

LEGAL SERVICES CORPORATION
BOARD OF DIRECTORS

OPEN SESSION

September 19, 1999

10:20 a.m.

W Seattle Hotel
1112 Fourth Avenue
Seattle, Washington 98101

BOARD MEMBERS PRESENT:

Douglas S. Eakeley, Chair
John N. Erlenborn
Hulett A. Askew
Edna Fairbanks-Williams
F. William McCalpin
Maria Luisa Mercado
Nancy Hardin Rogers
Thomas S. Smegal, Jr.
Ernestine Watlington

STAFF AND PUBLIC PRESENT:

Shannon Adaway
Danilo Cardona
Kim Dixon
John Eidleman
Richard Eymann
Victor Fortuno
Michael Genz
John Hartingh
James J. Hogan
Jay Inslee
Joan Kennedy
Susan McAndrews
John McKay, President
Eduouard Quatrevaux
David Richardson
Leslie Russell
Mark Schickman
Laurie Tarantowicz
Mauricio Vivero

Diversified Reporting Services, Inc.
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C-09537

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MR. EAKELEY: I will call the meeting to order.

The agenda is the materials previously circulated. Are there any changes to be made to the agenda?

(No response.)

MR. EAKELEY: If not, is there a motion to approve the agenda?

M O T I O N

MR. ERLÉN BORN: So moved.

MS. FAIRBANKS-WILLIAMS: Second.

MR. EAKELEY: All those in favor?

(Chorus of ayes.)

MR. EAKELEY: The minutes of board's June 12, 1999 meeting in Denver were also circulated with the board materials. Any changes or corrections to those minutes?

(No response.)

MR. EAKELEY: Hearing none, is there a motion to approve them?

M O T I O N

1 MR. ERLNBORN: So moved.

2 MS. FAIRBANKS-WILLIAMS: Second.

3 MR. EAKELEY: All those in favor?

4 (Chorus of ayes.)

5 MR. EAKELEY: Opposed?

6 (No response.)

7 MR. EAKELEY: The ayes have it.

8 We also have executive session minutes of our
9 June 12 meeting. Again, any corrections or changes?

10 (No response.)

11 MR. EAKELEY: All those in favor of approving
12 the executive session minutes?

13 MR. ERLNBORN: Is there a motion?

14 MR. EAKELEY: I'll entertain a motion from the
15 vice chairman, Mr. Erlenborn.

M O T I O N

16 MR. ERLNBORN: So moved.

17 MS. FAIRBANKS-WILLIAMS: Second.

18 MR. EAKELEY: Second to approve the minutes of
19 the executive session. All those in favor.

20 (Chorus of ayes.)

1 MR. EAKELEY: Opposed?

2 (No response.)

3 MR. EAKELEY: The minutes are approved.

4 All right. I'd like to welcome to the table
5 Richard Eymann, the president of the Washington State
6 Bar Association.

7 Mr. Eymann doesn't need much of an
8 introduction because we were all very privileged to
9 be at the reception and dinner last night to hear his
10 very moving remarks and we welcome him to make some
11 remarks on the record for the rest of the legal
12 services community this morning.

13 Good morning.

14 MR. EYMANN: Good morning. Thank you for
15 this opportunity to address the full committee. And,
16 as I understand it, with all the technical equipment
17 around here, this is somewhat, I understand, recorded
18 and this information may be disseminated well beyond
19 this particular room. And so rather than being
20 extemporaneous and talking much from the heart as I
21 did last evening, I would like to be a little bit more
22 formal today and I have some prepared remarks that I

1 would like to present to you.

2 As the new president of the Washington State
3 Bar Association, I want to tell you that in our state,
4 our bar association is firmly dedicated to working and
5 delivering our nation's promise of equal justice for
6 everyone.

7 We have a board of governors of 11. We have
8 26 sections and 28 committees and they, too, along
9 with the staff and the rank and file to the extent
10 that they're involved, which I spoke to last night,
11 recognize the extreme importance of equal justice to
12 the effective functioning of our democracy.

13 In this state, we stand ready, willing and
14 able to work with you to further this objective at not
15 only the national level, but the state level and at the
16 local level as well and we will and have made access to
17 justice a primary institutional priority.

18 In our state, in the last year, Wayne Blair,
19 who was the president before me, we had a theme called
20 Raising the Bar and part of Raising the Bar as catch
21 words was to come up with long-range planning, but also
22 come up with more direction than we've had in the past

1 as we look out into the next millennium, the next
2 century. We have a long-range plan that if you were to
3 read it would emphasize access to justice for all.

4 Now, I understand that you have already had a
5 chance to review the Washington state plan and that
6 that was of much discussion to our board of governors
7 and to the ATGA board that we have in this particular
8 state. I think that it's well recognized in the state
9 of Washington that that planning was taken very
10 seriously, not only in 1995 when it was fundamentally
11 altered to accept the federal discretion, the
12 congressional discretion with regard to funding, but
13 more importantly today it's a revised plan that was
14 adopted on Thursday and I think you have had that
15 before you, I think it was presented, as I understand
16 it, by Pat McIntyre.

17 Reading through that as I have and having
18 worked with the people, in fact, I spent all day
19 yesterday at a retreat place in the middle of
20 Washington which is a wonderful place to go, nestled
21 in the Cascades, but we never really looked outside,
22 we spent the whole time talking and discussing the

1 plan. But what that plan says is that it's our state's
2 belief that no individual, and I mean no individual,
3 should ever be denied access to the machinery of
4 justice.

5 We truly believe in this state, as John McKay
6 often says, each time someone is denied access to
7 justice simply because he or she cannot afford the
8 price of admission, a little piece of democracy dies.
9 And I hope that not only -- when I talk to you I'm
10 preaching to the choir, but I hope that any other bar
11 president in this United States that happens to tune in
12 to the web site or reads these remarks also takes that
13 to heart.

14 Our state plan is set for the next five years.
15 To me, it's extraordinarily ambitious, it's a document
16 that marshals the energy and the resources of a
17 comprehensive set of civil justice partners, not just
18 staff legal services programs.

19 The state plan, I think the way in which it
20 was designed and for the hard work that went into
21 it, I look upon it and I say to those people it's a
22 gleaming beacon and one that we take great pride in and

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1 it services to guide everything that we will be doing
2 in this state for the next five years.

3 But there remains, as you well know, the
4 crisis. Despite everything that we are doing, I must
5 report to you that in the state of Washington, there
6 is not equal justice for all. We still have nearly
7 1.2 million poor people, vulnerable people in this
8 state, including migrant farm workers.

9 As I drove past the hundreds and hundreds of
10 fields yesterday driving from Leavenworth down to
11 Winache to go to the airport, I looked out and I saw
12 all those migrant farm workers out there and I know
13 just from having talked with a few of them in the past
14 that they don't have any clue as to where their legal
15 services could be even if they were told that they
16 exist. And so there's a communication message that has
17 to be made to not only those people, but throughout
18 this state and I'm sure it's probably a lot worse in a
19 lot of other states in this country.

20 In this state, we have tweaked every
21 inefficiency out of the system. We've maximized the
22 effective use of every resource available to the system

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1 and left no stone as far as we know unturned in our
2 never-ending quest to find new resources to underwrite
3 our civil justice delivery system.

4 But the fact is in 1996, when the federal
5 funds were cut, that hurt and that hurt badly. Offices
6 were closed throughout this state and those offices
7 remained closed and those that remained opened were
8 substantially downsized. And clients, whether they're
9 in the far reaches of this state or they're here in
10 downtown Seattle, they hurt. They're hurting. And
11 that's because they simply do not have access to
12 justice as they are guaranteed by the Bill of Rights
13 and the Constitution of this United States.

14 Last year, the Washington State Bar
15 Association received a report from its own pro bono
16 and legal aid committee which documented that despite
17 everything that has occurred over the past five years,
18 four out of five clients who need direct legal services
19 cannot get it.

20 The board of governors of the Washington
21 State Bar looked through this report, they digested it,
22 they've discussed it at meeting after meeting, and

1 essentially there was no other way to read it but to
2 say that the lack of funding has reached crisis levels.

3 Our network needs an infusion of not less than
4 \$5 million per year in new resources. We're working
5 hard to securer those new resources at a state level,
6 but we recognize that we cannot do it alone.

7 The federal investment in legal services must
8 be restored at the national level and we here in
9 Washington, our board of governors and the 24,000
10 members of the bar association whom I represent stand
11 ready, willing and able to help you.

12 Now, as I mentioned last night, not all
13 lawyers do that which they should in returning to
14 society the privilege of being able to practice law and
15 that is my job on this end. My job is to convey in
16 this next year and to talk to everyone I can possibly
17 talk to and to go to the small bar associations and let
18 them know of the very need, that they, too, have a very
19 big part in this.

20 I do want to talk about the restrictions.
21 We realize that Congress has the prerogative to define
22 the scope and purpose of allowable uses of funds for

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1 legal services and I also realize in that regard that
2 if you talk about restrictions you might feed the
3 appetite of self-appointed professionals who believe
4 that they can simply be critics and take these words,
5 but essentially I would be really derelict in my duty
6 as president of the Washington State Bar Association
7 and as a member of my profession if I did not report to
8 you that some of the restrictions that were enacted
9 into law in 1995 to me do not serve any legitimate end,
10 they fundamentally do not work, they deny justice to
11 poor, and they essentially should be changed. I want
12 to highlight three of these.

13 The federalization of the non-LSC funding.
14 By federalizing non-LSC funding acquired by LSC
15 grantees, Congress has attempted to dictate its will to
16 the other civil justice funders. In our state, this
17 includes funding received from IOLTA, which is about
18 \$6 million; the State of Washington, \$3.8 million;
19 local and regional funding from United Way, area
20 agencies on the aging, local bar associations and even
21 private funding secured through our statewide civil
22 legal services fundraising organizations such as the

1 Law Fund, which is about \$500,000 per year.

2 We do not embrace, therefore, Congress' vision
3 of what legal services should be and I am telling you
4 we will not write off entire populations from the
5 justice system in this state.

6 We will not close the courthouse door to
7 people simply because they have claims relating to
8 welfare reform and we will continue to argue that all
9 the legal tools and all the legal forums should be open
10 and available to all people who need it.

11 Under our state plan, we have elected,
12 therefore, to segregate LSC funds because we cannot
13 allow these restrictions to limit our ability to meet
14 the justice needs of all who need access, not those who
15 Congress seems to feel are worthy. But our ability to
16 do so comes to us at a tremendous cost.

17 To deliver our vision of justice the way we
18 believe it should be essentially means that we have had
19 to establish two legally separate statewide staff legal
20 services programs, maintain a dual presence in a number
21 of locations, maintain dual administrative accounting
22 staffs. And that opportunity lost, the dollars lost in

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1 maintaining this redundant system is in excess of
2 \$750,000 in this state alone.

3 If you take \$750,000 and you apply that to
4 direct legal services, you could do a lot. You can't
5 do everything, but you could do a lot more than wasting
6 it in having two offices everywhere, two staffs.

7 Every one of these dollars should be spent
8 on direct legal services and so I ask you, and I know
9 you already do this, to tell Congress that in my view
10 and I believe in the view of the lawyers of this state
11 and our bar association that they have overreached.
12 By federalizing non-LSC money, it serves no legitimate
13 purpose and it should be rescinded.

14 Now, I also do some class action work and I
15 have been involved in the past and class actions in the
16 legal services sense is somewhat different, but
17 legitimate legal tools should not be denied to people
18 simply because of the identity of their lawyers. The
19 prohibition on class action denies access to justice.

20 It forces lawyers for the poor to jump through
21 procedural quagmires. If you have a case involving
22 many, many poor people in which they are getting ripped

1 off by -- I hate to pick on any profession, but let's
2 say a bank, why do you have to bring 100 or 200 or 500
3 separate lawsuits on behalf of the poor in that regard?

4 To me, I cannot understand where they're
5 coming from and I would only hope that somewhere, some
6 place, some congressmen and congresswomen would hear my
7 words.

8 Lastly, the prohibition on claiming and
9 collection of attorney fees. This to me is the most
10 obscene of the restrictions. Legal services programs
11 should be prohibited from interfering with the private
12 bar and in that sense private action should be handled
13 by private lawyers where they are definitely fee
14 generating. But to prohibit them from securing, and
15 I'm speaking of legal services lawyers, from using
16 statutory rights to apply to the general public simply
17 because the people are poor or cannot afford a lawyer
18 is to me a fundamental denial of due process and equal
19 protection.

20 It creates a dynamic, essentially, where
21 LSC grantees must in effect confess judgment on their
22 clients' claims even before the claims are filed. It

1 empowers those who prey on the poor, freeing them from
2 potential liability for attorney fees that is often
3 written into civil rights and consumer protection
4 statutes as a means of deterring wrongful conduct.

5 I just finished a Clean Water Act case down in
6 the Yakima Valley stopping dairy farms from essentially
7 polluting the Yakima River and making it impossible for
8 the people who live right next to that river, many of
9 whom are very poor, many of them migrant workers, and
10 it was only because in that particular case, that case
11 was brought by some people who owned land, by people
12 who had the wherewithal to look out for their friends
13 down the street, to protect the little kids who swim in
14 the canals and swim in the irrigation ditches, and in
15 that case, yes, we can get attorney fees.

16 But if there were not those people willing to
17 step forward, what happens to all of the poor families
18 who use those canals, those waters of the United
19 States? The federal district court judge in that case
20 has turned those dairy farmers on their head and said
21 you cannot pour all of your cow manure into the
22 drainages, into the irrigation ditches.

1 This restriction any way you want to look at
2 it, it's facially discriminatory. It serves no useful
3 purpose and I really think that all of us, and I'm
4 speaking of not only the people that sit before me
5 today and the people that sit behind me in this room,
6 but I am saying for all those bar presidents throughout
7 the rest of the United States that read this or other
8 people who are active in their state bars, it serves no
9 useful purpose, it should be removed and together we
10 have to really do something.

11 I said last night that in providing legal
12 services it is my goal throughout the year to be
13 militant, to step forward and do more than a lot of
14 states do, a lot of bar associations. I am surprised
15 that Washington is sometimes looked upon as being a
16 model state for this movement.

17 I am very lucky to step in as bar president
18 of this particular bar association and have all the
19 work that has been done before me, to have people that
20 have essentially stopped from getting good salaries to
21 really step back and reflect and to turn much less
22 money doing what they do now and that is continuing

1 with the fight to return to the vast numbers of people
2 in this country that do not receive legal services and
3 in fact don't even know about it, to provide an avenue
4 to them.

5 As we heard last night from Judge Chip Small,
6 he was amazed to see when he took the bench just how
7 many battered women walked into his office, asking what
8 to do. They didn't even know where legal services
9 existed, they didn't know where to go.

10 And it's just the tip of the iceberg, ladies
11 and gentlemen. It's just the tip of the iceberg.
12 It reaches out to the far little tiny communities
13 in northeastern Washington and it's right downtown
14 here in Seattle. Just take the 4th Avenue bus any
15 night at about 9:00 and you'll see what I'm talking
16 about.

17 Now, I realize I'm preaching to the choir and
18 I've probably said more than you wanted me to say, but
19 call upon me. I'm willing to work with you. If you
20 want me to go elsewhere to speak about this, call me,
21 I'll go.

22 Thank you.

1 MR. EAKELEY: Thank you very much, Mr. Eymann.

2 Well, let me first ask whether any board
3 members have any questions or comments.

4 I just want to thank you for your militant
5 leadership and your passion and your commitment. We
6 are really privileged to be here. It's just been, I
7 think, an enhanced dialogue between the corporation and
8 the board and the legal services providers, the
9 judiciary and the bar leaders and private attorneys
10 whom we've met in that past several days and we do look
11 forward to working with you and we share your
12 aspirations and we hope to see you again soon.

13 Next, I'd like to invite to the table Mark
14 Schickman, who is a partner in the San Francisco firm
15 of Cooper, White & Cooper, and a representative of the
16 ABA Standing Committee on Legal Aid and Indigent
17 Defendants.

