
10 narrow them down to those who will be interviewed for the
11 position, that those interviews will take place in
12 conjunction with the May meeting, and hopefully we will be in
13 a position formally to name a president when we meet in June.
14 Thank you.

15 CHAIRPERSON EAKELEY: Thank you, Bill. Any
16 questions?

17 (No response.)

18 CHAIRPERSON EAKELEY: Alex?

19 PRESIDENT'S REPORT

20 MR. FORGER: Sounds like you could have a new
21 president every week for three years, Bill.

22 I know that you made mention of the transition

1 staff. I must do the same, Doug. Working with this group
2 has been such a superb delight. Not only is it doing
3 immensely important work, but it's fun in doing it. And
4 Martha has been just without whom the sine qua non has
5 performed on every element and every level. And John, with
6 his OPEAR and OPS and immense good humor has been great.

7 Gary, with all of the figures, keeping us straight
8 on formulas and budgets and budget requests. James has added
9 a great element, dimension. And Ada, of course, is a spark
10 plug with a never-ending supply of energy.

11 Victor has responded almost daily with memos of
12 understanding and letters and agreements and research and
13 memoranda, and Dave has turned out so much of the financial
14 that helps us. It has been a real pleasure to be involved
15 with this group.

16 And the IG, who will be reporting shortly. I've
17 enjoyed very much the relationship with Mr. Quatrevaux.
18 We've been over a whole series of issues from -- and I should
19 have mentioned at the time I was talking of the
20 reauthorization, that the inspector general certainly has a
21 point of view and has advanced that with respect to a number
22 of the issues, and we've collaborated on brochures and

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1 personnel matters and grantee monitoring, and I've had superb
2 cooperation from Ed and it's also been a pleasure to work
3 with him.

4 Don and Julie have carried me around the Hill, and
5 I have enjoyed meeting all of these wondrous folks that I've
6 only read about, and see them now in the flesh. And I had a
7 nice conversation with Mr. Smith about law schools and
8 training centers, and that gives me the opportunity of
9 leaving the hotel at 4:45 tomorrow morning, in order to get a
10 plane to go to Denver to go to Des Moines to be there for the
11 dedication of a training center at Drake Law School, where
12 Janet Reno and I will share the podium, I two minutes and she
13 an hour.

14 (Laughter.)

15 MR. FORGER: I understand there's a dinner dance,
16 and who knows what can happen.

17 (Laughter.)

18 CHAIRPERSON EAKELEY: They live in the same
19 apartment complex in Washington. I think this is an awkward
20 way to meet and have a dance.

21 MR. FORGER: This is not yet a public announcement.

22 (Laughter.)

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1 MR. FORGER: So who knows? I may be back on
2 Monday. I've been on the road. Next Monday night I go to
3 New York to be with the Lesbian and Gay Law Association and
4 speak to them.

5 Last Monday I was in Albany speaking to the first
6 convening of legal service programs in New York State.
7 And I observed to them that I've spent many days on the dais
8 having to listen to the president of Legal Services
9 Corporation, so I could sympathize with them as I got up to
10 speak, but they said it was different this time, so it was an
11 enjoyable time.

12 In contrast, I was to Senate hearing last week,
13 before Senator Mikulski, and had the opportunity of being in
14 her presence and hearing about the importance of our veterans
15 project that we are supporting. A question of funding, not
16 unlike AmeriCorps, comes up, and Victor will help resolve
17 whether the restrictions on legal services follows the money,
18 no matter what its source.

19 The issue with the veterans is an understanding on
20 the part of the senator that this Corporation had committed
21 itself to fund that program next year and the year after, and
22 we had some slight dialogue as to whether there really was a

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1 commitment to make that. I expect to meet with her staff
2 next week.

3 CHAIRPERSON EAKELEY: Alex, did she get my letter?

4 MR. FORGER: Oh, yes. It was right in front of
5 her.

6 CHAIRPERSON EAKELEY: I was hoping it got lost in
7 the mail.

8 MR. FORGER: No, no. We recited that Mr. O'Hara
9 had made a commitment binding on this Corporation. So I'm
10 delighted to know that I can commit the 1997 funds to
11 whatever project I happen to think of.

12 (Laughter.)

13 MR. FORGER: So there is that prospect. I need a
14 Board resolution. There was the position of executive vice
15 president. It was created some while back. This Board
16 authorized it and it appointed Martha Bergmark to that
17 position. Either the formal document was not generated or it
18 was not signed, and I've been asked simply to ratify that,
19 for regularizing it and signing it, is somebody would move
20 that, if you think well of it.

21 MS. BERGMARK: Is there a chance to get out of it?

22 CHAIRPERSON EAKELEY: Are you kidding? We'd lose a

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1 president in the process, Martha. This actually was a
2 resolution we passed before.

3 MS. BATTLE: Do we need to move it again?

4 MR. FORGER: Whatever you like. We can just
5 confirm it.

6 MS. BATTLE: Confirm it and sign it, based on the
7 minutes of the earlier --

8 CHAIRPERSON EAKELEY: The resolution is, one, that
9 the Board establishes the office of executive vice president;
10 two, that we ratify the appointment of Martha Bergmark to the
11 office; and three, that we authorize the president of the
12 Corporation to pay such salary and other compensation to
13 Martha as he deems fair, reasonable, appropriate and
14 consistent with applicable law, and delegates to the
15 president the authority to enter into a contract of
16 employment with the executive vice president.

