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LEGAL SERVICES CORPORATION

Executive Office

PROVISION FOR THE DELIVERY OF LEGAL SERVICES

COMMITTEE MEETING

OPEN SESSION

January 27, 1995

9:25 a.m.

Washington Marriott Hotel
1221 22nd Street, N.W.
Logan Salon
Washington, D.C. 20037

COMMITTEE MEMBERS PRESENT:

Hulett H. Askew, Chair
Nancy Rogers
Edna Fairbanks-Williams

STAFF PRESENT:

Alex Forger, President
Merceria Ludgood
John Tull
Janice White
Suzanne Glasow

OTHER

Harrison McIver
Kathleen Welch (NAPIL)
Linda Perl (CLASP)

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

(9:25 a.m.)

1
2
3 CHAIR ASKEW: Good morning. We'll call this
4 meeting to order. This is a meeting of the Legal Services
5 Corporation Board's Provision for the Delivery of Legal
6 Services Committee. I'll note for the record that all the
7 Committee members are here.

A P P R O V A L O F A G E N D A

8
9 CHAIR ASKEW: The first item on the agenda is the
10 approval of today's agenda. If we could have a motion on
11 that, please?

M O T I O N

12
13 MS. ROGERS: So moved.

14 MS. FAIRBANKS-WILLIAMS: Second.

15 CHAIR ASKEW: All those in favor?

16 (A chorus of ayes.)

17 CHAIR ASKEW: Agenda's approved.

A P P R O V A L O F M I N U T E S O F J A N U A R Y 2 7 , 1 9 9 5 , M E E T I N G

18
19 CHAIR ASKEW: We have the minutes in the book of
20 the last meeting of the Committee. Any changes or additions
21 to those minutes?

22 (No response.)

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1 CHAIR ASKEW: Have a motion for their approval?

2 M O T I O N

3 MS. ROGERS: So moved.

4 MS. FAIRBANKS-WILLIAMS: Second.

5 CHAIR ASKEW: All those in favor?

6 (A chorus of ayes.)

7 CHAIR ASKEW: Minutes are approved. We have three
8 issues on the agenda today. The middle issue in the agenda
9 book is the Consideration and Action on Proposed Policy
10 Statement on Private Attorney Involvement Engagement.

11 We're probably going to do that last, because
12 President Forger is going to be here to make that
13 presentation, and he's in the Operations and Regulations
14 Committee meeting, will join us as soon as they've closed
15 with their discussion of the bylaws amendment.

16 So as soon as he gets here we'll take that up, but
17 we'll probably deal with the other two items first. I'm
18 going to call up Merceria Ludgood, who is the Director of the
19 Office of Program Services for the Legal Services
20 Corporation, to come forward to discuss these items with us.

21 Before we do that, I want to welcome Merceria to
22 the Legal Services Corporation. She joined the staff

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1 effective what date, Merceria?

2 MS. LUDGOOD: The day after the New Year's holiday,
3 January 3rd.

4 CHAIR ASKEW: January 3rd. Of course, we, as Board
5 members, had heard from Merceria a couple of times during
6 last year on various issues, and I think Merceria was co-
7 chair of the Delivery Working Group, if I'm right.

8 So we had the chance to hear from her, and we're
9 very pleased that you have joined the Corporation, welcome
10 you and look forward to working with you over the next 20
11 years. Right?

12 MS. LUDGOOD: Hope springs eternal.

13 CONSIDER AND ACT ON STATUS REPORT

14 ON THE CLIENT ENGAGEMENT INITIATIVE

15 CHAIR ASKEW: First item is the Client Engagement
16 Initiative. We had heard a report at our last Committee and
17 Board meeting on the Client Engagement conference that was
18 held in Detroit in November, I believe.

19 We had scheduled this for this meeting because we
20 were anticipating a report on that conference. Someone asked
21 Merceria to bring us up-to-date on that, and we'll discuss
22 where we go from here.

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1 MS. LUDGOOD: The final report or the final draft
2 of the conference report has not been completed. There is a
3 draft report, but James Head has not had an opportunity to
4 review it and make his comments, and we are just holding onto
5 that until he's had an opportunity to do so.

6 I think he's been tied up with his 25th anniversary
7 celebration. However, I have read the draft of the report,
8 the background materials. I've read the flip chart notes,
9 and out of that there seem to be probably, I guess, four
10 areas, four recurring themes.

11 I've outlined them here, and I'd just like to tell
12 you what think they are and give you my projection on how to
13 best approach addressing each of them.

14 The first and I guess the one that would seem to be
15 most prominent was communication. There were two levels of
16 communication which seemed to be areas which needed
17 addressing.

18 One was communication among client groups and then
19 communication between client groups and Legal Services
20 programs. In that vein, we now have the capacity at the
21 Corporation to maintain a database at least of client board
22 members, and that's one of the ways we plan to use the new

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1 technology. That is a concrete step that is now happening.

2 The second aspect of the issues that seemed to
3 arise out of the documents I read was education and training.
4 There were two levels there as well. One was education
5 around substantive areas to prepare clients as lay advocates
6 and community educators.

7 Then, there was a separate level, which included
8 leadership development, organizational development, diversity
9 and board training.

10 The third area was an area which I call research,
11 for a lack of a better way to describe it. More than one
12 presenter seemed to suggest that there were intersections of
13 race and gender and ethnicity and poverty that needed a more
14 reasonable analysis of how those things intersect and how we
15 can best approach those.

16 What was clear was that while we speak of a client
17 community or client population, that takes variant twists,
18 depending on the cultural dimension in each of those areas.
19 So it appears that some research needs to be done. I think
20 that came through quite clearly from the report I read.

21 The fourth area was funding for client-based,
22 client-run initiatives, and that was to try to build on the

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1 work of some of the groups that were highlighted there at the
2 conference.

3 I believe that there is an appropriate LSC role in
4 each of these. I am not prepared today to tell you exactly
5 how that role ought to happen, but I will be prepared to do
6 so in our March meeting, and I'm confident that by that time
7 we'll have had an opportunity to talk to James Head and the
8 other people who have been integral to this client issues
9 conference and this whole process around client initiatives.

10 CHAIR ASKEW: Could you go back to the second point
11 you raised? I got 1, 3 and 4, but I missed the second.

12 MS. LUDGOOD: I called it education and training.

13 CHAIR ASKEW: All right. Any questions for
14 Merceria? (No response.)

15 CHAIR ASKEW: Has this draft report been
16 circulated?

17 MS. LUDGOOD: Just to James.

18 CHAIR ASKEW: Just to James?

19 MS. LUDGOOD: Just to James.

20 CHAIR ASKEW: So once it's in a final -- once James
21 has had the opportunity -- and I agree with you. I think
22 James' input, review --

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1 MS. FAIRBANKS-WILLIAMS: They said that they were
2 mailing it to Ernestine and --

3 CHAIR ASKEW: Okay.

4 MS. FAIRBANKS-WILLIAMS: -- when they were ready.

5 CHAIR ASKEW: James' involvement in this is
6 critical to completing, I think, this phase of it. So I
7 understand why you want to wait on that. Once he's completed
8 his review, is the plan, then, to circulate it to the people
9 who attended the Detroit meeting or to circulate to others to
10 get some feedback on it?

