

LEGAL SERVICES CORPORATION

PROVISION FOR THE DELIVERY
OF LEGAL SERVICES COMMITTEE MEETING

OPEN SESSION

August 8, 1992

12:15 p.m.

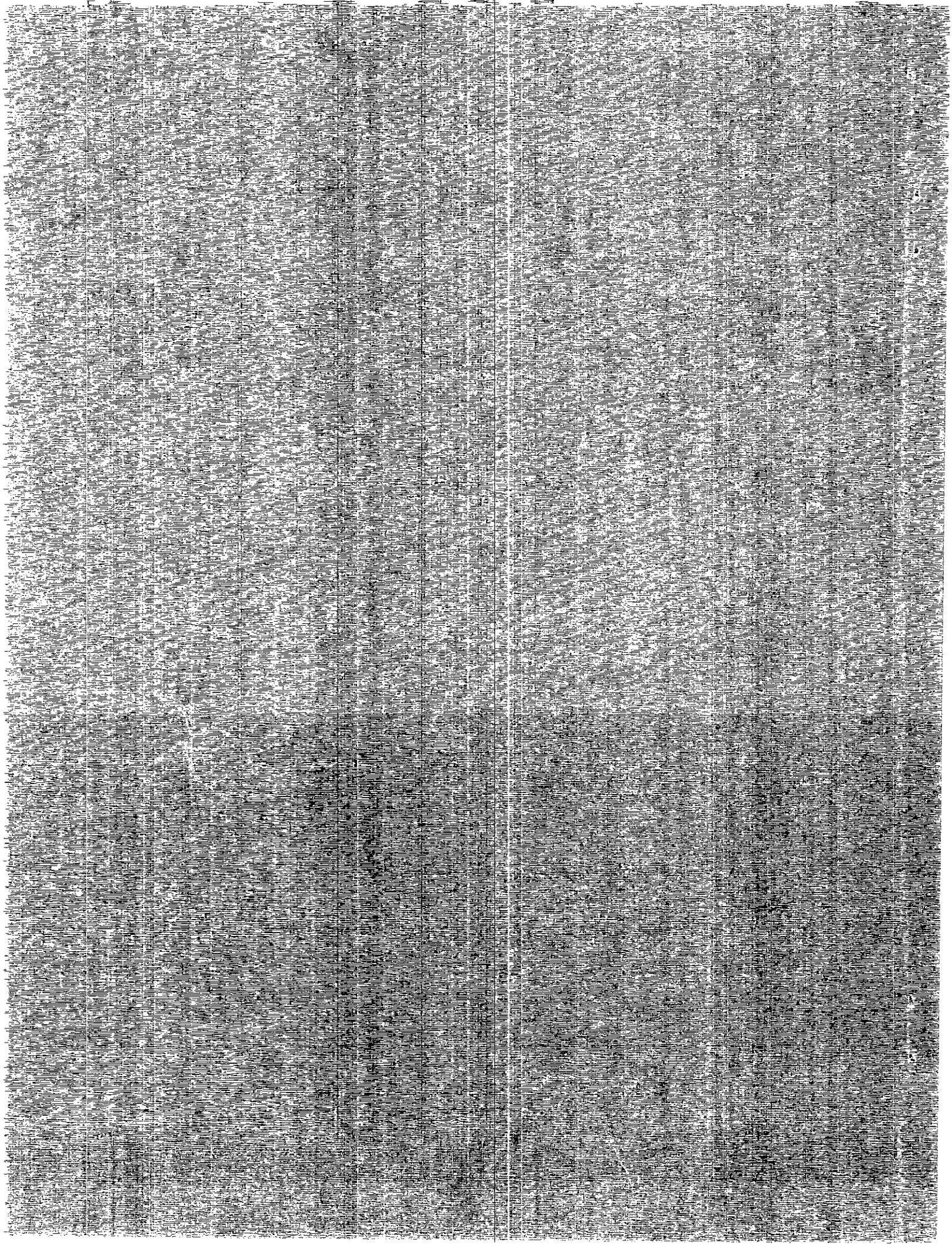
The Marine Memorial Hotel
609 Sutter Street
The Commandant's Room
San Francisco, California

Diversified Reporting Services, Inc.

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BOARD MEMBERS PRESENT:

J. Blakeley Hall, Chairman
Howard H. Dana, Jr.
Jo Betts Love
Norman D. Shumway
Basile J. Uddo
Jeanine E. Wolbeck

George Wittgraf

STAFF PRESENT:

John P. O'Hara, President
Patricia Batie, Secretary
David Richardson, Comptroller and Treasurer
Victor Fortuno, General Counsel
Edouard Quatrevaux, Inspector General
Ellen Smead
Charles Moses

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P R O C E E D I N G S

1
2 CHAIRMAN HALL: It's 12 o'clock noon, and we're
3 going to begin our committee meeting today, the Provision for
4 Delivery of Legal Services Committee meeting. Today is
5 August 8th of 1992. And sitting with me at the table is
6 Basile Uddo, Norm Shumway, the only committee member other
7 than myself here today, Jo Betts Love, Jack O'Hara will be
8 joining us presently, he is in the room. And we have other
9 members of our staff and the public here today.

10 The first item of business is the approval of the
11 agenda. If I can have a motion.

M O T I O N

12
13 MS. LOVE: So move.

14 CHAIRMAN HALL: I'll second and ask that that be
15 approved. So ordered.

16 We'll move on down to the approval of the May 17,
17 1992 meeting minutes. I wasn't there. I've read those. Can
18 I have a motion on that, Jo?

M O T I O N

19
20 MS. LOVE: So move.

21 CHAIRMAN HALL: I'll second that. And by unanimous
22 consent they're approved.

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1 types of services or technical assistance that is needed in
2 the field. As you know, we only had a limited amount of
3 money. We only had \$500,000. And we had \$8 million worth of
4 requests.

5 Some of the trends we saw are we received several
6 requests for grants for ADR, several for pro bono, many, many
7 for automation for computers and use of computers and
8 technology, also use of telephone systems was very useful. A
9 lot of different approaches to try to serve those that have
10 access problems and how the different programs would like to
11 address those problems. And we also had several on client
12 education and training and staff education.

13 At the next meeting we will be able to report to
14 you on what the President's decision is with respect to these
15 awards. That concludes the report.

16 CHAIRMAN HALL: Thank you, Ellen.

17 Jo, do you have any questions?

18 MS. LOVE: No.

19 CHAIRMAN HALL: Basile.

20 MR. UDDO: Ellen, refresh my memory on what's the
21 standard that's going to be used for making the decision.

22 MS. SMEAD: We had both meritorious and innovative.

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1 An application could be just meritorious and was something
2 that was needed. For example, development of training
3 materials may have been meritorious but not necessarily
4 innovative project. Innovative projects were innovative
5 approaches to dealing with problems such as new ways to try
6 and deal with access problems.

