

LEGAL SERVICES CORPORATION

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BOARD OF DIRECTORS MEETING

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State Rooms A and B
Copley Plaza Hotel
Boston, Massachusetts

Thursday,
March 22, 1979

The meeting was convened, pursuant to notice at
9:00 a.m., MS. HILLARY RODHAM, Chairperson, presiding.

BOARD MEMBERS PRESENT:

MS. HILLARY RODHAM, Chairperson

MS. JOSEPHINE WORTHY, Member

MR. GLEE S. SMITH, JR., Member

MR. RICHARD TRUDELL, Member

MR. ROBERT C. CRAMTON, Member

MS. CECILIA D. ESQUER, Member

MR. STEVEN L. ENGELBERG, Member

MR. ROBERT J. KUTAK, Member

DR. THOMAS EHRLICK, Ex officio

APPOINTEES PRESENT:

MR. MICKEY CANTOR

MS. RAMONA SHUMP

MR. HOWARD SACKS

MR. WILLIAM MAC CALPIN

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ALSO PRESENT:

ALICE Daniel, Esquire
General Counsel

STEVE WALTERS, Esquire
Acting General Counsel

MR. FABIO de la TORRE
Comptroller

MR. CHARLES DORSEY
President, PAG

MR. FRANCIS HENNIGAN
Director,
Office of Budget and Planning

MR. HAROLD WASHINGTON
Director of Registration

MR. CLINT LYONS
Director,
Office of Field Services

MR. BILL MC NALLY
Director,
Boston Program

MS. BETTY KEHRER
N.L.A.D.A.

MR. BERNIE VENEY
National Clients Council

MS. ANN BAILEY
Representative,
National Clients Council

MS. REGINA LITTLE
National Organization of
Legal Service Workers

MR. DENNY RAY
Field Representative

MS. JUANITA WRIGHT

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MS. BEATRICE MOULTON
Director,
Office of Program Support

MS. CATHERINE DAY-JERMANY
Director,
Client, Community Legal Education,
Paralegal Training and Career
Development Unit -- Office of
Program Support

MS. IZETTA WHITE

MS. ALAN W. HOUSEMAN

MR. ANDY LEWIS

MR. JOHN DOOLEY

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P R O C E E D I N G S

(9:30 a.m.)

CHAIRPERSON RODHAM: I'd like to welcome all of you to our Board meeting and a particular welcome to those people that are here in sort of limbo; namely, our faithful and loyal old Board members, as we call them; particularly Glee Smith, who has come to be with us; and the nominees who have yet to be confirmed who are also with us, including our old friend, Bob Kutak, who is sort of in a -- I don't know what you're in, Bob, but you're in a strange position, too, sort of both old and new.

Maybe while we're even having the meeting, we will have word that the Senate has acted, Glee, but I wouldn't hold your breath.

For those of you who don't know our new Board nominees, I'd like to just briefly introduce them before we formally start.

Sitting on the far right is Mickey Cantor. Sitting on the far left are Bil MacCalpin and Howard Sacks and Ramona Shump. Hopefully, they will be as official as they are involved within the next couple of days.

The agenda appears on the first page of the Board Book for this meeting and no suggested changes have been brought to my attention except for the need to reach Fabio's reports and recommendations before the end of the day

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1 and I am hopeful that will occur, so I don't see any need
2 to change the agenda.

3 Is there a motion to adopt the agenda?

4 MR. KUTAK: So moved.

5 CHAIRPERSON RODHAM: Second?

6 MS. ESQUER: Seconded.

7 CHAIRPERSON: RODHAM: All those in favor?

8 (Chorus of "ayes.")

9 CHAIRPERSON RODHAM: Opposed?

10 (No response)

11 CHAIRPERSON RODHAM: The agenda is adopted, and
12 you will note that the agenda does include an Executive
13 Session at noon for the Board to meet to discuss the search
14 process and the possibility of acting presidencies and
15 other personnel changes within the corporation and we will,
16 of course, report on the discussion at the Executive Session
17 when we return from it.

18 Is there a motion to approve the minutes of the
19 December 1st meeting? I was hoping that Roger Cramton
20 could be here to make sure our punctuation was correct,
21 but I waited as long as I could.

22 MR. SMITH: I move they be approved before he
23 gets here.

24 (Laughter)

25 CHAIRPERSON RODHAM: Glee has preempted Roger.

1 All those in favor of adopting the minutes as
2 presented in the Board Book, please signify by saying "aye."

3 (Chorus of "ayes.")

4 CHAIRPERSON RODHAM: All opposed?

5 (No response)

6 CHAIRPERSON RODHAM: The minutes stand approved.

7 All right. The first report from a committee,
8 and when we got into a part of the country other than
9 Washington we are hopeful that we will have people at
10 Board meetings that have never been at a Board meeting, so
11 just briefly let me describe to you that we will proceed
12 with reports from our Board committees.

13 Roger, you just missed having the minutes
14 approved. Do you have any additions or corrections that
15 you want to add? Come join us.

16 We have reports from each of the Board committees
17 and the committees meet during the year before and after
18 Board meetings to carry on the business of the Board.

19 The first committee report will be that of the
20 Committee on the Provision of Legal Services. Revius
21 Ortique, who is a member of our Board and has been
22 reappointed, is not able to be with us and the report from
23 that committee will be given by Dick Trudell.

24 Dick, do you want to begin?

25 MR. TRUDELL: Before we hear from the Reggie

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1 Program and the Senior Staff, I think it would be appropriate
2 just to recap what we've been through over the past couple
3 of months.

4 We had a meeting in Washington on the 16th and 17th
5 of February. The 16th was devoted to the Reggie Program
6 and to nothing else. At that committee meeting we invited
7 a number of people to participate and to hear them out in
8 terms of their perception of the program and what they felt
9 should be entertained in terms of changing the program or
10 at least coming to some kind of resolution as to how it
11 should be treated. So there has been quite a bit of
12 discussion about the Reggie Program and I think that once
13 we hear from the Senior Staff and the Reggie Program there
14 will be some comments made by various Board members so we
15 can arrive at some kind of resolution.

16 At this time why don't we hear from either Clint
17 Lyons, Director of Field Services, or Hap Washington with
18 the Reggie Program, whichever one chooses to go first.

19 * MR. LYONS: My remarks are basically contained
20 in my report to the Board dated March 6th which recaps the
21 proceedings at the Provisions Committee meeting on the 16th.
22 In addition to that, that committee had requested that I
23 provide for them a discussion paper for that Provisions
24 Committee meeting. That paper is contained in your Board
25 materials.

1 It may be helpful to you to know that the
2 methodology we used in putting together that paper
3 incorporated a solicitation from field programs and other
4 parties interested in the Reginald Heber Smith Fellowship
5 Program. We did receive a number of comments. We tried to
6 incorporate into the discussion documents that we presented
7 to the Provisions Committee our best recap of the thrust
8 of the remarks that we got from those people who were
9 interested enough to comment. Certainly it was very
10 helpful to me in reexamining my perceptions of the directions
11 of the Reggie Program and I hope that it was helpful to the
12 members of the Provisions Committee.

13 I think we did have on that date a very useful
14 discussion, an in-depth discussion of the Reggie Program
15 and Dick will talk more about that.

**
16 MR. WASHINGTON: Good morning. My comments are
17 contained in a progress report that I prepared and
18 disseminated to the Board this morning. Primarily of
19 interest, I guess, at this particular time is the
20 indication as set forth in the progress report that the
21 number of applications increased from the 1977 figure by
22 something like 6700. We have just completed the tentative
23 appointment process and we're now in the process right now
24 of waiting for responses from the field programs in
25 relation to those particular tentative appointments. If

1 you'll note on Page 3 of the progress report there is an
2 ethnic and sex breakdown of those particular persons who
3 were appointed.

4 The rest of the report, of course, indicates much
5 of what we have been involved with since I last met with
6 the Provisions Committee and this Board. We have, of course,
7 gotten the approval of the Howard University law faculty
8 in relation to the LL.M Community Law Program. We're now
9 awaiting the statement by the Board of Trustees as to
10 whether or not they will approve the project.

11 As I said, much of my comments will be contained
12 in the progress report and I'll be glad to entertain any
13 questions at all concerning where we're at at this
14 particular juncture.

15 MR. TRUDELL: Do any of the Board members have
16 any questions regarding the statements that both Clint and
17 Hap have made?

18 MR. SACKS: I don't know if it's appropriate to do
19 so, but I have a lot of questions that I'd like to ask about
20 this program.

21 MR. TRUDELL: Feel free to ask them now. Are
22 they directed to the Reggie Program itself or to --

23 MR. SACKS: Yeah.

24 MR. TRUDELL: -- in terms of the administration of
25 it or to Clint?

1 MR. SACKS: Well, they're directed both at the --
2 I guess I should start in.

3 The first question I'd like to ask is, what are
4 the administrative costs going to be for 78-9 and 79-80,
5 as you project them?

6 MR. WASHINGTON: The projection of administrative
7 costs for the 79-80 year, the costs, I believe, will be
8 increased slightly because of the additions of the in-house
9 training. At this particular juncture the corporation is
10 doing the training in relation to new lawyer training. Costs
11 will rise probably to about--at this particular sitting--
12 probably a projection of about \$310,000, which is a slight
13 projection, from what I can gather, above --

14 MR. SACKS: Well, I'm a little puzzled, because
15 the administrative costs in 77-78 were \$615,000, according
16 to the Robertson Report. What will they be this year,
17 78-9?

18 MR. LYONS: The administrative costs for the
19 78-79 year, if you define administrative costs as staff
20 salaries of the Reggie Program and overhead costs, are
21 somewhere around \$297,000.

22 MR. SACKS: And in 79 -- so, in other words, we
23 have reduced the cost of administration? We've cut it in
24 half in one year?

25 MR. WASHINGTON: The paper figure, from what I

1 can gather, yes.

2 MR. LYONS: I'm not familiar with that \$600,000
3 figure.

4 MR. WASHINGTON: The \$600,000 figure, I'm not
5 familiar with, either. I don't know where Mr. Robertson --

6 MR. SACKS: So, in other words, we pay Howard
7 only \$300,000 to run the program exclusive of training, and
8 then --

9 MR. WASHINGTON: No. Salaries -- staff salaries,
10 overhead, what have you, comes to \$297,000 at this particular
11 juncture. Now, out of that, of course, Howard is receiving --
12 part of the overhead cost is, what, 40 percent was the
13 negotiated figure, as I recall. The \$297,000 includes the
14 salaries of staff and what have you. Does that --

15 MR. SACKS: And we add overhead on top of that.

16 MR. WASHINGTON: No. That is inclusive.

17 MR. SACKS: Well, --

18 MR. WASHINGTON: That is inclusive.

19 MR. SACKS: I don't know what to do. The
20 Robertson Report says 600,000 and you seem to contemplate
21 a reduction. I guess I just would like to get --

22 MR. EHRLICH: Howard, if I may suggest, we can
23 provide a breakdown of all of the costs. I think the
24 Robertson figure was including some other costs that were
25 not in either salaries or overhead to get to the figure

1 you're referring to. I don't have the report with me, but
2 we can review it with you and get you the answers.

3 MR. SACKS: Yeah. I don't need it down to the
4 last nickel, but it just seems to me that one of the trade-
5 offs we have is, what would happen if you didn't have this
6 program and you used all the administrative money to put
7 directly into legal services, and if it's only a couple
8 hundred thousand, why, maybe that doesn't amount to very
9 much. On the other hand, if it's 600,000 or more, and since
10 they apparently have added staff, it may be something
11 really to think about.

12 MR. WASHINGTON: We have not added staff,
13 fortunately.

14 MR. SACKS: Well, how many full-time staff does
15 Howard now have running this program?

16 MR. WASHINGTON: At this juncture, I believe
17 full-time staff is thirteen.

18 MR. SACKS: Well, at the time of the Robertson
19 Report it was seven.

20 MR. WASHINGTON: Yes. At the time of the
21 Robertson Report there were fifteen staff slots available.
22 There were only seven staff slots that had been filled.

23 MR. SACKS: Well, I guess I would just say this,
24 Madam Chairman: If the program is going to be renewed, I
25 have some concerns about several items, and maybe I ought to

1 just list the items and see what members of the Board want
2 to do about them, if anything.

3 Let me start out with overhead. The Robertson
4 Report indicates that we're paying 40 percent overhead
5 to Howard, HEW is paying 32 percent. Robertson raises
6 the question why we should pay any overhead.

7 MR. CRAMTON: That was reduced to 25 percent,
8 is was my understanding, as a result of concerns that were
9 expressed by members of the Board. Some of us had the
10 feeling that was still unduly high in terms of the services
11 that were being received.

12 MR. SACKS: But the figure 40 percent was just
13 used here.

14 MR. WASHINGTON: That figure 40 percent is
15 something like 20 percent lower than the administrative
16 overhead costs that Howard gets for other programs of
17 a similar nature, research and/or training grants.

18 MR. CRAMTON: But the difference is those occupy,
19 usually occupy University facilities and require enormous
20 lab space and library space and so on; whereas, this program,
21 until recently, did not occupy any University space, it
22 rented its own facilities downtown. I gather you've moved
23 out now, so that Howard is providing the space?

24 MR. WASHINGTON: The figure -- we are on campus
25 at this particular time, but the figure of 59 percent was a

1 figure that was set for off-campus programs. The figure
2 for on-campus programs is 82 percent. My investigation is
3 that that's not unusual for a university.

4 MR. CRAMTON: The fact that the National Science
5 Foundation and the Department of Defense do it for
6 laboratory and enormous overhead programs does not mean
7 that the Legal Services Corporation should do it for a
8 program in which Howard basically was lending a name and
9 providing some check-writing and accounting facilities.

10 We've refused to -- we've separated arrangements
11 with Harvard, Berkeley, UCLA, a half dozen other universities,
12 because they would not accept overhead rates as low as
13 25 percent for the backup centers and so on. The question
14 has always been raised why shouldn't we do the same thing
15 with Howard and, frankly, the question has never been
16 satisfactorily answered.

17 MR. WASHINGTON: I think a partial answer,
18 of course, is that Howard is providing much more than just
19 check-writing services at this juncture.

20 MR. CAMPTON: At this juncture, I agree.

21 CHAIRPERSON RODHAM: Well, I anticipate that the
22 kind of information in the questions that Howard and
23 other people are presenting will be addressed in whatever
24 motion that the Committee intends to present on this matter?

25 MR. TRUDELL: Yes, it will be. Let me, Howard,

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1 read the recommendation that's included in the minutes from
2 the Committee for the benefit of those who haven't had an
3 opportunity to read the minutes, as well as comment on what
4 should take place after this Board meeting.

5 At the February 16th meeting the Committee
6 decided to recommend to the Board that the Reginald Heber
7 Smith Community Fellowship Program be continued at Howard
8 University for a period not to exceed 30 years,
9 contemplating (a) preparation of a written plan by Howard
10 Law School in cooperation with the Board's Committee on
11 Provision of Legal Services, incorporating any new dimensions
12 that could be considered for the program in future years,
13 and (b) establishment of an advisory board to the program
14 which would work closely with members of the LSC Board and
15 staff.

16 Now, the contract is scheduled to expire, I guess,
17 July 31st, and before -- or by August 1 the Board is going
18 to have to pass judgment on the contract that will be
19 executed with Howard. So I think at the June meeting we
20 would be in a position to get into particulars of the
21 contract, because I think there are some other concerns
22 that Board members have about what should be in that
23 contract. I think that today hopefully we will entertain
24 a motion as to the Committee's recommendation; but, prior
25 to doing that, to hear comments about -- or from the various

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1 Board members as to what should be addressed in that
2 contract.

3 MR. SACKS: So, in other words, it would be
4 appropriate to raise concerns today and presumably they
5 would be resolved in the context of the June meeting when
6 we'd come to vote on a contract for two or three, or whatever
7 it may be, beginning --

8 MR. TRUDELL: August 1st.

9 MR. SACKS: -- in the fall of this year.

10 MR. TRUDELL: Yes.

11 MR. SACKS: All right. Well, then, let me just
12 indicate that I have a substantial concern about overhead
13 and I am not satisfied with what I've heard today. I'm
14 sure there are answers, but I'd like to be satisfied that
15 we are getting an appropriate rate and not overpaying.