11 MS. LUDGOOD: To the presenters, to the client
12 board members and after -- I think it's, like, three stages,
13 and after they've made their cut, then to every participant.

14 CHAIR ASKEW: Okay. So we'll schedule this for the
15 March meeting, then, and at that stage you plan to have a
16 final report to us?

17 MS. LUDGOOD: Yes.

18 CHAIR ASKEW: Now, will that include
19 recommendations for things the Board should act upon at the
20 March meeting?

21 MS. LUDGOOD: Yes.

22 CHAIR ASKEW: Okay. Edna, any questions or

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1 comments? MS. FAIRBANKS-WILLIAMS: No. The only
2 thing is that I hope that some way we will incorporate into
3 it so that every Legal Services operation has to have client
4 training and so on.

5 The grants are fine. The good programs can put
6 together and get a grant, but the so-called lazy programs
7 that don't work well with their clients don't do it unless
8 they're forced to.

9 So I feel, for myself, that it should be the same
10 as PAI, that there should be a percentage of money that
11 should go to client training to train them in substantive
12 areas and to train them for leadership and to train them to
13 do all the things that they can do. I know I was trained. I
14 only had a sixth grade education when I started.

15 MS. LUDGOOD: Insofar as forcing programs to do it,
16 I'm not sure how to get there. I know some recommendations
17 about regulatory changes in order to accomplish that have
18 been had.

19 One of the conversations that John Tull and I have
20 had about how to address the very problem that you talk about
21 is maybe including it somewhere in the peer review process.
22 And we've not determined yet how to do that, but that's one

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1 of the conversations we are having.

2 MS. FAIRBANKS-WILLIAMS: Well, if it was a part of
3 their grant that they had to put so much percentage into
4 client training, they would have to do it in order to receive
5 their grant, and then they couldn't weasel out.

6 CHAIR ASKEW: I should mention that when I attended
7 the Detroit conference I had gotten in advance a copy of the
8 peer review criteria on client involvement, client engagement
9 that had been worked on by the PICA group, I guess, with LSC
10 staff, and they were quite explicit and quite well drawn, I
11 thought.

12 I mentioned those to the participants in the
13 meeting, that I think in the past our monitoring evaluation
14 efforts haven't been as specific as these standards were
15 about what's expected of programs, what the peer reviewers
16 are going to be looking at, what sort of recommendations are
17 going to be made. So there clearly is a role in the whole
18 peer review process in seeing what the current state of
19 affairs is and encouraging programs in certain directions.

20 This issue that Edna has raised is something that
21 the Committee and the Board would have to discuss during the
22 year, because, obviously, nothing could be implemented for

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1 '95 with the grants already out, but it's a potential idea
2 for '96.

3 We have this year to think that through and to
4 discuss it, the first step being this report that's coming
5 and seeing what those recommendations are and discussing,
6 adopting those and going from there. Anything else?

7 MS. LUDGOOD: That's all.

8 CHAIR ASKEW: Anybody in the audience that would
9 like to comment?

10 All right. Merceria, thank you. I see that our
11 president has arrived, and perhaps we should stick with the
12 agenda and go straight into the PAI/PAE proposed policy
13 statement.

14 CONSIDER AND ACT ON PROPOSED POLICY STATEMENT
15 ON PRIVATE ATTORNEY INVOLVEMENT/ENGAGEMENT

16 CHAIR ASKEW: I have copies here of the staff
17 proposal, which I'll make available to the audience. Alex.
18 This is something that is near and dear to the heart of our
19 president. So I'm going to ask him to bring us up-to-date on
20 how this came to pass and then walk us through that.

21 Let me see if I can state where we are with this.
22 Our intention today is to put this out for discussion and not

1 to take any action.

2 The agenda says that we will consider and act upon.
3 Our intention is not to act upon this today. It's to put
4 this out for discussion after the meeting today, to circulate
5 it widely and encourage comment and response from,
6 particularly, the private bar, American Bar Association and
7 other interested entities from the field programs, from
8 client community, from anyone who is interested in this so
9 that we can come back to it at the March meeting and,
10 hopefully, act upon it at the March meeting.

11 So we won't be acting upon it today. Other Board
12 members, the Operations and Regulations Committee is
13 interested in this as well as us, so we just want to begin
14 the discussion today. Alex.

15 MR. FORGER: Thank you, Mr. Chairman. Good
16 morning, Nancy.

17 MS. ROGERS: Good morning.

18 MR. FORGER: Edna, friends. I guess my initial
19 contact with PAI was at the ABA House of Delegates meeting in
20 Hawaii when it was suggested that 15 percent of all funds go
21 to involve the private attorneys. That, ultimately, got to,
22 maybe 10 percent.

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1 CHAIR ASKEW: What year was that?

2 MR. FORGER: '81, '82. And the private bar had a
3 very keen interest in helping Legal Services Corporation and
4 to share in the funding and to become involved in the
5 delivery of legal services.

6 That's been certainly an active interest of mine in
7 trying to assure the community that the private bar has been
8 significantly involved in the delivery of legal services. As
9 you may know, I have been an advocate of mandatory pro bono,
10 which does not endear me to most of the private
11 practitioners.

12 But at least every time the issue comes up we get
13 more volunteers. So that's good. The private bar has been
14 superb in the support of Legal Services, certainly during the
15 period of the '80s, and right now it is my understanding that
16 they are carrying on a major effort to state the case for
17 Legal Services and through their headquarters here in
18 Washington are conducting a campaign throughout the local
19 jurisdictions in support of Legal Services.

20 So that the bar has been involved with the life of
21 Legal Services for many years and is a natural ally. One of
22 the Delivery Working Groups has been looking to the issue of

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1 the involvement of the bar, looking first at the regulation
2 and then at a meeting that I was invited to attend and was
3 happy to be in attendance the suggestion was made that while
4 folks look at the regulation, they might also try to
5 formulate a policy statement as to what it is that Legal
6 Services really would like to receive from the bar, to see
7 the bar do and the expectation of the bar.

8 Flowing from that, Jon Asher and Phyllis Hollman, I
9 believe, were co-authors of a policy statement that set forth
10 the rationale for the partnership and then articulated some
11 objectives and goals in that relationship.

12 We at Legal Services Corporation were pleased to
13 receive this very thoughtful piece and simply have sought to
14 build on it in some ways that now is incorporated in the
15 draft statement that has been made available to you.

16 It is quite similar to what Jon and Phyllis put
17 together with the exception of articulating, perhaps, in
18 greater particularity the scope of that partnership that we
19 would see.

20 We think certainly the most common kind of activity
21 that we have experienced as private attorneys is giving time
22 in a pro bono program to give direct delivery of legal

1 services, volunteering housing courts in family matters or in
2 the variety of matters in which Legal Services becomes
3 involved.

4 I think we've had some 120,000 lawyers, private
5 attorneys have been participating in the efforts of pro bono.
6 We certainly appreciate that amount of volunteering and hope
7 that it will grow significantly so that we can together, both
8 from the Legal Services program be receptive to and encourage
9 the private attorneys to participate in the direct delivery
10 and to make certain that from the private bar's point of view
11 that they make certain that attorneys receive the
12 encouragement to do this.

13 Secondly is the support function. The bar has been
14 involved in some degrees in respect of support, but the
15 statement reemphasizes the fact that we look to a full
16 partnership with the private bar in the support of direct
17 delivery.

