

ORIGINAL

LEGAL SERVICES CORPORATION

BOARD OF DIRECTORS

PROVISION FOR THE DELIVERY OF LEGAL SERVICES  
COMMITTEE MEETING

OPEN SESSION

Friday, January 28, 1994

9:25 a.m.

Legal Services Corporation Headquarters  
750 First Street, N.E.  
THE BOARD ROOM, 11th Floor  
Washington, D.C. 20002

Diversified Reporting Services, Inc.

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



**BOARD MEMBERS PRESENT:**

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

**STAFF PRESENT:**

Alexander D. Forger, President  
Martha Bergmark, Executive Vice President  
Patricia D. Batie, Secretary  
David Richardson, Treasurer and Comptroller  
Victor Fortuno, General Counsel  
Suzanne Glasow, Office of the General Counsel  
Edouard Quatrevaux, Inspector General

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P R O C E E D I N G S

CHAIR ASKEW: If we could get started, please.  
Good morning. I admire you who don't have to be here for making it out in this weather. It's a meeting of the Provision for the Delivery of Legal Services Committee. Let me make note of the fact that we do have a quorum. Members Nancy Rogers and Edna Fairbanks-Williams are here. Doug Eakeley is in the building, and he will be here soon, I'm sure, so we'll have the full committee here.

APPROVAL OF AGENDA

CHAIR ASKEW: The first item on the agenda is the approval of the agenda for today. I would like to make a suggestion to the committee that we make a slight change in the agenda, that we move the issue of the law school clinics, which is now listed as item 5, and make that item 7, the last item on the agenda today, because I think we're going to have more discussion of that item than any other, and I want to make sure we have enough time for it, we don't have to cut off the discussion and move on to other issues.

So I would like the committee's approval to make that change and move it to item 7 and move everything else, 6 and 7, up on the agenda.

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1 Is that acceptable to the committee?

2 MS. ROGERS: That is acceptable.

3 CHAIR ASKEW: Without amendment, do I have a motion  
4 that we approve today's agenda?

5 M O T I O N

6 MS. ROGERS: So moved.

7 CHAIR ASKEW: Second?

8 MS. FAIRBANKS-WILLIAMS: Second.

9 CHAIR ASKEW: All in favor, say, "Aye."

10 (Chorus of ayes.)

11 CHAIR ASKEW: All opposed?

12 (No response.)

13 CHAIR ASKEW: The agenda is approved.

14 APPROVAL OF MINUTES OF 12/4/93 MEETING

15 CHAIR ASKEW: The second item is approval of the  
16 minutes of the December 4, 1993, meeting of this committee.  
17 Have you had a chance to read those minutes? I have reviewed  
18 them, and I think they accurately reflect what occurred at  
19 the meeting. They're in the book for today.

20 M O T I O N

21 MS. ROGERS: So moved.

22 CHAIR ASKEW: Second?

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1 MS. FAIRBANKS-WILLIAMS: Second.

2 CHAIR ASKEW: All in favor, "Aye."

3 (Chorus of ayes.)

4 CHAIR ASKEW: All opposed?

5 (No response.)

6 CHAIR ASKEW: The minutes are approved.

7 The first item for discussion today is a report  
8 from the director of the Office of Program Services and  
9 Program Evaluation Analysis and Review regarding  
10 implementation of the principles and the resolutions adopted  
11 by the Board.

12 Before we start that, I wanted to make a few  
13 remarks about what has happened since our last committee  
14 meeting. And then, I'm going to ask John to report to us on  
15 the steps he and Alex and Martha have taken to implement  
16 those principles.

17 The jurisdiction of this committee is quite far-  
18 reaching, as you can tell from the agenda that we have today,  
19 in that there are items that aren't on this agenda that will  
20 be coming up on our agenda in the future that are of quite a  
21 bit of importance to this Corporation and to the law schools,  
22 the Legal Services community and the organized bar.

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1           And each of the issues that we will be addressing  
2 today and in the future has to be addressed very thoughtfully  
3 but also in a timely fashion. And all of them, I think, must  
4 be considered in terms of their relationship to one another.  
5 It's my view that to address monitoring and evaluation  
6 without considering its relationship to training and  
7 technical assistance and, importantly, how all of those  
8 issues support each other and relate to each other, would be  
9 a mistake, and how they all further the delivery of high-  
10 quality legal assistance to poor people.

11           Likewise, law school clinics, loan forgiveness,  
12 ADR, and the idea of a new Reggie program must be addressed  
13 in the context of how they relate to everything else that  
14 this Corporation does and what its mandate is.

15           Secondly, as we address each of these issues, we  
16 must, at the same time, address what the Corporation's  
17 appropriate role and responsibility is in each of these  
18 areas. Should the Corporation carry out all of these  
19 activities itself or leave them to others? How do we  
20 maintain local control, which the act requires, while, at the  
21 same time, we meet our national responsibilities?

22           What does the act require us to do, as opposed to

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1 give us the authority to do or, in the alternative, just see  
2 that things get done? And lastly, and very importantly, how  
3 do we ensure client involvement and accountability at every  
4 level as we meet our responsibilities?

5           These issues and many that spring from them will  
6 have to be addressed by the Board and the staff as we go  
7 about reforming and redefining the work and role of this  
8 Corporation. It's going to require careful thought, a lot of  
9 time, and lots of hard work by all involved.

10           My view is that this only should be done with the  
11 active involvement and input of what we are coming to call  
12 "the stakeholder community" of this program. We need the  
13 advice and guidance of field program representatives, bar  
14 leaders, clients, law school representatives, and others as  
15 we go about this task.

16           Today, we hope to hear about efforts under way in  
17 the field to provide us with that input, while we also hear  
18 from our staff about steps they are taking to implement the  
19 decisions already made by the Board.

20           John Tull is at the table. John, for those of you  
21 who don't know him, has been in Legal Services, I believe,  
22 since 1971.

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1 MR. TULL: '72.

2 CHAIR ASKEW: '72. He was with the Southern  
3 Arizona Legal Aid program, ultimately becoming the director,  
4 and then working for the Legal Services Corporation in the  
5 Denver regional office. And since 1984 he has been a  
6 consultant to Legal Services programs and other public  
7 interest organizations, and did a good bit of work with the  
8 ABA standing committee on legal aid and indigent defendants  
9 in the development and adoption of the civil standards and  
10 the monitoring standards.

11 John is now on Board on the transition team as the  
12 director of OPS, the Office of Program Services, and of  
13 OPEAR. I'm going to ask John to make a report to us on what  
14 he and Alex and Martha have been doing to implement the  
15 resolutions that we adopted at the December meeting and to  
16 remind you of what those two resolutions were. The first one  
17 called for the Corporation to look at monitoring in terms of,  
18 over the next period of time, doing fewer visits for fewer  
19 days using fewer people, to sum it up very succinctly.

20 The second resolution adopted a set of principles  
21 for monitoring, evaluation, technical assistance, and  
22 complaint investigation that spoke to such issues as the

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1 adoption of performance criteria, the additional use of peer  
2 review, and providing assistance to Legal Services programs  
3 as the main focus of monitoring in the future.

4 Before John arrived here, the staff, under Susan  
5 Sparks' leadership, began a process of implementing those two  
6 resolutions. When John came on Board, I think 13 days ago,  
7 he undertook his own review, working with Martha and Alex, of  
8 the current policies and practices of OPEAR and how these  
9 resolutions should be implemented.

10 As a part of that, he has reviewed written  
11 materials regarding those policies and procedures, he has met  
12 with the division managers and staff of OPEAR, and he has  
13 attended and participated in a field working group session on  
14 monitoring and evaluation.

15 I've asked John to report to us today on the status  
16 of those implementation plans. My interest in this is, how  
17 do we change directions, in terms of implementing these new  
18 resolutions, while maintaining appropriate accountability  
19 relationships with our programs? I'm interested in the time  
20 table, for how long this changeover is going to take.

21 I think the committee is very interested in moving  
22 this along expeditiously, especially in terms of

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1 implementation of these new approaches. Can we begin trying  
2 out new approaches during this period, before too much time  
3 passes, while, at the same time studying implementation  
4 issues?

5 And lastly and most importantly, can we begin  
6 looking at the interrelationships among and between  
7 monitoring, evaluation, training, technical assistance,  
8 support, all of those issues, while we're doing this? It  
9 goes back to what I said at the beginning of this meeting,  
10 that all of these things are interrelated, and all of them  
11 should be directed at the ultimate goal, which is providing  
12 high-quality legal assistance to our clients.

13 With that, I'm going to ask John to bring us up to  
14 date on the last several weeks and what has occurred, and  
15 then we'll have some discussion about where we go from here.

16 PRESENTATION OF JOHN TULL

17 MR. TULL: Thank you, Mr. Chairman.

18 I want to preface my remarks by saying that all of  
19 the analyses that are going on and all the work that is going  
20 on simultaneously relates to two time frames. One is a  
21 short-term time frame, and the other is a long-term time  
22 frame. And I find myself thinking of what is short term and

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1 what is long term in virtually everything I do.

2 The chairman described some of the activities that  
3 have gone on in the 13 days, now going on 3 months, since  
4 I've been here and described the process of reviewing what  
5 has happened and reviewing the recommendations that were  
6 being evolved with the old staff under the direction of the  
7 former director of OPEAR. And that has taken place.

8 Because of the time frame that we're working in,  
9 the review of policies has necessarily focused on, first of  
10 all, the process that they're engaged in at that time and  
11 relatively brief meetings with managers about current  
12 activities that are going on in the division and making  
13 certain that we're aware of and on top of the issues which  
14 are already in the pipeline or are being worked on from  
15 previous activities. In a minute, I want to describe just  
16 briefly what we're doing with regard to those.

17 The question of how to proceed on the  
18 implementation of the principles which were adopted by the  
19 Board in December, we have approached in two ways, also  
20 within the same time frame, which is what we should do short  
21 term, what we can do short term, and what we need to do in  
22 order to prepare the Board for your long-term analysis of the

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1 issues which the chairman described in his opening remarks.

2 This is in the context of a recognition of the  
3 complexity of the issues that the Legal Services community  
4 and, therefore, this Board faces in terms of the relationship  
5 between evaluation of programs, appropriate oversight of  
6 programs in terms of compliance, and, at the same time, doing  
7 that in the context of helping programs to improve their  
8 operation and to carry out their fundamental mission, which  
9 is to serve clients and to meet their most compelling needs.

10 For the short term, what we have decided to do and  
11 have begun to implement is, as the Board directed in its  
12 principles adopted in December, is to focus monitoring visits  
13 on those programs where there's an indication that there  
14 needs to be a more in-depth review but not to go forth with  
15 any visits that would be undertaken under the previous  
16 procedures.

17 The 13 programs have been noticed for a monitoring  
18 visit in the months of February through April as a part of  
19 the normal process of those programs which would arise  
20 because they hadn't been reviewed for a period of 18 months  
21 to 2 years, or for other reasons.

22 And rather than spend the resources of the division

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1 on those kinds of activities at a time when the Board is  
2 going to need, in our view, a lot of information to inform  
3 your process of making long-term decisions about monitoring  
4 policy, we will focus visits only -- and those are where  
5 there's an indication that we may need to be engaged in the  
6 program because of some difficulty it's having.

7 And what we will do, in order to carry out the  
8 Corporation's responsibility for oversight in making certain  
9 monies are used appropriately and wisely and well is to  
10 conduct desk audits of programs based on the information that  
11 we now get.

12 Now, when I said a minute ago that the long-term  
13 and the short-term framework is constantly upon us, one of  
14 the things that we need to do and that I've not yet had an  
15 opportunity to do is to look at the policies which are now in  
16 place and the information that now comes to OPEAR and how it  
17 is used now, in terms of review of it, to determine if there  
18 may be some indication from the information coming in that a  
19 program is encountering difficulties.

20 In the next several weeks, we'll be doing that, in  
21 order to make certain that the desk audit, in fact, gets the  
22 job done, in terms of making certain that we're on top of

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1 issues that may be developing out there.

2 But the second set of principles that the Board  
3 enunciated in December, which go to the longer term of  
4 interest and desire to use the evaluation process in the  
5 context of helping programs to improve and particularly  
6 helping them to improve in their capacity to provide high-  
7 quality aggressive legal services, as the Board enunciated,  
8 that what we will do in the interim is to begin to work now  
9 toward testing out various policies and various procedures to  
10 do evaluation of programs, in order to find out some  
11 information that we now don't have.

12 For instance, the Board, in its December meeting,  
13 heard a variety of reports about the peer review process.  
14 And one of the principles that was enunciated that was to  
15 move toward use of the peer review process, based on the  
16 experience of previous monitoring efforts and the comparative  
17 demonstration project, which is the one major effort that is  
18 going on now within the Corporation and within the community  
19 to use peers to evaluate programs.

20 That process has an enormous amount of learning and  
21 an enormous amount of information which will be useful to and  
22 will inform the future development of long-term policy about

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1 how to use peers and how to have the use of peers and  
2 monitoring fit within the larger context that the chairman  
3 described when he introduced this subject.

4           The peer review process within the comparative  
5 demonstration project is defined, in part, by the fact that  
6 it was in a competition and, therefore, the ways that peers  
7 were used, limitations on them in terms of intervention with  
8 programs and providing advice, there are a number of aspects  
9 of how it is used which need to be looked at. And we need to  
10 experiment with different ways to use peers where the  
11 specific goal of it is to A, find out how a program is doing  
12 and to do that in the context of helping them to improve.

13           So during this interim period, what we want to do  
14 is to identify some programs where we can, while carrying out  
15 the responsibility of the Corporation to monitoring review  
16 programs, to use that as an opportunity principally to  
17 develop information which will be useful to this Board, as  
18 you make decisions about how you want to proceed further.

19           A number of issues have been suggested and are on  
20 the table as a possible direction to go. And we need more  
21 information about them. Another, for instance, is the use of  
22 local program monitors to do compliance checklists on what is

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1 called by some people "technical compliance issues."

2 And the notion there is to relieve the Corporation  
3 of having to spend its resources on checking on the existence  
4 of policies and procedures that relate to strict compliance  
5 with technical requirements or regulations and to have that  
6 be something which is done by local auditors which would then  
7 come to the Corporation as a report, freeing the Corporation  
8 to use its resources to deal with much more difficult and  
9 important issues, in terms of quality of legal work and  
10 relations with clients and the like.

11 We simply don't know how that will work. We don't  
12 know how it will work in terms of the impact of that on  
13 relations between auditors and programs; we don't know how  
14 that will work in terms of cost; we don't know, really, if  
15 local program auditors can provide an accurate assessment of  
16 compliance in the areas that we need to. And we need to find  
17 that out. And the Board, as you make your decision about  
18 long-term policy, need to know if, in fact, that's a viable  
19 way to proceed.

20 So during the interim period, what we hope to do  
21 and will do is to test out in a demonstration effort the use  
22 of program auditors, local program auditors.

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1           Another example of what we will focus on is use of  
2 self-assessment; self-assessment in a variety of ways. Self-  
3 assessment can be a part of a peer review. It can be an  
4 initial step in which a program, first of all, assesses  
5 itself and, second of all, identifies issues that it feels it  
6 should be focused on in the context of looking at quality of  
7 work, which it would hope to be focused on in terms of areas  
8 that it wants help from the Corporation, possible technical  
9 assistance, the benefit which comes from peers visiting a  
10 program and examining a program, and bringing their  
11 experience and judgement and advice to a program.

12           Self-assessment might also be an adequate way to  
13 get at some compliance issues. And we don't know the answer  
14 to the question, whether it can or cannot and will or will  
15 not serve that function. So the period from February through  
16 May will be a time when monitoring activities will go on, but  
17 they go on in the context of what I've just described, which  
18 is beginning to develop much more information and much more  
19 insight and understanding into the viability of a variety of  
20 ways of going and monitoring such as those I just mentioned.

21           I say "such as those," because one of things that  
22 we need to do is to step back. And that process is going on

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1 now, both among the staff of the Corporation and also in  
2 concert with the efforts that are going on in the field to  
3 think through these policies, to identify the range of  
4 options which are available to use to carry out the  
5 monitoring function in the context of helping programs to  
6 improve.

7           And the initial step is to identify a range of  
8 options and, second, to make a choice about which of those  
9 seem at first blush to be most valuable and then to develop a  
10 process for testing out those which are most important. And  
11 we're under way doing that now, but because of the two-week  
12 time period and the short-term and the long-term time frame,  
13 that's where the long term and the short term begin to spill  
14 over into each other.

15           The other activity which is going on now is a very  
16 short-term one, and it's what I alluded to before. And that  
17 is, two large staffs, both divisions. And the Office of  
18 Evaluation, Assessment, and Review has close to 40 persons in  
19 it who are engaged in various activities growing out of the  
20 previous monitoring efforts. There are a number of reports  
21 in the pipelines. There are issues involved with approval of  
22 request under the 45 C.F.R. 1630, the approval of request for

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1 purchase of computers and the like.

2           There's requests for waivers under PAG plans and  
3 the like. And all of those, obviously, involve the  
4 application of policies that have evolved over time as to how  
5 those waivers are granted, how monitoring of ports are  
6 treated, the kinds of things which give rise to a request for  
7 a corrective action and those which don't.

8           And in order to know what we're changing from, one  
9 of the things that we need to do and are in the process of  
10 doing is examining that whole array of issues. And in order  
11 to have a much better understanding of both processes that  
12 are in place now and, secondly, the way that they're being  
13 carried out, in terms of what the policies are that have  
14 evolved, so that we can make some appropriate judgements  
15 about areas which there might be a need for change to reflect  
16 the principles, reflect a movement toward what is a carrying  
17 out over the policy of oversight, where the fundamental goal  
18 of it is to connect in a direct way to the mission of  
19 programs, which is to serve clients effectively and well and  
20 not just to make certain that there's technical compliance  
21 with regulations.

22           CHAIR ASKEW: Thank you, John.

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1 I have some questions I would like to put to you,  
2 but let me ask the other committee members if you have any  
3 questions you want to put to John.

4 Nancy?

5 MS. ROGERS: John, I take it that the self-  
6 assessment is something that has a lot of lead time. In  
7 other words, you would have to do a program several months to  
8 do the self-assessment ahead of the visit after scheduling  
9 the visit. Is that right?

10 MR. TULL: Well, because one of the questions with  
11 self-assessment is, what are the variety of ways it might be  
12 used, self-assessment, as a part of peer review, has a  
13 different lead time than self-assessment, which is more  
14 closely focused on questions of compliance and would be  
15 another cost-effective way, in terms of a minimum amount of  
16 staff time and travel time and consultant time, et cetera, of  
17 finding out some issues.

18 And I think the question of how a self-assessment  
19 would relate to a peer review, again, I think is one where we  
20 need to test out some options. Self-assessment could  
21 immediately proceed a peer review by a fairly short time  
22 frame, if the goal is really just to identify with a program

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1 areas that it would like to focus on.

2 A self-assessment which is designed to engage the  
3 program in what really is a self-assessment, that is, to push  
4 the program to say in a fairly thoughtful way, "How are we  
5 doing in these areas?" which means not just a project  
6 director responding to it, because he or she may have one  
7 view. And what you want to find out is also the Board's  
8 assessment of it and, if there are client groups connected  
9 with it, perhaps client groups' assessment of it, staff  
10 members.

11 There's obviously a number of issues in that kind  
12 of self-assessment that need to be thought through. Because,  
13 obviously, engaging in the self-assessment has an impact on  
14 the program, the implications of which need to be thought  
15 through before we do it so we do it right.

16 MS. ROGERS: With respect to that latter kind of  
17 broader self-assessment and deeper self-assessment, just as  
18 one of the committee members -- and I don't know how the  
19 others feel -- it would really help me in May if one of the  
20 two of those could have been done by that point. And I  
21 assume what that means is that they would have to be started  
22 in something like February, in order to give the program time

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1 to do that and a visit scheduled.

2 So it may be impossible, but it seems like that's a  
3 direction, at least, that we have discussed before that we  
4 would like to really seriously consider whether it's feasible  
5 to go that way. And if there are some programs who are  
6 willing to cooperate, and it's feasible to do one of those or  
7 two of those or three of those in that time frame, I would  
8 like to see it happen.

9 MR. TULL: Well, we have an advantage, which is  
10 we're not going into these questions without any prior  
11 thought, in terms of various places in the community. And  
12 there are some efforts within the office here; there's  
13 efforts in the comparative demonstration project and other  
14 places in the community to develop self-assessment  
15 instruments. So although the time frame is short,  
16 fortunately, it's not like we're starting totally afresh,  
17 although there's a lot of work that needs to be done.

18 CHAIR ASKEW: I know that the OPEAR staff had  
19 developed a self-assessment tool that was in draft form that  
20 was sent to us when we first were appointed to this  
21 committee. And I have to admit, I haven't read it in great  
22 detail. My cursory review of it looked like it was the first

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1 sort of self-assessment, a compliance checklist sort of  
2 approach. So there obviously is something there that was in  
3 the process of being developed.

4 But the second thing that you're talking about, to  
5 my understanding, there's probably nothing, at least on the  
6 Corporation staff side, that was in the works or under  
7 development. Is that right?

8 MR. TULL: Well, the comparative demonstration  
9 project wrestled with that question. And the advisory  
10 committee of the project included some folks who have done  
11 some thinking in the area, which means, yes, within the  
12 Corporation, but also within and without the Corporation as a  
13 part of the same process, there has been some effort to sort  
14 of focus on the kinds of questions and assessment you need to  
15 make on the broader question of how are you functioning in  
16 terms of quality of legal work, relations with clients,  
17 responsiveness to client needs, and that sort of thing.

18 So even in that area, there's some work that's  
19 done. And those are also probably shorter questionnaires  
20 than the compliance ones.

21 CHAIR ASKEW: Doug?

22 MR. EAKELEY: I apologize for coming in in the

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1 middle of your report, John. And if you've covered this,  
2 I'll apologize a second time in advance.

