

LEGAL SERVICES CORPORATION

BOARD OF DIRECTORS

BOARD FORUM

COMMENCED AT 2:55 P.M.

February 21, 1993

The Doubletree Suites Hotel
320 North 44th Street

Diversified Reporting Services, Inc.

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WASHINGTON, D.C. 20006

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P R O C E E D I N G S

(2:55 p.m.)

1
2
3 MS. JOHNSON: Good afternoon, I'm Lillian Johnson.
4 I'm director of Community Legal Services here in Arizona.
5 And welcome to the great State of Arizona, the first and only
6 state in the union that, by popular vote, voted to honor
7 Dr. Martin Luther King with a holiday.

8 We are very proud to have you in the State of
9 Arizona, and we're very pleased that you offered us the
10 opportunity to participate in an open forum. And by
11 alphabetical order and by lot, and because we outnumber every
12 other state that is represented here, Arizona is going to
13 take the advantage and go first.

14 What we have lined up for you are participants
15 from all of the legal services programs here in the State of
16 Arizona. While we don't have very many programs to boast of,
17 we have a tremendous diversity, a great population, a
18 wonderful staff that serves the client community.

19 And we wanted to take this opportunity to give you
20 a more graphic picture of the job that we have to do in
21 serving our client community, to give you an understanding
22 and appreciation, and to ask you to feel comfortable in

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1 posing any questions to us that you feel necessary. What we
2 would like to accomplish is that by the end of the this
3 afternoon, from the Arizona perspective, we would like for
4 you to better understand our service delivery area, our
5 population, and some of the problems and concerns that we
6 have in order to delivery quality legal services to poor
7 people in our community.

8 And since I began talking, let me begin.

9 CHAIRMAN WITTGRAF: Ms. Johnson, before you begin
10 specifically with the presentation, may I make a couple of
11 comments on behalf of the Corporation and our Board.

12 MS. JOHNSON: Sure.

13 MR. WITTGRAF: First of all, thank you for
14 welcoming us. And thank you for clearing out the clouds and
15 the moisture before we got here. You did a marvelous job on
16 the weather. And those of us from the upper Midwest,
17 Ms. Wolbeck and I, especially appreciate the job that you've
18 done.

19 Let me say, not so much for your benefit, but for
20 the benefit of your friends and colleagues who are in the
21 room at this time, who we are.

22 To my far left, perhaps appropriately, but

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1 coincidentally, from the great State of Maine, is Board
2 member Howard Dana.

3 Next to him, from the great State of Mississippi,
4 from near the home of Jackson State, the unsung Division One
5 college basketball team in the nation, is Jo Betts Love.

6 Next to her, from Texas, from the Dallas area, is
7 Blakeley Hall.

8 In the middle, the one wearing the suit, is the
9 president of the Legal Services Corporation, Jack O'Hara.

10 Coming this way, the slightly more casual chairman
11 of our OIG Oversight Committee, from Orlando, Florida, is Bud
12 Kirk.

13 From the damp part of the south is Professor Basile
14 Uddo, from New Orleans.

15 My name is George Wittgraf. I'm from Iowa, a
16 little community of 6,000 called Cherokee.

17 From Northern California, where there's never too
18 much rain, a former member of Congress and now Utilities
19 Commissioner, Norm Shumway.

20 And from Minnesota, a farmer, a dairy farmer
21 principally, Jeanine Wolbeck, from near Sauk Center,
22 Minnesota.

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1 Three of our Board members are not able to be
2 present today:

3 Penny Pullen from suburban Chicago was with us by
4 phone for the OIG Oversight Committee Meeting that we just
5 concluded.

6 Tom Rath from New Hampshire is not able to join us
7 this weekend.

8 And Guy Molinari from Staten Island, the borough
9 president there, is not able to join us this weekend either.

10 But we have, over the three years that most of us
11 have been serving on the Board, attempted to travel around
12 the country to most parts of the country. We take these
13 opportunities to learn, as you suggested, and we're all very
14 much still learning and have plenty to learn still.

15 On the other hand, we realize that we're probably
16 near the end of our tenure as directors of the Corporation,
17 and we accept that reality for what it is. But we probably
18 will serve at least for a part, if not most, of the rest of
19 this year.

20 And in that regard, where the comments of you and
21 your colleagues today can be particularly helpful is both in
22 suggesting ways in which the Corporation can relate better

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1 with our friends and colleagues in the field and,
2 additionally, help us be able -- and particularly
3 Mr. Shumway, who is the vice chairman of our Board, and me --
4 help us to be able to make the case for as much funding as
5 possible to the Congress when we meet with the Congress this
6 March and this April and press the case for some increased
7 funds for the Corporation and, in turn, for the Corporation's
8 grantees.

9 And so with those comments, those introductions,
10 and those thoughts in mind, please proceed.

11 PRESENTATION OF LILLIAN JOHNSON, DIRECTOR,
12 COMMUNITY LEGAL SERVICES, ARIZONA

13 MS. JOHNSON: Thank you.

14 First, I think it might be helpful, because not all
15 of us who are here representing Arizona will take the
16 opportunity this afternoon to speak. So perhaps I should
17 just ask all of the Arizona delegation to stand.

18 (Arizona delegation stands.)

19 CHAIRMAN WITGRAF: Your visual aid is a bit of a
20 disadvantage for some of us. It may be --

21 (Laughter)

22 It may be blocking some of those beaming faces.

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1 MS. JOHNSON: What we have chosen to do this
2 afternoon is to include a variety of representatives. Not
3 only do we have staff and certainly we have our full
4 complement of Arizona project directors, but we have board
5 members, both attorneys and client-eligible board members; we
6 have staff, who are not totally responsible for the program.
7 And all of us have different types of concerns.

8 In particular, as you can see, the state is not
9 only very diverse, but it also creates problems in its
10 diversity. We have a number of programs that have a number
11 of different language requirements in order to communicate
12 with our clients.

13 We have perhaps the most diverse client population,
14 because we have a full complement of all the minorities, plus
15 we have, of course, the Indian community that we don't
16 consider a minority here. We consider it, in the real sense,
17 a majority. And we have a farm worker community that has a
18 real barrier in terms of language and communication.

19 The Community Legal Services covers the state, in
20 that we have the Arizona Farm Worker Program for the State of
21 Arizona, and it covers the entire State of Arizona.

22 For a basic feel, we cover Maricopa County, which

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1 is the most populous county in Arizona, and certainly has the
2 greatest number of poor people in the state. We have Mohave,
3 Yavapai, Yuma, and La Paz Counties. So we have a huge client
4 population, and we have limited resources available to serve
5 all of that community.

6 One of things that Arizona represents is that group
7 of states that had the lowest amount of funding per poor
8 person available to it. And despite the fact that there was
9 an increase, with an eye toward giving those programs who had
10 been suffering from not having adequate equal funding to the
11 rest of the community, it did not even scrape the surface.

12 The reality for us is that our client population
13 increased 67 percent from 1980 to 1990. In some programs,
14 it's as high as 75 percent. And we still do not have the
15 resoures available and cannot, despite how fervently we try,
16 develop them on a local level.

17 We have had the unfortunate misfortune of being
18 among the first states to have our IOLTA program cut so
19 significantly in 1992 that it represented a 40 percent
20 decrease in funding for most of the programs. Despite the
21 January 1992 commitment to the contrary, we were told that in
22 1992 we were going to get 40 percent less in IOLTA funds than

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1 we had been promised.

2 For the first time in my program's history, we had
3 to reduce our staff by a quarter -- that was 25 percent of
4 the staff, already too small to serve our client community,
5 had to be released, because there was no way that we could
6 really fulfill our financial responsibilities and have that
7 kind of cut in a funding source.

8 Even worse, in 1993, our IOLTA program has not been
9 able to generate any additional resources and does not have a
10 reserve. And my program goes from receiving about \$450,000
11 to \$150,000 in 1993. So that the increase in resources that
12 were generated by LSC was so insignificant that we are not
13 yet back where we were in 1992 and 1991.

14 We desperately need all the support from the
15 national Legal Services Corporation to do everything
16 conceivably possible to explain and advocate to the Congress
17 that there are too many people who do not even begin to
18 believe that there is a promise or a commitment for access,
19 not given legal services, but just even having access to that
20 legal services. So we desperately need everything that you
21 can do in order to generate additional funds.

22 Another area that we have some serious problem

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1 about is in recruitment of attorneys and advocates. One of
2 the things that we've discovered in our state and in my
3 program is that the best way in order to keep and retain
4 attorney staff is to try desperately not to keep them in an
5 office alone -- that is, without a colleague.

6 So we have generated commitment to have a minimum
7 of two-attorney offices. And now that commitment is being
8 threatened, because the very concept of having offices open,
9 let alone being able to staff them with two attorneys, is
10 being threatened because of the loss of funds.

11 We need you to begin to generate some real money
12 directed toward increasing and enhancing recruitment,
13 particularly for states who have a lot of rural areas in
14 which to cover, because the best thing we can offer our
15 client is actual access to a lawyer.

16 We have been one of those states that have embraced
17 pro bono activity. And through the commitment of our former
18 Chief Justice Frank Gordon, we have generated a commitment
19 from our legal community to be actively involved in making
20 sure that pro bono is available.

21 There is even a commitment, an aspirational goal,
22 that was adopted by the ABA that this state was already

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1 working on. But we realize that if you don't have the
2 lawyers in the area, there is no way that they can volunteer
3 to be available to low-income people.

4 And we are so spread out, we're so diverse, and we
5 have so many barriers that we face, that even with the
6 commitment of pro bono on behalf of our legal community, it
7 simply does not even begin to scratch the surface in making
8 legal services accessible.

9 Another area that we have seen some movement within
10 the Legal Services Corporation -- and we encourage you to
11 continue that in your effort to be of assistance to local
12 programs -- is that we don't need any more requests for
13 additional information coming out of the Corporation.

14 And despite how kind people have been in terms of
15 "No, that 15-day deadline is not definite," if you have a
16 good reason, we will extend that to 15 days. We don't need
17 for you to ask for the information if the information is
18 there.

19 And we understand that you have responsibilities
20 and your staff has been directed to fulfill whatever request
21 that you've made. But please -- please understand that any
22 time that we're asked to generate additional information,

1 regardless to the time frame you give us, we're going to have
2 to take the time out of delivery of legal services to fulfill
3 that.

4 And with that in mind, I'd like to introduce the
5 director of the Community Legal Services Farm Worker Program.
6 And he has a few comments that he would like to address to
7 the Board and to the staff. And then I'll let another
8 program come up and talk to you about their community.

9 Thank you very much.

10 PRESENTATION OF LARRY RULE, DIRECTOR,
11 COMMUNITY LEGAL SERVICES FARM WORKER PROGRAM, ARIZONA

12 MR. RULE: If you don't mind, I'll sit down.

13 President O'Hara and Chairman Wittgraf, Committee
14 Chair Mr. Kirk, members of the Board and committee, I would
15 like to take this opportunity to welcome you to Arizona. And
16 I hope that tomorrow some of you will go with us to visit a
17 local labor camp and perhaps to observe the farm workers in
18 the field.

19 I know that some people, including myself before
20 coming to Arizona, did not realize, well, what are they doing
21 in Arizona in the desert? Are they picking cactus, or what?

22 (Laughter)

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1 But as you will see, this is one of the fertile
2 areas in the nation as far as agriculture. And agriculture
3 is probably the number one product of Arizona.

4 I would like to briefly talk about three things:
5 give you an overview and a feel for the type of farm worker
6 that we get in Arizona, make a brief comment about the
7 migrant count that is being undertaken at the present time,
8 and give some other concluding remarks.

9 To give you a feel for the agricultural community
10 here in Arizona and where our farm workers come from, being a
11 base state, a lot of our workers live on the border region in
12 the State of Sonora, which is one of the largest states in
13 Mexico.

14 And we have a major citrus-producing region here in
15 Yuma County -- oranges, lemons, and other types of citrus,
16 like tangelos. So the workers -- and we are talking about
17 anywhere from 10,000 to 20,000 workers -- come across the
18 border every day to a little town called San Luis, Arizona.

19 And there is an area there called the Corralon,
20 where they have a lot of buses. And the workers then are
21 taken out sometimes as far as Blythe, and over into
22 California and all the way up, even into Maricopa County,

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1 which is the -- Phoenix is in Maricopa County -- to work in
2 the fields. We also have workers here (indicating).

3 What we have is a variety of other types of crops
4 besides citrus. We have everything from -- cotton is a very
5 big commodity in Arizona. We have cattle. We even have
6 pecans and other -- almost every type of agricultural
7 commodity imaginable.

8 Now, the type of farm worker we get is 99 percent
9 monolingual, speaking only Spanish. Their average income is
10 between \$4,000 and \$6,000 a year. The reason we know this is
11 from some cases in discovery we have been given thousands of
12 W-2s, and we just noticed that that's pretty much their range
13 of the income. And we have a very low educational base. A
14 lot of them have never even been to school. There is quite a
15 number that are totally illiterate. It is a poor community.

16 The other thing I would like to mention briefly, I
17 didn't know if anyone here is going to talk about it, is the
18 migrant count which, as you know, is currently underway. And
19 I think this is the first time that we are going to have
20 probably the most accurate count of the number of migrants on
21 a nationwide basis that has been probably ever undertaken.

22 And the reason for that is because of the way the

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1 study was conducted. The information was not just from the
2 census or just from a few agencies, but each program was
3 allowed to bring in any kind of information that we had
4 concerning the number of migrants.

5 For example, we were asked how many migrant farm
6 workers worked in the nurseries in Arizona -- which we have
7 quite a nursery business here. So we were able to get
8 information that the Nurserymen's Association of Arizona had
9 as to the number of migrants. And so we had that input from
10 all sorts of agencies -- state, government, local. And I
11 think that the count is going to be one of the most accurate
12 that ever has been made.

13 And I'd like to conclude by saying that tomorrow
14 I'd like to put a face on these people I've been talking
15 about. And I encourage you to go with us to visit the labor
16 camps and to the fields that are in Arizona to see you how
17 hard these people work for little or no wages.

18 And one of the prime reasons that we have been
19 active in Arizona is that a lot of workers do not make
20 minimum wage. And we wonder, well, isn't there enforcement
21 of this, and why is this so?

22 And the reason is that because of their ignorance

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1 and lack of education they are taken advantage of by a very
2 simple method which tricks a lot of people. And I'll just
3 give you one recent example before we close -- and keep this
4 in mind for tomorrow -- is picking citrus, where the worker
5 will come in and they'll say, "We will pay you \$26 for a bin
6 of citrus." And a bin is a pretty big box to fill. And they
7 frequently don't even eat lunch to try to fill that bin. And
8 they're given their \$26, and they go home, because they think
9 they're working on a contract basis and that's all they're
10 entitled to.