16 Second, the Robertson Report raises questions
17 about the disbursing function, suggests that that could
18 be done more efficiently by the Corporation than by Howard.
19 What's happened to that?

20 MR. LYONS: The Howard University is currently
21 disbursing all funds to Reggie. Operationally the funds
22 go out to the programs on a quarterly basis and the programs
23 themselves pay the Reggie's salaries. The whole issue of
24 who is to disburse the funds centers around who, in fact,
25 administers the program. Under the current contract the

1 Board has made the decision that the Reggie Program with
2 Howard University administers the Reggie contract.
3 Therefore, the disbursement functions are in the Reggie
4 Program and at Howard University.

5 MS. ESQUER: Could I suggest something? Howard,
6 this sounds like a rerun of about two Board meetings that
7 we had that followed the Robertson Report, and I think
8 what might be helpful to the committee members is for you
9 to just give us your laundry list. It seems like we have
10 discussed every topic. This particular topic on the
11 disbursement, there was quite a bit emotional type
12 discussion on it and there was really unanimous agreement
13 on what would -- how the funds should be disbursed and --

14 MR. SACKS: But none of the documents reflect
15 that.

16 MS. ESQUER: Well, I think probably the transcripts
17 from the Board meeting would.

18 But what I would like to suggest is if there is
19 something that has not really previously been discussed,
20 then we should get some reports from the staff, and before
21 we go into any motions I think that one of the things the
22 Committee is prepared to do is to have the staff review
23 those same terms that you are talking about and have the
24 staff prepare them and submit them to the Board in written
25 form so that we can better discuss them, because right now

1 we might just be spinning wheels and really repeating very
2 many of the arguments that took hours and hours of
3 discussions at at least two and probably three Board
4 meetings.

5 If you would be willing to kind of, you know,
6 put up with being put off for another Board meeting, I
7 think it might be helpful.

8 MR. SACKS: Oh, I don't mind that at all and I
9 don't want to relitigate issues that have already been
10 relitigated. But in my reading of the documents, and I've
11 read everything that's been provided to me, I find matters
12 that have just seemed to be left up in the air, and that's
13 why I raised that.

14 MR. TRUDELL: Well, Howard, I think two things.
15 One we've discussed already, the contract for next year.
16 That will be discussed and the Committee will make some
17 kind of report on it. I think also in the -- well, not in
18 the minutes, but I think you did receive--or maybe you
19 didn't--a memo that Cecelia had written before she -- or
20 after the Committee meeting mentioning the fact that prior
21 to the September Board meeting the Committee and the Program
22 and the Senior Staff will develop a working paper discussing
23 the things that have been incorporated to improve the
24 program, change it, what have you, and discuss that at the
25 September Board meeting.

1 the agreement, but what you can have is the text of each
2 of the key points, the policy points. If we want to
3 overhead is going to be X or no contract, say that. But
4 recall that in any contract negotiation if Howard gives
5 on one it's going to need more on the other, and it is an
6 overall agreement. That's why it is hard to do negotiations
7 by committee and that's why I would urge the Board to say,
8 "Here are the things that are really important to us.
9 You've got to have that." Otherwise, it's just very hard
10 to deal.

11 Second point, the longer run. As I gathered
12 from the Committee's discussion and unanimous judgment it
13 was a strong desire to have developed a long-term plan
14 as soon as possible, the rough design of which may come
15 in September. I think it's going to take a little longer
16 to work out details, but maybe not. In all events, I would
17 hope that would be separated out. In other words, if a
18 consortium arrangement is what the Board concludes they'd
19 like to push for, even if you decide that is a matter of
20 principle, next September, as we've talked it's going to
21 take a couple of years to work out the details of that,
22 but I'd hope you'd separate that from the contract you're
23 going to deal with in June; otherwise, it's going to be
24 very difficult for the staff to get a contract in June in
25 time for the program to proceed this summer.

1 MR. TRUDELL: Are there any other comments by
2 any of the Board members?

3 MR. SACKS: Do you want me to finish my list of
4 concerns?

5 MR. TRUDELL: Yes.

6 MR. SACKS: All right. I also have some concerns
7 about the success rate of Reggies on the Bar exam. The
8 Robertson Report had incomplete data, but indicated that
9 in the first year there was about a 21 percent failure rate
10 and in the second year there was a serious failure rate,
11 also, but these figures aren't complete.

12 What I would like to have for the June meeting
13 would be an update as to complete figures, say, for the
14 last fiscal year and an indication as to whether or not
15 there is a problem and, if so, what, if anything, could be
16 done about it.

17 The next matter has to do with staff. At the
18 time of the Robertson Report they had seven full-timers and
19 the report indicates that it would only take two or three
20 people, really, to do it between the months of April and
21 September, kind of the low period of the cycle. And now
22 we're up to thirteen and maybe we do need thirteen, but I
23 just would like the issue gone into as to whether we do
24 need that many persons the year round.

25 The next matter has to do with the selection

1 schedule. I notice a considerable improvement that we're
2 now finishing the appointment process by January 31.
3 Robertson set as a target October 30th. That may be
4 unrealistic, but if it's unrealistic I think we ought to
5 hear about it or possibly his goal was just unnecessary.
6 Maybe we can -- but I would like to hear something about
7 that.

8 The next point has to do with what you might
9 call litigation support of Reggie, a run-out of Howard.
10 I just want to express some doubts about that; and that is,
11 if a Reggie in the field has got a problem with a welfare
12 case, I would think it might make more sense for him to
13 use our own support facilities, both at the-state level
14 and, if necessary, a national support center, rather than
15 to use somebody at Howard who, by definition, is unlikely
16 to be a specialist in the field. I just wonder whether,
17 in other words, it's unnecessary duplication of effort
18 to have litigation support for Reggie provided out of
19 Howard when we've got an elaborate network of litigation
20 support that presumably serves all of our recipient
21 attorneys.

22 Now, I don't know, Dick, whether you want to
23 talk about the long-term program in this context or not.
24 What I've been talking about are short-term concerns.
25 But somewhere along the line, wherever you think it

1 appropriate, I just want to express some thoughts and
2 questions about the long-term program.

3 MR. TRUDELL: I think that we're inviting that
4 in terms of this working paper. As Tom has pointed out,
5 hopefully this outline will be developed that we can deal
6 with at the June Board meeting in terms of the next year's
7 contract, but, in addition, possibly maybe having an outline
8 of things that are being entertained and maybe incorporated
9 into the long-range planning of the program.

10 MR. SACKS: I'm not following you. Do you want
11 to talk about that this morning, or do you want to put that
12 off till June?

13 MR. TRUDELL: I think -- well, let me -- the
14 other Committee members, what are your feelings in terms of
15 having discussed a long of these things at length?

16 MS. ESQUER: What we might -- maybe we're at the
17 point where the Committee should present its recommendations
18 to the Board for the Board to approve, and I think that
19 there would be two recommendations that the Committee would
20 have. One would be along the lines of the concerns that
21 you have just presented, that at the June meeting we be
22 presented with the principal terms of the contract and
23 particularly those involving policy matters for our review
24 and comments. Then, also, the second part of it would be
25 that the Board, in essence, approve the recommendations of

1 the Committee and these are included in the Committee
2 meetings that the Board seriously consider some new
3 dimensions for the Fellowship Program and some of the
4 things that have come up, either the regionalization of the
5 Program or a consortium type of program, and the other
6 thing that has been frequently mentioned is the experienced
7 Reggie Program and I think, Dick, if you would want to
8 present a motion on one or both of the things, then we
9 could just have a vote on it so that the Board would approve
10 or disapprove the recommendations of the Committee, and
11 then we could just go on, and I think it would be appropriate
12 to discuss a little bit on the long-term thing and set up a
13 schedule by which time the Board will have more information
14 on that.

15 MR. TRUDELL: I did read the Committee
16 recommendation and I think that it's probably appropriate
17 to put that in the form of a motion.

18 MR. CANTOR: May I say -- two things I want to
19 add to the list here. Second, I'd like to, at least in my
20 own mind, differentiate between I think what Tom said
21 earlier, at least earlier to me, the secondary or the
22 short-range issues versus long-range issues. On that, I
23 would like to see as part of the contract addressing both,
24 addressing the long-range issue of the structure of the
25 Program just in referencing in the contract that a plan

1 should be reached cooperatively with the Corporation at a
2 time certain, and that ought to be part of the contract.
3 I'm not suggesting here what the time is or what the plan
4 should contain. I think that's not appropriate for the
5 Board to discuss here at this time.

6 Second, that there also should be as part of the
7 contract a laundry list, if you will, of items that should
8 be addressed specifically in terms of secondary issues;
9 secondary in the sense they're not long-range issues, issues
10 that I'm sure we would like to resolve and I'm sure that
11 Howard would like to resolve.

12 And I would like to add just a little to the list
13 that's already been started. We talked about training in
14 the context of the Bar exam. I think we ought to have a
15 detailed plan of training attached to that contract, as part
16 of the contract, not only in terms of what courses, but in
17 terms of materials that are to be used, time spent in the
18 courses, types of persons who are going to be giving the
19 training, emphasis and so on.

20 Second, I think there ought to be a more detailed
21 plan and quite precise on recruiting. Where, who, what our
22 goals are and so on.

23 Third, I think that the assignment of Reggies
24 is a problem that a lot of persons faced over the years, and
25 I think that ought to be a detailed plan to make sure that

1 is equitable and fair, both geographically, ethically and
2 on any other basis we could come up with.

3 Last, I would hope we could address as part of
4 this laundry list the problem of retention of Reggies in
5 programs and how that would be addressed, Howard working
6 cooperatively not only with the Corporation, but with the
7 Board and with local programs.

8 So I would like to see us separate these two
9 issues of long-range and short-range in the motion and make
10 sure that the short-range issues are taken care of
11 specifically in the contract. The long-range issues would
12 be dealt with in the contract only to the extent we would
13 say we would reach some sort of conclusion within a time-
14 frame as to long-range.

15 MR. WASHINGTON: Maybe I could be helpful in
16 relation to Mr. Sacks' last three items raised on his list,
17 especially to the last item, and refer you to the working
18 perspective that I delivered to the Board in December.
19 Those specifically address those last three items,
20 especially so the litigation part.

21 MR. TRUDELL: Any other comments regarding
22 laundry lists?

23 MS. ESQUER: The only additional comment I would
24 have is one that's already part of the contract, and I think
25 the only continuing concern that I have had in the

1 administration of the Reggie Program is the ability or
2 inability of the Program to meet its own time schedules
3 that have been set forth, and I really would like for it
4 to be made very clear that once Howard and the Corporation
5 set those time schedules that it is really very necessary
6 that they be met. Like I said, I think it's already included
7 in the contract, but I just want to make it very clear that
8 I feel particularly strong about those time schedules and
9 I really think that meeting them is really a crucial part
10 of that contract as far as my looking at, you know, a
11 long-term relationship with Howard University.

12 MR. SACKS: Let me just get one thing clear.
13 I take it that we are committed for 1970-80. That is, we
14 have selected Reggies and presumably Howard is going to
15 run that Program. So the first of three years is really
16 locked in place, is that right?

17 MR. TRUDELL: Yes, but I guess the Reggies really
18 don't arrive at their site until --

19 MR. WASHINGTON: They have not signed contracts.

20 MR. SACKS: But, I mean, we're not going to walk
21 out on them now in June and cancel the whole thing.

22 MR. TRUDELL: No.

23 MR. SACKS: So the first year is set.

24 Then I just raise one question and it may be too
25 late to do anything about it, even if I'm correct, and I may

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1 not be. I have some doubts about this one-month training
2 program that's contemplated to be run during the month of
3 August. The doubts stem from the fact that the Reggies
4 all come from different experience and backgrounds, both
5 academic and clinical and community service, and they're
6 going into a different program where they'll be used for
7 different purposes. I just wonder whether the one-month
8 training is going to be valuable to them given the
9 differences from where they come and the differences to
10 what they're going to do.

11 Now, one alternative, of course, would be to have
12 the training done at the local level, by the program under
13 which they're going, or by the state program, if there's
14 more than one Reggie in each state. Now, I may be dead
15 wrong on this, but I would just like to raise it as a
16 question as to whether or not it's really valuable to take
17 155 people and run them through a month's program. What
18 will we get out of it?

19 MR. CANTOR: Is that the kind of question that
20 ought to be resolved by the Committee with a recommendation
21 and then make working with Howard as part of the contract.
22 I think we might have -- I don't know how many of us around
23 the table -- thirteen or fourteen different opinions on that,
24 none of which would be consistent, but it seems to me that
25 we ought to go through some sort of process. It's a very

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1 CHAIRPERSON RODHAM: Tom wants to add something.
2 Tom?

3 MR. TRUDELL: Tom.

4 DR. ERLICH: I might suggest the following,
5 which I think is consistent, Dick, with what you're
6 proposing. The current contract that we now have with
7 them negotiated arrangements that Clint Bamberger, based on
8 the discussion by the Board, went and hammered out over
9 a great deal of time. That agreement -- using that
10 agreement as the starting point, one can say there are
11 maybe 15 or 18 issues, one of which is overhead, another
12 of which--and frankly I think more important--is training,
13 and under training are three or four other--recruitment--
14 three or four others.

15 What I think would be helpful would be for the
16 Board to articulate as fully as you can where areas of
17 question are. I think the staff and Clint Lyons could
18 come back in June with a statement saying, "Here are those
19 issues. There are our recommendations, if you want them,
20 on those issues," using the current one as a starting
21 point.

22 Now, if you want to change any of those, go ahead
23 and change them, but you ought to make that clear.

24 I don't think you can have in June the -- and I
25 don't think it's particularly helpful to have the text of

1 difficult question and a complicated one, and I don't think
2 we can resolve it sitting on bank right here.

3 MR. TRUDELL: I agree. I think we've labored
4 for almost a year now in terms of just trying to reach some
5 kind of consensus about keeping the program alive, and I
6 think that we -- hopefully we'll resolve that today in
7 terms of addressing some of the immediate issues, I think,
8 that the Committee has to deal with them at its next
9 Committee meeting, as well as to begin to outline the
10 principal parts of the contract that should be addressed
11 and discussed with the full Board, in addition to a list
12 of issues that we're going to be dealing with over a period
13 of time.

14 So I guess what I'm hearing is that at the
15 meeting of the -- the next meeting of the Committee on
16 Provision of Legal Services, we will again take up the
17 Reggie Program and to discuss some of your concerns,
18 Mickey's concerns and other Board members' concerns in
19 particular and report back to the Board at the June meeting.

20 MR. CRAMTON: Is there a proposal before us that
21 we're discussing --

22 CHAIRPERSON RODHAM: Yes.

23 MR. CRAMTON: -- or are we just talking?

24 CHAIRPERSON RODHAM: No.

25 MR. CAMTON: What is the specific proposal? Has a

1 motion been made and seconded?

2 CHAIRPERSON RODHAM: Well, Dick made the
3 Committee report. Why don't you put that, Dick, into a
4 motion?

5 MR. TRUDELL: Okay. The motion is that the
6 Reginald Heber Smith Community Fellowship Program be
7 continued at Howard University for a period not to exceed
8 three years, contemplating the two items that are raised:
9 One, the preparation of a written plan by Howard Law School
10 in cooperation with the Board's Committee on Provision of
11 Legal Service incorporating any new dimensions that could
12 be considered for the program in future years; and, two,
13 establishment of an advisory board to the program which would
14 work closely with members of the LSC Board and staff.

15 CHAIRPERSON RODHAM: Is there a second to that
16 motion?

17 MS. ESQUER: Second.

18 CHAIRPERSON RODHAM: Is there any discussion?

19 MR. ENGELBERG: I was going to request an
20 amendment.

21 CHAIRPERSON RODHAM: Go right ahead.

22 MR. ENGELBERG: Dick -- because I think that
23 Mickey's points were -- and I think it would be appropriate
24 in the motion that if the motion would require that the
25 contract that's presented to the Board set a target date for

1 the submission of a plan. I'm uncomfortable with the
2 language "contemplates a plan." I mean, I think it's sort
3 of vague.

4 Secondly, as I understood Mickey's point, which
5 I agree with, that the contract should also list a series
6 of more secondary concerns, again that the Board would
7 review when the final contract was presented. I don't --
8 that should cover what you're talking about, Mickey.