18 Now, that can go in many aspects, and it certainly
19 would include financial support. As we've gone to the Hill
20 these last couple of months responding to requests of our
21 representatives and explaining the case for Legal Services,
22 we state that approximately 60 percent of all money going

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1 into funding legal service programs is from the Corporation,
2 roughly, 450 million.

3 And 250, more or less, comes from other sources,
4 one source of which is the private contributions and from the
5 bar. It's my understanding that, perhaps, last year \$10
6 million was contributed by the private bar to legal services
7 programs, one half of which I note comes from the City of New
8 York.

9 The Legal Aid Society there has had fundraising
10 programs that have been going on for 100 and some odd years
11 because it was a voluntarily-funded entity throughout most of
12 its life and now receives approximately a million and a half
13 from Legal Services.

14 But it's been the tradition there to reach out to
15 the private bar, and the major firms contribute \$550 a
16 lawyer. So some contributions are \$2- to \$300,000.

17 That's being replicated in other jurisdictions. I
18 had the pleasure of being in Oregon to help them observe the
19 successful conclusion of a \$2 million campaign. So, too, in
20 Minnesota.

21 I think the bar is now recognizing that simply
22 giving time, important as that is, is only part of the

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1 function. We need also to have the personal commitment, not
2 in lieu of personal service but in addition to. So it's not
3 mutually exclusive.

4 As you may know, for FY '96, we did put in a figure
5 of \$2 million in our proposed \$440 million budget for the
6 purpose of enabling us to be more effective in the
7 fundraising, not just from the private bar but, in large
8 measure, focused on the private bar.

9 And the funding project has done a superb task with
10 very few resources, and were we to be able to receive this
11 additional funding, we would embark on a nationwide effort to
12 have all of the programs make certain that they make an
13 appeal to and join forces with the private bar.

14 I think the current leadership of the ABA certainly
15 underscores the need both for service and money.

16 So in the support category, we would look to the
17 private bar to continue to assist in fundraising and also
18 giving of their own resources. There is also the training
19 aspect.

20 Many of the lawyers who are asked to function in
21 legal service programs say they're not really competent in
22 housing matters; they're antitrust lawyers, whatever.

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1 There are lots of things that lawyers can do, and
2 we think they could participate also where appropriate in the
3 training aspects. They deal now in the governance, which is
4 another aspect of support, since they must constitute a
5 majority of the board.

6 We need to make certain that they not only sit on
7 the boards as required, but they are active participants in
8 seeking to enhance the effectiveness of the programs.

9 And also, in the audit function, I think that it
10 would be important as we now expand our visitations to the
11 field both in monitoring for compliance as well as for
12 enhancing performance and the evaluation that I think there
13 is a role for the private bar to participate in that process
14 as well. I would not exclude them from any aspect of that.

15 So there is direct delivery and support, and it
16 seems to us that seeking to globalize or make it universal,
17 forgive the jargon, to make the partnership a universal one
18 from one end to the other of our legal service system.

19 I think we should ask the bar to do more than
20 simply volunteer to deliver service one-on-one and to aid in
21 the support of funding and governance and audit and training.

22 Part of our mission starts with the legislative

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1 process. There are many obstacles that our clients face by
2 reason of legislation, regulations, rulings, some unintended
3 some just there by accident that create unnecessary burdens
4 for our clients.

5 I was impressed, when we were in Boston, listening
6 to the consumer group talk about their involvement in the
7 redrafting of the Uniform Commercial Code. They have been
8 asked for the first time, as the code is being revised, to
9 participate from the view of our clients.

10 And they have a particular contribution to make in
11 the area of warranty of service of goods and services that
12 our clients take, particularly in areas of disclaimers, that
13 the forms just automatically put in a disclaimer of
14 warrantability.

15 The bargaining power is much too dissimilar between
16 the merchant and our client, and the UCC is designed
17 principally for larger commercial transactions and financial.

18 There is a recognition that there is an imbalance,
19 and so they now are helping to draft those provisions that
20 will require greater caution in terms of, for example, a
21 disclaimer or a waiver of warrantability of use.

22 Attorneys ought to be involved in doing that to

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1 make certain that, from a legislative point of view, and UCC
2 is in effect in 50 states, that we look to the issues before
3 they become legal problems.

4 To the extent we can engage the bar in helping to
5 simplify legislative matters, it makes the delivery aspect
6 easier. In New York State working with AIDS patients, I've
7 used this illustration certainly with Congress, the course of
8 the disease is now, basically, affecting in our clientele
9 young women and young women with children.

10 The principal concern on those who are in terminal
11 condition is what will happen to their children, and New York
12 has a very expansive procedure for appointment of guardians
13 that really is not relevant or practical in these
14 circumstances.

15 It's a full court proceeding. Through the
16 legislative route, with private attorneys, we have revised
17 that process so that there is now a much simpler form of
18 designation of stand-by guardian without major court
19 intervention.

20 The mother doesn't have to give up custody of the
21 child until she no longer can care for the child, and then
22 there is immediately implemented the appointment that was

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1 made tentatively at a time when she was capable of
2 functioning.

3 That saves lawyers enormous amounts of time trying
4 to achieve the same result. So, in the legislative process,
5 I think that the legal service programs can identify issues
6 that have created unnecessary problems and burdens and can
7 work to alleviate those.

8 So, too, in the court system. I would like to see
9 the partnership be involved in, where appropriate, trying to
10 revise procedures and issues in our courts.

11 There are still many issues affecting our clients
12 that require judicial intervention where administrative
13 process ought to be adequate. The courts are reviewing some
14 of those functions.

15 The private bar can play a significant role, I
16 think, in making the court system, the judicial system, for
17 user friendly for us as well as to make recommendations and
18 proposals for removal from the court system where appropriate
19 those matters that could be handled in other ways.

20 We're also exploring the technology of using, as
21 Nancy and I heard, with respect to Arizona, for example,
22 where there is new technology where it can assist in pro se

1 activity where forms can be completed through the use of
2 technology and machines.

3 The bar also can function in that way, and then
4 there is the community outreach and community education, and
5 while we have a significant effort with client involvement, I
6 think the private bar can also play a role in education of
7 the community, again, in the preventative law aspect to talk
8 about issues and housing and how one might prevent eviction,
9 what one might do in terms of creating a better environment
10 in the housing community, how you can create a cooperative of
11 tenants, how you can take charge of your streets and your
12 block, how you can deal on a consumer level.

13 And I think that there are many in the bar, at
14 least in my experience, who feel more comfortable in going
15 out and addressing groups of people, preparing materials and
16 talking about the preventative aspects rather than going to
17 housing court after the problem is there.

18 So it seemed to us to, in this, at least in
19 articulating, in Jon and Phyllis' draft to touch on the
20 aspects of community education and programs and other
21 initiatives to respond to the legal needs of poor people,
22 developing ADR and other mechanisms by which we may resolve

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1 those disputes.

2 So the purpose of this is to try to be as inclusive
3 as we can to embrace as many aspects of lawyering as we think
4 is appropriate for this partnership of legal services and the
5 private bar.

6 And the private bar, I think, would include law
7 schools, and I think we need to do more with law schools
8 simply than have a clinical program or sabbaticals or
9 internships.