7 MR. UDDO: Meritorious and innovative both relate
8 to those descriptions for grantees across the board or for
9 the particular grantee that's making the proposal. In other
10 words, it may be meritorious or innovative for that
11 particular grantee. Is that satisfactory, or is the standard
12 things that are meritorious and innovative that other
13 programs could profit from?

14 MS. SMEAD: It would be that other programs could
15 profit from.

16 MR. UDDO: So we're trying to pluck those proposals
17 that have a broader application, that if they work they may
18 be useful to other programs?

19 MS. SMEAD: Correct, so that it might be able to be
20 replicated or something that the programs are in dire need
21 of.

22 MR. UDDO: The request for -- the ABR I can

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1 understand, and to some extent pro bono. Pro bono, is that
2 mostly in areas where there aren't major pro bono projects
3 already in place?

4 MS. SMEAD: Right, or trying to expand existing pro
5 bonos by trying to attract different types of attorneys.

6 MR. UDDO: You've read all the proposals?

7 MS. SMEAD: I have not read all the proposals, but
8 Charlie Moses, who was the Chair of the committee that
9 reviewed it, has read most of the proposals, if not all of
10 the proposals.

11 MR. UDDO: Mr. Chairman, do you mind if I ask
12 Charlie a couple of questions?

13 CHAIRMAN HALL: Not at all.

14 MR. UDDO: Charlie, the pro bono meritorious grant
15 applications that you've reviewed, do you see anything in
16 them that is unique or innovative, or are they mostly
17 programs that just don't have pro bono programs in their area
18 and they're trying to start them?

19 MR. MOSES: There were some that had unique and
20 innovative ideas. I'm not sure at this point how much in
21 detail we can get in discussing them because --

22 MR. UDDO: I don't want to know what they say. I'm

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1 more concerned to get an idea in these general categories if,
2 in your opinion after reading them, we're seeing some
3 innovative proposals, proposals that are different.
4 Everybody in an area that doesn't have a pro bono project
5 could request a grant to start a pro bono project, but I
6 guess my question is, are you seeing that they're taking
7 seriously the requirement, to the extent that it is a
8 requirement, that they be innovative so that there may be
9 some ideas in there that would help other places or across
10 the board?

11 MR. MOSES: I think that with the proposals that I
12 read, particularly in the final review group, there were some
13 ideas that could be innovative, particularly depending on the
14 area of the country that the proposal came from, that it
15 might be innovative.

16 MR. UDDO: How about in automation? Again, are you
17 seeing some things in there where people are making some
18 proposals on use of computers that might be helpful to all
19 programs, or, again, is that basically programs that don't
20 have enough computers or enough software or enough automation
21 and they're trying to get it for that program?

22 MR. MOSES: Actually, we saw both. We saw a lot

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1 of proposals for programs that needed basic automation. We
2 also saw a lot of proposals for programs that wanted to do
3 software development, that type of thing, that could have
4 much more general applicability.

5 MR. UDDO: Same thing with telephone systems?

6 MR. MOSES: Telephone systems was primarily more
7 for programs that had specific needs for it. Although there
8 were one or two interesting proposals concerning telephone
9 systems and what could be done to link network telephone
10 systems in various areas.

11 MR. UDDO: Now the last one that Ellen mentioned,
12 which I don't know if by mentioning it last it means that
13 these were among the smaller number of such proposals --
14 that's access problems, which strikes me as one of the areas
15 that really could be useful across the board for most
16 programs. Were there many in the area of improving access?

17 MR. MOSES: There were quite a few in the area of
18 improving access. These basically were the proposals that we
19 had grouped as service delivery, primarily service delivery
20 oriented proposals. And generally they would have to do with
21 modifications in recent court rulings that had opened up new
22 areas where we needed service delivery or expanding service

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1 delivery to areas that had previously been unserved or
2 underserved.

3 MR. UDDO: So we've got a fair number of proposals
4 that deal with service-related problems.

5 MR. MOSES: That's correct.

6 MR. UDDO: The categorization, you said you have
7 those categorized as service-related. What are the other
8 categories that you all have put these into?

9 MR. MOSES: Well, I think that generally Ellen went
10 over the six or so categories --

11 MR. UDDO: ADR, pro bono, automation, those are
12 categories?

13 MR. MOSES: Right. These were categories that the
14 review group, when reviewing the proposals, noticed that the
15 proposals were naturally falling into specific six different
16 categories. And we discussed them within categories.

17 MR. UDDO: So access problems is really a category
18 that could also be called service-related proposals?

19 MR. MOSES: That's where we put service-related
20 proposals, yes, because all the service-related proposals had
21 to do with specific access issues.

22 MR. UDDO: And ADR is not part of service-related?

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1 MR. MOSES: All the ADR proposals were service-
2 related but they were not that type of access. Because of
3 the specific nature of ADR, we had grouped all of the ADR
4 remediation proposals for discussion.

5 MR. UDDO: Has there been any attempt or guidelines
6 suggesting that there should be proposals from each of these
7 categories ultimately awarded, or is that not a factor?

8 MR. MOSES: As you recall, this is the first year
9 that we've done this in such an official way. And we had no
10 specific guideline that said we will fund one from each of
11 the categories that are offered. These were categories that
12 just naturally came in, and they were basically patterns that
13 we noticed. So we haven't said, point blank, that we would
14 try to fund something from each pattern.

15 And the other thing that I think it's important to
16 note is that some of these particular patterns are going to
17 be more useful for other Corporation initiatives at the same
18 time. For example, a lot of the programs concerning
19 technical needs, computer assistance, and that type of thing
20 would be very useful for a technical assistance office to
21 help identify needs.

22 MR. UDDO: Now, as I recall, the proposals didn't

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1 have to come from existing grantees, right?

2 MR. MOSES: That is correct.

3 MR. UDDO: Did we get many from nongrantees?

4 MR. MOSES: I believe that approximately half of
5 the proposals, that's half of the 143, were from non-LSC
6 funded entities.

7 MR. UDDO: And without again being specific, what
8 kind of entities are we talking about? Did you get any from
9 law schools?

10 MR. MOSES: Actually, we did. We got several from
11 law schools. We got proposals from non-LSC funded legal aid
12 services. We got proposals from some church-related legal
13 aid services. We got proposals from bar associations. We
14 had quite a wide variety of proposals. And there were
15 several proposals that came in from just individuals.