18 Good morning again.

19 MR. SCHICKMAN: Good morning. Thank you,
20 Mr. Chair.

21 And I want to on behalf of the ABA and on
22 behalf of the Standing Committee for Legal Aid and

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1 Indigent Defendants thank the board and Mr. McKay and
2 the LSC for all of the work that you have done in order
3 to help increase the availability of legal services for
4 the poor in America.

5 SCLAID on behalf of the ABA and on behalf of
6 the lawyers in America is very, very proud to work in
7 partnership with the LSC towards this goal that many of
8 us believe is the most important task that attorneys do
9 have.

10 As you know, SCLAID maintains close
11 relationships not only with the LSC, but also with
12 state and local bars and leaders to advocate to ensure
13 the availability of legal aid and indigent defendant
14 services through a series of projects that I would like
15 to place on the record today, again, in order to foster
16 the goal that all of us serve together.

17 SCLAID continues through its grassroots
18 advocacy network to advocate for \$340 million in
19 funding for the LSC through fiscal year 2000. We will
20 submit written testimony in support of the corporation
21 to the House Judiciary Committee in connection with its
22 hearings later this month and hope that we can help to

1 achieve that goal of getting stable funding for the LSC
2 in at least that amount. Even that will not cure the
3 problems or fully serve the indigent in America, but I
4 think it will go a long way if the LSC does receive
5 proper funding.

6 We also help to provide talking points and
7 information to local and state bar leaders as they try
8 to assist in this as well and try to correct some areas
9 of misinformation that is portrayed.

10 With regard to that, some of you may have seen
11 a letter to the ABA Journal that an attorney provided
12 erroneously, carrying forward again the misinformation
13 that there are LSC offices that could not account for
14 significant amounts of their funding. I'd like to
15 present and have available for the record a letter that
16 our chair, Doreen Datson, has submitted to the ABA
17 Journal in order to correct that record and in order to
18 demonstrate that it is not the case that LSC recipients
19 are wasting money.

20 Rather, the information that has come up
21 over the past year really stems from better reporting
22 requirements and better efforts by this corporation

1 that is in fact fine tuning and honing that funding
2 process and it is very, very unfair that the
3 corporation or its recipients are being subjected to
4 this misinformation and SCLAID and the lawyers in
5 America are going to do what we can in order to stop
6 that misinformation from being presented. And so I
7 would like to present for the record Doreen Datson's
8 September 7, 1999 response to that letter.

9 SCLAID has been involved with several
10 projects, one in partnership with the NLADA, what we
11 refer to as the SPAN project, attempting to increase
12 the provision of technical assistance to legal services
13 providers, supporting and promoting roundtable
14 discussions for bar leaders and staff working on legal
15 services efforts, putting on programs at items such as
16 the National Association of Bar Presidents and the
17 NLADA annual conference and publishing articles on
18 legal services in an effort to increase not only the
19 provision of legal services within the beneficiary
20 entities of the LSC, but also state and local bar
21 associations, and I'm proud to say that in Washington
22 with such a fine Access to Justice program itself.

1 A fairly new project that we are working on is
2 a road map series and I would like to leave with the
3 committee a sample of our road map on Access to
4 Justice. These are publications that SCLAID and the
5 ABA are putting together in an effort to try to package
6 programs that states such as, by way of example,
7 Washington, Maine, Massachusetts, California, South
8 Carolina, have in an attempt to provide information as
9 to how other states can do the same kind of programs in
10 order to assist with the delivery of legal services.

11 Again, we understand that the LSC cannot do
12 its work alone. I think it is very important that the
13 Congress is aware that in addition to the funding that
14 it puts forward it is matched multi-fold by the
15 contributions both in money and in time by lawyers
16 around the country and SCLAID is very, very active in
17 terms of working with that.

18 We have also reorganized and improved our
19 PEARLS notebook that provides information with regard
20 to the activities in the various states in order to
21 provide that same kind of information to other states
22 and we have also put this information on line now, so

1 it is available not only in printed form, but it is
2 available to legal services providers and local and
3 state bar associations on line as well.

4 There is a project that we have now completed
5 that I'd like to commend to you as well. We call it
6 the Technology Exchange Project. Everything's got an
7 acronym, so I call it TEP, but nobody else does. This
8 is a program wherein we have taken computers, 386s,
9 then 486s then first generation Pentiums from law firms
10 and from bar associations and we have given them to
11 legal services providers so that they can, among other
12 things, fulfill the LSC's mandate of becoming
13 technology efficient and in terms of using technology
14 to help provide access to legal services.

15 This project has placed over 600 computers in
16 over 100 legal services programs around the country.
17 We have basically fulfilled the need that we have seen.
18 And this is something else that we have turned over to
19 other local bar associations, state bar associations,
20 to see if they can replicate it locally.

21 And, as a last activity I would like to bring
22 to your attention, we do sponsor the Harrison Tweed

1 Award, which gives some recognition to one or more bar
2 associations in recognition of their efforts to improve
3 the delivery of legal services to the poor. The 1999
4 award was presented in Atlanta at the annual meeting to
5 the Saginaw, Michigan county bar and also to the
6 Washington state bar for its tremendous efforts.

7 And I know, Mr. Chairman and Mr. President,
8 you were there in Atlanta when Washington and Michigan
9 received those awards. We think it's very, very
10 important that we give recognition to those unsung
11 heroes who do provide those kinds of services.

12 As I said at the start, we are very proud to
13 work in cooperation with the LSC and we ask you again
14 to call on us if there is anything that we can do to
15 support the LSC's very, very important work to take the
16 most significant part of a lawyer's great calling of
17 helping to provide justice for all.

18 Thank you very much.

19 MR. EAKELEY: Thank you, Mr. Schickman.
20 We appreciate SCLAID's support and guidance and
21 leadership as well and, in fact, August 7th was my
22 first opportunity to appear before the SCLAID board

1 and, as you mentioned, in advance of John McKay and I
2 appearing, we were able to sit and watch the Harrison
3 Tweed Award being bestowed upon the Saginaw, Michigan
4 and Washington state efforts and it was sort of a
5 nice -- it was just a wonderful sort of continuity to
6 that, given the fact of where we are today and some of
7 the new friends that we've made in the interim.

8 I should also mention and thank ABA
9 president Phil Anderson and SCLAID as well for the
10 25th anniversary reception that was hosted at the
11 ABA annual convention in Atlanta in advance of the
12 president's coming and speaking. And, again, that
13 special acknowledgment and treatment and support were
14 greatly appreciated.

15 MR. SCHICKMAN: It was an honor to have you
16 there and to support the work of the LSC.

17 MR. EAKELEY: Thanks for spending your
18 Saturday coming up from San Francisco and joining us
19 today.

20 Any questions of Mr. Schickman?

21 (No response.)

22 MR. EAKELEY: All right. Thank you again.

1 MR. SCHICKMAN: Thank you.

2 MR. EAKELEY: We have one more public speaker
3 who should be here around noontime, so I think we are
4 on to our next agenda item, which are reports.

5 This is the last weekend of the summer and
6 it's been quite a summer. We are now in our 25th
7 anniversary year, or actually celebrating our 25th
8 anniversary throughout the year, we're probably in our
9 26th year if one were to count the time. And it's been
10 a very busy couple of months since we last met in
11 Denver, in June.

12 I attended a reception kicking off a new
13 expanded fellowship program jointly sponsored by the
14 Open Society and the National Association of Public
15 Interest Lawyers in the latter part of June at the Open
16 Society. OSI had given NAPIL a challenge grant, it was
17 a 50/50, but they added immensely to the number of
18 NAPIL fellows who are actually literally starting this
19 month around the country, including a NAPIL fellow in
20 my law firm. But it was just a very -- Mickey Kantor
21 spoke and it was just a nice additional element of a
22 growing collaboration between the Open Society and

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1 legal services providers and the pro bono community.

2 We had several meetings in Washington between
3 the June Denver meeting and the July 27th White House
4 reception and I think everyone at the table was at the
5 reception, which was just a wonderful, wonderful event,
6 but one of the reasons it was so wonderful was the
7 enormity of the staff effort that went into its
8 preparation and I just want to thank the staff here and
9 John I think is going to single a few individuals out a
10 little more directly, but this was a great effort, both
11 the White House reception and the subsequent reception
12 in the Gold Room at the Rayburn Building and, of
13 course, along with it went a lot of other media related
14 and logistical challenges that I think came off very
15 well and I was just very proud to be a part of it and
16 the recipient and beneficiary of all that planning and
17 effort, rather than having to really slog through all
18 of the details that were obviously necessary to pull
19 that off.

20 I also -- I've been invited to speak for the
21 last three years at the Junior Statesmen of America
22 program. It convenes in New York City at or near the

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1 United Nations and they have speakers from various
2 walks of life, most of them much more distinguished,
3 but I was invited to speak about access to justice and
4 it was fascinating to see how interested these young
5 people, all high school students, were in access to
6 justice issues and the legal services program. I was
7 almost swarmed afterwards by kids saying I want to be a
8 public interest lawyer after I get through college and
9 law school.

10 So it's just very interesting and I don't
11 think that we're merely the self-selection involved
12 with the junior statesmen organization, but I wish you
13 all could have been there to see it.

14 As we just mentioned, I attended my first
15 ever -- I was invited to speak and spoke briefly at the
16 ABA board of governors and then the next day at SCLAID
17 in connection with the annual meeting of the ABA and it
18 was again very heartening to see how much time and
19 attention and commitment is exhibited, are exhibited,
20 consistently by the American Bar Association in support
21 of our program and that alliance is alive and well and
22 we will continue to call upon SCLAID and the ABA

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1 because they are necessary partners, along with NLADA
2 and many others in this joint enterprise.

3 And I think that's the sum and substance of
4 trackings for the moment from this end of things.

5 Why don't we start going around the table with
6 you, Nancy?

7 MS. ROGERS: Thanks. I met yesterday or
8 the day before yesterday, with legal services lawyers
9 from throughout Ohio who were attending a conference
10 and wanted to talk about state planning and their
11 questions had to do with the direction of that, but
12 I think primarily interest in the congressional
13 direction -- they're hoping that the board can approach
14 anew some of the ways in which their practices are
15 regulated.

16 MR. EAKELEY: Anything else?

17 MS. ROGERS: No.

18 MR. EAKELEY: The new job going well, I
19 gather?

20 MS. ROGERS: Yes, thank you.

21 MR. EAKELEY: We wish you well on it, too.

22 Ernestine?

1 MS. WATLINGTON: The Pennsylvania State IOLTA
2 board and the Pennsylvania Legal Services Center met
3 yesterday in Pittsburgh, and some of the planners
4 there, to do their regional planning, so that's going
5 on pretty well. We've had some resignations of some
6 program directors, that may ease another area where it
7 was having a problem of merging together, so it seems
8 we are still in the working process.

9 MR. EAKELEY: Edna?

10 MS. FAIRBANKS-WILLIAMS: Well, everybody can
11 now call me and fax me again. My lines are back on.
12 My telephone man said it was a beaver. It was a cement
13 block building, but the lightning went in on the lines
14 and blew two transformer things, so now I'm back on.

15 MR. EAKELEY: Electrifying.

16 John?

17 MR. ERLNBORN: Mr. Chairman, as the board is
18 aware, I was appointed to chair a commission
19 established by the board to give guidance to the
20 corporation concerning limitations in the act in
21 relation to the provision of legal services to aliens.
22 And the commission has been working for a number of

1 month. We've completed the hearings and we are now in
2 the process of preparing the report.

3 Since the commission is composed principally,
4 if not entirely, by law professors, the summer gave us
5 a challenge of finding some of these law professors who
6 had the opportunity and had plans to get out of at
7 least their area and in some cases the country. It is
8 our fond hope and I believe that we'll be able to
9 achieve the goal of presenting a report to the board at
10 the November meeting.

11 I will not give you any hints as to what our
12 findings are, but I do believe that we can give you
13 those findings in report which is very far along the
14 way and there is no disagreement among the members
15 except as to how to actually word it and you know if
16 you have five or six lawyers, that's a very difficult
17 thing to get agreement on.

18 MR. EAKELEY: Bucky?

19 MR. ASKEW: All I would say, the ABA was in
20 Atlanta, my hometown, this summer. There was a huge
21 amount of activity there around the corporation. Our
22 peripatetic president was everywhere, I think, during

1 that week. Probably the major issue, it seemed, to be
2 at the ABA convention was legal services for the poor
3 in almost every setting.

4 It concluded with the president's speech.
5 Unfortunately, they had reschedule to accommodate his
6 schedule, so it was on Monday, rather than Saturday,
7 and a lot of people had gone home by then. Mr. Smegal
8 and I were the only two board members still in town,
9 along with John.

10 Five people were introduced at this event:
11 Hank Aaron, Andrew Young, the two of us and Mr. McKay.
12 It was a quite interesting. And then they had birthday
13 cakes outside for everybody to celebrate our
14 anniversary. It was really a wonderful event.

15 And the president and the attorney general
16 were there, so that convention was quite remarkable,
17 I think, in terms of the attention that was paid to
18 this issue in almost every forum that was held there.

19 I've also thanks to Mr. McKay gotten involved
20 in state planning in Georgia because the feedback
21 letter arrived right after the ABA convention, so I'm
22 now counselling the two program directors there to take

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1 this seriously, which they are going to do and I think
2 I'll be more involved in that than I thought I was
3 going to be, but I think it's going to work out for the
4 best.

5 MR. EAKELEY: Mary Luisa?

6 MS. MERCADO: Since we last met as a board,
7 we've had a committee meeting to search for the vice
8 president of programs and, of course, we're still
9 reviewing applications and nominees out there, people
10 who are experienced in the field, as to how legal
11 services programs work. We have not yet gotten close
12 to narrowing down numbers, but I know that President
13 McKay will be interviewing some folks and hopefully
14 we'll have someone working by November.

15 MR. EAKELEY: Mr. McCalpin?

16 MR. McCALPIN: Aside from fulfilling my role
17 as John McKay's hair shirt, I like Bucky --

18 MR. EAKELEY: Some of us know what he means by
19 that.

20 MR. McCALPIN: -- like Bucky, I have found
21 myself more deeply involved than I ever thought I
22 would be in state planning in Missouri. All I can

1 say is we have a lot to learn from the state of
2 Washington.

3 MR. EAKELEY: Let me just add to that a
4 little bit. I think that it really was worth the extra
5 time and effort to plan extra time in the field during
6 this visit and what was interesting to me was that our
7 interest seemed to be reciprocated and our presence
8 seemed to reinforce some of the best practices also.
9 But I think that we are bringing back a lot more than
10 we've left or we are leaving.

11 And, Nancy, just in terms of your comment
12 about meeting with some of your colleagues in Ohio over
13 state planning, I'm sorry you didn't get a chance to
14 come out and see for yourself the use of technology as
15 a tool in the context of an overall state plan with all
16 participants committed to a common cause.

17 But it's just been really a wonderful first
18 step out of Washington in conjunction with the 25th
19 anniversary and I want to commend John McKay for his
20 foresight and for his foresight for having grown up
21 here and having contributed to a place that he has now
22 returned.

1 MR. McKAY: Tom Smegal actually made the
2 motion to come here.

3 MR. EAKELEY: John is fobbing it off on
4 Tom Smegal, but the other thing I thought, John, was
5 very nice was just to see you in your hometown with
6 your family and your former colleagues and to see the
7 mutual admiration society that is so widespread here
8 and to know that we are a pale but none the less
9 enthusiastic reflection of what we have found here.

10 Mary Luisa?

11 MS. MERCADO: I was just going to mention, and
12 I know I mentioned this to the local program and all
13 the different partners in Access to Justice for the
14 state of Washington that they really shouldn't be shy
15 about the fact that there will probably be a lot of
16 people from across the country and particularly a lot
17 of the people who are going through the state planning
18 process that would like to use them as a model of state
19 planning and coordinating all those different efforts
20 because they really are way ahead of the game from a
21 lot of states and I would hope, one wish that I would
22 have is that all states would be at least at that level

1 right now. So you're very lucky and very fortunate,
2 the people and in particular their clients in the state
3 of Washington are very fortunate to have that
4 coordinated private and public funding.

5 MR. EAKELEY: Bill McCalpin, did I cut you
6 off, I fear?

7 MR. McCALPIN: No.

8 MR. EAKELEY: Okay. All right. Anything else
9 from members before turning to the president's report?

10 (No response.)