10 I know in an earlier life in the Legal Services
11 Corporation the law schools played a major role as support.
12 I think that there may be an opportunity to look at that once
13 again in terms of the bar and the academic bar offering some
14 assistance.

15 They may be in the legislative arena or the court
16 process simplification arena, or they may simply be adding
17 additional support to our national centers where certain law
18 schools, for example, Pace Law School has a major presence in
19 environmental matters.

20 It would seem to me that we could try to engage the
21 private bar, which is in academia, in that regard, or in
22 alternate dispute resolution for disseminating information or

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1 training.

2 There are also government lawyers who can function
3 with us. If they can't do cases, and if there are conflicts,
4 they can do training.

5 So I think there is a role for every lawyer, every
6 one of the 800,000 or 900,000 lawyers, to participate with
7 Legal Services, and while delivery of legal services for our
8 clients is not the sole responsibility of the bar, I think it
9 is a principal responsibility for each of us in practice, and
10 that we need to demonstrate that we are doing all that we can
11 to reach clients and resolve their problems rather than have
12 it appear, whether it be Congress or elsewhere, that we are
13 less than aggressive in trying to gather all the resources we
14 can.

15 So we welcome -- this is simply expanding upon the
16 work of the Delivery Working Group, Mr. Chairman, and we
17 welcome, as you do, I know the comments that will either
18 clarify it and make it more expressed in its direction.

19 The word here "flexibility" is used. We're not
20 really addressing the regulation as to what one does in terms
21 of a required amount, and I guess that is left for another
22 time.

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1 But we all agree that arbitrary rules and
2 provisions aren't always the best and that there needs to be
3 flexibility on all sides in seeking to achieve the ultimate
4 objective of more resources to work for the benefit of our
5 clients.

6 CHAIR ASKEW: Okay. Thank you for that
7 comprehensive statement. Alex, in his comments, referred to
8 the work of Jon and Phyllis. Maybe we should be explicit in
9 saying that Jon Asher, the director of the Denver program,
10 and Phyllis Hollman of the Georgia program, as
11 representatives of the Delivery Working Group, did prepare a
12 proposed policy statement and submitted it around for
13 comment.

14 And this, to be fair, is based upon that and is
15 somewhat of an expansion or clarification of what they
16 submitted. I think this is a very important and very useful
17 effort.

18 It probably would have been useful and important 15
19 years ago, but to give us a policy statement, a goals
20 statement from which other things will flow, such as
21 regulations, so that we have some context for the other
22 things we do to try and implement ideas that we have.

1 I would open this for discussion. I know all of
2 you just got this a couple of minutes ago and probably
3 haven't had enough time to think about it, but if anybody has
4 some initial reactions to it, we'd be happy to hear those.

5 Jon is here, and if you'd like to comment, feel
6 free to do so. Anyone else? Linda?

7 MS. PERLE: My only comment is that this document
8 is really a joint product of the Delivery Working Group and
9 the Regs working group studying the PAI.

10 So those people who were involved in the Regs
11 working group were also involved in the drafting of the draft
12 that we provided to the staff for their consideration.

13 CHAIR ASKEW: Okay. Great. So I assume that would
14 mean that it was done with an eye toward the regulations. So
15 the sense that those would be consistent down the road.

16 MS. PERLE: Right, because they're setting a
17 framework for any subsequent regulatory revisions.

18 CHAIR ASKEW: Right. And we're doing this in the
19 right way, for a change, maybe, to have this first and then
20 the regulation flow from it rather than do it the other way.

21 MR. FORGER: Could I add one comment, Mr. Chair?

22 CHAIR ASKEW: Yes.

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1 MR. FORGER: I would hope that we could go to the
2 ABA once we have -- or right now to have them reflect on it,
3 but I would like to see, sort of, a companion piece adopted
4 by the American Bar Association and other bar associations
5 subscribing to this or adding additional aspects to it so it,
6 in effect, becomes official policy of major segments of the
7 bar as well as Legal Services Corporation.

8 CHAIR ASKEW: I would note that Lynn Sterman is
9 here. Is SCLAID meeting in Miami, Lynn?

10 MS. STERMAN: Yes. Yes, it is, and I expect -- it
11 was on the agenda already. So we'll just distribute the
12 draft.

13 CHAIR ASKEW: Great. Jon?

14 MR. ASHER: Yeah. While I have not yet really
15 studied the current draft --

16 CHAIR ASKEW: Excuse me just one minute. Can the
17 reporter hear? It would be better if he came up to the
18 table? Who are you, for the record?

19 MR. ASHER: I'm Jonathan Asher. I'm the Executive
20 Director of the Legal Aid Society of Metropolitan Denver and
21 co-chair of the Delivery Work Group subgroup on Private
22 Attorney Involvement.

1 I think that the policy statement reflects an
2 effort by the legal services community, broadly stated,
3 including the bar, the Corporation staff, to try to grapple
4 with a mutual desire to look at private attorney involvement
5 of part of our obligation to expand service to clients not
6 simply to deal with expenditure of funds.

7 That's why I believe articulating the policy and
8 the goal of the Corporation is worth the effort. A number of
9 us, not just Phyllis and I, but Linda Perle and Laurie Zelon
10 and Lynn Sterman and a number of other people took an initial
11 effort at crafting something.

12 The meetings have included Corporation staff and
13 private bar involvement from the ABA and the like, and I
14 would like to express our appreciation for the obvious time
15 and interest and effort that Corporation staff, Alex in
16 particular, but others have expanded on the work that we did.

17 And I think it is an improvement product and look
18 forward to really looking at it more carefully and to,
19 hopefully, adopting it in March or shortly thereafter.

20 I think the policy is important from which the
21 activities of the Corporation, the private bar, even review
22 of the regulation will be anchored in what we're really

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1 trying to do, and that is to expand both the scope, the
2 quantity and the quality of service available to clients.

3 Let me just, Alex, mention his adherence to
4 mandatory pro bono. I had the opportunity to debate that
5 issue about nine, ten days ago in Boulder, Colorado, and I
6 commented that it's amazing to me, in terms of the argument
7 that lawyers are incompetent, don't know how to handle
8 divorces, how transactional lawyers become constitutional
9 scholars when confronted with mandatory pro bono. All of a
10 sudden they know about equal protection and slavery. It's
11 amazing.

12 MR. FORGER: I have one commentary on that. I've
13 always been amazed when the private bar has told me that they
14 don't have the competence to deal in the likes of housing
15 courts or Social Security.

16 I generally respond that I have yet to see a
17 private attorney who has turned down a client in respect of
18 an engagement in which he or she has not necessarily spent a
19 lot of time.

20 So I have a great confidence in the skill and
21 ingenuity of the private bar to function, but that's why, if
22 we list so many opportunities here, one does not have to

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1 simply do direct delivery.

2 And Jon, I will, you know, welcome your point of
3 view as to whether you think -- and I indicate my bias. I
4 think there ought to be still another guideline or further
5 articulation as to the sorts of things, the specific issues
6 that one might seek to implement this with; i.e., a piece on
7 training or fundraising or being engaged in the governance
8 process or what might we expect in terms of auditing, or what
9 is it that we would hope our mutual efforts could bring about
10 in terms of education, articulating steps, programs.