17 M O T I O N

18 MS. FAIRBANKS-WILLIAMS: So moved.

19 MS. BATTLE: Seconded.

20 CHAIRPERSON EAKELEY: Any questions, comments?

21 (No response.)

22 CHAIRPERSON EAKELEY: All those in favor?

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1 (Chorus of ayes.)

2 CHAIRPERSON EAKELEY: Opposed?

3 (No response.)

4 MR. FORGER: Linkage twice plus, Martha. That ends
5 my report, Mr. Chairman.

6 CHAIRPERSON EAKELEY: Mr. Quatrevaux? Come on up
7 and say you don't have a report. We may had questions. But
8 we had a report yesterday a bit, but --

9 INSPECTOR GENERAL'S REPORT

10 MR. QUATREVAUX: Mr. Chairman, in the interest of
11 time, you'll recall I waived the open session and I have one
12 thing to report on in closed session, but nothing here.

13 CHAIRPERSON EAKELEY: Let me just say, just echo a
14 little bit what Alex just said. I'm relieved and pleased
15 that there seems to be evolving a working relationship where
16 we're able to get the benefit of both your perspectives and
17 services. And I look forward to getting your proposal on
18 automation of program offices and talking some more about how
19 we tap your staff's skills and abilities on the management-
20 enhancing side of the ledger.

21 MR. QUATREVAUX: I look forward to it, Mr.
22 Chairman.

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1 CHAIRPERSON EAKELEY: Any questions of the
2 inspector general?

3 (No response.)

4 CHAIRPERSON EAKELEY: All right. Then we're at
5 that part where we go into closed session. I would propose
6 that we entertain a motion to go into closed session.

7 M O T I O N

8 MS. BATTLE: So moved.

9 CHAIRPERSON EAKELEY: And then take a break. We'll
10 take a break, everyone else will take a break, but we'll come
11 back.

12 MS. MERCADO: Five, ten minutes?

13 CHAIRPERSON EAKELEY: Yeah, five. All those in
14 favor of going into executive session?

15 (Chorus of ayes.)

16 CHAIRPERSON EAKELEY: Opposed?

17 (No response.)

18 CHAIRPERSON EAKELEY: All right. For those of you
19 who are leaving hastily, I hope we should be back on the
20 record within 15 or 20 minutes, and we will have some public
21 comment, Anne Bailey, but not reading of a report but some
22 comment.

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1 (Whereupon, at 3:45 p.m., the meeting was adjourned
2 to executive session.)

3 * * * * *

4 (5:00 p.m.)

5 CHAIRPERSON EAKELEY: We're at the public comment
6 part of our meeting. I just encourage you all to keep it
7 brief. Brief-brief. Now, don't be shy. We can't get to San
8 Francisco all that often. Anne? Now, don't be shy, but be
9 brief.

10 PUBLIC COMMENT

11 PRESENTATION OF ANNE BAILEY

12 MS. BAILEY: I know it's late and you're tired, but
13 I did hear your chair as he told me several times to be
14 brief, and I will be. It's down to five minutes. But I hope
15 you don't mind, I need to take a couple of extra minutes to
16 say that when I first gave this long talk of what I'm -- I'm
17 sorry, I'm Anne Bailey from Springfield, Mass. I'm a client
18 representative.

19 When I first gave this long speech, it was at a
20 client involvement session at the LSC Corporation annual
21 meeting, and I was very impressed when the chairman, who had
22 been named to the Board but the Board had not been set in

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1 motion yet, came into the client involvement meeting when he
2 had several choices, and I said, "Well, you know, he's making
3 his point. He's going to come in and look around and leave."

4 He stayed throughout the whole session, took notes,
5 and that really impressed me a lot. So thank you for the
6 opportunity to be here today, and thank you for doing that
7 and showing your commitment to client involvement.

8 And I also have to say, for the first time, I'm so
9 glad to be here and see two real clients that have been in
10 the field, have paid their dues, sitting up here. I have
11 trained with Ernestine; Edna and I are from the same region,
12 and they have both worked very hard without ever thinking
13 they would get this kind of reward.

14 And as for Bucky and John Brooks and William
15 McCalpin, all of them have shown their commitment to clients,
16 through NLADA and everything else they've done, and I like
17 what the rest of you have all said. So I'm just really happy
18 to be here. That's not my five minutes, so here I go.

19 CHAIRPERSON EAKELEY: You're working your way into
20 it, though, 20 percent, by my reckoning. But thank you.

21 MS. BAILEY: One of the things I have been meeting
22 with clients and lawyers at the national level for some time,

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1 and we've been talking a long, long time about client
2 involvement, and I guess the question that's most often asked
3 is: Are legal services serving the needs of low income
4 people, as seen by the clients?

5 When we look at the figures such as LA turns away a
6 client every three minutes, Kentucky rejects 75 percent of
7 all the people that call them, Mass Survey shows 85 percent
8 requesting help unserved. People today are losing their
9 jobs. They're becoming homeless. They're losing benefits.
10 Welfare is being cut everywhere, all kinds of benefits. They
11 are not only losing those things; they are starting to lose
12 hope.