9 CHAIRPERSON RODHAM: Do you want to make that as
10 a formal motion to amend Dick's motion, Steve?

11 MR. ENGELBERG: Yeah. I mean, unless Dick has
12 some problem with it.

13 MR. TRUDELL: I accept it. I have no problems
14 with that.

15 CHAIRPERSON RODHAM: How about the second?

16 MS. ESQUER: I second.

17 CHAIRPERSON RODHAM: Is there any discussion on
18 the motion as amended?

19 MR. SACKS: Could we hear the amendment again?

20 CHAIRPERSON RODHAM: Okay. As I understand --

21 MR. ENGELBERG: I was afraid you were going to
22 ask that, Howard.

23 CHAIRPERSON RODHAM: As I understand the
24 amendment, it is that there be a specific time table or
25 target date for the completion of this plan that is

1 contemplated in the original motion to be worked out
2 between Howard, the staff and with the Provision Committee
3 also involved, and that the contract itself include some
4 consideration of all of these points that have been raised
5 and resolve them within the contractual framework so that
6 the question of overhead, the question of training and the
7 others that you and Board members have raised will be set
8 forth contractually.

9 Now, is that the correct statement of your
10 amendment?

11 MR. ENGELBERG: Yeah. But, I mean, I don't want
12 to tie the hands of the staff in negotiating a contract.
13 I mean, I think the proposal as Mickey made it is simply
14 conceptual and it doesn't tell the staff and Howard how
15 to read an agreement.

16 CHAIRPERSON RODHAM: Well, I think it's important
17 to realize that the Committee on the Provision of Legal
18 Services will continue to work with and advise the staff,
19 so that I would assume that these questions will be taken
20 to them and further thrashed out so that whatever it is
21 that's presented to the Board in June will come from the
22 Provision Committee as a recommendation as to the contract
23 that should be entered into.

24 Is that correct?

25 MR. TRUDELL: Yes, and a time schedule will be

1 built into it.

2 CHAIRPERSON RODHAM: Roger?

3 MR. CRAMTON: I would like to make some brief
4 comments on this motion which I'm going to pose. This has
5 been a vexing subject. The Board has spent, I think, more
6 time discussing Reginald Heber Smith Program than it
7 probably should and yet it has never focused on the things
8 it really ought to focus on, which are what are the goals
9 of the program and how can those goals best be achieved
10 leaving it to staff to work out the best mechanism for
11 facilitating that.

12 There are a whole series of levels of questions
13 in which it seems to me that in some ways the Board has
14 not been treated as well as it might be by the staff and
15 the Board hasn't handled this matter very well.

16 Take the kind of informational concerns that the
17 Board has expressed all along and which Howard repeated
18 today. We have never received a document from the staff
19 or from Howard that says what has been their response to
20 all the recommendations and the data in the Robertson Report.
21 A distribution of that to the Board, just explaining
22 factually and giving some of the information that's sought,
23 would be extremely helpful in the decisionmaking. We we're
24 always operating in kind of a foggy cloud.

25 Some items of it have come out at the Commission

1 on Provision of Legal Services meetings, but some have not.
2 For example, I have repeatedly asked for information about
3 the Bar examination failure rates. It has never been
4 forthcoming. I've repeatedly asked for information about
5 the college -- the law school grade averages of the various
6 categories of Reggies and of the applicant pool as a whole.
7 The information has never been forthcoming, even though
8 I assume it's available. We are asked constantly to kind
9 of take things on faith and in the dark. There has never
10 been an informed discussion of the selection criteria which
11 I think raises really very serious questions in terms of
12 whether or not we are mounting a program which, in fact,
13 is producing the highly qualified, competent lawyers that
14 should be recruited for prestigious programs like this
15 that can deliver high-quality services to poor people all
16 over the country.

17 Now, my basic points really fall into a couple
18 of categories. The Board ought to be concerned with the goals
19 of the program and that's the major thing that we ought to
20 focus on. We also have discussed and I think ought to focus
21 on a bit the performance of Howard in the past and what
22 that suggests for the future. A third question, and I think
23 it's coming up increasingly, is what's the role of the
24 Board in connection with a specific program like this and
25 with a specific contract or a specific grantee. I have

1 views on all those things and they seem to be at variance
2 with the views of this Committee.

3 On the goals of the program, I think it's quite
4 clear from the selection criteria and from past performance
5 that whatever it said this is predominantly a straight
6 minority recruitment program. It's a program which looks
7 at the entire law student population of the United States
8 and says essentially that of that population, of which 10
9 percent are blacks and minorities and so on, at least
10 two-thirds of those chosen for the Reggie Program are going
11 to be drawn from those groups and one-third are going to be
12 all of the rest, 90 percent of laws students. And I think
13 that what is a quality academic performance such as this
14 one was to a critical interest program and the like is all
15 dwarfed by what is read into this notion of commitment
16 to the community, usually evidenced by, I gather, back-
17 ground and associations prior to coming to law school. The
18 fact that the person hasn't participated in the clinical
19 program, hasn't served the poor in civil legal assistance
20 or in criminal defense while in law school, does not have
21 good recommendation or references from the law school
22 clinical people, none of those things really enter in very
23 importantly in the decisionmaking process because the
24 references are chosen by the individual, and if he hasn't
25 participated in the clinical program those people won't be

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1 looked to even though they are the main source, it seems to
2 me, of information for the highly qualified attorneys we
3 ought to be seeking.

4 I think myself that the minority recruitment
5 function ought to be put on the backs of local programs.
6 They should not be allowed to slough it off onto the
7 Reginald Program, Reggie Program, and not do the job
8 themselves in terms of minority recruitment, and I think
9 at this particular moment in time this program should be
10 addressed to the retention problem and be an award problem
11 for Legal Services attorneys in the field who have
12 demonstrated highly qualified service and we want to keep
13 them for a career opportunity in Legal Services. So I
14 would recast the total program, retaining the name as an
15 honorific name and as a reward for what, I feel now, is
16 one of the major, the major, needs of the program in the
17 future. It's served useful goals in the past, but those
18 goals should change over time. I also myself think that
19 as presently constituted and run the program clearly
20 violates the policies of the Corporation in terms of its
21 affirmative action guidelines. It clearly violates
22 controlling federal law and it probably violates the
23 mandates of the Constitution of the United States. But
24 those are merely legal arguments; they aren't policy
25 arguments.

1 In terms of the performance of Howard, I think
2 that the past experience shows that the performance has not
3 been very good and that the capability of Howard to mount
4 the kind of innovative and imaginative program that the
5 Corporation needs in the future is not very great at all,
6 and that we really ought to cut our losses and look elsewhere
7 and we ought to do so as soon as possible.

8 Then I switch to the third one, and that's the
9 role of the Board. The Board ought to be concerned with
10 these major issues, it ought to be concerned with the goals,
11 the structure of the program. It ought not to be concerned
12 with the Committee essentially negotiating with Howard,
13 looking over Howard's shoulder every minute. Howard is
14 being treated, I think, very, very badly in terms of the
15 lack of stability, the Board constantly considering and
16 reconsidering the program. We ought to decide something
17 and then stick with it for a while and give them an
18 opportunity to do something.

19 The trend that I see with one Board person
20 serving as kind of a special liaison, almost getting
21 involved in administrative role with the program, is unwise
22 because it looks like a delegation of the Board's power
23 to a specific individual. It seems to me the Committee is
24 getting much too involved in the detailed administration of
25 the program in ways that it shouldn't, that don't raise

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1 larger questions of policy and it's unwise. We're just
2 fouling up on almost every respect. We're deciding the
3 important questions wrongly or refusing to face them, and
4 the questions we are deciding, all the nit-picking questions,
5 we're displacing the proper functions of the staff and
6 engaging ourselves in a kind of detailed consideration
7 that is inappropriate for the Board.

8 So I just think the motion is marching us down a
9 road which we've been going on and it's the wrong road.
10 It continues an unsound and badly run program and it
11 involves by far too much supervision by the Committee and
12 by the Board liaison rather than to focus on the large
13 policy issues.

14 So I'm going to oppose the Committee's motion.

15 MS. ESQUER: Dick, I'd just like to make one
16 brief comment. We should have asked Roger to give our
17 Committee report because I think that we really are not on
18 opposite ends. I think, Roger, most of the things that
19 you talked about are precisely things the Committee has
20 discussed and has addressed and the Committee's intent is
21 not to go into administering the Reggie Program, but to
22 really sit down and discuss the very things that you are
23 talking about and that you are suggesting that we do. I
24 think that the Committee is interested in recommending
25 policy things, policy matters, to the Board, and I think we

1 have done that.

2 You may not agree with the specific
3 recommendations, but I think that the things that the
4 Committee has recommended today are really not detailed
5 management type concerns, but, in fact, are policy matters.
6 We have suggested precisely what you're talking about, that
7 the staff present to the Board for its consideration a
8 contract which outlines the details of the negotiations
9 that they have been able to achieve with Howard University
10 and, secondly, we are asking a Board Committee to outline
11 long-term policy issues for the future of its program with,
12 in fact, some of the very changes in the program that you
13 are suggesting, considering an experience attorney program
14 so that we can retain qualified attorneys in Legal Services.

15 So I think that the Committee has achieved the
16 task that the Board assigned to it and I really don't
17 understand why you're opposing the motion.

18 MR. CAMTON: Well, then, its chosen a vehicle
19 for that, it seems to me, that it totally inconsistent with
20 the consideration of the basic issues and reconsideration
21 of goals that it's talking about.

22 It's talked about a three-year renewal of the
23 program, it seems to me, pretty much as it is now, with
24 some patching here and there.

25 MS. ESQUER: Well, I think the three-year renewal,

1 I think when both Mickey and Steve talked about the contract
2 outlining some of the specific things that the Robertson
3 Report brought out, and I think if anything brought us more
4 into management of the daily efforts of the Reggie Program
5 it was the Robertson Report. I think we have tried to get
6 away from the Robertson Report and to really look at policy
7 matters, and I think the two steps that the Committee has
8 suggested achieves that, that we are getting away from
9 management concerns and that we are really trying to address
10 policy matters. But, as you suggest, they are very
11 difficult matters and you can't do it in one Board meeting.
12 You can't accomplish any of the things that you are
13 suggesting in one year. So I think that we really do need
14 a two-year changeover period and this is what the Committee
15 is suggesting.

16 So I don't think that it's really as black or as
17 inconsistent as you make it sound, and I wish you would
18 change and support the Committee's recommendations cause
19 we're right on.

20 (Laughter)

21 MR. TRUDELL: I would echo what Cecelia has said.
22 I know that the Reggie Program has been in existence for
23 quite some time and as long as I've known about it there
24 has been criticism. Our predecessors had the opportunity
25 to rectify things and now we, I think, have been very open

1 in terms of soliciting comments and suggestions, and I
2 think at the last Committee meeting, having invited outside
3 consultants and some of them echoing some of the things you
4 have said, Roger, I think we're on the right track.

5 CHAIRPERSON RODHAM: Howard?

6 MR. SACKS: Before we vote, I'd like to just raise
7 a concern or two about this long-range plan.

8 One further comment on the short-range plan. I
9 think the record ought to indicate that a good deal of
10 progress has been made by Howard in rectifying some of the
11 deficiencies pointed out in Robertson. As far as I can see,
12 they may not have accomplished everything, but they
13 certain have done some things, and I think that ought to be
14 noted.

15 Now, my long-term concern, which I just present
16 for the benefit of the Committee since I'm not on that
17 Committee and my not be at the meeting, is I have real
18 reservations about a major academic component of the
19 Smith Fellowship Program. Now, I haven't seen the details
20 of what Howard is planning because I just got the document
21 this morning and I can't read the document in three
22 minutes. But it appears to me they have an elaborate plan
23 for a Masters Degree Program.

24 My doubts are twofold. Number one is I think
25 these poor Reggies have got all they can do in their first

1 year in their program to learn the job, especially under
2 the pressures under which they operate, and to ask them to
3 write academic papers and to study courses, I think is
4 asking for what is likely to be very shoddy performance.
5 I think that their efforts might better be put in to learning
6 their jobs, the special jobs of the project in which they're
7 serving. Therefore, I have real doubts as to whether you
8 ought to try to involve anyone in an academic program.

9 I think another thing that will happen is that to
10 the extent that there are any required courses, why, a
11 Reggie might very grudgingly do the work in the required
12 course because it has nothing to do with what he's doing in
13 his particular project.

14 I also have a technical problem which probably
15 has been thought about, and that is the ABA accreditation
16 standards on correspondence school work. As I read the
17 ABA regulations you cannot give degrees for correspondence
18 work. It appears to me that most of the work that will be
19 done here will be by correspondence. So at minimum that
20 ought to be checked out.

21 The other thing I would say, Dick, is that I am
22 counting at the June meeting at getting specific answers
23 to the questions that have been raised here today, including
24 the figures on Bar, disbursement function and everything else,
25 and I'm confident the staff will provide those for us well

1 before the June meeting so that we'll have a chance to
2 think about that.

3 CHAIRPERSON RODHAM: Are we ready for a vote?

4 MR. TRUDELL: Steve.

5 CHAIRPERSON RODHAM: Steve?

6 MR. ENGELBERG: Can I just quickly. I want to --
7 you know, this is just my own opinion, but I did feel that
8 there was a fairly strong discussion at the Committee
9 meeting on exactly the point that Howard made, that there
10 was -- you know, it was not formally voted on, but I thought
11 that among the Board members of the Committee meeting, as
12 well as among a lot of the outside invited guests, there
13 was a lot of strong sentiment against any type, particularly
14 a mandated LL.M program, and I think that -- I mean, my own
15 experience, having been through one of those at Georgetown,
16 I thought that the academic component was worthless. I
17 think most of us who have gone through law school recognize
18 it's bad enough justifying the third year of law school;
19 much less a fourth and fifth year. And I view -- my own
20 personal feeling is that it would be a real mistake to
21 move this program toward a classroom type program.

22 Again, I realize that it's not appropriate to
23 get into that now, but I do hope, and I urge the Howard
24 people and the staff and the Committee, to please carefully
25 think about that as you move toward the definition of a

1 contract, because it is something that would give me concern,
2 particularly if it were mandated. I guess if it's optional
3 it's a little different, but --

4 MR. SACKS: Let me just add one short point, and
5 I speak from the standpoint of a legal educator. Many law
6 students are sick of school and want to get out of school.
7 And here we are talking about a program that will make them
8 do some more school.

9 CHAIRPERSON RODHAM: Any other --

10 MS. ESQUER: Call for the question.

11 CHAIRPERSON RODHAM: Yes, Cecilia.

12 MS. ESQUER: No, I --

13 CHAIRPERSON RODHAM: Oh, you called for the
14 question.

15 MS. ESQUER: Yes.

16 CHAIRPERSON RODHAM: Okay. The question's been
17 called for on this motion as amended.

18 All those in favor, please signify by saying "aye."

19 (Chorus of "ayes.")

20 CHAIRPERSON RODHAM: All opposed?

21 MR. CRAMTON: No.

22 CHAIRPERSON RODHAM: Division.

23 All those in favor, please raise your right hand.

24 (A showing of hands.)

25 CHAIRPERSON RODHAM: Esquer, Smith, Trudell --

1 Worthy, Smith, Trudell, Esquer, Engelberg, Kutak.

2 All those opposed?

3 (A showing of hands.)

4 CHAIRPERSON RODHAM: Cramton, Rodham.

5 Okay. Dick, do you want to continue?

6 Yes, Clint.

7 MR. LYONS: I do want to indicate to the Board
8 that since the responsibility for the day-to-day oversight
9 of the Reggie Program is in my office, I share your sense
10 of frustration about the way we have dealt with the Reggie
11 Program. It has been my sense that given a set of goals
12 and directions established by this Board for the program
13 we could, in fact, in my office develop some instruments
14 to insure that the program is in compliance in terms of
15 strategies and tactics for carrying out those goals and
16 objectives.

17 I came into a situation whereby the Reggie Program,
18 from my point of view, was very much up in the air. I tried
19 to present to this Committee and to this Board a paper that
20 I felt reflected the feelings and the comments of the people
21 in the field who are directly affected by the program. It
22 is very difficult to make assumptions and judgments about
23 performance when, in fact, the goals and directions have not
24 been specifically spelled out and up in the air.