11 I'm sure there are many of all of these going on in
12 the community now, but rather than simply -- it's good to
13 start with the general hypothesis and aspirational goal and
14 statement of commitment. I think it's also important for
15 everybody's understanding that it says, "And what we mean by
16 this is following," or hear the opportunities that we would
17 hope programs and bars could engage in.

18 MR. ASHER: Well, there are two ways to do that.
19 One would be informational, sort of, listing of ideas. The
20 other that we have talked about is a collaborative effort
21 between the American Bar and the Legal Services Corporation
22 to devote time and attention to collecting success stories

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1 and a sharing with more programs and bars the variety and the
2 nature of the good programs that we know are going on.

3 That's why the policy refers to the collection and
4 dissemination of some of our failures, some of our successes
5 and to help broaden both program and bar association views of
6 how the partnership between the staff model and private
7 attorneys can expand and improve the delivery of service to
8 clients.

9 MR. FORGER: Well, I think that would be important,
10 but would you think another few pages, sort of like the
11 restatement where they get the black letter and then the
12 commentary, would you think as part of the statement that
13 there ought to be a more detailed articulation of the sorts
14 of things?

15 MR. ASHER: I'd want to think whether that -- my
16 concern is that sometimes the more that's written it
17 sometimes tends unintentionally to be more limiting than
18 liberating and expansive, and that when a funding source
19 speaks in writing, something that is not listed then tends
20 not to be thought of.

21 So I'm not sure that shouldn't be a separate
22 document of programs and the bars, sort of, looking more

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1 broadly at possibilities but that the real goal and policy of
2 the Corporation shouldn't be somewhat more general and, sort
3 of, left, but I'd want to think about that a little bit.

4 CHAIR ASKEW: Nancy?

5 MS. ROGERS: Jon, what is the agenda for the
6 working group in the future, the PAI working group?

7 MR. ASHER: I think once there is a goal and a
8 policy proceed to look at initiatives, data collection and
9 the regulation itself. I think the regulations working group
10 is committed to continuing its efforts to move through all of
11 the LSC regulations and that 1614 will certainly be included
12 in that list fairly early in this year.

13 CHAIR ASKEW: In further response, maybe, to Alex's
14 question, I should mention that I was just looking at the
15 performance criteria in the peer review manual, which has
16 been circulated to the Board for our information, and it does
17 have sections in here on involvement of the private bar.

18 Private bar relations is one of the criterion under
19 the Performance Area 4, and looking at programs, giving
20 feedback to programs on how they're doing in that area, also
21 interviewing judges and the private bar during the peer
22 review process to check on it. So there is some specificity

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1 through those criteria about what's expected of programs.

2 MR. ASHER: It's also my understanding that slip
3 certificate SCLPSR, the ABA committee, is about to release a
4 draft of standards on private attorney involvement programs
5 in early March, I believe, that will be a vehicle for
6 discussing probably the scope as well as the detail of the
7 administration of such programs, and flowing from that might
8 be additional work that we ought to do.

9 MR. FORGER: Where would you see us going, Jon,
10 with respect to the ABA, SCLAID, SCLPSR, Board? If indeed
11 the objective, which my just personal objective is not only
12 to have their input on the policy statement and their support
13 of it, but also thinking of a policy statement to be adopted,
14 maybe this as well as one more tailored to the private bar by
15 the House delegates or state bars, how would -- what's the
16 right mechanism for the pursuit of that? SCLAID?

17 MS. STERMAN: SCLPSR and the section on litigation
18 has started working on a resolution that discusses the
19 further involvement of the private bar and supportive needs
20 for Legal Services programs, not just direct delivery of
21 cases but of fundraising efforts, reduced CLE costs, for
22 example, is another example of some of the initiatives that

1 might be taken by bars.

2 So these two sections have been -- these two
3 entities have been talking about presenting a resolution at
4 the annual meeting in Chicago in August that would be
5 somewhat along these lines but not as focused as this
6 statement of policy is.

7 It seems to me, though, that if there is a
8 statement that might go to the House, that both SCLAID and
9 SCLPSR would certainly be appropriate entities to bring that
10 forward.

11 MR. FORGER: I could see the private bar thinking
12 that, you know, we only turn to the bar in times of stress
13 and crisis, and here they're, you know, reaching a
14 magnificent state once again in support, and thus, to have
15 them feel, sort of, a proprietary interest in this as well.

16 But I would like to see such a resolution either
17 urge or have as an expectation that lawyers in the private
18 practice will indeed, as part of their ethical
19 responsibilities, reach out to Legal Service programs and to
20 make specific reference to the fact that the 320 programs in
21 the country as part of their responsibility to participate in
22 the work of the Legal Services movement, if you will.

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1 MS. STERMAN: If I may, I wanted to mention a
2 couple of other initiatives.

3 CHAIR ASKEW: Sure.

4 MR. FORGER: Thank you.

5 CHAIR ASKEW: Why don't you introduce yourself for
6 the record.

7 MS. STERMAN: My name is Lynn Sterman. I'm counsel
8 to the ABA's standing committee's Legal Aid and Indigent
9 Defendants and Lawyers Public Service Responsibility.

10 Jon mentioned that the ABA pro bono standards are
11 about to be released for comment. Those standards, with
12 commentary, are approximately 160 pages. So they give, in
13 the commentary, a lot of examples. The examples that you
14 referred to is probably helpful.

15 They are, in addition, somewhat of an operational
16 manual. So I think they will provide a lot of guidance to
17 programs, to boards, to bar associations about the
18 appropriate pro bono activities. It goes well beyond direct
19 delivery in its focus.

20 It's anticipated that those standards would be
21 refined in time to go to the House of Delegates in a year for
22 adoption. So we're talking about an activity on that set of

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1 standards for next February.

2 Whether we want to do a resolution in-between or
3 not may be something to think about, but I do think you'll
4 find us quite comprehensive and perhaps providing some
5 guidance that would be useful.

6 We hope the Corporation would be among the
7 commentators on the draft standards. They will be released
8 in time to have hearings at the pro bono conference in April
9 in Nashville.

10 I hope that as many people from the Corporation as
11 possible will be able to be there, given what other things
12 may be happening at that time. We're very delighted that
13 Alex will be a speaker at the conference.

14 We have two workshops set aside to talk about
15 matters pertaining to the Corporation, and we expect that
16 there will be a great deal of interest in each of those
17 workshops in April.

18 The other activity that I believe you've heard
19 about previously but I do want to remind you of is that the
20 ABA did receive a small grant from the Ford Foundation to do
21 somewhat of a complementary program to the fundraising
22 project; that is, to work with bar associations, to provide

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1 them with encouragement and information to engage in
2 fundraising activities on behalf of Legal Services and pro
3 bono programs.

4 That's a small project. It's under the aegis of
5 the Consortium for Legal Services. It's being run by an
6 advisory group chaired by Doreen Dodson, who is the Chair of
7 the ABA IOLTA Commission.

8 That group is going to develop some intense -- I
9 understand should develop some sort of manual to give
10 guidance to bar associations about the types of fundraising
11 activities that have been tried successfully by other bar
12 associations so that they might be able to emulate.

13 It also is talking about bringing a resolution to
14 the House of Delegates, perhaps in August, about the bar's
15 responsibility to engage in fundraising activities.