16 MR. UDDO: So it sounds like it's been pretty
17 successful so far in generating a fairly large number of
18 proposals from a wide variety of groups.

19 MR. MOSES: I think it has been successful, and I
20 think that each of the nine reviewers at the end of their
21 process were very impressed with what we've been able to get
22 and were very excited about the possibilities of what we

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1 could find.

2 MR. UDDO: Thank you, that's all, Mr. Chairman.

3 CHAIRMAN HALL: I want to welcome Howard Dana to
4 our table here.

5 MR. DANA: Thank you, Blakeley, and I apologize for
6 being late. But on that last point, I came from an IOLTA
7 committee meeting. And the Chair of the IOLTA, Ann Bartch,
8 was a member of your committee, and she was equally impressed
9 by the quality of the applications and by the process that
10 was employed and had nothing but compliments for the
11 Corporation's staff and the Corporation and its efforts. So
12 at least one participant in this process has said nothing but
13 nice things about the job you've done.

14 MR. MOSES: That's always nice to hear.

15 CHAIRMAN HALL: Charlie or Ellen, out of the
16 proposals that have made it to the final group, how many of
17 those are field proposals versus others, half and half? Or
18 is there a rough estimation of that? I think you said about
19 half came from non-LSC entities, but those were applications.
20 And I wondered how many made it to the final review group.

21 MR. MOSES: Without getting into specifics, of
22 those that made it through to the final review, I would

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1 estimate that about three-quarters of them were currently
2 funded LSC recipient programs.

3 CHAIRMAN HALL: Did you all receive very many
4 applications after the deadline? I've forgotten what the
5 deadline was. I'm just curious if you received many after
6 that.

7 MR. MOSES: Actually, we did not. We had been
8 quite specific when people called in with questions to make
9 sure they understood what the deadline was. In a couple of
10 instances, we had people that were hand-delivering
11 applications on the last day of the deadline, but that's not
12 that unusual. And the other thing that we had been telling
13 people is that it had always, I think, been this Board's
14 intention to try and institutionalize this program in their
15 grant year so that we would possibly do it twice a year.

16 So we have been telling people, if they did not
17 think that they could make this deadline, that we would make
18 sure that they had all of the information in time to meet the
19 next deadline, which should be coming up around January.

20 CHAIRMAN HALL: That's a good idea. I was just
21 concerned that you might get some really good ideas that came
22 in late. And it seemed like because it was a day late would

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1 not be a reason to toss that good idea out the window. But
2 apparently that's being held onto and will come up this next
3 time around.

4 MR. MOSES: Right. We did not have anything like
5 that. And in fact, as we continue or if we continue to get
6 proposals, since we are beyond our deadline now, what we
7 would do is what we did earlier in the year with proposals
8 that we still had pending; that is, to notify people that
9 their proposal would be reviewed in the next grant cycle.

10 CHAIRMAN HALL: My last question is -- and it's
11 following up on something that Basile asked you -- because an
12 applicant may have applied for specific needs of their
13 particular program, that isn't a disqualification or a
14 negative factor insofar as consideration of the application,
15 is it?

16 MR. MOSES: No.

17 CHAIRMAN HALL: It wouldn't consider only those
18 that could be applied across the board; you consider specific
19 needs things as well?

20 MR. MOSES: We looked at general replicability, but
21 we also looked -- it would not disqualify a program if they
22 had a specific need that they wanted to have addressed. We

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1 considered both is what would happen.

2 CHAIRMAN HALL: I welcome Jeanine Wolbeck.

3 Jeanine, do you know what we're talking about right now?

4 MS. WOLBECK: Sure.

5 CHAIRMAN HALL: Do you have a question? It's your
6 turn.

7 MS. WOLBECK: No, I don't.

8 CHAIRMAN HALL: Okay, anybody else?

9 MR. DANA: I apologize, but I have just a couple of
10 questions that I'm sure you've answered in your presentation.
11 When will it be announced who won?

12 MS. SMEAD: We expect to make the announcement no
13 later than by the 20th of August. And that has to be an
14 approximate deadline because we want to give the public
15 notice 30 days in this fiscal year so that we can make the
16 awards in this fiscal year.

17 MR. DANA: And have you indicated how many programs
18 are likely to win?

19 MS. SMEAD: We haven't given any of that type of
20 information out yet.

21 MR. DANA: Okay.

22 CHAIRMAN HALL: All right, thank you very much.

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1 We'll move to our next item on the agenda and our
2 last item. It's a presentation by Steven Moore, executive
3 director of the Indian Law Support Center, regarding Native
4 American issues.

5 Mr. Moore, would you come forward please?

6 PRESENTATION OF STEVEN MOORE AND MARY TRIMBLE-NORRIS

7 MR. MOORE: Thank you, Mr. Chairman and members of
8 the committee and Board. My name is Steven Moore. I'm the
9 director of the Indian Law Support Center at the Native
10 American Right Fund in Boulder, Colorado. Sharing the time
11 with me this afternoon is Mary Trimble-Norris, the deputy
12 director of California Indian Legal Services and the
13 chairperson of the National Association of Indian Legal
14 Services.

15 We both have relatively short presentations, and
16 then we hope to engage the committee and Board members and
17 staff in a dialogue today about issues facing the Native
18 American community in the United States and the Indian Legal
19 Services community in the United States.

20 So at this point, Mary Trimble is going to speak
21 first. I will follow her. And then we would certainly like
22 to take your questions and have a discussion with you.

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1 MS. TRIMBLE: Good morning. It's good to see you
2 all here. I don't know if Steve mentioned, I'm also the
3 steering committee chair of the National Association of
4 Indian Legal Services, which is a group of five people plus
5 two ex officio members, Steve is one and another member. And
6 the five members of the steering committee are elected by the
7 33 Native American programs and components. And we sort of
8 represent their interest to the LSC Board, to the LSC
9 administrative staff, and to the other legal services
10 community members at large.

11 Basically, for the last few months we have been
12 engaged in an ongoing process with Jack and senior staff
13 members in a dialogue about what issues were important to
14 Indian programs and what kinds of things we would like to see
15 in the best world scenario from the Legal Services
16 Corporation.

17 It started with a meeting, I believe, in February,
18 where the Corporation staff and myself and the steering
19 committee put together a meeting of all interested Indian
20 Legal Services programs. I believe there was maybe 40 people
21 in attendance. And I have to compliment the staff, Jack and
22 Ellen and Lauren and Leslie Russell and Charlie Moses, they

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1 were very open, spent a lot of time trying to become real
2 familiar with the programs, the people, the issues, and just
3 made a genuine effort to be open and available to people.