11 John?

12 MR. McKAY: Thank you. I would just like to
13 begin by following up on Maria Luisa's comment, to
14 thank her for it and to acknowledge that Debbie Perliss
15 is here from the Northwest Justice Project and to give
16 my personal commendations to Debbie for her individual
17 work at the Northwest Justice Project.

18 We've known each other for a long time in
19 different settings and Pat McIntyre commented on a
20 number of occasions how indispensable you are and I
21 appreciate your friendship and leadership and I'm glad
22 you're here to have heard our board members' comments

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1 and I know you will pass them on, as will I when I have
2 an opportunity.

3 And I want to mention that many other members
4 of the Access to Justice community would be here from
5 the state of Washington but for the fact that they are
6 simultaneously running an Access to Justice conference
7 in southwestern Washington which takes them away from
8 us and so, Debbie, thanks for being here and I know
9 you'll pass those comments on.

10 I would like to bring back on the record
11 here to the attention of the board and the participants
12 here our appropriations process, which always is
13 tremendously important to us. I think that Dick
14 Eymann's comments as president of the bar and Mark
15 Schickman's on behalf of SCLAID are really revealing as
16 we remember that the import of that is the closed
17 offices and the people that we're not serving because
18 we lack the resources.

19 In the analysis done in the state of
20 Washington for what is necessary to move towards full
21 access should be a reminder of the importance of what's
22 happening Washington, D.C. and we are, of course,

1 through the first part of the appropriations process
2 which is to now have appropriations numbers coming out
3 of the Senate at 300 million, which is our current
4 budget, 250 million out of the House, which would be a
5 substantial reduction, but we head now towards a
6 conference committee. The conferees have been
7 selected. It has not yet been scheduled, but we will
8 work closely with the administration, OMB.

9 I want to commend and thank the White House on
10 the record here and OMB in particular for their
11 assistance as we've gone through this process. I want
12 to thank and acknowledge the bipartisan support that
13 we've had in both houses of the Congress as we have
14 both continued to make our case and respond to concerns
15 raised, which I will quickly address in a moment.

16 We expect to rather shortly learn whether we
17 will be facing another series of omnibus bills and the
18 board will recall that last year we really came down to
19 a very last minute resolution of our budget because we
20 did face a series of omnibus considerations and we
21 think that is likely to happen again this year. So we
22 will keep the board informed via fax and e-mail and let

1 you know how this develops, but I want to assure that
2 Mauricio and his staff with the assistance of Jim Hogan
3 and others on our staff will be in close contact with
4 OMB and we will work with our bipartisan support and
5 keep you informed.

6 I am optimistic that the final number will at
7 least match our current appropriation, that is, the
8 Senate number. The amendment was not sufficient, as
9 everyone here is aware, but we had very good statements
10 on the floor of the House from the ranking member,
11 Mr. Serrano, that while he was unable to find the
12 offsets to 300 million, he felt the support was there
13 for 300 million and I think that is how the conference
14 committee will go. But, again, it will take our
15 careful attention, which we will give.

16 I'm going to move over to state planning
17 because it was mentioned here, I think the wishes of
18 the chair and of the board and also the chair of
19 provisions, Mr. Askew, was that we look at state
20 planning as it is played out in the field and some of
21 the -- hopefully opening the eyes of all us -- I
22 learned a lot and I know our staff did, John Eidleman

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1 is here and Carolyn Whorl -- to the next steps after
2 state planning, that state planning does not revolve
3 only around configuration, but that there are many
4 other questions implicated.

5 We will report to you again as I know the
6 board has requested in November when we're back in
7 Washington. Bob Gross will be here to again fill you
8 in on other developments in state planning, so I'm not
9 going to do that today unless any board members have
10 questions.

11 Strategic planning continues to be a major
12 focus of your staff. We are working very, very hard to
13 comply with the spirit of the results act and also I
14 think just prudent planning in any institution. We
15 know that the board is very interested in this and we
16 must have the board's input to strategic planning.

17 The broad mission part of strategic planning
18 is given to us by the board. Many other aspects of it
19 become business planning issues that will guide the
20 staff in its decision making process, so we welcome
21 that, appreciate it very much, and we will, I know,
22 report to you in substantial and I hope written ways in

1 November at the board's next meeting in Washington, but
2 we will continue to focus on that and I want to
3 indicate again my appreciation to the inspector
4 general's office for their assistance as we move
5 through strategic planning and the performance
6 indicator aspects in particular.

7 We are moving forward on the issue of our case
8 statistic reporting. I want to report to the board
9 quickly on that and indicate to you that we will be
10 meeting with the House Judiciary Subcommittee with
11 oversight responsibility on September 29th. We expect
12 to testify there in a broad fashion regarding the
13 corporation and specifically with regard to case
14 statistic reporting.

15 Let me just indicate that we first, of course,
16 acknowledge that this is a very serious issue that must
17 be addressed. The inspector general's audits now
18 combined with audits by the GAO and site visits by our
19 own compliance and enforcement unit do indicate to us
20 that in essence we are operating a system of case
21 reporting which does not adequately capture the
22 services and legal assistance being performed out in

1 the field.

2 The serious nature of the problem is that
3 within the terms that we've identified, case statistic
4 reporting, through a combination, I think, of unclear
5 guidance from the corporation itself and a lack of
6 attention in certain areas in the field, that we have
7 not had accurate numbers within that system.

8 This does not mean, and I emphasize that none
9 of the auditors have found fraud, none of the auditors
10 have found intentional conduct of any kind. We have
11 the kind of problem that any national agency faces when
12 it attempts to measure its performance in one way or
13 another.

14 So the helpful part of this is that we are now
15 in the process of doing two major things: one,
16 correcting the data in the best possible way that we
17 can that has already been gathered by our recipients
18 for '97, '98, '99 and simultaneously designing a new
19 way which will be acceptable to Congress within the
20 ambit of the results act and also Congress' oversight
21 responsibility and which fairly and accurately
22 describes the excellent work being done by our

1 recipients in the field under very difficult
2 conditions.

3 So we are working to do that. I want to just
4 highlight a couple of points in terms of our response.

5 With respect to correcting data, we know that
6 we do have that as a serious issue, so we did require
7 each of our recipients to perform a self-inspection of
8 1998 cases and their policies and procedures. The
9 majority of the programs have certified that their
10 policies and procedures are adequate and that 1998 CSR
11 data are substantially correct.

12 Our compliance and enforcement unit will be
13 following up on those programs which could not certify
14 and that is as it should be. We will ask those
15 programs to submit corrective action plans to bring the
16 current system into a more correct and accurate
17 situation.

18 We are also developing, and I think on a
19 looking forward basis, new case management systems
20 which are really standards to the field, without
21 dictating to them the specific software, for example,
22 but standards in reporting which will have the effect

1 of letting our field programs know exactly what it is
2 that we need to hear from them and that we can then not
3 require them to implement duplicate tasks in order to
4 provide us with basic information.

5 That is taking place under the leadership of
6 Ted Ferris, but all of our program staff are involved
7 in one way or another in both getting information from
8 the field and helping to provide the kind of guidance
9 that will be helpful to auditors and to our own staff.

10 The GAO has completed a survey of 80 of
11 our recipients. We have only within the last couple
12 of days received draft comments from the GAO with
13 regard to that survey. We did issue, I believe, two
14 days ago at the request of GAO an expedited response to
15 their draft report. We had very, very limited time in
16 which to respond, I think we had 48 hours at GAO's
17 request.

18 As always, we have been very compliant
19 with the requests of GAO. We are cooperating fully
20 with GAO. We welcome -- as difficult as some of
21 the conclusions have been by the various auditors,
22 including the inspector general and the GAO, we

1 welcome this inquiry and we will continue to support
2 the inquiry and make certain that we correct the
3 inaccuracies in our system and design a new one that
4 makes a lot more sense.

5 Finally, I want to report that as part of our
6 leadership responsibility to make sure that the design
7 of the system which is really an effort to understand
8 and categorize and accurately report the services being
9 provided to clients, that we needed to speak directly
10 to people who are doing that work. And so we convened
11 a meeting of a number of project directors in Dallas,
12 Texas to engage in that dialogue directly. We went
13 over the impact of the self-inspection, which has been
14 tremendous.

15 Every program that receives LSC funding had to
16 engage in a self audit of 1998 data. We know that took
17 away valuable management time and attorney time from
18 providing representation to clients and so we wanted to
19 get direct feedback from the recipients themselves and
20 I want to report to you that the contribution of those
21 project directors was very valuable to us, they were
22 very engaged in this issue.

1 I think that between the audits that are in
2 the field, the self-inspection required by LSC of all
3 recipients, the numerous opportunities we've had since
4 last summer to educate programs, to update our guidance
5 in the form of our CSRs, to bring project directors
6 together under the auspices of the ABA, NLADA and
7 directly to the corporation, that we have the attention
8 of the management of recipients as to the importance of
9 this issue. And I again finally emphasize for the
10 record that we know that the funding for our programs
11 comes from eligible poverty population and not the
12 number of cases and so we're not talking about an
13 incentive anywhere down the line among our recipients
14 to give us false information.

15 It is in my judgment having seen the reports
16 that have come from GAO and the inspector general and
17 our own compliance and enforcement that your system,
18 your field system, is being run by people who are in
19 all good faith and with limited resources trying to
20 serve clients and we've had to emphasize to them the
21 importance of reporting to the Congress and the
22 American public accurately the service we provide.

1 We are convinced now at this point that the
2 project directors have that clearly in their attention
3 and they will work with us to correct the data as best
4 can be done and to help us design a system that will be
5 very accurate and will describe the broad range of
6 services provided.

7 If any board members have any questions on
8 CSRs, I'd like to pause, Mr. Chairman, if I may, and
9 just answer any questions.

10 MR. EAKELEY: Hearing none --

11 MR. MCKAY: Thank you, Mr. Chairman.

12 We have completed now an internal pay study.
13 I have reported on several occasions to the board my
14 concern that over time internal compensation at the
15 corporation needed to be adjusted. We don't have a
16 final written report yet from our consultant who has
17 worked closely with Jim Hogan and Dave Richardson and
18 Joan Kennedy and all of our managers, but the finance
19 committee was briefed on some of those conclusions
20 which did include some individual adjustments to,
21 again, achieve internal equality where we had people
22 performing essentially similar functions with same

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1 educational background but may have had what we
2 considered to be unfair disparities in their
3 compensation.

4 The report also is recommending that the
5 corporation implement locality pay which Mr. Hogan and
6 Mr. Richardson briefed the finance committee on
7 yesterday. It is our intention once we know what our
8 management and administration budget will be next year
9 to implement on a phased-in basis the locality pay
10 recommendation. That decision has not yet been made,
11 but given the recommendation, if we have the funds
12 available, our intention will be to implement locality
13 pay.

14 We will have a new phone system. You may find
15 when you call that as we implement there are some new
16 procedures. I think you'll find them much more usable
17 and friendly. The problem with beavers we think has
18 been localized in Vermont, so we will be able to avoid
19 that problem.

20 Mr. Chairman, that constitutes my report. I
21 want to again thank my colleagues here in the state of
22 Washington which I still feel I am a member and really

1 appreciate the hospitality here, Debbie, and if you
2 would pass that on to folks, we are very grateful and
3 I'm personally grateful. And thanks for the weather.
4 I'm relieved.

5 MR. EAKELEY: Any questions of John McKay?

6 (No response.)

7 MR. EAKELEY: All right. John, thank you very
8 much.

9 Next, we'll ask our inspector general to come
10 to the table.

11 MR. QUATREVAUX: Mr. Chairman, members of the
12 board, good morning again.

13 I think I have to report to you about a visit
14 to Orange County, California because it did get some
15 press coverage and even though I agreed with all the
16 statements attributed to me, I hadn't made any. So I
17 thought I should say that.

18 I was invited to speak at an opening ceremony,
19 a kickoff ceremony, for a project which I think has
20 great vision. Our grantee in Orange County has
21 determined that their objective is to serve as many of
22 the eligible population as they can and to maximize

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1 that possibility to really employ some private sector
2 approaches.

3 It's hoped that their web site when it's fully
4 constructed will have information on every area of
5 practice relevant to poverty law. They hope to handle
6 as much of that as possible. In other words, as much
7 of the demand as possible, as much as poor people have
8 access through that medium to do that.

9 They envision -- and the circumstances there,
10 the environment, is as good as I've seen anywhere and
11 in making reference to the relationship with the
12 courts, the presiding judge of the Orange County
13 Superior Court and the family law judge drove 40 miles
14 to attend this little ceremony. The AOC there is one
15 of the more progressive in the country and they already
16 have had in certain areas electronic filing.

17 They're all working in concert. The public
18 library system, I had the pleasure of meeting the
19 director of the county library system and his view is
20 there should be a legal services kiosk in every public
21 library branch office.

22 So it's a wonderful circumstance, environment.

1 The vision is correct. They are moving out. They've
2 chosen domestic violence as the first area they want an
3 application and that will be placed in their view in
4 shelters and that's another member of the collaboration
5 there.

6 They hope to have by March electronic filing
7 of petitions for TROs available and then progress on to
8 the other applications.

9 There's another dynamic there that I think is
10 rather interesting. John McKay has told me on more
11 than one occasion that we can't advance technology
12 until we achieve through state planning an integrated
13 service delivery system and I agree with that. In this
14 particular case, though, as it turns out the initial
15 efforts have attracted the attention of other grantees,
16 first in the L.A. basin, two of those grantees, I
17 understand, have now joined the project.

18 I went back for a second meeting because it
19 was a meeting that attracted grantees and
20 representatives of grantees and organizations from
21 around the state, so it's quite possible that what
22 we're seeing is the precursor to the California legal

1 services web site. It's just very exciting and I wish
2 them as much success as possible.

3 Let me tell you that on a similar vein
4 yesterday I visited with Northwest Justice Project.
5 Dave Maddox, our director of information technology,
6 and I visited with the people who make things happen
7 there. We had an excellent discussion, learned a great
8 deal.

9 And one of the things I walked away with,
10 you can't possibly read this here, but it's a graphic,
11 it's a bar graph of web site hits from the time that
12 the site was opened approximately a year ago and you
13 can see the direction it's going. And I just want to
14 tell you that this high end last month exceeds 100,000
15 per month.

16 Now, if only 10 percent of those are LSC
17 eligible people, that's 10,000 clients. That's 120,000
18 clients a year. This is one of the impacts of
19 information technology, that the numbers are so
20 astounding.

21 As you probably know, about 20 percent of our
22 grantees have web sites and if we ever got to the state

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1 where we had a web site based on state code in all 50
2 of the states, they were delivering 100,000 services
3 per month, that's 5 million and a year, 60 million and
4 it just seems to me that if 60 million Americans saw
5 fit to visit a legal services web site in a year that
6 that might be persuasive information for Congress.

7 Edna?

8 MS. FAIRBANKS-WILLIAMS: They were counts of
9 hits, but were they able to sort the types of questions
10 or anything like that?

11 MR. QUATREVAUX: I don't know because I
12 haven't examined the materials, if we can actually get
13 to what percentage were LSC eligibles, but I do know
14 they are collecting information.

15 MS. FAIRBANKS-WILLIAMS: No, no. I didn't
16 mean LSC eligibles. I mean whether it was housing,
17 divorce --

18 MR. QUATREVAUX: Absolutely. Those numbers
19 and I have a whole packet of charts that have the
20 numbers.

21 MR. EAKELEY: In Orange County or elsewhere,
22 have you come across the design for self-assessment or

1 effectiveness or performance or what happens after a
2 hit and a downloading of some self-help materials?

3 Pat McIntyre had raised this in his
4 presentation to the provisions committee yesterday as a
5 necessary next step to evaluating how this is working,
6 how it can be improved, how people are using it or
7 whether they're using it and how effectively.

8 MR. QUATREVAUX: I'm pleased to announce today
9 that the Office of inspector general will conduct an
10 evaluation of the Orange County project, an evaluation
11 that has several different perspectives.

12 We have two consultants participating in the
13 evaluation now which really hasn't begun. Those
14 consultants, one is a specialist in kiosks, that's what
15 they do for the private sector, they go around and
16 critique them. And they will do the same with the
17 kiosks that are deployed by Orange County.