11 And a lot of them are not aware of the minimum wage
12 laws, that eight hours times \$4.25 is actually \$34. So they
13 get really shorted. So that's where most of our involvement
14 has been, is trying to ensure that they're simply paid the
15 minimum wage.

16 And one other item, in closing, that I would like
17 to briefly mention is the Proteus program. Some of you may
18 be aware of that. And I think that that will have a positive
19 impact, because a lot of the farm workers know just what
20 they're entitled to. They want to make a decent wage. And
21 some of these disputes I think can be handled more
22 efficiently through a congressperson program, like with

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1 Proteus.

2 And I would encourage the Board to become more
3 supportive of that. And perhaps we can expand that program
4 to a nationwide basis. And I think it would do a lot to
5 better the lot of the farm worker and have immediate impact.
6 And it would be an efficient vehicle to resolve disputes on a
7 nationwide basis involving farm workers, farm labor
8 contractors, growers, and agricultural associations.

9 Again, I would encourage you to come with us
10 tomorrow to visit the labor camp and some of the fields.

11 Thank you very much.

12 CHAIRMAN WITTGRAF: Mr. Rule, let me -- you and I
13 have never talked about Proteus before, have we?

14 MR. RULE: No, we have not.

15 (Laughter)

16 CHAIRMAN WITTGRAF: Actually, I've been singing
17 from that songbook for about the last 12 months, and I
18 suspect some of my colleagues may have thought that I was
19 turning you into a shill in that regard. But you and I have
20 never talked about that, so I --

21 MR. RULE: A strong suspicion.

22 (Laughter)

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1 CHAIRMAN WITTGRAF: I appreciate your comments. In
2 fact, we're going to talk about that very thing in our agenda
3 tomorrow, in our Board meeting as a whole.

4 Mr. Kirk.

5 MR. KIRK: Any maybe somebody could -- there are
6 two -- two possibilities, program possibilities or options
7 available tomorrow. How long would that take?

8 MR. RULE: Approximately an hour and-a-half.

9 CHAIRMAN WITTGRAF: I think we're hoping --

10 MR. RULE: It is the driving.

11 CHAIRMAN WITTGRAF: Yes, I think we're hoping,
12 Mr. Kirk, to do both. And we'll kind of decide, in
13 consultation with Mr. Rule and Ms. Johnson and others, which
14 one to go first. But I think we're going to try to do both,
15 depending on everybody's schedule, whether we do the one,
16 two, or the other. But I think we're going to try to work
17 both of them in.

18 MR. KIRK: What I would really like to visit field
19 programs, and -- but I've got a 3:30 flight tomorrow. And if
20 we can move things along quickly enough, I would look forward
21 to going.

22 MR. RULE: We do have a fairly large camp in

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1 Phoenix itself. It is an area called Glendale which houses,
2 oh, probably 250 farm workers in this area. So that that is,
3 at least, as far as the time constraint, that area --

4 MR. KIRK: And maybe for those of us that still
5 aren't sure, a few maybe just -- we go in a separate group,
6 in separate cars, maybe drive up --

7 CHAIRMAN WITTGRAF: What stream are these migrant
8 workers part of?

9 MR. RULE: Well, most of them come up here and
10 cover about 15 states. There's several recruiting agencies
11 of farm workers in San Luis, Arizona, and they send farm
12 workers all the way up to New York, for example. We've had
13 them send them to Florida, Tennessee, Iowa, Washington.

14 And so they may start here, working in citrus, and
15 then they will move on to pick apples in the fall in the
16 Washington area. We have some people in Iowa who pick corn
17 and things like that. A lot of them have different types of
18 agricultural things that they do, not just picking -- cutting
19 lettuce.

20 Some of them spend the entire year traveling, and
21 they may be in Arizona for a couple of months. One of the
22 problems we have is that the recruiters make promises, and

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1 they get them way over here and they're stuck. They don't get
2 back. The job doesn't materialize.

3 They were promised this; the work wasn't there.
4 Then they got two weeks of work instead of two months. And
5 then they have to struggle to get back and try to find jobs
6 on the way to help them get back, because of the promise,
7 also, of return transportation didn't materialize.

8 We even had a group that went to Hawaii, and they
9 ended up getting stuck over there. They were recruited and
10 sent to Hawaii. So this base can send workers to any place
11 in the nation.

12 CHAIRMAN WITTGRAF: Many of the migrant workers to
13 whom you're referring then do make their base or their
14 residence in this area?

15 MR. RULE: Yes, that's correct.

16 CHAIRMAN WITTGRAF: Okay.

17 MR. RULE: And approximately -- according to the
18 figures that have just come out, the percentages we have --
19 about 53,000 migrants also have a huge seasonal population.
20 For those who are not aware of the difference between migrant
21 and seasonal, it basically means the seasonal person is
22 called for a number of days, whereas the migrant would have

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1 to stay in employer-provided housing.

2 And so in addition to the 53,000 migrant workers,
3 we -- and this is a rough estimate -- probably have another
4 60,000 to 100,000 seasonals. They do not nothing but farm
5 work, but they maybe live in Phoenix and pick in the fields.
6 There are even fields on the way to the airport. I don't
7 know if you've had a chance to observe just right off Highway
8 I-17. Farm workers in the area are probably around 100,000-
9 plus.

10 CHAIRMAN WITTGRAF: Any other questions or comments
11 for Mr. Rule?

12 Mr. Dana.

13 MR. DANA: Mr. Rule, how in this study has the
14 problem of duplication been worked out?

15 MR. RULE: Well, I think that is, as I pointed out,
16 one of the problems when you deal with one of the base
17 states. That's mainly going to be a problem in places like
18 like California and Texas and Arizona.

19 And I'm not familiar with the type of statistical
20 model that (inaudible) mentioned. It supposedly took into
21 consideration and reduced the amount of duplication.

22 MR. DANA: My assumption is that the 53,000 migrant

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1 workers that are in Arizona are in Arizona for some or all of
2 the season, but they may be included in other state counts.
3 Is that your understanding?

4 MR. RULE: Well, yes. And I think what they tried
5 to do is -- using the number of months that they work. Say
6 that the average farm worker that comes from this base only
7 works about eight months a year. And if you figure out how
8 long the seasons were.

9 So the citrus, for example, in Arizona goes from
10 approximately August through March. And take that, and say,
11 okay, that is, whatever, six, seven months versus about eight
12 months here, and try to factor that in so that the other two
13 months he must have worked in California or he must have
14 worked in Washington.

15 But again, I don't know how many -- but that is a
16 concern of theirs and they came up with some type of
17 statistical formula to deal with that based on the types of
18 crops and the number of workers they need for that crop and
19 the number of months -- and a number of months that the farm
20 worker works to try to come up with some kind of allocation
21 between the states.

22 MR. DANA: But the -- is the 53,000 figure that you

1 have just used, does that mean 53,000 people, or does it mean
2 53,000 people-years? Is it a --

3 MR. RULE: It represents the number that work in
4 Arizona.

5 MR. DANA: All right. So that some may work only
6 for a week; some may work for eight months?

7 MR. RULE: Well, the average is approximately eight
8 months. And I'm basing that from, again, the W-2s and what
9 the workers here told us that they work, and knowledge of the
10 length of the different harvest seasons.

11 MR. DANA: Now, what I'm wondering about in my
12 state, which is -- has a -- unfortunately, a much shorter
13 growing season, the migrant workers are there for a
14 relatively brief period of time, and they're elsewhere,
15 primarily picking apples. And they follow the harvest up and
16 then return. But their time in Maine -- there might be
17 10,000, but their time in Maine is relatively short.

18 Are we allocating funds based upon 10,000 and
19 53,000, where the 53,000 are here eight months and the 10,000
20 in Maine are -- say, are for only two months -- or one month?

21 MR. RULE: Actually, I'm not sure how they're going
22 to allocate that for consideration, whether they will have to

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1 come up with a percentage of each dollar -- say, that out of
2 a dollar for that for that particular migrant, 67 cents will
3 go to Arizona and the rest go -- how it will be divided up.
4 I'm not sure how they will work that out.

5 MR. DANA: Thank you.

6 MR. RULE: It is a concern.

7 CHAIRMAN WITTGRAF: Further questions or comments
8 for Mr. Rule?

9 Mr. Hall.

10 MR. HALL: Thank you, Mr. Chairman.

11 Mr. Rule, did you say you had had contact or some
12 experience with Proteus?

13 MR. RULE: Yes, I was aware of that because one of
14 the other attorneys in our office went to a meeting -- I
15 believe it was in Iowa, and there were representatives of
16 (inaudible) I believe, for the program (inaudible). His
17 name is David (inaudible).

18 MR. HALL: Do you know whether or not Proteus and
19 their troubleshooter has settled any problems between the
20 Community Legal Services Farm Program and migrant workers?

21 MR. RULE: Could you repeat that?

22 MR. HALL: Has Proteus settled any disputes for you

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1 all?

2 MR. RULE: No, we haven't had any implementation of
3 that in Arizona. But in effect, we do that anyway, because
4 we have certain areas where we have mandatory arbitration to
5 begin with. And the policy of our office is try to negotiate
6 or arbitrate the decision first.

7 The last resort would be filing of a lawsuit. And
8 if we can work it out, we usually do -- it may just be a
9 question of calling the grower and talking to him about the
10 problem and trying to resolve it, so it's being used
11 informally anyway.

12 With this structure, there is someone you can call
13 up and, say a neutral party, and say, "Can you arbitrate this
14 dispute?"

15 CHAIRMAN WITTGRAF: Mr. Kirk.

16 MR. KIRK: Do you think that you need another group
17 of people or another level of administration, or could
18 Proteus be operated out of your office -- or something like
19 that?

20 MR. RULE: I think we could probably operate
21 Proteus out of our office. We would need probably two other
22 staff people, but I think it could be done, because all -- we

1 have only two offices. But our office, for some reason, only
2 has one person in it, so we cover the entire state just out
3 of Tolleson, which is an appendage to Phoenix. But I think
4 we can work it out of the office.

5 MR. KIRK: Just to explain to you, I think you'll
6 find that this Board, certainly Chairman Wittgraf and I, are
7 just very strong supporters of nonjudicial ways of solving
8 disputes.

9 You know, we look and wonder whether it's more
10 efficiently handled by a separate organization or through
11 legal services, or what have you. And those are just some of
12 the problems that we have. And at some point maybe during
13 this afternoon --

14 MR. RULE: Sure.

15 CHAIRMAN WITTGRAF: Further questions or comments
16 for Mr. Rule?

17 (No response.)

18 CHAIRMAN WITTGRAF: Thank you very much, Mr. Rule.

19 MR. RULE: Thank you.

20 CHAIRMAN WITTGRAF: Who is the next fish in the
21 barrel?

22 Lillian, what happened? I can't imagine.

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1 A PARTICIPANT: We drew straws, and everybody is
2 looking at theirs to see what size they got.

3 PRESENTATION OF CHARLENE GREER AND ELENORE HILL,
4 FORT APACHE LEGAL AID, WHITE MOUNTAIN APACHE TRIBE

5 MS. GREER: Hello.

6 CHAIRMAN WITTGRAF: Hi.

7 MS. GREER: We're glad to be able to have a chance
8 to talk with you. My name is Charlene Greer. I tend to say
9 that I'm the founding board chairman of Fort Apache Legal Aid
10 when I identify myself. I've been on the board ever since it
11 was started, and in a week I'm going to change hats and take
12 over as director of Fort Apache Legal Aid.

13 We're the green right here. And I drew this --
14 these are trees and these are mountains -- because we wanted
15 you to keep that picture in mind. We provide legal services
16 on the White Mountain Apache Reservation.

17 This is a very rural area and literally is trees
18 and mountains. The reservation covers 1.6 million acres.
19 The population is about -- over 13,000; 10,000 of that 13,000
20 are members of the White Mountain Apache Tribe.

21 It has been estimated that approximately 90 percent
22 of the population within our service area is eligible for

1 legal services. The unemployment rate is over 40 percent,
2 and 60 percent of the people who work make less than \$7,000 a
3 year.

4 Fort Apache Legal Aid has never had annualized
5 funding. Once we were funded for a year. We've been funded
6 for six months, three months, two months, et cetera. This
7 requires even more paperwork than annualized funding and
8 creates a vicious circle. Legal Services doesn't want to
9 give us annualized funding, because we don't have a full
10 complement of staff. We go out to hire staff, and we have to
11 tell them, "Of course, we're only funded for the next three
12 months."

13 Our full staff, including, if we got our full IOLTA
14 funding, which we didn't this year, would be an attorney
15 director; a staff attorney; two tribal advocates, legal
16 advocates; and one secretary.

17 Our IOLTA funding ordinarily funds the entire staff
18 attorney. We were zeroed out this year, went and pled -- and
19 actually our board member -- this is Elenore Hill, who is
20 sitting next to me -- was the most eloquent of us, and we got
21 back 45 percent of our IOLTA funding.

22 The major emphasis, legal emphasis in our legal

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1 services are what are called entitlements, but especially
2 SSI. Those are handled by the paralegal tribal advocates.
3 We'll get, say, a lump sum of \$13,000, \$3,000, whatever, and
4 then get the person going on the SSI.

5 There are a lot of consumer problems, particularly
6 automobile, used auto sales off reservation. And then, as a
7 legal -- as an Indian legal services program, we can do
8 criminal. And in line with the idea that you don't -- you go
9 to court as a last resort, virtually all of our criminal
10 cases are, in fact, negotiated, as is everything that we can
11 negotiate.

12 Within the service area, there are, at best, four
13 attorneys and two lay advocates. Outside of our office, two
14 lay advocates. In our office, two of those attorneys would
15 be with us, and the other two would be tribal attorneys. So
16 there are no private attorneys within the service area.

17 Within the area from which we can pull attorneys to
18 be on our board, I do not exaggerate when I tell you that
19 there are only two attorneys left in the whole area who
20 either are -- have not been on our board or have not refused
21 to be on our board. We're sort of down to the very, very
22 loyal folk. And one of those attorneys who has left is suing

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1 us at the moment.

2 So these attorneys --

3 (Laughter)

4 CHAIRMAN WITTGRAF: If it's any consolation,
5 Ms. Greer, most of us get sued regularly in our capacity as
6 directors of the Legal Services Corporation, too.