3 But we're clearly about to go across the street and  
4 try and persuade the Congress to trust us with an unfettered  
5 reauthorization and with, hopefully, unfettered increased  
6 appropriations. And one of the questions I know will be  
7 asked is how well we're doing on the stewardship function.

8 And if you look at monitoring, evaluation, and  
9 technical assistance as three of our principle products for a  
10 moment, we have got a lot of product development in the  
11 pipeline, especially when it comes to evaluation and  
12 technical assistance. But what do we say about what we're  
13 doing on the monitoring function while we're developing new  
14 products in the pipeline?

15 MR. TULL: Two things, because the approach that we  
16 have had as we have talked about that question and the  
17 managers here in thinking through what steps we ought to take  
18 and how, a piece of our concern has been precisely what you  
19 said. There is a responsibility for oversight, for making  
20 certain monies are spent, and for the stewardship  
21 responsibility, as you characterized it, I think,  
22 appropriately.

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1           Two things. One is to do more in-depth monitoring,  
2 meaning visiting programs, not just to gather information  
3 about various ways that might be tried, but to do some of  
4 what will feel like and look like more of the monitoring done  
5 previously, although with use of peers for those programs  
6 where we do have some independent indication that there may  
7 be a difficulty or where, from previous monitoring visits,  
8 there's pending issues that, in my judgement, would indicate  
9 that there may be some operational difficulties that we have  
10 to be on top of and to pay attention to.

11           The second is to do a desk audit, or what's  
12 commonly called a "desk audit," which means -- we get an  
13 enormous amount of information from programs now. I  
14 described a reality which is my process of finding out what's  
15 going on, in terms of operations of each of the divisions is  
16 one which has been between a lot of meetings with a lot of  
17 people.

18           And so was the answer to the question, what desk  
19 audits are done now, and how effective are they at providing  
20 us with the kind of information we need and to be able to  
21 make the kinds of judgements we need about whether a program  
22 might be having difficulty, might be acting in a way which is

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1 inconsistent with the responsibility to the public and to the  
2 Congress, I just don't know the answer to the question,  
3 whether it does or it does not.

4 With any luck at all, the answer to the question  
5 will be, it does, and we won't have to spend resources trying  
6 to adjust the desk audit to make it work. But one of the  
7 tasks early on in my agenda is to meet with the staff here  
8 and find out how those are done and to make that judgement.  
9 And if we do need to change the way a desk audit is done, so  
10 that we can, in good conscious, in terms of our own sense of  
11 responsibility and, if we're talking to a Congressperson, can  
12 say, "Yes, we are meeting our stewardship responsibility.  
13 And this is how."

14 MR. EAKELEY: Are we doing anything to coordinate  
15 with the monitoring activities of other funding sources, A,  
16 so that we can take advantage of what they learned; and, B,  
17 so that we can reduce the imposition on appeal programs?

18 MR. TULL: Are we doing anything now? There has  
19 not been a change now that we're doing, but certainly one of  
20 the questions that is on the plate, I think, as all of us  
21 look at that question as you look at that question, in terms  
22 of policies that you make; and we look at that question in

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1 terms of making certain we understand what all the various  
2 pieces of it are so that we're able to, first of all, carry  
3 out or function efficiently and, second of all, provide you  
4 with information you need.

5 That, certainly, is one of the items that we need  
6 to look at. There are, as you know, and as all of us know,  
7 other players here. And that is an important question,  
8 although I think that the reality of how those relationships  
9 exist is that the Corporation has, typically, been that  
10 organization which has done the most rigorous review, even at  
11 a time when its policy was more self-consciously in a program  
12 improvement environment.

13 There were fewer funders then, but it is the one  
14 common funder of many, many programs -- certainly not all,  
15 but many, many programs that we're responsible for. And that  
16 other IOLTA funders tend, I think, to tailor their evaluation  
17 to what we do, rather than the other way around. So to some  
18 extent, the resource savings may be more theirs than ours.  
19 But, notwithstanding that, it is important to have those be  
20 done in concert, because the other resource question is, how  
21 much time is it taking the programs to do it.

22 And the more that we can work with IOLTA

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1 funders to have the process of programs having to answer  
2 questions, even when they're asked kindly, it's still an  
3 interruption in the program's life. So the more we can  
4 reduce that, the better.

5 MR. EAKELEY: One more question. What role do you  
6 contemplate providing for the 1991 ABA standards for  
7 monitoring and evaluation? Are they already in play, or do  
8 you plan to substitute them with something else? Do we have  
9 an adopted set of standards currently for monitoring and  
10 evaluation?

11 MR. TULL: By "adopted set of standards," no.  
12 There are a set of standards which were developed and have  
13 been part of the internal program of Corporation policy. The  
14 ABA monitoring standards were not adopted, as you know, by  
15 the Corporation.

16 MR. EAKELEY: But I think I heard your predecessor  
17 say that people regularly took them out into the field with  
18 them.

19 MR. TULL: Well, I would certainly hope that they  
20 had the wisdom to do that. That's one of the things that we  
21 need to look at, again. I'm, as you know, very familiar with  
22 them, having had a role to play in the drafting of them.

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1           But, as with anything, I would be foolish to say  
2 that I haven't looked at them again in the context of, "So  
3 what's the best way to use the monitoring standards adopted  
4 by the ABA, in terms of our policies, the policies of the  
5 Corporations as an institution?" And that needs to happen  
6 and hasn't happened.

7           But there clearly will be a good grounding for it,  
8 because there was a lot of work that went on on the part of a  
9 lot of people to do that. The advisory committee was very  
10 broadly drawn in order to have them be rooted in some really  
11 thoughtful analysis.

12           MR. EAKELEY: Of course, that was 1988, also,  
13 right, when they were adopted?

14           MR. TULL: Well, the monitoring standards were in  
15 '91. You're speaking of the monitoring, not the civil  
16 standards, right?

17           MR. EAKELEY: Yes.

18           MR. TULL: The monitoring standards were adopted,  
19 actually, in '91.

20           CHAIR ASKEW: On the issue of accountability, let  
21 me say this, Doug. Regardless of how anybody feels about the  
22 monitoring and evaluating processes in the last 10 years, I

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1 think we can all agree that the Corporation has gathered huge  
2 amounts of information and data about what's going on in  
3 these programs, not just through on-site monitoring visits,  
4 but through a whole set of processes, the extensive refunding  
5 application, the requirement of reporting to the Corporation.

6 I think there's a huge amount of information here  
7 in this building about what every program's doing. And that  
8 review of that information and dialogues with programs about  
9 what that information shows is ongoing and will continue.  
10 And I personally am not concerned about the next three or  
11 four months, in terms of accountability, with what John has  
12 laid out.

13 But you're absolutely right. We may have questions  
14 that we'll have to answer about that. And I think we'll be  
15 prepared to answer them if and when they come.

16 A corollary to that is money, John. Susan told us  
17 at the December meeting when we were going through the budget  
18 process that the reductions that were made in the OPEAR  
19 budget which reduced the budget line items for travel and for  
20 consultants to, I believe, it was \$200,00 for consultants and  
21 \$276,000 for travel was an adequate amount of money for  
22 fiscal year 1994 to meet the responsibilities of the

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1 division.

2 I'm not going to put you on the spot by asking you  
3 to endorse what she said, but do you have any reason, given  
4 the time you've been here, to disagree with that and say that  
5 that's not enough money to get done what needs to be done  
6 this year?

7 MR. TULL: Well, I think the answer to that  
8 question is not going to be grounded in careful analysis, for  
9 reasons that it hasn't been done. But what I think is clear  
10 will be a challenge to the divisions and to you all. And I  
11 say "divisions" because one of the things that, in my  
12 interaction with the staff here, I have explicitly enunciated  
13 and will continue to -- and it's a reflection of what you  
14 said in your openings remarks -- is that the relationship  
15 between monitoring and evaluation and the capacity to support  
16 programs and help programs, there's not a bright line between  
17 those two things.

18 And they need to operate in concert with each  
19 other. And the two divisions here need to operate in concert  
20 with other, that they don't compete with each other; they  
21 really serve the same function. And I say that as a backdrop  
22 to the answer to your question, which is, as we work through

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1 a set of issues and a need to answer some questions about the  
2 "what ifs," what if a policy is adopted which goes in this  
3 direction, what is the impact of that, in terms of cost and  
4 effectiveness?

5 And as we test those things out, and particularly  
6 as we test those things out, getting direction from you about  
7 what you're thinking is about what policy might be, each of  
8 those activities is going to cost some money, because what I  
9 described is what we're going to embark on doing, setting up  
10 an experiment to find out if local program auditors can, in  
11 fact, do a compliance checklist is going to take, first of  
12 all, the resources internally to do that, obviously, which is  
13 going to be staff time.

14 It's also going to take establishing a relationship  
15 with the programs that are going to be a part of the process  
16 and spending time with the auditors. There may be additional  
17 costs that we probably should bear ourselves. If we're going  
18 to go to a program and its auditor and say, "We would like  
19 you to help us out here. We, also, by the way, are going to  
20 be doing an evaluation of you, in terms of answering some  
21 questions," there are going to be costs associated with that.

22 Each of these will have some costs associated with

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1 it. And the existence of those amounts of money that you  
2 described, I suspect, are going to become very dear to this  
3 Board, because the capacity to make the right judgements will  
4 be greatly enhanced by having as much information as you can  
5 have empirically about what works and what doesn't.

6 So I guess the short answer is, do I endorse the  
7 amount? We don't know how much any of this is going to cost,  
8 obviously, but I think it's quite clear that there will be  
9 costs associated if it's done right. And I think there's no  
10 question that there's an intent on the part of all the folks  
11 who are paying attention to this, staff, you all, folks in  
12 the field who are thinking about these issues, there's an  
13 intent to have it done right. So we need more money.

14 CHAIR ASKEW: Thank you for the short answer. Alex  
15 said we don't need the long one. I know Ms. Mercado's going  
16 to be looking to us later this year, in terms of possible  
17 savings, so that we can avoid staff layoffs. And so we need  
18 to pay attention to that later in the spring, obviously, to  
19 make sure you obviously have the money to do all the things  
20 that you want to get done.

21 But, if there are any possibilities of reducing  
22 that further, in terms of travel or transportation or use of

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1 consultants, then that's something we need to look at. It  
2 may be offered back later.

3 MS. MERCADO: I was going to ask a question with  
4 one of the comments that you made about the different types  
5 of unit evaluation, which was, one, dealing with the local  
6 compliance monitors, meaning dealing with the technical area.  
7 When you talk about local compliance monitors, are you  
8 talking about people within the Legal Services programs, or  
9 are you talking about local bar client communities?

10 MR. TULL: No.

11 MS. MERCADO: What kind of a local compliance team  
12 is that?

13 MR. TULL: The notion is to use local program  
14 auditors, the folks who now do the financial audit, to have  
15 them also do what's, in some circles, called a "program  
16 audit." They would be asked to look at -- some things are  
17 very easy. If there are four Board meetings a year, there's  
18 four Board meetings a year, and that's something that  
19 virtually anyone can check.

20 As you move down the road of how effective was it,  
21 you move into areas where there's judgements involved. One  
22 of the things we need to find out is what judgements can a

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1 local program auditor who is really a financial person,  
2 principally and presumably make; and what's the point where  
3 you begin to spill over into areas where the expertise that's  
4 needed is different and where the subjective nature of that  
5 judgement is one which also is just not appropriate or is not  
6 helpful.

7 And when I said earlier we need to test it out, I  
8 mean it's one of the tasks that lies ahead for us, is to go  
9 through the process of identifying what are all the areas  
10 where there are technical compliance? First of all, what is  
11 a technical compliance issue? What's the array of things  
12 which fall under that heading? And which of those  
13 appropriately can be done and first of all decide beforehand,  
14 in terms of a judgement, what appears to be appropriate and,  
15 second, to test out whether that judgement was correct.

16 CHAIR ASKEW: Thank you.

17 Does anybody else have questions for John? You  
18 have one?

19 MS. ROGERS: One last thing. When you develop the  
20 self-assessment scales that you're going to experiment with,  
21 would you mind sending those to the committee, at least?

22 MR. TULL: I would welcome the chance to do that

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1 and to get your thoughts about it. Absolutely.

2 CHAIR ASKEW: I'm sure all of you remember vividly  
3 my opening remarks. And one of the things I said in those  
4 opening remarks was the importance of field input into the  
5 processes that we develop here. The community has a work  
6 group that has been working on these issues.

7 And I'm going to ask D. Miller to come up to the  
8 table and share with us what is happening on that front and  
9 where you expect this to go. And maybe we'll have some  
10 questions for you about that after that. D.?

11 PRESENTATION OF MELVILLE D. MILLER

12 MR. MILLER: Thank you, Mr. Chairman. Good  
13 morning, committee and Board members.

14 First, let me say that I'm here this morning on  
15 behalf of the principal organizations in the Legal Services  
16 community and the NLADA and PAG, CLASP, which came together  
17 to set up a combined committee on monitoring and evaluation  
18 issues called, as a working title, "Program Improvement,  
19 Compliance, and Accountability."

20 And that committee has had its first meeting last  
21 Wednesday. John Tull was able to join us for nearly all of  
22 it. It was here in D.C. I think, by all accounts, it was

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1 very successful. The committee is chaired by Ramon Arias  
2 from San Francisco Neighborhood Legal Aid Foundation and  
3 myself.

4 It has developed, sort of broken down into several  
5 working groups, which I'll come back to in just a second. It  
6 set a timetable for itself of trying to have an initial kind  
7 of broad working proposal for recommendation to the  
8 Corporation by early April. And it expects to have before  
9 that and after that ongoing dialogue with both staff and the  
10 Board committee and Board members on these issues.

11 Our intention here, our desire is to be absolutely  
12 engaged with you in a collaborative process, so that we get  
13 new directions in this area that are really beneficial to  
14 programs and, ultimately, to clients.

15 I think we see two phases, one of which is this  
16 sort of developmental phase that we're in now that John  
17 started to describe, where there's a tremendous amount of  
18 interaction with staff and Board of the Corporation.

19 And then, there's clearly, as the point at which  
20 the Corporation decides, "Well, this is our tentative way we  
21 want to go," there's a sort of secondary phase of public  
22 comment and that kind of thing. That's true in the regs

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1 process. It's true in all of the serious decision areas that  
2 the Corporation deals with.

3 The themes that seemed to emerge from last week's  
4 meeting that I would highlight for you are the following:  
5 First, we're focused on program improvement, first and  
6 foremost. That really picks up a theme that the Chair  
7 mentioned at the beginning of the meeting, which is seeing  
8 the relationship of evaluation activities, monitoring  
9 activities, to all of the other areas of activity of the  
10 Corporation, all of which ultimately, after all, are designed  
11 to try to improve services to clients.

12 Second theme is accountability. And with that, a  
13 sensitivity to the roles of the various institutions in the  
14 Corporation. One theme there that I think is sort of not a  
15 counterpoint but a different highlight from the kind of  
16 approach John took, John's approach was very much focused on  
17 the role of the Corporation.

18 We're focused on that, but also the role of local  
19 programs, Boards, self-assessment or self-examination, if you  
20 will, not just in the context of the LSC monitoring  
21 evaluation process, but what should a healthy program be  
22 doing in the way of self-assessment on an ongoing basis every

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1 year, on a regular basis?

2           And how does all of that contribute to program  
3 improvement, and how does that, ultimately, then, relate back  
4 to the expectations of the Corporation? Because if we could  
5 get a really serious vehicle and vision for ongoing program  
6 self-assessment, that actually may reduce or shift or  
7 reorient the Corporation role in the area of evaluation.

8           Third theme, obviously, not surprisingly, is  
9 fairness. Fourth is efficiency, efficiency in terms of the  
10 use of the Corporation's resources in this area, especially  
11 when considered alongside the other resources, IOLTA in  
12 particular, that goes into it.

13           Some of you may have a keen interest in mind,  
14 because part of my life is to administer a \$6 and-a-half  
15 million IOLTA grant program in New Jersey through which we do  
16 very intensive evaluations. John Tull was one of our  
17 principal evaluators for the first several years of that  
18 program. So efficiency in overall use of resources, yours  
19 and everybody else's is a key area of interest.

20           Fifth theme is to build broad support for the  
21 decisions. We have to, if we do nothing else collectively as  
22 a community and as stewards of the Corporation in your role

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1 as stewards, we must be sure to build the broadest possible  
2 support for the decisions that are made over the next few  
3 years, and this is one of the key areas, so that we don't  
4 wind up in a situation where what you create can be easily  
5 sort of captured and perverted and turned into a more  
6 destructive kind of mechanism in the future.

7 How do we do that? We're going to try to develop  
8 some ideas, and we would like to share and talk with you  
9 about them. That must be our common goal.

10 And the last broad theme is that we would certainly  
11 like to build on all prior knowledge that's out there. The  
12 stuff you heard about a couple of meetings ago at  
13 orientation, experiences of the '70s, peer review then, going  
14 right up through the comparative demonstration project and  
15 all of the learning there that needs to be captured and  
16 understood.

17 Our principal areas of inquiry are going to be the  
18 following: We expect a revised set of performance criteria,  
19 taking off from the comparative demonstration project, taking  
20 some of the learning from that and working up a revised  
21 draft; secondly, peer review is an area of intense interest  
22 to us. We are virtually certain, I think, that peer review

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1 is kind of the cornerstone of serious evaluation of program  
2 activities. And, with you, we want to try to design how that  
3 really would go.

4 Third is, we want to try to do everything we can,  
5 as you do, as John said, to develop alternatives to the  
6 conventional forms of monitoring. Let's look at other ways  
7 to do what we need to do.

8 Fourth, as I mentioned earlier, build local  
9 programs' capacity to self-examine, self-assess. Fifth,  
10 we're certainly going to look hard at outside versus inside  
11 roles. That is, to what extent does it make sense for the  
12 Corporation as a matter of policy to shift a portion of the  
13 evaluative function to an outside entity, if at all? Maybe  
14 it does, maybe it doesn't.

15 But we really want to wrestle with that question  
16 and also define fairly carefully the role of the Corporation  
17 versus the role of outside entities, including existing  
18 actors, like support in the provision of the technical  
19 assistance and follow-up to evaluation that's necessary and  
20 desirable.

21 A couple more comments, just so you understand that  
22 the working groups that I alluded to earlier, and there are

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1 four, which were their own kind of cluster of people  
2 involved, the first is monitoring and compliance. The  
3 principal goals are to develop alternatives to the current  
4 mode. And an initial, primary goal is to develop a checklist  
5 that can form a framework for the inquiry about what an  
6 independent auditor can do. So that's going to be an area of  
7 fairly heavy work in February.

8           Secondly, the second group is focused on peer  
9 review and the performance criteria and self-assessment, that  
10 cluster of three things.

11           The third is focused on -- which really hasn't been  
12 touched much on today what we have called, because the  
13 Corporation used to call it that, "enforcement activities,"  
14 by which we mean investigation of complaints, formal  
15 intervention of the Corporation in program situations, in a  
16 variety of ways, typically that follows up on-site visits,  
17 what used to be in the old lingo called "corrective action  
18 notices" and then "corrective action procedure enforcements,"  
19 the third area. The fourth is technical assistance and  
20 follow-up, the help piece, how is it that we help programs  
21 improve.

22           Just two last observations on timing, and I'll

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1 stop, one on the self-assessment issue. Ms. Rogers talked  
2 about your interests in trying to move on that very quickly.  
3 We're interested in moving on it quickly, but I think  
4 February, frankly, is too soon. And I think it's very  
5 important that before we field test something, we have a  
6 clear context that that's going to fit in.

7 I think that the field test, in some ways, may be  
8 the gravy. It's the easy part, the conceptualization, out of  
9 the two roles of self-assessment, if you will; one is an  
10 ongoing thing programs can implement; and the other is self-  
11 assessment as it relates directly to Corporations evaluation  
12 and monitoring.

13 It's going to take, I think, a few months, a couple  
14 of months to think through, because we haven't been here  
15 before. We have done self-assessments in the evaluations  
16 that we have done in New Jersey. I suggest that as one of  
17 about five or six starting points to think about, but I would  
18 prefer to see February/March as the period where we include  
19 that in its fairly serious, intense kind of analytical  
20 process.

21 Our goal is to have something developed with you  
22 and the staff but something that you can read and look at, as

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1 I said, by the beginning of April. Staff's goal, really, I  
2 think, is to have a tentative map or plan for the future,  
3 according to what John said, by May.

4 So I just would caution you not to try to jump into  
5 a field test. I really think, in order to make the field  
6 test rich and informative and useful as it can be, we need to  
7 take our best stab at the whole framework first.

8 And the same can be said, although I think it can  
9 go much more quickly than the independent auditor  
10 alternative. That's really one particular approach, one  
11 vehicle that could be useful. It probably has, just even  
12 from the initial discussions we had in our meeting last week,  
13 pretty severe limitations, because of what John was talking  
14 about. An auditor is not going to be able to make a call  
15 about quality legal assistance.

16 Yet that could be viewed as the compliance issue.  
17 An auditor clearly can make calls about fairly cut and dry  
18 issues and numbers of meetings and whether Boards lots were  
19 filled and that sort of thing. So I think we're, in terms of  
20 a field test of that independent auditor thing, the first in  
21 February, I believe, we can do it within a month.

22 We need to think through that compliance checklist,

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1 kind of a tentative working draft where we would say, "Okay,  
2 let's hook up the meters in five or six programs and see how  
3 well it works."

4 So those are just, I guess, sort of two gentle  
5 cautions or maybe some countersuggestions around timing. I  
6 would be happy to answer any questions.

7 CHAIR ASKEW: Questions?  
8 Nancy?

9 MS. ROGERS: When you were talking about the self-  
10 assessment, I'm not sure whether you were referring to the  
11 one that you would put in your first committee, the  
12 monitoring one, or the performance one.