18 Of course, we don't want to do an evaluation
19 and write, well, gee, if you had just moved them back a
20 foot or something like that they would have been much
21 more effective, so we're providing that kind of
22 information in advance.

1 We are also going to look at it, and this is a
2 much longer range project, on an economic analysis
3 basis, or attempt to, anyway. Once this project gets
4 fully going, and it may take a year or so, then we
5 would begin to look at the economics, really cost
6 effectiveness is a term I prefer. How many more people
7 are we reaching, are we being effective. And then
8 last, unfortunately, because I think it does take time,
9 it's the most difficult, the third perspective would be
10 just what you say, attempting to answer the so what
11 question.

12 MR. EAKELEY: You mentioned in connection with
13 Orange County as well the notion that every library
14 ought to be equipped in one way or another.

15 My wife was chairman of our town's library
16 committee and we've installed several computers, but
17 those -- I mean, you don't need to have a separate
18 dedicated kiosk or piece of hardware in order to dial
19 up the Legal Services Corporation web site or find your
20 local legal services provider, I am assuming.

21 MR. QUATREVAUX: That's correct. That's
22 true for those of us who are familiar with the web

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1 and how to move around it. Many of our clients will
2 not be.

3 The kiosk presentation format needs to have
4 an interface, and these exist, between the web browsers
5 that we're familiar with and the user. And these are
6 the touch screen devices, the animation, the
7 multi-media, the video/audio overlays, and that sort of
8 thing.

9 A second factor is library staff resources and
10 the libraries, as much as they want to be supportive,
11 do have some concern that their staff might be
12 overwhelmed by teaching people basic web navigation.

13 So all those things argue in favor of
14 something separate, whether it's just a -- they argue
15 for a kiosk, I think.

16 MR. McCALPIN: Ed, I'm fascinated by your
17 statement of the 100,000 hits in a month and your
18 estimate of what percentage of those may be from income
19 eligible people and it leads me to wonder are we
20 through the use of these web sites backing into serving
21 a clientele much beyond the poverty clientele and, if
22 so, how do we claim credit or get grief from the

1 Congress for serving beyond the poverty population?

2 MR. QUATREVAUX: Well, I would first respond
3 that there are issues being discussed now regarding
4 eligibility determinations. The corporation's
5 management and some grantees are wrestling with this.
6 But in terms of serving people who are not eligible as
7 a by product, that by product comes at zero marginal
8 cost. These things were created to serve the poverty
9 population and if other Americans can benefit at no
10 cost to federal funds, then I think that could be seen
11 as a benefit.

12 MR. McCALPIN: How will we claim that credit?

13 MR. QUATREVAUX: I just also want to clarify
14 that I was speaking hypothetically with the one in ten,
15 just trying to demonstrate the scale here of the
16 potential.

17 MR. EAKELEY: If every project had a web site
18 and there were minimal publicity or communications to
19 the public generally about the availability of
20 information concerning access to justice that were part
21 of each state's state planning effort, then you have an
22 enormous quantum leap in the information available and

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1 accessible that in turn may lead some to secure greater
2 access. So it's just a phenomenal potential there.

3 MR. QUATREVAUX: And one of the things, I
4 think every organization should have a web site for
5 various purposes, but in terms of the delivery of legal
6 services, since so much of it is based on state code,
7 I don't think we want every grantee in every state
8 duplicating one another's efforts, but it really
9 reinforces the imperative of state planning, but it
10 also suggests, and we're not doing grassroots advocacy,
11 but it also suggests that the more effectively this is
12 done and the more effectively the state planning
13 process involves as many stakeholders as possible, the
14 greater we're going to see public support for access to
15 justice initiatives that are not limited to people 125
16 percent of the poverty line.

17 MR. McCALPIN: We are really backing into an
18 area that some of us have advocated to no avail over a
19 long period of time.

20 MR. QUATREVAUX: And without recommending
21 anything, I just point out that some of the
22 conversations that have taken place in conjunction with

1 eligibility determination is what do you do with
2 someone who is not eligible and perhaps the answer is a
3 reduced fee, sliding scale, all sorts of possibilities
4 and I know that's what you're alluding to.

5 MR. McCALPIN: All those things have been
6 talked about for years.

7 MR. QUATREVAUX: Right. Right. But that's
8 something for the future.

9 Let me, if I may, Mr. Chairman, make one
10 announcement for the benefit of our grantees related to
11 the CSRs. Most people probably know that the House
12 Appropriations Committee report conveys the expectation
13 that the Office of Inspector General by July 30, 2000
14 will provide an assessment of the accuracy and
15 reliability of the data, 1999 case data, provided by
16 the grantees.

17 We are just beginning to think about how we
18 are going to do that and I'm not sure even by November
19 we'll have all the answers, but we'll be much further
20 along and we'll give you a report then. But
21 preliminarily, one of the things we have learned with
22 the audits that we've done thus far is that there are

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1 some errors that can be detected in Washington, D.C.
2 with adequate documentation and some that require
3 on-site visits. And so we anticipate a combination as
4 we undertake this project.

5 One of the things that we will likely do, as
6 we do every time we conduct an audit, one of these CSR
7 audits, we asked the grantee before we visited them to
8 provide us with a listing of the cases that supports
9 the report submitted to the corporation. We plan to do
10 that for a large proportion of our grantees with
11 respect to their 1999 submissions, so I just want to
12 provide as much advance notice.

13 There are no details available at this time,
14 but that's something we're planning on doing. I hope
15 that message gets to the field because I think that may
16 be helpful in underscoring our seriousness with respect
17 to correcting the CSR system.

18 That concludes my report, Mr. Chairman.

19 MR. EAKELEY: Any other questions of the
20 inspector general?

21 Nancy?

22 MS. ROGERS: Back to the web site hits by

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1 people from all income levels, have we had any negative
2 feedback as the result of that?

3 MR. QUATREVAUX: Who is the "we"?

4 MR. EAKELEY: I think the report yesterday of
5 the provisions committee was that the CLEAR project has
6 a complaint telephone line or a means of collecting
7 complaints and there have been very few registered in
8 that sense, but there is no self-assessment -- is that
9 what you're asking about, Nancy? Or are you talking
10 about --

11 MS. ROGERS: No, I'm just wondering whether
12 the corporation or the associations from lawyers have
13 heard grumbling or is this a political problem or issue
14 for us in the future?

15 MR. EAKELEY: Apparently not. Not yet. Not
16 yet. Hopefully never.

17 Any other questions?

18 (No response.)

19 MR. EAKELEY: All right. Thank you, Ed.

20 Next, we have item number 9, consider and act
21 on the report of the board's finance committee.

22 Marie Luisa.

1 MS. MERCADO: Yes, Mr. Chairman. I think most
2 of you were at the finance committee yesterday, so I'm
3 not going to go into detail regarding the expenses
4 through June 30, 1999, other than to say that we are
5 within the scheduled expenditure. There isn't anything
6 that would be out of the ordinary. However, we do need
7 to adopt a revised consolidated operating budget for
8 FY '99 due to the fact that the received miscellaneous
9 funds, primarily from some litigation expenses that
10 weren't utilized, of \$117,700 and, as most of you saw
11 in the attachment that we had yesterday, those expenses
12 are noted in how they're going to be revised for the
13 budget in Attachment A, page 1. And I think we
14 discussed that pretty extensively at the finance
15 committee meeting, so I know we still have a lot of
16 other items to be presented for the board meeting.

17 M O T I O N

18 MS. MERCADO: Consequently, we would want
19 to -- I would move that the board adopt the
20 recommendation to revise the consolidated operating
21 budget to include this additional \$117,700 which would
22 now make the operating budget for \$302,215,614, which

1 breaks out to \$290,080,981 for the delivery of
2 legal assistance, \$9,958,211 for management and
3 administration, and \$2,176,122 for the Office of
4 Inspector General. That would be my motion as far as
5 adopting a new revised consolidated operating budget
6 for FY '99.

7 MR. EAKELEY: That also includes the interline
8 transfers within the management and administration line
9 that are presented in the revised budget.

10 MS. MERCADO: That is correct. Yes.

11 MR. EAKELEY: Is there a second?

12 MS. WATLINGTON: Second.

13 MR. EAKELEY: Ernestine.

14 Any other questions? We had actually a
15 plenary finance committee meeting yesterday almost.
16 Nancy wasn't there, I don't know whether Nancy has any
17 questions. And, unfortunately, Nancy, we didn't have
18 an opportunity to get you the new document, but --

19 MS. ROGERS: That's understandable and I will
20 simply abstain.

21 MR. EAKELEY: Any other questions?

22 (No response.)

1 MR. EAKELEY: All those in favor of adopting
2 the revised consolidated operating budget for 1999?

3 (Chorus of ayes.)

4 MR. EAKELEY: Opposed?

5 (No response.)

6 MR. EAKELEY: The ayes have it.

7 M O T I O N

8 MS. MERCADO: The other item, Mr. Chairman,
9 that we need to take care of also as well, and, again,
10 we had extensive discussion in the finance committee
11 and that was to adopt a temporary operating authority
12 for FY 2000 which basically just deals with the
13 management and administration line and the inspector
14 general's line and not necessarily the field granted,
15 because we don't know what the appropriations will be.
16 In that case, we are requesting a motion for the board
17 of directors to go ahead and grant a temporary
18 operating authority consistent with the FY '99 budget
19 of \$9,960,000 for the management and administration
20 line; \$2,181,000 for the Office of Inspector General
21 line.

22 MR. EAKELEY: As again presented in the

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1 spreadsheet distributed at the finance committee
2 meeting.

3 MS. MERCADO: That is correct. And all the
4 board members that at least were physically present
5 here, including Mr. Smegal of the committee, reviewed
6 that yesterday.

7 MR. EAKELEY: Let's get a second first and
8 then we'll get a question.

9 Is there a second to the motion?

10 MS. WATLINGTON: Second.

11 MR. EAKELEY: Ernestine.

12 Bill?

13 MR. McCALPIN: I'm sorry, I was not there
14 when this was discussed yesterday, but is this in
15 anticipation of the fact that there would not be a new
16 budget by October 1 and does it grant the authority to
17 act under conventional continuing resolution which
18 would authorize expenditure in the new year at the old
19 year level?

20 MR. EAKELEY: It includes that, but it is not
21 limited to it. Basically, we will not have another
22 board meeting until November and so we will not have

1 the opportunity to adopt a consolidated operating
2 budget for the next fiscal year until we're into the
3 next fiscal year and hopefully by then we'll also know
4 what the appropriation is and what it's status is.

5 So basically what this motion does is
6 authorize continuation of the rate of expenditure by
7 line item as currently presented in the revised
8 consolidated operating budget for the current fiscal
9 year. It's just a continuation of the status quo for
10 the next couple of months until we meet again.

11 MR. McCALPIN: What happens if the budget for
12 the next year is less than the one for this year?

13 MS. MERCADO: We have an emergency
14 temporary --

15 MR. EAKELEY: Yes. We have to convene a board
16 meeting by phone and --

17 MS. MERCADO: And revise it appropriately.
18 Which we've done before in the past, actually.
19 However, I do want to make a correction, Mr. Chairman.
20 I think we wrote down the wrong number for the
21 inspector general. It should be \$2,190,000.

22 MR. EAKELEY: Okay.

1 MS. MERCADO: Any other questions?

2 (No response.)

3 MR. EAKELEY: All those in favor of the
4 temporary operating budget for fiscal year 2000 say
5 aye.

6 (Chorus of ayes.)

7 MR. EAKELEY: Opposed?

8 (No response.)

9 MR. EAKELEY: The ayes have it.

10 MS. MERCADO: Mr. Chairman, the other item,
11 and I really won't go into detail for it, I think
12 the president covered it in his report, and that was
13 that we had a report on the pay comparability study
14 and they should have a written report to us by the
15 next board meeting. And that will have some budgetary
16 implications, as I understand it, regarding the
17 equalization of some of the different levels of pay to
18 different categories of personnel within LSC.

19 However, we don't have those particular
20 numbers and, of course, that is also dependent on
21 whatever the appropriations will be for this FY 2000
22 as well, so those are all contingents. We will

1 have that report in the November finance committee
2 meeting.

3 M O T I O N

4 MS. MERCADO: The other item which the
5 committee considered and acted upon, first of all, we
6 had a presentation by Don Saunders, the chair of the
7 civil division of the NLADA, in which the
8 recommendation of what is still called the funding
9 criteria committee of the NLADA for the budget mark for
10 FY 2001 and let me go ahead and distribute a copy
11 because we didn't have the actual written copy for the
12 committee members at the meeting yesterday, although
13 you did hear the discussion, all of you were present,
14 and I just want to make sure you have this for your
15 records.

16 Basically, the funding criteria committee and
17 ultimately the NLADA PAG which is now merged are
18 recommending a budget mark for FY 2001 of \$460,500,000.

19 Of course, the discussion and presentation by
20 Mr. Saunders to the committee was basically that this
21 would be at least as a minimum the budget mark that
22 would at least get us to the level where we thought we

1 were starting to begin a minimum access to justice
2 level. And the committee, through presentation by the
3 management and administration, through Mr. Richardson,
4 our comptroller, made a recommendation that the legal
5 services board recommend a budget mark of \$360,000,000
6 and that was approved by the finance committee and
7 consequently we are moving for the board, and as I
8 said, all of you were represent during that discussion,
9 maybe Bill may have left by then, but if there's any
10 other questions that you have about that --

11 The basic discussion on the \$360,000,000 mark,
12 even though we know that it is woefully not even
13 anywhere close to minimum access to justice, that
14 nonetheless we had to take a realistic approach as far
15 as the funding that we received last year and the
16 funding that we can expect to receive this year, as
17 opposed to wanting to get something that perhaps was
18 not within our reach, and in exercising due diligence,
19 that that seemed to be a better route to take and
20 consequently I am moving on behalf of the finance
21 committee to accept an FY 2001 budget mark of
22 \$360,000,000.

1 MR. EAKELEY: Is there a second?

2 MS. WATLINGTON: Ernestine.

3 Any questions or discussion?

4 (No response.)

5 MR. EAKELEY: Hearing none, all those in favor
6 of adopting \$360,000,000 as the budget mark for the
7 fiscal year 2001?

8 (Chorus of ayes.)

9 MR. EAKELEY: John McKay just pointed out to
10 me that the decision yesterday, Maria Luisa, was that
11 the adoption of the mark carried with it --

12 MS. MERCADO: Yes, it did have a caveat. Yes,
13 it did.

14 MR. EAKELEY: -- carried with it the condition
15 that the chairman be authorized to negotiate that mark
16 upward or downward, depending upon how our further
17 discussions with OMB and appropriate people in the
18 Congress suggest.

19 M O T I O N

20 MS. MERCADO: That is correct, Mr. Chairman,
21 and I apologize because we don't have a resolution for
22 you to sign, which I think is currently being drafted

1 right now, but it does include the language that gives
2 you the discretion to do that negotiation and the
3 finance committee did approve the motion in that
4 manner.

5 MR. EAKELEY: And Nancy and Bill, we had
6 done this last year also because this is preliminary
7 and tentative and, of course, if we could do more,
8 we'd like to. But if we have to do less, we need to.

9 MS. ROGERS: I understand.

10 MR. EAKELEY: Okay. So we now have on
11 the table a motion that I'll ask Ernestine to second
12 again in a minute which is to adopt as the corporations
13 FY 2001 budget mark \$360,000,000, subject to
14 authorization of the board chair to revise that mark
15 upward or downward, depending upon how further
16 discussions and negotiations with the administration,
17 OMB and appropriators may deem advisable.

18 MS. MERCADO: That's correct.

19 MS. WATLINGTON: And I second it.

20 MR. EAKELEY: Any further discussion?

21 (No response.)

22 MR. EAKELEY: All those in favor?

1 (Chorus of ayes.)

2 MR. EAKELEY: Opposed?

3 (No response.)

4 MR. EAKELEY: The ayes have it.

5 MS. MERCADO: And that's the end of the
6 finance committee report.

7 MR. EAKELEY: Thank you very much.

8 Before we move to the next item, let me just
9 make -- I think what we're going to try and do because
10 we got a bit of a late start, for which I apologize, is
11 to go through until 1:00 and see how far we get and
12 then break for lunch then. I don't intend to take any
13 breaks before that break, which means that everyone
14 is -- well, unless -- I'm sorry.