7 MS. GREER: Okay. Yes, thank you.

8 CHAIRMAN WITTGRAF: It seems to go with the
9 territory.

10 MS. GREER: I guess it does.

11 These attorneys on our board -- the closest one
12 would come for half an hour to a board meeting, and two hours
13 or more is common. So these are very dedicated people -- as
14 well as our client members on our board will hitch a ride to
15 our meetings.

16 And let me give you an idea of the -- the office at
17 Whiteriver is this dot here. The other two major communities
18 in the White Mountain Reservation are Cibecue and McNary.

19 When we have a full staff, we ride circuit to
20 Cibecue and try to get somebody out there at least once a
21 week or every two weeks. If not, people have to come in --
22 certainly there are lots of -- there are dirt roads, there

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1 are people without vehicles, and they literally -- literally
2 hitchhike to our office. And if you have to go to court, you
3 very often drive your client to court, because they wouldn't
4 get there otherwise.

5 The last thing I'd like to say is we would be
6 extremely happy if any of you would like to visit us. If you
7 want to stay over an extra day, you've got it, we'll help
8 you. If not, you could come another time. There is actually
9 a flight twice a day to and from Phoenix to Show Low, up
10 here, 45 minutes from our office, and so it -- you know, it
11 would be possible to do it in a day.

12 And we would very much enjoy showing you around and
13 giving you the opportunity to see, you know, what it's like
14 to provide services in a beautiful -- I have to say,
15 absolutely beautiful -- rural area in Arizona.

16 If I may, I would like to introduce Mrs. Elenore
17 Hill. She has been on our board since the beginning. And as
18 I said, she is probably the most eloquent of us and got us
19 our 45 percent of our IOLTA funding.

20 Do you want to speak for a moment?

21 MS. HILL: Hello, gentlemen. My name is Elenore
22 Hill, and I'm from McNary, which is 23 miles away from

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1 Whiteriver. And I'm a legal aid board member. And I'm glad
2 that they put me on that, because I didn't know that legal
3 aid existed. This was some years back. And when I found out
4 that it did, it helped my people out a lot -- not just me,
5 but my people.

6 And I'm concerned about my people. They need help
7 like everybody else. What little money you gave us will just
8 take us as far as May, which isn't much, and then what will
9 happen? I don't want legal aid to just fade away or just be
10 forgotten. On our reservation, we do need help.

11 And sometimes when I didn't have a car, I'd
12 hitchhike up to Whiteriver, just so I could talk to somebody
13 down there. And it's really hard. And a lot of my people
14 felt bad when they were asked to leave the reservation. They
15 were put off the reservation in Pinetop -- a lot of my people
16 couldn't go over there.

17 And so what happened to legal aid? What happened?
18 When are they coming back? They're going up to Pinetop -- a
19 lady would have to hitchhike or pay somebody \$20 for a
20 roundtrip -- plus that, \$10 extra gas, which will be \$30 or
21 so going up to Pinetop to talk to legal aid. And most of the
22 time it'll be snowing, the roads will be icy, and then, you

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1 never can tell what will happen.

2 So from Cibecue, Whiteriver, East Fork -- there's
3 about four districts. And it's really hard. And we do need
4 that on the reservation. And I don't want it to fade away,
5 and I want legal aid to be there in the future, for my people
6 to look to -- look forward to. And I'm saying this on behalf
7 of my people.

8 And like everybody else, what little extra money
9 helps, even a very little, could go a long ways. And we do
10 need help, and we do need your support, gentlemen and ladies.
11 And thank you.

12 CHAIRMAN WITTGRAF: Thank you, Mrs. Hill.

13 Mrs. Greer, you have an understanding why you've
14 been on so-called month-to-month funding, Fort Apache Legal
15 Aid, do you not?

16 MS. GREER: Yes.

17 CHAIRMAN WITTGRAF: Okay. It has not been a
18 failure of communication necessarily?

19 MS. GREER: No.

20 CHAIRMAN WITTGRAF: Okay.

21 MS. GREER: Thank you.

22 CHAIRMAN WITTGRAF: Any questions or comments for

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1 Mrs. Hill or Mrs. Greer?

2 (No response.)

3 CHAIRMAN WITTGRAF: Thank you very much.

4 PRESENTATION OF DORIS BUTLER, PROGRAM ADMINISTRATOR,
5 SOUTHERN ARIZONA LEGAL AID

6 MS. BUTLER: Good afternoon.

7 CHAIRMAN WITTGRAF: Hi.

8 MS. BUTLER: My name is Doris Butler, and I'm a
9 program administrator for Southern Arizona Legal Aid. And
10 I'd just like to point out for you where we are on the map.

11 We're responsible for providing services in
12 counties, starting from the bottom of the map all the way up
13 to the reservation. We provide services in all or part of 9
14 of Arizona's 15 counties. Our service area is greater than
15 50,000 square miles, and our poverty population increased
16 better than 75 percent over the 1980 census.

17 CHAIRMAN WITTGRAF: Mrs. Butler, was that increase
18 due to an in-migration of people into your service area in
19 large part, where you had a lot of people moving into your
20 area?

21 MS. BUTLER: We had a lot of people moving into
22 Arizona. I hope it was because we were better than the other

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1 half of the country.

2 CHAIRMAN WITTGRAF: Certainly your climate is very
3 appealing, if nothing else.

4 MS. BUTLER: We provide the services to the
5 residents of our service area through 7 offices and about 55
6 staff people. We were similarly affected this last -- 1992,
7 by IOLTA -- cuts in IOLTA.

8 We similarly, for the first time since I have
9 worked at our program, had to lay off people. And I am in my
10 21st year. We are hoping that this year we will be able to
11 recover from that, and in future years.

12 So the service area for Southern Arizona Legal Aid,
13 or SALA, is outlined in black. And the blue represents the
14 Native American component. We have both urban and rural
15 population areas.

16 I'd just like to say ditto to the things that
17 William Johnson spoke to you about. We are concerned about
18 those same issues in SALA and hope that you can look
19 favorably upon our program.

20 CHAIRMAN WITTGRAF: Mrs. Butler, with fluctuations
21 in funding, either increases or decreases, what typically are
22 the results of your having to cut back in funding at the

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1 moment because of the cuts in IOLTA? Or were you to have
2 increases in fundings, let's say, from the federal government
3 through the Legal Services Corporation, what gets cut or what
4 gets added in those circumstances?

5 MS. BUTLER: We cut staff benefits first. We cut
6 back on as many supply, nonpersonnel type items in our budget
7 first. And then we were forced to lay off staff people.

8 If we were to receive future cuts, the cuts would
9 more directly affect services in that both support staff and
10 advocate staff would have to be reduced. The reductions that
11 took place in 1992 were in indirect support service.

12 If we were to receive increases in funding, we
13 would look at how to provide a greater level of service
14 through the hiring of advocates and support service that go
15 along with those positions.

16 CHAIRMAN WITTGRAF: As we have traveled around the
17 country, particularly in the Midwestern and Western areas,
18 and visited with program directors from those areas,
19 particularly where rural areas are included in the service
20 areas, we've often heard of problems with recruitment and
21 retention, to which Ms. Johnson referred earlier.

22 What has been your experience with recruitment and

1 retention? And do you happen to have the same model that's
2 utilized by Community Legal Services of two attorneys per
3 office for the purpose of reinforcement and retention?

4 MS. BUTLER: Well, it takes us -- we're currently
5 recruiting attorneys for the Safford office, which is here
6 (indicating). And I believe we've been looking for two
7 months. We've had maybe six applicants overall. The more
8 remote the office, the more difficult and the longer the
9 period of time it takes us to find someone. We're estimating
10 that it will take us four to six months to fill that
11 position.

12 CHAIRMAN WITTGRAF: In order to recruit
13 successfully and to retain successfully, what, if anything,
14 does help or might help in the future?

15 MS. BUTLER: For the rural areas, it -- well,
16 actually, for all areas, what helps in recruiting is to be
17 competitive in salaries to the private sector. In the rural
18 areas, there's lots of travel in that the population is
19 sparse. And so that the salary level is why I think it takes
20 us so long, is that we are not able to offer the salaries to
21 bring the people into the remote areas.

22 CHAIRMAN WITTGRAF: What about retaining the staff

1 attorneys who go to work then?

2 MS. BUTLER: Well, that's interesting, because in
3 the -- in that office, the Safford office, we did fill that
4 position in September, and it's vacant again now. That is
5 the first attorney position -- well, first attorney to be in
6 that position since we've had that office. And it's just
7 hard to get attorneys out there.

8 In the whole two-county area, that office serves
9 Graham and Greenlee County. In that two-county area, there
10 are five attorneys in private practice or judges. So that it
11 is very difficult to recruit.

12 And generally, our retention rate is fairly good
13 throughout the service area.

14 CHAIRMAN WITTGRAF: Do you use the approach that
15 Community Legal Services does of two attorneys in an office?
16 Apparently not in your rural offices.

17 MS. BUTLER: We've defined our minimum level of
18 service as one attorney, one paralegal, and one support
19 person, so it's a three-person office.

20 CHAIRMAN WITTGRAF: Is there anything that you can
21 think of that would particularly help you with either
22 recruitment or retention?

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1 MS. BUTLER: Other than additional funding so that
2 we could structure the salary and compensation packages
3 differently, I don't think --

4 CHAIRMAN WITTGRAF: The one attorney who came and
5 went in the last six months in the new office, why did he or
6 she go so quickly?

7 MS. BUTLER: Their spouse got employment someplace
8 else, and that took care of that.

9 CHAIRMAN WITTGRAF: Okay. Questions or comments
10 for Ms. Butler?

11 Mr. Kirk.

12 MR. KIRK: Ms. Butler, when you recruit, how do you
13 do it?

14 MS. BUTLER: How do we do it? We attend local
15 recruitment seminars with the university. We send out job
16 notices to the clearinghouse, the NLADA, to the statewide
17 lawyer newspaper, to local newspapers. We send out flyers to
18 all the law schools.

19 MR. KIRK: Where do get most of your people? Is it
20 mostly from the law schools, or do you get --

21 MS. BUTLER: No. They come from all over. Some
22 are local. Some are from other states.

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1 MR. KIRK: Thank you.

2 MS. BUTLER: Mm-hmm.

3 CHAIRMAN WITTGRAF: Mr. Hall.

4 MR. HALL: You said you had six applicants for a
5 position?

6 MS. BUTLER: Mm-hmm.

7 MR. HALL: You did not fill it from those six?

8 MS. BUTLER: That is still ongoing. The
9 interviewing process is ongoing. I certainly hope that one
10 of those six are going to be suitable.

11 MR. HALL: I know that you lost one attorney that,
12 as has been mentioned, came and then left because his spouse
13 had gotten some employment elsewhere. How often do you -- is
14 there an average amount of time that you keep attorneys? Do
15 you have a problem losing them once you get them?

16 MS. BUTLER: I believe our average stay is between
17 four to six years.

18 CHAIRMAN WITTGRAF: Do they usually leave for
19 financial reasons, the salary is not enough, they have to
20 make more money?

21 MS. BUTLER: Always. It's always for those
22 reasons, for that reason.

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1 CHAIRMAN WITTGRAF: And the lawyers that you do
2 receive applications from, do you have a feel of whether they
3 need employment versus that they're truly interested in
4 poverty law and want to serve in that capacity?

5 MS. BUTLER: It's a combination of those, and it's
6 really hard to say that it's one over the other. I certainly
7 get a sense that they all need employment. But I think
8 they're being selective in serving their more basic
9 interests.

10 CHAIRMAN WITTGRAF: Okay. Experienced attorneys or
11 new lawyers?

12 MS. BUTLER: Some are. Most of them are
13 experienced.

14 MR. HALL: Thank you, Mr. Chairman.

15 CHAIRMAN WITTGRAF: Mr. Dana.

16 MR. DANA: What is the position that is currently
17 being -- interviewing for, what does that pay?

18 MS. BUTLER: I believe we're offering it at 25 --
19 \$25,000.

20 MR. DANA: You've been in your -- in this program
21 for 21 years, did you say?

22 MS. BUTLER: Yes.

1 MR. DANA: Are any of the lawyers -- currently in
2 your program, were any of the lawyers in your program
3 Reggies?

4 MS. BUTLER: Yes.

5 MR. DANA: Were you a Reggie?

6 MS. BUTLER: No. I'm not a lawyer.

7 MR. DANA: What -- how many came to you as really
8 part of the Reggie Program and have stayed?

9 MS. BUTLER: I believe at least four that I -- 21
10 years is a long time to think back, but I believe it's four
11 or five.

12 MR. DANA: Are they some of -- currently some of
13 your most senior lawyers?

14 MS. BUTLER: I believe we still have one of those
15 lawyers on staff who is -- who was a Reggie for, I believe, a
16 year and is now the director of litigation.

17 MR. DANA: Thank you.

18 MS. BUTLER: You're welcome.

19 MR. HALL: Ms. -- just one --

20 CHAIRMAN WITTGRAF: Mr. Hall.

21 MR. HALL: One quick one.

22 If you were given extra money, would you use it for

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1 attorney retention? Would that be a priority, or would you
2 use those funds for other needs, such as perhaps hiring an
3 extra lawyer at the same, lower wage?

4 MS. BUTLER: Our discussions have -- I believe from
5 our discussions that we would seek to first add an additional
6 lawyer.

7 MR. HALL: Just one?

8 MS. BUTLER: One. Right now we're recruiting for
9 the Tucson office, two lawyers. And I believe that if we got
10 additional money this year, that we would seek to add one
11 additional lawyer this year. But it -- certainly for 1994
12 and beyond, it would depend on how much funding we got.

13 We usually look at those two issues in tandem, to
14 look to see how much of that increased money we should put to
15 salary increases in order to keep attorneys and then to look
16 at how much we would allocate for new staff to meet the need
17 of providing services.

18 So if it was a substantial amount, I happen to have
19 no doubt that we would get a little bit for salaries and some
20 -- or benefits in some form, but the majority would go for
21 new staff.

22 MR. HALL: Thank you, Mr. Chairman.

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1 CHAIRMAN WITTGRAF: Further questions or comments
2 for Ms. Butler?

3 (No response.)

4 CHAIRMAN WITTGRAF: Thank you very much.

5 MS. BUTLER: Thank you.

6 PRESENTATION OF DAVID OLIVER,
7 FOUR RIVERS INDIAN LEGAL SERVICES

8 MR. OLIVER: Good afternoon, ladies and gentlemen
9 of the Board.

10 My name is David Oliver. I'm with Four Rivers
11 Indian Legal Services. We're a component of SALA, which
12 Doris has just told you about.