4 And I think that, frankly, our community has been
5 very suspicious and suspect and not open. And I think it was
6 an opportunity for some real discussion to begin. And it was
7 viewed by our community at large as a very hopeful sign. And
8 it's our hope that it was a hopeful sign.

9 As a result of that meeting, Jack had asked us to
10 make the groups smaller for more in-depth discussion and to
11 narrow our issues. The first meeting was really open-ended.
12 People had just gotten off their chests a lot of things that
13 were of concern to them and a lot of it covered a lot of
14 ground and a lot of programs, but some was particular to
15 their program. So as a result of that, I believe that you
16 had asked us to come to a future meeting with less people, a
17 more refined agenda, and more solid requests.

18 And so we did that. Basically the steering
19 committee plus a couple of other people who we believed would
20 be helpful to the discussion, to sort of round out our
21 committee, met with Jack in April in Gallup. And at that
22 time, we gave him some position papers that our subcommittees

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1 developed. And those you have before you.

2 There is one that deals with a Native American
3 Desk, there is one that deals with training and coordination,
4 and there is one that discusses recruitment and retention
5 issues. After talking with our community these are the most
6 important items, we believe. They don't necessarily
7 represent all issues out there; they're just the ones that
8 are most important to us.

9 I've also included for your information just some
10 poverty statistics about the 1990 census and poverty levels
11 and its effect on Indian children and families. And I've
12 also given to you a piece that was primarily put together by
13 Steve at the Indian Law Support Center, and it was also a
14 subcommittee of NAILS. And it really talked about what we
15 thought our challenges would be in the '90s. And it was
16 really an inspirational piece, a piece that sort of talked
17 about what we had accomplished through the '80s in Indian
18 Legal Services programs and what we thought our work was
19 going to be in the 1990s.

20 That article -- it's a lengthy piece -- was sort of
21 excerpted in the most recent LSC newsletter. I think you all
22 may have gotten that. And so it was kind of shortened for

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1 that article. So I think that you should read it. I think
2 it would give you a lot of background information about the
3 legal work that we do.

4 And I just wanted to speak briefly to -- I know
5 that Jack and his staff had kind of wanted us to focus our
6 attention today on training and recruitment and retention,
7 but I also wanted to speak a few minutes about the Native
8 American Desk proposal.

9 All of these things are sort of in active
10 conversation with the Corporation and we're bringing it to
11 you for a point of information and perhaps action. But I
12 just wanted to inform you of the dialogue that we are having
13 with the Corporation. And I just wanted to ask you to review
14 our request for Native American Desk from our perspective.

15 We're part of a whole delivery system to Indian
16 people in this country. Other federal agencies, other
17 groups, we sort of work in tangent with a bigger community.
18 The Indian community, I think, is a little bit more
19 homogenous than other groups may be in this nation. While
20 there are great differences, there is probably a lot more
21 likenesses. And so what we'd like to do is be in a better
22 position to coordinate your efforts and our efforts in

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1 dealing with that big delivery system.

2 I think maybe I probably should turn the microphone
3 over to Steve about his items.

4 CHAIRMAN HALL: Okay.

5 MR. MOORE: Thanks, Mary. The issues that Jack
6 asked us to present to the committee today include first
7 coordination and training, the coordination and training
8 document which you have before you, and the recruitment and
9 retention document. And as Mary indicated, these are working
10 papers that we've presented to the staff in the end of June
11 in Gallup, New Mexico. They came out of a committee process
12 among the members of the Indian Legal Services. We don't
13 consider them to be fixed or hardened at this point.

14 What we would like to do, and our bottom line
15 today, is that we would like the committee to take some
16 action today in terms of directing the staff to work with us
17 over the next couple of months and finalize a package, an
18 action plan if you will, to bring back to the Board either at
19 your September or October meetings.

20 I'll just say, generally, that all of these
21 proposals require money of the Corporation. And I know it's
22 not an easy time to talk about money because it's apparent,

1 at least from my standpoint out in the community, that
2 there's not a lot of discretionary money within the central
3 office of the Corporation. But notwithstanding that, we want
4 to move forward with this package, even if it means asking
5 the Board to create some kind of special line item or set-
6 aside in your next budget request to the Congress for Fiscal
7 Year 1994 appropriations.

8 We are, like the basic field, a community of legal
9 services providers that have been crippled over the past 12
10 years by less and less money coming into our programs after
11 you adjust for inflation. It's not an exaggeration to say
12 that we've probably lost between 35 and 40 percent of our
13 attorney resources out of the 33 Indian Legal Services
14 programs in the country.

15 And that, coupled with that fact that the Native
16 American population nationwide is one of the largest growing
17 minority populations and rate of unemployment and poverty
18 among Native American are very high, it's increasingly
19 difficult to provide effective legal services and
20 representation for Native American people in this country.

21 We're not here today to ask you to double or triple
22 the Native American line. That would be nice, but that's not

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1 realistic. But what we do think should be provided by the
2 Corporation, at a minimum, is more effective means of
3 supporting the existing programs and the existing staff to
4 make the people who are out there today more effective in
5 their delivery of legal services to Indian people.

6 And so we think we're bringing to you a set of
7 modest proposals. We're not asking for a lot. We don't have
8 actual dollar figures attached to these proposals yet. We
9 think that between now and September we could develop dollar
10 figures with the senior staff so that when we have a package
11 which we ask for final Board action on this fall, we'll know
12 that those dollars are.

13 I first want to talk about coordination and
14 training. The first proposal is for an annualized training
15 fund. This would be annualized to the Indian Law Support
16 Center, which I direct. It would be a discretionary fund so
17 that we could conduct annually a series of national and
18 regional training conferences for Indian Legal Services
19 programs.

20 In addition to that, we would like to do more
21 training with urban legal services programs with the basic
22 field programs because, as you may know, most large

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1 metropolitan areas in this country have large Indian
2 populations. Today only about half of the Indian population
3 in this country resides on or near reservations. The other
4 half is aggregated mostly in urban areas such as Los Angeles,
5 Denver, New York, Chicago, and these kinds of cities.

6 At this point, we're not able to reach out and
7 provide effective training and support for the metropolitan
8 areas where there are large urban Indian populations. And
9 the result is that there are large Native American
10 populations in urban areas who feel as if they're not
11 receiving effective legal assistance from the urban programs
12 in those areas.

13 It's difficult to reach out to a Native American
14 population. They're fairly isolated in the urban areas in
15 this country. And most urban legal services programs today
16 don't have the resources to go out to those communities and
17 provide effective legal services in the areas of law which
18 are unique to Indian law.