13 MR. MILLER: The performance one.

14 MS. ROGERS: I guess that's my interest, as well.  
15 I recognize the tension between wanting to do it right when  
16 you first do it and having some information at a point very  
17 early. So I recognize there's a tension there. But it may  
18 be, particularly with respect to that one, if you tell the  
19 committee we're really anxious to do it, and we would like  
20 very much their feedback, but we would like to do it quickly,  
21 that maybe they could move more quickly.

22 CHAIR ASKEW: Alex has a question for you.

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1           MR. FORGER: De, you touched on broad community  
2 support. Those of us who are in a transitional position with  
3 the Corporation will not be able to convince the world,  
4 immediately on substantive programs. But on the question of  
5 institutional stability, continuity, integrity, perception of  
6 fairness, what is it that you think we might do during this  
7 period to convey that impression to the community, which I  
8 trust is the reality of what we are seeking to do?

9           In other words, get away from labels and being  
10 characterized as idealogues or political affiliations or  
11 whatever.

12           MR. MILLER: Well, language is important. We chose  
13 the committee name fairly carefully, just for openers,  
14 because we think that the way that we create both a greater  
15 sense of peace and potential support within the Legal  
16 Services community and absolutely line up with the best  
17 perspectives and orientation and goals of people in Congress  
18 and in the general public is to focus on program improvement.  
19 That's what we should be about. That's what we should be  
20 doing.

21           So I think our projection of language and, starting  
22 with that, keeping compliance in, because compliance is

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1 certainly a piece of the picture, and the last theme of  
2 accountability, we need to get common language. Monitoring,  
3 I think, and evaluation in general tend to hang there,  
4 suspended without clear connections to much else that we do.

5           And, again, to harp back to the comments of the  
6 Chair at the beginning of the meeting, I think we need to see  
7 the connections of this activity with everything else we do.  
8 So I would suggest the language adjustment, so that we see it  
9 in a more full way and that you convey, then, in order to set  
10 the stage and kind of quiet the waters, the sense of urgency  
11 that we all feel.

12           You feel it, we want to move forward. We feel it,  
13 we absolutely want to move forward. We don't have the luxury  
14 of an 8- or 10- or 12-month debating society on this thing.  
15 Too much time passes; too much mischief, in terms of  
16 perceptions of the program can develop. We have a much more  
17 narrow window.

18           So convey that we are on course. Start using -- I  
19 mean, if it's a May goal or kind of a plan for the  
20 Corporation, then target that. And we'll work with you to  
21 achieve that. I guess those are two things that come to  
22 mind.

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1 CHAIR ASKEW: Thank you, D. That's very helpful.  
2 And, as you know, I'm very pleased with the way that your  
3 group has defined the way it's going about this and the  
4 emphasis on program improvement and also the thing you just  
5 mentioned about how this fits into the whole world of Legal  
6 Services and supports and furthers the overall goals of the  
7 Corporation is very important to this process, obviously.

8 Yes?

9 MR. MILLER: Perhaps it is helpful to mention a  
10 related issue, which the Chair knows, because I have had the  
11 opportunity to discuss it with him more broadly than  
12 monitoring and evaluation and, again, in the context of  
13 seeing the connections. The same groups in the community  
14 are, I think, very close to creating a kind of an overarching  
15 -- it doesn't have a name or a specific structure -- it  
16 probably will by the end of next week, I suspect -- committee  
17 on provision and delivery of legal services.

18 And that, probably, will, itself, organize itself,  
19 again, into some working groups that deal with the major  
20 thematic areas that you're going to be working with and we  
21 need to struggle with, going around recruitments and those  
22 sorts of issues and other around support, technical

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1 assistance, those sorts of issues.

2           Again, I just want to let you know that's there.  
3 And we'll have leadership and staffing and all of that very  
4 soon. And the goal is to work, again, with the Corporation  
5 Board and staff in a collaborative way to really analyze and  
6 explore. And I guess the keynote in all of this is, we urge  
7 you and we urge ourselves to move, certainly, deliberately  
8 and analytically, not impetuously, but with sufficient and  
9 effective speed, so that we really make significant strides  
10 in the first year, really, of your stewardship.

11           CHAIR ASKEW: Nancy?

12           MS. ROGERS: I wonder -- I have guidance from the  
13 other members of the committee as to when, but it seems to me  
14 that we might want to communicate when it is we think we're  
15 going to approve, basically, the working policies in this  
16 area, as many as we can. And if May is an appropriate time,  
17 then maybe what we ought to do is communicate that in May, we  
18 expect that we will adopt the policies that will be uniformly  
19 implemented by LSC until they're modified.

20           And that, at least, provides some clear guidance to  
21 those people we're hoping will help us as to how quickly they  
22 need to organize and get input to us.

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1           MR. MILLER: Just one caution there. The reality  
2 is, the best thinking we do, you and we, the staff and  
3 everybody -- and I think some pretty good thinking can get  
4 done by May -- the best thinking we do, when it gets field  
5 tested, as you suggest, and as it gets tried, is going to  
6 need to be fluidly adjustable, so that it's phraseology  
7 rather than adopt policies.

8           It's fine to say "until they're changed," but it  
9 might be a softer kind of expression which is the development  
10 of a working plan or the plan that's going to be implemented,  
11 so that we really all give a signal that we expect this  
12 process to be one of continuing adjustment.

13           CHAIR ASKEW: Maria?

14           MS. MERCADO: Yes. De, I know that you're trying  
15 to work at top speed. One of the problems that we, though,  
16 as a Board is the fact that we have the authorizations and  
17 appropriations for fiscal '95 and also fiscal '96 coming up.  
18 And so part of the urgency that I see is in chairing audit  
19 and appropriations and, I think, looking at reauthorization  
20 is that the Legal Services community and this Board has to  
21 come up with some decisions about what its priorities are  
22 going to be and how it is that it is going to effectively use

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1 any increase in funding.

2 And so the programs and the initiatives that you  
3 are discussing and that John has discussed, we need to  
4 approve in some form or fashion or to justify to Congress why  
5 it is that we need the additional funding or why it is that  
6 we need a particular regulation omitted, whatever the  
7 situation may be. So I feel an even greater sense of urgency  
8 than May, because we're probably going to be giving testimony  
9 in April, possibly even March.

10 And so I don't know how quickly -- and maybe it  
11 won't be the final piece, but there has to be a great  
12 substance of what you are discussing that we as an entity  
13 have to approve, so that we can make those arguments  
14 intelligently to Congress.

15 MR. MILLER: I agree with that.

16 MR. EAKELEY: I think that the principal thrust of  
17 testimony and part of what we're going to be called upon to  
18 do in the spring will be to justify doing justice and doing  
19 that justly. And it really will be on the overall delivery  
20 of legal services to poor people. I hope and expect it will  
21 not be as much a focus on the management and administration  
22 line, although that should be expected at some point, also.

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1           I hope everybody in the room and beyond the room  
2 will never get a sense that they are in need of pushing the  
3 Board to get things done more promptly than we wish to have  
4 them done. I think that we will not be doing our job  
5 properly if we don't maintain a sense, perhaps not of  
6 urgency, but of strong intent to move forward as rapidly as  
7 possible and on as many fronts as possible, but also  
8 stressing the possible.

9           We are as a new Board at great risk of making  
10 mistakes early. And I think that the costs of those mistakes  
11 could very well exceed the benefits of rushing things. So  
12 it's an all deliberate speed type of message I hope that we  
13 would share among ourselves and communicate to staff and  
14 field and a strong sense of wanting, with that speed, to move  
15 together on these very important issues.

16           If it's May, it's May, as long as people feel a  
17 little bit pushed but not thoroughly rushed to get us there  
18 by May. And I'm comfortable with some flexible sense that by  
19 May, we will have the outlines of some specific policies and  
20 procedures, the outlines of others, and senses of direction  
21 for the things that really require a great deal more sampling  
22 in the field and feedback and almost an inductive process of

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1 adjustment as we go forward.

2 I also think, though, between now and May, it would  
3 be very helpful, especially since we're not going to meet  
4 again until March, and then probably in California, that we  
5 find a way -- not an overwhelming paper trail way, but some  
6 periodic updates on how this is going, what people are  
7 thinking about, just to keep the Board apprised and trigger  
8 reactions, if some Board members think that this is not the  
9 best way to go, or there might be a better way to go, or,  
10 "Gee, this makes a great deal of sense; let's accelerate it."

11 CHAIR ASKEW: That's very helpful, Doug, and I  
12 agree. We're always going to have this tension between the  
13 sort of budget and program. But, I think, in this area, it's  
14 one we can deal with. And May, I think, is, at this stage, a  
15 legitimate timetable for us to be shooting for, in terms of  
16 our committee receiving this back and dealing with it  
17 further.

18 And I'm very pleased, obviously, to hear you talk  
19 about the collaboration and the Corporation staff  
20 participation as you move forward. And I know you all are  
21 committed to that, and that's very important to this. And  
22 I'm sure the staff will keep us informed as things happen

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1 that we need to know about in between committee meetings.  
2 And this committee will meet again in March and take stock of  
3 where things stand then.

4 The thing I'm a little bit nervous about and don't  
5 want to get too far down the road on is dealing with some of  
6 these issues discreetly, outside the context of everything  
7 else that's going on, because I really do believe we need to  
8 be very careful about the interrelationship of all these  
9 issues to one another and that we don't get too far down the  
10 road on changes and monitoring and evaluation without  
11 understanding impact on training and what training needs to  
12 do to support what our goals are in monitoring and  
13 evaluation.

14 Technical assistance is something that needs a  
15 great deal of thought and energy and probably more money, as  
16 we move down the road. And yet, it has to be intimately tied  
17 to what we're trying to accomplish with our overall  
18 relationship with programs and what our appropriate role and  
19 responsibility is as a Board, as a Corporation.

20 That's going to take some time to sort out. It has  
21 to be done in collaboration with the stakeholders. And May  
22 is ambitious for all of that, probably, but necessary.

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1           And then, to run the risk of jumping ahead on the  
2 agenda a little bit, there are all these other sets of issues  
3 under item number 7 on our original agenda like alternate  
4 dispute resolution, attorney recruitment, Reginald Heber  
5 Smith Fellowship Program, loan forgiveness, which are very  
6 important issues that we're going to be seeking money for.  
7 But that should not be done out of the context of what we're  
8 doing on these other things.

9           And from the way you described the provisions group  
10 that you're setting up, I assume that's going to fall under  
11 the umbrella of that group; is that right?

12           MR. MILLER: Yes.

13           CHAIR ASKEW: Can you fill us in a little bit on  
14 that?

15           MR. MILLER: Sure.

16           CHAIR ASKEW: Do you want to ask something first?

17           MS. BATTLE: Yes, because that gets down to  
18 another. If I can just say, as you put the report together  
19 that Doug was talking about to kind of bring us up to date,  
20 it would be helpful in all these areas to give us some  
21 direction, though very fluid, as you say, without any  
22 specifics, so as questions come up about, "Well, what are you

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1 going to do about this?" or "What do you expect?" we can say,  
2 "We're looking at it. We're carefully considering it. And  
3 these are some of the ideas that we have," without tying  
4 ourselves to any specifics.

5 CHAIR ASKEW: Right. Absolutely.

6 MR. MILLER: We'll absolutely try to do that. In  
7 terms of your question about the provisions group, the  
8 initial thinking -- and it's not anything like even settling  
9 semantics, but it's the thinking -- would be to have a series  
10 of working groups. One cluster might be, according to some  
11 proposals that have been made, kind of collected under a  
12 heading of "supplementary delivery resources and approaches,"  
13 which would include ADR and other things.

14 We'll talk on your agenda today on law school  
15 clinics and some other ones. None of those can be considered  
16 in isolation from everything else that's going on. ADR is an  
17 interesting one, because many of you, probably others who may  
18 be less familiar, will find that there are 50 states, and  
19 there are 50 different places on ADR.

20 I personally was involved in New Jersey's regional  
21 committee and still am of the Supreme Court for court in exit  
22 of ADR back in 1983. We have gone through phases of design

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1 and pilots and evaluation. I did their evaluation criteria  
2 and implementation and the court rule. But New Jersey, in  
3 some sense, court of in exit is very far along on ADR.

4 But, in another sense, it doesn't deal much at all  
5 with something that other states take for granted now, which  
6 is kind of the self-administered mediation by lawyers, where  
7 the lawyers actually act and are paid by parties, not in  
8 affiliation with an ADR center, but just as lawyers, to  
9 mediate conflicts, particularly in the area of family law.

10 So New Jersey is very advanced in some areas and  
11 not as advanced in another. And that just informs, I think,  
12 how difficult it is to make decisions at a national level,  
13 especially funding decisions. The vision I would offer,  
14 probably -- I think the community will offer in time is that  
15 it's very important to see the system you have in place now  
16 with the programs and providers and to focus your attention  
17 on creating a framework of expectations for those providers  
18 in place about what you want them to do.

19 For example, in the area of ADR, we need to  
20 articulate a set of inquiries and examinations and  
21 explorations that every program should be doing in that area.  
22 And that's probably a more critical role at the national

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1 level from, especially in ADR, I think, right out of the box,  
2 funding pilots. Funding pilots and targeting research is one  
3 of the things we hope to propose to you out of this broader  
4 committee.

5 But that may not be the first item of business in  
6 ADR. And that's just one example. You can go through that  
7 same kind of analysis with all these others. We have to see  
8 it in a larger context of all the other things that are going  
9 on and of the system of providers you already have out there.  
10 And how do we best marshal those resources?

11 CHAIR ASKEW: And on all these issues that are  
12 under this rubric or under this agenda, and there are  
13 probably others, we need input from the stakeholders about  
14 these issues. And I think the community needs to do some  
15 work about turning these issues inside out and getting back  
16 to us with some recommendations, ideas, that sort of thing,  
17 as we move through this process.

18 But, once again, it always, I think, needs to be in  
19 the context of the overall look we're taking. It is not  
20 dissonant from other decisions we're making on other ideas,  
21 because they're all, as far as I'm concerned, related to  
22 program improvement.

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1           So they all need to be done from that perspective.  
2           You used the word "fluidly adjustable." And "all deliberate  
3           speed" has been said before. Let's get away from that one.

4           MS. BATTLE: I was about to say, "all deliberate  
5           speed" didn't seem to work in another context. I don't know  
6           if that's language we want to use.

7           CHAIR ASKEW: But "fluidly adjustable" is what I'll  
8           go with. And our agenda may be "fluidly adjustable," because  
9           we sort of already --

10          MR. EAKELEY: It was Richard Nixon who said,  
11          "Encourage the nation to do justice." Sometimes, accidentally  
12          perhaps --

13          CHAIR ASKEW: Good things get said.

14          MR. MILLER: "Deliberate analysis with sufficient  
15          and effective speed."

16          MR. EAKELEY: And I didn't say, "Damn the torpedo."  
17          I didn't say, "Damn the torpedo."

18          CHAIR ASKEW: In a sense, we have already crossed  
19          over into agenda item 4, which is the issues related to  
20          program improvement, because that's what we have been talking  
21          about. And one of the things I wanted this committee to hear  
22          and the Board to hear is, process is under way in the field

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1 to address some of those issues.

2 And one thing we haven't talked very much about as  
3 a part of this is support and the role of support in our  
4 community. And I have been apprised of the fact that there  
5 are some very productive processes, from what I've been told,  
6 under way in the field to address issues about support.

7 And I thought it would be useful if we heard about  
8 the status of those things in a brief way, not where you  
9 think you're going to come out or what the ultimate  
10 conclusion's going to be, but at least what's happening in  
11 that area, so that when you do come back to us with some  
12 recommendations or ideas, we will have understood what has  
13 been happening and where that's coming from.

14 I know Larry Lavin is here from the organization of  
15 Legal Services Backup Centers. And Briscoe Hardin -- is that  
16 right? Briscoe is here about uniting support. And that's  
17 the fourth item on our agenda, to hear about what's going on  
18 in those areas, so that we'll be informed of where you're  
19 going, so that when you come back to us, we will be prepared  
20 to hear from you.

21 Any idea of how you would like to do this? Let's  
22 start with Larry first. How about that. Does that make the

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1 most sense?

2 Why don't you introduce yourself for the record,  
3 Larry, and tell us something about yourself?

4 PRESENTATION OF LARRY LAVIN

5 MR. LAVIN: I'm Larry Lavin. I'm director of the  
6 National Health Law program in Los Angeles and Washington.  
7 And I'm also Chair of the organization of Legal Services  
8 Backup Centers, which is known as OLSBUC. We probably should  
9 have changed our name when the backup centers were changed to  
10 support centers, but we didn't like what that acronym might  
11 be. So we kept OLSBUC. And --

12 MR. EAKELEY: Could you spell it out for us?

13 CHAIR ASKEW: In Spanish, it was very crude, so we  
14 stayed away from it.

15 MR. LAVIN: Hello to those of you that I do know.  
16 I've worked with Edna and Ernestine on a number of committees  
17 and issues in our community. I come to national support from  
18 having directed a field program in Philadelphia and in South  
19 Carolina, rural and urban programs, and then having spent  
20 time in state support and learning the value of state support  
21 and the role that state support plays.

22 I then went to national support and became involved

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1 in trying to integrate the services that our whole community  
2 has in a way that can bring together the forces that we have.

3 Basically, I would like you to just envision a  
4 community with 5,000 lawyers with expertise in a whole range  
5 of poverty law issues that has been not nurtured to be  
6 working as collaboratively or as comprehensively as it might.  
7 And think about the opportunity that we have at the moment to  
8 bring together that intellectual base to adequately and  
9 really vigorously represent our clients on all the issues  
10 that they're facing.

11 National support, as the institutional component  
12 that has been responsible for enabling high-quality advocacy  
13 in the substantive areas, has been, basically, one of the  
14 primary areas of attack in the Legal Services effort. And,  
15 to that degree, over the last 12 years, it has had one,  
16 substantially reduced funding; two, almost has had to go into  
17 hiding, in terms of the advocacy that it has engaged in and  
18 the advocacy that it has tried to lead and serve the  
19 community in Legal Services.

20 Basically, there's no more than four lawyers funded  
21 by Legal Services Corporation at any of the backup centers  
22 and the national support centers. We are divided in the

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1 national support centers into two kinds. We have subject  
2 matter support centers, housing, consumer education, health,  
3 social welfare policy. That all began at universities many  
4 years ago, when Legal Services thought that they should  
5 contract the backups with universities to help provide the  
6 substantive expertise the field programs would need.

7 Then, later, we saw that there were special needs  
8 and unmet needs of populations, and we developed centers  
9 around seniors, youth, Native Americans, migrants,  
10 immigrants. So we have two kinds of national support  
11 centers. We have substantive ones, and we have population-  
12 based ones. And all together, I believe, there are 15 of us.  
13 There are 15 members of OLSBUC.

14 Being geographically diverse and being not well-  
15 funded, and not having a Corporation that was interested in  
16 bringing us together, we at OLSBUC tried to keep a cohesion  
17 to our community. And we primarily focused on our survival  
18 in the early years over the last 12 years.

19 But three years ago, we decided that we needed to  
20 do more to integrate the substantive work in the community  
21 and to strengthen our role to enable that substantive  
22 advocacy taking place through the other mechanisms in our

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1 community.

2           So we were very encouraged by the concept of  
3 bringing together state support, the training community, and  
4 the national support community to examine support in a way  
5 that we could view it entirely serving the community. State  
6 support has always suffered from the fact that it has many,  
7 many tasks that it is capable of performing at the state  
8 level and always must make choices with very limited  
9 resources about whether they're going to do substantive work,  
10 training support, management support, or policy advocacy on  
11 their own at the state level.

12           So it's very difficult with 50 different kinds of  
13 state support systems to design exactly the kind of  
14 substantive support that is the most effective. And then  
15 training resources are terribly slim, so we had those  
16 limitations, to.

17           So basically, the uniting support project was  
18 something that the Ford Foundation funded. And, as that  
19 undertaking began, the national support group felt that we  
20 needed to seek support and do more intensive work in our own  
21 communities to strengthen our contribution and our  
22 participation in the broader community.

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1           So we sought and obtained a grant from the Ford  
2 Foundation. And over the last two years we have been having  
3 a series of meetings in which we have examined the functions  
4 and the substance of what we do. We have looked at the case  
5 assistance we provide. We have looked at our publications.  
6 We have looked at our training. We have looked at our  
7 cocounseling.

8           We have looked at our national advocacy. We have  
9 looked at our ability to lead and identify issues. We have  
10 looked at our ability to cover the whole range of client  
11 problems, so that we're looking not just at housing, welfare,  
12 employment, and education, but we have started to look at the  
13 things that aren't covered, the new look at emerging issues,  
14 such as -- well, homelessness was the first one that we saw,  
15 and then the impact of the budget process on all of our lives  
16 and then the opportunities that we have been presented with  
17 health care which affects one-seventh of the economy, which  
18 affects education, which affects jobs, which affects economic  
19 development, which affects all of us and all of our  
20 populations.

21           We have looked at education, training, jobs, and  
22 welfare as a collective approach towards the welfare reform

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1 piece that is coming up. So we have tried to focus our  
2 collective experience towards developing a strengthening of  
3 our own community and then to be designing ways in which we  
4 can collaborate and integrate our work with the rest of the  
5 community.

6 And it has been very productive, because as we try  
7 to design more efficient ways of serving the field, we have  
8 to rely on these other components of the community to enable  
9 the community to do the work that it can. There's a great  
10 deal of wonderful work in the community in all of the  
11 substantive areas. If we didn't have that local community  
12 activity going on, Legal Services' clients could be greatly  
13 suffering from really bad policies and bad laws that could  
14 have been in place.

15 What we do is try to coordinate that, stay on top  
16 of that, keep people in the whole community up to snuff with  
17 what is going on in the community, identify issues at the  
18 national level, and then just work with the rest of the  
19 community to make sure that everybody is operating from the  
20 same informed knowledge base in the representation of their  
21 clients.