13 I'm not sure you can see this display here very
14 clearly. Four Rivers -- see the blue lines? That's where we
15 travel to. We're pretty saddle-sore at times.

16 We serve small and medium-sized tribes in Arizona.
17 It's kind of a specialty of ours. It's an odd area of the
18 law, very diverse, both in the populations we serve, diverse
19 geographically, and diverse in the range of services we
20 provide.

21 We serve the Gila River Indian Reservation, Salt
22 River, Fort McDowell, Pascua Yaqui, Cocopah, Quechon, and

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1 Camp Verde, in various capacities. We have three offices and
2 less than a dozen personnel to do all this with.

3 Our main office is in Sacaton in the Gila River
4 Indian Reservation. There are Pima and Maricopa down there
5 or O'Odham -- they use their own words for themselves. We
6 try to provide so many services that it's often confusing.

7 I'd like to second what you've heard from the Fort
8 Apache representatives and what you will probably be hearing
9 from Papago about the unique nature of Native American legal
10 aid programs.

11 The simple distances involved mean that it costs
12 more energy, effort, and money to serve each client. But
13 it's critical to serve those people, because there's nobody
14 else out there. We can't send them down to the friendly
15 attorney down the block who owes you a favor. There's nobody
16 there. There's just us. There's no pro bono program that we
17 can provide.

18 On the Gila River Reservation, there's one other
19 attorney. He's a tribal attorney. Ditto for Salt River -- I
20 take that back. There's one recently graduated member who
21 has become an attorney. She is on the council. There's
22 nobody else for these people to go for. And as was mentioned

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1 earlier, 90 percent of them are eligible for our services --
2 90 percent.

3 These are people who we have to drive out and see,
4 because they don't have phones. A recent article in the
5 Arizona Republic said -- the headline was "Only the Rich Have
6 Phones." That's true. The rich people have phones, the
7 things that you and I take for granted.

8 We have, currently, three attorneys on staff. We
9 would sure like to have two in each office, but sometimes
10 that works and sometimes it doesn't.

11 We have currently three advocates. Advocates are
12 an unusual form of employee. Essentially they have all the
13 responsibilities, pressures, and duties of an attorney within
14 the tribal courts. People go to jail if they make a mistake.
15 They defend homicides, civil suits, all kinds of things. We
16 have a community education specialist up at Salt River which
17 the tribe has funded. We have four support staff.

18 As far as the diversity of services, we do
19 everything from advising one small tribe, advising their
20 council on large business deals. You would be amazed how
21 many predatory companies there are out there who would like
22 to find a small tribe that has its own jurisdiction that we

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1 can put our garbage dump on and not have to worry about all
2 those state regulations.

3 We're the public defender. Here in the Gila River
4 Reservation -- and I think it's beyond your view here -- down
5 in Pascua Yaqui, south of Tucson. We handle civil caseloads
6 in Salt River, Gila River, and do Fort McDowell, and perform
7 other various services to many of the other reservations I've
8 mentioned.

9 The critical thing that I'd like to get across here
10 is not only just that the law is unique or that the distances
11 are far, but that these are different nations. English is a
12 second language to most of these people. The same thing that
13 the farm worker program brought forth about the language
14 barrier -- we have that same thing.

15 And I'm sorry, I'm not a very good speaker of Pima.
16 I often have to ask somebody to come around and help me out,
17 particularly with the older members. And it's not just one
18 tribe. It's a number of them. These are different nations.
19 They used to war on each other sometimes. These are people
20 with their own pride, their own needs, and they've got their
21 own court systems.

22 One of the things we're trying to do with them is

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1 to develop those courts. Because of the Indian Civil Rights
2 Act, a number of responsibilities were placed on the criminal
3 courts' portion of all of these tribal courts. These are
4 small reservations, small to medium-sized reservations.

5 They don't have resources. They don't have a lot
6 of the infrastructure which has helped create the
7 sophistication level of the courts that we know in the State
8 of Arizona and elsewhere in our nation. These are courts
9 that they will often make it up as they go along. And
10 they're very prideful people. We have to walk on eggs when
11 we walk in there.

12 The other thing that lets us be accepted, though,
13 is that we're mostly Native American. I don't happen to be,
14 but 75 percent of our program is Native American employees.
15 And as part of our desire to empower them and to increase
16 tribal sovereignty and to increase court development, our
17 advocates are going in there. They're doing these things
18 themselves. These people can do for themselves with a little
19 bit of help.

20 And the tribes respect us. If I were to walk in
21 there and say I'm from Four Rivers, in most of these
22 reservations they would say, "Oh, yeah, come on." This isn't

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1 the common -- this is not the kind of approach that other
2 people will get. There's a lack of trust towards the greater
3 white culture. And they've seen a lot of programs come and
4 go. We have to be there for them consistently.

5 LSC provides about a third of our funding. The
6 tribes themselves provide some. IOLTA, which severely cut us
7 recently, provides us with more. We're stretched thin. We
8 try to give you a good bang for your buck. We appreciate the
9 help you've given. We need more. You're going to hear that
10 some more today, I suspect.

11 Thank you.

12 CHAIRMAN WITTGRAF: Which community is your office
13 headquartered in? Four Rivers is --

14 MR. OLIVER: Four Rivers -- the main office is in
15 Sacaton, south of here, on the Indian reservation.

16 We have another office up in Salt River. We've got
17 an office which is apparently only been part-time down in
18 Pascua Yaqui. And we ride and fly a lot.

19 CHAIRMAN WITTGRAF: I think you mentioned your
20 staff generally was 75 percent Native American?

21 MR. OLIVER: Correct.

22 CHAIRMAN WITTGRAF: Is that true for the legal

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1 staff as well as the staff generally?

2 MR. OLIVER: It about 50 percent. All of our
3 advocates are Native American. We find it very difficult to
4 find attorneys who are Native American. A lot of our people
5 end up staying in federal Indian law. And, in fact, we're
6 kind of an entry point for them.

7 CHAIRMAN WITTGRAF: So your situation regarding
8 recruitment and retention might be somewhat different from
9 your colleagues in the more conventional legal services
10 programs?

11 MR. OLIVER: Yes, partly because of the geographic
12 isolation. Also, we're looking for a very specific type of
13 person, one who's working in a -- almost a collegiate or
14 communal approach to the authority structure within the
15 organization. We're lucky we're small. We can make a small
16 group approach work. Everybody decides things together, like
17 hiring and firing. And it's important to have somebody who
18 is going to fit in there. So we look hard for our people
19 when we can take one on.

20 CHAIRMAN WITTGRAF: How long have you been with
21 Four Rivers?

22 MR. OLIVER: Only two years. And I've learned this

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1 field on the job, as it were. It's a fascinating field.

2 CHAIRMAN WITTGRAF: Where were you before?

3 MR. OLIVER: I was a Philadelphia attorney in
4 private practice.

5 They have something called Rule 40 here in Arizona.
6 And attorneys who are not admitted into the bar here but are
7 admitted into other bars are allowed to practice for up to
8 two years, and that's how I got in originally. And that's
9 where we can pick up experienced attorneys occasionally.

10 CHAIRMAN WITTGRAF: And it's very difficult for you
11 to have any pro bono component at all, you indicated?

12 MR. OLIVER: No, unless I'm going to have the
13 client -- and remember, these are clients with few
14 resources -- go into Phoenix or go into Tucson or even into
15 Yuma. There's just -- there's no one else out there.

16 CHAIRMAN WITTGRAF: Mr. Shumway.

17 MR. SHUMWAY: Mr. Oliver, when you appear before
18 these tribunals representing Native Americans, is it common
19 to have an attorney on the other side, or are you the only
20 attorney in the courtroom, in the forum?

21 MR. OLIVER: Usually -- let me clarify a little
22 bit. Usually if it's tribal member against tribal member, we

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1 will not directly represent. We'll do it pro se. If the
2 other side is represented, usually one of our advocates will
3 be there to represent our client.

4 Where I become involved -- although occasionally I
5 have appeared, very rarely, in a criminal matter, because,
6 you know, with this small an organization, you've got to
7 cover each other or it just doesn't work. Usually it's
8 someone from the outside -- a car company, a bank coming for
9 a repo; somebody trying to collect a debt from somebody who
10 doesn't have it.

11 The interesting thing is that no matter how
12 sophisticated, every court I've been in, they try to give the
13 client the fairest hearing possible. And that's the basic
14 bottom line for a court as far as I'm concerned. And if I
15 see that happening and I'm doing a good job of advocacy, I
16 can have some confidence.

17 MR. SHUMWAY: My next question may sound somewhat
18 sinister. I don't mean it in that vein. But do you get any
19 help at all or any -- any assistance in any way from the
20 Bureau of Indian Affairs in terms of providing justice to
21 these people or organizing them?

22 MR. OLIVER: Not us directly, no.

1 MR. SHUMWAY: The reason I ask is that that agency,
2 you know, has responsibility for so many needs of Native
3 Americans, in terms of education, health, and dental care.
4 And it's surprising to me, when I think about that, that they
5 would be silent apparently on the subject of providing legal
6 services.

7 MR. OLIVER: May I introduce my boss, LaNita
8 Plummer.

9 MS. PLUMMER: Hi.

10 I'd like the opportunity to answer that question.

11 MR. OLIVER: Thank you.

12 MS. PLUMMER: With regards to receiving direct
13 benefits from BIA, there are benefits, but they go to the
14 tribes themselves. And for Four Rivers to come in and
15 attempt to get a portion of that would be to compete with
16 people that were trying for help. So, no, we're not funded
17 directly from BIA, and that's the purpose.

18 MR. SHUMWAY: The tribes themselves don't undertake
19 to provide representation to their own people?

20 MS. PLUMMER: The communities that we're serving
21 are, within the judicial system, very new ones. Their energy
22 has been focused on providing a court and prosecutorial

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1 services to protect the community at large. The
2 constitutionalists do not require that they make
3 representation available to individual members. So in
4 response to that question, the answer would be no.

5 To the extent that legal representation is made for
6 the individual members, it is made to Four Rivers. To the
7 extent that Four Rivers has some support from the tribes, it
8 is by providing support staff for Four Rivers.

9 MR. SHUMWAY: Have you ever approached BIA with the
10 prospect of looking at that particular need of Native
11 Americans?

12 MS. PLUMMER: I don't think that it would be proper
13 for Four Rivers to approach BIA with that, understanding that
14 the communities we serve have asked BIA to provide the
15 dollars to the tribes directly. What we have done is to
16 approach the council of the various tribes, asking for a
17 portion of that, that BIA has allocated to the tribes for the
18 purposes of the judicial system.

19 In some instances -- most recently Pascua Yaqui --
20 the council has seen fit to provide a portion of the total
21 judicial allocations to Four Rivers. No. Again, the type of
22 service that we provide requires that we are not only diverse

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1 but that we are culturally sensitive and that we recognize
2 that we're dealing with separate sovereigns. And in doing
3 so, it means respecting how the tribesmen decided to deal
4 with BIA regarding their judicial system.

5 CHAIRMAN WITTGRAF: The funds that you referred to
6 that you had been given by the one tribe, are those being
7 utilized in the civil court system or just in the tribal
8 court system, just with tribal councils?

9 MS. PLUMMER: From the tribal council that I
10 referred to, that would be the government of the tribe. And
11 in Pascua Yaqui, all of our -- all of the matters are handled
12 in tribal court. And civil, no, we're the public defenders
13 for that, even if they're Pascua Yaqui.

14 CHAIRMAN WITTGRAF: So to some extent, Four Rivers
15 goes both into the civil courts and into the tribal courts,
16 or the tribal councils, whereas the monies that are
17 available, the judicial monies that are available within the
18 council, don't go outside at all. They stay solely within
19 the council judicial process?

20 MS. PLUMMER: That's correct.

21 CHAIRMAN WITTGRAF: I'm sorry. I interrupted.

22 Further questions or comments for Mr. Oliver?

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1 Mr. Kirk.

2 MR. KIRK: During the reception, would somebody
3 come tell me about the tribal courts and where lawyers fit in
4 to tribal court?

5 MS. PLUMMER: We'd be happy to.

6 MR. KIRK: Thank you.

7 MR. OLIVER: We would also like to extend the same
8 sort of invitation -- we seem to be a little bit in
9 competition -- you're welcome all over the state -- but we
10 would like to extend the invitation for any of you to come
11 and see where we work and what kind of setting we're in.

12 CHAIRMAN WITTGRAF: Thank you both very much.

13 MS. PLEMMER: Thank you.

14 PRESENTATION OF T.J. HOLGATE,

15 DNA PEOPLE'S LEGAL SERVICES

16 MR. HOLGATE: Yati -- which means "Welcome and
17 greetings."

18 Members of the Board, may it please you, my name is
19 T.J. Holgate. I'm glad I am able to come up here and meet
20 with you today. It's good to see Jack again. Jack had the
21 opportunity to come to our program last June to celebrate our
22 anniversary, 25th anniversary.

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1 As I indicated, my name is Mr. Holgate, and I
2 represent the DNA People's Legal Services, Incorporated. And
3 I think I'm proud to say that I'm the only -- the program is
4 uniquely more -- not so much that we're restricted to the
5 State of Arizona, but our service area includes part of Utah,
6 up here. And then on past the four corners into New Mexico.

7 Now, if you look at this picture here, I just
8 wanted to remind you that the way this Navajo Nation is
9 structured, in the middle of the Navajo Nation is the Hopi
10 Reservation, with a population of about 15,000 or so enrolled
11 members living on the reservation.

12 And in this area right here, what's known as Tuba
13 City, was in that area just north of there, northwest of
14 there, that a little community called the San Juan Southern
15 Painte, recently federally recognized.

16 This is about an 80 percent illustration of the
17 service area that we serve. What's excluded from this map --
18 about 90 miles from this place called Window Rock, in Gallup,
19 New Mexico, there's another small community called Ramah
20 Navajo.

21 And then to the far southeast of that direction, in
22 the town of Socorro, New Mexico, north of there, there's

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1 another community called Alamo, New Mexico -- there's a
2 Navajo circuit court.

3 And then, about 30 miles from there -- from
4 Albuquerque, I'm sorry -- west of Albuquerque is another
5 Navajo community called Cañoncito.

6 And DNA, which, by the way, stands for Dinebeiina
7 Nahiilna Be Agaditahe, which means "Attorneys revitalizing
8 the economy of the people."

9 And DNA has been in existence here for 25 years or
10 since 1967, over 25 years. And I'm a member of the Navajo
11 tribe, and I speak fluent Navajo, as well as -- to some
12 extent, English is my second language.