19 We could do a lot more training for those urban
20 programs and support for those programs if we had an annual
21 training fund for that purpose. We are one of the lowest
22 funded national support centers, at \$280,000 a year. I am

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1 able to commit a portion of that budget to training, about
2 \$35,000 a year, but it's simply not enough to do the kind of
3 training that we need for this community of legal services
4 providers.

5 The second issue is HANS Net technological
6 capability. We've recently gone onto the HANS Net line and
7 have taken over the management of the Native American folder.
8 But at the present time, only 4 of 33 Indian Legal Service
9 programs have the ability to go on-line with the HANS Net
10 network.

11 What that means is that I feel like maybe the
12 Maytag repairman in reverse. We have the ability now because
13 we spent a large attorney's fees award on purchasing hardware
14 and software. We have the ability to provide a very
15 effective Native American electronic network, but there is
16 just no one out there listening. And Indian Legal Services
17 programs, by and large, don't have the money to go on-line,
18 and they don't have the technological capability at this
19 point to go on-line.

20 We're asking for a modest sum of money to do a
21 survey of what the dollar needs are to bring Indian Legal
22 Services programs onto the HANS Net network. I could talk

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1 and give you many examples of why an electronic network is
2 very important in Indian Legal Services programs.

3 Take, for example, the Office of Alaska Legal
4 Services in Kotzebue, Alaska. For an attorney in Kotzebue to
5 go spend a day researching a legal issue in a law library, it
6 would probably cost that program \$4,000 in airplane costs.
7 Zuni, New Mexico is another example. The attorneys in Indian
8 Pueblo Legal Services in Zuni are probably three or four
9 hours from a law library that has the kind of federal
10 materials necessary to do effective Indian law research.

11 At the present time, we send a lot of materials to
12 these programs, but it goes by way of first class mail. And
13 the mails are simply too slow if you're doing legal research
14 if you have a motion which you have to brief and argue before
15 a state court judge in Kotzebue or a tribal court judge in
16 Zuni, New Mexico. So we need to have an effective electronic
17 network for Indian Legal Services programs. We need to know
18 how much money we need to create that network, and that is
19 the first step.

20 So we're asking for a sum of money to perform that
21 national survey as a first step and then, as a second step,
22 to fund the creation of that network among Indian Legal

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1 Services programs.

2 The next issue is recruitment and retention of
3 Legal Services staff in Indian Legal Services programs. We,
4 like the basic field, I believe, have severe problems of
5 recruiting and retaining Legal Services attorneys and
6 advocates. I think the reasons for the difficulty are
7 somewhat different and varied among Indian Legal Services
8 programs.

9 In Indian country, oftentimes Indian Legal Services
10 attorneys are the only legal resource available. And we find
11 that Indian Legal Services programs become an effective
12 training ground for attorneys to then, after two or three
13 years, move on into the legal departments of tribes, of state
14 attorneys general, of private law firms.

15 And we find that after two or three years most of
16 our attorneys get siphoned off into other programs, other job
17 opportunities where there is more money, where there is
18 probably some kind of a pension program, where there is
19 greater job security. There are numerous reasons, but we
20 find that we are just a superb training ground for other
21 programs but people just by and large don't stick with Indian
22 Legal Services programs.

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1 The proposals that we have before you, we think,
2 would begin to address that problem. We know that we can't
3 pay competitive salaries with the private marketplace even in
4 small communities on or near reservations. Our programs
5 don't pay competitively with the beginning salaries of
6 private firms, public interest firms, government agencies, et
7 cetera.

8 And we're very up front about that. The recruiting
9 that I do in the law schools in the Rocky Mountain states, I
10 tell people if they want to come work for an Indian Legal
11 Services program, don't think about money as your first
12 objective. If money is your first objective, go somewhere
13 else.

14 We think that by reaching people earlier on in
15 their law school experience, even in college, we can begin to
16 create a hook so that we can hook people into our programs
17 through summer internship programs, through that kind of a
18 concept. We get people educated to what Indian Legal
19 Services programs are and the kinds of life experiences that
20 you can have in Indian Legal Services and the other things
21 that make practice in Indian Legal Services rewarding other
22 than money.

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1 We find the people early on in law school. We
2 provide summer employment opportunities for them. And I
3 think we believe that we're going to create a scenario so
4 that those people want to come to work for us at the end of
5 their law school career.

6 We'd like to have money to develop brochures and
7 videotapes on Indian Legal Services programs. We need money
8 to travel to law schools to do recruitment, to public
9 interest conventions, so that we create this effective
10 network of attorneys within Indian Legal Services programs
11 who can recruit new attorneys into our fold.

12 We also believe that a loan forgiveness program is
13 important. The public health service has a loan forgiveness
14 program for doctors that are willing to work for the Indian
15 Health Service. And we would like to see that kind of a
16 program funded by the Legal Services Corporation. We believe
17 that it would pay great dividends for our ranks.

18 And then in terms of retention, we don't have
19 pension programs within Legal Services programs by and large.
20 We need more money for training and support so that attorneys
21 in Indian Legal Services programs would feel that they had
22 more effective support behind them. If we had that complete

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1 package, I think we would find that attorneys would stay
2 longer in Indian Legal Services programs by and large.

3 Our purpose today is to bring these matters to your
4 attention. We're planning on a continuing dialogue with the
5 staff. We see this as asking you for a formal directive to
6 the staff today to continue this dialogue with us and a
7 commitment to put these issues on the agenda at an upcoming
8 Board meeting in September or October so that we could bring
9 this package back for formal action by the Board.

10 That ends my proposal. I would also like to make a
11 pitch for the Board to once again plan a meeting within the
12 next year on an Indian reservation. I know within my
13 experience the Board has met at the Navajo reservation and at
14 Mississippi Choctaw. And I think it's been a tremendous tool
15 in terms of educating members of the Board and senior staff
16 on living conditions in Indian reservations. And I would
17 really encourage and invite the Board to schedule a meeting
18 in the upcoming year on a reservation. And we could
19 certainly help the Board and the staff plan that meeting.

20 CHAIRMAN HALL: Thank you. I was not aware of a
21 lot of the problems you've expressed today. I wasn't aware
22 that our staff and you all had an ongoing conversation.

1 I wonder if Jack could maybe comment on some of the
2 things that the Corporation has been doing.

3 MR. O'HARA: Thank you, Mr. Chairman. And I wish
4 to extend my appreciation to both Mary Trimble-Norris and
5 Steven Moore for their presentation and also to publicly
6 acknowledge to them and to those present and to the Board
7 that they have been just tremendous in cooperating with us
8 and meeting with us and bringing in people who would talk
9 objectively about where we have to be. We've had two, I
10 think, excellent meetings.