16 So I just wanted to remind you of that, bring it to
17 your attention. I do have copies of the conference brochure.
18 I don't know if they've made the --

19 CHAIR ASKEW: What are the dates of that, Lynn?

20 MS. STERMAN: April 20th to the 22nd. I'll be glad
21 to give this to you.

22 CHAIR ASKEW: Great. We don't have a Board meeting

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1 in April. So that will make it easier for some of us to
2 attend.

3 MR. FORGER: That's very helpful in respect of
4 action by the House urging support, because we increasingly
5 get questions from our congressional people as to what is
6 happening not only in pro bono but fundraising.

7 MS. STERMAN: I just want to mention quickly just
8 one other item. As we look at involvement of private
9 attorneys, the one aspect of our profession that we should
10 not forget is the judiciary.

11 SCLPSR just held its meeting in Miami a few weeks
12 ago for the express purpose of meeting with the Florida State
13 Bar Pro Bono Committee. That committee is drafting a report
14 on the first year of experience under the new Supreme Court
15 pro bono rules in Florida.

16 As you might recall, those rules require voluntary
17 reporting of pro bono hours, of financial contributions. But
18 in addition, they also require the establishment in each
19 judicial circuit in the state of a committee that has
20 responsibility for assuring recommendation for low income
21 people.

22 What seems to make the difference in Florida and

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1 why there is a lot of activity right now is that the
2 responsibility in each circuit has been given to the chief
3 justice of the circuit.

4 It's that judge who has to make something happen.
5 It's that judge who has to report back to the Supreme Court
6 through the Florida Bar Committee about what is occurring to
7 assure access within their circuit.

8 I understand that there has been a heavy
9 involvement of the Supreme Court Justice who is the Court's
10 representative on the Committee in making sure that every
11 chief justice of the circuits understand that this is a true
12 responsibility, and it certainly is making things happen in
13 Florida.

14 It's a very interesting experience. They,
15 obviously, don't have a long-term experience yet to judge,
16 but the involvement of the judiciary does seem to pump things
17 up quite a bit, and we might want to think about that a
18 little bit more as we develop statements and programs.

19 CHAIR ASKEW: Is there a written report on that?

20 MS. STERMAN: There is a draft report right now.
21 I'm not certain when the complete report will be released.

22 CHAIR ASKEW: And the draft report does reference

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1 the role of the judiciary in --

2 MS. STERMAN: Yes. Yes, it does. It's part of the
3 rule that the Supreme Court adopted.

4 MR. FORGER: This might find its way on the agenda
5 of the Conference of Chief Justices one day.

6 CHAIR ASKEW: Right.

7 MS. STERMAN: It's a very interesting program down
8 there.

9 CHAIR ASKEW: Well, other states should see that.

10 MS. STERMAN: Yes.

11 CHAIR ASKEW: When that's final, that should be
12 sent around, because I think the court in Georgia would be
13 interested in seeing how that has worked.

14 MS. STERMAN: Yes.

15 CHAIR ASKEW: Thank you, Lynn. Anything else?
16 Harrison?

17 MR. McIVER: Yes. Harrison McIver from the Project
18 Advisory Group. I would like to suggest that since I plan to
19 publish this in the update that there be some place to send
20 comments from the field, because they will comment on this,
21 and I think it's important that they have an opportunity --
22 or it has an opportunity. Perhaps, IG or the OPS, I'm not

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1 sure --

2 MR. FORGER: OPS.

3 MR. McIVER: -- OPS would be the place to have
4 comments sent. But I think, since it's going to be
5 considered at the next meeting and I'm going to publish it,
6 you will get comments, and people the want to know where to
7 send their comments. So I will do that.

8 CHAIR ASKEW: So OPS would be the appropriate place
9 to send it.

10 MR. McIVER: To OPS? Okay. Thank you.

11 CHAIR ASKEW: Not to call me, please. Any other
12 comments?

13 (No response.)

14 CHAIR ASKEW: This will be circulated as widely as
15 we can. Even though the meeting is March and it seems like
16 it's two months, it's really more like 45 days before we meet
17 again. So we need to get this out, and the SCLAID meeting is
18 timed very appropriately for this, and, hopefully, we can get
19 comments back and move further on this at the March meeting.

20 Thank you, Alex and thank everybody else. We're
21 going to take a five-minute break of the Committee and come
22 right back and conclude with the last item on our agenda. So

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1 if you'd be back at 10:30, please, I'd appreciate it.

2 (A brief recess was taken.)

3 CHAIR ASKEW: I'm going to call the meeting back to
4 order, please. Merceria, may I ask you to come forward? The
5 next item on our agenda is the Consider and Act on Status
6 Report on the Law School Clinical Grant Initiative. I'm
7 going to ask Merceria to bring us up-to-date on that, and
8 then we'll discuss where we go from here.

9 CONSIDER AND ACT ON STATUS REPORT
10 ON THE LAW SCHOOL CLINICAL GRANT INITIATIVE

11 MS. LUDGOOD: I have been very fortunate --

12 CHAIR ASKEW: I'm going to announce that Committee
13 Member Nancy Rogers is going to sit in on this discussion,
14 but she has recused herself from considering and acting upon
15 anything to do with the Law School Clinical Grant Initiative
16 because of her role as an associate dean of a law school.

17 MS. LUDGOOD: I've been very fortunate in the
18 Office of Program Services to have people who have brought me
19 up to snuff pretty quickly. They have given me piles and
20 pile of paper, and the Law School Clinical Program probably
21 generated the second largest pile.

22 I have here with me today Janice White, who is

1 sitting to my right on the front row. Janice has had primary
2 responsibility for shepherding the Law School Civil Clinical
3 Program, and I just wanted to have her here in case there
4 were questions that I couldn't answer, and I'm sure there
5 might be.

6 In our last grant cycle, we awarded 18 grants.
7 There were ten for innovative clinical programs. There were
8 four teacher sabbaticals and four for summer fellowships.
9 One was a national fellowship program.

10 The first progress reports are not due until April
11 1995. In the interim, and I'm not sure how it happened, but
12 the Corporation did an informal survey to try to gauge what
13 was happening because there was such a long reporting time
14 between the start-up time and the report time.

15 There was some, I guess, some kind of interesting
16 observations made in the survey even this early into the
17 grant cycle. I guess the thing that emerged most often was
18 that every single entity said, "We have been able to serve
19 more clients as a result of this money."

20 I think that, for us, is the bottom line. Law
21 school clinics and programs say they have been able to serve
22 groups that have previously been unrepresented or under

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1 represented.

2 They've been able to do outreach to AIDS
3 populations, homeless populations, Native American
4 populations, groups that they have known were out there and
5 needed to be served but just were not able to because of
6 resource limitations.

7 The other aspect of being able to serve more
8 clients is being able to serve clients more effectively.
9 There is a new sense of -- our reports are that now they feel
10 that law students and law professors, those involved in
11 clinical programs, are more sensitized to the cultural issues
12 which underlie the clients we serve in our population.

13 The second observation which came out of the
14 surveys is that collaborations, while they've happened
15 necessarily in this process, they've had -- they've spawned
16 other things.

17 Some of the more interesting once, I thought, were
18 that there are now joint training programs where Legal
19 Services personnel are used in training, opportunities
20 presented by law school, and the converse is also true.