13 And it hurts them every time they have to call an
14 agency. And the more they get rejected, the lower that they
15 get in their self-esteem and in their ability to try to keep
16 going for their families.

17 I work in a program for the homeless, and every
18 time I say to somebody, "How can I help you?" you can just
19 see in their face they're just so happy to have somebody
20 that's finally going to at least talk to them. Even if you
21 can't do anything but maybe refer them somewhere else, give
22 them some advice, at least somebody's talking to them.

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1 I think that I am recommending that there be a
2 mandate to hire clients in each office of legal services
3 program as intake and assessment workers. They could provide
4 referrals, advocacy, screening, assigning buddies, stopping
5 adverse actions, and prioritizing for appointments.

6 Some people come and their children are going to be
7 taken away the next day because they've lost their
8 electricity and cannot have heat in the middle of the winter.
9 That needs somebody to see them right away, whereas somebody
10 else may be being evicted next month. That can take a little
11 time. But they all need somebody to talk to them.

12 Second issue I'd like to talk to you is about
13 priority-setting. Basically, as far as I can tell, staff
14 basically does priority-setting, and perhaps some of the
15 lawyers on the Board. But we have to remember that lawyers
16 are trained to argue their point of view. Clients can't
17 really compete with it when you're in a session and
18 especially when the clients are so out-numbered.

19 Also, clients have a difficult time when they think
20 they have to choose between housing benefits, their
21 children's education, health. How can they pick one and say
22 the rest of these are not important?

1 And also, once you have priorities in a program,
2 then individual offices can also set their own priorities,
3 and that's done primarily by staff.

4 So I would like to recommend that a policy council
5 of clients from low income groups, after meeting with staff,
6 would actually set the priorities.

7 Now, the program could appeal if they did not think
8 these were the correct priorities, and then you could have a
9 mediator brought in, and the mediator's decision would be
10 final. But that would be the best of both worlds, I think,
11 where both could -- and also, that way the clients would be
12 asking the lawyers for their opinions and advice, and able to
13 view from there what they themselves saw as the problems in
14 the community.

15 Clients on the boards. There have been many good
16 faith attempts by many directors, including mine in Western
17 Mass., to get eligible clients on the board who can give
18 meaningful input into the program. This is very difficult,
19 and often what they get is a client who has the time and the
20 inclination and would feel very important sitting with
21 lawyers and making decisions.

22 However, if you get one client from somewhere, that

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1 client also feels very alone and intimidated, and is not able
2 to really stand up for the clients in the community.

3 I would recommend that instead of using eligible,
4 we use a term, what I like to call "able clients." An able
5 client would be somebody who's been poor, particularly if
6 they were poor as a child, who lives in a poor neighborhood,
7 who belongs to a client council or another group for low
8 income people, who has been trained by a client-based group,
9 or who can explain that they understand how being poor in
10 America is today and the classism, which is probably the only
11 "ism" left in legal services.

12 They've done very well in terms of bringing in
13 minorities and women and people from the rural area.
14 However, clients, to this day, do not really feel like we're
15 equals or seen or equals in the legal services movement.

16 So I'd like to recommend that each board have able
17 representative on the board, elected by groups, whose purpose
18 is the empowerment and advancement of poor people, and that
19 coalition of groups would become a policy board.

20 Local involvement is the most important. It's
21 where everything should start and where most of the things
22 are going to happen. But in order for local clients to be

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1 able to really work and do the program good, they need to
2 receive information, training. They need to have legislation
3 that can be changed for them and rules changed for them, and
4 support from a national source.

5 What happens with the clients that you see here,
6 and you'll be seeing often, is that we come together so
7 rarely and the frustrations are so great from being at home
8 and then coming here, that when we're unable to keep our
9 promises to ourselves and to each other, we attach rather
10 than embrace each other. And we forget that these are our
11 brothers and sisters because we just have so much to do and
12 so little time.

13 And I look back on the '70s and I see all of the
14 things that are missing that we had then. We had a national
15 clients council. We had clients testifying before every
16 subcommittee. We had client training. We had clients
17 training other clients. We had community legal education.
18 We had legislative advocacy. We had grassroots organizing by
19 clients. We had pro se advocacy. All of that is now gone.

20 You can realize what happens to us and why it does
21 if you can just imagine yourselves going home from here today
22 or from the ABA or from NLADA or any other organization, and

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1 you're there and you have some work that needs to be done,
2 but you have no money, you have no office, you have no staff,
3 you have no telephone long distance carrier, you have no
4 means of printing information, you have no way of
5 communicating information, you have no way of gaining
6 additional data. You have no power, so you have to be
7 envious of anyone else that gets any kind of recognition.

8 And sometimes you have to feel like a beggar in
9 order to be able to attend meetings like this, so that you
10 can share information that you have and feel your input might
11 make a difference.

12 My recommendations to you are, at the local level,
13 ensure that clients on boards are able and are elected by
14 client policy boards. Ensure that clients are hired and in
15 all offices at least as intake and assessment workers.
16 Ensure that within program priority, there is room for
17 emergency situations.