15 MS. MERCADO: Our court reporter.

16 MR. EAKELEY: How are we doing?

17 THE COURT REPORTER: We're fine.

18 MR. EAKELEY: We're fine? Then anyone else
19 who wishes to get up and walk around and come back or
20 whatever is invited to do so when necessary.

21 Next, the report on the provisions committee.

22 Bucky?

1 MR. ASKEW: Thank you, Mr. Chairman. I
2 believe every board member that's here today, including
3 Nancy, was there yesterday and looking around the
4 audience, I think most of the audience was there
5 yesterday, so I won't belabor you with a repeat of what
6 happened. I will make a couple of comments.

7 We did hear from Chief Justice Guy of the
8 Washington Supreme Court who made a very thought
9 provoking presentation to us, I felt, and offered a
10 challenge to us to join with him and some others in
11 some efforts he's interested in. And then we had the
12 field presentation from the Northwest Justice Project
13 from Pat McIntyre and Joan Kleinburg about the program
14 that actually many of us had the opportunity to observe
15 the day before.

16 And I should tell you that we had thought
17 about this in advance and told Pat that we're going to
18 take the transcript of yesterday's meeting, combine it
19 with a little information on CLEAR and circulate it,
20 along with the transcript of the Denver provisions
21 committee meeting on state planning to every legal
22 services program in the country.

1 We felt that those two presentations were so
2 thorough and compelling that every program should have
3 the opportunity to read about what Colorado is doing in
4 the area of state planning and what Washington is doing
5 in the area of centralized intake and expedited
6 service. So Pat was aware of that when he made his
7 presentation yesterday and so we're going to package
8 that as quickly as we can and get it out.

9 But I think just speaking for myself, after
10 visiting the program and hearing from them yesterday
11 how impressed I was with what they're doing, how
12 thoughtful their approach has been, how they are
13 addressing the problems that have come up and they're
14 quite open in acknowledging there are still other
15 things that need to be addressed, but they are
16 approaching those in a very thoughtful way.

17 I did and I think most board members and staff
18 members did two things when we were there on Thursday.
19 One, sat in on some actual client interviews after
20 confidentiality rules were established with the client,
21 which was really quite remarkable to hear the advocate
22 I was sitting in with deal with two clients and solve

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1 about four problems for these two clients in the course
2 of about 20 minutes.

3 And the woman that I sat in with was a 25-year
4 paralegal who told me three years ago she was
5 completely intimidated by the prospect of this, both
6 because of the technology that was going to be used and
7 require her to become expert with the technology, but
8 also her fear of what this was going to mean in terms
9 of the loss of direct, face-to-face contact with
10 clients and that she is now a convert to this system,
11 mainly because she can solve so many more problems in a
12 much more efficient way and help so many more clients
13 in her everyday work. It was quite impressive to
14 watch.

15 Another side product of this which Ed would be
16 interested in which I found interesting was that one of
17 her cases, one of her clients called her after he had
18 downloaded forms from the administrative office of the
19 courts in Washington, called her back and said, "I
20 can't fill out this form."

21 And she said, "Why not?"

22 And he said, "It doesn't make any sense."

1 And so the advocate pulled up the form on her
2 PC and in fact discovered that the AOC had published on
3 its web site the wrong form for a dissolution case and
4 so they contacted the AOC to make them aware of this,
5 that they had put the wrong forms on there. So this
6 not only affected this particular client, but obviously
7 anybody who is accessing the AOC web site. It's quite
8 interesting to watch.

9 One thing they are asking every client do you
10 have access to a PC, either personally or can you go to
11 a library. And they find it much more efficient if the
12 client can do that and they can look at the screen
13 together and they can walk the client through the form
14 while they are both looking at the same information on
15 their screens.

16 And more and more clients, they're finding, do
17 have access, are both knowledgeable about the Internet,
18 but do have access to a PC in some way, and so they are
19 beginning to do that more often and that makes it even
20 more efficient when they can help the client walk
21 through the forms that are in front of them on their
22 computer.

1 The second thing I did, and I was able to do
2 this without Mr. McCalpin's help, is I walked through
3 their web site and solved the client's problem on my
4 own. I must say I felt very competent when this was
5 over. They gave us a simulated file and a statement of
6 a problem a client brought to a program and put us in
7 front of their web site and asked us to identify what
8 advice we would give the client or what forms we would
9 lead the client to. And it was very simple to do.

10 I was quite impressed by how much substantive
11 information there is on their web site and how easy it
12 is to access, both for someone as incompetent as me,
13 but also for a volunteer attorney or even for a client,
14 I think, to access and get information off their web
15 site of a substantive nature, not just where to go to
16 see someone, but actually download the forms, use the
17 forms and move their matter forward, either on a pro se
18 or other basis. It was quite impressive to observe.

19 It's raised ideas for me that I asked Pat
20 yesterday about and Maria mentioned about encouraging
21 some other program people to come and see this for
22 themselves rather than read about it or hear about it

1 thirdhand, to come observe it and I asked Pat if it
2 would be too much of a burden on him and Joan and the
3 rest of the staff to host people here, to show them
4 what they're actually doing, because I think they
5 really are ahead of the game from what I know about
6 what's happening in this area.

7 We had to end the committee meeting early
8 yesterday, it was not early, on time by the schedule,
9 but before it was completed because they had to set up
10 for the pajama party and I must say for those who went
11 to bed early if you didn't get to see Mauricio and Don
12 Saunders in their pajamas last night, you missed quite
13 a scene about 10:30. But we had to end before the
14 presentation was over and we had asked, I had asked
15 through Mike that John Eidleman give us an overview of
16 what's happening with client intake or intake systems
17 and programs other than NJP and we didn't get a chance
18 to see that yesterday and we were also going to hear
19 from Mike about technical assistance grants to
20 programs.

21 So in talking to Doug, we decided we would go
22 ahead and end the meeting yesterday and carry that over

1 to today's meeting and hear from both of them at the
2 board meeting today, since we couldn't get it done
3 yesterday.

4 So I'm going to ask the two of them to come
5 forward and we will finish up the provisions committee
6 meeting report by hearing the report from the two of
7 them.

8 MR. GENZ: Mr. Chairman, honorable members of
9 the board, good morning. It's been five months since
10 the launching of the board initiated program for
11 technical assistance grants, small technical assistance
12 grants, to assist in the state planning effort.

13 As you know, there were grants to 13 states
14 with \$150,000. My purpose today is to briefly review
15 five months later what's happening with those grants
16 and how they're going and I'm doing that in Bob's
17 stead, who is ill and regrets that he can't be here.
18 He's done a tremendous job along with the program
19 council for all of these states in getting this moving,
20 as have the folks in the states.

21 We're very enthusiastic and we're very pleased
22 about the progress of what's happened in these efforts.

1 What we've seen is the substantive effects that have
2 occurred. We're very pleased at what's happened in
3 terms of the potential that these have to increase
4 access and to increase the quality of the services that
5 are given to our clients and to our client community.

6 As you know, these efforts weren't all
7 exclusively funded with LSC funds. A lot of what we're
8 proud of is that it leveraged other efforts and in some
9 cases it added to what was done and what could be done.

10 One category where this work has been helpful
11 is in improving access, such as in intake programs and
12 the like. New York State, for example, they chose to
13 concentrate on the intake issue, to develop that, and
14 what they're going to have three weeks from now is a
15 conference, a statewide conference, to deal extensively
16 with intake.

17 What they'll have is they'll have four models
18 of excellent programs in front of them and then they're
19 going to break into the regional groups and each region
20 will address what they have now and begin their process
21 of where they should move from there in the intake
22 procedure.

1 In Colorado, as you know, with the merging of
2 the programs, they're interested in intake also and
3 they've used these grants to send people first to
4 Orange County and then right here to Seattle to look at
5 these models as their first steps in developing new
6 intake systems.

7 In Ohio, we have a situation where one small
8 hotline system is being expanded in conjunction with
9 the state plan so it can serve more people and what
10 they've done is brought in a consultant, Wayne Moore,
11 to help with that operation.

12 Another thing that these programs have done is
13 to assist in bringing people together in the state
14 planning effort itself. In Pennsylvania, the grant is
15 being used for a consultant to help with the state
16 planning effort. Another part of the Pennsylvania plan
17 was to have a thorough evaluation of one program that
18 in terms of state planning purposes they believed was
19 necessary to know what to do with that region in
20 Pennsylvania.

21 In North Carolina, the process had stopped.
22 The planning council wasn't working and the funds in

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1 North Carolina are being used to jump start the process
2 by having two -- two consultants have been hired there
3 and are already working on that. One is to coordinate
4 the efforts and one is to facilitate the meetings so
5 that there are and will be monthly meetings in North
6 Carolina.

7 MS. MERCADO: I'm sorry, what are the monthly
8 meetings for?

9 MR. GENZ: Monthly meetings of the state
10 planning council in North Carolina.

11 The next that it's addressed to is
12 strengthening connections with the private bar pro bono
13 efforts. In Maine, the web site is being expanded so
14 the pro bono attorneys will have special and exclusive
15 access to pleadings and briefs and memoranda and other
16 contacts on the web site. That will not only be
17 helpful to their work, but it will also encourage more
18 participation in that area.

19 In Ohio, the regional plan around Dayton
20 called for a pro bono effort to be consolidated
21 throughout that area, so the Dayton pro bono program is
22 being expanded, again, with the funds that come out of

1 here. Another aim for this has been to harness
2 technology, to increase access and to increase quality
3 of representation and communication among the parties.

4 Again, in Maine, their funds are being used
5 to expand the web site that they have there so that
6 pleadings can be done in the family law area from forms
7 and generated instantaneously. That work in Maine,
8 both the pieces in Maine have already been completed
9 with this grant.

10 In Colorado, because of the merger, there's
11 going to have to be a new centralized case management
12 system and people have been sent to be trained to work
13 on that so it will be when the merger occurs that
14 they'll be able to step up and have the one system
15 working.

16 In Nebraska, there's a completed statewide
17 technology plan that our folks have reviewed and it
18 addresses all of the concerns in an appropriate way
19 from where Nebraska started for state planning and
20 it's something that can be used as a model in other
21 places for a place of starting at the level where
22 Nebraska is.

1 The next topic is to help increase resources
2 through fundraising. In the bay area of California,
3 they have hired a fundraiser to assist so that when
4 that program is consolidated and together, they will
5 already have the first steps of fundraising planned by
6 identifying potential funders and strategies so that
7 they'll be able to start out on that and work together
8 with that.

9 Efforts are just beginning in Mississippi.
10 They have just hired somebody to start working on a
11 statewide effort in Mississippi. It's certainly very
12 needed in that area.

13 The last category has been assisting with
14 mergers, with the merger efforts. In Ohio, the Toledo
15 Legal Aid Society and ABLE, we're talking, we're
16 working on it. The mediator was extremely important to
17 make that merger happen and our funds contributed to
18 the mediator and the mediator's efforts.

19 Funding has also assisted the bay area with
20 their consolidation efforts.

21 In Colorado, technical assistance funds have
22 been used for the consultant and will be used for the

1 initial conference that will mark the beginning of the
2 consolidated Colorado program.

3 As you can see from these, they vary in
4 character from place to place, depending upon the
5 identified needs of the area. We are very enthusiastic
6 about what's happened and what's been possible and
7 we're in the process of seeing how we can expand that
8 effort. We don't have additional grant funds, but
9 we're looking to M&A funding to hire consultants to
10 continue this sort of work for an additional pool of
11 money.

12 Projects that we're looking to in that effort
13 to continue what we believe is this very good and
14 helpful work are for fundraising in two or three of the
15 southern states, for facilitation of state planning
16 effort by hiring consultants where we think it's most
17 appropriate and necessary and the time is right in four
18 or five states, and then working on access via intake
19 or the pro se system in three more states. Merger
20 assistance and technology efforts are also among the
21 ones that we're considering here.

22 Thank you.

1 MR. ASKEW: Thank you, Mike. I've heard a lot
2 of very positive comments from the field about the
3 availability of these funds, the helpful nature, the
4 leveraging nature of these funds, so that's good work
5 and we hope additional funds can be made available.

6 I'm going to now turn it back over to the
7 chair. We're going to pause on our committee's
8 presentation.

9 MR. EAKELEY: Before we get off that, I just
10 want to commend you and the staff. There's a lot of
11 progress that's included in your report in some areas
12 where we might not have expected so much progress and
13 that is reflective of the very hard work and dedication
14 that you and Bob Gross and Carolyn, I think of Nebraska
15 in particular, but I won't name names.

16 But anyway, let me interrupt and, John,
17 forgive me for interrupting your presentation a second
18 time and call to the table Congressman Jay Inslee.

19 Mr. Inslee represents the 1st congressional
20 district in the state of Washington, although a few
21 years ago he represented the 4th congressional district
22 and in between was in private practice and also after

1 that the regional director of the Department of Health
2 and Human Services for the region.

3 It's a pleasure to have you here.

4 Congressman Inslee is a strong supporter
5 and friend of the Legal Services Corporation and
6 we're really flattered that you've taken time out of
7 your Saturday, especially since you've got to go back
8 to Washington shortly, to join us here. And we are
9 delighted to be here ourselves, by the way.

10 MR. INSLEE: Thank you and thanks for letting
11 me be your official greeter to the great state of
12 Washington. I have a couple of goals: one is to tell
13 you how much I appreciate your work and the other is to
14 get you out in the sunshine. September in Seattle is
15 really a unique event and I hope you enjoy it.

16 I do want to welcome you here to the state and
17 the reason I did take some time off this Saturday is
18 because I really appreciate personally your individual
19 efforts and those of your compatriots and associates in
20 this endeavor. And I feel that way for several
21 reasons, I just want to tell you, because you don't
22 hear that enough, I don't think, for the kind of work

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1 you do and the people who work with and for you.

2 There are three reasons I want to tell you why
3 I appreciate those efforts. One is personal and that
4 is that I cut my teeth as a young lawyer over in
5 Yakima, Washington, sort of a rural -- you know, not on
6 the higher end of the income scale type of an area in a
7 sense and got to make very good friends with some of
8 the folks who did this kind of work in Yakima as a
9 young lawyer, many of whom are still doing that kind of
10 work.

11 And I want to tell you that when you think
12 about people who practice law, these kind of people who
13 have dedicated their professional live to this work, I
14 really admire and respect as much as anybody else in
15 the law. And you don't see their names in the
16 headlines very often, frankly. But when I see the kind
17 of work they did for people in desperate need, it
18 really to me epitomizes the best of lawyering that
19 there is and they're not seen frequently enough as sort
20 of the stars of the profession and they should be
21 because I can tell you, when you get somebody's car
22 fixed that they couldn't get fixed because somebody

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1 ripped them off, that is as big a lawsuit as the
2 Microsoft antitrust lawsuit. It really is. And I've
3 seen people do it and you've got to tell them that
4 their work is appreciated by at least one member of the
5 U.S. Congress.

6 The second reason I appreciate your work is a
7 national one and I'm going to suggest that you point
8 this out to some members of the U.S. Congress when
9 you lobby them in the future, but on the bar of the
10 U.S. House of Representatives, it's a nice wooden
11 paneling, I don't know what kind of wood it is, but it
12 looks kind of nice, there are five words that are
13 inscribed in the bar and I think that they're sort of a
14 basic synopsis of the values of the country and that
15 the House and Congress as a whole is supposed to
16 espouse. There are five words and those words are
17 union, peace, tolerance, liberty and justice.

18 And I think you should remind members of
19 Congress that that's a basic American value and if you
20 don't get access to the 517,000 people in my state who
21 are eligible for your services, there's no justice.
22 You know, you can't get the keys to the courthouse, you

1 don't get into the courthouse, there is no justice, no
2 matter how good and well paid and well trained the
3 lawyers or judges are, if you're not in the forum,
4 there is no justice and I hope you'll remind people of
5 that value when you continue your lobbying efforts.