22 There are lots of new areas that are coming up.

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1 What we have worked on doing is developing our institutional  
2 capacity to respond to those new areas to look at the funding  
3 issues that we face as a group, to develop operating norms  
4 for ourselves in speaking for the needs of ourselves  
5 individually and the needs of the community collectively on  
6 substantive issues and to come to you with a set of  
7 recommendations about how national support fits into the  
8 whole community in serving the community.

9 We will be returning to Ford and expect to receive  
10 additional funding to continue the process, which we think is  
11 necessary to institutionalize this capacity within our  
12 community. And, just basically, we hope to accomplish  
13 something where our community is able to come together and  
14 bring the intellectual ability that we have in this community  
15 to the legal analysis for all of our clients on the whole and  
16 address these issues and enable the community to be the best  
17 it can be.

18 CHAIR ASKEW: Thank you, Larry. I excused myself  
19 from the Ops and Regs meeting yesterday to go over to the  
20 OLSBUC meeting to meet with them briefly, my main reason  
21 being, besides poking fun at them, to encourage them to  
22 continue with this process, that I felt it was a very

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1 constructive, productive effort from what I had learned about  
2 it, and something that should, ultimately, be very helpful to  
3 this Board and to the broader community and to encourage them  
4 to keep plugging away at this and investing the time and  
5 energy they put into it.

6 And, secondly, what I would encourage you also is  
7 also to be participating in the broader community efforts,  
8 also, at the same time you're doing this, so that as we look  
9 at program improvement and look at where this Corporation is  
10 ultimately headed, that you're influencing that,  
11 participating in that process at the same time you're doing  
12 your own community's process, which I know you intend to do.  
13 You didn't mention that, and I wanted to make sure that you  
14 got that message from us while you're doing this.

15 MR. LAVIN: It's very much a part of our work. And  
16 we have already discussed with the other segments of the  
17 community that planning process and expect we will be very  
18 much a part of it.

19 CHAIR ASKEW: Great. Thank you.

20 MR. LAVIN: The one thing I didn't mention is that  
21 one of the goals of this year, in the next few months, is to  
22 develop standards for national support. As you may be aware,

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1 there are lots of other segments of the community that have  
2 developed standards, which we think will be very helpful to  
3 you in the monitoring process. So, too, we feel that we are  
4 at the point where the development of standards for national  
5 support will assist in your work in that regard.

6 CHAIR ASKEW: Great.

7 De?

8 MR. MILLER: Okay. Acronym number two, NOSSU,  
9 National Organization of State Support Units. I'm here  
10 speaking to you on behalf of Elvera Anselmo from Arizona, who  
11 is the Chair of NOSSU. And I will just describe very briefly  
12 NOSSU's planning process in the state support area.

13 Let me first say that this has its roots back in  
14 1989, when NOSSU got a Ford Foundation grant to study state  
15 support. That produced a report in 1991 that highlighted a  
16 number of areas for follow-up activity, from equalization of  
17 funding to developing greater resources, greater use of  
18 technology, a lot of things that have been followed up on.

19 And another area which is the kind of definition of  
20 role and assistance to state support centers that are  
21 relatively more woefully underfunded than the rest and really  
22 have to struggle with these competing needs that Larry

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1 referenced.

2           So that last piece has led to a planning process  
3 within state support, which has four parts to it. The first  
4 is the clear articulation of a vision and long-term  
5 description, if you will, of state support. Let me just say  
6 two observations as background. This may be clear to all of  
7 you. If it's not, then this will be of some use, I hope.

8           State support and national support have lots of  
9 commonality and need to work closely together but are hugely  
10 different. And so the very coupling of them in a phrase at  
11 some level and for some purposes is kind of misleading and  
12 obscuring as a way of proceeding.

13           The difference is that state support and the full  
14 vision certainly has responsibility for all the substantive  
15 areas, not just one or two, but all the substantive areas  
16 that Legal Services works in in that state but also has a  
17 variety of other roles related to delivery and supporting  
18 delivery, technical assistance, fund development, and so on.  
19 I'll give you the short seven-part list in just a second.

20           So it's a very different kind of creature and has  
21 developed, therefore, a kind of different history that we  
22 need to make sure that we share with you. So the first chore

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1 is to develop this vision, core functions, seven core  
2 functions, what they mean, what should be going on.

3 And the view is not that every one of those  
4 functions should be done by every state support center in the  
5 country, but that as a legal service system -- again, the  
6 vision of the national system as a whole, that that system  
7 needs to be sure that every one of those seven core functions  
8 is going on in every state some way.

9 States can do it different ways. If you only have  
10 one state-wide program, it's all going to be done in that  
11 program. If you have 13 or 15 or 20 programs in a state,  
12 there's going to have to be an entity that's responsible for  
13 coordinating and making sure that it goes on.

14 State support's role in our vision is to be the  
15 guarantor. And we can't do it if we don't have the  
16 resources, but at least state support can have the  
17 responsibility to marshal the resources that are there, to  
18 line them up and do the best that can be done in that state.  
19 So core one is vision.

20 The second is to develop a permanent information  
21 sharing mechanism along state support programs all over the  
22 country so that we can share effectively in an

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1 institutionally-set way what works; what works substantively;  
2 what works as delivery; what works in fund raising; and all  
3 those sorts of things. That mechanism really is not in place  
4 now. It needs to be there. I hate to get mechanistic about  
5 it, but we need to build something that's going to endure.

6 Third is the setup of mentoring and technical  
7 assistance framework within state support, so that strong  
8 centers and experienced centers and people can mentor other  
9 states which have just been funded within the last two or  
10 three years.

11 And fourth -- and it's a theme that you've heard  
12 several times today -- to develop for state support  
13 performance criteria that would support a peer review system,  
14 because the cut -- as one of the primary authors in the  
15 performance criteria for the CVP, the cut in the comparative  
16 demonstration project is very field program orientation. We  
17 need a different orientation, slightly. A lot of similarity,  
18 but some differences for state support, probably a different  
19 one still for national support.

20 Just to give you a sense of time frames,  
21 performance criteria and kind of a peer review model, in  
22 terms of how it would work, we expect to have that work done,

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1 again, in the fluid initial draft by May, the vision,  
2 certainly, by May.

3 The mentoring and the information exchange, we are  
4 about to receive a second Ford grant to carry this mentoring  
5 and information exchange process forward. It will be in the  
6 neighborhood of \$50,000, probably. And that process will run  
7 through the end of October.

8 Just to leave you with the current vision, the  
9 current sense of the seven areas that state support works in,  
10 one is resource development within the state on behalf of all  
11 programs. The second is engaging in state-level advocacy on  
12 behalf of the low-income people in that state. The third is  
13 information exchange among, obviously, the Legal Services  
14 community Board and staff, and, secondly, to the client and  
15 with the client community in that state. We see that as  
16 another critical core function.

17 Next is legal coordination and substantive  
18 assistance, supporting, actually helping the lawyers and the  
19 field programs as they go through their daily work. The next  
20 is a whole range of other kinds of technical assistance to  
21 programs, management, assistance, programs that get wrapped  
22 around a tree about a particular problem, "stuck in the mud"

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1 is a phrase I used to hear.

2 And, lastly, is the whole area of professional  
3 development, ranging from initial recruitment of people on  
4 through training and seminars and sort of continuing  
5 educational activities to keep staff as fresh as we possibly  
6 can.

7 CHAIR ASKEW: Thank you. Let me ask you something.  
8 I think I know the answer to this, but I'm not sure. There  
9 is now an LSC-funded state support activity in every state;  
10 is that right?

11 MR. MILLER: That's correct. It gets shaky, I  
12 think, on the outer edges of the territories, but that is  
13 true for every state.

14 CHAIR ASKEW: But how that's defined or how it's  
15 done in each state varies radically around the country; is  
16 that right?

17 MR. MILLER: That's absolutely true, from very  
18 strong kind of multicensers that are dealing with every one  
19 of these core functions to -- because of funding and the  
20 interactivities around funding -- to much more limited  
21 centers, where they only have the resources to perhaps  
22 address a couple of these core functions. The rest have to

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1 be done by field programs in that state.

2 CHAIR ASKEW: Yes?

3 MS. ROGERS: You mentioned training as one of the  
4 functions, and I know that some of the state programs have  
5 pooled a certain percentage of their funds and done regional  
6 training. And I assume that as we look at the training  
7 issue, we could go with a number of models, but two come to  
8 mind easily.

9 One is that there are specific national monies for  
10 training. The other is that, instead, the money would simply  
11 go to the state centers, and they would decide how much to  
12 invest in training. I don't know whether you have a view on  
13 which of those is better or whether there's a third that's  
14 better yet.

15 MR. MILLER: I think it would be inappropriate for  
16 me to jump in front of the process. I think that's part of  
17 the issues, a major part of the issues that has to be  
18 wrestled with. And the field group and your committee that's  
19 going to look at the support and technical assistance and  
20 training, I think, in general, speaking totally personally,  
21 my orientation, as I said to you at your second meeting, is  
22 to start locally and move up.

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1           That is, think about designing a system and  
2 supporting a system where the assessment of training needs  
3 and the decisions about how to provide that training are as  
4 close to the people who need the training as possible, so  
5 that I have some sort of natural affinity or leaning toward  
6 those kinds of choices being made at the program level and at  
7 the state level first.

8           But clearly, my sense is an important long-term  
9 national role, which is to make sure that efficiencies in the  
10 system and points of emphasis that have been ignored,  
11 perhaps, just not seen in the system, are stimulated and  
12 encouraged, so that if it makes sense to develop a national  
13 base training module, for example, in a particular skills  
14 area, that the Corporation or somebody sees that that happens  
15 at a national level and we're not left just to stumble, state  
16 by state, forward and hope something collaborative happens.

17           But how the mechanism for that, who does that,  
18 those are the questions that this process has to struggle  
19 with.

20           CHAIR ASKEW: De, my sense is this is an issue  
21 that's going to be very interesting to this Board. We  
22 represent states that have that whole variety you were

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1 talking about, in terms of what our state is like and what's  
2 going on in our state, in terms of state support.

3 There are also a couple of Board members, and I  
4 know Ernestine is one, who's very familiar with state  
5 support, very committed to it, and I'm sure is going to be  
6 very interested in what you're doing and coming up with. So  
7 obviously, we hope you'll keep us informed. And the same  
8 encouragement you gave to Larry, which is keep plugging ahead  
9 and get back to us as you can.

10 John has a question he wanted to put to Larry.

11 MR. BRODERICK: It's just a question of mechanics,  
12 I think, and data. Can you give me a sense of what  
13 percentage of your funding of national support comes from the  
14 LSC, as opposed to other sources?

15 MR. LAVIN: That varies by center. I would say you  
16 range from some centers where the LSC funding is less than 10  
17 percent to others where the LSC funding is 95 percent. There  
18 are a whole set of issues that that brings up, in terms of  
19 what the resources go for serving the field and the dual  
20 masters, sometimes, in those situations.

21 MR. BRODERICK: Are those numbers comparable to the  
22 funding situation with state support centers?

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1 MR. MILLER: State support varies, I think, from  
2 100 percent LSC in the very smallest centers to -- and I  
3 suspect my program is the other extreme -- to one-seventh of  
4 total funding. And typically, not surprisingly, the oldest  
5 and largest centers are the ones that have drawn, force of  
6 will, time, or otherwise, the most outside money.

7 And the ones that were just started, either in the  
8 expansion of state support centers that took place at the end  
9 of the 1970s, right at the beginning of the 1980s, or more  
10 recently in the last two years, have been least able to pull  
11 in outside monies. So there's a huge variation.

12 MR. BRODERICK: Has national support funding from  
13 all your sources been relatively static over the last 8 or 10  
14 years?

15 MR. LAVIN: Yes.

16 MR. EAKELEY: Eight or 10 got hit  
17 disproportionately in 1981, right?

18 MR. LAVIN: '81 is when it was bumped down  
19 dramatically.

20 MR. BRODERICK: Other than dollars, which are very  
21 important to everybody in this room, what can I, as a member  
22 of this Board -- because I share very strongly and very

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1 deeply your thoughts about national support centers and state  
2 support centers, because I do think they are the brain stem  
3 of this whole organization -- what can I, as a member of this  
4 Board, do beyond seeking additional funding to assist in the  
5 delivery of legal services and the quality work that you  
6 people do, other than dollars?

7 MR. LAVIN: You know, I'm a big believer in  
8 understanding the substance of what we do, as well as the  
9 systems of what we do, trying to understand, ultimately, the  
10 client issues as they're dealt with in the whole system and  
11 bring to the decisions that you have to make about the  
12 allocation of resources and the system that supports that  
13 substantive work your best judgement.

14 MR. BRODERICK: I'm just wondering, have we been  
15 provided, or will we be provided with substantive papers,  
16 materials relative to what you're doing, what you need?

17 MR. LAVIN: Yes, but there's one other thing, if I  
18 can. I just was reminded of something I was saying  
19 yesterday. One of the things that is the most important  
20 thing for us in the area of substantive advocacy is the  
21 climate of fear in the community around policy advocacy,  
22 which I know is involved in the Act, but it is also involved

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1 in the regulations.

2 And I particularly am out in the front of an effort  
3 through which is a broad-based community on the health care  
4 reform bill, which has many directors throughout the country  
5 participating, but participating pretty much on the basis of  
6 my assurance that this is representation that is necessary on  
7 behalf of their clients.

8 I think examining that issue up front would be most  
9 helpful as we face this year. And I don't mean to push the  
10 agenda farther ahead than you're ready to deal with it, but  
11 on that issue and on welfare reform, I think we have a lot of  
12 work that you could help us with.

13 MR. EAKELEY: I don't think we need to push, Larry.  
14 I was going to ask -- John, were you done? I'm sorry.

15 MR. BRODERICK: Sure. Yes.

16 MR. EAKELEY: I just wanted to reinforce that  
17 particular point. A significant amount of Legal Services'  
18 advocacy that gets done around the country has to do with  
19 holding government accountable. Legal Services' advocates  
20 also have perspectives that are virtually unique, in terms of  
21 understanding how well or badly government delivers  
22 entitlements and protects those needing protection and

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1 supports those otherwise without support.

2 Our government is woefully compartmentalized, and  
3 we have a national support structure that is both underfunded  
4 but also, by historical development, grown up around  
5 particular issues. And I was very much interested in your  
6 education, training, welfare cluster, because it seems to me  
7 that one of the things that we have got to bring to the table  
8 is some contribution towards helping government govern  
9 better.

10 And that has to do both with dispute resolution in  
11 ways other than litigation, if possible, but also plugging  
12 into the development of policy at the national level. And,  
13 clearly, the national support centers have a central role to  
14 play there. I keep getting calls from the Administration  
15 saying, "We have this or that initiative." And we have  
16 senators and Congressional representatives, also, who seek  
17 input.

18 And, clearly, Legal Services' advocates should be  
19 part of that input and feedback process. And one of the  
20 things that I would like to see develop, in a way that we can  
21 without violating any prohibitions other than our own,  
22 because if they're our own, we'll eliminate them,

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1 prohibitions on policy advocacy or publicity and propaganda  
2 or lobbying is a way to develop and enhance that capacity.

3           It's not ours to share. Its yours for us to  
4 support, help coordinate, overcome the compartmentalization,  
5 so that we can deal with government and point out the gaps in  
6 the programs. And, boy, if there's one message we ought to  
7 be conveying without any equivocation, it is that Legal  
8 Services' advocates must be policy advocates, by virtue of  
9 their responsibility to their clients.

10           MR. MILLER: I would just like to respond, agreeing  
11 with everything that you just said, but responding to Mr.  
12 Broderick's question from a point of view of state support,  
13 in terms of what can you do. Two things, concretely. One  
14 leads to the other. Let us present to you and engage with us  
15 in a discussion, examination of our vision those functions.  
16 That's interactive, too, like everything else.

17           State support can't make those judgements. It  
18 needs to initiate the analysis and judgements, but it can't  
19 make the judgements in isolation from the field or the Board  
20 or any other part of the community. That would be crazy.

21           The second is, we really need, I think, to make  
22 that process work, liaison with participation from -- I

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1 wouldn't say all Board members, but, realistically, at least  
2 a couple Board members in that process. It doesn't mean  
3 attendance at endless meetings, but it does mean sharing  
4 drafts and, perhaps, a participation and conference call and  
5 maybe even a meeting, at some point.

6 I think that would be terrificly valuable. I would  
7 invite you and anybody else who has an interest in state  
8 support to join us.

9 CHAIR ROGERS: Thank you. Mr. Hardin, I wonder if  
10 you would introduce yourself and give us some comments.

11 PRESENTATION OF BRISCOE HARDIN

12 MR. HARDIN: Thank you. Good morning, members of  
13 the committee and other Board members and Madam Chair. My  
14 name is Briscoe Hardin. I'm with the uniting support project  
15 at NLADA. I'm just going to talk today about some few  
16 remarks about the other initiatives that have been going on  
17 that relate to your work and relate to today's questions and  
18 give you just a little bit of background on those and some of  
19 the time frames and what some of the objectives of those  
20 initiatives are.

21 First, a word about the uniting support project.  
22 As Larry referred to, the uniting support project emerged

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1 from the collective recognition of members of the support  
2 community in the field that, in many ways, a lot of the  
3 coordination and leadership functions that had been provided  
4 in the past by Legal Services Corporation itself were absent  
5 during the '80s in the absence of that type of leadership  
6 from the Corporation. And the community's advocacy efforts  
7 in a variety of areas significantly suffered, as a  
8 consequence of that.

9 And in response to the treaties of the support  
10 community and recommendations of the support community, the  
11 NLADA pursued funding to establish the uniting support  
12 project, which involved and integrated the contributions,  
13 insights of all segments of primarily the support community,  
14 that is, national support, state support, and the regional  
15 training centers, to address some of the major gaps and  
16 shortcomings that resulted from the absence of this  
17 leadership from Legal Services Corporation.

18 And, specifically, it was in two broad areas, which  
19 may be discreet but are certainly, as you know, quite  
20 interrelated. And one of them is in the area of training.  
21 The other is in the area of just substantive advocacy, about  
22 the coordination of substantive advocacy at the national

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1 level and between the national, state, and field levels to  
2 improve those.

3 And that uniting support project at NLADA has  
4 worked with people throughout the community, again, all  
5 segments of the support community and the field. And NLADA  
6 has played an integral role in trying to, shall we say,  
7 incorporate a variety of people in what is a voluntary  
8 collaborative and community effort, indeed, to address many  
9 of the gaps that we have been suffering under. And I'll just  
10 mention a couple of the specific projects that we're now  
11 undertaking.

12 And, just to refer back to, again, some of the  
13 issues that Larry mentioned, the uniting support project has  
14 looked at, among other things, its convened national meetings  
15 on the budget cuts crises that are affecting clients. And  
16 out of that emerged a variety of working groups to address  
17 these issues. Also, we have convened a working group on  
18 jobs, employment, and training issues. It tries to bring  
19 together the variety of initiatives and responses there. And  
20 we're also working on a variety of training issues, as well.

21 First of all, in terms of some of the major  
22 initiatives we mentioned, there's a substantive law delivery

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1 working group that was formed several months ago whose goal  
2 is to basically develop some recommendations and proposals to  
3 the ways in which the training delivery system can be  
4 improved just to enhance coordination, recognition of who is  
5 doing what, a more effective division of labor, more  
6 effective mechanisms for responsibility, accountability, et  
7 cetera.

8 This should go without saying, of course, that, Mr.  
9 Broderick, you referred to, that clearly a major thing is the  
10 need for more money for training resources. But this sub law  
11 working group, substantive law working group, involves not  
12 only members of all segments of the support community and the  
13 field, but also providers and consumers of training, to be  
14 looking at some of the key issues in training delivery and  
15 what we need to improve in.

16 One of the things that I should just mention as an  
17 overall theme is the fact that people clearly recognize that  
18 the separation of training from other functions and the  
19 compartmentalization of these two functions, of these various  
20 functions, is something that we really do at great risk,  
21 because we have to be clear about the ways these functions  
22 are inextricably entwined and must be seen as something that

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1 have to be delivered in an integrated fashion.

2 And that is not only training, but its relationship  
3 to research, technical assistance, monitoring, et cetera. So  
4 they just need to be clearly integrated. And it's not merely  
5 just substantive training, but skills training, monitoring,  
6 et cetera. So they just need to be clearly integrated.

7 And it's not merely just substantive training, but  
8 skills training and monitoring training, because a second  
9 group that has been looking at some of these same issues from  
10 a different perspective is the management training working  
11 group that, again, ties together consumers and providers of  
12 this training. Among the participants include people from  
13 the field, PAG, NLADA, field programs, as I mentioned, the  
14 support community, training consultants that provide much of  
15 this training, and MIE, which is an umbrella group of field  
16 programs looking at management issues.

17 Again, the goal there is to identify some  
18 appropriate mechanisms and recommendations to you and other  
19 members of the community about how we might better  
20 rationalize the training delivery system in the management  
21 area, but also, there's the recognition that these groups, as  
22 De and others have mentioned, the need to integrate what they

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1 have been doing to ensure that their insights and findings  
2 are integrated together and compliment each other. And so we  
3 are going to be bringing those together in a more formal  
4 sense.

5 In terms of the process of what these groups are  
6 working, it's basically the development of draft proposals  
7 which, in turn, will go through formal and informal outreach  
8 mechanisms to incorporate feedback, input, reactions to,  
9 critiques of these initial types of proposals. And, of  
10 course, that will involve field programs, as well as  
11 yourselves, the staff, et cetera.

12 And I think that, of the groups involved here, the  
13 target for them is to have -- I guess it was the "fluid  
14 drafts" -- is that the operative term today? To have some  
15 fluid drafts that reflect some but clearly not enough  
16 consideration, analysis, et cetera, from broad numbers of  
17 groups and stakeholders, to have some fluid drafts by late  
18 March, early April for these.

19 Another group that's also working to plan their  
20 activities and their role are the regional training centers,  
21 who have undergone a recent process to try to meet and decide  
22 how they can best be incorporated into and have their work

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1 coordinated and best integrated with the ongoing plans that  
2 we have. And I should say that all of these mechanisms have  
3 representation from different segments of the community.