18 Ensure that there are neighborhood offices. Work
19 towards having legal service staff spend some time in local
20 community action programs, churches, NAACP offices, community
21 centers. Provide attorneys with sensitivity, community
22 and/or multi-cultural training.

1 Ensure that clients have a full role in priority-
2 setting. Have a line item for clients. Present model client
3 programs for other clients to emulate at the national level.
4 Fund a national client entity on an annual basis. Ensure
5 client training, client training of trainers, and provide a
6 mechanism for client training clients and clients training
7 attorneys in terms of the community.

8 Make sure clients are on review and monitoring
9 terms, whether in a demonstration project or regular
10 monitoring visits. Ensure that able, not just eligible
11 clients, serve on national and state support centers. Ensure
12 that clients are represented on national committee and task
13 forces.

14 Since it's well known that Congress enjoys hearing
15 from consumers of its programs, mandate a mechanism for
16 clients to testify at congressional hearings. Ensure that
17 whenever the Board meets, local clients, as well as local
18 program managers, address the national Board.

19 Make sure Legal Service Corporation and Congress
20 hear from clients concerning new initiatives so that in the
21 future, we'll have client opinion on proposals such as
22 competition, ADR standards and evaluation.

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1 We are working together. We don't want hand-outs.
2 We just want to be able to help ourselves and each other.

3 CHAIRPERSON EAKELEY: Thank you very much, Anne.
4 Could you -- can we get a copy of your proposal? Then we can
5 circulate it.

6 MS. BAILEY: Yes.

7 CHAIRPERSON EAKELEY: All right. Any other public
8 comments?

9 PRESENTATION OF CHRIS SCHNEIDER

10 MR. SCHNEIDER: Good afternoon. My name is Chris
11 Schneider. I'm the director of Central California Legal
12 Services and want to welcome all of you to California. We're
13 certainly glad that you came out here.

14 The couple of issues that I want to address came up
15 earlier this morning when there was some discussion of the
16 reauthorization, and there were some comments made that got
17 me a little concerned that perhaps the Board is ready to
18 concede, as it were, on the issue of alien representation and
19 redistricting cases.

20 In Central California, where I'm from, we have a
21 very large immigrant population. Most of our clients are
22 immigrants, be they documented or undocumented. The clients

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1 that we represent live in houses, if you can call these
2 houses -- these pictures behind you. In the evening, when
3 they get off work, they go back to these shanty towns with
4 their children and try to eke out an existence.

5 And in these shanty towns spread throughout our
6 district, you have a mixture of people living there. You
7 have people who are undocumented and you have people who are
8 legal residents and you have U.S. citizens. Everyone assumes
9 that the folks living in these shanty towns are undocumented,
10 but it's not true. Many of the people living there are U.S.
11 residents or even U.S. citizens.

12 And if Central California Legal Services can't
13 represent all the people living in a shanty town, that
14 undercuts our ability to represent all of our clients, no
15 matter what their status is. Or if we represent workers who
16 come to us -- say, last week, a week and a half ago we had 43
17 workers come to us who, for the past four years, had been
18 working for a grower who'd been paying them about half the
19 federal minimum wage, who had no toilets or drinking water in
20 the field, although the law requires it, and all sorts of
21 other labor law violations.

22 There was a mixture in that group. Some were

1 citizens, some were legal residents, and some were
2 undocumented. But if the alien reg goes through, which we
3 have to keep in mind that up until 1980 didn't exist, so if
4 that continues to be as part of the authorization, then that
5 undercuts our ability to effectively represent our clients.

6 And if employers in the Central Valley know that by
7 employing undocumented workers, that those workers can't be
8 represented by legal services, then that encourages
9 lawlessness on the part of those employers.

10 I think it's always ironic that some of the people
11 who argue against federal funds being used to represent
12 undocumented workers are themselves the employers of
13 undocumented workers and get federal subsidies for their
14 crops and get federal subsidies for their water, and they can
15 use that money to exploit the undocumented workers. But for
16 some reason, we're not supposed to be able to represent them
17 when they are abused by those employers.

18 I's an issue that we know is difficult, but the
19 Board has to think very carefully about how it's going to
20 approach that issue.

21 The same with redistricting. Redistricting is an
22 important issue in our community, in our service area, with

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1 the African American community, the Hispanic community, and
2 for the Asian community. We have, in our service area, the
3 second largest concentration of Hmongs outside of Laos, and
4 it's an important issue.

5 Before the redistricting reg went into effect --
6 actually, before my time with the organization -- we did a
7 redistricting case involving the school district, Calinga
8 Huron, because we found that the immigrant children were not
9 advancing at all, and we found that the minority children
10 were not advancing at all, and although we had a majority of
11 the students in the district were minorities, there were no
12 minority board members because of at-large elections.

13 And through our lawsuit, we were able to get
14 district elections, and now there's minority representation
15 on the board and the percentage of students graduating from
16 high school has tripled. That's the type of effect you can
17 have by being able to do redistricting.

18 CHAIRPERSON EAKELEY: Can I interrupt you right
19 there? I take both of your points to heart. It would be
20 extremely helpful to us to develop talking points like this,
21 a write-up of that case, for example, as an antidote to the
22 congressional attitude: That's political, that's not

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1 representational, that doesn't affect poor people's lives.