6 The third reason I want to thank you is a
7 regional one, to suggest to you that you're in the
8 right state for your meeting because we gave to the
9 nation a real champion for access to justice at one
10 time and that is Justice William O. Douglas who grew up
11 in Yakima, Washington and got his values about sort of
12 taking care of the little person who doesn't have
13 access to the legal system underneath the railroad
14 trestle of the Nachez River in Yakima, because when he
15 was a kid he used to spend a lot of time down on the
16 river messing around as kids do and he got to know the
17 hobos during the depression underneath the railroad
18 trestles on the Nachez.

19 And he got to learn about the relationship
20 between the powerless in society and the powerful and
21 to him that was not an abstract issue, it was the issue
22 between these men, many of whom had to leave their

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1 homes and children just so the kids could get fed.
2 They didn't want to have another mouth to feed, so they
3 had to leave home during the depression. And that was
4 the relationship between those guys and the bull who
5 worked for the ex-robber barons in the railroad. That
6 was a very personal relationship of his.

7 Whatever you think, and I don't mean to
8 espouse all of the justice's ideas because we don't
9 think totally alike, but the state of Washington gave a
10 real champion of trying to provide access and I'd just
11 point it out and I'm glad you're in the state.

12 Let me turn if I can, just a couple of
13 comments about your current status in Congress. I
14 think passage of the Serrano amendment with a good
15 margin was a really good sign for your efforts and I
16 think your efforts have been very well targeted, well
17 thought and effective in trying to present your
18 position to the U.S. Congress recently and I think the
19 Serrano amendment's passage was indicative of that.

20 I was surprised at the lack of vitriol during
21 the debate, actually the lack -- the relative absence
22 of sort of a philosophical diatribe against your

1 efforts. And I know it may have seemed acidic to you,
2 but having seen what has happened in the past, I
3 actually think the tide has turned at least to some
4 degree.

5 Now, I know we had this little public
6 relations situation and I don't suggest public
7 relations on this information sharing that has gone on
8 which caused you a little controversy and crisis, that
9 didn't help public relations, but it always kind of
10 surprised me, some of your critics that criticized you
11 for overstating the number of cases you did were
12 frankly in their philosophical orientation, the fewer
13 cases you do, the better off. So I didn't totally
14 understand their critique.

15 Nonetheless, I wouldn't suggest it as a
16 lobbying technique, but I think that -- I do think that
17 there has been kind of a positive change in getting
18 this message to some folks in Congress and not to sound
19 too partisan but a lot of your critics are on the other
20 side of the aisle and I think the efforts you have made
21 in getting their friends in the country clubs to talk
22 to them, to tell them individually that they're

1 expected by their community to help this effort has
2 been effective and I think you ought to keep it up,
3 that very personal effort. I've seen in the state
4 delegations some changes of mind in that regard.

5 So I just come telling you I think there's
6 actually been kind of a modest turn in the right
7 direction, no matter who is in charge of Congress and I
8 won't make any pitches on who should be because that
9 would not be a surprise to you. But in any event, I do
10 think there's some good news out there.

11 But I would love to stand for questions
12 because, as you know, I could talk for hours. Perhaps
13 I could stand for questions the board may have, if that
14 makes sense.

15 MR. EAKELEY: That would be welcome.

16 How can we do better than we're doing now with
17 the Congress, given that the -- there is this hard core
18 of opposition that has been with the program throughout
19 our existence and sometimes it's more dominant than
20 others, but John McKay has done, I think, a brilliant
21 job with Mauricio Vivero and a lot of help from a lot
22 of friends, winning over one by one the support that's

1 necessary to create a majority of support, and yet
2 we're not -- I guess maybe it's just our natural
3 impatience even just to get back to the high water
4 level mark of \$415,000,000, where we were in 1995,
5 seems to be an elusive goal at the moment. And then we
6 still have the restrictions and we can't talk about
7 them on the record, of course, but we need to find ways
8 to build constituents to progress now that we have, I
9 think, survived.

10 MR. INSLEE: Well, I'm going to give you --
11 the bad news is that it is a one-by-one, step-by-step,
12 member-by-member approach. I don't think that there's
13 any magic national kind of media buy you can make to
14 change the tide of congressional opinion on this. I
15 really do believe it's a person-by-person approach.

16 But I'll you, every single member of the
17 U.S. Congress is friends with three lawyers. I know
18 they will never admit that publicly, but they are.
19 Every member of the U.S. Congress is friends with at
20 least three lawyers. And every one of those three
21 lawyers ought to have a professional commitment to
22 access to justice and you'd be surprised, I think most

1 of them do, even across ideological and across
2 political boundaries.

3 And I think the goal of this organization,
4 frankly, and the goal of those who share my views, is
5 to find those three lawyers who are friends of each
6 member of Congress who will talk to them at their club
7 or their normal haunts about the importance to them
8 personally of access to justice and that they expect
9 them on a personal basis to support access to justice
10 very personally.

11 What I have found is that if you have a lawyer
12 who is sort of -- you know, they've been president of
13 the chamber, they're on the board of the bank, you
14 know, they led the rotary drive, and they have three
15 friends who are lawyers. And they're known in their
16 community.

17 And I'll tell you what, if those three lawyers
18 sit down at a lunch table, three lawyers and one member
19 of Congress, and they say Henry or Mary Anne, frankly,
20 we expect you as a member of our community to
21 support this community effort just like you did for
22 rotary, just like you did for the chamber, just like

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1 you did for Kiwanis, now you've got to do it for legal
2 services, because we believe that is an integral part
3 of this community and an integral part of the
4 functioning of the community.

5 And, you know, in a sense, it's social
6 pressure. And I know that doesn't sound like rocket
7 science, but I can't stress enough how effective that
8 can be. If you get the right two or three people or
9 one person for that matter and talk to a member of the
10 U.S. House, you can change minds like you would be
11 amazed and it's just finding those individuals who will
12 try to create that personal message to the member of
13 the U.S. Congress.

14 It doesn't take money, it doesn't take media,
15 it just takes those personal relationships, telling him
16 that we expect you to do this, this is a community
17 obligation, just like all the other things that you've
18 done for your community.

19 And I've seen it work many, many times, so I
20 would just urge you to keep it up, but it's one by one,
21 it's very labor intensive, obviously.

22 MR. EAKELEY: Any other questions?

1 Nancy?

2 We have Nancy Hardin Rogers on the phone from
3 Ohio.

4 MS. ROGERS: Thank you very, very much for
5 coming and I don't have questions, but I sure
6 appreciate the support and advice you've given us.

7 MR. INSLEE: And on the restrictions, just let
8 me comment on it, I come from an area where I've seen
9 those restrictions really impinge on the ability for
10 people really to get access to justice, so I have
11 concerns about that.

12 I will stay on the other hand that if that's
13 what it takes, at least in the short run, to build
14 political support for this organization, you know,
15 maybe that's going to be necessary for a few years
16 because we need to build political support for this
17 organization, this basic message, and I believe there
18 will come a time when Congress will revisit that issue.
19 But we're in that growing phase right now and I'd just
20 encourage you to keep that one member at a time
21 approach and keep at it and I'll keep doing my part.

22 MR. EAKELEY: John Erlenborn.

1 MR. ERLNBORN: I do have a question. I
2 joined the board most recently at a time when the
3 restrictions were being considered and I was asked when
4 I was -- actually, I was just awaiting my confirmation
5 at that time, but I was asked by some of the board
6 members what can we do to advance our cause with the
7 Congress and I said, well, one thing you would like to
8 do regardless of how you feel about the restrictions is
9 to see that they are complied with and enforced by the
10 corporation.

11 I was very pleasantly surprised, very much
12 surprised, to find out that the board was already
13 drafting regulations to implement the restrictions
14 with that very thought in mind.

15 Whether you like the restrictions or not, they
16 are the law of the land and it's the obligation of this
17 corporation to enforce them.

18 I wonder if that is recognized in the
19 Congress, that this board, liberals, conservative,
20 Democrats and Republicans, have all had the attitude
21 that we must do that which is required of us and we
22 have done it and I think done it quite well.

1 MR. INSLEE: I think it is, not maybe
2 consciously, but unconsciously, and the reason I say
3 that is the absence of people attacking the board for
4 violating those restrictions. I think the absence of
5 that shows that people believe that there's compliance
6 because, believe me, they would be after you with a big
7 hammer if they could find a place to pry that shell
8 loose.

9 And I would have to tell you, as much as I
10 think the restrictions are inappropriate in a lot of
11 cases, I think you are well advised to follow them
12 because your enemies are just going to be looking at
13 you with a fine toothed comb and you just can't afford
14 that type of injury to the organization or the
15 activity.

16 So as much as many of your old and young
17 advocates chafe under those, you know, I think you
18 could say at least a friend of theirs suggests you've
19 got to honor them for the long term benefit of this
20 effort. And I would tell them that personally. You
21 can tell them at least one member of Congress says
22 that. It's the law and politically it's the smart

1 thing to do over the long term. But I'll be making
2 efforts to elect some people next fall that could
3 hopefully change some of those, too.

4 MR. EAKELEY: Bucky Askew?

5 MR. ASKEW: Congressman, most of us have been
6 involved in legal services for a long, long time and we
7 came out here, many of us, Wednesday night so that we
8 could spend Thursday at the Northwest Justice Project.
9 And I should tell you that you should have great pride
10 in what's going on in this state and should have no
11 hesitancy to tell your colleagues about the quality of
12 the program here.

13 And one thing I might suggest to you when
14 you deal with colleagues who have concerns about
15 legal services is encourage them to go home and meet
16 the advocates or go visit their program and see for
17 themselves rather than what they're told by others is
18 going on and make a firsthand visit to their program
19 and I think that might effect a lot of change in some
20 minds because most programs, many programs, are like
21 the program in this state and I think a lot of those
22 concerns would fall away once people see the reality of

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1 what's happening for poor people and the commitment of
2 people who work in these programs to high quality legal
3 services.

4 MR. INSLEE: I will do that and I know
5 personally a lot of the folks involved in like the
6 CLEAR project, which you may have heard about, the
7 intake process.

8 There's a lot of great things going on here
9 and as a member of the bar, I am proud of it and a lot
10 of other members are, too. But let me reiterate, and
11 not to disagree with you, but to reiterate in
12 convincing members, there are many members of Congress
13 who even if they thought this was the best run
14 organization in the world, the most efficient, the most
15 user friendly, the most consistent with legislation,
16 they would still be philosophically opposed to this and
17 that is a kernel you can only break by having their
18 friends talk to them and that's why I'm saying I think
19 it's very important and they have friends in the bar
20 who understand the importance, if they get the fact
21 that there is social pressure on them to perform this
22 community service, they will change their minds.

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1 So I guess both of them are important and I'd
2 be happy to take folks to Yakima or other places.

3 MR. EAKELEY: Ernestine?

4 MS. WATLINGTON: How important a role do
5 you think clients play when they go before their
6 legislators and tell that it's important? Do you
7 think that that plays a significant role in getting
8 them to change their mind, as they are the voters?

9 MR. INSLEE: I'm trying to give you a candid
10 answer. Would you like the candid answer?

11 MS. WATLINGTON: An answer, yes.

12 MR. INSLEE: I mean, obviously, there is an
13 importance. When you're sitting as a hearing table and
14 someone comes before you and tells their tale of woe
15 and how it got resolved through the good graces of this
16 organization, you know, I think that has a value. I
17 really do. And it's important to do that, too.

18 But, again, I want to come back to this,
19 there will be many people who will sit on this side
20 of the table with me who are my colleagues who will
21 hear a terrible tale of woe who frankly are not going
22 to be affected by that. They just are not going to be

1 affected by that. They are going to be affected by
2 being convinced that their friends expect them to help
3 solve this problem because they are going to listen to
4 some people they have lunch with and play golf with,
5 frankly, as much as people who almost -- and I'm being
6 very candid here, this is painful to say, but they
7 almost feel it's from a different world. They don't
8 connect as much.

9 You know, people who live in poverty are
10 almost in a different universe, I have found, from
11 folks who live in economic good times. It's almost
12 like people who live in have good economic times just
13 can't contemplate the struggles folks go through. And
14 so it's almost like they come from different universes.

15 They have a hard time understanding, well, why
16 didn't you go look for a job? What do you mean, your
17 car wouldn't start? What do you mean, you can't -- you
18 know, I mean, they just can't contemplate it.

19 So I'd just come back to this message I want
20 to leave with you is work through their friends and
21 they've got friends who are with you, you've just got
22 to energize them.

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1 MR. EAKELEY: That's a very positive note on
2 which to leave and to thank you.

3 MR. INSLEE: Thank you.

4 MR. EAKELEY: We'll look forward to working
5 with you in the future.

6 MR. INSLEE: Right. And thank your troops,
7 too. We really appreciate their work. Thank you.

8 MR. EAKELEY: Bucky, will we resume with --

9 MR. ASKEW: We will. The longest delayed
10 report in the history of the Legal Services Corporation
11 board. John Eidleman. But he's had time to compress
12 it.

13 MR. EIDLEMAN: Yes. An even shorter history
14 of intake systems.

15 Mr. Chairman, ladies and gentlemen of the
16 board, President McKay, thank you very much for this
17 opportunity to appear before you and make a
18 presentation about intake systems.

19 What I would like to do is just make two
20 comments about what I think we've observed in the last
21 few days and the first is that I made a comment
22 yesterday that I think we're seeing a difference in

1 attitude toward the delivery of brief service and
2 advice and appropriate referral.

3 I think in the past, what we had -- at least
4 when I started legal services in 1970 -- was the
5 feeling that these were important services for clients,
6 but they were something that we had to get through in
7 order for us to get to extended service, which was the
8 most important. And over the years we've learned that
9 those brief services are very important for clients and
10 could resolve a lot of their problems.

11 I think now what we have is more of a
12 balancing of the scales and making it a specialty to
13 take care of those problems that can be done in a
14 shortened fashion and giving us more time to do the
15 extended services, bringing up the attorneys to do the
16 extended services.

17 If I were to do a formula, I guess what I
18 would say is that high quality advice, brief service
19 and appropriate referral equals excellent extended
20 services.

21 A second observation I have is what's
22 happening with centralized telephone intake systems

1 really is nothing different than legal services
2 programs have always done. I think they've always been
3 on the cutting edge, they've always been progressive,
4 always trying to make the most of the resources to
5 provide high quality services to clients.

6 And while it may be easy to sit back now and
7 look at what we've done in the past and say perhaps
8 that wasn't the best way of doing it, I think we did it
9 the best way you could do it with the resources. Now
10 we have greater resources, so we can do things
11 differently.

12 Before I actually start the presentation,
13 I'd like to address -- the chairman had some comments
14 before about assessment, what's going on with
15 assessment, and so I don't forget later on, it's been
16 my observation that within the centralized intake and
17 delivery systems the programs are very concerned about
18 assessment. We have, for example, in New Hampshire,
19 they try to ask every client that they talk to on the
20 phone what do you feel about the service we've given
21 you, what can you tell us about it. They've hired law
22 students to call back during the summertime to a number

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1 of users of the system to ask them did the help we gave
2 you really help you, the advice we gave you, were you
3 able to use it for pro se in court.

4 What's happening in Vermont is that our
5 recipient there has actually gone into the courtroom
6 and reviewed video tapes of clients' cases to see
7 whether that advice did them any good.

8 So I think those kind of things are happening
9 and I think that we should be proud of those efforts.

10 Since I'm such an expert with this, I've moved
11 far beyond where I wanted to be, but we'll progress
12 ahead. We'll try.

13 Intake systems are the access and it's the
14 gateway to access to justice. They lead us to the next
15 steps in intake. Once we have done an assessment of
16 facts and eligibility, the next steps could be things
17 like referral if the client is ineligible. If the
18 client is eligible, counsel and advice, brief service,
19 extended service, referral to pro bono or pro se or
20 other institution.

21 When I started working on this, I thought
22 about what was access to justice in the beginning.

1 Obviously, in the beginning, access to justice was
2 rather simple. There were only two people, there was
3 one decisionmaker with whom they had a very intimate
4 relationship and there was only one rule.

5 Unfortunately, man and woman could not follow that
6 rule, and so the justice they got was swift and very
7 harsh. It was cataclysmic, as a matter of fact.