25 I can assure you that given the opportunity to have

1 this Board and Howard develop that plan that is contemplated
2 by the fall Board meeting, that the staff can and will
3 develop the instruments to get to you the kind of report
4 that you need in order to make judgments about whether or
5 not goals and objectives are being achieved.

6 I do have some sense of frustration about the
7 role of the staff. It seems to me that there is a blurring
8 of the lines between the policymaking and the day-to-day
9 administration. I've worked very hard to try to present
10 to the Board a discussion document so that they could have
11 the discussion that the Provisions Committee wanted and,
12 indeed, I think they had and I was very gratified by the
13 depth of that discussion.

14 So I would hope that, from a personal point of
15 view, that I would have the support of this Board in
16 carrying out your policy mandate in terms of some specific
17 directions and that I will not be confused by what may be
18 considered to be a difference between administration and
19 policymaking.

20 MR. LYONS: May I just quickly?

21 CHAIRPERSON RODHAM: Yes.

22 MR. LYONS: Howard has no possible concern with
23 obstructing the forward ongoing efforts that this
24 Corporation is interested in in relation to servicing the
25 poor, and certainly Howard, with the tradition that it's had

1 and will continue, will work hand-in-hand with the
2 Corporation. But I guess my basic position is that I have
3 no objection to any concerns that Mr. Engelberg may have
4 about the Masters Program. I've voiced some of these
5 same objections myself. One of our problems, of course,
6 is that we wanted to make it more field related and not
7 just another academic component.

8 I do guess I have some reservations about
9 Professor Cramton's statements that the criteria as set
10 forth for the Reggie Program may in some way conflict with
11 federal goals, guidelines and Corporation goals and
12 guidelines. As a litigator, I submit--and with the full
13 staff of, if you will, Howard civil rights litigators,
14 include Herb Reid, I guess, number one--all analyzing that,
15 they would respectfully disagree with you, sir.

16 As a legal educator, I would also say,
17 Professor Sacks, that we've taken into consideration some
18 of the matters that you've raised and I guess my basic
19 umbrage is that I have a Harvard Law Masters and nobody
20 asked anybody, as we discussed before, what Harvard was
21 going in relation to the Law Masters Program. I'm not going
22 to look back on it and say it was shoddy, but I do take
23 umbrage at what I hear here today about the possibility that
24 because it's at Howard it's going to be a shoddy situation.
25 I'd like to express that at this particular juncture.

1 Thank you.

2 MR. SACKS: Could I say one thing? I don't think
3 I said, nor am I to be understood as raising any questions
4 about Howard's ability to run a long-term academic program.
5 My concerns were whether anybody should try to run a long-
6 term academic program for Reggie.

7 The other thing is that, Dick, since Roger has
8 raised some very serious legal questions and Professor
9 Washington says really we shouldn't worry about them,
10 nonetheless I think we do have to worry about them, I would
11 hope that the Committee could go into these and, as a part
12 of its June report to us, perhaps prepared by our general
13 counsel's office, have a discussion, have a report on this.
14 Are we in potential trouble or are we not?

15 CHAIRPERSON RODHAM: Okay. We will take that into
16 account.

17 I want to thank both Professor Washington and
18 Clint Lyons. It's almost as though we have entered into
19 some kind of a marital relationship that has its ups and its
20 downs and both of you have been extraordinarily patient and
21 cooperative and helpful, and I hope that you understand
22 that the Board's attitudes are borne out of the frustration
23 of wanting the Reggie Program to be as good as we all do
24 want it to be and not out of any other consideration, at
25 least I think I can say that for all of us. So thank you

1 very much for once again being here and sitting through
2 this and taking it with remarkable good grace, and I hope
3 we're going to be able to continue to work together to get
4 these problems resolved.

5 MR. WASHINGTON: Thank you.

6 CHAIRPERSON RODHAM: Besides, Clint, you've got
7 more than you can say grace over, anyway. You don't want
8 anymore work.

9 MR. TRUDELL: Before we move to the next item
10 on the Committee's report, I'd just like to follow up on
11 what Hillary said, as well as the questions that have been
12 raised.

13 The Committee will take a close look and really
14 make sure that we have a list of things that have been
15 raised at this particular Board meeting and I think work
16 very closely with this staff in terms of addressing some
17 of those concerns at the next Committee meeting so that we
18 touch all the bases. Most of these things will be discussed
19 in detail at the next Committee meeting.

20 The second item on the agenda for the Committee
21 is the top of client training. At the Committee meeting
22 in February the concern about client training was raised
23 and at that time we decided that we would take it up at
24 last night's meeting and we did that. The Committee did
25 not arrive at any kind of recommendation, primarily because

1 I think that it was an educational opportunity for us that
2 we took advantage of. So there is no recommendation that
3 the Committee has to make per se, but I think that there
4 are various Board members, including myself, that would
5 probably like to, I guess, in a sense, clear the air and
6 point out that we are concerned about clients' concern
7 about client training and that we indicated last night at
8 the Committee meeting that we would continue to discuss it
9 and hopefully come up with recommendations that they can
10 live with and, at the same time, I think reach out and ask
11 for their assistance in terms of formulating some resolu-
12 tions or position that the Board should take.

13 So, as I pointed out, there was no recommendation
14 arrived at by the Committee last night, but I'm sure that
15 other Board members may echo what I've said in terms of
16 we are concerned about the way clients are treated and also
17 their concerns about client training.

18 CHAIRPERSON RODHAM: Any other Board member who
19 wants to comment on that? Jo?

20 MS. WORTHY: I guess I would have to repeat some
21 of my concerns, maybe at least two of them. The 25 percent
22 that was imposed so that clients could be trained and the
23 next one was that only Board members are going to be
24 trained. One of the reasons why I'm really concerned about
25 that is that knowing for a fact that some of our Boards have

1 not come into compliance as far as having clients on their
2 Board. And it concerns me there, when you say only Board
3 members are going to be trained, that if clients are not
4 on those Boards, then who are you going to train? That some
5 areas are just going to be left out.

6 Is there some way that we can say, okay, you do
7 not have clients on your Board, but we will train clients
8 in that area?

9 The 25 percent concerns me because of the fact
10 there are programs that may not pay that 25 percent for
11 reasons maybe they don't have it or maybe it's not their
12 priority. So if that does not happen, then clients are
13 just going to be left out that. That concerns me.

14 But I do have to say that I heard last night that
15 there are some changes being made. There are some
16 alternatives as far as the 25 percent, that it can be --

17 MS. DAY-JERMAN: I would like to explain that
18 because I don't think that's necessarily clear. The 25
19 percent is imposed upon the program. That has not changed.
20 When we first got involved in the delivering of all

21 trainees, we were informed that we had to fund through
22 Legal Services granting channels, including the National ---

23 If a local program was going to provide client
24 training, then they were subject to the same criteria as
25 if they were providing lawyer training, so we saw that as

1 having the type of training not having anything to do with
2 this.

3 As far as programs who do not want to provide
4 client training, and there were groups of clients who needed
5 that training, what our response to that was was two things.
6 One, we ---

7 The second was that we could pay the direct costs
8 for that training, and there is no 25 percent involved in
9 that.

10 To respond to your second question in relationship
11 to clients not being trained and the number of clients and
12 area, so far we have a large number of applicants who have
13 applied. This year is like a demonstration year. We are
14 not going to be able to train all 1500 people who were
15 supposed to be in place, but one of the things that we can
16 do this year is begin to train those who have not had any
17 training, together with what happens in local programs,
18 what happens to local client groups who want to do
19 training, we can get as much training out as possible.

20 We know that by getting some movement going with
21 some clients being trained in some areas with the structure
22 of the National --- Council on a regional basis, that's
23 going to help generate the pressure to make programs include
24 and come into compliance with the ---

25 So once that gets moving, then we're going to get

1 the necessary pressure from the field to get those people
2 on those Boards and get the training available.

3 CHAIRPERSON RODHAM: Tom?

4 DR. EHRLICH: Comment specifically about client
5 training, but then training in the larger context. I'd
6 like to begin, though, by introducing the head of our
7 Office of Program Support for those who haven't met
8 Bea Moulton, who is here.

9 Bea, who comes with an extraordinary background
10 in training to head what, in some ways, is the largest legal
11 education operation in the country, has as her primary
12 mandate and opportunities with the Board and particularly
13 with the Committee on Provision of Legal Services, as well
14 as with clients, lawyers and others interested, to help
15 work through a long-term design for all our training:
16 order training, para-legal training, as well as client
17 training, where we are going to be and where we ought to
18 be two or three or four years down the pike.

19 It's my own view, and I know it's Bea's, that's
20 the most important single thing we need.

21 An enormous amount of progress was made toward
22 that by the next steps process and by particularly the paper
23 that Alan Houseman and his colleagues put together on
24 support which outlined, in the shorter term, a number of
25 things that we ought to be doing. One of the areas that came

1 out quite clearly from the next steps process that the
2 Corporation ought to be involved in that it wasn't was
3 client training. All over the country we heard there
4 ought to be more training. There ought to be training
5 particularly of client Board members, but others went
6 further and concluded that, as Kathryn said, as a place
7 to begin, given that we were talking then and now about
8 1500 new members of the Boards or clients, that was a place
9 to start. She is committed, as I know Bea and the rest
10 of the staff are, working with clients in the development
11 of design of those efforts for client training, and I hope
12 this Board and the Committee particularly are closely
13 involved in the basic steps of policy question that Bea it
14 going to be presenting to you in terms of direction, because
15 it is terribly important. It is the future of Legal
16 Services, and I hope that is the focus as you go forward,
17 and I'm sure, just as Kathryn indicated, that it will be a
18 very cooperative process.

19 CHAIRPERSON RODHAM: Are there any other comments?
20 Bill?

21 MR. MacCALPIN: Can I ask two questions, out of
22 ignorance, I suppose?

23 What is the source of the 25 percent requirement?

24 DR. EHRLICH: I'm not sure I understand. Do you
25 mean why initially --

1 MR. MacCALPIN: Is it statutorily mandated?

2 DR. EHRLICH: No.

3 MR. MacCALPIN: Is it a policy of the Board?
4 Where does it come from?

5 DR. EHRLICH: The decision was made in terms,
6 first, to allocate a relatively small share for 79, but
7 still significant funds, to local programs to file for
8 local grants for training purposes. After a fair amount of
9 discussion, and Bea, unfortunately, wasn't there at the time--
10 Kathryn was---they decided they could do that best by having
11 some commitment by the entities that were involved in the
12 field in a cooperative kind of way.

13 One can obviously -- and there was debate at the
14 time of whether that made sense to do. I do know there
15 were far more applications for those grants, both in terms
16 of client training and in terms of other, than there are
17 funds.

18 MR. MacCALPIN: But simply stated, if I understand
19 it --

20 DR. EHRLICH: But it was not a statutory
21 requirement.

22 MR. MacCALPIN: -- it's not statutorily mandated
23 and I infer it wasn't even decided by the Board.

24 DR. EHRLICH: It wasn't decided by the Board,
25 that's right.

1 MR. MacCALPIN: It was purely a staff decision.

2 MR. EHRLICH: Right.

3 MR. MacCALPIN: Okay. That clears that.

4 Secondly, I heard some figures last night with
5 respect to the funds available. My recollection is that
6 the number that was given for client training from the
7 funds available for the current year was something on the
8 order of \$400,000, and we heard about 10 percent of 200,000,
9 a \$20,000 figure, and so on, and I wonder how that squares
10 with the figures on Page 160 of our Board Book, which I
11 read as saying that for the current year for client and
12 para-legal training we have \$2,182,000.

13 DR. EHRLICH: That's for both para-legal training
14 and client training.

15 MS. DAY-JERMANY: And community legal education.

16 DR. EHRLICH: And community legal education.

17 MR. MacCALPIN: And is it in that Line 6(a)
18 that you found that 200 and \$400,000 numbers that we heard
19 about last night? Is that where they come from?

20 MS. DAY-JERMANY: They come out of that.

21 MR. MacCALPIN: And of all of that \$2,182,000
22 what we're saying is that we've set aside \$20,000 for
23 client training.

24 DR. EHRLICH: No.

25 MS. DAY-JERMANY: No.

1 DR. ERHLICH: It's a good deal more than that.
2 It's four hundred and --

3 MS. DAY-JERMAN: It's almost \$400,000. There's
4 \$378,000 that's set aside for direct client training.
5 There's an additional \$3,100 ---

6 DR. EHRlich: When the 1979 budget was put
7 together, which you'll recall was in 1977, no funds were
8 included for client training under this budget. It became
9 clear during the next steps process to the Board and to the
10 staff that that was a mistake. And even though funds, in
11 fact, were cut in terms of what we had asked for for 79,
12 nonetheless a portion of the training funds were reallocated
13 to client training given the importance of that training.

14 CHAIRPERSON RODHAM: And, Bill, part of the reason
15 we're having the discussion now, as we mentioned last night,
16 is so that we will be informed when we come to make the
17 budgetary and policy decisions over the next months for
18 the next budget, so that we don't get into this situation
19 if we can avoid it.

20 Any other comments or questions?

21 Howard?

22 MR. SACKS: Kathryn used a word when she was
23 talking about the budget. She said para-legal and --

24 MS. DAY-JERMAN: Okay. There are really three
25 kinds of training. There's the para-legal training. There

1 is the community legal education.

2 MR. SACKS: That's what I want to ask about.

3 MS. DAY-JERMANY: The community legal education
4 program is training for persons who work in Legal Services,
5 community workers, and also para-legals and other people in
6 the program that provide direct community legal education
7 to clients. We are inclined to train those people to
8 better deliver that community legal education. That is a
9 separate part of training that's also involved. And then
10 there's the client Board training.

11 So, in the beginning, all I had was para-legal
12 training and para-legal career development. Now I have
13 community legal education, as well as client-Board training.

14 MR. SACKS: By community legal education, is that
15 what Steve was talking about last night? Are you training
16 people to be lay advocates?

17 MS. DAY-JERMANY: We're going to train the people
18 who are going to provide the direct input to client
19 community in order to do that.

20 MR. SACKS: You're going to train trainers.

21 MS. DAY-JERMANY: We're going to train the
22 trainers and the deliveries of the community legal
23 education --- yes.

24 MR. SACKS: I take it that community legal
25 education has at least two purposes. One is you want to

1 train people who can --- welfare hearings. Another purpose
2 would be just to acquaint people with their legal rights
3 so that they --

4 MS. DAY-JERMANY: Right. We're going to train
5 180 people throughout the entire country to be able to go
6 into the community and help those lay out a --- program
7 developed. To give that information to groups so that
8 they can be better ---

9 MR. SACKS: Okay. Can you give us a ballpark
10 figure on how much in fiscal '79 you're going to spend on
11 community legal education as compared with the figures
12 you just gave us on Board training, which is close to a half
13 a million; and, of course, we know that para-legal must
14 be by far the biggest item of your 2 million.

15 MS. DAY-JERMANY: Right. For direct cost of
16 providing the training it's \$104,000.

17
18 MR. SACKS: So adding the two figures I get
19 130,000.

20 MS. DAY-JERMANY: Right. But there's also an
21 additional \$40,000 to go to provide technical assistance
22 and help the programs who want to develop their own
23 community legal education programs.

24 MR. SACKS: All right. So --

25 MS. DAY-JERMANY: So we've set aside some money

1 so the programs can hire folks or do whatever they need to
2 do in order to develop a community legal education program.

3 MR. SACKS: Anything else?

4 MS. DAY-JERMANY: Anything else in community
5 legal education?

6 MR. SACKS: Yeah.

7 MS. DAY-JERMANY: Not beyond hiring those people
8 to help do that.

9 MR. SACKS: Well, then, I would suggest that one
10 issue is you have a substantial amount of -- of your
11 \$2 million pool you've got more than a million to para-legal,
12 you've got about \$450,000 to community -- training client
13 Board members, and you've got only 170,000 going into
14 community legal education. I just raise with the
15 appropriate Committee and my fellow Board members, if I get
16 that far, the question of whether this is the appropriate
17 set of priorities. And I particularly raise the question
18 because last night Steve, who I guess isn't here, was
19 emphasizing the importance of training lay advocates and
20 similar kinds of community legal training.