13 So the uniqueness of our program I'd like to share
14 with you is that we serve a community that's basically, I
15 would say, 80 percent, somewhere in that range, below poverty
16 level. The population of the whole Navajo Nation numbers
17 around 200,000.

18 In our service area, because of geographical
19 distance, we find it a very -- somewhat a struggling process,
20 because the nation, the way it's situated here, and the way
21 the geographical structure of our office is, makes it very
22 difficult for somebody on a \$20,000-a-year salary to be able

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1 to enjoy life socially and also enjoy the luxuries of
2 monetary incentive.

3 For somebody that's very difficult, because for a
4 person to live in Tuba City, who works there five days a
5 week, and to go shopping for the weekend, probably drives
6 about 90 to 100 miles a weekend just to enjoy -- maybe just
7 to go see a movie or to go do something, shopping for the
8 weekend.

9 So because of the geographical location, DNA has
10 always struggled financially to in a way, to provide and
11 retain attorneys. Most of the attorneys we get are off the
12 reservation from places like Williamsport, Pennsylvania;
13 Helena, Montana.

14 These places -- that's where we are fortunate to
15 get some very good people, but the problem we're having is to
16 retain these people, because of the isolation and the
17 geographical structure of our office, and extend to places
18 like Winslow, Arizona, or Flagstaff.

19 And I'm here to share you with you, also, on the
20 other side, that DNA does have a role within the Navajo
21 Nation. It plays a vital role by helping the nation to
22 develop its judicial system. Culturally, Navajos do not --

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1 are not -- the court system is foreign to us.

2 The adversarial system of an attorney -- plaintiff
3 to defendant is not part of our culture. It's a thing that's
4 been imposed upon our people. Our system, our resolution of
5 problems are through mediation, through peacemaker process.

6 And DNA has, for years, developed this -- educated
7 people out here that this system that's been imposed on --
8 this is a system that we have to work with.

9 For years, DNA has -- in the practice of tribal
10 court advocates, tribal attorneys, developed people with
11 skills and expertise to become judges in these judicial
12 process or this structure. And we're proud to say that DNA
13 has played a vital role in that.

14 Obviously, Mr. Shumway directed a question that
15 sort of hit a point for me that I want to share with you.
16 Yes, the Bureau of Indian Affairs does have some
17 responsibility in terms of funding and resources to provide
18 services out on the Indian reservations, but unfortunately
19 that's not enough.

20 Recently DNA got themselves involved in a lawsuit
21 called a jail condition. Under the 638 contract, the BIA
22 does allocate money and resources to the tribe to fund jail

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1 facilities. Unfortunately, not enough money is channeled
2 through that inmates in these jails and these facilities were
3 -- the tribal jails are overcrowded.

4 One of the most deteriorating places you've ever
5 been, overcrowding, lack of medical -- medical screening,
6 lack of adequate hygiene -- are not provided to these
7 prisoners.

8 As a result, DNA put it upon itself to see some
9 remedies to ensure that the tribe humanely treat these
10 inmates if they're going to retain them. And DNA has been
11 involved in that, because that's a direct violation of their
12 rights as prescribed under the Indian Civil Rights Act.

13 And now again, on the other side, we see that DNA
14 has played a vital role within the Navajo country by the fact
15 of its development, the leadership that's been developed
16 there. Our current president, Peterson Zah, is now the
17 president of Navajo Nation, a former tribal court advocate.

18 Our former tribal court advocate went to law school
19 and graduated. He's now the chief justice of the Navajo
20 Nation. So that DNA does play a vital role in the community
21 that we serve in the Hopi Nation, as well as the Navajo
22 Nation. The vice chairman of the Hopi Tribe is a former DNA

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1 advocate. So we do play a vital role.

2 And on a parallel scale, that we also do try to be
3 the police out there to make sure that the government follows
4 its policies, or at least we show them that there's a policy
5 in existence.

6 And that's why I wanted to share with you and
7 enlighten you, because I don't want to paint a picture for
8 you that you see in Hollywood, because this is the real DNA
9 that exists out there, and it comes from a person that's born
10 and raised out there.

11 And I don't know what diversity the people are
12 here, but I'm glad that I'm able to share that with you,
13 because it comes not only from -- as an outsider, but I'm
14 from the inside. And I was very pleased that Jack had come
15 out and sweat with us, which was great.

16 And like everybody who has been up here before me
17 invited you to come out, I invite you to come out and have a
18 Board meeting out there. We'll accommodate you, one way or
19 another. Okay?

20 Thank you very much. I appreciate it. If you have
21 any questions, I'd be pleased to answer them.

22 CHAIRMAN WITTGRAF: Thank you, Mr. Holgate.

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1 How large is the staff of your program?

2 MR. HOLGATE: We have about, I would say, 75: 23
3 attorneys, 18 tribal court advocates, and the rest support
4 staff.

5 CHAIRMAN WITTGRAF: How does it break
6 proportionately between Native Americans and others? You
7 mentioned attorneys from Helena and Williamsport and other
8 places.

9 MR. HOLGATE: Yes, that was an example of attorneys
10 that we have been able to fortunately bring in. A breakdown
11 in a overall scale, 80 percent are Native American -- 80 to
12 85 percent are Native American.

13 And we also, within our program, have a policy --
14 or at least the direction, the goal that we have, we want to
15 recruit more Native Americans into our program as key staff
16 attorneys. We are very fortunate that we have a member of
17 the Tuchiahoe Nation from New York who is working with our
18 protection and advocacy program.

19 A San Domingo Pueblo lady is with our Shiprock
20 office, who is one of our staff attorneys, a managing
21 attorney at our Shiprock office. The other office that's not
22 located up here is the Farmington office, the San Juan Legal

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1 Aid -- that's their big office.

2 And under the fellowship grant at IOLTA, we're
3 pleased to have a Navajo lady; her name is Mary Shirley.
4 She's under the Frank X. Gordon Fellowship. And she's a
5 graduate of Arizona State University down near Phoenix.

6 CHAIRMAN WITTGRAF: Is it fair to assume that that
7 80 percent is about the highest proportion ever; that is,
8 more Native Americans have gone to and completed law school
9 that it's been possible to recruit a larger proportion of
10 legal staff members who are Native Americans than was
11 especially true 25 years ago when DNA came into existence?

12 MR. HOLGATE: Well, we can only assume that.

13 CHAIRMAN WITTGRAF: You may not be old enough to
14 answer that question, but I --

15 MR. HOLGATE: Yes, I understand. But it's fair to
16 say that it's going to be a problem for us. Number one, I'll
17 be honest and straightforward with you, is the salary. Our
18 starting attorney starts at \$20,000; where the Navajo Nation
19 Department of Justice has its own attorneys, their beginning
20 salary, with no experience, is \$28,000.

21 So you're looking at about \$8,000 difference. And
22 I'll be inclined to go with the \$8,000 difference. I would

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1 put my money there. So that's basically example, but that's
2 the scale that's presented for the attorney that comes down
3 from Williamsport, has to pay his own way to come out to live
4 on the reservation.

5 That's a mighty challenge, I think, for those
6 people that are here, and I'm glad they're here to help us,
7 because that's the way they live. That's the way we live.
8 "They" meaning the Navajo people.

9 For somebody to come out from Chinle in order to
10 maybe shop would go about 120 miles just to do laundry or to
11 buy a couple of bags of groceries, because of the way the
12 economic structure is on the reservation of the nation.

13 CHAIRMAN WITTGRAF: Mr. Kirk.

14 MR. KIRK: How many people do you serve?

15 MR. HOLGATE: Of the 80,000, we presumably --
16 because of the priorities guidelines set, I would see
17 somewhere around 8,000 overall, right now. That what's we
18 served last year.

19 MR. KIRK: That there are 8,000 eligible?

20 MR. HOLGATE: There are about that many. Yeah, we
21 end up turning a lot of our clients away because of our
22 priority scale, as well as the caseloads that we have. In

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1 some cases, our attorneys carry from anywhere to 40, 50, 60
2 cases.

3 And it's very difficult to turn somebody away when
4 they're in a situation that the car dealer -- the board would
5 turn -- a car dealer that has an attorney does an illegal
6 repossession, when there's a statute that says you can't do
7 that on the reservation. And it's really difficult sometimes
8 to say no to them.

9 CHAIRMAN WITTGRAF: Further questions?

10 Mr. Shumway.

11 MR. SHUMWAY: I obviously didn't understand the
12 Navajo words that you used to describe the name of your
13 organization that gave rise to the initials DNA, but the way
14 you translated that into English, it sounded like perhaps
15 you're also involved in economic development on the
16 reservation?

17 MR. HOLGATE: Oh, yes, to some extent.

18 MR. SHUMWAY: Is that in addition to justice,
19 you're pursuing the economy as well?

20 MR. HOLGATE: Well, let me put it in this
21 perspective for you, Mr. Shumway. If you go to a Navajo
22 reservation and you talk to -- you talk to an elderly or

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1 someone that has received service from DNA, they actually
2 think DNA -- especially when you see an DNA attorney or
3 advocate, they think (inaudible), because we are somewhat of
4 a sanctuary out there for the people in the sense of from
5 legal problems, community problems, and also economic
6 problems, in terms of the housing problem.

7 We're working on a program now -- hopefully that
8 would -- we're soliciting -- we're -- we've got some
9 donations sent in under a housing project that we're working
10 on, a housing policy that hopefully we can get more of the --
11 let me back up a minute.

12 In order to -- this whole land is a trust land.
13 It's a special land. There's a very small parcel of land all
14 over the reservation, in certain areas, that there are fee
15 lands, basically (inaudible) land.

16 This is federal trust land. So in order --
17 somebody can't really say I have a property that I have an
18 interest in. So most border town banks or finance companies
19 are very hesitant to finance a house or mortgage a house out
20 here because of the land status.

21 Now, DNA is working on a project hopefully that
22 will change that under our housing -- this project we have,

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1 hopefully we can -- through this development, we can develop
2 and legislatively push for the tribe to get more -- hopefully
3 entice more money into the reservation, for more housing, so
4 that the tribe can benefit as well as members can benefit.
5 So in a way, we are -- to your question, yes, we do try to
6 economically help the nation.

7 CHAIRMAN WITTGRAF: Thank you very much,
8 Mr. Holgate.

9 MR. HOLGATE: I appreciate the time.

10 CHAIRMAN WITTGRAF: Thank you.

11 PRESENTATION OF SUSAN SLASOR, PROJECT DIRECTOR,

12 COCONINO COUNTY LEGAL AID

13 MS. SLASOR: Due to the lateness of the hour, I'm
14 going to be very brief.

15 My name is Susan Slasor, and I'm the project
16 director of Coconino County Legal Aid, which is just
17 southwest of DNA, right here.

18 Coconino County is the second largest county in the
19 United States. There are one-and-a-half attorneys serving
20 the poor people in that county, and we count half of me,
21 because a good portion of my time is spent doing
22 administrative work and filing grant requests and things like

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1 that.

2 CHAIRMAN WITTGRAF: And responding to those
3 insufferable, innumerable requests for information from --

4 MS. SLASOR: That's right.

5 CHAIRMAN WITTGRAF: -- the Legal Services
6 Corporation and elsewhere. All right.

7 MS. SLASOR: That's right.

8 Prior to 1992, when we got cut by IOLTA, we
9 actually received more IOLTA funding than we did Legal
10 Services Corporation funding. We only received \$100,000
11 from LSC in 1992. This year it has gone up, but it has gone
12 up because of the census data -- puts 20,000 poor people in
13 that county.

14 Flagstaff is the major population center, and
15 that's where our offices are located. We do, however, travel
16 all the way north to the Utah border to visit clients in both
17 Page and Fredonia. We also travel west along the interstate
18 to a few small towns in Coconino County there.

19 We additionally receive IOLTA funding to serve the
20 members of three small Indian tribes:

21 The Kiabab Payute (phonetic) are located north of
22 the Grand Canyon. The Hualapai people are located out on old

1 Route 66, and then we serve the people of Havasupai, who live
2 at the bottom of the Grand Canyon. And to get to the people
3 of Havasupai is a three-hour car ride and 10-mile hike. We
4 enjoy it though; I'm not complaining.

5 CHAIRMAN WITTGRAF: Wonderful scenery, even if it's
6 slow-going.

7 MS. SLASOR: It's beautiful. It's beautiful.

8 The other staff attorney in my office earns \$10,000
9 less than an entry-level public defender position in
10 Flagstaff. And so while it's easy to attract lawyers to
11 Flagstaff -- it's a beautiful place -- it's hard to keep
12 them, and two years is about the most I can expect out of an
13 attorney. And so I end up spending the time and my energy
14 training the person so that they can go out into private
15 practice and become great litigators.

16 Two things I would encourage you to pursue this
17 year, and one of them is to continue on your quest for
18 computerization. I really appreciate your efforts at
19 computerizing the refunding application, and I know that
20 there are some bugs to be worked out on that. But I would
21 encourage you to persevere, as we have done.

22 And also, I think if we started computerized

1 record-keeping on CD-ROM or on another form, that we would
2 make our jobs and your jobs a lot easier. And we could also
3 use some technical support and computerized litigation
4 support and computerized networking, electronic mail. The
5 10 megabyte computer that the Corporation gave us some six or
6 seven years ago is still being put to good use in my office.

7 The second thing I'll leave you with is, I
8 understand you're pursuing a loan forgiveness program for new
9 staff attorneys -- for legal services staff attorneys, and I
10 would encourage you to do that as a way of both recruiting
11 and retaining attorneys, especially if those benefits would
12 be tax deductible or tax-free.

13 If you have any questions, I'll be happy to answer
14 them. Otherwise, I appreciate your time and your patience.

15 CHAIRMAN WITTGRAF: Thank you.

16 Questions or comments?

17 (No response.)

18 CHAIRMAN WITTGRAF: You mentioned a loan
19 forgiveness program as one way of helping with recruitment
20 and retention.

21 And I'll assume, from what you said earlier, that
22 the ability to pay a little bit more in the way of salary

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1 would also be important. Is there anything in addition to
2 those two things, the loan forgiveness possibility and higher
3 salaries, that would be important in your big, big county?

4 MS. SLASOR: I can think of one other thing. We
5 are over two hours from the closest federal courthouse.
6 We're that far away from the most decent law library, which
7 is down here, of course.

8 Computerized legal research would really help us.
9 I know that you've got the bulk -- the bulk sale of Westlaw,
10 and we appreciate that. But the on-line time is still
11 expensive. So any way you can help us out with that would be
12 appreciated.