4 Lastly, a word about the uniting support conference  
5 itself. In June, we will be having the third uniting support  
6 conference, which will bring together staff of all segments  
7 of the support community, as well as selected members of the  
8 field and others. And the focus of this conference is to  
9 look at mechanisms to improve the effectiveness of  
10 substantive advocacy.

11 And this, again, gets back into what De and Larry  
12 talked about about capacities to effectively carry out this  
13 work, as well as the training function. So in many ways the  
14 design processes and planning processes for the conference  
15 itself, as well as the conference deliberations, will provide  
16 concrete processes where we will be examining a lot of the  
17 issues that you are concerned about. And we hope that this  
18 will provide some broad-based input and analysis and feedback  
19 about what's happening.

20 And lastly I should say that, in terms of the  
21 working that we have been doing, in terms of identifying the  
22 gaps, we have been very hopeful on some level in terms of the

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1 fact that through our work, we have identified, as one person  
2 said, a "perverse standard of success of some of these  
3 initiatives" will be to identify shortcomings in the  
4 community in our capacities.

5 And we have identified some of those, but we're  
6 happy to say that we think there are many things that you and  
7 the community can do to address these gaps in both  
8 substantive and training areas.

9 And, lastly, in terms of this -- I know I said that  
10 previously at least twice -- this has been a collaborative  
11 endeavor, which has been run out of NLADA and the leadership  
12 of Martha Bergmark at NLADA and the participation of Don  
13 Saunders at PAG, NLADA, and others. But it has been a  
14 community process, even though it has been spearheaded, shall  
15 we say, and based at NLADA. And their contribution has been  
16 very crucial in that regard.

17 MR. LAVIN: I would very much like to echo that.  
18 If we had not had NLADA, our community would not have the  
19 commonality of thinking that we have today and the ability to  
20 be even talking to you in any coherent fashion.

21 CHAIR ASKEW: Thank you, Larry.

22 What you all are doing, Briscoe, is very important

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1 and very impressive. The breadth of it is quite remarkable,  
2 I think, and I'm sure the depth is going to be there as you  
3 go through it. So it's going to be very helpful to this  
4 Board as a resource to us, an influence as we go along. So  
5 we're anxious to hear back from you.

6 Doug, I know, has a question.

7 MR. EAKELEY: To what extent is the Legal Services  
8 Corporation involved in any of these ongoing projects and  
9 working groups? And if the answer to that is "not very  
10 much," to what extent should the Corporation be involved as  
11 an active participant, rather than awaiting a report or a  
12 product?

13 MR. MILLER: Well, hitherto, as you can imagine,  
14 there has been a minimal, if nonexistent, participation from  
15 the Corporation staff. But, over the recent weeks, I would  
16 imagine, I mean, in the near future, in the processes that  
17 we're doing, certainly there are informal connections and  
18 linkages and participation here, since, in the terms of the  
19 processes that uniting support has been operating, some of  
20 the current staff have been integral participants in those  
21 processes. So formally and informally, their participation  
22 is crucial.

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1 MR. LAVIN: For us, in our process, we have been  
2 trying to analyze the role that we think all of the  
3 communities should be playing in some decisions which we feel  
4 are community decisions, rather than our own community making  
5 decisions about funding levels or areas in which we'll work,  
6 things like that, or how we do things.

7 So we struggle with whether or not the Corporation  
8 is the place that facilitates that, whether there's another  
9 entity of our whole community, whether out of the planning  
10 processes that we're engaged in, we will design something.  
11 The phrase "Institute for Excellence" has arisen a few times  
12 as kind of this place that brings together all segments of  
13 our community outside of the Corporation to oversee the whole  
14 community.

15 So there are some of the issues that we're  
16 struggling in this process. That doesn't, maybe, tell you  
17 what we want from the Corporation. But, as you know --

18 MR. EAKELEY: It doesn't even tell me that you  
19 regard the Corporation as even potentially a member of the  
20 community.

21 MR. LAVIN: I think that there's no question that  
22 the Corporation is part of the community. I think the way

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1 that we structure the relationship of the Corporation with  
2 the rest of the community in the new world order is very  
3 important.

4 MS. BATTLE: I would like to just say that I think  
5 that the Corporation ought to provide leadership, with regard  
6 to a number of these issues, in structuring our relationship.

7 MR. EAKELEY: I was going to ask our president,  
8 perhaps, to explore ways in which a more articulated role  
9 could be developed.

10 MS. BATTLE: That network can be developed. I  
11 think that we're at a point -- and I like that term, "new  
12 world order" -- to describe where we are. But I really do  
13 think that we need to be providing leadership in that and  
14 assuring that our staff is part of that process. And I think  
15 Doug is right, to have our president explore that, so that we  
16 can look into seeing -- the Corporation staff play a  
17 meaningful role in this process would be very effective for  
18 us.

19 MR. EAKELEY: De, what about state support in those  
20 seven core functions, some of which are clearly meaningful to  
21 our development of an appropriate array of technical  
22 assistance?

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1 MR. MILLER: As I said in an earlier response to  
2 Mr. Broderick's question, we specifically seek and invite  
3 participation -- and we understand it can't be all 11 Board  
4 members -- but at least from a couple Board members and the  
5 relevant staff at the Corporation in the planning process of  
6 NOSSU. We think that's critical. And, as I said, I don't  
7 see us coming up with the vision for the future by ourselves.  
8 We'll come up with an initial cut with whoever can  
9 participate with us, but it has got to be a broader dialogue  
10 about it.

11 CHAIR ASKEW: Alex?

12 MR. FORGER: Larry, could I get back to you in your  
13 role of health law? In my role as chairman of the ABA  
14 Commission of Legal Problems of the Elderly, we have just had  
15 occasion to review some of the due process aspects of the so-  
16 called "health reform" that's coming, the health bill. I  
17 think it's referred to as the "Lawyer's Full Employment Act."  
18 There are issues of eligibility access, quality of care,  
19 prescriptions, and treatment, with a full panoply of due  
20 process procedures now being put in place.

21 I think we all agree that, from our own experience  
22 with dealing in the field programs with benefits, which takes

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1 up so much of the time of our lawyers, that if we now  
2 construct this monster, we will have not enough of the  
3 judicial process that's going to intervene in trying to  
4 resolve all of the issues that are going to impact consumers  
5 on universal care, there will not be enough money in the  
6 government to fund the lawyers to handle the cases for the  
7 clients.

8           And I don't know whether you will have any  
9 opportunity or some other group to influence at the front end  
10 the way in which a number of these issues will be resolved  
11 instead of in the traditional advocacy route. I think most  
12 of us on this other commission concluded -- although it may  
13 be strange to come from lawyers -- that we need a little less  
14 due process, perhaps.

15           And what's required is fairness in resolving these  
16 issues in ways that will not drive hundreds of thousands of  
17 people into the legal process in order to ensure themselves  
18 of either the access or the quality of care. So if we can't  
19 stem something at the front end, we're destined to be  
20 spending most of our money on health care issues.

21           MR. LAVIN: It is a very complicated area that  
22 we're entering into. I will share with you this paper, which

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1 is just an outline of the brainstorming we had at our health  
2 meeting this week. It's crosscutting an impact on every  
3 substantive area that we deal with. And, on your specific  
4 point, there's no question that there will be new areas of  
5 representation needed by low-income people, no matter what we  
6 do.

7           There's no question that much of our work results  
8 in the need for more due process representation in the due  
9 process that we create. This is a particularly difficult  
10 area, because we have engaged -- we have a working group of  
11 over 150 Legal Services advocates that have divided the  
12 various aspects of health care reform into pieces. One is  
13 consumer protections and due process.

14           We have about 30 people throughout the country who  
15 have developed working papers. We had participated in  
16 meetings with the White House working group in the drafting  
17 of their approach to health care reform. And they adopted  
18 some of our recommendations. They did not adopt all of our  
19 recommendations. It is a very, very complex set of issues  
20 we're dealing with. This is only one.

21           Your instinct is right; it will create a great deal  
22 of work for our community. At one of those meetings in the

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1 White House working groups, when the issue of who would be  
2 there to represent people came up, someone very glibly, not  
3 from our community, said, "Legal Services' people could do  
4 that." There was talk of ADR as a way of going to resolve  
5 some of these things. There is still some inclusion of ADR  
6 in the Clinton bill.

7 It is, unfortunately, one of the many, many  
8 discreet areas that probably will not receive the attention  
9 it deserves in the months ahead. But I would like to leave  
10 you with this paper, which gives you a crosssection of the  
11 impact of health care reform on all of the issues that we  
12 deal with.

13 CHAIR ASKEW: Maria?

14 MS. MERCADO: I'm real curious, both in the  
15 national and state support centers, as to the percentage of  
16 time or the role of advocacy that they take on issues that  
17 either affect their states or national issues like health  
18 care reform and what kind of alliances or coalitions you  
19 build to be able to change policies that will ultimately help  
20 poor people.

21 What kind of strategies -- or does that sort of  
22 depend on state-by-state on the issues? I guess De has

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1 probably, it seems, like the most integrated system for  
2 dealing with those kinds of issues, the most well-funded, it  
3 seems like.

4 MR. MILLER: That was 32 questions. I'm trying to  
5 part them. In terms of percentage devoted to advocacy, yes,  
6 wide variations state to state, serious difficulty in, I  
7 would say, a sixth to a fifth of the states, in terms of  
8 their ability to do any advocacy, realistically, at all,  
9 given the limited resources that they get. Those are the 100  
10 percent LSC recently funded, where there's just not a big  
11 enough core of money to be all things to all people or even  
12 one-fifth of all things to all people.

13 So huge variation. The older, the bigger, the  
14 typically much more toward advocacy. I think the place like  
15 Mass. Law Reform probably spends maybe the vast majority, 60,  
16 70 percent of its time on advocacy. Ours in Jersey is pretty  
17 balanced. I would say, if you count advocacy, and then the  
18 work with local programs on their work, it's at least half of  
19 our work.

20 Coalitions, joining with coalitions, I think the  
21 best of the centers seek to represent or be involved in some  
22 way with coalitions. We represent an organization which is a

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1 state-wide grass roots coalition called STEPS, which is a  
2 partnership of low-income people and organizations that's  
3 focused on welfare reform, primarily, and health care reform.  
4 We provide legal representation and are literally with them  
5 every step of the way.

6 It's the only way to do effective work in this  
7 climate, when these sweeping, huge changes are on the  
8 landscape. As I said to you, the first time I spoke to you,  
9 we spent, I think, decades trying to find a way to get  
10 welfare reform on somebody's political agenda. And now it's  
11 on it. And it's sort of, "Whoa."

12 MR. LAVIN: At the national level, I would say that  
13 we try to foster both state and local and national advocacy,  
14 and we try to lead in that direction. The resources that  
15 we're able to devote to that -- I mean, some of the national  
16 support centers have just two lawyers, totally. And they are  
17 put in the position of having to perform some basic core  
18 functions, which are answering requests for assistance on the  
19 telephone, frequently.

20 But, basically, they sometimes use national task  
21 forces to accomplish the kinds of policy advocacy that is  
22 most effective. I would say those of us in certain areas

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1 right now are very much involved. I mean, our staff has --  
2 we're continuing our core functions, our publications, our  
3 training, and our response to the field. And we have about  
4 25 cases in litigation, cocounseling.

5 But we have really put most of our resources, at  
6 the moment, into the policy advocacy around health care  
7 reform. And that means facilitating that and trying to get  
8 local programs and people to pay a lot of attention. Now,  
9 the issue of coalitions is another whole issue. We do not  
10 participate as members of coalitions, but we work with other  
11 coalitions and with organizations in the representation of  
12 our clients to inform our work by the activities of those  
13 coalitions and to form those coalitions of the needs of our  
14 clients.

15 So it's, again, an area where I think there could  
16 be more support for the importance of this kind of work.  
17 And, just touching on the training area, I was struck by the  
18 question about whether we do it one way or another way. I  
19 think we always want to maintain in our community the  
20 capacity to flexibly respond to different needs. I agree  
21 with De that a lot of the training needs should come from the  
22 bottom up.

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1 But, in many situations, for example, we get  
2 requests to do training on things that may not be things that  
3 they should be focusing on. And we try to, you know, direct  
4 that by keeping the field educated about what the issues are  
5 that are coming up that will be in front of them that they do  
6 need to be getting more information and training about. And  
7 it works well when it's that way. But there is a lot that  
8 has to come from that perspective.

9 MR. HARDIN: And, if I might add, perhaps you're  
10 not as familiar with what Larry was talking about about the  
11 problem in coalitions, which is a regulatory problem for many  
12 Legal Services people in their ability to work effectively in  
13 coalitions. That creates severe problems in providing the  
14 type of effective representation that should occur.

15 MS. MERCADO: And this is sort of what I was hoping  
16 that we would get to, because part of what we're looking at  
17 in reauthorization in what, if any, regulatory changes need  
18 to be made. So we need to have that input from the client  
19 community as to what are the areas that prevent us from truly  
20 being advocates for poor people who don't tie us? And they  
21 can allow us to provide the most services for the most  
22 people.

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1           And part of that is an ability to build coalitions  
2 with people who have the same interests who are also  
3 stakeholders, because that makes us a lot more powerful and  
4 able to do that. Then, if, in fact, it's a regulatory change  
5 that we need to do, then maybe those are some of the  
6 recommendations we need to be hearing from the field.

7           MR. HARDIN: That is part of the problem. And  
8 people that work on concerns here in D.C. on similar issues  
9 that affect clients, other social services organizations and  
10 advocacy groups, they have commented about how the difference  
11 between now and 10 or 12 years ago about the presence of  
12 Legal Services's participation in these advocacy efforts at  
13 both the national and other levels.

14           And they bemoan it, for the simple reason that  
15 Legal Services people, aside from their incredible expertise  
16 and knowledge, are unique among national advocacy groups, in  
17 terms of the fact that they represent real life people. And  
18 there's not nearly that degree of connection to the people  
19 affected by these programs in the other networks that there  
20 are in Legal Services. So that's something that, I think,  
21 really can hardly be stressed enough.

22           And in terms of the training -- one last thing.

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1 I'm sorry. And I shall, indeed, stop. And that is that,  
2 whereas undoubtedly, training has to be responsive and has to  
3 be responsive to local needs and be bottom up, et cetera, by  
4 the same token, all of the people that are involved in  
5 analyzing the delivery of training and its shortcomings  
6 recognize that there undoubtedly has to be more effective  
7 coordination in the planning and delivery of training, that  
8 absent that, the local training that does occur and the  
9 responsiveness to local needs is going to be far less  
10 effective than it otherwise would be.

11 CHAIR ASKEW: LaVeeda?

12 MS. BATTLE: I was about to say, Briscoe, one point  
13 that you raised that I think is real critical, because we are  
14 going to get in reauthorization, specifically, on point, into  
15 some discussions about the whole lobbying effort, is that, to  
16 the extent that we can have anecdotal instances of how that  
17 expertise of representing real live people could provide  
18 insight into the dimensions of how we deal with these very  
19 difficult issues that we have got to address that relate to  
20 welfare reform and health issues would be helpful to us.

21 Because we're going to be in a situation where, if  
22 we can provide those positive examples, then, essentially,

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1 those people that really feel that lobbying is not a good  
2 idea have 20-year-old bad examples of how it did not work. I  
3 think we need specific, today examples of how it can work and  
4 how we can help, based on the insight and experience that we  
5 have to provide positive examples and insight into how we can  
6 make some of these changes.

7 MR. LAVIN: One of the provisions in health care  
8 reform will increase copayments for people to obtain health  
9 care. They're going to have to pay \$10 for a doctor's visit.  
10 They're going to have to pay \$5 for a prescription. They're  
11 going to have to pay \$25 for nonemergency use of emergency  
12 rooms. They're going to have to pay \$25 for a mental health  
13 visit.

14 This is in one of the proposals. Now, there are a  
15 number of bills that are under consideration, but,  
16 definitely, copayments for our clients are on the burner. We  
17 have collectively dealt with copayments for 25 years at the  
18 national health law program. Our files are full of the  
19 arguments, the studies, et cetera. We have a number of  
20 people from throughout the country who are representing  
21 clients in the health care reform issue.

22 And one of the things that we have been trying to

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1 prepare them to do is to visit their Congresspeople to  
2 discuss the impact that those proposed copayments will have  
3 on their family by going to and seeing their Congressperson,  
4 talking to them about the amount of money that they get, how  
5 much they live on, the amount of money it costs them for  
6 housing and for schools or whatever other things they have,  
7 and to be trying to take the actual budgets they have and  
8 translate that into the dollars and cents that would be  
9 required to visit a doctor three times with three kids in a  
10 winter month when three kids catch the same illness.

11           So that kind of very concrete understanding of our  
12 clients' problems being presented to members of the decision  
13 making body in this area is what we have been engaged in.  
14 There are many other issues that are very abstract in health  
15 care reform, whether or not we have an alliance, whether we  
16 have universal coverage. Now, universal coverage is an  
17 easier one for people to understand.

18           But they're the kinds of things that, I think, we  
19 have to be helping the programs to understand what the nature  
20 of the debate is, understand what the issues that they should  
21 be talking to their Congresspeople our to make our clients'  
22 problems real.

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1           Now, just briefly, on this, it's so important. If  
2 you just look at our ethical responsibilities to represent  
3 our clients; those ethical responsibilities don't stop with  
4 litigation; they don't stop with legal advice; they continue  
5 into whatever form of law is going to determine and impact  
6 our clients' lives.

7           And if people in our programs are intimidated by  
8 what was not accomplished -- actually, the regulations,  
9 there's quite a bit you can do within those regulations. And  
10 I always say to people, "You can do with LSC money what you  
11 have to do." But there is a great deal of fear that has been  
12 accomplished by the discussion, by the intimidation that has  
13 to be undone. We have to view ourselves as really  
14 representing clients and not being half lawyers for our  
15 clients. So this is an area of great importance, I think, to  
16 all of us.

17           CHAIR ASKEW: Thank you.

18           I think it was De who said at the December meeting,  
19 "It's nice to have a Board who is interested in substance."  
20 And that was reflected in the discussion today. And we're  
21 going to have opportunities to have these discussions in the  
22 future. And I think that was one reason it was very

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1 important to have you appear here today, so that we can, at  
2 every meeting, connect a little bit with the substance of  
3 what we're all about, while we have to do our other business.

4 So thank you all, and we look forward to hearing  
5 further from you as you move along in your processes.

6 MR. LAVIN: Thank you.

7 MR. MILLER: Thank you.

8 CHAIR ASKEW: I'm going to ask John Tull to come  
9 forward and quickly bring us up to date on the National and  
10 Community Service Trust Act and what the staff has done since  
11 our last meeting to make sure that the Corporation and local  
12 programs can participate in what's being developed there.  
13 And then we will deal with the law school clinics as soon as  
14 we have heard from John.

15 REPORT AND PRESENTATION WITH REGARD TO THE  
16 NATIONAL AND COMMUNITY SERVICE TRUST ACT

17 MR. TULL: Thank you, Mr. Chairman. This is really  
18 a two-sentence report to bring the committee and the Board up  
19 to date on the steps that have been taken, with regard to  
20 this agenda item, since you last heard about it in more  
21 detail in a previous Board meeting.

22 What you were told then is that there is an

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1 opportunity afoot to participate in the national and  
2 community service process with a lawyer corps. And many of  
3 the issues that are being wrestled with, in terms of how to  
4 do that, are on the ground floor now.

5 And we have an opportunity both to explore the  
6 capacity to use this resource for Legal Services and to  
7 impact on the way that regulations are adopted by Americorps  
8 for the use of lawyers in a way which will facilitate their  
9 benefit for us, "us," meaning the programs. And the steps  
10 which have been taken is, a letter has gone out yesterday to  
11 the field asking for ideas from them about how lawyers might  
12 be used consistent with the Act and what has been developed  
13 so far.

14 A bulletin has been sent explaining the program and  
15 what the parameters of it are and asking for ideas. The  
16 letter has gone out from the Corporation, from the National  
17 Association of Public Interest Law, from NLADA, and from  
18 project advisory group as cosignators as a symbol of the  
19 collaborative efforts that we have talked about in a number  
20 of the presentations and the discussion that you've had this  
21 morning.

22 There will be items for Board action, which will

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1 grow out of this, assuming that what we get back, "we" being  
2 that coalition of people, the ideas that we get back, in  
3 fact, bear fruit, which I think there's every expectation  
4 there will. And the question of how a grant might be  
5 submitted and by whom will implicate the Corporation's  
6 involvement, where we'll come back to you for a report on  
7 action. But, for today, it's simply to let you know that  
8 that's what happened.

9 CHAIR ASKEW: Great. So substantive to what you're  
10 saying is we have done what we need to do to be able to  
11 participate in this program, and now, it's out with the field  
12 programs to get back to us. And we'll stay on top of it?

13 MR. TULL: Right, precisely. And a copy of the  
14 letter is out. For folks who are here from the audience,  
15 they can begin now by picking up the letter in order to think  
16 about it, because there are some field programs here, and  
17 also, a letter has been or will be distributed to you all.

18 CHAIR ASKEW: Great.

19 Kathleen Welch from NAPIL is here, and Don Saunders  
20 from PAG are here, and they have been very active in this.  
21 We express our appreciation to you for bringing this to our  
22 attention, making sure we do what we need to do. And let's

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1 stay on top of it, so we can do what we need to.

2 CONSIDER AND ACT ON OPTIONS AVAILABLE TO THE  
3 NATIONAL AND COMMUNITY SERVICE TRUST ACT

4 CHAIR ASKEW: Law school clinic grants. The item  
5 on the agenda which was recently number 4 is number 5, "act  
6 upon options available to Corporation for funding of law  
7 school clinic programs."

8 Let me give you a brief background statement on how  
9 we got to where we are today, and then we're going to have a  
10 discussion of what we need to do today to move this along.  
11 In 1978, GAO, in a report to the Corporation, recommended  
12 that the Corporation explore the potential of law school  
13 clinics as a supplemental resource in the delivery of legal  
14 services to poor people.