21 MS. DAY-JERMANY: Well, let me explain one little
22 problem. When the money was initially allocated and we
23 talked about the number of people trained, it was based
24 on a --- that was done previously, and by looking at that,
25 analyzing that, we determined what kind of training, what

1 the priorities were, what the skills and the levels, because
2 the programs themselves gave us little information as to
3 what needed to be done. So that to suddenly shift away
4 from -- because there is definitely the need to do
5 community legal education, there's a need for client Board
6 training, there's a need for a number of things to happen.
7 But since we did our needs assessment based on the needs of
8 para-legals in that particular area which identifies with
9 community legal education problems, we had to steer our
10 training effort towards meeting those already articulated
11 needs from the ---

12 MR. SACKS: I'm not -- all I'm saying is it
13 shouldn't be frozen and concrete. You're spending now less
14 than 10 percent on community legal education.

15 CHAIRPERSON RODHAM: Right.

16 MS. DAY-JERMANY: Right, and I don't like that,
17 either.

18 CHAIRPERSON RODHAM: Roger?

19 MR. CRAMTON: The community education activities
20 and client training are going to be increasingly important,
21 it seems to me, over time, but I hope that the Board won't
22 just get mesmerized by the dollar amounts that are spent in
23 each area, but be concerned about the quality and the cost
24 effectiveness of the particular program and not evaluate
25 them in terms of the amount spent, but in terms of what

1 they produce.

2 It does seem to me that -- I hope, for example,
3 in looking at your figures on client Board training, that --
4 which turns out, as I figured out, about a thousand dollars
5 per client Board member for a three-day program.

6 MS. DAY-JERMANY: No, that's not --

7 MR. CRAMTON: Well, those are the figures for
8 the first year, anyway, if you do it on a per capita basis.
9 I hope as you get the program developed they'll be reduced
10 in subsequent years.

11 But I hope that the staff and the Board will be
12 sensitive to low cost or cheaper alternatives that may be
13 just as good or may be in some cases better. For example,
14 is it clear, is it clear, that the Corporation cannot
15 design a good self-help program perhaps with the use of
16 one resource person that could be carried on in the local
17 program involving both -- all Board members, including
18 clients, which would focus on the question of the effective-
19 ness of the Board and the governance of the Board and the
20 proper role of the Board and better functioning of the Board,
21 clients as well.

22 I mean, I worry about the client Board training
23 because of traveling people around the country to attend a
24 three-day meeting with rooms and meals and travel turns
25 out to always be much more expensive. Then you separate out

1 the clients and there may be a tendency there to kind of --
2 client Board members and attorney Board members are kind of
3 separate groups which somehow have different interests and
4 objectives when, in fact, their interests and objectives
5 really ought to be the same.

6 Might it not be possible to design a self-help
7 package which with the use of a group of research persons
8 would train all Board members, clients and otherwise, to
9 operate more effectively in program governance and policy-
10 making and in relations with staff and priority setting
11 and the like. It would have a much, much lower cost than
12 this thousand dollars per client.

13 MS. DAY-JERMANY: We're looking at all the ways to
14 do that and the unit cost per participant is \$860.01, and
15 that's for a five-day training program and that includes
16 all cost, including staff travel, air travel and everything.

17 MR. CRAMTON: I didn't mean to be exact. I didn't
18 have a hand calculator and I just roughly divided it out
19 in my head. It seems to me it ought to raise the question
20 of whether 800 to a thousand dollars per person, whether
21 that is relatively the best way the Corporation can use its
22 scarce resources. You've got to make sure -- does it
23 deliver \$800 worth of improvement to local programs to
24 train a client that way, to a person who's been on a Board?
25 Or is there a lower cost way of doing the same thing that

1 might in some ways be more effective? I'm just encouraging --
2 in part, because I believe that our Board members, attorney
3 and nonattorney, are a resource that we have not effectively
4 utilized and don't effectively utilize. And I really think
5 that we ought to think about creating a national organization
6 that would represent Board members at our meetings in the
7 same way that the Clients Council and RAG represent other
8 segments of the total Legal Services community.

9 We tend to freeze these dedicated attorney Board
10 members of local programs totally out of the advisory
11 committees, of Board discussions, participations about
12 anything. They're not represented anytime, anywhere at
13 all, and yet they're knowledgeable, they know about the
14 problems in the field, they perceive those problems somewhat
15 differently than the attorney staff members, and they
16 perceive them differently than the clients and particularly
17 the client representatives who are the ones we see at our
18 meetings.

19 So I think it's something that we well might
20 think to create a new instrumentality or organization to
21 try to get that more involved in getting that advice and
22 information.

23 CHAIRPERSON RODHAM: We call it "bag," Roger.

24 Ramona, did you want to say something?

25 MS. SHUMP: I'm becoming increasingly uncomfortable

1 with the continual emphasis on Board member training.
2 I was listening last night and, in talking to some of the
3 clients that were here, I was hearing that the concern is
4 more with the clients themselves. While you can be
5 representative of a group, even as a client advocate on
6 the National Board, you do not have a complete knowledge of
7 the conditions that exist in all different areas. One of
8 the concerns that I was hearing was that the Board members
9 serve only for a year and that they possibly might move out,
10 so that yearly you would be training Board members who might
11 not stay in the community. While if you took this money
12 and trained the people that lived in the community, that,
13 as one of the ladies stated, were born there and would
14 probably die there, that your continual education is going
15 to be much more effective than just training a Board member.

16 A Board member, even though I am a nominee to
17 this Board, it's causing me to feel really uncomfortable
18 in trying to understand what was being said by the clients
19 that were here last night and by what is being said here at
20 this table. I really feel that this is one of the issues
21 that must be very definitely and seriously considered
22 about the monies that are to be allocated for the client
23 training.

24 I have no answers for you, but I did feel that
25 I needed to get this out in the open, because these seem to

1 be the frustrations that were facing me last night in just
2 walking around the room just talking to people, people I'd
3 never seen before, people who didn't know, as they said to
4 me, "Oh, you're one of us." Well, I'm not quite sure, you
5 know, what that means. I thought I was one of all of us.
6 But if that's what it takes, that's fine.

7 CHAIRPERSON RODHAM: Thanks.

8 Any other -- Dick?

9 MR. TRUDELL: I guess since I've been on the
10 Board I don't think the Board as a group has really endorsed
11 what OPS does or doesn't do. I know that going through the
12 next-steps process and I'm sure a lot of deliberation at
13 the senior staff level in terms of what OSP should be all
14 about, I think even from some of the Board members, including
15 myself, being critical of different areas of training,
16 lawyers, para-legals, clients, what have you, I think maybe
17 the -- one of the committees, and I guess it's the Provisions
18 Committee, should hear out something about OPS and the
19 direction it's going, because I think it's going to be
20 critical in terms of the October Board meeting and deciding
21 how that pie is divided up and to get away from this
22 sporadic discussion of client training or para-legal training
23 or lawyer training, or what have you. And I know we're going
24 through a lot of changes, but maybe it's the appropriate time
25 for the Committee, or one of the Committees, to begin to take

1 a look at that area and to be in a position to tell
2 Catherine, "We support you whatever you do." And I don't
3 think we're in a position to say that right now.

4 I don't know if it requires a motion or if the
5 Committee just has to decide that this is part of its
6 responsibility and start to address that concerns.

7 CHAIRPERSON RODHAM: Well, Dick, I think that
8 this has always been a part of the Committee's responsibility
9 and I know we started that process when we received the
10 documents that Alan Houseman and Judy Riggs and other people
11 prepared. We may not have addressed them with the
12 specificity that the decisions require, but we did discuss
13 them and we may have been remiss for not understanding
14 fully the directions that were being presented to us. But
15 I guess I have to say that the staff went to great lengths
16 and, you know, cut down a lot more trees to get that
17 information to us, and I hope the process that has begun
18 will continue.

19 I don't really think that a motion is required
20 because I think that this is more of an informational and
21 educational exchange and that obviously this will continue
22 to be a principal concern of the Provisions Committee and
23 also the Audit and Appropriations Committee as the decisions
24 will be made over the next year. I would expect that the
25 Committees will fulfill that responsibility and with more

1 sensitivity and more understanding than maybe we brought to
2 the task when we first looked at it several months ago
3 over a series of meetings.

4 MS. ESQUER: Well, Hillary, as I recall earlier,
5 Tom told us that Bea would be presenting some of the
6 thinking of OPS on long-term proposals for training and I
7 think it would be appropriate at that time to fill in some
8 of the details that were not included in the Houseman-Riggs
9 report, and I think we're kind of all thinking along the
10 same lines, --

11 CHAIRPERSON RODHAM: Right.

12 MS. ESQUER: -- that we just need to refine the
13 thinking and what the policies actually are-

14 CHAIRPERSON RODHAM: I'd also like to say, too,
15 for the people who are here that the Committee meetings
16 are also open and notice is given of those. These
17 discussions are ones that we welcome any participation in
18 by people who have an interest and a concern.

19 Yes?

20 MR. DORSEY: My name is Charles Dorsey and I'm
21 Chairperson of the Traffic Advisory Group. Since this is
22 informational, I would like to have the Board know that
23 the matter of training is something that is surrounded with
24 a great deal of emotion in the field. I think we, as you,
25 recognize that training is extremely important in reaching

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1 the goals that we are concerned with: quality of services.
2 It's something that's crucial. It's crucial in terms of
3 what a lot of people in the field are directing their
4 attention; that is, less dependency of the client community
5 on lawyers, the ability for clients to do things themselves
6 and also to help staff people in the field to provide legal
7 services given the meager resources that we do have.

8 So the whole area of training, I think, is
9 something that's very important. At a recent PAG meeting
10 we spent about a day trying to go through what is currently
11 happening in the whole area of training in the Corporation.
12 One of the problems is that the National Training Advisory
13 Committee, which took an overall view of training both in
14 terms of who's being trained, who does the training,
15 allocation of resources. This Committee was done away with
16 and it is the strong feeling in the field that there is
17 no overall viewing of what is going on in training in the
18 Legal Services Corporation.

19 One of the problems has been recognized as being
20 that there has not been a Director of the Office of
21 Program Support and we did meet with Bea and we were very
22 happy to see her there. But from the field's point of view
23 there are very serious questions about what's going on.

24 The whole question of the 25 percent match has
25 caused a lot of concern, particularly in the year when field

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1 programs are short of 5.5 increase. This, coupled with
2 the timing of the requests that proposals be made including
3 the 25 percent increase, letter went out December. Most
4 programs had their budgets set prior to December and it
5 caused a great deal of difficulty. The matter of the 25
6 percent I think is a matter which the Board should have great
7 concern and it appears to me and to the Traffic Advisory
8 Group that this is a policy decision on which the Board
9 at least should have been consulted before it was made a
10 part of the local training grant proposal.

11 We in the field have a great deal of lack of
12 knowledge about how the money is being moved around with
13 Program Support, whether money has not been taken out of
14 the Office of Program Support to deal with other problems
15 which exists in the Corporation. We feel that it is not
16 too late to deal with a reallocation, if necessary, of
17 resources during this fiscal year and we would urge that the
18 Board urge the staff to, first of all, set up some
19 mechanism so that clients, the field can have an overall
20 view of where the money allocations for training are being
21 made and, secondly, that there be a real look at a possible
22 reallocation of some of the money that has been currently
23 made up to this point in the Office of Program Support.

24 Finally, we would like to be involved, we in the
25 field, and I know that the clients want to be involved in

1 the development of a long-term approach, a long-range
2 approach to training.

3 CHAIRPERSON RODHAM: Thank you.

4 Yes?

5 MS. BAILEY: My name is Ann Baily. I'm the
6 Region 1 Clients-Counsel Chairperson.

7 We keep hearing that this plan came from clients
8 and I want to disagree with that. One is that there was
9 a survey that went out, but it was very clearly weighted
10 so that people would respond in terms of Board training.
11 Substantive issues were not even mentioned on that.

12 The second thing is we hear about the next-steps
13 project and the Alan Houseman paper. People in next-steps,
14 most of them never saw the Alan Houseman paper. I saw it
15 the last day of the National Next-Steps Meeting. So,
16 therefore, it was not used as consideration by the Next-
17 Steps participants.

18 We don't feel that any of the client recommenda-
19 tions from Next-Steps has been implemented at all.

20 The other thing is we feel like Charles said,
21 that the National Training Advisory Committee was the one
22 place where OPS was held accountable. Without that OPS
23 is accountable to no one and we really feel strongly that
24 there needs to be another committee like the National
25 Training Advisory Committee with clients and with field

1 people. The people out there are feeling more and more
2 alienated all the time because we feel we have less and
3 less to say about what's happening.

4 It's very important that you consider that clients
5 be trainers, not only in terms of Board training, but in
6 terms of training of lawyers. That's very important.

7 The other thing is community legal ed. Everytime
8 I hear about it I hear about staff training clients.
9 We've got to recognize that if you're talking community
10 legal ed the very words mean that lawyers that come into
11 the community for a year or two need to learn about that
12 community from the clients.

13 Also, in terms of pro se advocacy, legislative
14 advocacy. All of that needs to be done.

15 Also, any kind of training we're talking about in
16 terms of expenses for this upcoming training which I guess
17 has been precluded, if there's not child care money in
18 there, which there hasn't been allotted by the Corporation
19 in the past, I don't see how you can even expect to have
20 clients attend a meeting for five days and talk about you're
21 not going to pay for child care. I mean, that's just not
22 even thinking about clients are; I mean, in terms of a
23 financial thing.

24 Twenty-five percent match. What that's going
25 to do is take away from the clients that are not Board

1 members to give to client Board members. Because where's
2 that money coming from it if comes from the local program?
3 Even if it's in kind, that means time taken away from your
4 local clients.

5 CHAIRPERSON RODHAM: Thank you.

6 VOICE: I would like to --- the solution of NTAC.
7 NTAC, the National Training Advisory Committee ---
8 OPS accountable. In the structure of NTAC there was a
9 plan involving --- When NTAC was arbitrarily dissolved
10 that dissolved also the Involvement Committee, thereby
11 making it almost impossible for the OPS --- to have
12 meaningful client involvement. The decisions and
13 recommendations that were made by NTAC around client
14 involvement, around training, or whatever, were represented
15 on NTAC by nine regional --- representatives and that was
16 really the first time that we ever had meaningful planning
17 in any situation.

18 I wrote a letter and asked the question, since
19 NTAC was --- what is OPS going to do in terms of planning
20 involvement? Are the committees going to regress back to
21 the token client representation? What kind of provisions
22 are being made so that we can have the involvement that we
23 had with NTAC. Nobody so far has answered that question.
24 We were quoted a number of policies. I asked the question
25 of the Board policy and nobody so far has answered that

1 answer.

2 I would like the Board to seriously consider what
3 kind of mechanism would be built in for meaningful planning
4 involvement in OPS ---.

5 CHAIRPERSON RODHAM: Yes.

6 MS. LITTLE: I'm Virginia Little, a Legal Services
7 attorney from Jersey and I'm also involved with the
8 National Organization of Legal Services work group, which
9 is a union representing a lot of legal services programs.

10 I have two things to address. One of them is
11 the client Board member problem. It's out perception that
12 there are a lot of clients who are able to and sitting on
13 Boards and people can --- those people. We're very concerned
14 that waivers may be given out to places where there's no
15 need for a waiver and that a more aggressive search for
16 client Board members should be undertaken.

17 The other thing that I wanted to bring up is
18 that when you speak about training and legal services
19 programs we have to remember that we're not only speaking
20 about lawyers, para-legals, clients, but there are a whole
21 lot of support staff in those programs. Many of those
22 people coming from the community, many of them not having a
23 sense of backgrounds, academic backgrounds, who also need
24 training. I think that the Board should remember that when
25 it makes any decisions about where the money should be

1 spent in its allocation of training funds.

2 CHAIRPERSON RODHAM: Thank you.

3 We have to move on to the next agenda item --
4 oh, Bernie?

5 MR. VENEY: I won't be very long. I just asked
6 you old Board members, bid Board members, new Board
7 members to hear the rumble, okay, because the frustration
8 level is getting louder. You're faced with a room full
9 of people who are, I think, getting very angry because you
10 keep putting off the ultimate decisions. You keep leaving
11 a policy ---. You allow the staff to say suddenly,
12 unilaterally that 25 percent match is necessary.