13 CHAIRMAN WITTGRAF: Good answer. Thank you.

14 Questions? Comments?

15 (No response.)

16 CHAIRMAN WITTGRAF: Thank you very much,
17 Ms. Slasor.

18 PRESENTATION OF JOHN HARRIS, DIRECTOR,
19 PAPAGO LEGAL SERVICES

20 MR. HARRIS: My name is John Harris. I'm the
21 director of Papago Legal Services, all the way in the
22 southern part of the state, on the Mexican border.

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1 Our program is all the way at the bottom, kind of
2 like our funding.

3 (Laughter)

4 CHAIRMAN WITTGRAF: Everybody needs to be known by
5 something.

6 MR. HARRIS: Yeah, we've gotten used to being known
7 by that and aspirations.

8 Papago Reservation, which looks like a little, kind
9 of a (inaudible) reservation. They changed their name about
10 six or seven years ago. We retained the old name, because it
11 didn't immediately become a bad name or anything like that.

12 It doesn't look that big compared to the rest of
13 the state. It's the size of Connecticut.

14 We also represent a couple of fairly distant
15 noncontiguous portions of the reservation, such as the Gila
16 Bend Reservation up here, about 145 miles, and the San Xavier
17 portion of the reservation, which is this thing right here,
18 next to Tucson.

19 CHAIRMAN WITTGRAF: Mr. Harris, do you know offhand
20 how many reservations there are in the great State of
21 Arizona?

22 MS. JOHNSON: 21.

1 MR. HARRIS: 21.

2 CHAIRMAN WITTGRAF: 21 reservations.

3 MR. HARRIS: These discrete little markings on the
4 map -- but they -- these are noncontiguous districts of the
5 main reservation.

6 I also want to say hello again to President O'Hara.
7 I enjoyed meeting you last year.

8 We also represent other -- the name of the tribe is
9 Tohono O'Odham; it means "desert people". While most people
10 live on the reservation, there are a number that live in
11 cities and rural communities around the state.

12 On occasion -- well, we defined our service area as
13 all Indian people or all poor people who live within the
14 Tohono O'Odham reservation, and other Tohono O'Odham people,
15 wherever they might live, whose case relates back to the
16 reservation in some kind of way, such as custody or
17 enrollment.

18 We were recently referred a case from San Carlos,
19 which is several hundred miles away, where a Tohono O'Odham
20 man had a custody problem with his children back there on the
21 main reservation.

22 We have the conditions on our reservation that

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1 you've heard about that prevail in other parts of the state.
2 The economy is virtually nonexistent, with the exception of
3 the highly volatile bingo issue.

4 CHAIRMAN WITTGRAF: Do you know offhand,
5 Mr. Harris, how many of the reservations, the 21-some
6 reservations have gotten into legalized gambling as a form of
7 economic development?

8 MR. HARRIS: Is it my jacket that makes you ask
9 these questions?

10 (Laughter)

11 CHAIRMAN WITTGRAF: No, I think it's the -- it's
12 the facial hair, I think.

13 (Laughter)

14 MR. HARRIS: Razor marks between the eyebrow.

15 CHAIRMAN WITTGRAF: Do you want to pass on that
16 last question?

17 MR. HARRIS: No, I think --

18 CHAIRMAN WITTGRAF: In Ms. Wolbeck's State of
19 Minnesota, we have 19 of those. I was just curious how
20 Arizona compared.

21 MR. HARRIS: My guess is it's six or seven at this
22 point. And it's highly -- it's completely in flux. We have,

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1 as I say, virtually a nonexistent economy. We've got an
2 elderly population that is almost entirely monolingual in
3 Odetham. We've got a middle-aged population that frequently
4 has Odetham as their primary language.

5 Currently there are zero other attorney resources
6 on the reservation. There are about 15,000 enrolled members
7 in the nation, and there are several thousand enrolled
8 members of other Indian tribes living there who we serve just
9 as we would the Odetham people. There are no other attorney
10 resources for civil representation at all on the reservation.

11 Somebody asked a question about pro bono. The same
12 conditions prevail. If we want a private attorney to work on
13 a case, it would have to be a fee-generating case in an area
14 of that attorney's already existing expertise, where we
15 retained in the case as -- retained in the case as a legal
16 and cultural liaison between the two players in a referral in
17 terms of a body of pro bono attorneys with any kind of
18 expertise in the legal needs of our clients and the same
19 physical distance problems apply.

20 Our office handles a full spectrum of civil legal
21 representation. We represent only individuals in groups. We
22 do not represent any tribes. Until recently, a tribally

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1 funded advocate program had one attorney and two tribal court
2 advocates who at least the one attorney was able to work on
3 some civil cases part-time. This is crucial in a small
4 community where you're the only source of representation,
5 because you have conflicts.

6 And either one side is not represented at all or in
7 some cases very inadequately represented, or we have to deal
8 with it some other way. Generally, what we do is we do not
9 rush to court in every case where we know that our clients
10 were the first of two or three contending groups that got to
11 us.

12 In every way possible we try to settle cases,
13 negotiate cases, avoid litigation, see if people are willing
14 to take the responsibility of sorting their own problems out
15 rather than have it all go in front of a court, which may or
16 may not do them any better.

17 The bulk of our caseload is Indian versus Indian.
18 It's domestic relations, probate, and other areas where the
19 adverse party is frequently also a person on the reservation
20 who would be eligible for our services if they had raced the
21 other person to the door. We really rush to court only where
22 our client is in imminent jeopardy of serious loss of money

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1 or property or life or limb.

2 We're firmly routed in the community, even though
3 I'm a non-Indian sitting up here telling you this. Five of
4 our current staff of seven have been with the program over 12
5 years. I've been with the program for 15 years.

6 In terms of what we need that I'd like to
7 communicate to the Board, overall I think Native American
8 programs need some kind of increase in LSC funding comparable
9 to the increase that many underfunded basic field programs
10 finally got in '93.

11 Even though that increase was census-based and
12 Native American programs are not census-based, that increase
13 went a long way to deal with other problems, such as the
14 continued rise in the cost of living. And although it was
15 census-based, it did help ameliorate those conditions, and
16 there's been nothing comparable to Native American programs.
17 We have received a flat 2 percent pass-on.

18 This is particularly acute, with a total
19 elimination -- at least from my program, also for DNA -- and
20 I may have been leaving out one or two other programs of
21 IOLTA funding. We had an IOLTA-funded staff attorney for
22 seven years. That gave us two full-time staff attorneys,

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1 plus me. We're now down to one. We particularly need your
2 support in the area of retention of staff attorneys, much as
3 you've already heard.

4 It's fairly easy to recruit people to come to work
5 there. We send announcements to every law school, every
6 other legal aid office, every periodical of general
7 circulation that we think will tap anybody. We have a lot of
8 people who, before they get there, think they want to be
9 there.

10 They have a lot of preconceptions. Everybody means
11 well. And when these preconceptions sort of collide with the
12 reality of life and working on the reservation, combined with
13 a lack of something like a movie theatre or a bar or a
14 restaurant, as Mr. Holgate was talking about, combined with a
15 starting salary of \$22,000, we, like the other people you
16 heard, generally tend to lose our lawyers to other jobs,
17 where they immediately make at least \$10,000 more than we can
18 pay them.

19 So the staff attorney -- staff retention -- staff
20 attorney retention problem is basically significant, but not
21 the only aspect of overall underfunding.

22 Tribal court advocates are a different story.

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1 Unlike on the Navajo Reservation, where they have their own
2 community college and a sort of steady generations of young
3 people being able to stay on the reservation and come away
4 with a college degree and direct their careers towards
5 serving their own people, knowing that it will not
6 financially be a dead end, we don't have any of that.

7 We've got two tribal court advocates. One has been
8 there 15 years; one has been there 12 years. They're
9 irreplaceable. When they go, we start from the beginning.
10 We basically take a baby and feed it a lot of protein and
11 train somebody.

12 You just can't find -- we don't have that pool that
13 can be tapped. There's a large pool of attorneys that can be
14 tapped, but when they get there, we've got to do a lot of
15 trying to take care of little matters, making sure they've
16 got housing, try to work with them a lot on cases, and try to
17 take away some of the panic of being in a challenging job in
18 a strange place, because we can't pay them any more.

19 And we can't make a whole little comfortable
20 environment suddenly spring up, and we can't change the real
21 grim conditions that frequently prevail that they have to
22 deal with when those conditions are the lives of people at

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1 their lowest point.

2 Despite our problems with low salaries, if our
3 program received any significant legal services funding, it
4 would go to reestablishing the staff attorney slot that had
5 previously been IOLTA-funded. That's our first priority; it
6 will have to be.

7 Anybody have any questions?

8 CHAIRMAN WITTGRAF: Mr. Harris, increased funding
9 for staff attorney positions, I assume from what you said,
10 would be the key to retention. Is there anything else that
11 comes to mind beyond social-cultural --

12 MR. HARRIS: Sure.

13 CHAIRMAN WITTGRAF: -- but things that the
14 Corporation might have some control over?

15 MR. HARRIS: Yeah, loan forgiveness is getting to
16 be a critical one. It didn't cost that much to go to college
17 when I went. We had student loans and low rates of interest.
18 And the situations are very different now. People come out
19 under crushing burdens, and they get pressure even from their
20 own families to quit working for us so they can go pay off
21 their loan.

22 Something else that's really been missing from

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1 legal services for a number of years are the kind of central
2 training events for new lawyers, where it's not just one out
3 of every ten that can attend, but basically everybody that
4 comes to work for legal services used to have some idea of,
5 like, who the other people were, what the mission was.

6 And it gave you a sense of community that you could
7 carry back to your program and remain energized as you tried
8 to fumble with the rest of your work and life environment.

9 And I very much miss those kind of training events
10 on a national or regional basis, where people can find that
11 there are other people out there that are willing to give a
12 portion of their lives to this and they can talk to them and
13 network and feel good about it. Aside from that, I think it
14 basically does come down to funding.

15 CHAIRMAN WITTGRAF: Mr. Uddo.

16 MR. UDDO: Mr. Harris, on retention, I was
17 impressed. You said five of your people had been there 12
18 years?

19 MR. HARRIS: I'm the only lawyer.

20 MR. UDDO: You're the only lawyer?

21 MR. HARRIS: Yeah, our lawyers stay an average of
22 one to two years.

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1 MR. UDDO: So of those other five, none are
2 lawyers?

3 MR. HARRIS: That's right.

4 MR. UDDO: So your real problem is in attorney
5 retention right now?

6 MR. HARRIS: We can get them to come, but we can't
7 get them to stay. And we can a deal -- a lot of the reasons
8 people leave small nonprofits, you know, occasionally tend to
9 be personality problems or other difficulties. We work real
10 hard to deal with all those, and the bottom line really is
11 money.

12 CHAIRMAN WITTGRAF: Mr. Dana.

13 MR. DANA: Mr. Harris, roughly what percentage of
14 the client-eligible people in Arizona are Native American?

15 MR. HARRIS: Oh, boy, my guess, just broadly adding
16 them up would be we would have probably about 150,000
17 client-eligible Native Americans throughout the state, with
18 the overwhelming bulk of them in DNA, but with significant
19 other reservations such as Fort Apache, FALA, San Carlos
20 right below it, which is a separate reservation with Apache
21 people, but served by Pinal Gila, and Pomaloften (phonetic),
22 and also the Pinal Gila Maricopa community. Each of those is

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1 a chunk of over 10,000 people.

2 MR. DANA: And what percentage is that of the total
3 client-eligible in Arizona?

4 MR. HARRIS: I'm not the best person to ask. My
5 guess would be something approaching 30.

6 MR. DANA: And your funding, the funding for Native
7 American programs, is in addition to the funding of the other
8 legal services programs that represent ostensibly all poor
9 people; is that true?

10 MR. HARRIS: I want to make sure I understand your
11 question -- any try to answer it.

12 MR. DANA: Well, most of us come from states where
13 the migrant program and the Native American program
14 represents a relatively small percentage of the population.
15 The Native American -- at least Native Americans are included
16 in the poverty count for the whole state.

17 MR. HARRIS: Mm-hmm.

18 MR. DANA: And so the funding for Native American
19 programs is supplemental to the per-poor-person amount that
20 is --

21 MR. HARRIS: The funding for Native Americans is
22 the only funding that the Native American programs get. It

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1 is true that basic field programs within the counties that
2 the reservations serve have had their population census
3 increased by numbers that include on-reservation Indian
4 people.

5 MR. DANA: And do those programs also provide legal
6 assistance to Native Americans, or do you occupy that field?

7 MR. HARRIS: Frankly, we're in the process of
8 working this out among ourselves as a group, but certain
9 basic field programs have expressed a commitment to try to
10 use a portion of the money that's attributable to the Native
11 American people, a portion of their increase, to try to find
12 ways to structure services.

13 It doesn't necessarily pay to have one program
14 attempt to replicate the services already there, but we are
15 working on ways where we can create -- those of us in the
16 Native American program have been trying to find ways to
17 creatively extort a little bit of that money from the basic
18 field.

19 MR. DANA: Well, let me give you a little help in
20 that regard. In my state, which is Maine, we discovered that
21 when we did a legal needs study, that if you lived within 25
22 miles of the legal services office, your chances of getting

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1 legal assistance were five times greater than if you didn't.

2 And when we discovered that, it set up a tension
3 really, because people who were living away from the offices
4 were saying, "Our legal services -- we're not getting --
5 you're not doing a very good job for us out here in the rural
6 areas."

7 While this is not a big issue, it would seem to me,
8 in most states where Native Americans represent a relatively
9 small percentage of the population, it does seem to me that
10 we are providing -- the Corporation is providing dollars to
11 provide legal services for all client-eligible people through
12 the traditional programs in Arizona. But that money is not
13 being used, if I heard correctly, for -- by and large, for
14 the Native American population. That's being left to you, to
15 your programs --

16 MR. HARRIS: Mm-hmm.

17 MR. DANA: Which are not getting the increases,
18 however modest, that the legal services programs are getting.
19 And presumably there is not a particularly fair allocation of
20 resources in the state where the Native American population
21 is as large a percentage of the poor people as it is in
22 Arizona.

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1 MR. HARRIS: That's entirely true, and it has just
2 been exacerbated by the IOLTA funding cuts --

3 MR. DANA: Right.

4 MR. HARRIS: -- which are basically graphable as
5 having disproportionately disenfranchised the legal services
6 offices on Native American reservations as part of that same
7 issue, same trend. And we are hoping to have some
8 discussions with our fellow Arizona programs about it, but I
9 can't really say -- speak for either my program or any of the
10 others in saying how those have worked out so far.