8 Now, I guess some theologians would say that
9 I'm being blasphemous to say our clients' problems are
10 as great as the fall of man. On the other hand, they
11 are to them. Individual clients face catastrophic
12 situations every day and that's why access to justice
13 is so important.

14 Since this is a brief history, I guess I will
15 have to skip over the Ten Commandments, the Code of
16 Hamurabi, and the Magna Carta and the Constitution and
17 go right to the 1970s. In other words, I'll skip
18 everything B.C. or before the corporation.

19 Intake systems in the '70s when I started, and
20 maybe this is hindsight of the halcyon days is that we
21 had neighborhood offices at least in the program I was
22 in, six of them, in the City of Baltimore. And an

1 applicant would walk into our office and they'd be
2 interviewed by an attorney who was on intake, intake of
3 the day, usually half a day at a time.

4 They would be referred to another organization
5 if there was another organization available, very often
6 that referral was merely saying, well, here's a phone
7 number, call someone else and maybe you'll get some
8 help there. And they would receive immediate advice
9 and brief service from the attorney who was on intake
10 duty and then the case would be opened for extended
11 service if necessary.

12 In the 1980s, things changed. Many offices
13 had to be closed because of cutbacks in funds.
14 They were consolidated. There were centralized
15 offices which clients had to go to and very often
16 to get to those offices was a major inconvenience
17 for clients. They'd have to travel far distances,
18 perhaps change busses a few times. And when they
19 got there, they would have to then wait, take some
20 time to see what we would call intake workers,
21 someone who would actually do the screening for
22 eligibility.

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1 In the '80s, we thought that it was good to
2 have this first level of interview so that the attorney
3 would have more time and when they actually saw the
4 client the client would be one who was eligible and
5 needed extended service. I'm not sure if that was a
6 good idea with hindsight because it put in that extra
7 layer.

8 Some programs tried to do screening by
9 telephone. I think unfortunately those efforts as well
10 intentioned as they were had their problems also. For
11 example, you'd open your telephone intake for screening
12 purposes on Monday and you'd only have a finite number
13 of slots open for clients to come in and see someone
14 and they'd be filled up on Monday, so anyone who called
15 later on in the week, unfortunately, wouldn't be able
16 to get into the system, they'd have to wait until the
17 following week.

18 The steps of the intake process in the
19 '80s, as I was saying before, you'd wait and see the
20 receptionist and then you'd have to wait some more time
21 to see the intake worker. Sometimes a person accessing
22 the system would be given an appointment to come back

1 another day because they came in too late. Intake was
2 nine to one and they came in at five of one or five
3 after one, so that inconvenience of going back and
4 coming back for another appointment.

5 The system was working properly once you've
6 had your eligibility interview and fact interview, then
7 you would see the case handler, the lawyer or the
8 paralegal who would actually help you. Unfortunately,
9 some of the time you didn't even get your interview
10 with the case handler the same day because that case
11 handler may have been called to court in an emergency
12 situation, so they weren't available, so you'd have to
13 come back another day. This happened especially in the
14 small offices. And at the interview, the client would
15 receive the advice and brief service.

16 And then there would be a case review, a
17 determination some time in the week whether this case
18 would be opened for service or not and then the case
19 was opened.

20 Then in the '90s, prepaid legal services
21 started using telephone advice. If you're a member of
22 a plan, you can call and get some advice. Legal

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1 Counsel for the Elderly created the hotline systems for
2 AARP and legal services programs started using
3 centralized telephone intake systems.

4 I would recommend to you reading an article
5 that Jim Morrissey did some time ago in the MIE
6 Journal about his system and about how it worked
7 before and after they put into effect the centralized
8 system. Some of you probably have read it, but he
9 had a somewhat convoluted system where they had four
10 different substantive units doing intake on four
11 different days so when the applicant called, if they
12 didn't call the right day, they'd have to call another
13 day. Everything was done on paper, things got lost.

14 The clients were really inconvenienced. They
15 had to come in for an in person interview when very
16 often all they needed was someone to tell them call the
17 Department of Social Services and make application for
18 benefits. But I won't go into that and I ask you to
19 read that article.

20 The corporation has been using the term
21 centralized telephone intake and delivery systems and
22 the definition that I think is appropriate is that it's

1 a client service system providing legal assistance and
2 information by telephone at the first time the client
3 contacts the program.

4 It also analyzes the legal issues, gives
5 advice on solving problems, performs brief service as
6 appropriate and does a referral internally into the
7 program or externally to another organization if the
8 program can't do that.

9 The common attributes of these systems. First
10 of all, they are client-centered. They're very
11 sensitive about dealing with the client's issue as
12 quickly as possible when the client first calls. They
13 generally have 800 numbers to defer some of the expense
14 of calling of the clients. They have a system set up
15 for emergencies, individuals who cannot call on the
16 telephone can come in generally in person or home
17 visits will be made. They have bilingual staff. And
18 they take very seriously seeing that the client gets
19 the service as quickly as possible.

20 They use extensively technology. You've seen
21 some of that in the CLEAR system and you've heard about
22 it in other places. Using sophisticated telephone

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1 systems. Computers, databases which take in
2 information and allow conflict checks to be done very
3 quickly. And information can be gathered from other
4 organizations as to specifically what type of cases
5 will they take and that's all in the database so that
6 when the referral is made it is an excellent referral.

7 The staff is a dedicated staff who are
8 specialists. They are individuals who do that job.
9 That is their job, to take care of these issues, these
10 brief service issues.

11 They are extremely well trained, usually they
12 go through intensive training when they first come on
13 as a member of the staff and usually there's frequent
14 updates. They're trained how to use the telephone
15 properly, how to use computers, how to deal with
16 clients and they learn about substantive law.

17 Usually they have manuals available that
18 they can use for access to see whether or not
19 they're giving the proper advice and very often there
20 are scripts that they follow so that they ask the
21 appropriate questions to see if they can answer the
22 client's problem.

1 Generally, in most of the programs, there
2 is some follow up with written materials. Some
3 programs send a letter confirming and reiterating
4 the oral advice to every person who calls in. Other
5 programs send those letters out periodically to only
6 clients they feel that really need that type of
7 information and a lot of brochures are sent out and
8 educational materials to shore up the advice that has
9 been given.

10 Appropriate referrals are made because they
11 have so much information about what other programs can
12 do for the client, so when the referral is made, it is
13 such a fashion that they know the client is going to be
14 able to get service with that organization.

15 And there is very significant quality
16 control. Generally, there is a senior attorney who is
17 supervising the intake workers and they are generally
18 reviewing -- every intake sheet that's put into the
19 computer is reviewed either in hard copy or on the
20 computer screen. Some programs don't review every
21 one, but they review randomly intake docket sheets as
22 necessary, depending on the experience of the staff.

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1 And, as I mentioned before, there's a
2 significant amount of assessment going on. I was
3 interested to hear Pat McNamara (sic) say a couple of
4 times, well, this is a good system, but it's not the
5 ultimate, there's still things we can do, we can make
6 it better. And I think the programs that run these
7 types of systems are very aware of that and are trying
8 extremely hard to make them better systems and improve
9 on them.

10 Generally, I would categorize there's two
11 types of centralized telephone intake and delivery
12 systems. The first is a standalone and we have at
13 least five of those that we fund. There's one in
14 Vermont, Connecticut, New Hampshire which are all
15 statewide. There's two in Massachusetts, one covers
16 central and western Massachusetts and the other
17 southeast Massachusetts.

18 An attribute of these programs is usually
19 there's a gateway to the system for the entire state.
20 They concentrate basically on the brief service advice
21 and the referral. They do limited extended services.
22 The Connecticut program probably does more than the

1 other programs. They have a very, very experienced
2 staff.

3 The other would be the centralized systems
4 that are a component of a program that does extended
5 services and you saw an example of that in Northwest
6 Justice and 38 of our recipients have at least declared
7 that they have these centralized systems as part of
8 their programs. We know that others intend to add
9 their system into their full delivery.

10 Some examples, Northwest Justice which I guess
11 we can say this is the Lexus of programs. In the state
12 of New Jersey, the Legal Services for New Jersey, the
13 umbrella organization for the state, has a system of
14 telephone intake where they are doing brief service and
15 advice for their 14 recipients and if it's necessary to
16 refer that client to one of the local offices, they do
17 so with a wide area network so they can just transfer
18 the information and they can send the telephone calls.

19 Another program I'd like to talk about a
20 little bit is the Northwest Legal Services program in
21 Erie, Pennsylvania. I guess this is the Toyota of
22 legal services telephone delivery systems. What

1 fascinates me about this is that the director and some
2 staff of this program went to training the corporation
3 had in 1996 and they were converted. They decided that
4 they wanted to create a telephone system because they
5 could help clients better. So they went back and
6 engaged the rest of the staff and their board and
7 strategically planned how to put this in place.

8 They had to spend some of their money to buy
9 the necessary technology, which they did, they started
10 out with one paralegal doing screening for intake for
11 eligibility and getting some facts, getting the fact
12 pattern and then transferring that over to one attorney
13 who was responsible to give the advice and brief
14 service.

15 They've expanded since then and this is a
16 program that is the size of New Jersey, it covers ten
17 counties, has six offices, and a great deal of it is
18 rural. What they do now is they have one paralegal and
19 six attorneys and when they want to make an appointment
20 for a client who needs to go to one of the local
21 offices, they have a calendar of those local offices
22 and will automatically set that in so the client then

1 has an appointment the next day or the next week.

2 The map indicates the area of this program,
3 so you can see it's rather extensive. It covers the
4 northern part and middle of the state.

5 What has happened with the programs, the
6 number of cases I think is rather typical of recipients
7 who do institute the telephone intake systems. You can
8 see that in 1996 when they went to the system, total
9 cases went up, brief service went up significantly,
10 extended service stayed the same and then in following
11 years the totals went up, brief service went up.

12 The extended stayed about the same and maybe
13 dropped a little bit, but interesting fact is in 1995,
14 this program had 16 advocates; in 1998, they have 12,
15 12 case handlers, so with a loss of resources, they've
16 been able to do more cases and keep their standard of
17 service about the same.

18 To maybe just reiterate what you all already
19 know what the corporation, what positions we've taken
20 on the centralized telephone intake, the delivery
21 systems, in 1996, in conjunction with Legal Counsel for
22 the Elderly and with the help of NLADA, MIE and SPAN we

1 held conferences concerning the telephone systems.
2 They were attended by approximately 250 individuals and
3 it's 40 percent of our recipients.

4 The inspector general published in 1997,
5 I believe, a publication called "Increasing Legal
6 Services Delivery Capacity Through Information
7 Technology" and, bear with me one moment, I don't
8 want to get this wrong, one of the conclusions of
9 that report was that computer assisted client intake
10 and legal assistance telephone help lines could
11 significantly increase delivery capacity.

12 Then the corporation published in 1997
13 "Basic Elements of Effective Centralized Telephone
14 Intake and Delivery Systems," where we said that the
15 task of intake could be performed more effectively
16 through a centralized telephone based system.

17 In 1998, we published "Innovative Uses of
18 Centralized Telephone Intake Delivery Systems" in five
19 programs where we talked about Northwest Justice,
20 Vermont, New Hampshire, Connecticut and a program in
21 Boston which is part of the VLP program. And a
22 companion piece of that was the "Uses of Technology in

1 Centralized Telephone Intake and Delivery Systems,"
2 which was basically the technology that was in use.

3 We looked very carefully at competition of
4 access systems and intake systems to see what quality
5 is being portrayed in the application when we make our
6 decisions about funding. And in the state planning
7 process, in both 98-1 and 98-6, we've set out the
8 benefits of the systems and asked the state planners to
9 take them very seriously and consider integrating them
10 into their state plan.

11 You heard yesterday from Pat McNamara (sic) a
12 little bit about a study to look at the quality of the
13 centralized telephone intake systems. Approximately a
14 year ago, LSC invited some of the individuals like
15 Wayne Moore who are well known in this area to get
16 together and talk about approaching the Soros
17 Foundation to get some funds to do such a study and we
18 did have that meeting and Projects for the Future is
19 working on such a study. Both Michael Genz and myself
20 are on the advisory committee.

21 The funds have come from OSI. A consulting
22 firm, the Center for Policy Research in Denver,

1 Colorado, has been hired. We have given them some
2 statistical information that they've been looking at.
3 They're calling at least the 38 LSC recipients who we
4 know have these systems and getting information from
5 them.

6 They're going to be looking at before and
7 after statistics to look at the difference, what has
8 happened before these systems were instituted and
9 after. They're also going to consider what else may
10 have affected the statistical results that they find
11 such as losing staff, budget cuts or increases and
12 things like closing of an office.

13 The results of phase one hopefully will be
14 available in November and then phase two will take
15 place, we're going to try to test client satisfaction.

16 Possible future intake systems, the inspector
17 general mentioned Orange County and the Legal Aid
18 Society of Orange County covers not only Orange County
19 but part of Los Angeles County. They currently have a
20 system where they have nine intake workers who are
21 contract employees, law students and paralegals, and
22 they're supervised by one attorney each day when

1 they're on duty and their intake line is open from nine
2 to five each day.

3 What they're looking to do in the future, if
4 I understand it correctly, is that the first phase will
5 be a kiosk system where an individual -- they'll start
6 with two areas of the law, family law and landlord
7 tenant law, and they will be for individuals who need
8 to file an answer to a complaint.

9 They will be able to go in and touch the
10 screen of the computer in the kiosk, indicate what area
11 of the law they're interested in and then the computer
12 will walk them through actually filling out a response
13 which then will be printed and they can take that to
14 court.

15 The second part of their plan is in the kiosk
16 system there will be an appointment only type of
17 interview using video cameras where the applicant will
18 be able to speak with the program and get the advice
19 the need directly through that system. There will be
20 scanners and the information can be faxed back and
21 forth so the client may never have to go in the office
22 and you heard something about the rural Florida

1 program, the ICOM Program as being something similar to
2 that.

3 In the state of Maryland, it's intriguing,
4 there are 28 programs that are funded by the IOLTA
5 program, one of which is our recipient, but most of the
6 programs are some and boutique programs. What they are
7 trying to do in Maryland is have a single point of
8 access, one phone number, where anyone who needs
9 service would call and then the advice and brief
10 service would be done at that point and the case would
11 be sent out to the appropriate program.

12 Pat McNamara (sic) mentioned something
13 yesterday about programs not willing to give up their
14 doing intake, so it is very challenging to deal with 28
15 different programs. And what they're looking at is the
16 possibility of having the five bigger programs that do
17 most of the intake now do the intake and they would be
18 all linked up with computers so that they would all do
19 intake the same way. So that's a possibility.

20 In the future, well, I had trouble figuring
21 out how to end this presentation, so I thought what is
22 the future going to be like. We've seen a lot of

1 employees of this hotel walking around in their black
2 outfits with their black headsets on and always in
3 communication. Will we have computer chips in our
4 heads so that we can just speak to each other?

5 Well, I thought the future will bring us back
6 to the past and that's my symmetry.

7 Thank you very much.

8 MR. EAKELEY: Thank you, John.

9 MS. FAIRBANKS-WILLIAMS: I have a question.

10 MR. EIDLEMAN: Sorry. I was trying to escape.

11 MS. FAIRBANKS-WILLIAMS: You were trying to
12 get away.

13 MR. EIDLEMAN: I was trying to get away.

14 MS. FAIRBANKS-WILLIAMS: You mentioned
15 Florida and ICOM, but you didn't say if ICOM was
16 covering all of Florida or just part of Florida or
17 what.

18 MR. EIDLEMAN: Just a part of Florida
19 and I really can't tell you the exact geographic area
20 because I don't remember offhand, but it's the --

21 MS. FAIRBANKS-WILLIAMS: But it's just part of
22 Florida.

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1 MR. EIDLEMAN: Part of Florida. Right.

2 MS. FAIRBANKS-WILLIAMS: Okay.

3 MR. EIDLEMAN: But I think geographically it's
4 a very large part of Florida.

5 MS. FAIRBANKS-WILLIAMS: Okay. Thank you.

6 MS. MERCADO: I just want to make sure for the
7 record when you kept mentioning Pat McNamara, you meant
8 Pat McIntyre, right?