11 They're in here today talking about some of the
12 narrowly defined issues that we have gone over in the last
13 two meetings, and we have come from a very broad spectrum
14 down to this narrow area. I want to say one thing that
15 Steven didn't cover because it would have taken a great deal
16 of time. But I will mention that the training is critically
17 important in the area of the tribal advocates because the
18 tribal advocates are really the people that are into this
19 every day.

20 They do have a retention problem with staff
21 attorneys because as a staff attorney, and especially if he's
22 a Native American, as he comes through the process of law

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1 school and is admitted to the bar and gets a few years of
2 experience, he is gobbled up immediately by law firms which
3 are anxious to have that Native American presence on their
4 staff. So there is a constant turnover.

5 But I was impressed with the young staff attorneys
6 that I met out at Window Rock on the reservation and the ones
7 that I met in Arizona on the reservation down there. There
8 is a definite commitment.

9 I think that the Board knows my position on a lot
10 of these things. I don't like to go off as a white knight on
11 a horse, battling windmills, or anything like that. I would
12 like the Board to always know where we're going so that I can
13 have your permission to continue working in these areas and
14 bringing back to you the information you need to make a
15 decision by working with groups like. And that's why I've
16 asked them to come in today and talk to you to let you know
17 about some of the problems out there on the reservations.

18 We've had the two meetings, and it's not my
19 intention whether I'm here following September or not, or
20 whether my successor -- but the Board should know there is a
21 great need in this area and it's not going to go away just by
22 waving dollars at it. There has to be a long-term

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1 commitment.

2 We have not a great disagreement. We have a little
3 bit of a disagreement between the people that are before you
4 and myself in regard to a Native American Desk. I'd like to
5 have a Native American Desk, but I have to look at the
6 operation of the Corporation from the viewpoint of how many
7 desks can I have. Can I have a Hispanic Desk and a Native
8 American Desk and a Black Desk. All of these desks are nice
9 to have, but my experience in my 40 years of public life has
10 been that I can do better with a lean staff.

11 You keep your staff at minimum. Don't let it grow
12 so that you don't even know half the people on the staff.
13 Keep the people that you have busy. They all become experts.
14 And this particular program and this particular corporate
15 staff, I've been very proud of the fact that whatever I have
16 asked them to do, despite the fact they may have ten other
17 things to do, they have immediately jumped in.

18 That is the only disagreement we have on the Native
19 American Desk. I just do not have the money for it. But I
20 have told them this and I will tell the Board this: As long
21 as I'm here, I'm your Native American Desk. Because I'm an
22 activist. I'm into everything that goes on in the

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1 Corporation. And I will be following everything that's done
2 on this desk and on any other desk in the Corporation.

3 Thank you, Mr. Chairman.

4 CHAIRMAN HALL: Thank you, Mr. President.

5 Are there any questions from the Board members,
6 Jeanine, Jo, other Board members?

7 Howard.

8 MR. DANA: I guess my question has sort of been
9 answered by the president. I wondered about the reason why
10 Mary brought up the desk, and you seem to focus on the other
11 requests. The significance of the desk, could you talk to us
12 about that, what aspect of a dedicated LSC position is -- why
13 is that important?

14 MS. TRIMBLE: I think I agree with Jack that he is
15 fairly responsive and his senior staff is response, but I'm
16 not sure about his tenure or the tenure of the staff. And
17 what we are looking for is something institutionalized.

18 This is an issue that goes back. I've been in
19 legal services since 1973, and I remember the development of
20 the Legal Services Corporation. And I remember at that time
21 it was a key issue. It was important to programs. There was
22 an Indian Desk in OEO. There was an Indian Desk for the

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1 brief period of CSA, Community Services Administration. And
2 I think why it is central and core to us is because there are
3 so many issues that come up that we can't address as
4 laypeople out here.

5 I don't think that you would have the coordination
6 problems that you have if we had somebody on staff who is out
7 there spotting our issues. That way when initiatives were
8 undertaken -- and this has happened in the past. In the
9 early days of the Corporation if there were funding
10 initiatives, there would be somebody spotting our needs. I
11 think that you need a group like NAILS who represent the
12 fields and the field's interest, I hope.

13 But we need somebody within the staff who spots
14 these things. And we're not there at the staff's tables when
15 they're talking about how policies are developed, how
16 regulations are developed. And I think when monitoring teams
17 were put together and sent out there, I think it was very
18 useful for them to have somebody who knew federal Indian law,
19 was conversant with it, who knew how tribes worked, how they
20 interface with the state and local government, what those
21 issue were. And I think sometimes that you have problems
22 that come up that are more easily addressed when you have

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1 somebody who has a working knowledge of the field.

2 I hear the money issue, I understand it, I'm
3 totally sympathetic to it. But we're asking for one person.
4 And we think that it gives you more cohesion. It gives you
5 more efficiency. It gives us a lot more coordination. That
6 person, when different people have taken up that desk -- and
7 actually there has been more than two people at one time but
8 as time carried on there was no presence there.

9 And I think that the staff would have to agree that
10 that person made their job easier because they knew, they
11 knew how to spot issues, they knew how and where to begin to
12 resolve them. They weren't our buddies, you know, they were
13 people that we were responsible to, but also our ear within
14 the Corporation. And maybe Steve could fill in things that I
15 may have missed.

16 MR. MOORE: To just reemphasize -- I think Mary has
17 hit all the right points -- what we hear Jack saying is that
18 he has an interest in two or three staff members who will be
19 responsible for various Native American issues that may arise
20 within the Corporation.

21 But again, the difficulty is those people have 10
22 or 11 other issues that they're responsible for as well as

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1 the Native American issues that sometimes are very subtle
2 when you're developing new regulations or new policies or
3 considering funding, a meritorious grant proposal or
4 something like that. That person may be thinking about 10 or
5 11 other things, and the Native American subtleties may be missed.

6 In the past, we've had the Corporation hire Native
7 Americans to head the Native American Desk or the Native
8 American Unit, and that person was responsible full time for
9 Native American issues. And that person then is out there
10 looking for those subtleties, the policy and regulatory
11 subtleties. And I just think it's a more effective way to be
12 responsive to our needs out in the community, out in the
13 countryside.

14 CHAIRMAN HALL: Steve, does the Corporation have
15 anyone that would be comparable to that to some other group
16 like -- by desk, do you mean another office?

17 MS. TRIMBLE: No, we mean a person. I think that
18 is a analogous to a person, a department.

19 CHAIRMAN HALL: Within the LSC that advocates
20 for --

21 MS. TRIMBLE: No, they don't advocate. In the past
22 they had a separate department, and it was located in the

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1 Denver region, and then I guess they moved it back to the
2 central office. But that person was responsible for Native
3 American issues and programs whenever they arose, whether it
4 was a policy development from the top or regulation
5 development on the board level or within the staff.