15 In 1978 and '79, the Research Institute, under Alan  
16 Houseman's leadership, experimented with a number of  
17 different approaches in using law schools more creatively in  
18 the delivery of legal services. And some of those had great  
19 success. And this is something we have to learn from what  
20 was done back then.

21 In 1984, the Corporation undertook the law school  
22 clinical research demonstration project. And a 1987 final

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1 report of that project said that the goals that have  
2 initially been adopted by the Corporation for that project  
3 had been accomplished.

4 And those goals included augmented the existing  
5 service delivery system, enhancing the ability of law schools  
6 to sensitize students to the need to serve poor people,  
7 either as staff attorneys or in pro bono capacity, create a  
8 cadre of students interested in providing legal services to  
9 poor people, either in a permanent or part-time capacity, and  
10 an increasing cooperation between and among law schools and  
11 the Legal Services community.

12 The Corporation reached the conclusion in the study  
13 that all these goals had been met with the demonstration  
14 project. The Corporation then went on to encourage that this  
15 become a permanent part of Corporation funding.

16 By 1992 and '93, the line item for law school  
17 clinics was annualized at \$1.2 million. And my understanding  
18 is that in '92-'93, 22 clinics received grants from the  
19 Corporation, ranging in size from \$20,000 as the smallest to  
20 the University of Pittsburgh to \$75,000, which were grants to  
21 four different law schools.

22 For FY '94, the prior Board decided not to seek an

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1 appropriation for this line item. We were not here when that  
2 occurred, but my understanding is that their feeling was the  
3 Department of Education was a major funding source for  
4 clinical programs, that the Corporation was operating with  
5 scarce resources, the goals of the demonstration project had  
6 been met, and, therefore, they decided not to seek funding  
7 for this in the future.

8 The Congress, however, did provide a specific line  
9 item of \$1.4 million for this fiscal year. When we were  
10 sworn in on November 7th, the prior Board had not begun a  
11 process of allocating these funds. The cycle from the prior  
12 year had the Corporation sending out grant solicitations in  
13 January or February with applications due from the law school  
14 clinics in the early spring.

15 Then, a process was run internally at the  
16 Corporation, which I understand involved an advisory  
17 committee of some sort. Ultimate decisions were made, and  
18 grants would go out in the spring, so that the law schools  
19 would have the opportunity over the late spring and summer to  
20 implement the program when the fall semester began at the law  
21 school.

22 The provisions committee decided that this year,

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1 under the time constraints that we are working with, that we  
2 wanted to look at this program and determine if there were  
3 other, more creative uses of these funds, while remaining  
4 true to the Congressional intent in support for this  
5 activity.

6 I asked Nancy Rogers, a member of this committee,  
7 to take the lead on soliciting ideas and developing options  
8 regarding the use of the \$1.4 million. With help from the  
9 Office of Program Services staff, Ellen Smead and Leslie  
10 Russell, to be specific, and some very helpful suggestions  
11 from Mike Milliman, who is on a one-year term at the  
12 University of Vermont Law School, Nancy supervised the staff  
13 development of an options paper, which is recently, and only  
14 very recently, been circulated widely for comment.

15 Nancy has been receiving lots of letters and calls  
16 with reactions to these ideas and suggestions for even  
17 additional ideas of uses for these funds, which I'm going to  
18 ask her to summarize for you. I know that some feel that the  
19 options paper only recently arrived, and there has not been  
20 adequate time for a thorough response and review of this. We  
21 are sensitive to that concern.

22 However, we're also facing some very real deadlines

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1 here that we cannot ignore and Congressional interest in this  
2 line item that's obvious and that we cannot ignore or only  
3 ignore to our peril.

4 With that background, I would like for Nancy to  
5 fill you in on what she has heard in response to the options  
6 paper and what she would recommend to us in the way of a  
7 grant process. And then, we're going to take comments from  
8 the public, specifically from some clinical law school  
9 representatives and others here about how we should proceed.  
10 And then, we will consider where we will go from here.

11 Nancy?

12 PRESENTATION OF NANCY ROGERS

13 MS. ROGERS: There were a variety of comments  
14 received, many of which might be characterized as "I had a  
15 grant that worked very well, and it doesn't fit within your  
16 criteria, and you should please reconsider and use criteria  
17 that will fit the grant we have had in the past and want to  
18 keep."

19 But there were others. Many very thoughtful people  
20 did respond. And I'll mention just a few that I think we  
21 might want to consider in the committee.

22 One was with respect to the proposal that was included

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1 in the options about sabbaticals for both Legal Services  
2 lawyers and for clinical law faculty, which would involve  
3 placing Legal Services lawyers in law schools for a full-time  
4 teaching period, so that they wouldn't, as some do, be  
5 teaching part-time and doing a full-time job as Legal  
6 Services lawyers. But rather, this would be a full-time  
7 commitment. And the reverse, placing faculty into Legal  
8 Services projects.

9 A couple of people pointed out that the expense of  
10 sending faculty into Legal Services projects if their faculty  
11 salaries were going to be reimbursed would be great. And the  
12 potential payback might be smaller than the reversed  
13 sabbatical, so that one thing that the committee might want  
14 to consider recommending to the Board is that the sabbatical  
15 program be limited to Legal Services lawyers teaching within  
16 law schools and not the reverse.

17 With respect to the extern and pro bono option that  
18 was described in the options paper, there was concern, with  
19 respect to the externship program, that if it was operating  
20 during the school year, it would benefit primarily those  
21 programs that are located in cities where there are law  
22 schools who already receive a fair amount of free or

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1       inexpensively subsidized law student help and that for it to  
2       be most effective, in terms of approving the delivery of  
3       legal services to the poor, it ought to be structured as  
4       either an intensive semester or full summer program, rather  
5       than this part-time during the year program.

6               There also was concern that if it was for credit,  
7       because of the requirements of the ABA accreditation rules,  
8       that it would be a costly program in terms of supervision and  
9       suggestion that one might more wisely invest the money by  
10       paying the law students in the summer a fellowship.

11               There were several people who pointed out that  
12       there had been a successful program in, I believe, the late  
13       '70s and early '80s that was run through LISCRIC and which  
14       was a prestigious program in which law students would compete  
15       for summer fellowships to be placed in programs that had been  
16       determined to be especially needful of help.

17               And there were suggestions that both brought a  
18       better quality of law school student because the prestige  
19       that was awarded and a more intensive experience that would  
20       be more likely to lead to law students considering a Legal  
21       Services career and that, in addition, it would provide more  
22       assistance to programs that really need it.

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1           There was a suggestion that this could become a  
2 clinical program, because there would be an important need to  
3 design a program at the beginning and probably at the end of  
4 the summer that would be geared at several law schools,  
5 perhaps, to those students who had been chosen for those  
6 fellowships, so that they could be effective immediately upon  
7 arrival in the field.

8           With respect to the training, I would describe the  
9 reactions as just plain mixed. There were those who said,  
10 "This is something that's needed. And if the resources can  
11 be used through the clinical programs to provide it, fine."  
12 There were others who were saying, "Really, this is something  
13 that's not broken. We use law school people when we would  
14 like to, and we don't when we don't feel like it. And this  
15 isn't something which we care particularly about."

16           There was a suggestion from a number of people that  
17 we not foreclose other options, that we consider other  
18 innovative proposals that may not have come forward in the  
19 comment period that was about as long as we felt we could  
20 responsibly allow but, in the real world, seems very short.

21           So a suggestion that we perhaps state these as  
22 priorities, because it may be important to simply communicate

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1 that we're not going to continue just funding any law school  
2 clinical programs, but that we provide some open-ended  
3 possibilities.

4 Finally, there was a suggestion that we be careful  
5 to have a rigorous peer review of proposals, not simply a  
6 group of people looking at the proposals, but a peer review  
7 similar to the kind of peer review that's done for other  
8 federal grant proposals, in which it's sent out for review  
9 and in which people can get copies of the redacted reviews  
10 that are sent in on their proposals.

11 CHAIR ASKEW: As a result of what you've heard, are  
12 you prepared to recommend to us that we move this forward  
13 with the options paper that we have, or do you think changes  
14 are needed with the options that we have put forward, in  
15 terms of expressing some priority?

16 MS. ROGERS: What I would suggest is that our  
17 committee, unless we decide differently, having heard the  
18 comment that we have time to hear, put forward, rather than  
19 the options paper. I see the options paper as an instrument  
20 for getting some reaction from the field, that we put forward  
21 a rather brief resolution that asks our staff to put together  
22 requests for proposals and circulate those in February of

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1 1994 with certain specific guidelines. And if you'll hand  
2 that paper back, I'll tell you what those guidelines, I would  
3 suggest, at least preliminarily, might be.

4 My suggestion is that we ask that the requests for  
5 proposals from law school clinical programs include language  
6 which makes it clear that the Board will provide high  
7 priority to proposals that do one of the following three  
8 things: One, they propose to use Legal Services lawyers to  
9 teach full time in law school clinical programs for at least  
10 a quarter or a semester. Two, propose to use law school  
11 clinical programs to prepare law students who will be  
12 selected as LSC summer fellows -- or, perhaps, a different  
13 word -- to serve in LSC-funded programs full time for a  
14 period of time.

15 Three, proposals to provide law school clinical  
16 involvement in training programs by LSC-funded programs,  
17 especially focusing on innovative training ideas and  
18 development of curriculum materials in these areas and that  
19 the requests for proposals make clear that other innovative  
20 law school clinical program proposals are encouraged and will  
21 be considered for funding, as well, that it also make clear  
22 that the law school clinical grants are not to be used to

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1 fund conferences or research projects.

2 CHAIR ASKEW: You're putting that in the form of a  
3 motion to the committee?

4 M O T I O N

5 MS. ROGERS: I so move.

6 CHAIR ASKEW: Is there a second?

7 MR. FORGER: Second.

8 CHAIR ASKEW: Now, we'll have discussion of it.

9 Edna, would you like to ask any questions or  
10 discuss it before we call for comments from the public?

11 (No response.)

12 CHAIR ASKEW: Liz, would you and Louise like to  
13 speak to us on this issue?

14 MS. RYAN-COLE: Absolutely.

15 CHAIR ASKEW: I know who you are, Liz, but I think  
16 you and Louise should introduce yourselves for the record and  
17 who you're here representing.

18 PRESENTATION OF LIZ RYAN-COLE

19 MS. RYAN-COLE: Thank you.

20 I'm Liz Ryan-Cole. I teach now at Vermont Law  
21 School. I teach an external clinic, which is an intensive  
22 semester. I was the first Chair of the American Association

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1 of Law School's clinical committee on externships. And while  
2 I have been at Vermont Law School I have also served with  
3 Edna Fairbanks-Williams on the Board of Vermont Legal Aid for  
4 10 years.

5 Before I did that, I was a regional training  
6 coordinator for the Legal Services Corporation in New York.  
7 Before that, I was in a state support project in Connecticut  
8 as a training coordinator. And before that, I practiced with  
9 Legal Services in California. And I was also a law student  
10 in a Legal Services clinic back in the days when it was  
11 LSLAP, Law Student Legal Assistance Project.

12 I think that background will be helpful. Louise  
13 and I are going to talk, and I want to talk about process a  
14 little bit. We know that time is an issue. Louise is going  
15 to talk about the proposal, which you, I believe, all have  
16 under cover letter from Mark Heyerman.

17 I think my background is helpful because, when I  
18 was a law student, when I was in practice, and when I was  
19 doing training, I never thought of the clinics as a resource.  
20 And I am not alone in that. And when I went to my first  
21 meeting of the American Association of Law Schools, I walked  
22 in, and clinicians are, by and large, Legal Services people.

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Not all. There are a lot people who come with a broader public interest advocacy background, but there are a lot of allies out there, people who understand the issues and are very interested in the same goals that this Board is expressing so well this morning.

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My recommendation is that you open up the process to include some more feedback from people who are knowledgeable about some of these issues. But I think you do have a two-part problem. One is, what do we do this year. And I think the balancing between giving law schools an opportunity to respond thoughtfully and the opportunity for the Corporation to come up with something that is useful has to be kept in mind.

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But I think one meeting with representatives of various constituencies could inform not only the RFP, but the review process. And the second half of it would be to look at a long-term process. I was here last year before a different Board. I was here asking them to put out the request for proposal for money which Congress had allocated.

21

22

And it's not good for our students, it's not good for the clients to have to do this on an annual basis. I

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1 think that you're going to get a great deal of benefit if you  
2 can use this relatively modest sum of money to further  
3 interactions between not only clinical teachers, but stand-up  
4 teachers, as we call people who work in alternative dispute  
5 resolution and teach constitutional law and work in the area  
6 of torts.

7           There are resources out there that are available to  
8 Legal Services' programs. And I hope that we can work  
9 together to use them.

10           Louise?

11                           PRESENTATION OF LOUISE TRUBECK

12           MS. TRUBECK: I'm Louise Trubeck. I'm a clinical  
13 professor at the University of Wisconsin Law School. And I  
14 am the project group coordinator of the interuniversity  
15 consortium on poverty law. I am also the former Chair of the  
16 poverty law section of the AALS.

17           And I think that maybe what I can do in my brief  
18 period here is to just bring to your attention something that  
19 I think has not been discussed much today, and that is the  
20 really successful work, somewhat paralleling the work of some  
21 of the other organizations over the last five years in  
22 getting many law school teachers interested in poverty law

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1 and poverty law activity.

2 And the interuniversity consortium has been very  
3 successful in generating a lot of that kind of work, which  
4 involves not only clinics, and I don't want us to be cast as  
5 the special interest group for clinics. I am extremely  
6 interested in a more general law school involvement with  
7 legal services and poverty law. And I think this is the only  
8 money that allows that.

9 Outside of that, we have no other formal or  
10 informal way of dealing with legal services and poverty law  
11 issues through the Corporation or through the field programs.  
12 so the reason that we have been so interested in this money  
13 and the opening that Professor Rogers gave to us is that this  
14 is a pot of money that should be used to rethink, to bring  
15 about some of that collaboration and advocacy that you have  
16 been talking about all morning.

17 And I think if you too narrowly view this money,  
18 you'll be missing a wonderful opportunity. That's why we put  
19 together this proposal which you all have, which has not been  
20 referred to, with the three options that we came up with that  
21 we supported. And that is supported by the AALS, the poverty  
22 law section, the clinical teachers, which is quite a broad

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1 group of people in legal education.

2 Now, I understand your short-term problem. And,  
3 you know, we can write proposals that are innovative within  
4 the guidelines that you gave us, no problem. But what I  
5 would like to stress to you today that I hope you view this  
6 as an opening for dialogue with law school people about how  
7 we can be more integrated in a collaborative way, both with  
8 the field programs and the state support and national support  
9 centers, because we have a lot to contribute.

10 And the law school people that I have worked with  
11 over the last five years have put a tremendous amount of  
12 resources in innovative programs. They are working currently  
13 with the employment law employment support center. I've been  
14 working with the health law support center. There are  
15 activities going on in many, many locations in the country.

16 They are working on advocacy coalitions. They're  
17 working on getting the new insights, doctrinal and  
18 theoretical insights about the causes and structures of  
19 poverty, feminism, race theory into advocacy for poor people.  
20 And I think this is a wonderful opportunity.

21 So while I can't disagree with the need for the  
22 guidelines, I think we can work within the guidelines. I

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1 hope that you won't construct this as the model for the  
2 future. That's what Liz and I are concerned with. If this  
3 money is turned into sabbaticals and summer money for law  
4 students, we have lost a tremendous opportunity. And I hope  
5 that you can ask questions, and we can respond to it.

6 MS. ROGERS: I just wanted to say, thank you.  
7 Particularly, I know that you wrote us before we wrote the  
8 options paper. And that was the source of many of the  
9 options, that earlier paper. So we're very appreciative.

10 I think one of many issues we haven't been able to  
11 resolve as a Board is whether there will be other years of  
12 law school funding, whether this is one year that will not be  
13 repeated, or whether this is just one year. And so, as a  
14 committee, we have talked about it, in terms of maybe we  
15 should think of things that would have some benefit if this  
16 were to be the only year, which is a very real possibility, I  
17 think.

18 So we did feel torn, in terms of that. And some of  
19 the comments in the field also mentioned that, saying you  
20 really can't use this money to build anything without an  
21 assurance that it's going to come year after year. You can't  
22 gear up any really great innovative clinical programs with

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1 notice that you have the funding in July, and you have to  
2 spend it in the next academic year, and it may never be  
3 renewed. So in part, I think that influenced some of what  
4 was put into this resolution.

5 But the other thing is that I think it is important  
6 to leave it open for other ideas, because the period in which  
7 we have had to decide if we're going to do this responsibly  
8 with money that is available and has been available since  
9 October is brief, to leave it open and to tell the staff  
10 that, although in the brief comment period, these appear to  
11 be those that in the short, one-term window that we have are  
12 most likely to serve the needs of the poor, that there may be  
13 others we haven't thought of, and we should be open to them.

14 CHAIR ASKEW: Louise?

15 MS. TRUBECK: Well, I just wanted to stress the  
16 fact that I am concerned that if this committee and the Board  
17 does not say that the Corporation sees that there is a lot of  
18 value in getting law schools, law school teachers and law  
19 school students involved in poverty law and legal services,  
20 that it will not happen.

21 I mean, I worked for five years to try to get law  
22 school people involved in poverty law activities, and I had

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1 to use funding from the Ford Foundation and many other ways  
2 to do it. I got no money from the Corporation and, frankly,  
3 not all that much support from the field programs or the  
4 national support center. So if you're talking about going  
5 the direction you were talking about earlier, it seems to me  
6 you would want law schools involved with you.

7 Liz and I are willing to come to meetings and to  
8 become active, because we're quite interested in this. But I  
9 think if you don't show back that you appreciate the fact  
10 that law schools have worked all these years in the last five  
11 years to do things and have contributed a lot of writing and  
12 a lot of programs that are out there, the clinical law school  
13 clinical programs, but also the Department of Education and  
14 the consortium programs, if you don't acknowledge the value  
15 of that, you will cut off, I think, now, in a very  
16 inopportune moment, a time for cooperation and collaboration.

17 So I really urge you to do something that shows  
18 that. Forget the 1.4 million past '94. But there should be  
19 a gesture. We can be helpful on all the areas you have been  
20 talking about in provisions.

21 CHAIR ASKEW: Well, I hope you won't read whatever  
22 we're doing with the \$1.4 million this year and the adoption

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1 of this particular approach as sending any signal about the  
2 future relationship either between this Corporation and law  
3 schools generally and clinics or our feelings about the need  
4 for law school clinics and Legal Services' programs to work  
5 more cooperatively together on a whole range of issues,  
6 because that's clearly not intended by whatever we decide  
7 here today about the 1.4 million.

8           And perhaps the way we need to look at this is a  
9 two-step process. We have got this \$1.4 million. We have to  
10 move this ahead. Let's get that done in a way that leaves  
11 open in the way we put this out to clinics the opportunity to  
12 put forward more creative approaches and ideas for the uses  
13 of this relatively small amount of money this year while, at  
14 the same time, we encourage and participate in a process that  
15 has these discussions underway that you're talking about.

16           How can the community and clinical programs work  
17 more cooperatively together? How can we sport the work  
18 you're trying to do in your individual law schools and  
19 nationally, in terms of encouraging this kind of interest and  
20 work at every law school level? Ironically, in my role as  
21 director of bar admissions in Georgia, which is an  
22 interesting role for a former Legal Services person, I

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1 interact with the four law schools every week.

2           And I've learned a lot about legal education and  
3 law schools that I never thought I would ever learn. And I'm  
4 still naive about some of it, but it has been quite eye  
5 opening to me, to see how this all works. And what I'm  
6 hearing from the law school professors -- and I just heard  
7 this the other night from Nat Gozanski at Emory -- there is  
8 this resurging interest among law students in public interest  
9 work, in these issues.

10           And he, Nat, got the faculty to agree to institute  
11 a program on civil rights, public interest law, brought in a  
12 former Legal Services lawyer to teach it. He set aside a  
13 classroom that would hold 15, because that was his assumption  
14 of the number of students who would be interested; 60 have  
15 registered. And he said he thinks that typical of the sort  
16 of interest that's going on in the law school community. And  
17 we need to find a way to encourage it, respond to it, play to  
18 it, make the faculty sensitive to the fact that this is  
19 happening to students. We have to be ready to respond to  
20 this.

21           Those discussions need to take place. But we need  
22 to go forward with this 1.4 million. What I hope we can

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1 reach agreement on is that we can put these RFPs out in  
2 February that leaves open-ended at the end the opportunity  
3 for clinics to apply for more creative approaches, possibly,  
4 than the ones we have come up with.

5 And we will have some process here internally that  
6 we will ask the staff to develop and get back to us that's  
7 along the lines that Nancy's suggesting, a peer review with  
8 some input from the providers and the clinics before we make  
9 final decisions. And then, we'll look to the long-term  
10 future as we do that, in terms of what the ultimate  
11 relationship is going to be.

12 MS. TRUBECK: Let me suggest just looking at the  
13 guidelines, which I had not heard till this morning, that I  
14 have concerns with them, in terms of clinical goals. Sending  
15 law students in the summer to work in Legal Services programs  
16 is a wonderful thing to do, but it doesn't qualify as a  
17 clinical experience without a great deal more. And I,  
18 myself, had a LSC summer fellowship. I think it's a  
19 wonderful program. But it was not a clinical experience.

20 And that's one example, looking at these  
21 priorities, if you're talking about it in terms of clinical  
22 money, I think there needs to be an immediate opportunity to

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1 address these issues and say, "This is going to give you  
2 problems with the ABA." A law school, cannot, as an example  
3 -- it's hard to think of bringing in a wonderful, experienced  
4 Legal Services' practitioner for a quarter to teach in a law  
5 school clinic.