21 There were also observations by some programs that
22 even if there is no money available through the Legal

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1 Services Corporation, this has been such a good opportunity
2 they're seeking other funds to try to continue. They're just
3 so committed to what they've learned.

4 Also, another observation is that law students have
5 been, in addition to their pure clinical work, some law
6 students have stepped forward and offered to do computer
7 research.

8 They're coming into offices doing in-take aside
9 from this experience. So it's been -- from these preliminary
10 reports, to have responded, all feel like the collaboration
11 has been worth everything they've had to go through to make
12 it happen and the hoops they've had to go through in terms of
13 making sure that it meets of letter of our grant
14 requirements.

15 The Office of Program Services is making two --
16 well, actually, one recommendation, one major change for this
17 grant cycle. Before I say that, though, I would like to say
18 that there were two changes that were suggested in the
19 survey.

20 One was to consider multi-year funding, because one
21 year -- it was good, all the work that they were able to
22 accomplish, but in terms of the planning, if they could count

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1 on more than one year, it would probably be better.

2 They've also requested earlier notification, and we
3 plan to address that in this next cycle. We're backing up --
4 assuming that the Board approves us to go forward with this
5 process and this meeting, we are backing up our application
6 period so that we can get notification out before the end of
7 the school year. Janice has assured me that she may not be
8 able to do anything else but that it can happen.

9 Our recommendation for this year is to only fund
10 two categories in the Law School Civil Clinical Program, and
11 those categories are the summer fellowships and the
12 innovative clinical programs. That would eliminate the
13 sabbatical category.

14 Now, this is not based on any kind of qualitative
15 analysis of how good the sabbatical programs were, because we
16 simply don't have -- other than this survey, we just don't
17 have enough information to say that it was not a good
18 program.

19 But we were trying to determine a way to get the
20 most direct benefit back to clients as immediately as
21 possible, and in this grant year, we wanted to limit those
22 two to expand the number of clinical program opportunities

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1 and the number of opportunities for the law school clinics.

2 We wanted to offer special incentives, special
3 considerations to rural programs, to programs who could
4 demonstrate that they had a considerable underserved or
5 unserved population their service area and programs who had a
6 low number of minority staff attorneys.

7 CHAIR ASKEW: Would you repeat those, Merceria?
8 I'm sorry. Rural programs --

9 MS. LUDGOOD: Rural programs, programs with
10 underserved populations, and those are the special
11 populations, and programs with low numbers of minority staff
12 attorneys or attorneys.

13 CHAIR ASKEW: Okay. That's in the form of a staff
14 recommendation to this committee?

15 MS. LUDGOOD: It is.

16 CHAIR ASKEW: Okay. Anything else? Does that
17 complete the report?

18 MS. LUDGOOD: That completes.

19 CHAIR ASKEW: There terms of the special incentives
20 you just mentioned, do you have a sense of how that would be
21 done? Is that simply going to be a part of the grant
22 application process? If applicants can demonstrate to us

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1 that they will meet one of these three criteria, they would
2 receive priority for funding? Is that the way this would
3 work?

4 MS. LUDGOOD: We plan to attach weighting to
5 categories, percentage weightings, and if they can
6 demonstrate in their grant application one of these, yes.

7 CHAIR ASKEW: Okay. Remind me what's the amount of
8 money available for 1995? Is it 1.4 million?

9 MS. LUDGOOD: I think so.

10 CHAIR ASKEW: Okay. And none of the grants we made
11 last year were multi-year grants. They were all one-year
12 grants; is that right? So this would be a whole new process
13 for this year?

14 MS. LUDGOOD: Right. It would expand it to some
15 degree.

16 CHAIR ASKEW: Okay. Now, some of the ones we
17 funded for this year could apply for a refunding or for a
18 second year of their grant?

19 MS. LUDGOOD: They could.

20 CHAIR ASKEW: They would not be excluded from that?

21 MS. LUDGOOD: No.

22 CHAIR ASKEW: Okay. Edna, do you have any

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1 questions?

2 MS. FAIRBANKS-WILLIAMS: No.

3 CHAIR ASKEW: What's the timing that you all are
4 thinking about in terms of implementation? You assume you
5 need Board action at this meeting to go forward, right?

6 MS. LUDGOOD: We do. We have a resolution. I'm
7 told that that's the process. I'm told that we can run in
8 the Federal Register -- if you approve it this weekend, early
9 next week, get the grant applications out the following week.

10 CHAIR ASKEW: So Fed Register in late January?

11 MS. LUDGOOD: Right.

12 CHAIR ASKEW: Okay.

13 MS. LUDGOOD: And mail the grant applications in
14 early February.

15 CHAIR ASKEW: Okay.

16 MS. LUDGOOD: And early April deadline date for
17 receipt of grant proposals.

18 CHAIR ASKEW: Okay.

19 MS. LUDGOOD: And then an early May meeting of the
20 Peer Review Panel with an announcement to be made, hopefully,
21 the middle of May.

22 CHAIR ASKEW: And these are programs that are to

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1 begin in June, probably, right?

2 MS. LUDGOOD: Some could.

3 CHAIR ASKEW: Okay. Or at least with the beginning
4 of school in September?

5 MS. LUDGOOD: Okay.

6 CHAIR ASKEW: Mid-May announcement? Okay. And how
7 does that compare to last year's process? We were later in
8 the year last year, is that right, in making the final
9 decisions?

10 MS. WHITE: Yes. We made the announcements in
11 June.

12 CHAIR ASKEW: So this would move this up about a
13 month or so? Okay. Let's go back to the sabbatical just to
14 discuss that and make sure we know what we're doing here.

15 Do you remember how many proposals we got for
16 sabbaticals last year?

17 MS. LUDGOOD: Sixteen.

18 CHAIR ASKEW: Sixteen. And we funded four of them?

19 MS. WHITE: Yes.

20 CHAIR ASKEW: Okay. So those programs would be
21 completed? I mean, the sabbatical -- is it a year that
22 people took to do the sabbatical?

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1 MS. WHITE: Yes.

2 CHAIR ASKEW: So they would be funded through the
3 conclusion of their year?

4 MS. WHITE: Right.

5 CHAIR ASKEW: We just wouldn't be funding another
6 year for those people or for any new programs, right?

7 MS. LUDGOOD: Right. They will complete this grant
8 year.

9 CHAIR ASKEW: Okay. Compared to the other two
10 grant categories, could you say whether there was more or
11 less interest in those sabbaticals last year during this
12 process? How did it compare?

13 MS. WHITE: In comparison to the receipt of the
14 applications?

15 CHAIR ASKEW: Yeah, the number of applications that
16 came in in totality for the Law School Clinic Grants, were
17 the sabbaticals over -- how did they compare to the other two
18 categories in terms of the number of applications we
19 received?

20 MS. WHITE: In comparison to the number of
21 applications received, the innovative clinical programs, of
22 course, were the most that we received. Next came the summer

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1 fellowships, and then the teacher sabbaticals were third.