13 Calm, sane attorneys have indicated today, "Hey,
14 folks, after our budgets are fixed, how come you suddenly
15 tell us 25 percent?" Clients at the Next-Steps meetings --
16 and, I'm sorry, Roger, that I'm a client representative
17 and --

18 MR. CRAMTON: I'm not. I'm glad you are.

19 MR. VENEY: I'm trying to express to you what
20 the client community is feeling. I ask you to begin to
21 ask yourselves, when are we going to bit the bullet? When
22 are we going to begin to make those decisions that either
23 say, "Here's our policy. You may not like it, but here it
24 is," or "We don't want to involve ourselves in that
25 particular action." What you're doing now is --- down to a

1 serious level of concern, frustration and complication.

2 CHAIRPERSON RODHAM: Bernie, I appreciate that.
3 I just would respond that I think that the Board in its
4 policymaking has obviously set policy. I mean, our primary
5 goal and our policy has been and will continue to be
6 minimum access and expansion, and much of the concern that
7 I know people feel about where our policy is going and what
8 it is, is due, in my opinion at least, to the very difficult
9 process we find ourselves in every year as to where we're
10 going to spend money making allocations, not knowing how
11 much money we'll have, not knowing at this point even what
12 our authorization legislation will look like.

13 I very much appreciate what you've said and I hope
14 that--and I know you do appreciate that what we are trying
15 to do and why we've had this discussion is so that we can
16 make some determination, but that it's very hard to make
17 those determinations and policies written in stone without
18 having the need for some flexibility. It's frustrating and
19 I think it's disappointing to all of us. So I agree with
20 you, we're going to continue to work on this and we're not
21 going to come up with an answer tomorrow. We have started.
22 We didn't have client training at all, you know, this time
23 last year. We have it now and we're going to continue to
24 work on it and any advice or guidance that anyone can give
25 us is going to be more than welcome.

1 MR. VENEY: Just one more thing. First of all,
2 we did have client training before. That was done by
3 National Client Council using the mini-grant system for OPS.
4 There wasn't any 25 percent match. It was being done.
5 Models had been tested and tried. Corporation board
6 members, corporation staff people--and Joe has a letter
7 from one of your staff people--have in fact participated
8 in and seen, and I think appreciated the value of the
9 training.

10 The second thing, to mention the fact that 40
11 people are going to be trained in community education,
12 whatever that is, to begin to think that that's then
13 going to translate into something is really, I think, a
14 serious question. Because you've got trained people now
15 who can't get out of their own neighborhoods because
16 there's no money for them to travel, and to train more
17 people on top of that and not give them the funds for
18 travel so that they can get out into that community does
19 not allow the issue to really be addressed.

20 And the last point, I think, is that clients
21 are learners. We have learned from the attorneys. We have
22 learned from the attorneys who went to the Congress and
23 forced you into a position of salary comparability. We
24 think earmarking of funds is a disaster, but if that is the
25 only way that the attention of this Board can be focused on

1 what clients are saying, then that may have to be an
2 acceptable alternative.

3 CHAIRPERSON RODHAM: Thank you.

4 MR. TRUDELL: Okay. I think your messages were
5 heard loud and clear and prior to the June Board meeting
6 there'll be another committee meeting --

7 MR. VENEY: Would you use the mike, please?

8 MR. TRUDELL: Prior to the June Board meeting
9 there will be another committee meeting and I think that --
10 I think we've probably heard enough and maybe we need to
11 begin to deal with specific recommendations. And then I
12 think we'll have something to act on.

13 But as Hillary has pointed out, there is another
14 item on the agenda and once again the committee does not
15 have a recommendation regarding the 1007(h) studies.

16 Just let me briefly recap what we've gone
17 through as a committee. At the last committee meeting,
18 which was held in Washington on the 16th and 17th of
19 February, we had received I guess copies of the five reports
20 in draft form and, unfortunately, the committee members
21 had received at least two or three of them the evening
22 before, so we did not go into specifics in terms of the
23 content of the reports and, as a result, we did not come
24 out of that committee meeting with any kind of
25 recommendation. We did agree to take up the reports again

1 at last night's committee meeting, which we did. Again,
2 we did not come out with any kind of recommendation and
3 I think it's impossible in terms of having to consider
4 reports that affect five different specific areas, but I
5 think before the meeting's over the Board will arrive at
6 some kind of decision in the form of a motion endorsing
7 the reports, one way or another.

8 Let me just more or less suggest the proceeding
9 that the Board should take today regarding the studies.
10 One is that I think that Alan and John Dooley and other
11 senior staff members should suggest to us the timeframes
12 they have in mind in terms of submitting these reports
13 to the Congress.

14 The second thing that should be discussed is,
15 and briefly, hopefully, each particular report in terms of
16 its findings and recommendations.

17 Third, I think that we should allow some time to
18 hear comments or questions or concerns from anybody in the
19 room that has something they want to say.

20 And, last, I think the Board should recommend
21 in the form of a motion to either adopt the reports or not
22 adopt the reports in total.

23 So at this time, Alan, why don't you just enlighten
24 us in terms of the timeframe that you people have set for
25 yourselves.

1 MR. HOUSEMAN: If I might, Dick, I'd like to make
2 a few personal remarks initially.

3 This study was the most difficult undertaking
4 the Research Institute has done. It's difficult because
5 the policy issues are complex. In many respects they have
6 not been addressed before by the Corporation or the Board
7 and they raise a number of serious concerns with regard to
8 the future directions of the Corporation in the field.

9 The study also raises some very serious
10 philosophic issues on how Legal Services Corporation should
11 view individual groups of poor people. These issues cannot
12 be resolved by any one study. The study can only shed
13 light on issues, raise issues, provide additional factual
14 information and set out the possible direction we should
15 consider for the future.

16 Many of the groups who assisted on -- many of the
17 groups involved in the study on which we have focused--
18 for example, migrants and native Americans--have made major
19 gains for poor people. The advocates for them and the
20 legal services programs have made major gains. In fact,
21 some of the most aggressive, qualified and interesting
22 people with whom I have ever worked at advocates for these
23 groups.

24 I found the discussions with the working group
25 members, of which there are about 70, the most stimulating

1 that I have ever had on policy issues since coming to the
2 Corporation because they focused on the real problems
3 faced by clients and advocates in delivery of services and
4 they focused on the serious legal questions and the legal
5 issues that those advocates face and that the clients face.

6 Let me finally conclude these personal remarks
7 with an acknowledgement to those who have worked long and
8 hard on this study. First, the senior staff has had to
9 react to lengthy drafts in very short periods of time,
10 lengthy drafts which contain not only detailed analysis
11 of data, but also proposed recommendations and conclusions,
12 and had to react quickly. They have done this with little
13 acrimony and reacting essentially to our time schedule.

14 Particularly helpful has been Buck Hennigan and
15 his office and Field Services, who have bent over backwards
16 to adjust their schedules to meet our schedules.

17 Secondly, the support staff, both of the
18 Research Institute and the Management Administration,
19 particularly the xerox room, of the Corporation have done
20 a marvelous job. My secretary spent five weekends in the
21 office Saturday and Sunday typing. They may have two more
22 to do. The xerox room worked over the weekend to xerox
23 the materials, both for senior staff discussions and to get
24 them out.

25 Third, there were a number of people who, as I

1 explained to the Board last night, provided internal
2 critiques of the study. Those people spent four to five
3 days reviewing carefully every single line, word, all the
4 data that we used, et cetera. Particularly helpful were
5 Gary Sinkson, who is a consultant to the Corporation and
6 works for Buck's office, and Judy Riggs, who I think all
7 of the Board members know. But there were others, as well,
8 who have assisted us on the study, Bill Daily and Kathy Orr.

9 I mentioned the members of the working group,
10 of which there are about 70, including all of the five
11 working groups. Many of those people spent hours in
12 meetings with us. Some of those people wrote drafts, proposed
13 analyses for us to review, and I think it's important to
14 acknowledge that we had input and real work from over 70
15 people in our community who gave a lot of time to this
16 effort.

17 Finally, the two people on my right and left
18 are the major people who have done the major work on this
19 study. Without John there would not have been a study, I
20 think, and the major craftsmanship is due to John. Andy
21 Lewis, the assistant director of the Institute, has spent
22 literally hours far beyond one normal working day, weekends,
23 night and day, helping on this study to make sure that data
24 got collected and was analyzed properly. Far more credit,
25 if credit there be, should go to them than to me. They

1 deserve it.

2 Now, let me turn to your question, Dick, on
3 process. It is our current intention to submit by April 1st
4 a report containing a summary of the study, an overview of
5 the study and an introduction. This will be sent to every
6 member of Congress, it will be sent to all field programs
7 and anyone else who asks.

8 All the members of Congress will be told that if
9 they want a copy of the complete report, they can write
10 the Corporation and they will be sent it. A complete
11 full report containing all of the information that you have
12 seen, plus the Data Book and tables, will be completed
13 shortly thereafter. It will be sent to all the relevant
14 committees, particularly our Authorizing and Appropriations
15 Committee, to all the working group members, the PAG, the
16 Clients Council, NLADA, et cetera, and, of course, to the
17 members of the Board. That will be done sometime
18 subsequent to April 1st, but shortly thereafter.

19 With regard to the native American draft, of which
20 I'll address in great detail in a second--let me just
21 focus on process--we are redrafting that. We are in the
22 process of redrafting that -- it's about two-thirds
23 completed--to take account of the concerns of the working
24 groups, the Provisions Commission and our own internal
25 critique. We will receive comments on that redraft by

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1 working group members. This will be done in time to be
2 included in the full report which will be available sometime
3 in early April.

4 And, finally, let me emphasize to the Board that
5 I very much welcome specific comments by Board members on
6 sections of this report. I'm going to spend some time
7 with Howard getting his specific comments on several
8 sections. I have talked to Dick already and will be spending
9 some more time with him. But if others of you have specific
10 comments on this report, we will stay around, we will spend
11 whatever time it takes to receive them and we very much
12 want them.

13 One other thing that I'd like to mentioned and
14 clarify and put on the record. This morning I met again
15 with representatives from the Native American Indian
16 Legal Services people, with Dick Trudell, with Steve
17 Lowenstein from Oregon and we attempted to work out some
18 understanding that caused considerable concern to the
19 committee last night, and I think that we have reached
20 some understanding that I would like just to make clear now.

21 First, there was concern about a chart which
22 appears in the draft report which states the funding level
23 of all the current Indian programs. That chart will not
24 appear in the final report.

25 Secondly, we are doing the redraft of the Native

1 American section, which we started last week, to take account
2 of the concerns that have been addressed by the Native
3 American working group and to make sure that the Native
4 American report itself supports the conclusions and
5 recommendations which the senior staff had agreed to and
6 which, in virtually every respect, the Native American
7 group agrees.

8 Third, we agreed that we would clarify the
9 recommendations on urban Indians. Programs who have
10 significant population of urban Indians should be encouraged
11 to adopt specific methods to deal with those populations,
12 including special branches, cooperative arrangements with
13 urban Indians, et cetera. This elaboration on the urban
14 Indian recommendation is based on our findings in the
15 report that some areas with significant population of
16 urban Indians have been doing a number of things that has
17 increased legal services to them, but that not all areas
18 that have such significant populations are doing so, and that
19 those areas that have not taken those steps should be urged
20 to do so in this report.

21 Finally, I would like to state on the record our
22 understanding of the recommendations 2b in Page 140 of the
23 briefing book. These are the recommendations with regard
24 to eligible members of unrecognized and terminated tribes.
25 Let me go briefly over four points under this recommendation.

1 First, these recommendations set out the general
2 policy that the Corporation would pursue, the administra-
3 tion of that policy, the courses left to field services,
4 and they will be the ones that will be responsible for
5 implementing this policy and taking into account all the
6 factors they must when they do implement the policy.

7 Secondly, it is clear that this recommendation
8 suggests that for unrecognized and terminated tribes that
9 a discretionary fund would be created. Such a fund would
10 be used to fund programs who would direct resources on
11 specific tasks and issues with regard to the legal problems
12 of unrecognized and terminated Indians.

13 Third, once a tribe was recognized, then they
14 would become covered by the policies for recognized
15 Indians which are set out in Recommendation 1 on Page 139
16 and 140.

17 Finally, Steven Lowenstein of Oregon Legal
18 Services pointed out last night, and we specifically talked
19 about this, he pointed out that task-oriented funding should
20 create staff and that there has to be careful administra-
21 tion, especially where the representation moves a tribe
22 into recognized status, and thus eligibility for special
23 funding under LSC policy, as we have recommended, that
24 such eligibility should insure that grantees who establish
25 staff can establish staff continuity. We certainly agree

1 that this is desirable and is the intent behind the
2 recommendation. Obviously the kind of detail as to
3 implementation would be worked out specifically with
4 field services, but that is our understanding of that
5 particular recommendation.

6 Finally, one other remark. This report is only
7 the beginning. Much more needs to be done. It is an
8 incremental step, if you wish. It is not the final answer
9 to anything. We recognize this probably more than anyone.
10 But it is a beginning and I think it's a good beginning,
11 and I hope and urge that the Board adopt the recommendations
12 and proceed to authorize to submit it to Congress.

13 With that introduction, I'd like to turn to the
14 specific sections and go over very briefly each of them
15 and receive comments from the Board and anything else
16 you'd like, Dick.

17 The first section --

18 CHAIRPERSON RODHAM: Alan?

19 MR. HOUSEMAN: Excuse me?

20 CHAIRPERSON RODHAM: Dick and I have discussed
21 this very briefly and it may be more appropriate to just open
22 it up to questions or comments --

23 MR. TRUDELL: Since you went through it last night.

24 MR. HOUSEMAN: That's fine.

25 MR. TRUDELL: Why don't you mention them in the

1 order you'll take them, Alan.

2 MR. HOUSEMAN: Well, let's start with veterans.

3 MR. TRUDELL: Are there any Board members that
4 have any questions or concerns they want to raise regarding
5 the report on veterans?

6 MR. CANTOR: Just one comment, and this was
7 discussed last night to some degree. It was an overall
8 comment concerning all the sections in the entire report.

9 Although I can't vote, it's my understanding
10 that the Board, when you do vote on this, is not voting
11 to endorse every line, sentence, idea and comment in the
12 body of the report. I would assume around this table
13 there might be strong differences of opinion with regard
14 to the body of the report and various kinds of issues which
15 are raised.

16 What I understand is the vote will be merely to
17 send the report to the Congress and to endorse the
18 recommendations, not the body as such. Is that --

19 MR. TRUDELL: Yes.

20 MR. CANTOR: -- your understanding, Dick?

21 CHAIRPERSON RODHAM: Tom?

22 DR. EHRLICH: I'm not exactly sure what you mean,
23 Mickey. There's no question about one can have differences
24 of interpretation in a 900-page document, of course, and
25 you can't have drafting by the whole Board, and that isn't

1 the intention.

2 You're absolutely right, nobody is suggesting
3 endorsement of every line of 900 pages, but rather the
4 operational part, nonetheless the report as a whole and
5 you're submitting the report, and that should be understood,
6 on behalf of the Corporation.

7 CHAIRPERSON RODHAM: Roger?

8 MR. CRAMTON: Well, I guess I have the same
9 questions with respect to these five recommendations on 130
10 and 131 as with the others; that is, what would be the
11 dollar cost in terms of some order of magnitude of
12 implementing these recommendations and what priorities
13 do these five recommendations have relative to the other
14 100 or so recommendations relative to the maintenance and
15 improvement of the current program as we know it.

16 The problem that I have with this is it seems
17 to me that the special advocates of these parts of the
18 poor people population are always going to seize upon a
19 particular recommendation and say, "You committed yourselves
20 to do this, this and this." So we point out, "No, it says
21 earlier, of course, we're not for fragmenting the poor and
22 it's on the assumption the sources have to be available
23 and so on." On the other hand, I think it's going to be
24 persuasively said again and again, "You did say you're
25 going to fund research on veterans and you're going to

1 establish a capacity in Washington to handle Board of
2 Veterans' appeals cases on references from local programs."
3 I'm not at all clear that those cases are as important as
4 doing legislative or regulatory work with HUD regulations
5 and thousands of other things that one might think of that
6 aren't being done now.