11 MR. DANA: Well, I would think that this is a
12 subject that ought to -- ought to receive some real interest
13 on the part of the Corporation and future -- in its future
14 deliberations. It seems to me that it is potentially very
15 unfair in a -- doubly unfair. Thank you.

16 MR. HARRIS: I appreciate that. Thank you, sir.

17 CHAIRMAN WITTGRAF: Thank you, Mr. Harris.

18 MR. HARRIS: May I say just one more thing before I
19 leave, Mr. Wittgraf?

20 CHAIRMAN WITTGRAF: Certainly. Sure. Sure.

21 MR. HARRIS: I attended a meeting of the
22 Corporation Board in Phoenix about 10 years ago, and there

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1 was a real different spirit in the room. It was very
2 hostile. It was very frightening for some of those of us,
3 who -- not knowing what the future would hold and not getting
4 very friendly clues.

5 Personally, I rejoice at the change in the Board
6 and in its orientation the last 10 years. And I think the
7 field and the Board are communicating with each other, and
8 they recognize the legitimacy of each other's viewpoint and
9 each other's role.

10 And also, this warming between the field and the
11 Board has been going on for several years, and in no sense
12 can be said to be a result of the recent change of
13 presidential administrations, and that is particularly
14 remarkable and particularly to your credit. And I just want
15 to thank you all for it and express my appreciation.

16 CHAIRMAN WITTGRAF: Thank you, Mr. Harris.

17 (Applause)

18 CHAIRMAN WITTGRAF: We give a good deal of the
19 credit for that to our president, Mr. O'Hara. And I'm also
20 pleased to know that you apparently didn't take offense at my
21 referring to your facial hair.

22 (Laughter)

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1 MR. CAMPBELL: That's good.

2 PRESENTATION OF LORENZO CAMPBELL, EXECUTIVE DIRECTOR,
3 NORTHERN NEW MEXICO LEGAL SERVICES

4 MR. CAMPBELL: I'm Lorenzo Campbell. I'm the
5 executive director of Northern New Mexico Legal Services. I
6 understand that one of the Arizona contingent is going to do
7 a little bit of a wrap-up, and I appreciate their letting me
8 butt in here, but I've got a 5:30 flight.

9 I'd like to echo what my colleagues from Arizona
10 said. Our starting attorneys earn \$16,091 a year. Our
11 average attorney has been in practice for 10 years and earns
12 \$28,000 a year. In the past year, I've lost two experienced
13 attorneys who went to work for the public defender's office
14 in one case and for the DA's office in another case and
15 doubled their salaries overnight.

16 In terms of -- we serve basically from DNA all the
17 way over to Texas and up to Colorado, 96,000 poor folks,
18 47,000 square miles, 4 offices, 10.6 attorneys, and we're in
19 trouble in a lot of ways.

20 One of the things that has been asked by the chair
21 is, you know, what can we do in terms of retention. Most of
22 the attorneys that are my age and thereabouts are looking

1 forward to living on Social Security when they leave this
2 job.

3 We need money. We need some sort of pension plan.
4 What's eating us alive is our health plans -- you know, could
5 the Board look at some sort of national program? Is that a
6 possibility?

7 When, for my 24 staff, I pay 10,570 bucks a month
8 for health care -- and I can't get out of it, because
9 everybody has got something wrong with them at one time or
10 another, because we cover all the dependents, too, it's very
11 difficult, and it just chews up our budget.

12 One of the comments that was made was, you know,
13 about economic development. I think the Board should
14 appreciate that all the legal services programs do economic
15 development in the sense that -- through the work we do in
16 public benefits or entitlements, whatever you want to call
17 them, SSI, veterans' benefits. We bring money into our
18 communities.

19 This past year, we have recovered, just in lump-sum
20 payments, not in ongoing payments, \$945,000 for our clients.
21 That's more than our LSC budget. That's money that's going
22 into the community. And these folks are going to keep

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1 getting monthly benefits, whether they're on SSI, veterans',
2 or whatever. And that's something that helps in rural
3 communities.

4 And one of the things that LSC does that sort of
5 bugs me is that you count 100 percent of poverty, and
6 that's -- then you figure out how much per poor person is
7 really going out there. But I think we all serve up to
8 125 percent of poverty. And, you know, I understand -- or
9 maybe I don't understand why you do it that way.

10 I'd like to see the Corporation at least give us a
11 number -- I guess I could go to the library and somehow
12 figure it out. But in our service area, how many people are
13 actually eligible for our services?

14 I guess that's about it, except that my board asked
15 me to ask the question if I got the opportunity to -- we are
16 one of the programs that was drawn for the competition or
17 comparative demonstration project. And the memos I've been
18 getting -- you know, originally, it was going to start last
19 October, then November, then January, now maybe June.

20 I have \$30,000 budgeted, part of which is bringing
21 in an outside person to do some case review and management
22 analysis for us. And I was wondering, is that a budget item

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1 that you all have this year, or should I go back to my board
2 and say, "Let's look at this again"?

3 CHAIRMAN WITTGRAF: Mr. O'Hara.

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

5 And welcome, Lorenzo.

6 Yes, we do have the money, and the delay has not
7 been anything that's been caused by other than our desire to
8 do this right. As you know, we created an advisory group.
9 We had the field participate. And when we got ready to do
10 the last phase of it, the field came back and told us that
11 they wanted to go over it one more time, and we're willing
12 and we are taking the extra step. But we are moving.

13 I believe we'll have the training under way within
14 probably six weeks. And they'll be out -- I think by June is
15 our target right now. Yes, it's moving, and we have the
16 money.

17 MR. CAMPBELL: I'm not going to let him in the door
18 until I get the check.

19 (Laughter)

20 CHAIRMAN WITTGRAF: Okay. How much of the great
21 State of New Mexico does your program serve?

22 MR. CAMPBELL: Basically, the upper half, excluding

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1 Albuquerque.

2 CHAIRMAN WITTGRAF: Okay. You have migrant and
3 Native grants, or just basic field.

4 MR. CAMPBELL: No. We have the -- the migrant
5 grant to the State of New Mexico goes to Southern New Mexico
6 Legal Services. I managed Centro Legal de Camposino for them
7 three summers ago. We have a small Native American grant to
8 serve the Jicarilla Apache Tribe, which is up in northern
9 New Mexico. That's a \$12,000 grant.

10 CHAIRMAN WITTGRAF: Questions or comments?

11 (No response.)

12 CHAIRMAN WITTGRAF: Thank you very much for making
13 the effort to join us. We appreciate it.

14 PRESENTATION OF LYNN SAUL, DIRECTOR,

15 PINAL AND GILA COUNTIES' LEGAL AID SOCIETY, ARIZONA

16 MS. SAUL: Hello. I'm Lynn Saul. I'm the director
17 of Pinal and Gila Counties Legal Aid Society in Arizona.

18 I would like to just point out our area. We're
19 kind of a microcosm in a lot of ways of legal services in
20 Arizona, so it's probably appropriate that I'm the last of
21 the Arizona programs to speak today.

22 Pinal county, which is roughly this area coming

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1 down here, including most of the Gila River Reservation,
2 which Four Rivers serves, but they serve the Native American
3 community down (inaudible). Coming over here, and up here,
4 and up here. It's the third largest county in Arizona and
5 one of the most diverse in terms of communities, and I'll
6 address that in a minute.

7 Our main office is located here in Coolidge, which
8 is more or less central to the county, but not in the way
9 that clients would get to us. And I'll talk about that.

10 Gila County, which is the other county that we
11 serve is this area, all the way up here. Our office for Gila
12 County is located in Miami, Arizona, and not Florida, as I'm
13 constantly telling people when I come home tired and say,
14 "Well, I was in Miami today."

15 (Laughter)

16 It's a copper-mining community. The major thing
17 that you see when you go there are open-pit mines. That
18 county all includes the community here, Payson, which is two
19 hours north in the mountains, over a major river and lake --
20 totally different economy.

21 Mr. Dana mentioned that a study has shown that
22 people that are more than 25 miles from a legal aid office

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1 tend not to be served. One-third of our Gila County clients
2 come from Payson and that area, and they -- we send someone
3 up there to do intake once or twice a month.

4 The superior court now has a judge sitting in
5 Payson, and so many of our trials are up there. We have to
6 send an attorney up there to handle those cases. It's very,
7 very difficult, but we try and do it.

8 In addition, our program serves the San Carlos
9 Apache Reservation, which is this area here, one of the major
10 reservations in Arizona. We have an office here, in San
11 Carlos, which is the capital there.

12 We are perhaps unusual among the Native American
13 programs in that we receive a Native American grant to serve
14 San Carlos. It is not really a separate component of our
15 program as Four Rivers is to SALA. So our program serves
16 both two rural counties and a large Indian reservation, with
17 a very small budget.

18 I would like to just echo everything that you've
19 heard from all the previous speakers. They pretty much all
20 apply to us.

21 One of the unique situations that we do face,
22 however, is the distance that we must go or our clients must

1 go to be served. In Pinal County, which is the major
2 population service area that we serve -- as I say, our office
3 is here in Coolidge.

4 Casa Grande, which is over here, is one of the
5 major, almost urban, centers within that county. It is an
6 area which has expanded greatly in the last 15 years, from
7 what used to be a small agricultural central town for the
8 surrounding farm areas, to really the third major or fourth
9 major urban area in Arizona.

10 In addition, part of our service area is Apache
11 Junction, which is up here, and it's really part of the
12 Phoenix metropolitan area, has a totally different kind of
13 population and different kinds of service needs and problems
14 from the other communities in our county. And the people
15 there tend to gravitate in an economic life to Phoenix,
16 rather than to anyplace within our county.

17 The county seat is over here in Florence. We have
18 some people in that area. That's also where the Arizona
19 State Prison is located. We exclude the prison population
20 from our service area, but we reject a large number of
21 clients every year who are prisoners there who contact us and
22 want services. And our board has simply excluded from people

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1 that we will represent.

2 There's a mining community located up here on the
3 map in Superior, right here, which is also part of our
4 service area. And then there's a whole area down -- way down
5 here -- what we call the Tri-Community Area, which includes
6 the mining community of San Manuel, where there is a big
7 copper mine operation; and the community of Oracle, which is
8 best known for the Biosphere, where many of our clients are
9 employed; and Mammoth, which is a very beautiful community.
10 If you could have a lovely home there overlooking a river
11 valley and a beautiful side of a desert mountain, you would
12 think it was wonderful.

13 I represent 10 families there in a mobile home park
14 whose landlord took their money, did not pay the electricity
15 bills, did not pay the water bills, did not pay the property
16 taxes, never improved any of the property, let the trailers
17 run down. We've been in litigation in that case for about a
18 year and-a-half. There are big problems with it, to put it
19 mildly.

20 I was hoping to do some of the kind of economic
21 development that has been mentioned there and perhaps getting
22 a Farmers Home Development for those people in that area.

1 However, it doesn't seem feasible at this point to do the
2 project that way. We're probably going to litigate the case.
3 Everybody will get something or nothing for it and go on
4 their way, I think is what's going to happen.

5 It's very frustrating service area to serve, but
6 some of the things that I think are very unique. I have
7 practiced law for about 22 or 23 years. Most of that time, I
8 have done contested custody work.

9 I have never seen the kind of domestic violence and
10 sexual abuse of children that I have seen in my practice with
11 Pinal and Gila Counties' Legal Aid. I've been there now for
12 about two and-a-half years. I don't know why. I haven't had
13 an opportunity to talk to sociologists about why this may be.
14 But it is extreme. It is a very major problem that we face.

15 The recruitment and retention problems that have
16 been getting a lot of your attention this afternoon are very,
17 very real problems for us. One of my priorities is to
18 develop staff who stay with the program, who are committed to
19 the community, who learn the work that needs to be done
20 there, and stay to do it. It's very difficult with low
21 salaries.

22 The health insurance problems, which Lorenzo just

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1 mentioned, are significant in our program. Our health
2 insurance costs are very high. And again, we cannot switch,
3 because such a large proportion of our staff have medical
4 problems or have dependents with medical problems. So that
5 other companies will not insure us or will not insure a
6 significant number of people on our staff.

7 We do not have the advantage that people in the
8 metropolitan areas have of having health maintenance
9 organizations available to us. And one of the problems with
10 the insurance plan that we do have is that it relies
11 primarily on groups of preferred providers in Phoenix and to
12 a much lesser extent in Tucson. Those providers are not
13 available to most of our staff, who wind up having to pay a
14 larger portion of the cost of their care.

15 On San Carlos, we do not have the funding to
16 provide an attorney in that office. We have a tribal court
17 advocate. And temporarily we still are funding a support
18 staff person there, but we don't really have the money in our
19 budget this year to do that. That's how low our funding is.

20 We only receive \$31,000 in Native American funding.
21 There is a documented population in San Carlos of
22 approximately 8,000, and I would venture to say that at least

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1 90 percent of those people are eligible for our services. I
2 think there's a much larger population than that there.
3 Native American reservations traditionally have been under-
4 counted by the census and even by the BIA's own statistics.

5 Very briefly, I would like to introduce people from
6 our program who are here.

7 Let me start with Mike Bruni (phonetic), who is the
8 president of our board of directors and who has served on our
9 board for many years and has been a very valuable contributor
10 to our program; Alice Begay, who is our tribal advocate at
11 San Carlos; and Bruce Wouters, who is our new attorney in the
12 Miami office in Gila County.

13 And if you have any questions, I'd be glad to try
14 and answer them.

15 CHAIRMAN WITTGRAF: Thank you, Ms. Saul.

16 Let me ask you one question. You and some of those
17 who preceded you mentioned the distances that are involved
18 for the clients, for the attorneys, for the court venues, and
19 that is a fact. Were we to conclude -- or have you concluded
20 anything that would make it easier to deal with that burden
21 for programs such as yours, or do we simply accept it as a
22 fact?

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1 MS. SAUL: No, I think -- well, it is a fact, but I
2 think that there are a number of things that can make a
3 difference. Obviously travel costs are disproportionately
4 high in serving a rural area, particularly in one such as
5 Gila County, where we have two different court venues within
6 that county that are two hours apart.

7 So we can't just deal with talking to our clients
8 or opposing counsel on the phone. We have to go there for
9 trials. That means that a hearing or a trial that might only
10 be an hour long is going to take the attorney all day
11 basically to do.

12 So it really cuts down on the staff that is
13 available. So first you have your travel costs. Secondly,
14 it reduces the effectiveness of staff or the productiveness
15 of staff, because you spend so much time on the road.
16 Therefore, additional staff would help.