6 Or if a problem came up in terms that -- it could
7 have arisen in an audit, it could have arisen as a matter of
8 compliance, it could have been a Board problem, it could have
9 been a community program problem -- that person was
10 responsible for representing the Corporation and ameliorating
11 and resolving the issue or working on the problem or giving
12 the Corporation legal advice about the effect of that
13 regulation on the program or how that regulation fit it with,
14 you know, existing federal Indian law.

15 I think in the past there has been different things
16 that, if they were passed as initially drafted, it would have
17 been kind of out of sync with existing federal Indian law.

18 CHAIRMAN HALL: Basile.

19 MR. UDDO: I guess what I haven't heard that I'm
20 maybe missing is that there doesn't seem to be really any
21 indication that this is necessary right now, that anything is
22 going wrong or happening or getting overlooked that requires

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1 the creation of this desk right now. It's more of a concern
2 that maybe if you don't institutionalize it may become a
3 problem in the future.

4 MS. TRIMBLE: But I think that you have some issues
5 out there that could be helped and better solved if you had
6 an Indian Desk.

7 MR. UDDO: Can you give me some examples of
8 instances where this problem exists because there's not a
9 Native American Desk?

10 MR. MOORE: Well, we're a little reluctant to start
11 naming programs, but there is a program that has had serious
12 problems with a tribal government and the offices of that
13 program. The program is not a free-standing Indian Legal
14 Services program, but it's a state-wide program with an
15 Indian component. And the offices of that component have
16 been on the reservation for years.

17 The particular staff, a couple of individuals at
18 that program got into a conflict with the tribal government
19 at that reservation. And the program pretty much was asked
20 to either fire those staff members or move off of the
21 reservation and cease doing business on that reservation.
22 And there is no one at the Corporation to whom that problem

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1 could be addressed.

2 I know Jack has been involved in it, and I know
3 other senior staff members have been involved, but it's not
4 as if the Corporation had someone on staff with an expertise
5 in Indian law, with perhaps familiarity of the particular
6 problems at that reservation, et cetera. In fact, NAILS was
7 kind of asked, at least by the tribal side, to become
8 involved in attempting to negotiate the difficulties and the
9 differences between the tribal government and the program.
10 There was an attempt to draw us into the dispute.

11 Simply because there was not the expertise at the
12 Corporation and a Native American Desk -- we have had an
13 Native American Desk in the past or Native American Unit when
14 it was centralized in Washington, and Britt Clapman, for
15 instance, who was the Native American person who headed the
16 desk in Denver, would have been drawn in, would have been
17 actively involved in resolving the problems on that
18 reservation and with that program.

19 MR. UDDO: Let me just ask before you go on, is
20 that a common enough occurrence to justify a person in the
21 Corporation that is specifically detailed to Native American
22 issues?

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1 MR. MOORE: I think it's not only when problems
2 like that, when real crises or conflict develops, but we have
3 problems with turnover of directors of programs, and there is
4 always the need, I believe, to have someone on staff at the
5 Corporation who can help train new directors of Indian Legal
6 Services programs, who can be someone at the other end of
7 that phone line to call when you've got problems.

8 We find that we have to do -- and it's not that we
9 don't want to do it, but we're asked to do a lot of training,
10 to be kind of the resource base for a new program managers in
11 Indian Legal Services programs. And I think that's an
12 equally important reason why we need an identifiable
13 individual at the Corporation.

14 MS. TRIMBLE: Mr. Uddo, before you leave the
15 situation that we're speaking of, there's a lot of lengthy
16 litigation involved in that case mostly in tribal court. It
17 was a very complex issue. But the net result of that problem
18 is that the staff member on their own left the area. The
19 program was moved off reservation at a place that's distant
20 from most of the clients. And it's still an issue in that
21 client community. It's an issue with that tribe that goes
22 unaddressed. There's no amelioration of a problem and people

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1 are being denied services that they ought to have. And I
2 think that that's the bottom line, that people are not
3 getting effective legal services.

4 MR. UDDO: Well, the only thing that I think I need
5 to put on the record is that I think most of everything
6 you've said rings true. And I'm glad to hear that Jack is
7 working with you folks and has the staff working with you
8 folks to deal with those kinds of problems. And there's
9 obviously some things that the Corporation has got to be
10 concerned about.

11 On the other hand, I appreciate Jack's concern
12 about increasing bureaucracy, because it seems to me to be
13 such a problem. In fact, in my years here I think that too
14 much bureaucracy has worked to the detriment of the grantees
15 in the field on many, many occasions. I remember a few years
16 ago when people would complain, we called the Corporation and
17 the expert and whatever, and it just sort of bounced around
18 the Corporation endlessly and nobody ever got an answer to
19 what the problem was.

20 In dealing with someone who was supposed to be the
21 responsible person and coming from the academic world -- and
22 I think bureaucracy has about ruined the academic world these

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1 days. You know, every problem that comes up, you hire a new
2 administrator or new associate dean or new assistant dean.
3 And you've got these people with extremely narrow
4 responsibilities who really are not well-suited to deal with
5 that problem in the context of other responsibilities that a
6 university or a law school or Corporation has.

7 So I guess all I'm saying is, as you all discuss
8 this and develop it, if there's an alternative to just
9 another level of bureaucracy that would be more responsive to
10 the things that you're concerned about, I think it would be
11 helpful certainly to the Board -- and I assume Jack feels the
12 same way to the Corporation -- to try to find if there are
13 ways of achieving what you want to achieve without adding on
14 to more bureaucracy.

15 If it's impossible, if the bottom line is there's
16 no way of doing it without an Indian Desk and the case is
17 made for that, then, you know, that's it. But I think Jack
18 is right to be concerned about adding on more bureaucracy. I
19 think it inevitably becomes less responsive rather than more
20 responsive.

21 CHAIRMAN HALL: Mr. President.

22 MR. O'HARA: Thank you, Mr. Chairman.

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1 Thank you, Mr. Uddo.

2 In connection, I just wanted to comment. I believe
3 I am familiar with the program that you were discussing, and
4 my information is there because I came in shortly after this
5 started and I was at the Corporation as a temporary employee
6 when this came up, and I remember that the previous president
7 dispatched a team to look into this matter.

8 And without going into the details, it's my
9 understanding, at least from discussing this with somebody
10 from that particular area just a few months ago and from
11 correspondence we've had, that that matter is pretty well
12 resolved. And as I recall, it would not have required
13 somebody on this staff to have great knowledge of Indian law.
14 There were other factors involved in this. There were
15 personalities involved.