2 If there's a write-up of something like that, I
3 would just encourage you to get it to us as, or even create a
4 write-up.

5 MR. SCHNEIDER: There are a number of project
6 directors. These is obviously an important issue here in
7 California.

8 CHAIRPERSON EAKELEY: Same with the alien
9 representation and the difficulty of saying, "Oh, you're
10 documented, you're not documented or your kids -- what are
11 you going to do with your kids?" Those things, the more we
12 actually, again, to paraphrase Jose, put people with names
13 and faces and homes and families behind the issue, or in
14 front of the issue, the better off we're going to be to
15 advocate for this.

16 MR. SCHNEIDER: Okay. I will be getting
17 information on that, and there are a number of project
18 directors interested in this, and we want to be coming back
19 to you at a later date.

20 CHAIRPERSON EAKELEY: Okay, not too late. We're
21 before the House Appropriations Committee on April 21.

22 MR. SCHNEIDER: We'll be getting back to you.

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1 CHAIRPERSON EAKELEY: And Ada Shen-Jaffe is helping
2 us. So I think I would even suggest, if you could direct
3 your arming us, through her perhaps, or whatever, but -- or
4 send it directly to me, but that would be very helpful.

5 MR. SCHNEIDER: Thank you very much.

6 CHAIRPERSON EAKELEY: Sorry for the interruption,
7 but thank you for the comment.

8 MR. FORGER: Can I just make one point? I think
9 that -- I don't know whether there was a complete
10 understanding with respect to redistricting. The proposal
11 with the subcommittee in the House is to eliminate all
12 restrictions on doing redistricting.

13 And I think what I referred to earlier was the
14 political wisdom of those who are in the House and the Senate
15 and work this was that conceivably this is going to be
16 attacked, and there are various strategies that one may use
17 in trying to preserve it. If you can't preserve it all, at
18 least try to preserve it on the basis of the local level, and
19 sacrifice, if you have to, the congressional and the state.

20 But certainly we would like not to have any
21 restriction on redistricting.

22 And on the aliens, this amendment of the House bill

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1 has two more categories of alien representation that we could
2 have. I'm no expert on aliens, but again, the political
3 thinking is that at least you can say there's a restriction
4 on aliens, but it's relatively slight, albeit for those who
5 are affected it's quite devastating, but it's relatively
6 slight. And I would hope that the programs could nonetheless
7 go on.

8 MR. SCHNEIDER: I may have misunderstood somewhat
9 on the redistricting. Any restriction on the alienage issue,
10 though, does affect our ability to represent all of our
11 clients because you do have communities, groups of workers,
12 where everyone's mixed.

13 MR. FORGER: Ideally, we'd represent them all.
14 We'll represent as many as we can conceivably get through
15 Congress.

16 MR. SCHNEIDER: And I also realize that certainly
17 at this time, when there's so much anti-immigrant hysteria
18 and immigrant-bashing, it's a very controversial issue and a
19 very tough issue, but we've been talking the past couple of
20 days about justice, and justice is controversial. And if we
21 back away from something because it's controversial, we're
22 not doing what we're supposed to be doing.

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1 CHAIRPERSON EAKELEY: Thank you very much.

2 (Applause.)

3 PRESENTATION OF LELAND MEYERS

4 MR. MEYERS: Hello. My name is Leland Meyers and
5 I'm on the SNLAF board and I want to give you a rare welcome
6 here as a native San Franciscan. There isn't too many of us.
7 Welcome here.

8 CHAIRPERSON EAKELEY: I was conceived here, anyway.

9 (Laughter.)

10 CHAIRPERSON EAKELEY: Or at least so my parents
11 say.

12 MR. MEYERS: I know my good friend Quinton Kopp,
13 who addressed you earlier, has always regretted not having
14 been born here, but what Quinton had to say today I think was
15 important. And even though he and my other good political
16 friend and personal friend, Dianne Feinstein, have had
17 political differences, they both support legal services.

18 And I think that part of that kind of support for
19 legal services in San Francisco makes us slightly different
20 from what you heard Anne talk about, though from my
21 perspective, from having been a former NCC board member and
22 also being on the NOCA conference and program planning chair

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1 now, and on the PAG steering committee, and my work with
2 NLADA, I know that what she has to say is true.

3 But I do invite this Board, or a committee of this
4 Board, to meet with our executive director, Ramon Arias, who
5 I know you know, and myself, to talk about how we handle
6 priority-setting.

7 I may say, this my basic statement is going to be
8 about NOCA, but I just want to talk about this for a moment.
9 We handle the way that she ways is not being handled. We go
10 through a very extreme process that not only has staff
11 involvement and board involvement, but also the community
12 organization, individual clients who are our service people
13 all go into a long process in order to set up our priority-
14 setting.

15 And then we have to deal with the horrible problem
16 of dollars, because after you go through priority-setting, it
17 must be remembered that we have to end up then dealing with
18 what our attorneys can do.