7 CHAIRPERSON RODHAM: Tom?

8 DR. EHRLICH: Roger, I think you make underlying
9 that the very important point that we discussed last night,
10 that the basic need is for more support for legal services
11 because there are 5 times 500 as many different groups,
12 all of whom need more.

13 Our view has been that there are various kinds
14 of recommendations, some of which don't cost resources,
15 some of which cost some, some of which cost a lot. For
16 every one, assuming the Board operates to approve them,
17 I think you ought to be in a position to turn around and
18 ask the staff in the fall, "How have you implemented these
19 recommendations; and if you haven't, why not? What's going
20 wrong?"

21 Now, one of the answers may be, "Yes, in our
22 judgment X is needed, but it would cost \$100,000 and we don't
23 see where it can come out." But it does shift, in other
24 words, the obligation in terms of the Corporation and the
25 staff to say, if it isn't implementing, why it isn't, where

1 the planning is. It can't say, "We will have every
2 resource devoted to these groups," you're absolutely right.
3 At the same time it can and should say, "These recommenda-
4 tions are being implemented, or, if they aren't, we have a
5 good explanation for why they aren't," and the Board should,
6 I think, cross-examine us as to what that explanation is.

7 I don't know how else to proceed over time except
8 that way, because as we work through them only then will we
9 know the full dimensions of particular costs or for
10 particular recommendations. That was our approach.

11 MR. CRAMTON: Well, what troubled me is--if I
12 might add a word--is that there are some recommendations
13 that essentially incorporate things we're already doing
14 and apparently plan to continue to do, such as with migrants
15 and with Indians. Those are ones where we have already
16 made essentially a resource commitment that this is an
17 important priority and we're going to continue it and
18 presumably we're not saying we going to drop it unless new
19 funding becomes available.

20 There are other that are more of the pie in the sky
21 kind of variety. They're good things to do if the
22 resources were provided and we would do them if Congress
23 expanded the budget indefinitely and maybe if other more
24 important pressing needs were met first.

25 I guess I wonder whether it wouldn't be wise to

1 separate out the recommendations into kind of three
2 categories, or something like -- one category would be
3 recommendations that don't cost very much money and the
4 Corporation plans to do, anyway, within its existing
5 resources and programs. Another one is recommendations
6 that essentially say, we've already made a commitment along
7 this line and we plan to continue it and we would expand it
8 if you gave us more money. And a third category is, these
9 are good things, laundry list of good things. We do not
10 have money enough to do them now, but if you provided us
11 funds they're good things to do.

12 Now they're all fuzzed together and I just don't
13 know which one is which. I think it would have been
14 very helpful to separate them into -- maybe not those
15 categories, but something like that which gives a kind of
16 a judgment about what priority decision we're making,
17 resource decision, is and has been made by this report.

18 DR. EHRLICH: I don't think there are any pie-in-
19 the-sky recommendations here and we have certainly tried
20 to --

21 MR. CRAMTON: That was a wrong -- I meant, you
22 know, they're very important, they're good things to do,
23 but we don't have money enough to do them now.

24 DR. EHRLICH: But the very point you make, which
25 is you can only allocate resources when you're looking at

1 the full range of problems, not only as to these groups,
2 but all other groups, really precludes, I think, trying to
3 say how, in a priority sense, you would rank them, because
4 you can only do that in relation to an overall allocation
5 from the Congress and the particular needs for those funds.

6 CHAIRPERSON RODHAM: Howard?

7 MR. SACKS: Well, I just want to reemphasize what
8 Roger said is the same point I made last night only he said
9 it better. Is there any reason why, when this document
10 goes to the Hill, we can't say to Congress, "Of our
11 182 recommendations" -- I don't know what the number of --
12 "we're pleased to tell you that 90 of them we're going to
13 do with our existing, and of those 90 we're already doing
14 37"? So that we're not in the position which we might --
15 which a casual reader might get the impression, "Well, here
16 they are again, just sending up a request so that they can
17 ask for more money."

18 MR. CRAMTON: If you look at the veterans'
19 recommendations, it may be that there are three of those,
20 1, 2 and 5, in which we're already doing or plan to do, and
21 would carry on in any event. And it may be that the
22 Research Institute feels that some further studies on
23 veterans are important, it's going to have some funds within
24 its existing resources, do some, and that we could list
25 that as an area in which, you know, we're planning to move

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1 ahead on that on our own, because we can do it within --
2 it doesn't require very much money. The same thing with
3 these cooperative arrangements and ties. It seems to me
4 that doesn't involve much money. That involves talking
5 with other groups who we ought to be talking to, anyway,
6 and why can't we say, "We're going to do that. You don't
7 need to appropriate a penny to do it." That seems to me a
8 more -- not only does it segregate the recommendations in a
9 way that makes them more intelligible not only to the
10 Board, but also the outside world, but it also is more
11 forthcoming to these groups and to the legislative bodies
12 about what it is we are in fact doing and willing to do?

13 CHAIRPERSON RODHAM: Mickey?

14 MR. HOUSEMAN: I'd like --

15 CHAIRPERSON RODHAM: Alan, let Mickey go first.

16 MR. CANTOR: Go ahead, Alan.

17 MR. HOUSEMAN: I'd like to make one comment on
18 this because to some degree I think something is being
19 exaggerated. Virtually all the recommendations are things,
20 except where we say it's conditioned on funding, virtually
21 all of them are things that we are doing now or committed
22 to doing now.

23 Now, I can go through recommendation by
24 recommendation, but I frankly think if you look carefully
25 it does not say that because it points in writing this we

1 have not started this. But, in fact, on the veterans, 1,
2 2 and 5 are going on, 3 is about to happen and we're working
3 on 4. The reason it's written this way because over time
4 we've been evolving is to make a -- is because over time
5 we've been evolving, but these things are now happening in
6 our current resources in virtually all the cases. And
7 where it's not, we specifically say in the recommendations
8 "subject to funding."

9 Maybe it's more useful to set it out in the way
10 you said, but, frankly, I don't think in reality it's an
11 issue as getting ---

12 CHAIRPERSON RODHAM: Go ahead.

13 MR. CANTOR: In a perfect world without outside
14 influences or considerations, I would agree with Roger and
15 with Howard. I'm afraid we don't exist in that kind of
16 situation.

17 My opinion is that if we did what you're
18 suggesting, we would create enormous pressures, both in
19 trying to concoct such a list, both enormous pressures
20 within our own community and enormous pressures up on the
21 Hill and then a reaction from those pressures. I think we --
22 and I'm trying to be as delicate as I can be. I think
23 that we need the flexibility to deal with these issues on
24 a continuing basis. I think these recommendations are
25 clear. I agree with most, if not all, of them. I believe

1 it is a mistake for us at this point and this juncture to
2 begin to make these kind of priority considerations given
3 the atmosphere that we exist in.

4 MR. CRAMTON: You're four square for obfuscation.

5 MR. CANTOR: Absolutely, always have been.

6 CHAIRPERSON RODHAM: Any other comments on
7 veterans?

8 (No response)

9 CHAIRPERSON RODHAM: Alan, what's next?

10 MR. SACKS: May I just ask, Madam Chairman, --

11 CHAIRPERSON RODHAM: Yes.

12 MR. SACKS: -- do we have a resolution of this
13 problem? Are we going to say anything in the report
14 about --

15 CHAIRPERSON RODHAM: Is there a motion that we
16 do that?

17 MR. SACKS: Well, I just don't like to see the
18 issues left --

19 MR. CRAMTON: I will make one. I would like to
20 move -- if I -- let me say a word or two first. Alan has
21 added something new. I mean, he essentially said that a
22 lot of these the Corporation is either already doing or
23 is already committed to. I guess I would like to have a
24 line added after each recommendation that talks explicitly
25 about the status of that recommendation and the action that

1 the Corporation plans or does not plan to take in connection
2 with it. And if in fact the explanation is that, as
3 Alan says on the veterans one, that as to 1, the Corporation
4 is already doing that and plans to do it, why don't we
5 say that? I mean, we're implementing that recommendatoin
6 on our. It's not only we should do it, we are doing it.
7 As to 3 and 5, why don't we say that, and if it depends
8 upon either future priority decisions or future funding,
9 why don't we say that? In other words, just add a sentence
10 for each one that puts it into one of those kind of
11 categories of either already implemented, about to be
12 implemented, or going to make it turn on new funding or
13 future priority decisions.

14 MR. KUTAK: I will be brief because I think Alan
15 knows how I feel about a 900-page or a 700-page or a
16 500-page or 400-page reports to Congress.

17 I don't find how any of these recommendations
18 respond to the question the Congress asked. What special
19 difficulties do veterans have? Not what difficulties
20 do veterans have, not what legal problems veterans have.
21 What special difficulties? I mean, it was a very simple
22 question and I thought it was to be a very simple report.
23 It's become, in my mind, such a complicated report over
24 such a universal question that I think it is going to do
25 exactly -- and I dreaded to hear what I heard you say --

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1 we're not even going to send the report to Congress, which
2 is, I think, the greatest paradox of all. I heard you say
3 you're going to send a summary of the report to Congress?
4 You're going to send the overview of the report to
5 Congress? Not even sending the report to Congress. I
6 can't believe it.

7 MR. SACKS: Our committee members on Appropriations
8 and Authorizations would not only the the overview, they
9 would also get the full detailed report plus the Data Book.
10 Any member of Congress who wanted the full detailed report,
11 plus the Data Book, would get it upon request; that is,
12 any other member of Congress. That is what we're planning
13 to do. My understanding is --

14 MR. KUTAK: I would object to that.

15 MR. SACKS: Okay.

16 MR. KUTAK: And I would dissent to that,
17 because I think there's one person who paid for it was ---
18 if the Congress would have appropriated it.

19 And, by the way, I'd like to know how much it
20 cost to prepare this report. I'd like to have -- and I'd
21 like to have it reflected against what you estimated it
22 would cost when we started it 14 months ago, because I
23 really think we're going to be shocked what ---. What
24 was the estimate at one time? Does anybody recall what
25 we estimated the cost of this report to be? And how much

1 we've diverted from Legal Services to get this thing done.

2 MR. SACKS: Well, I think -- We estimated
3 around 55 to 60,000. It was probably closer to 100,000.

4 MR. KUTAK: I think the estimate was 35 or 25,000.

5 MR. TRUDELL: And, of course, the largest cost
6 was the cost of the time of the very talented people that
7 might have been devoted to something else.

8 MR. KUTAK: I think we ought to -- we Board
9 members ought to really be distressed. I am.

10 CHAIRPERSON RODHAM: Steve?

11 MR. ENGELBERG: Distressed at who, Bob? At whom?

12 MR. KUTAK: At us, the Legal Services Corporation.

13 MR. ENGELBERG: Well, I want to make it clear
14 that I think -- and I think that one Board member who made
15 this clear was Cecilia.

16 There's been a lot of pressure on the staff to
17 make this a much more thorough study. So, I mean, I hope --
18 as long as you make it clear that it's not as if the staff
19 has, on its own initiative, detracted or delayed or added
20 to the study that the Board had directed be short and sweet.
21 I think certainly, from the time I was on the Board, there
22 was a clear sentiment, which I didn't disagree with, --

23 MR. KUTAK: Let me recall for you the genesis of
24 this thing. It was report due, by the way, on January 1,
25 1979. It was a report that we -- at least one member of this

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1 Board made, my colleagues to be succinct, to be responsive,
 2 and the response was to answer the question and not to
 3 try to exhaust the subject or to insure employment in this
 4 country by trying to respond to the question. It was to --
 5 because we realize that what we're addressing is a body
 6 that's very busy, the Congress of the United States, and
 7 it needs to have short, helpful, practical answers that
 8 would be able to tie in presumably to a design for how
 9 this Corporation should direct its resources.

10 I know I'm wearing out my welcome, but I just
 11 tell you that I am -- I kept searching through this, Alan,
 12 for the answers to the question and I found worse a call
 13 for more studies of the problem.

14 CHAIRPERSON RODHAM: Tom?

15 MR. EHRLICH: Only this. I think in fairness
 16 when you look back at how this study began, recall it began
 17 when there was some pressures initially which we resisted
 18 and I hope the Board will continue to resist this deal
 19 with special allocations of funds. Then the Congress said,
 20 "Okay, examine it, the notion that one could take, the
 21 most volatile kinds of areas, and do it ---"

22 The Board felt the only way to do this, once it
 23 was charged to do it, was to do it fully, carefully and
 24 exhaustively. I know that also means exhaustingly, and that
 25 hurts sometimes. But I think largely through the skill of

1 an extraordinary group, they have managed to maintain the
 2 overall point, which is the enormous needs of all groups,
 3 but examine and answer the specific questions asked by
 4 Congress, what are the special legal needs, what are the
 5 special access needs. It answers that about veterans and
 6 each other groups carefully and fully and in a way, that
 7 while many can disagree with particular points along the
 8 way, I think on the whole and overall they cannot say it
 9 has gotten other than a full and fair consideration for
 10 these groups and also, of course, for the elderly and
 11 handicapped that we brought in because we knew that, if we
 12 didn't do that, we'd be called on to do it later on. I
 13 think it was an effort well spent and I think, because of
 14 it, the Corporation is well down the track in dealing with
 15 a very important set of issues.

16 CHAIRPERSON RODHAM: I think to tie this
 17 together, and I think, Bob, maybe to reach some of the
 18 problems that you see that are perhaps endemic in this
 19 enterprise, the charge from Congress also said that we
 20 should implement appropriate recommendations and I think
 21 that Roger's and Howard's concerns are well placed, so that
 22 if we are doing something, rather than appearing not to
 23 acknowledge that, rather than to report within these
 24 recommendations as to the progress we have made on that
 25 second part of the charge of implementation, we should make

1 clear that we're not handing them something that says we
2 are going to do something sometime. We are handing them
3 something which says, based upon your charge to us we have
4 studied, we have implemented and we are continuing to work
5 toward implementation in a further way.

6 So, Roger, do you want to make your --

7 MR. CRAMTON: Yes. My motion is that an
8 additional phrase or sentence be added to each of the
9 recommendations which indicate the Corporation's -- the
10 current status of that recommendation and what action, if any,
11 the Corporation plans to take.

12 CHAIRPERSON RODHAM: Is there a second

13 MR. CRAMTON: I say that because I think -- for
14 reasons that are somewhat different from Bob's, the report
15 will be more useful to everyone, to the Corporation, to the
16 general public and to the Congress if we did that.

17 CHAIRPERSON RODHAM: Is there a second?

18 MS. ESQUER: Second.

19 CHAIRPERSON RODHAM: Any discussion on Roger's
20 motion?

21 I think, Roger, would you agree that we don't
22 necessarily need another sentence if the current sentence
23 could be rewritten to --

24 MR. CRAMTON: No. A sentence or phrase.

25 CHAIRPERSON RODHAM: Okay. So that we don't have

1 to use necessarily prefatory or other kind of language, just
2 say what we're doing.

3 MR. CRAMTON: It might be just, "Given the
4 extension of funding for this purpose," or "Given future
5 priority decisions" or --

6 CHAIRPERSON RODHAM: Or "Based on our study, we
7 have..."

8 MR. CRAMTON: That's right.

9 CHAIRPERSON RODHAM: Any comment on this approach
10 or motion.

11 (No response)

12 CHAIRPERSON RODHAM: All those in favor, please
13 signify by saying "aye."

14 (A chorus of "ayes.")

15 CHAIRPERSON RODHAM: All those opposed?

16 (No response)

17 CHAIRPERSON RODHAM: Yes, Howard.

18 MR. SACKS: I don't think it should be left to
19 Tom alone as president of the Corporation to defend the
20 report. I have read more than a few of these documents in
21 my time and I've read this one with considerable care and
22 one of the supporting reports with considerable care and
23 on the whole I think it's a first-class piece of work that
24 we should be proud of. Operating under the constraints of
25 time and data, I think the staff has done a first-class job

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1 and I, at least, want to go on record as indicating that.

2 MR. CRAMTON: I think the vast majority of the
3 Board shares that view and it's been expressed at previous
4 meetings.

5 CHAIRPERSON RODHAM: I think, though, that we
6 should keep in mind that the kind of comment and frustration
7 that Bob just voiced is something that is part of what we're
8 going to have to respond to with this report. I mean, we
9 do have -- and I think, Bob, that we tried to by separating
10 out into succinct, short, easy to read manner for anybody
11 who cares to read it the guts of the report in response to
12 the congressional charge, and then the 900-odd pages of
13 supporting documentation and data.