6 You don't want to make the assumption that a good  
7 lawyer can just walk in and teach, although I'm afraid we do  
8 make that assumption, that a good law student can just walk  
9 in, having clerked for two years, and teach in the classroom.  
10 But it's not something that we're trying to encourage.

11 I think that just needs discussion before you make  
12 those your priorities, because I think that's going to create  
13 difficulties that perhaps you haven't had a chance to think  
14 about.

15 CHAIR ASKEW: Maria?

16 MS. MERCADO: Yes. Ms. Trubeck?

17 MS. TRUBECK: Yes.

18 MS. MERCADO: You had made some comments a little  
19 bit earlier about the fact that if there isn't an integrated  
20 involvement of the law schools and the students with general  
21 poverty issues, then we're not going to be developing the  
22 kind of lawyers that we want.

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1           And to some extent, I guess, I'm a little  
2 perplexed, because at least the clinical programs that I have  
3 viewed -- and these predominantly have been in Texas and New  
4 Mexico and Oklahoma -- is that most of the clinical programs  
5 seem to have the students in public interest, but public  
6 interest in the sense of a district attorney's office, U.S.  
7 Attorney's office, mainly in the prosecutorial end of their  
8 clinical experience. And I don't know that this teaches them  
9 anything about poverty, actually.

10           And so I don't know what assurance we would have  
11 that if we have that kind of funding, how that would be  
12 integrated. I mean, is the reason that poverty issues have  
13 not been taught because Legal Services hasn't been involved  
14 with the law schools in providing that assistance? What is  
15 the focus of the emphasis, and why is public interest focus  
16 mainly on the prosecutorial side and not necessarily dealing  
17 with poverty issues in that area?

18           MS. TRUBECK: Well, I think those are the clinics  
19 you've seen. The Legal Services Corporation money, as the  
20 Department of Education money, must be used for working on  
21 behalf of poor people. And so you have to differentiate the  
22 general clinic programs from the programs that you have been

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1 funding and who we really represent. Certainly, the  
2 interuniversity consortium on poverty law represents law  
3 school people who are interested in working on poverty law  
4 issues.

5 So we are a subset of the clinics. And a lot of  
6 our work that Liz and I have done within clinical programs is  
7 to try to bring back the social justice mission into clinics  
8 and make it a higher priority, because many of the clinics  
9 have moved to other very important but different areas. So  
10 that is a tension within the clinics. That's why this money  
11 is so important to us, because this money gives law schools a  
12 reason to be interested in poverty law, because the general  
13 clinics will not necessarily lead you that way. That is a  
14 very important point.

15 Now, I teach poverty law, also. I wanted to point  
16 out that the amount of teaching of poverty law has gone up in  
17 law schools. It had almost died in the '80s. In the late  
18 1980s and early 1990s, it has come back. And there are many  
19 people teaching poverty law. And it's very often poverty law  
20 practice based. And it's based on a very kind of maybe  
21 theoretized version of how the problems that you would have  
22 in your practice as Legal Services.

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1           But many of our students are going to be private  
2 practitioners, some of them in big corporate law firms, who  
3 are interested in using this experience to help them to be  
4 better pro bono lawyers and members of the community and  
5 people who would serve on Boards like this.

6           So we are serving a lot of different interests and  
7 law schools that have an interest in poverty law, beyond the  
8 segment of people who will actually go into Legal Services,  
9 because that's a very small number of people who are taking  
10 poverty law or those civil rights courses. So I think that  
11 the legal education, legal teaching has developed and changed  
12 a lot over the 1980s.

13           And I think a lot of people in the Legal Services  
14 community have a false impression of what's going on in law  
15 schools. Law schools, interestingly enough, in some ways,  
16 became more progressive in the '80s, rather than less  
17 progressive. But it was in a different way than people  
18 thought of it in the '70s and the '60s.

19           So our effort is to integrate this together. And  
20 your coming and the new Board is a great opportunity. And I  
21 would hate what's happening to the clinical money as being  
22 interpreted as the Board not be interested in working with

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1 law schools in these new directions. And that's really what  
2 we're here to say. And we're not here to protect the  
3 existing grantees, which I used to be one, and Mark Heyerman  
4 is one, who wrote this big memo. He currently gets a grant,  
5 and he's willing to throw it all open.

6 So we are not self-protective. But we are  
7 protective of the constituency that we think is very  
8 important and, frankly has been underrepresented, I would  
9 say, to some extent, in the deliberations of the Legal  
10 Services communities over the last 10 years.

11 CHAIR ASKEW: John and then Edna.

12 MR. BRODERICK: I just had an observation and a  
13 question, I guess. Several times today, you've referred to  
14 poverty law as a discreet area of law. And what strikes me,  
15 given the discussions we have had earlier today about  
16 building broad public support, I didn't sit on this Board  
17 because I'm concerned about people's wealth or lack of  
18 wealth; I'm concerned about their rights.

19 And I think we make a mistake in law schools and in  
20 this country, very frankly, to talk about poverty law as some  
21 discreet area of law, because I think it's almost a  
22 pejorative term. I think we're concerned about civil rights

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1 and equal rights and equal access to justice. And I think if  
2 you're trying to build a broad constituency, whether it's for  
3 law school clinics or for the purposes of this Board, I think  
4 we have got to start giving it equal status.

5 And I'm just curious, frankly, as a practicing  
6 lawyer, why we do that. Why do we call it "poverty law?"  
7 And on Wall Street we call it "trust in the states." We  
8 don't call it "law for the rich." I mean, I'm just very  
9 curious why we do that. I have great respect for people in  
10 this area, having just offended Mr. Forger, who does trust in  
11 the state's work. And I didn't mean it that way.

12 But I don't know why we do that, because it seems  
13 to me we narrow and separate their rights and make them look  
14 and feel different than our rights. And I think we hurt  
15 ourselves when we do that, frankly.

16 MS. TRUBECK: Just a short answer to that. One of  
17 the groups that we do represent is the Society for American  
18 Law Teachers. And they have recently over the last several  
19 years been running conferences on bringing issues of race,  
20 gender, and poverty into all courses in law school. And  
21 that's the major focus.

22 On the other hand, the Legal Services community has

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1 often criticized law schools for not doing enough to  
2 encourage people to go out into Legal Services work and  
3 understand the problems of poor people. So there's two  
4 different things. I agree with you 100 percent. There's an  
5 important need for that. And there's plenty of courses like  
6 that in law school.

7 That has been the big growth area, is a great  
8 increase in issues involving feminism and race issues, as  
9 well as access to justice and equal rights. But there is  
10 still a remaining important law school effort that should be  
11 put into training the people who are going to be the 4,000 or  
12 5,000 lawyers that you are --

13 MR. BRODERICK: Well, I don't disagree with you.

14 MS. TRUBECK: So, really, it's two separate things  
15 we're talking about.

16 MR. BRODERICK: Because I'm looking, for instance,  
17 at the proposal that Mr. Herman submitted and which I  
18 appreciate. But option 3 says, "poverty law sabbaticals." I  
19 don't think we should call them "poverty law sabbaticals." I  
20 don't think we should use that term when we're talking about  
21 the rights of people who, in this case, don't have as much  
22 money as others and don't have access as others have.

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1           And that may sound very naive in this room or in  
2 this community, but I'm telling you, coming from the private  
3 sector and the private practice of law, when you describe  
4 your work as "poverty law," you are saying something in my  
5 judgement, respectfully, that you need not to say.

6           And, I think, in terms of building broad support in  
7 the United States for the purposes of this Board, we ought to  
8 be talking about civil rights and equal rights and equal  
9 access to justice, not about economics. I think that does a  
10 disservice to the valuable work you people do.

11           MS. RYAN-COLE: If I may just say one thing. You  
12 make some very good points, but, as I think the client  
13 members of the Board at least can say and probably other  
14 people in this room, there are also problems that our clients  
15 have because they are poor. And if we ignore that part of  
16 the equation, we are not doing them a service.

17           So I think there's some discussion about what  
18 poverty law can mean. I agree that many people in private  
19 practice look down on it, but I think it's a two-way street.

20           MR. BRODERICK: Well, I guess my thought is that I  
21 think the American people look upon poverty law in the  
22 generic sense as a handout and not hand up. And I'm just

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1 saying, if we're going to build broad public support for what  
2 this Board does, I think we have to focus on the absolute  
3 right people have to equal treatment, not based on their  
4 economics.

5 Believe me, I'm sensitive to the fact that people  
6 who don't have money have very special problems because of  
7 that. But that's not why I'm serving on this Board. I'm  
8 serving on this Board to make sure that those who do not have  
9 access secure access and that the public perception of their  
10 needs is not somehow related to their wealth but to their  
11 rights.

12 And I think we make a mistake in a broad public  
13 sense in focusing on that. I've always been curious as to  
14 why that's done. I think it's counterproductive. But that's  
15 my speech. But I saw it in this proposal, and I just think  
16 it's counterproductive to what we're all trying to do and,  
17 obviously, what you're trying to do.

18 You've got to build a consensus nationally to get  
19 money to do the very things we're trying to do. And if you  
20 make it sound that discreet, you're not going to get broad  
21 public support.

22 MS. FAIRBANKS-WILLIAMS: I picked up on what Liz

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1 Ryan-Cole said, that it was not a clinical experience. Why  
2 do you think it's not a clinical experience for summer  
3 students? Not enough supervision or not enough what?

4 MS. RYAN-COLE: Supervision, I think, is the heart  
5 of it. What we're trying to do, I think, in law schools now  
6 -- and legal education is changing a lot -- is educating a  
7 reflective practitioner. And sometimes, in the crush of  
8 practice, we don't have the time to take the kind of  
9 reflection we need to take in order to do our best work.

10 In fact, good supervisors often take students  
11 because they know that's going to cause them to stop and  
12 reflect and will improve the quality of their own work. But  
13 simply sending a student to a Legal Services program without  
14 any other support will give them a wealth of raw information  
15 but won't give them the opportunity to have structured and  
16 thoughtful and reflective processing of that opportunity.

17 I think it could be done, and I don't think it  
18 would be very expensive to do, but there are a lot of issues  
19 which are raised.

20 MS. FAIRBANKS-WILLIAMS: Well, let me ask you this  
21 question. Would you have to assign that lawyer to just one  
22 person or to just one type of supervision, or did you have

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1 any ideas of how this could be done?

2 MS. RYAN-COLE: I was going to say that you could  
3 do it. You could put in the RFP, saying there could be an  
4 externship program that could be in the summer. The  
5 applicant would have to show how it would meet the clinical  
6 criteria in their law school to do so. So you would just  
7 have to make sure, I guess is what Liz and I are saying. And  
8 you refer to that, to supervision.

9 The applicant would have to show how their law  
10 school would give credit for it, and it would meet the ABA  
11 requirements. And most law schools could figure it out. But  
12 that would require either a volunteer with money going to the  
13 law school program to do that or some person in the law  
14 school who for free is willing to do the supervision so the  
15 credits can be given.

16 It's a little bit of a technical question, but I  
17 guess all we're saying to you is, if you're not sensitive to  
18 that, you could fund programs where the law school would say,  
19 "We're not giving credits for that."

20 MS. FAIRBANKS-WILLIAMS: So we can't apply a  
21 proposal without more gainful --

22 MS. RYAN-COLE: Right. Let me tell you the last

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1 training program that the Clinical Legal Association ran was  
2 a supervision skills training program, something where some  
3 of the content will look very familiar to people who did  
4 supervision skills training with Legal Services 15 years ago.

5 And our participants are clinical law faculty and  
6 field supervisors, people who supervise students in the field  
7 for credit. That's something that is available, and CLEA  
8 will continue to work on that. But we're not comfortable  
9 sending students to a good practitioner who hasn't had an  
10 opportunity to think about what teaching also is.

11 CHAIR ASKEW: Maria and then Ernestine wanted to  
12 ask something.

13 MS. MERCADO: Couldn't part of the supervisory  
14 aspect of it be -- you know, most law schools have adjunct  
15 professors that are practitioners. They usually come and do  
16 what they call advocacy or whatever other kinds of courses  
17 that they teach.

18 Why couldn't you have some of your local Legal  
19 Services' practitioners that could be some of your adjuncts,  
20 whether on a pro bono basis, giving the additional training  
21 to effectively supervise in order for it to meet the ABA  
22 requirements?

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1 MS. RYAN-COLE: You absolutely could do that. You  
2 just couldn't do it by funding a law student to go into a  
3 program. You would have to give the support so that it would  
4 be a clinical experience. But I send students to Legal  
5 Services' programs on a regular basis for credit.

6 CHAIR ASKEW: Ernestine?

7 MS. WATLINGTON: I just wanted to agree with my  
8 colleague in that in serving your clients and Board members  
9 -- I would say that I like the way you stated it better.  
10 It's for civil rights, not just identifying how much money  
11 you make or your income. That's the distinction, and that's  
12 another way of classing people.

13 You know, when you talk about property law, law is  
14 the law. You don't do that as classing people and putting  
15 them in a different category.

16 CHAIR ASKEW: Alex?

17 MR. FORGER: Well, since John brought me into this  
18 discussion.

19 (Laughter.)

20 MR. BRODERICK: I knew that was a mistake.

21 MR. FORGER: With a trust and estate background, I  
22 have also been on the Board of a law school and have some

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1 insights into the way one tries to structure curriculum. I  
2 have frequently heard the lawyers in the private bar, as we  
3 seek to induce greater pro bono and, indeed, I've been an  
4 advocate, as I say, for comic relief on mandatory pro bono.

5 One of the responses that I hear always is,  
6 "Lawyers are not competent to handle a wide variety of issues  
7 where the need is the greatest." I like to respond by  
8 saying, "I think lawyers are capable of training in virtually  
9 every area."

10 But, from a law school perspective, there is a  
11 movement towards identifying clusters of skills and courses  
12 that will be particularly useful in serving the needs of  
13 those who are our clients. And rather than select antitrust  
14 law, taxation 3, international and the like, one needs to  
15 focus principally on the administrative process, benefits  
16 area, housing -- not housing in the sense of building the  
17 World Trade Center, but rather on focusing on, again, the  
18 administrative landlord/tenant issues.

19 So there is the need to pick up from a number of  
20 courses, as well as Constitutional law, to embrace that in a  
21 focus that I think, for want of a better term, has been  
22 called "poverty law." But one might call it, as with

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1 environmental law, an area where we are training people to  
2 serve the needs of the clients who are the responsibility of  
3 this Corporation, whatever one calls it.

4           Again, in my other hat, we're talking about  
5 developing elder law practice. And I'm sure there are some  
6 older folks who resent the world looking at them as elder  
7 needs, but their needs are different. And it cuts across  
8 many elements of the traditional law courses. And you group  
9 them in ways that serve the particular needs of that client  
10 base.

11           So I think there is a movement in the law schools  
12 which I think is good away from just teaching the traditional  
13 courses that I learned 80 years ago, property 1 and  
14 contracts, to trying to prepare lawyers to serve the legal  
15 profession in ways that the profession has evolved, to be  
16 able to use their skills and practice to serve the particular  
17 needs of segments of society.

18           MS. RYAN-COLE: Those of you who are involved in  
19 legal education, whether you're on a Board or on a faculty,  
20 know that legal education is changing now dramatically. And  
21 the MacCrate report is just one example. My dean is Max  
22 Kempner, who has been very involved in the MacCrate report,

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1 and we could send you all copies of at least the statement of  
2 skills and values from that report.

3 I think that time is really important in this  
4 process. And you need to pay attention in your decision  
5 making process to the changes that are coming from the law  
6 schools, because I think decisions now will have a broader  
7 effect than they would at another time.

8 I want to address one other issue. No one has  
9 talked about the Department of Education money. I would be  
10 unhappy if you made a decision based on the assumption that  
11 there were other sources of money to accomplish these same  
12 goals. Even if DOE funding continues, you should know that,  
13 for example, a law school in Pennsylvania which wanted to do  
14 a transactional clinic on issues of the homeless was told  
15 that this is not the type of project the DOE will fund.

16 We have been told that environmental law issues for  
17 people who don't have access to the courts are not issues  
18 which DOE will fund. And although that's something that  
19 needs to be addressed, that's something that's not going to  
20 happen this year. And that's something that the Legal  
21 Services Corporation can address.

22 CHAIR ASKEW: Thank you both very much for coming.

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1 There are some people in the audience who want to speak to  
2 us, also, so we need to give them the opportunity.

3 I hope you will leave here with the understanding  
4 that this Board is sensitive to the things you're saying. It  
5 is very interested in the cooperative relationship. And,  
6 certainly, as law school education changes and reforms  
7 itself, we would very much like for these issues to be a part  
8 of it.

9 I wish SALT all the luck in the world trying to  
10 integrate these issues into the substantive courses, because  
11 you can't get law professors to deal with ethics in their  
12 substantive courses. This is even more of a challenge, I  
13 think.

14 MS. TRUBECK: We'll invite you to the next SALT  
15 conference.

16 CHAIR ASKEW: Please. Thank you very much.

17 De, would you like to be heard? What hat is this?

18 MR. MILLER: I'll tell you the hat. This will be  
19 the last time I persist in bothering you today. It's on  
20 behalf of, again, the major organizations, NLADA, PAG, CLASP.

21 I want to take a couple of minutes to give you some  
22 viewpoints on where you are and make a couple of

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1 recommendations about what we think you should do today in  
2 the form of a motion, Board action and where that goes.

3 But I will say as I think Ms. Rogers or somebody  
4 observed at the beginning, because the time has been so  
5 compressed and because we're still just in the process of  
6 forming this delivery committee that I mentioned earlier, we  
7 have not had an opportunity for concentrated, discursive  
8 deliberation on this issue. We will do that and make every  
9 effort to do that. We have not. So I'm not representing  
10 some consensus viewpoint in that regard.

11 A couple of urgings at the outset. One, which I  
12 think really falls into line with what both Board members  
13 have said and what others have said today, not to let the  
14 short-term decisions that you make about the one point or be  
15 directly, indirectly, inadvertently, or otherwise long-term  
16 decisions about where you go with the nexus between law  
17 school, clinical program's law schools, and Legal Services  
18 and that that will take probably not only awareness on your  
19 part, but appropriate and repetitive disclaimers in that  
20 regard.

21 The other is that we will urge an interactive  
22 discussion, I guess, in terms of where your timing is,

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1 probably with staff in the short term around the RFP terms.  
2 And I will make a couple of specific recommendations on that.

3           The perspective that these remarks come from is  
4 that law school clinics are, as I said earlier today, one  
5 form of supplemental delivery resource and approach that's  
6 available to us that we must, as a community, look at and  
7 deal with, law schools generally, law school clinics in  
8 particular, but law schools generally.

9           And we need to approach that inquiry from the local  
10 level up, looking first what the affect is on the components  
11 of the delivery system that are there on the ground, how can  
12 this work, how can this help, whatever the "this" is; in this  
13 case, law school clinics. And the perspective is to create,  
14 first and foremost, a set of expectations that you would  
15 frame for programs, your deliverers, your providers that you  
16 fund, about how they interact with a variety of such  
17 resources, such potential vehicles and approaches, law  
18 schools, ADR, private attorneys, the whole bailiwick.

19           You need to be about saying, at some level, in some  
20 way, "I think the performance criteria is the window that we  
21 expect, with limited resources, for you to explore all of the  
22 possible beneficial relationships that can be developed."

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1 And that's sort of the starting point for the inquiry, as  
2 distinguished from a starting point for the inquiry that  
3 assumes that a decision or five decisions are going to be  
4 made at the national level about how best to do that.

5 How that best works is going to have to sort at a  
6 local level in a process that goes on between Legal Services  
7 and those potential supplemental resources. That's the  
8 vision that I would offer you. And they're pretty  
9 dramatically different.

10 The second thing is that all of the supplementary  
11 delivery resource analysis, all of it, should proceed from  
12 some clarity on your part and our part about what the broad  
13 goals are. And I would offer as a thinking framework, not  
14 the definitive statement, for sure, that they are probably  
15 two general, broad goals here. One is looking at such  
16 resources and vehicles as a way of expanding either in-kind  
17 or dollar resources for the delivery, dollars; in this case,  
18 leveraging students or leveraging the involvement of  
19 professors.

20 But I would just point out that if the Corporation  
21 is paying money for the time, that's not an expansion of  
22 resources; that's a redirection of resources. So it falls --

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1 in terms of this first broad goal, it wouldn't be meeting  
2 that goal. It might well be meeting the second broad goal  
3 that I've proposed, which is expanding other contributions.

4 There are myriad other possible ways of improving  
5 the quality of the delivery of legal services to low income  
6 people. So one is sort of quantitative and resourcey and  
7 dollary and that kind of thing. The other is all of the  
8 other ways that the potential delivery vehicle -- in this  
9 case, law school clinics -- could enhance what your provider  
10 system is doing for clients.

11 In that regard, dollars for a law school professor  
12 or something else may well make sense, but we have to be very  
13 clear about what it is we want those dollars to bring. The  
14 various documents, your documents, the other things that have  
15 been circulated have a variety of claims about what that  
16 might bring. That's the kind of inquiry we have to get into.  
17 This is long term.

18 Obviously, all of these decisions about whether to  
19 pay for this and whether spending dollars will bring us  
20 better thinking or creativity or something else must be  
21 balanced, ultimately, since it's dollars, in priority against  
22 the other kinds of uses for your money. That's always a

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1 limiting faction.

2 And therefore you've got to be very clear what it  
3 is you think you're buying and what it is you think you're  
4 getting for it. If any decisions are made at the national  
5 level, there has to be great clarity about that. I'm not  
6 talking about the 1.4 now, but I'm talking longer term. That  
7 needs to be the approach.

8 The underlying issues, very quickly, in this area,  
9 law school clinic law school area, is one you've had some  
10 colloquy around this morning. There is a fundamental  
11 tension. There's a lot of literature on it about the  
12 educational pedagogic purpose of law schools. And, indeed,  
13 there's a bureaucratic enshrouding of that ABA criteria and  
14 clinical education criteria and that sort of thing, versus  
15 service.