19 And one of the problems that I see facing any kind
20 of priority-setting and going into a new avenue is training
21 for our attorneys, as well. And we need to be sure that we
22 have additional dollars available to train them to go into

1 new priorities. Otherwise, we won't be getting into the kind
2 of impact cases or even bread and butter kind of cases that I
3 know this Board is extremely concerned about. And so I
4 invite you to meet with us and see how we handle that.

5 Also, the board review committee that we have
6 handles the question of representation on the board quite
7 differently, I think, than you'll find anyplace else. We are
8 concerned about a grid of ethnic, racial, geographical,
9 within the city and county of San Francisco, as well as make
10 sure that we have a grid of different kinds of community
11 organizations.

12 But it is difficult, as Anne has said, to always
13 find somebody to sit on there. We have been waiting and have
14 had a seat open, and we know that we're losing a client voice
15 by doing that, but we're waiting for somebody who meets the
16 requirements, to represent the women who have been abused.

17 Nobody in that particular situation has yet
18 volunteered to come in, but we have other women who are close
19 to the borderline, who would like to come in and sit with us,
20 and that's one of our majority priorities, is abuse cases,
21 and yet we can't find somebody to sit as the client
22 representation on the board.

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1 So we need to have some avenue -- see, what I would
2 like to do is have that ability to move towards that, but
3 still maintain the ability and the regulations that say that
4 we keep within the regulations we have now of having you to
5 be an actual client. Because otherwise, what's going to
6 occur is exactly what Rosita said to you. You'll find that
7 clients will be shut out.

8 And already, there's an insensitivity among
9 attorneys to deal with client board members on a particular
10 expertise that they may have. They look at us as board
11 members for the legal services program, but they don't look
12 at us for the housing ability. I mean, I find it extremely
13 strange that I, as the only client representative sitting on
14 a health center, statewide health center board, is invited by
15 the assistant surgeon general to go back to Washington, D.C.,
16 but I can't have my own program attorney contact me about
17 health issues. They will talk to me about legal services
18 program.

19 And why? Because you don't recognize, and I say
20 legal services in the past, has not recognized a national
21 organization. If NOCA gets the kind of funding that we need,
22 and we need to get it from you, that would guarantee that we

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1 can have an executive director that can move with you and
2 with us, the kind of recognition that we need, we, in the
3 past, have trainers of trainers, where the clients have done
4 their own training. You don't have to go out and hire other
5 people. We can do that work.

6 But we need to have somebody who can respond with
7 you, and we need to have that done as quickly as possible.

8 You know, I'm very glad that you're here. I don't
9 know how long you're going to be here. That's a political
10 process that will be spent on whether or not Clinton will be
11 able to succeed. But as you look for a new president, I hope
12 and I know that Mr. McCalpin has the experience there, that
13 you have -- look what the Ford board did. Because see, not
14 all Republican boards can be bad.

15 CHAIRPERSON EAKELEY: Half of us is Republican.

16 (Laughter.)

17 MR. MEYERS: That's why I mentioned that. I think
18 it's very important to realize that --

19 CHAIRPERSON EAKELEY: I won't tell you which half.

20 MR. MEYERS: Well, we pretty well know. No, I mean
21 some of the most personal, wonderful moments that I had as a
22 client representative speaking before a legal services

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1 program came when both Hillary was appointed and she was
2 chair of your group, as well as during the Ford-appointed
3 board.

4 And I think what's important is not so much who
5 does the appointment, but the kind of appointments that are
6 being made. And you have an opportunity to correct the 12
7 years of silence, of fear that has struck not only into the
8 clients themselves, and them being able to express
9 themselves, but the attorneys afraid to move in any way when
10 they see an impact case, afraid to go that way because
11 they're going to be criticized by the LSC Board.

12 In our monitoring reports that have been going on
13 during that particular time, they look for reasons to close
14 you down, not to congratulate you. And you have to move now
15 under the process, and I'm glad you're asking for those kinds
16 of success stories to bring to Congress, so that they will
17 understand that we are ready and available to work with them.

18 And my final statement is I think it's very
19 important that we move as quickly as possible to an
20 interrelationship between civil and defender issues because
21 without those interrelationships where you have a lot of
22 problems occur in the future, and we need that kind of

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1 ability to float back and forth.

2 Jeff Brown, who is our public defender, has been
3 looking for a way to do that, and I know Romero Naris has
4 been looking for that so we can move in that kind of regard.

5 But we do thank you for being here and we hope that
6 San Francisco will excite you to come back again.

7 CHAIRPERSON EAKELEY: Thank you. Thank you very
8 much. Come on up. You said two minutes, one minute, one
9 minute and a half-out. We are out of time, but I'm not
10 cutting off public comment.

11 PRESENTATION OF ROSEMARY FRENCH

12 MS. FRENCH: My name is Rosemary French and I'm the
13 executive director of the Benchmark Institute.

14 Yesterday I think most of you were here when Mary
15 Burdick made a presentation for the Western Center on Law and
16 Poverty, the state support center. Benchmark grew out of
17 and was a spin-off of Western Center.

18 We are the only, that I know of, the only
19 separately incorporated agency or nonprofit which is devoted
20 totally to training. The majority of the people we train at
21 this point through our programs are from California, Nevada,
22 Washington and Oregon. We have, however, opened up our

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1 training to people from throughout the country.