2 CHAIR ASKEW: Okay.

3 MS. LUDGOOD: More than 100 clinical?

4 MS. WHITE: There were only 99 applications total.

5 So the clinical, maybe 80.

6 CHAIR ASKEW: Okay. Thank you. Do you have a
7 proposed resolution for us?

8 MS. LUDGOOD: I do.

9 CHAIR ASKEW: Let me read this into the record, and
10 then we'll discuss this as appropriate.

11 "Resolved: During 1995, the LSC staff should
12 circulate requests for proposals to accredited law schools
13 and LSC-funded Legal Services programs for the 1995-'96 Law
14 School Civil Clinical Program grant competition.

15 "The congressionally appropriated \$1.435 million
16 should be completed," I think "competed for under two funding
17 categories as follows: One, to fund law school clinics or
18 Legal Services programs which propose to utilize law students
19 as LSC summer fellows to serve in LSC-funded programs full-
20 time for a specified period of time; two, to fund new and
21 innovative approaches to legal services delivery through law
22 school clinical programs, particularly those which have a

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1 mandatory or voluntary pro bono program in place.

2 "Grant proposals will receive peer review in
3 accordance with LSC established selection criteria. All
4 proposals must show collaboration between law school clinics
5 and Legal Services programs to meet the legal needs of low
6 income persons. 1995-'96 Law School Clinical Grant funds
7 will not be used to fund conferences or research projects."

8 Okay. That's a resolution. Do I have a motion
9 that we adopt the resolution?

10 M O T I O N

11 MS. FAIRBANKS-WILLIAMS: So moved.

12 CHAIR ASKEW: I'll second. All those in favor say
13 aye.

14 (A chorus of ayes.)

15 CHAIR ASKEW: Okay. We have the resolution before
16 the Committee. In terms of the second --

17 MS. ROGERS: I abstained.

18 CHAIR ASKEW: Nancy Rogers abstained from that
19 vote. The second thing we heard in response to the survey
20 was that these be multi-year grants, if possible. Is that
21 contemplated under this resolution, that we might make multi-
22 year grants?

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1 MS. LUDGOOD: Not this year, and that's because of
2 the uncertainty of funding.

3 CHAIR ASKEW: Okay. That we might not be able to
4 deliver on the second-year funding?

5 MS. LUDGOOD: Right.

6 CHAIR ASKEW: Okay. Any discussion of that
7 resolution?

8 (No response.)

9 CHAIR ASKEW: Is there any comment from the floor
10 about this? Anybody like to comment, make suggestions,
11 response?

12 (No response.)

13 CHAIR ASKEW: Okay. Well, we will take this to the
14 Board tomorrow, and thank you for this report. We look
15 forward to seeing -- is there going to be some report on the
16 '94 Clinical Grants ultimately written that would allow us to
17 see the results of those grants?

18 MS. LUDGOOD: Right. The first grant reporting
19 period is April '95. So I guess by the May meeting we should
20 have the results of that report.

21 CHAIR ASKEW: Okay we'll schedule that for the May
22 meeting, because I think we'd like to see -- hear about the

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1 results of that while we're still in the process of making
2 the next round of grants.

3 MS. FAIRBANKS-WILLIAMS: Now, in that report, will
4 there be a list of, say, how many low income people they
5 served at each clinical base and so on, so we would get a
6 flavor of how many people were served?

7 MS. LUDGOOD: They have to report clients served,
8 the number of clients served.

9 MS. FAIRBANKS-WILLIAMS: So we would get those
10 numbers?

11 MS. LUDGOOD: Yes.

12 MS. WHITE: We could get it for the first six
13 months of the grant, yes.

14 CHAIR ASKEW: Were there clients on the peer review
15 team that considered these grant proposals last year?

16 MS. WHITE: No, there were not.

17 CHAIR ASKEW: Okay. We may want to consider that
18 for this year's round, having a client or two maybe on the
19 peer review team that considers these proposals for '95.
20 Thank you both. It sounds like it worked -- even though we
21 got a late start last year, it sounds like it worked out
22 well, and I hope we can continue this in the future.

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1 we would take up and which meeting we would consider them.

2 We need to amend this slightly, based on what's
3 happened here today. In March -- this is on page 39 of your
4 Board book. In March, we are slated to take up Technical
5 Assistant, Unmet Needs -- which, of course, is the discussion
6 we held about the studies that were done -- Compliance
7 Oversight, and John Tull and Merceria will be reporting to us
8 on the status of the Corporation's activity in terms of
9 compliance, the experimental work that's been done with the
10 new compliance, site visits, which are underway and will be
11 occurring through February, and then a few sell the
12 compliance visits, I think, in the nature of 20 visits per
13 month beginning March 1.

14 The Client Engagement Initiative, and, of course,
15 we heard about that earlier in this meeting, and we'll be
16 receiving the final report -- the plan is we'll be receiving
17 the final report of the client, conference and
18 recommendations for client engagement in the future -- Elder
19 Law Issues, and Veterans Grant Initiative.

20 Based on what we did today, we will be considering
21 the PAI/PAE policy statement at this meeting. In fact, I
22 think that will probably be the major item on the agenda for

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1 our March meeting, because we may want to consider asking
2 people to come in and comment or opening it up for, sort of,
3 a hearing sort of thing so that we can make sure we hear as
4 much as possible about that as this meeting.

5 That was not anticipated. I'm a little concerned
6 that we've got too much on the agenda for the March meeting,
7 if we have a lengthy discussion of the PAI policy initiative.

8 I'm going to -- with the Committee's permission,
9 I'm going to speak to John and Merceria about possibly
10 putting off Elder Law and the Veterans Grant until the May
11 meeting unless that interferes with some timing issue with
12 OPEAR OPS, if they need for us to do something at that
13 meeting.

14 If they don't, I'm going to propose moving those
15 back into May or later so that we make sure we have enough
16 time in March to consider these other things that do have
17 time implications to them.

18 Is that acceptable to the Committee as long as it
19 doesn't interfere with something that the staff needs, that
20 we move those back to a later meeting?

21 MS. ROGERS: (Nodding.)

22 MS. FAIRBANKS-WILLIAMS: (Nodding.)

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1 CHAIR ASKEW: Okay. We've got a very full agenda
2 for March with those things on it. So we'll -- I don't
3 anticipate, unless other Committee members feel differently,
4 that we will meet in-between our board meetings at this
5 schedule. The Ops and Regs Committee is meeting in February
6 for a day or two.

7 I don't see the need at this point for us to meet,
8 certain not in February but also either in April or June.
9 We'll wait and see what happens with the PAI policy statement
10 and the Client Engagement Initiative.

11 And if something gets pushed back, then there may
12 possibly be a need for a meeting, but at this stage I don't
13 anticipate that. So it will be the March meeting with those
14 five issues on the agenda, and then the May meeting, which
15 we'll add the other two issues to. Any comments from the
16 floor?

17 (No response.)

18 CHAIR ASKEW: Any other items to be brought to our
19 attention? Any other comments from members of the Committee?

20 (No response.)

21 CHAIR ASKEW: Is there a motion that we adjourn the
22 meeting?

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MS. FAIRBANKS-WILLIAMS: So moved.

MS. ROGERS: Second.

CHAIR ASKEW: All those in favor say aye.

(A chorus of ayes.)

CHAIR ASKEW: The meeting is adjourned. Thank you.

We can now go listen to the bylaws discussion in the Ops and
Regs Committee meeting.

(Whereupon, at 11:10 a.m., the meeting of the
Provision for the Delivery of Legal Services Committee was
concluded.)

* * * * *