16 We like to think they can be brought together, and  
17 a lot of times, they can. But we also have to see that, when  
18 it comes down to using dollars for this or for that, there's  
19 potential tension there in discussing it clearly.

20 The second thing is that there's, I think, a fair  
21 amount of tension, forgetting about where the dollars go, the  
22 degree to which historically -- partly formed by history and

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1 the not terrific history of connection, that whatever you  
2 fund or whatever you try to do has with the existing provider  
3 community. That is, we don't have a great track record in  
4 some places in this country, maybe a lot of places.

5 I'm not qualified to make some sweeping percentage  
6 statement about how much is good and how much is bad. But I  
7 know that, in a number of places, we don't have a great track  
8 record of connections between law schools and Legal Services.  
9 One can argue that from both sides, in terms of fixing blame.  
10 I'm not interested in blame. I think it makes some sense to  
11 inquire why that occurred and how we can problem solve to  
12 change that.

13 But that observation will lead me to one thing that  
14 I think you need to try to take into account. And that is  
15 that it's essential, I believe, that your RFP and your  
16 approach to that value highly, if I would say not absolutely  
17 require, indicate that you would place a very high priority  
18 on proposals which demonstrate on their face a collaborative  
19 effort between the Legal Services providers in a particular  
20 area and the law schools.

21 I guess a part of me says, "Don't write it as an  
22 absolute, so that there could never be a proposal that didn't

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1 show that, because we're not all wise, and we couldn't figure  
2 out" -- there may be some situation where it makes sense.  
3 But it seems to me that the situations where it would make  
4 sense to do that where there wasn't that kind of evidence of  
5 collaboration are few and far between.

6 In terms of the concept paper that was sent around,  
7 I want to make one quick critique for each of the three  
8 categories as illustrative, not as definitive. Sabbaticals.  
9 We have history with sabbaticals. They were actually tested,  
10 in some degree, in the late '70s under an earlier  
11 Corporation.

12 One of the things that sort of seemed to be the  
13 case was that Legal Services's program people who went to law  
14 schools didn't come back. So we need to think about that,  
15 think about what that means for any kind of an investment for  
16 sabbaticals. It makes me skeptical about that as a priority  
17 area, given the experience we have already had.

18 Externships, number two, that kind of idea. Very  
19 hard in a lot of law schools, maybe it's because of criteria  
20 or whatever. Very hard to persuade law schools -- I am  
21 speaking personally as a Legal Services's program director  
22 for over two decades -- to put people to get into externship

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1 arrangements with Legal Services's programs. There are the  
2 fears of supervision, equality, experience, whether there's  
3 really going to be an education.

4 But it's not, again, a fault thing. It's just that  
5 it hasn't worked well, and there's pressure there. And so, I  
6 guess, I have a gentle question about why we make that  
7 particular one a priority now, because there's a kind of a  
8 checkered experience.

9 Thirdly, training. I would say here, it's an  
10 absolute. It makes absolutely no sense for the Corporation  
11 to fund a training effort to be conducted in a law school to  
12 train Legal Services's people unless that is proposed  
13 collaboratively with the programs in that area who would  
14 benefit from it, the program in that state.

15 Both state support provider, if that entity is  
16 involved in training, and with certainly the local field  
17 providers, who are supposedly going to be the beneficiaries  
18 of the training -- it is just not sensible to fund something  
19 -- I think Ms. Rogers said it earlier -- where the local  
20 programs sort of have said what they need. I forget your  
21 exact words, but you touched that note.

22 So all of that, those just illustrative things,

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1 lead me to a few requests of you. One is, as to the 1.4,  
2 obviously, disengage it from the long-term decisions. It  
3 seems to be, I feel, some kind of consensus around that, but  
4 it's not meant to represent something long term right now.

5 Two, as to the 1.4, authorize or empower your  
6 staff, if it's not going to come back to you again as a Board  
7 because of the timing, to take the few weeks that's necessary  
8 in February to interact with such of our community as we will  
9 muster on this issue around the design of the RFP to flesh  
10 out sort of the articulation of criteria. I'm not talking  
11 about a four-month delay or even a two-month delay, but I am  
12 talking about a couple of weeks, at least, to fashion a  
13 better RFP product.

14 Three, expand your peer review of these  
15 applications. Part of the interaction needs to be about how  
16 the peer review can be expanded at the front end of the  
17 applications. I would encourage expansion. And use the peer  
18 review application review itself as a pedagogical exercise to  
19 fashion criteria as you go.

20 Fourthly, as to the motion that's pending before  
21 you, I would urge a couple of changes. One is what I  
22 expressed a moment ago, which is add an express provision,

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1 giving very high priority to those proposals which are  
2 developed in collaboration with the Legal Services's programs  
3 in the area and, secondly, a distinct point, meet some  
4 broader goals about what supplementary delivery vehicles  
5 ought to do.

6 And, second, I would urge that you not express as  
7 priority areas the ones that you have identified. I think  
8 training of all of them is probably the most suspect because  
9 of the lack of nexus right now between the law schools and  
10 the local programs. But come at it a different way. There  
11 seemed to be a consensus that you wanted to leave the door  
12 open for other kinds of innovation.

13 I would say circulate as a concept paper some  
14 amalgam of the best thinking of your option proposals and  
15 some of the other stuff that was floating around as a for  
16 instance list, as an illustrative list. "These are some  
17 things that you could be thinking about. There might be  
18 others." But don't assign at the beginning, at the  
19 inception, a priority to those things, because a critique can  
20 be developed on each of them. I just tried do suggest  
21 something illustratively for each.

22 You don't need to do that this year for the 1.4.

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1 You can leave it open. You've already set enough of a tone,  
2 I think. And you can say in the RFP that we don't mean to  
3 just refund things that we funded before. We mean to go in a  
4 different way. We want to use this as a learning exercise.  
5 We want to explore a whole variety of other things, some  
6 things that have been mentioned as possibilities are the  
7 following. So I would pull those back out of the priority  
8 area for this year, because we don't know enough.

9           And then the fifth and last thing, long term.  
10 There has to be in this area and in lots of others that have  
11 been touched on a careful, thoughtful analysis of how this  
12 approach, this resource can buttress and improve Legal  
13 Services's programs. The things you need to do to make that  
14 happen are, you need -- somebody suggested it before -- a  
15 peer review evaluation of these experiences, A.

16           B, you need whatever kind of compilation of  
17 information can be developed from the stuff that the Legal  
18 Services Corporation has already funded in past years. Then,  
19 we need, I think, a careful structured dialogue with your  
20 committee, with staff, law schools around the longer term  
21 piece, not suggesting for a moment that those decisions,  
22 ultimately, are going to be primarily national decisions. I

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1 think a lot of them still might be best made at the local  
2 level. But that's kind of the long-term process I would  
3 propose. Thanks.

4 CHAIR ASKEW: Thank you, D. That's helpful.

5 Linda Bernard, I know, has been raising her hand,  
6 and I'm going to ask her to come forward and say what she has  
7 to say. And then, we need to settle this. And I'm prepared  
8 to move this along.

9 Linda, you want to introduce yourself, for the  
10 record?

11 MS. BERNARD: Yes. Thank you.

12 My name is Linda Bernard. I'm the executive  
13 director of Wayne County Neighborhood Legal Services, the  
14 largest program in Michigan. And I just want to comment  
15 briefly on what you're talking about concerning clinical  
16 programs.

17 We run the largest clinical program in the state.  
18 I have forwarded to the Board under separate cover --  
19 together with congratulatory letters, I might add, and  
20 congratulations once again -- our 1992 annual report. It  
21 looks like this. In this document, we summarize what the  
22 free legal aid clinic does, which we conduct in conjunction

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1 with Wayne State University.

2 In 1992, the clinic opened 4,600 case files. The  
3 reason that this is important is because the nature of a  
4 clinical practice is to provide law students actual  
5 experience as lawyers. I can appreciate the more esoteric  
6 concerns that have been raised here, but the real reason the  
7 clinics started -- and ours has been in existence for about  
8 26 years -- was to provide law students with hands-on client  
9 advocacy experience. And that's what clinics do. And,  
10 frankly, that's what ours does.

11 In our clinic, we have a supervising attorney that  
12 is paid for by our office, another attorney, and three  
13 support staff persons. The clinic operates on the university  
14 campus and, in fact, in space that is provided for free by  
15 the law school in existing facilities there.

16 The types of cases that the students deal with are,  
17 in fact, an education within themselves. For example, in the  
18 annual report, it indicates that the clinic represented  
19 clients in consumer cases, unemployment cases, driver's  
20 license restoration cases, paternity cases, and paternity  
21 acknowledgments and expungements.

22 I agree with you, sir. I don't know what "poverty

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1 law" is. I know what the practice of law is, whether it is  
2 for wealthy people or low income people. The practice of law  
3 is the practice of law. And that is what we attempt to  
4 inculcate with our students.

5 This current semester, there are 50 students in the  
6 clinical program. Those students are doing in-take, they are  
7 handling cases, they are going to court, they are conducting  
8 depositions. They are doing real cases. Let me give you an  
9 example. One is a consumer case that they highlighted in the  
10 annual report.

11 In one case, the clinic was able to stop the sale  
12 of a client's new car that the lienholder, General Motors  
13 Acceptance Corporation, refused to return to her, even though  
14 she was current with her payments. The client allowed her  
15 boyfriend to use the car. And, unknown to her, he went to  
16 Toledo, Ohio, with a friend. The car was stopped by the  
17 police in Ohio, and the friend of the boyfriend was found to  
18 have an illegal drug in his possession. This is real life.

19 The Ohio authorities initially seized the car,  
20 pursuant to their forfeiture statute but later concluded that  
21 the client had no knowledge that drugs were being transported  
22 in the vehicle and released the car to GMAC, the lienholder,

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1 rather than our client. GMAC notified the client that they  
2 were repossessing the car under a provision of the contract  
3 which provided that they could do so if the purchaser  
4 intentionally subjected the vehicle to forfeiture.

5 Since the client did not have knowledge of the fact  
6 that the car was being used to transport drugs, this clause  
7 did not apply. The clinic filed a claim and delivery action  
8 in Circuit Court against GMAC, stopping the sale of the  
9 vehicle. And, subsequently, GMAC agreed to a consent  
10 judgement, and the car has been returned to the client.

11 There are other case studies here like that for  
12 MESC cases and a major custody case, for example, in which  
13 students learned a great deal about family law and family law  
14 issues when, in fact, the father was attempting to get  
15 custody of a child, and the mother was crack addicted and so  
16 forth.

17 Real case studies and so forth. This is how  
18 students learn the law, by looking up statutes, by dealing  
19 with real people, and dealing with real issues and,  
20 obviously, clients. And I think that it's important that the  
21 Board take that into consideration. In this particular  
22 instance, obviously, our clinic supplements our overall Legal

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1 Services activity.

2 And we have developed relationships with other area  
3 law schools for educational programs that we conduct in  
4 schools, the street law project and others. So there are  
5 many linkages that can be established between programs and  
6 between existing law schools. But the client aspect of this  
7 and the real reason the clinics, in fact, came about, I  
8 think, should not be ignored. It's just a comment. Thank  
9 you.

10 CHAIR ASKEW: Thank you, Linda. Excuse me.

11 MS. BATTLE: I was saying that was very exciting.  
12 And I think those examples are demonstrative of how effective  
13 having Legal Services's clinical is for getting students down  
14 to being actually able to practice law.

15 CHAIR ASKEW: Thank you.

16 MS. BERNARD: I can share the two pages in this  
17 report -- I've sort of written on them -- that relate,  
18 actually, to the free legal aid clinic so you can see the  
19 types of cases that the students are doing. But the students  
20 change, obviously, every semester. And they come in, and  
21 they're excited about practicing law. They're excited about  
22 working there.

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1           The students get three credit hours for being  
2 involved in the clinic. And, of course, we get their  
3 services for free, and our client base gets their services  
4 for free. But it's just a real win-win situation. But it  
5 really achieves something that is substantive and concrete.

6           CHAIR ASKEW: Thank you.

7           Let me suggest this, if I can make a recommendation  
8 here on some of these that might bring us to closure on this.  
9 De laid out five suggestions to us. Let me speak to each one  
10 of them and see where we end up.

11           His first suggestion is we disengage the decisions  
12 around the 1.4 million from long-term decisions about our  
13 relationships to clinics and program relationships to  
14 clinics. I think that has been the tenor of the discussion  
15 here, and I would like for the committee to say "Yes, that  
16 will be a part of the decision we're making here today."

17           Secondly, empower our staff to interact with the  
18 community around the design of the RFP to flesh out the  
19 criteria and the process that's going to be used. And he  
20 specifically said, without dragging it out beyond the time  
21 that we need to get this underway. And I would suggest that  
22 we make that a part of this motion, to say to the staff,

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1 "Yes, we would like you to interact over the time you have  
2 between now and the date the RFP must go out to law schools  
3 with people around these issues to try to tighten up the  
4 criteria as much as possible."

5 Thirdly, expand peer review of the applications.  
6 It wasn't explicitly stated in Nancy's motion, but you  
7 mentioned it, and I think that was part of your concept in  
8 doing this.

9 And what I would say is, whether we make it a part  
10 of the motion or not, that we instruct the staff that we  
11 would like and we have time for this because, obviously, this  
12 is at the end of the process when we're getting applications  
13 back in that the staff recommend to us a peer review process  
14 that would accomplish what we have talked about here today,  
15 to make sure that there is a legitimate process of reviewing  
16 and recommending which of these grants should be funded.

17 Fourthly, De's recommendations changing the motion.  
18 To my perspective, the additional language around  
19 collaboration is appropriate, and I have no concern with  
20 that. I think, frankly, that should be inherent in anything  
21 that we fund that there has to be collaboration, or these  
22 things would not work. And I would be amenable to adding

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1 that. Let me leave the second recommendation, which is we  
2 take the priorities out and do a separate paper, to come back  
3 to that.

4 Lastly, long-term, careful analysis, interactive  
5 process, dialogue, looking at all the history of this, a  
6 structured approach to it. I think that's necessary and  
7 important and part of what Liz and Louise were suggesting to  
8 us. And I think it's critical that it be done, and that's  
9 something that I think the committee should suggest happen.  
10 And that's separate and apart from the 1.4 million. That's  
11 what we do for the long term, as opposed to making decisions  
12 about this grant process.

13 If all of that is agreeable to the committee, then  
14 that leave us with the one issue. In our motion, do we have  
15 specific priorities that we are recommending with an open-  
16 ended statement at the end that we encourage others, or are  
17 we willing to simply have a motion instructing the staff to  
18 go forward with the process, plus encourage them to develop  
19 or instruct them to develop an illustrative list of the kinds  
20 of projects that could be done, have been done, have been  
21 successful that are the types of things that could be funded,  
22 but others are encouraged, or do we make this a part of the

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1 motion? I have no recommendation on that. I'm open to  
2 discussion about that.

3 Do you have a reaction, Nancy?

4 MS. ROGERS: Yes, I do. I know we may guess wrong  
5 in picking out the priorities, but I think it may be  
6 important to do it. Because this is a federal grant, and  
7 we're going to have it peer reviewed, we have got to  
8 establish the criteria for the peer review. And we have an  
9 assumption, I think, as a Board that we haven't yet decided  
10 where the Board will be in the future on funding law school  
11 clinical programs.

12 And, therefore, we want to set up examples of  
13 things that are workable on a one-year basis. I think most  
14 of the comments we have gotten from the field have indicated  
15 that, although they may not have picked these, they would  
16 like to see a clear break from the approach that was used in  
17 the past. And I think to list some of these provides that  
18 clear break from the past.

19 I'm not sure, after listening to discussions, that  
20 I think training, which was suggested on the first few  
21 communications we got, training that was done planned jointly  
22 with a local Legal Services' program was a good idea. It was

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1 originally proposed as a way to leverage training monies that  
2 are just too short, in saying that as long as it's planned  
3 together with Legal Services's program, it provides them an  
4 additional way to reach law schools, to establish  
5 collaboration, and to provide the training that's needed.

6 I guess my view is it has gotten a kind of a  
7 lukewarm response. It made sense to me, but if the response  
8 is a lukewarm one, maybe we leave it out. But I think the  
9 other two have had a fairly strong positive response and that  
10 we ought to list them as high priority options.

11 And, in particular, having heard both from the head  
12 of the clinic at the University of Tennessee Law School and  
13 Case Western Reserve Law School that they would really like  
14 to see the Corporation look hard at reviving a prestige  
15 summer program, not a for credit program, but a program in  
16 which there would be a highly effective educational component  
17 at the beginning and a highly effective debriefing at the end  
18 and a paid summer fellowship, where the need is great.

19 I think that's worth featuring. It does have  
20 support from some in the field. It won't be all the money,  
21 but it will get the idea out there, the planning out there,  
22 so that we can, at least, experiment with that this summer.

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1 So I guess I still favor listing the first two priorities.  
2 One is the sabbatical program for lawyers that professor  
3 Terry Menkel-Meadow spoke in favor of and said had worked  
4 effectively at Georgetown Law School.

5 And second is the proposal that we received in  
6 writing from Dean Rivkin from the University of Tennessee and  
7 was supported by Peter Joy at Case Western Reserve to revive  
8 a prestigious summer law school program in which the clinics  
9 would be actively involved in providing the beginning and end  
10 educational component.

11 CHAIR ASKEW: Edna, do you have any comments or  
12 views on this before we try and settle it?

13 MS. FAIRBANKS-WILLIAMS: No. I like the fellowship  
14 program in the summer and the prestige, because I had  
15 experience with the Reggie program, and I know that the  
16 Reggie that came to Vermont thought he was really something  
17 because he got a Reggie. It really pumped the kids up.

18 CHAIR ASKEW: Let me see if I can sum up where we  
19 are, Nancy. The motion, as written, would be changed in the  
20 following ways: One, we would add a statement about the  
21 collaboration, the necessity of collaboration between the  
22 Legal Services' programs and the law school clinic in the

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1 application. That would be demonstrated in the application.

2 Secondly, that we're going to have a review process  
3 that will be a peer review process. And that would be a part  
4 of the motion at the conclusion of this to be developed by  
5 staff and recommended back to the Board. And, thirdly, that  
6 we'll drop the priority on training. And that could be in  
7 the general rubric of other creative ideas, all of which the  
8 issue of collaboration applies to.

9 So if people want to propose a training program, it  
10 would not be one of the specific priorities, but they could  
11 do so. But it would obviously have to be in collaboration.

12 Does that sum up where you are with this?

13 MS. ROGERS: Precisely.

14 CHAIR ASKEW: Okay.

15 Any other comments?

16 (No response.)

17 CHAIR ASKEW: All those in favor of the motion,  
18 say, "Aye."

19 (Chorus of ayes.)

20 CHAIR ASKEW: Any opposed?

21 (No response.)

22 CHAIR ASKEW: The motion is passed.

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1           We have discussed as a part of the earlier part of  
2 this meeting the items listed under the original agenda,  
3 number 7, alternative dispute resolution, attorney  
4 recruitment, Reginald Heber Smith, loan forgiveness, and  
5 others. I don't intend to have any further discussion of  
6 that. And that would conclude today's agenda.

7           Is there anything else you would like to raise?

8                           M O T I O N

9           MS. ROGERS: I guess on the alternative dispute  
10 resolution mentioned, I did have responses from both the  
11 Chair and the Vice Chair of the American Bar Association's  
12 section on dispute resolution committee on Legal Services.

13           And both suggested that ways that would be  
14 effective to mention in the budget document that might be  
15 helpful, both to Legal Services and the effective use of  
16 dispute resolution, might be simply to add language  
17 suggesting that the Corporation do the following things:  
18 That Legal Services Corporation would provide technical  
19 assistance to LSC-funded programs and encourage training of  
20 Legal Services' staff on how dispute resolution processes  
21 could be more effectively used to serve the legal needs of  
22 the poor.

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1           So rather than earmarking any funds, simply to  
2 mention that the two places in which there might be this year  
3 some effective use are in technical assistance and in  
4 training. There was a suggestion that there be dispute  
5 resolution programs in the Board's innovative grant program,  
6 if we have one. But we have not heard a report yet from the  
7 last series of grants that the last Board did in that area.  
8 And I guess my own view is it's premature.

9           CHAIR ASKEW: So this, in effect, would be  
10 expressing a sense of the committee that, as technical  
11 assistance is provided to programs, that we would like to see  
12 consideration given to the provision of technical assistance  
13 on dispute resolution and training in those areas, not to the  
14 exclusion of other things, but certainly be considered as a  
15 part of that effort and as those monies are expended through  
16 the rest of the year.

17           MS. ROGERS: That's right.

18           CHAIR ASKEW: Do I have a second for that?

19           MS. FAIRBANKS-WILLIAMS: Second.

20           CHAIR ASKEW: All those in favor, say, "Aye."

21           (Chorus of ayes.)

22           CHAIR ASKEW: Opposed?

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1 (No response.)

2 CHAIR ASKEW: Any other business?

3 (No response.)

4 CHAIR ASKEW: Is there a motion we adjourn? Let me  
5 ask the Chair -- the Grand Chair. We are an hour behind  
6 schedule now, and I wanted to start at one. Do you have a  
7 suggestion for us?

8 MR. EAKELEY: Yes. We promptly adjourn.

9 CHAIR ASKEW: Is there a notice?

10 MR. EAKELEY: How about 1:30. It's not difficult  
11 for us, but it's difficult for --

12 CHAIR ASKEW: 1:45?

13 MR. EAKELEY: 1:45 in the community?

14 CHAIR ASKEW: I have a motion we adjourn. Is there  
15 a second?

16 MR. EAKELEY: Second.

17 CHAIR ASKEW: All those in favor, say, "Aye."

18 (Chorus of ayes.)

19 CHAIR ASKEW: Meeting is adjourned. Thank you.

20 (Whereupon, at 1:00 p.m., the meeting of the  
21 Provision for Delivery of Legal Services was adjourned.)

22 \* \* \* \* \*

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