9 MR. EIDLEMAN: Yes. Did I say McIntyre?

10 MS. MERCADO: McNamara.

11 MR. EIDLEMAN: McNamara. And I kept
12 wondering, well, is he talking about this program,
13 the one we just viewed, the Northwest Project,
14 Pat McIntyre, or somebody different.

15 MR. EAKELEY: He means Pat McIntyre.

16 MR. EIDLEMAN: I apologize.

17 MR. EAKELEY: Good presentation.

18 MR. EIDLEMAN: Thank you very much.

19 MS. MERCADO: I just wanted to make sure there
20 wasn't another program that I wasn't aware of.

21 MR. EAKELEY: Thank you very much, John.

22 We appreciate that.

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1 MR. EIDLEMAN: You're very welcome. Thank
2 you.

3 MR. ASKEW: That concludes the provision
4 committee report, Mr. Chairman.

5 MR. EAKELEY: With the board's permission,
6 what I would like to do is jump ahead to items 17 and
7 18 for scheduling purposes, so if we can do those
8 before lunch, those propose establishment of the office
9 of Vice President for Governmental Relations and Public
10 Affairs and the establishment of the office of Vice
11 President for Legal Affairs and the appointments to
12 those positions.

13 Mr. McCalpin?

14 M O T I O N

15 MR. McCALPIN: I move each of the resolutions.

16 MR. EAKELEY: The resolutions, by the way, are
17 in your board books.

18 MS. FAIRBANKS-WILLIAMS: Second.

19 MR. McCALPIN: All four of the resolutions.

20 MR. EAKELEY: There is a second. Is there any
21 discussion?

22 Maria Luisa?

1 MS. MERCADO: I was just real curious because
2 I didn't understand the reasoning, so I thought maybe
3 you might just --

4 MR. EAKELEY: Yes. I'm sorry.

5 MS. MERCADO: -- give me some explanation.
6 I was trying to figure out how we come up with two vice
7 presidents and they're not the same, so it's not easy
8 for me to determine what the criteria was because on
9 the Vice President for Government Relations and Public
10 Affairs, that's currently -- he's currently a director
11 of that division and we have a lot of other directors,
12 so I wasn't sure how you came about with the criteria
13 to make that one a vice president and not the other
14 directors vice presidents.

15 MR. EAKELEY: I'll let John correct me
16 where I stray, but the concept here is to elevate
17 the significance of these two positions to the vice
18 presidential officer level that requires appointment or
19 creation by the board because of their central
20 significance to the corporation. And the individuals
21 concerned, I think, are there for the appointment
22 because of their extraordinary contributions to the

1 corporation that they have made and continue to make.
2 And it's a way for us to provide what I hope will be
3 some psychic benefit, given our inability to recognize
4 or offer a lot more than that to say we recognize that
5 what you're doing is truly important and we appreciate
6 how you've been doing it and want you to continue doing
7 it.

8 MS. MERCADO: You don't mean to say that other
9 divisions of the corporation aren't doing equally as
10 important work, do you?

11 MR. EAKELEY: No, I just -- no. These are
12 functions that relate to the public in ways -- and it's
13 traditional in many corporations to have the general
14 counsel as vice president and I think -- John McKay and
15 I have talked about having the government relations and
16 public affairs, a highly visible relationship with the
17 public and with the Congress, also be elevated to a
18 vice presidential officership.

19 Did I misspeak there?

20 MS. MERCADO: Now, how does it affect us as
21 far as budgetary wise? Are there any effects or do
22 they stay the same?

1 MR. EAKELEY: No budgetary effects.

2 MS. MERCADO: Okay. Well, I wasn't sure
3 because I thought in the bylaws, aren't there some
4 provisions on vice presidents as to what their level of
5 funding is or isn't?

6 MR. EAKELEY: No, but vice presidents can only
7 be created by the board pursuant to our bylaws, which
8 is why these resolutions are being presented to the
9 board.

10 MS. FAIRBANKS-WILLIAMS: So in the future if
11 one of these resigns, we have to do interviews and
12 rehire.

13 MR. EAKELEY: Yes. Or adopt the
14 recommendations and selections by the president, but it
15 is a -- the board is more involved in the appointment
16 of an officer.

17 MS. MERCADO: And the follow-up question
18 again, in trying to determine what the criteria is,
19 because one is currently a director, the other one is
20 the general counsel and also a secretary.

21 MR. EAKELEY: John?

22 MR. MCKAY: The difference, Maria Luisa, in

1 addition to those of our board chairman who I would
2 never correct but I will supplement --

3 MR. EAKELEY: No, I invited you to.

4 MR. MCKAY: But I will supplement is this.
5 When we initially reorganized the management structure
6 and created two vice presidencies, we also changed the
7 reporting structure in which two director level
8 positions reported to me directly and not through the
9 vice presidents and those were in fact the government
10 relations and public affairs director currently held by
11 Mr. Vivero and the general counsel who previously
12 reported to the president through the executive vice
13 president. So that if you look at the management
14 chart, those two director level positions do report to
15 me and not through the vice president.

16 So organizationally and from a management
17 structure, nothing really will change, but I think it
18 does more truly reflect that organizational decision
19 made by the board now more than a year and a half ago
20 to reorganize.

21 So there is no distinction or attempt on my
22 part to elevate the importance of those offices over

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1 others, but simply a recognition that they do report
2 directly to the president.

3 MS. MERCADO: So there's more of that
4 reporting aspect that you are --

5 MR. McKAY: Yes.

6 MS. MERCADO: -- sort of formally putting in
7 place.

8 MR. McKAY: Exactly. And the bylaws, of
9 course, do permit, if that's the correct expression,
10 the board to create additional vice president
11 positions. And I want to emphasize there is no
12 additional budgetary impact. There is no new layer of
13 administration being created.

14 In particular, in the case of the recognition
15 of our general counsel, I think it gives the board the
16 opportunity to recognize some extraordinary,
17 longstanding commitments by Victor Fortuno in his
18 position.

19 I think Doug hit the nail exactly on the head
20 with respect to government relations and public
21 affairs. That is a central, visible, public function
22 served by the occupant of that office and that, I

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1 think, was in my mind and I hope the board's mind when
2 the decision to reorganize and have that director
3 report directly to the president was made. So I
4 appreciate Doug's explanation, which is very accurate,
5 and the opportunity to respond to yours.

6 MS. MERCADO: So what happens to the secretary
7 position?

8 MR. MCKAY: It's the same. It's an additional
9 title. I think that's fairly common, actually, in
10 organizations.

11 Victor, I think, has three titles now, but I
12 want to just indicate, part of my thinking in proposing
13 this to the board is to recognize the contributions of
14 Vic Fortuno and Mauricio Vivero, but also to reflect
15 the true reporting nature of those individuals.

16 MS. MERCADO: I think I would feel more
17 comfortable as far as the actual reporting aspect that
18 you now have, rather than tying it to a particular
19 individual because I like to look at positions where
20 the personnel --

21 MR. EAKELEY: No, the structure --

22 MS. MERCADO: There's a structure --

1 MR. EAKELEY: We're bringing up structure
2 first and then the appointment. But I think there
3 seemed to be quite good predictable consensus --

4 MS. MERCADO: Well, you know, I always have
5 to -- in matters of bylaws and everything sort of look
6 toward Bill and see whether there are any particular
7 aspects that we would have any problems with
8 whatsoever.

9 MR. McCALPIN: None.

10 MR. EAKELEY: Any other questions?

11 (No response.)

12 MR. EAKELEY: I think we have a motion to
13 approve the creation of the two offices and make the
14 appointments of the two individuals involved by
15 acclamation.

16 All those in favor, say aye.

17 (Chorus of ayes.)

18 MR. EAKELEY: All those opposed?

19 (No response.)

20 MR. EAKELEY: The ayes have it.

21 Congratulations to our two new vice
22 presidents, Mr. Vivero and Mr. Fortuno.

1 And with that, I would consider a motion to
2 adjourn for lunch.

3 MS. MERCADO: To recess.

4 MR. EAKELEY: To recess. Yes. Sorry. How
5 about half an hour? I mean, it's a beautiful day out
6 there, it may still be there when we're done.

7 (Whereupon, at 1:00 p.m., a luncheon recess
8 was taken.)

9

* * * * *

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A F T E R N O O N S E S S I O N

(1:50 p.m.)

1 MR. EAKELEY: All right. Let's reconvene.

2 We're at item number 11 on the budget, which
3 is establish the board's 1999 Annual Performance
4 Reviews Committee.
5

6 We're going to pause --

7 (Pause.)

8 MR. EAKELEY: It's that time of year again
9 when we need to appoint the ad hoc committee in charge
10 of annual performance reviews and I've asked Sue
11 McAndrews whether she would graciously staff that
12 committee again, as she does so ably. She has
13 consented, relented, agreed, volunteered.
14

15 And I've asked John Erlenborn, assuming we
16 pass the motion and I'm authorized to appoint, to head
17 up the activity again and asked Maria Luisa and
18 Ernestine whether they would like to participate and I
19 didn't know whether anyone else might like to, Bill
20 McCalpin, or --

21 MR. McCALPIN: I had my shot at it. I think
22 it ought to pass around and make sure everybody has a

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1 chance. Is there anybody who has not had the
2 opportunity?

3 MR. EAKELEY: Well, at least -- well,
4 Maria Luisa has not had the opportunity. Bucky has
5 not and would prefer not, but I have not had a chance
6 to talk to Nancy and John Broderick, so I don't know
7 who else might want to. I don't want to leave anyone
8 out.

9 If you want to participate, too, you're
10 welcome, but it's my intention, if authorized, to
11 appoint -- to ask John Erlenborn to head it up again.
12 I think almost institutionally it makes sense as the
13 OIG liaison to ask the vice chair to do that.

14 But in any event, you have before you the
15 resolution in the board book and is there a motion --

16 MS. FAIRBANKS-WILLIAMS: I would like to if
17 nobody else wants to. I've had it once, but I like to
18 ask them embarrassing questions.

19 MR. EAKELEY: Good. Okay.

20 (Pause.)

21 MR. EAKELEY: Nancy, did we leave you dangling
22 before?

1 MS. ROGERS: Someone kindly came over and hung
2 it up.

3 MR. EAKELEY: Okay. I can't tell you how
4 relieved I am to hear that.

5 We are back on item 11 on the budget, which
6 is to establish the board's 1999 annual performance
7 reviews committee -- I'm sorry, did I say budget?
8 Item 11 on the agenda.

9 And, Nancy, I reported before we found the
10 number again where we could reach you that I had asked
11 John Erlenborn to chair that committee again, assuming
12 the motion passes.

13 So, first, is there a motion to establish the
14 annual performance reviews committee along the lines of
15 the resolution in the board book?

16 M O T I O N

17 MR. ERLENBORN: So moved.

18 MS. FAIRBANKS-WILLIAMS: Second.

19 MR. EAKELEY: Is there any further discussion
20 or are there any questions?

21 (No response.)

22 MR. EAKELEY: Hearing none, all those in favor

1 of the resolution?

2 (Chorus of ayes.)

3 MR. EAKELEY: Opposed?

4 (No response.)

5 MR. EAKELEY: The ayes have it.

6 I will report back to the board after I
7 have a chance to consult with the other members of
8 the board who are not here today, but what I would
9 like to do with my newly acquired authority is to
10 ask Mr. Erlenborn and Ms. Watlington, Ms. Fairbanks-
11 Williams and Ms. Mercado to participate on the
12 committee.

13 Next item. Report on the status of
14 the special panel established to study and report
15 to the board on issues relating to LSC grantees'
16 representation of legal alien workers. Well, I
17 think we've already had part of that report. Would
18 you like to augment it?

19 MR. ERLENBORN: I jumped the gun, I gave that
20 report under item 6, Members' Report, and I have
21 nothing further to report on that issue.

22 MR. EAKELEY: And I think we heard a little

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1 bit about case service reporting in the president's
2 report, but are we hearing more from the Inspector
3 General at this point in time?

4 The inspector general indicates no.

5 That brings us to the closed session portion
6 of the agenda.

7 Do I have a motion to go into closed session
8 for purposes of taking up items 14, 15 and 16 on the
9 agenda?

10 M O T I O N

11 MR. ERLNBORN: So moved.

12 MR. EAKELEY: Is there a second?

13 MS. WATLINGTON: Second.

14 MR. EAKELEY: All those in favor?

15 (Chorus of ayes.)

16 MR. EAKELEY: All right. We are now in closed
17 session or will be momentarily.

18 (Whereupon, at 1:55 p.m., the board meeting
19 continued in closed session, to resume in open session
20 at 2:35 p.m.)

21 * * * * *

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1 MR. EAKELEY: We are back in open session
2 and I have now been shown the time line for FY '99
3 appraisals and the occupational profiles for the
4 president and inspector general and I just would like
5 to call the directors' attention to the appraisal
6 schedule because we will be soliciting comment from
7 each board member as well as from the IG and the
8 president with respect to the individual performance
9 plans and plan reviews.

10 Now, that brings us to consider and act
11 on other business and I know one other matter for
12 other business is rescheduling the April 2000 meeting
13 which we had set at our last board meeting for
14 April 7th and 8th in Washington, but, as you all know,
15 that conflicts with the NLADA ABA Equal Justice
16 Conference.

17 Staff's proposal was to reschedule the
18 Washington meeting for the following weekend, although
19 that's the weekend before Easter weekend, but it would
20 be April 14th and 15th.

21 MS. MERCADO: And that's in D.C., right?

22 MR. EAKELEY: In D.C.

1 MR. McCALPIN: How are you going to get your
2 tax return done?

3 MS. MERCADO: You've got to get it done before
4 then. Earlier. Not at the last minute.

5 MR. EAKELEY: You have four more months.
6 August 15th.

7 MR. McCALPIN: I did that, too, and then I got
8 a letter.

9 MR. FORTUNO: We're taking the liberty of
10 preparing requests for automatic extensions for all of
11 you, so it shouldn't be a problem.

12 MR. EAKELEY: Just make sure your taxes are
13 paid.

14 All right. Any other new business?

15 I mean, that's all right with everyone?

16 MS. MERCADO: Can you just fax us that
17 schedule again?

18 MR. McCALPIN: When is Easter?

19 MR. EAKELEY: If the 14th and 15th is the week
20 before, Easter ought to be the 23rd but it's not on my
21 calendar.

22 MS. MERCADO: That's real late for Easter.

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1 Are you sure?

2 MR. FORTUNO: Yes. I have my calendar with me
3 and unless the calendar is off, it's preprinted as
4 being on the 23rd.

5 MS. MERCADO: Of April?

6 MR. FORTUNO: Sunday. Yes.

7 MS. MERCADO: Wow. That's late.

8 MR. EAKELEY: Okay. Any other new business?

9 (No response.)

10 MR. EAKELEY: Is there a motion to adjourn?

11 M O T I O N

12 MR. ERLNBORN: So moved.

13 MS. MERCADO: Second.

14 MS. FAIRBANKS-WILLIAMS: When are we meeting
15 in November?

16 MR. EAKELEY: In Washington.

17 MS. FAIRBANKS-WILLIAMS: Yes, but when?

18 MR. McCALPIN: The 18th, 19th and 20th -- the
19 19th and 20th.

20 MS. FAIRBANKS-WILLIAMS: So are we doing the
21 extra half day on that 18th?

22 MR. EAKELEY: I don't think so, but we're

1 going to start promptly --

2 MS. MERCADO: The performance committee meets
3 the day before.

4 MR. EAKELEY: Yes, we're going to have to do
5 interviews the afternoon before, perhaps.

6 MS. MERCADO: The 18th.

7 MR. EAKELEY: We're going to have a full two
8 days or a full day and a half of meetings, but we'll be
9 back to you on working up the agenda.

10 MS. MERCADO: Okay.

11 MR. EAKELEY: All right. It has been moved
12 and seconded that we adjourn. All those in favor?

13 (Chorus of ayes.)

14 MR. EAKELEY: All those opposed?

15 (No response.)

16 MR. EAKELEY: The ayes have it.

17 Nancy, thank you for joining us.

18 MS. ROGERS: Thank you very much.

19 MR. EAKELEY: We look forward to seeing you
20 next time.

21 MR. EAKELEY: Thank you everyone. Safe
22 trip home.

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