17 Now, you heard from Lillian Johnson that community
18 legal services tries to have two attorneys in each office.
19 We, of course, cannot do that. We have one attorney in the
20 Miami office, and he also is the attorney would give whatever
21 attorney advice might be needed to the San Carlos office. So
22 he's not even really a full attorney for that office.

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1 In the Coolidge office, we have one full-time staff
2 attorney and myself. And again, as Susan Slasor from
3 Coconino pointed out, when you have an attorney director, in
4 my case, I spend, also, about half my time on administrative
5 matters and half on litigation.

6 That's very difficult, because you just hope that
7 you don't have scheduling problems where both things are
8 crises at the same time. But I've had times when I've had a
9 refunding application due and a major trial, and, believe me,
10 it's difficult to figure out what to do in those cases.

11 So we need more money for staff. We need more
12 money to put into staff salaries. We need more money for
13 travel. We used to have a toll-free phone to allow our
14 clients to reach us -- those that had phones.

15 Many of our clients don't have phones. Of course,
16 the toll free number made it possible for them to go to a
17 friend's house or a pay phone to call us. We had to
18 discontinue that line about a year and-a-half ago because the
19 cost was becoming uncontrollable. We were paying
20 approximately \$14,000 a year to maintain our toll free lines,
21 and, you know, we just didn't have the money to keep doing
22 that. And it was a cost that could not be controlled,

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1 because the clients call us.

2 I think the other thing that's very important to
3 realize in terms of rural programs and the issue of retention
4 and recruitment is that you have to send your staff to
5 meetings, conferences, training events, which are generally
6 held in Phoenix or Tucson or possibly in other areas out of
7 state.

8 And doing so, number one, is a cost to the program.
9 But the other thing is that those events, that opportunity
10 for collegiality with other legal services workers is
11 critical to maintaining professionalism in your staff and to
12 giving your staff a reason to want to stay with legal
13 services, so that that is another large expense that is very
14 critical to providing legal services in a rural area.

15 CHAIRMAN WITTGRAF: Thank you.

16 Questions or comments for Ms. Saul?

17 Mr. Shumway.

18 MR. SHUMWAY: How is it you have a Native American
19 grant and others apparently do not?

20 MS. SAUL: Well, others do, but in the other
21 cases -- for example, Papago Legal Services; Four Rivers
22 Indian Legal Services, which is a component of SALA; and Fort

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1 Apache Legal Aid; and DNA -- those grants are to serve a
2 Native American population specifically, that is, a program
3 which exists as a Native American program.

4 In our case, we have a combined program, which is a
5 basic field and a Native American program. They're separate
6 LSC grants; they're separate offices in that the San Carlos
7 services that we provide are from an office on the
8 reservation with Apache staff and culturally sensitive in
9 dealing with the tribal court there at San Carlos. But we
10 are a combined program; we're not just basic field, and we're
11 not just Native American.

12 CHAIRMAN WITTGRAF: Further comments or questions
13 for Ms. Saul?

14 (No response.)

15 CHAIRMAN WITTGRAF: Thank you very much.

16 MS. SAUL: Thank you.

17 CHAIRMAN WITTGRAF: Let me ask at this point --
18 well, let me say, first of all, I apologize for having
19 started about a half-hour late, and we've now gone about a
20 half-hour longer than we had anticipated.

21 How many people who are with us would still like to
22 share a few comments or thoughts with us this afternoon?

1 Just one?

2 All right. We're ready.

3 And that way we've saved the best for last.

4 PRESENTATION OF ELVERA ANSELMO, DIRECTOR,

5 STATE SUPPORT PROGRAM, ARIZONA STATEWIDE LEGAL SERVICES

6 MS. ANSELMO: I think you've heard about some of
7 the best in this state, for sure.

8 I am Elvera Anselmo. I'm with Arizona Statewide
9 Legal Services. I am the State Support Program Director. I
10 want to welcome you to Arizona.

11 I did have the pleasure to meet with you in
12 November in Washington, D.C., at your Board meeting. And so
13 I'm not going to talk very much today. In Washington, I
14 talked about -- a little bit about state support in Arizona
15 and also nationally.

16 And I just wanted to mention that after today's
17 presentations I hope you can better understand the work of
18 state support in providing training, especially because of
19 the high turnover in staff and the need for training and
20 retraining of staff throughout the years, even throughout the
21 months in one year; coordinating communications; sharing
22 resources when there are limited resources.

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1 I wanted to note that Kevin Carey is here from the
2 Western Regional Training Center. Kevin and his center has
3 been very helpful on providing assistance to us so that we
4 can do substantive loss skills training, usually four- or
5 five-day events in tribal court advocacy, federal practice,
6 trial court practice.

7 And I also would I just like to leave you with a
8 reminder of your visit here in Arizona. I have two things
9 that I will leave at the at the end of the table. One is a
10 special edition of our statewide report, and what it does is
11 gives you a profile of every one of the programs that spoke
12 today, gives you a little bit of information about the poor
13 population and the types of caseload that we work for here in
14 Arizona.

15 And the second thing is if you have any questions
16 and you want to call us, we do have an Arizona Legal Services
17 Directory that has the names and telephone numbers of all the
18 offices and staff in the state.

19 So thank you. Welcome. And I hope we can talk a
20 little bit more at the reception.

21 CHAIRMAN WITTGRAF: A couple of people who spoke
22 before you this afternoon did refer to the need to have more

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1 training for purposes of esprit de corps, for purposes of
2 initial motivation and being made a part of a bigger poverty
3 law team.

4 What's your response to those comments? Do you
5 share the thought that there are such needs? Are the
6 resources to meet those needs not available? How might you
7 respond? I trust you heard those comments.

8 MS. ANSELMO: And I support their comments. Last
9 year, when IOLTA was cut back 40 percent, you know that
10 everyone wanted to spare their staff. And what happens when
11 you spare your staff is you start cutting what they call
12 "nonessential line items," and libraries go first. But at
13 some point, training and travel was completely cut by the
14 programs.

15 At that point, state support -- last year, in order
16 for us to be able to continue the programs that we had
17 planned, we actually paid for people's travel and stopped
18 charging a registration fee, and tried to present trainings
19 in all different parts of the state in order to make sure
20 that people would go to the training.

21 So I really think that once resources are really
22 limited, those are the parts of the -- training and travel

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1 are the two things that are cut.

2 Last year, State Support had a carryover, and I was
3 more than happy to be able to spend it by subsidizing field
4 programs. We can't do that forever. I also believe that
5 having access to the larger legal services community is very
6 important.

7 I think that there have been some very important
8 trainings done in Berkeley, substantive law trainings. And
9 even though we're here in Arizona, our sister state,
10 California, not very many people have been able to send
11 (inaudible) or whatever, that although there are some
12 scholarships, there aren't enough, and that we really do need
13 to make sure that people are plugged into that larger
14 community, especially when what we find is a -- I think
15 states can very well do a lot more of the basic types of
16 training and all.

17 I think when we get into trouble is when you have
18 more senior staff and they need to also have more working
19 relationships with colleagues to get more advanced strategies
20 and working on litigation issues. And so therefore, I think
21 that that's an important retention tool for them, also. And
22 I don't think we've been able to do that as much as we would

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1 like to.

2 CHAIRMAN WITTGRAF: So a big part of the problem
3 the, as you see it, is simply the lack of available funds for
4 the basic field programs or the migrant or Native American
5 programs, whereas they have had -- to try to hang onto their
6 staff, they've had to cut out training monies.

7 MS. ANSELMO: Training monies, and training is
8 actually kind of a benefit -- that it's a circle --

9 CHAIRMAN WITTGRAF: Right.

10 MS. ANSELMO: -- because then that's the type of
11 benefit which might have helped keep the staff. So --

12 CHAIRMAN WITTGRAF: Questions or comments?

13 (No response.)

14 MS. ANSELMO: Thank you so much.

15 CHAIRMAN WITTGRAF: Thank you.

16 Let me just say, on -- Ms. Johnson.

17 MS. JOHNSON: Well, I did have one comment that I
18 wanted to make.

19 CHAIRMAN WITTGRAF: Certainly.

20 MS. JOHNSON: We thank you for giving us all this
21 time, and we certainly tried to prepare our presentation so
22 that you would have an opportunity to get an overview of

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1 Arizona. But we are not very much different than other legal
2 services programs throughout the country. We all very
3 desperately need all that you can muster to advocate
4 additional resources.

5 We want to thank you for the \$525,000 -- \$525
6 million dollars, I'm sorry, commitment. And we want to ask
7 you to be willing to go to the Hill and not to take no for an
8 answer.

9 We desperately need the additional resources, and
10 we think that the Legal Services Corporation is a tremendous
11 opportunity for America to make some commitment and some
12 promise to all of its population to have access, finally,
13 just access to its legal system. And we hope that you will
14 take that message to Congress and to anybody else that you
15 have influence in terms of advocating for more money.

16 And then finally, I want you to know that we are
17 sponsoring the reception for you, so you're not late, you'll
18 be on time, because we're going to see to it. We are here
19 with our cars to help transport you over. And we have
20 everything there that you could want, a place to sit, to
21 talk, alcoholic beverages provided by our state bar and spent
22 -- not with LSC money --

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1 (Laughter)

2 -- and good people who have already seen how very
3 interested you are in our views, willing and interested in
4 talking, continuing our conversation.

5 So whenever you're ready, we're very pleased to
6 take the opportunity to see to it that you go to the
7 reception.

8 CHAIRMAN WITTGRAF: We'll be ready momentarily.

9 Mr. Kirk.

10 MR. KIRK: Just a 30-second question. You
11 mentioned in your opening statement that, "Please don't ask
12 for any more reports." Sometimes -- beg pardon?

13 MS. JOHNSON: I thought you were going to say, "But
14 -- let me ask you for this one report," I'm sorry. Go ahead.

15 MR. KIRK: No. Sometimes people say, "It has
16 gotten better, keep up the good work," but all you said -- is
17 it any better? I mean, we would like to think that maybe
18 something was being done on these reports. If they're not,
19 I'd like to hear that it's just as bad as it has always been.

20 MS. JOHNSON: Well, Mr. Kirk, you put me between a
21 rock and a hard place. It's better than it has been, but I'm
22 convinced it can get even better.

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1 MR. KIRK: And I agree with that. But I just --
2 you left it as if there was no mention that things had gotten
3 better. I really want to know. If it's not any better, I'd
4 like to know that.

5 MS. JOHNSON: Well, I have to tell you that, for
6 the first time -- and I've been in this program for a
7 decade -- for the first time, I did not have to look my board
8 in the face and say, "You have to go through the second part
9 of the refunding application, point by point, and do a roll
10 call vote."

11 And I take my -- I don't have one on, but I would
12 if I had a hat. I'd take my hat off to President O'Hara,
13 because I know that that was a tremendous responsibility, to
14 cull that document down to make it more -- had a greater
15 relationship to the information that you really needed in
16 order to produce it, and to continue to impress upon programs
17 the necessity to have their boards of directors familiar with
18 the information that goes to their major funding source.

19 So that I'm pleased that while there was --
20 continued to have it in two formats -- and I certainly
21 believe that the information that was requested of us was
22 significant and appropriate, and I would not have expected

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1 anything less in terms of the amount of resources that we get
2 from the Legal Services Corporation.

3 And the attitude that has been displayed between
4 the program staff, a local program staff, and LSC staff has
5 changed remarkably. I have to admit, though, only since
6 November have I gotten the kinds of phone call, return phone
7 calls with an attitude from LSC staff that they really are
8 interested in hearing the problems that we have with any
9 delays and are therefore responsive to our need to have
10 either a better understanding or perhaps information not
11 provided in the format in which it was requested.

12 So it is better, and I should have related that at
13 first. It is better than it has been. I am continuously
14 convinced that it can get even better, and I believe now that
15 there is certainly the attitude that has been expressed at
16 the top, that there is an expectation that staff will make
17 every effort to make it better.

18 MR. KIRK: Thank you.

19 Mr. Uddo.

20 MR. UDDO: Nothing, thanks.

21 Mr. O'Hara.

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

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1 While we're on the same topic, I don't want to say
2 to say I'm here from Washington to help you, because it was
3 not the natural reaction.

4 (Laughter)

5 CHAIRMAN WITTGRAF: Rest assured. None of the rest
6 of us will claim to be coming from Washington. I said we
7 were from Maine and Minnesota and Iowa. We're not from
8 Washington.

9 Mr. O'Hara.

10 MR. O'HARA: Thank you.

11 Lillian, I can tell you that the refunding
12 application is going to be reduced even further. We have
13 taken a look at something like 12 or 15 more of the
14 documents, and they're either being eliminated or refined.
15 And the other requests for information are being reduced
16 dramatically. And if there's anything that the field can do
17 to help us on that, we'd appreciate hearing from you.

18 MS. JOHNSON: We applaud you. Thank you very much.

19 (Applause)

20 MR. O'HARA: Mr. Uddo.

21 MR. UDDO: Ms. Johnson, I just wanted to hopefully
22 close, because I know the chairman wants to get out of here.

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1 (Laughter)

2 But I did want to say that in seven years of being
3 involved with the Board, I've heard a lot of presentations by
4 the field on a variety of topics, and I want to tell you,
5 this is the best one that I've ever seen.

6 I think that this was the most well thought out,
7 the most insightful, the most sincere, and overall the best
8 presentation I've ever seen from a group of field folks, and
9 you should be proud of yourselves and your presentation,
10 because I think you represent what's really good about legal
11 services. So congratulations.

12 MS. JOHNSON: Thank you.

13 (Applause)

14 MS. JOHNSON: Thank you very much.

15 CHAIRMAN WITGRAF: Let me just close by thanking
16 you, Ms. Johnson, for helping organize and coordinate things
17 and for the hospitality you're showing us this weekend.

18 Let me thank everybody for having indulged us on a
19 Sunday. Usually we accept the fact that Sunday is a family
20 day, a personal day, and not a business day. As a practical
21 matter, it happens to be a day on which we frequently meet,
22 because it's one of the best days for us to get together.

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1 So we do appreciate everybody having taken the
2 opportunity and having made the effort to be here with us.
3 And we're not sure how long our tenure is, but as Mr. Uddo
4 indicated, we've learned from your comments this afternoon,
5 and we will hopefully make good use of your comments.

6 Thank you.

7 MS. JOHNSON: Thank you.

8 CHAIRMAN WITTGRAF: The meeting is adjourned.

9 (The forum was adjourned at 5:18 p.m.)

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