2 If you take a look at the hand-out that you have,1
3 the first page describes what we do, our services and our
4 mission. The second page, our board of directors, a little
5 bit about myself. I have worked at Office of Program
6 Support. That's a corporation, the late '70s. And where we
7 draw our faculty from, they're all volunteers, and they're
8 from the legal services and public interest community.

9 The next page gives you a summary of the types of
10 services that we have, and we have further elucidated what in
11 the last two pages, which show our core skills programs,
12 which are offered to train paralegals and, a great gold mine,
13 I think, our legal assistants and legal secretaries, and we
14 train them, we think, in unique and experiential ways.

15 We'd be more than happy to come back to you and
16 explain and talk about training in more detail, and we
17 appreciate the time of the Board.

18 CHAIRPERSON EAKELEY: I'm sorry we ran out of time,
19 but this is very interesting.

20 MR. MCCALPIN: May I ask a question?

21 CHAIRPERSON EAKELEY: Sure.

22 MR. MCCALPIN: Are you self-supporting? Do you

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1 charge tuition for these?

2 MS. FRENCH: Yes, we do, but we're not self-
3 supporting. Our main funding at the present time comes from
4 IOLTA, the State Bar of California, and we do some consulting
5 and other things. We're ready now to go out and also look at
6 foundations. What we're eventually looking at is in entity
7 which is national in scope and meets the training needs of
8 all public interest people, including legal services.

9 CHAIRPERSON EAKELEY: Thank you very much, not only
10 for the substance but for the brevity of the delivery.

11 MS. FRENCH: I must add that I would not be seen as
12 a good trainer if I did not do --

13 (Laughter.)

14 CHAIRPERSON EAKELEY: Well done. Any other public
15 comment?

16 (No response.)

17 CHAIRPERSON EAKELEY: All right. Let's go to final
18 other business.

19 CONSIDER AND ACT ON OTHER BUSINESS

20 CHAIRPERSON EAKELEY: Meeting schedules. Back of
21 the Board materials book we have what's coming up,
22 specifically April 14-16 in Washington and May 12-15 in

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1 Atlanta.

2 Now, the Presidential Search Committee will be
3 planning on some fairly heavy duty interviewing and
4 discussing of candidates, hopefully at both meetings. And we
5 have to --

6 MR. McCALPIN: Discussing? Yeah. Interviewing in
7 May, discussing in April.

8 CHAIRPERSON EAKELEY: I do want to get a sense now,
9 but we will perhaps schedule a conference call with the
10 committee chairs in about two weeks' time, but how much time
11 do people reckon they're going to need for the committees,
12 and where is the Board on whether to try and go to a
13 simultaneous meeting schedule for committees, so that the
14 committees themselves can have a longer period of time to
15 deliberate and discuss, versus the back-to-back, the way
16 we've been proceeding?

17 MR. ASKEW: The Provisions Committee in April will
18 need three hours. We met today and went over what our agenda
19 would be for that meeting, and we anticipate three hours
20 would be enough for us. Which day does not particularly
21 matter.

22 CHAIRPERSON EAKELEY: LaVeeda?

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1 MS. BATTLE: Mr. Chairman, I think we're going to
2 need a full day for Operations and Regulations because we're
3 going to be going over substantive provisions and drafts that
4 we've gotten so far. And I would -- I am a proponent of us
5 potentially, for this meeting, scheduling simultaneous
6 meetings so that we don't extend the schedule for the next
7 meeting.

8 CHAIRPERSON EAKELEY: Maria Luisa?

9 MS. MERCADO: A lot of it depends on what we can do
10 prior to.

11 CHAIRPERSON EAKELEY: We're going to want to have
12 additional Board input and FCC input on the \$500 million
13 request. I think you'll want to be considering where to go
14 on the calendar for the rest of the year, for the next year's
15 budget mark. And I think that by that time, we'll have a
16 report from management with the IG's report on the Cotton
17 report; won't we, Alex?

18 MR. FORGER: I think so.

19 CHAIRPERSON EAKELEY: Which ought to be considered.

20 MR. MERCADO: That's not what I was talking about
21 as to the actual meeting. What I was talking about is that I
22 think what we were discussing earlier in the Audit and

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1 Appropriations Committee meeting was a question of whether or
2 not that committee needed to meet before April 14, because we
3 needed to submit and go into more detail on the budget.

4 CHAIRPERSON EAKELEY: Why don't we try and handle
5 that by conference call or by working draft, and circulate
6 that to the committee?

7 MR. MERCADO: But under the Open Sunshine Act,
8 though, the committee is going to have to do that. You still
9 have to publish when we're going to do teleconferencing. If
10 the committee decides to teleconference, you still have to
11 publish in the Federal Register that we're going to do that
12 and set our agenda for that.

13 Why use the committee? When you can't have a
14 teleconference with a committee and not be under the Sunshine
15 Act?

16 MS. BATTLE: I understand that we can plug in the
17 public at the corporation headquarters.

18 MR. McCALPIN: Presently, under the by-laws, to
19 have a teleconference meeting, you have to have a quorum
20 physically present.

21 CHAIRPERSON EAKELEY: Why do we have a meeting just
22 for solicitation of comments on drafts, with the way we did

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1 it with the budget request? Couldn't we do it that way?