16 And I want to say also that having somebody on the
17 staff with that knowledge of Indian law would be great.
18 You're probably aware that at both meetings we've had, I have
19 brought our staff member who is an attorney who is a former
20 administrative law judge who is a Native American and is
21 familiar with Indian law.

22 But I want to add something else to that, and that

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1 is that when I created the Technical Assistance Division, the
2 idea was not simply that the Corporation knew everything and
3 could provide technical assistance in every area. It's a
4 part of reaching out and learning from the field what help is
5 needed.

6 There's another part of me that reaches out the
7 field and says, you know, Harrison McIver who is sitting out
8 there is with PAG, and if somebody with PAG can furnish that
9 technical assistance, we will be the facilitator to get that
10 person to the program to help them out. We will bring
11 somebody from another Native American program.

12 And finally, the last thing I would say is that as
13 long as I'm here and I'm sure as long as this Board is here,
14 because I have found this Board to be very responsive, if you
15 pick up the telephone or if you write a letter and request
16 something be looked into, it will be looked into.

17 And one other thing comes to mind. Just yesterday
18 we were meeting with SCLAID and there were representatives
19 from the migrant labor programs there. And they brought up
20 an issue with regards to legislation which is on the Hill.
21 And they made some very good points that we had completely
22 overlooked in the staff review of the legislation. But I can

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1 tell you right now, we're going to be looking at it when we
2 get back. There was something in there that we completely
3 missed, and I have to say that from what I heard I would
4 agree with what the gentleman said yesterday.

5 So what I'm saying is we're here and we will listen
6 and we will respond.

7 Thank you, Mr. Chairman.

8 CHAIRMAN HALL: Thank you.

9 Howard.

10 MR. DANA: I would like to second that what you
11 have in the management of the Corporation now is a
12 substantial amount of goodwill and a desire to do the right
13 thing. And for that, I give full and high marks to our
14 current president.

15 I think there is -- on other issues, I have felt as
16 you do, that the Corporation would benefit by having somebody
17 on top who is less of a generalists, perhaps, and more of a
18 specialist. And I'd like to think that you're not asking for
19 more bureaucracy but a reshuffling of the existing one.
20 Because we are, in the short term, facing a budget crunch
21 that we may not be able to afford the bureaucracy we have,
22 never mind adding additional people. So what you're

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1 proposing -- your only real hope is to reshuffle the chairs
2 on the ship.

3 But I think there may be a philosophical,
4 managerial difference of opinion as to whether that is the
5 way to go with our corporate staff. An alternative, it seems
6 to me, may well be a heightened role for your organization.

7 I'm just sort of thinking out loud, but if it is
8 expertise in this area and an ombudsman, even though you're
9 currently living in the center of the universe, Boulder,
10 Colorado, and can't from there impact as well as the
11 Corporation in Washington, there may be a way to fund an
12 external advocate that is on top of it that helps the
13 generalists at the Corporation be effective.

14 My view is, for what it's worth, with 130
15 employees, most of whom are dedicated to monitoring our
16 programs, it would be prudent and a good use of time and
17 resources to have at least one on top of about 10 percent of
18 our programs. But I do think there's a philosophical,
19 managerial issue and I don't think there's a right answer.

20 It would seem to me, Mr. Chairman, that, given the
21 pace with which we are being asked to consider this, it might
22 be prudent to keep the concept of a Native American Desk or

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1 some alternative within the agenda of the staff field
2 dialogue so that alternatives can be explored and so that the
3 dialogue can continue between management and the field.

4 CHAIRMAN HALL: I wonder how much money you would
5 be talking about. Apparently, you're talking about one more
6 person and that person would need a secretary and those types
7 of things.

8 MR. DANA: Not necessarily.

9 CHAIRMAN HALL: I don't know.

10 MR. DANA: I don't think we have the money to add
11 anybody. We're going to get into this in the next couple of
12 months, but we are facing serious need to reduce staff at the
13 Corporation, I think, if current budget numbers come through.
14 So the issue is not the cost of adding one more, it is
15 replacing someone or dedicating someone to a different
16 function, creating a specialist where we have generalists.
17 And that's a philosophical problem. There are strengths and
18 weaknesses in both approaches.

19 CHAIRMAN HALL: Others?

20 One last question, you wanted us to take some
21 action today to formally direct the staff to continue to work
22 with you. I'm certainly not opposed to -- I don't think

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1 Jack is opposed to working with you. I wonder if some of the
2 other members might have a comment on that direction.

3 MR. UDDO: I think Jack has already said what's
4 going on. It's clear that the committee supports that that
5 continue, and I'm sure the Board does, too.

6 CHAIRMAN HALL: Sure, and we're on record
7 supporting. Is that clear enough, as least for an opening?

8 MR. MOORE: If it meets Jack's needs.

9 CHAIRMAN HALL: Does it meet your needs, Jack?

10 MR. O'HARA: Yes, I think that having the Board
11 knowing that we're doing this and we have a little money that
12 we have put aside, isn't that right, David. Did I have a
13 little money left in the budget to continue this in this
14 fiscal year?

15 MR. RICHARDSON: Yes.

16 MR. O'HARA: We had planned to continue working
17 with them, and I think that we just wanted the Board to know
18 what we were doing. We don't like any surprises, and I know
19 you don't like them either.

20 MR. DANA: Mr. Chairman, I'm not on your committee,
21 but I think it might help the president if your committee
22 were to encourage or to recommend to the Board that we urge

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1 management to continue its dialogue with the field in this
2 area.

3 M O T I O N

4 CHAIRMAN HALL: I would entertain a motion then
5 that the Provisions Committee recommend to the full Board
6 that the Legal Services Corporation continues to meet with
7 and have dialogue with and address the legal concerns of the
8 Native American community. Does someone make that motion?

9 MS. WOLBECK: So move.

10 CHAIRMAN HALL: And does someone second that
11 motion?

12 MS. LOVE: Second.

13 CHAIRMAN HALL: All in favor say, aye.

14 (Chorus of ayes.)

15 CHAIRMAN HALL: All opposed?

16 (No response.)

17 CHAIRMAN HALL: The motion carries. Thank you very
18 much.

19 MR. MOORE: Thank you.

20 MS. TRIMBLE: Thank you.

21 M O T I O N

22 CHAIRMAN HALL: We will move to adjourn. Do I have

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1 a motion?

2 MS. WOLBECK: So move.

3 CHAIRMAN HALL: Do I have a second?

4 MS. LOVE: Second.

5 CHAIRMAN HALL: All in favor say, aye.

6 (Chorus of ayes.)

7 CHAIRMAN HALL: We're adjourned.

8 (Whereupon, at 1:26 p.m., the meeting was
9 adjourned.)

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