2 MR. FORTUNO: You're not taking formal action on
3 that. Isn't this the --

4 CHAIRPERSON EAKELEY: Justification of the
5 president's request.

6 MR. FORTUNO: Implementing the president's
7 proposal, if that's what we were asked to respond to?

8 MS. MERCADO: I guess I would like to have general
9 counsel, I guess, because we have not taken action. In fact,
10 I don't think that Audit and Appropriations took action on
11 any item in our committee meeting that we had here today
12 there was notice to the public.

13 And I don't want us to get into a habit or a
14 situation of not complying with the Sunshine Act if we're
15 going to have teleconferences and discussing issues and
16 debating issues, whether it's a budget issue or a program
17 issue or a regulatory issue.

18 And so I'd like to get some feedback from general
19 counsel as to if we're going to have a teleconference, even
20 though we're not going to take any action on the item, can we
21 do that without necessarily having to violate the Sunshine
22 Act?

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1 MR. FORTUNO: Well, I think Mr. McCalpin was
2 correct in that in order for the committee to meet and
3 transact business, you have to have a quorum physically
4 present, and then you can have other members of the committee
5 participating by phone. You also have --

6 MR. McCALPIN: That, incidentally, is another legal
7 issue --

8 CHAIRPERSON EAKELEY: Look, I didn't mean to open
9 this up like this because we're going to be bad guests for
10 the hosts who are waiting for the reception, but we've agreed
11 on what we're going to do pretty much, and it's the sense of
12 the Board that we're going to submit a justification, a
13 general justification for the \$500 million request of the
14 President. And if there's any fine-tuning of the testimony,
15 I thought that we could discuss that at the next committee
16 meeting, but that we have a direction and a sense of the
17 Board that we've discussed in public session about the
18 justification, and I would not see a need to have a meeting
19 or a conference.

20 MS. MERCADO: Well, part of what was going to
21 happen, though, is that the FCC is meeting this whole
22 weekend, and we're supposed to get input from them on the

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1 \$500 million --

2 CHAIRPERSON EAKELEY: I didn't see it that way.
3 Why don't you and I talk about it? We'll consult with
4 counsel and we'll do the appropriate thing.

5 Right now all I want to do is find out how much
6 time you want for your next committee meeting in April, and
7 then you and I will talk some more about whether there's a
8 need for another committee.

9 MS. MERCADO: Okay. Why don't you give me four
10 hours in April and then if there is a meeting that's
11 necessary in between now and that meeting in order to deal
12 with the congressional budget aspect alone, and nothing else,
13 then we'll deal with that.

14 CHAIRPERSON EAKELEY: Presidential Search, Bill?

15 MR. MCCALPIN: I'll have a better sense after
16 tomorrow, but my hunch is not less than three hours, maybe
17 more.

18 CHAIRPERSON EAKELEY: Okay. Where are we in terms
19 of trying to meet simultaneously so that we can --

20 MR. MCCALPIN: The one group that cannot meet
21 simultaneously is Presidential Search because we have members
22 from all the others.

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1 CHAIRPERSON EAKELEY: Excluding Presidential
2 Search, are we all right, for this meeting at least? We
3 don't have to commit to future meetings, just this meeting,
4 with Ops and Regs meeting the whole day? Can we go ahead and
5 schedule the other --

6 MS. BATTLE: Well, Bucky and I have talked. I
7 don't think we have any cross-over membership on our two
8 committees, so we can meet simultaneously.

9 CHAIRPERSON EAKELEY: I'm just questioning whether
10 or not the Board is willing to do that, which means the
11 people who would like to sit in on other committee meetings
12 will have to forego that for this meeting.

13 MR. McCALPIN: I think we have to.

14 MR. BROOKS: I think we have to. I think it's a
15 poor thing to do, but out of necessity.

16 CHAIRPERSON EAKELEY: Okay. Any other -- so we
17 will have a conference call -- well -- okay, forget it.
18 We're not going to -- I'm going to touch base with some
19 people and we're going to come up with an agenda and we're
20 going to encourage the staff to put some things in writing
21 and we're going to trip all over the Sunshine Act for a
22 little while longer, but we're going to do it properly.

1 And if there's no other new business, I will
2 entertain a motion.

3 Oh, I'm sorry. Brief announcement. We don't have
4 time to walk there now, but the reception hosted by the
5 California and Nevada Project Directors Association, the
6 State Bar of California and the Bar Association of San
7 Francisco starts at 6:00 and it's at the World Trade Club of
8 the World Trade Center, which is the Ferry Building, in Room
9 300. You just walk or proceed down O'Farrell to Market and
10 the building is at the very end of Market. And we'll see you
11 all there.

12 Motion to adjourn?

13 M O T I O N

14 MS. BATTLE: So moved.

15 CHAIRPERSON EAKELEY: Second?

16 MS. WATLINGTON: Second.

17 CHAIRPERSON EAKELEY: All in favor?

18 (Chorus of ayes.)

19 CHAIRPERSON EAKELEY: The ayes have it.

20 (Whereupon, at 5:45 p.m., the meeting of the Board
21 of Directors was adjourned.)

22 * * * * *