14 Alan, do you want to move on to see if there are
15 any specific comments on the next report?

16 MR. HOUSEMAN: Okay. The next would be limited
17 English speaking.

18 MR. SACKS: Just one question. On the veterans
19 one, does it make any sense to ask for financial help
20 from some of these other agencies, like the VA and the DoD
21 Board, in the way of partial reimbursement for legal
22 services that would be provided to veterans?

23 MR. DOULEY: There is a background and an
24 answer to that. The Corporation has had discussions with
25 the DoD exactly on that subject related to discharge review

1 that is currently inconclusive. So we have nothing to
2 report in specific terms on it. There is interest in that
3 in the DoD, mainly coming through this discharge review
4 process. There is considerable pressure on them right at
5 the moment. There is clearly support for it in part.
6 There is partially part of it not support. And we just
7 don't know where that would go.

8 The Veterans Administration, I do not believe
9 would be in any way supportive of that. They have not
10 indicated being particularly supportive of Legal Services
11 involvement, even if they didn't pay for it. They have
12 been relatively neutral on the question and I don't think
13 you would find a welcome audience for resources there.

14 MR. SACKS: At least I would hope that the
15 final draft would reflect the fact that we're not simply
16 going to ask Congress for more money, but that we're out
17 ourselves aggressively seeking help from other agencies
18 so that we don't have to go to Congress for money.

19 MR. HOUSEMAN: Sure. In fact, the new staff
20 person in government relations is spending some time working
21 on this specifically.

22 CHAIRMAN RODHAM: Are there any comments or
23 questions about the limited speaking English --

24 MR. CRAMTON: I'd be interested in Alan's
25 categorization of the five recommendations about whether or

1 not they are being done or will be done. The last one
2 seems to say if funding is available, so --

3 MR. HOUSEMAN: No, no.

4 MR. CRAMTON: The first one says "The Corporation
5 should study," which means you're calling for a further
6 study. Is the Corporation going to study?

7 MR. HOUSEMAN: Yes. It's already studying the
8 long retainment program.

9 MR. CRAMTON: "The Corporation will study," then.

10 MR. HOUSEMAN: Okay.

11 MR. CRAMTON: Or "is studying," "will continue
12 to study."

13 MR. HOUSEMAN: These were put in terms of "should"
14 for all kinds of reasons. It's easy to change.

15 Yes. It is doing 1, it's doing 2. I think
16 we are going -- we have not yet done 3. I think we're going
17 to begin to do it shortly. We're going to do 4, and 5 is
18 if funding is available.

19 MS. ESQUER: Alan, I thought that there was
20 something underway on 5.

21 MR. HOUSEMAN: I'm sorry. I didn't even look --
22 I just looked at the funding that's available. Five we're
23 doing, sorry.

24 CHAIRPERSON RODHAM: Any other questions or
25 comments?

1 (No response)

2 CHAIRPERSON RODHAM: What is the next one, Alan?

3 MR. HOUSEMAN: Native Americans.

4 CHAIRMAN RODHAM: Any comments or questions?

5 Yes, Howard.

6 MR. SACKS: Without tipping over any carefully
7 constructed applecarts, I don't quite understand the
8 suggested changes on Page 140 that you talked about, Alan,
9 "eligible members of unrecognized and terminated tribes."
10 You weren't changing the wording of that, but you were
11 interpreting it in a way that left me a little bit unclear.

12 MR. HOUSEMAN: Okay. Let me --

13 MR. SACKS: Well, maybe I can --

14 MR. HOUSEMAN: No. All I did was try to make
15 clear what I had explained the meaning of that to be to
16 the Native American advocates then to others who talked
17 with me about it last night. And this was our common
18 understanding on the staff of what that meant. They asked
19 me would I put that on the record essentially so that it
20 was clear, that what I was saying was the agreed upon
21 consensus, and that's what I did.

22 Now, maybe it's -- and I can do it again, but --

23 MR. SACKS: Well, maybe I can put it to you in
24 a form of a specific question.

25 MR. HOUSEMAN: Sure, that might be easier.

1 MR. SACKS: Supposing you have an unrecognize
2 tribe that has housing problems that they share with all
3 the rural poor in the particular state. Would this
4 discretionary fund -- would such a problem be eligible
5 for funding under this discretionary fund?

6 MR. HOUSEMAN: No.

7 MR. SACKS: Thank you.

8 CHAIRPERSON RODHAM: Any other questions or
9 comments?

10 MR. TRUDELL: Yes. I think a lot of the concern
11 about this particular report stems from the fact that
12 there was some concern about the body or the narrative really
13 coinciding with the recommendations. I've got a handful
14 of telegrams about this report that can't go unnoticed,
15 regardless of some of them are accurate or inaccurate.

16 As Alan pointed out, in terms of meeting with
17 Alan and John this morning and a representative from NAILS,
18 the Organization of Directors of Inter-Legal Service
19 Programs, I think we worked out some of the differences.
20 And, as Mickey pointed out, in terms of endorsing the
21 recommendations, but not endorsing in total the narrative,
22 and we're going to try to work out the differences.

23 But we're moving fairly rapidly and I would hope
24 that people in the audience would voice any concerns they
25 have about these particular reports, as well, because when

1 we finish this section of the agenda, or part of the agenda,
2 we're going to be making a motion on accepting these reports.

3 CHAIRPERSON RODHAM: Any other questions or
4 comments?

5 MR. CRAMTON: Well, I guess I'd like the same
6 recital. It seems to me some of these are present policies
7 that we plan to continue, like 1A. Why don't we say so?
8 Is that correct?

9 MR. HOUSEMAN: Yes. 1 is -- in fact, all of 1 is --
10 well, 1A and B are currentl policies that will continue.
11 1C is adding onto something that is going on.

12 MR. CRAMTON: To the cost study enterprise.

13 MR. HOUSEMAN: Yes.

14 MR. CRAMTON: And the Corporation presumably
15 plans to do.

16 MR. HOUSEMAN: Yes.

17 MR. TRUDELL: At the same time I think it should
18 be pointed out that I'm not exactly sure of what the policy
19 is on expansion. I know that at the October Board meeting
20 the Board agreed that some of the expansion monies would
21 be set aside or not dispensed until the Native Americans
22 population study was completed and that they wouldn't be --
23 in a sense, the funds wouldn't be doled out and all of a
24 sudden you arrive at some figures that you no longer have
25 money for. So I think this particular recommendation has an

1 impact on the immediate policy of the corporation.

2 MR. HOUSEMAN: Well, this is a broad -- I mean,
3 this is a general recommendation. Obviously field services,
4 who has to implement it and design the specific steps to
5 implement it, would have to address that. I can't address
6 that.

7 MR. TRUDELL: The reason I pointed that out in
8 terms of trying to categorize the recommendations in terms
9 of what is being done and what isn't being done and what
10 should be done.

11 MR. CRAMTON: In 2B, I guess I'm puzzled why the
12 "subject to adequate resources" is placed where it is. It
13 says, "The Corporation should create and, subject to
14 adequate resources, continue." Since I know of no
15 governmental program that, once it creates a discretionary
16 plan, ever discontinues it. It's the actual creation which
17 is the -- now, does this commit the Corporation to creating
18 such a special fund, or does the "subject to adequate
19 resources" really modify both clauses, which means it ought
20 to follow Corporation.

21 MR. HOUSEMAN: Well, my understanding is that
22 we have -- my understanding is we are this year going to,
23 our of this year's -- the money that's set aside already --
24 create such a fund for this year, and that subject to
25 adequate resources we would continue. That's my understanding

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1 MR. CRAMTON: Well, I guess I think the policy
2 decision is going to be in creating it, because once it's
3 created you're never going to get rid of it. It's just a
4 question of the relative magnitude of the growth in
5 relationship to other programs. So why not say that, then,
6 if that's what's being done? Now, I don't know whether
7 the Board has decided that or whether the Board should
8 decide it. But it seems to me I would like to have these
9 recommendations be straightforward so that we can understand
10 them and so that the public can understand them and so that
11 Congress can understand them. And if we're going to create
12 such a discretionary fund, let's say so.

13 DR. EHRLICH: It had been our expectation,
14 assuming this recommendation was approved, to create that
15 out of existing '79 funds and obviously we'll review all
16 those funds and their allocation with the Board as we do
17 regularly in the Audit and Appropriations Committee. It
18 is also our expectation to continue it assuming there are
19 adequate resources, and I think you have to say that about
20 all of them. You can have a different one if you want to,
21 but that's why it was worded that way.

22 MR. CRAMTON: But it then focuses the policy
23 issue because essentially the policy issue is before the
24 Board right now and --

25 DR. EHRLICH: Oh, yes, and I think it should be.

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1 MR. CRAMTON: -- I would phrase it -- essentially
2 what it says, "The Corporation plans to create a discretionary
3 fund" and so on "and will continue it subject to adequate
4 funds for these purposes." Right?

5 MR. HOUSEMAN: That's correct.

6 CHAIRPERSON RODHAM: Okay.

7 MR. TRUDELL: The one caveat of concern is that,
8 as Alan has pointed out, this is the only report that isn't
9 complete or as far along as the others, and in terms of the
10 Board adopting the recommendations, I have problems, but
11 hopefully we'll work them out in terms of adopting something
12 with the understanding that we're going to work some of
13 the differences out that have to be in the narrative.

14 MR. HOUSEMAN: That's my understanding.

15 CHAIRPERSON RODHAM: Right.

16 What about migrant and seasonal problems?

17 MS. ESQUER: I have a question.

18 CHAIRPERSON RODHAM: Cecilia?

19 MS. ESQUER: I have a concern with the second
20 recommendation in that I think the study, the detailed study
21 that you've made really portrayed very well the problem
22 of the seasonal farmworker, and in Recommendation 2 you
23 suggest that the monitoring of the migrant programs and
24 the general programs insure that the nonfarm worker related
25 problems of seasonals are taken care of by the general

1 programs and there's kind of like a slight gap, you know,
2 what happens with the farm worker related problems of the
3 seasonals. Because, as I understand the funding formula
4 that we use, migrant programs receive funds on a particular
5 formula only for the numbers of people that technically
6 meet the requirement of being a migrant as we have set it
7 out; and yet, at the same time, they're almost required to
8 deliver services to seasonal farm workers without any funding
9 provisions for that.

10 I think because I would like to see a slight
11 shift in that, that I would like some consideration given
12 to that particular issue, and I'd like your comments on that.

13 MR. HOUSEMAN: Well, first, we, in the body of
14 the report, I think, highlight this question and I will
15 go carefully over the analysis to strengthen the analysis
16 and point out the seriousness of the problem that you're
17 raising. And I think it's a serious problem.

18 We set out in the original issues paper several
19 alternatives in dealing with this. Our own judgment now is
20 that the recommendation here is the first step that ought
21 to be taken to address this issue. It's an incremental
22 recommendation, that if seasonals are not being served and
23 they're not being considered in local programs, that the
24 Corporation staff and Board should consider the other
25 alternatives that are set out in the issues paper. . But that

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1 as a first step the monitoring efforts of the Corporation
2 should focus on this problem and see if the difficulties
3 that exist can be ironed out on a local program level.

4 I think that is an appropriate first step at this point.

5 But I do think this is a serious problem, it cannot be
6 ignored, and the analysis and, if necessary, the
7 recommendation will be strengthened to make that clear.

8 MS. ESQUER: I feel very strongly that that
9 recommendation has to be strengthened because, again, the
10 specific wording, the general programs will be monitored
11 to see if they're providing representation on nonfarm worker
12 status related problems really ignores the really key issue
13 because the expertise on farm worker related problems is
14 generally in the migrant program, and if they do not
15 receive funds, but are in essence required to deliver
16 services to these people, I think we have to make some
17 recognition in the form of funding, and I really would like
18 to see that recommendation strengthened to show that.

19 CHAIRPERSON RODHAM: Howard?

20 MR. SACKS: Have you got an answer now, Cecilia?
21 Are you finished with your point?

22 MS. ESQUER: Yes.

23 MR. SACKS: I had raised a number of questions
24 about this in the committee meeting last night and I was
25 assured that they were going to be taken care of, so I don't

1 see any point in going over them here. But there is one
2 point in the basic report that I did notice that troubled
3 me greatly, and that is the failure of a lot of migrant
4 programs to respond to our questionnaires, despite diligent
5 efforts. Page 2 of the report contains what I would call
6 a shocking statistic; that is, of 26 migrant programs or
7 component-funded by special earmarked funds programs, only
8 16 of the 26 responded to the questionnaires. To put it
9 frankly, I regard that as intolerable, and I hope that the
10 staff will do something about that. If necessary, including
11 in all our grants routinely a provision that information
12 requested will be supplied.

13 Now, Alan tells me that in part this problem is
14 that we send out a lot of questionnaires to the field and
15 sometimes we aren't as considerate as we might be in terms
16 of time schedules and consolidations and so forth. Well,
17 I recognize that and I'm sure we ought to work on it.
18 Nonetheless, when we are doing a major study for the
19 Congress I don't want to go forward to the Congress and
20 tell them that our own programs don't answer their mail.

21 CHAIRPERSON RODHAM: Any other questions or
22 comments?

23 MR. CRAMTON: Well, I'd be interested in Alan's
24 assessment of what action the Corporation is taking or
25 plans to take on each of these nine recommendations.

1 MR. HOUSEMAN: For the nine?

2 MR. CRAMTON: If they're going to be revised
3 in that form, we ought to know what it is we're approving.

4 MR. HOUSEMAN: Yes, I understand. One, that's
5 a continuation. I don't know what's -- 2 --

6 MR. CRAMTON: In general, I guess I would favor
7 rephrasing these in a more --

8 MR. HOUSEMAN: Right.

9 MR. CRAMTON: -- punchy direct way.

10 MR. HOUSEMAN: That will be done.

11 MR. CRAMTON: "The Corporation plans to continue
12 its current funding formula," blah-blah-blah-blah.

13 MR. HOUSEMAN: Yes, that will be done.

14 Maybe there's still a disagreement about 2.
15 What the recommendation will say is roughly what it says
16 here, but highlighting the problem and encouraging some
17 focus on that problem by the regional offices in addressing
18 this serious issue. That will be done. That is, it's an
19 action or -- it's not awaiting anything.

20 Three, that is being done now, both by Field
21 Services and the Research Institute.

22 Four is simply a reference to the limited English-
23 speaking and those are being done.

24 Five is being done and will say so. There is
25 going to be increased national support, training, manuals

1 and materials on immigration problems. That is a commitment
2 made by the Institute in its funding of national support
3 and by the Office of Program Support.

4 Six, that is something that is going on. That
5 is a commitment by OPS.

6 Seven raises the summer law student program and
7 that is not currently going to happen this year, and it will
8 be essentially left the way it is. That if a summer law
9 student program is operated, special emphasis will be given.
10 It is not going to be operated this year and that will be
11 said.

12 Eight will happen this year. The money has been
13 set aside, if this Board approves it, so that will -- a
14 special fund will be created.

15 And nine is just the way it reads. We don't
16 propose to draft the actual language. We merely propose
17 to put in the report, "This recommendation which was
18 requested by us by the working group members and others."

19 MR. CRAMTON: I wondered about that. It seems to
20 me if we're really going to be helpful to Congress and
21 we think legislation is desirable, why don't we prepare
22 and forward a draft? I mean, it just seems to be courteous
23 for part of an instrumentality like this that thinks
24 legislative appropriate.

25 MR. HOUSEMAN: Two things. One, the sense was

1 that the actual approach that should be taken on this
2 issue had to be broader than just migrants and that it
3 involved a number of different actors in the advocacy
4 world, besides Legal Services, and that Legal Services
5 should not draft its own statute that might not be
6 acceptable to a number of other advocates, that this
7 recommendation was meant to provide support to the other
8 advocates in groups that would be pressing broader
9 legislation of this nature. And that was the idea of the
10 recommendation; that is, it would lend support in this
11 report to efforts by advocates from a variety of different
12 organizations and would represent a variety of different
13 groups that have access problems. For example, nursing
14 homes have access problems, there's migrant labor camps,
15 there's public and private institutions, prisons, mental
16 health, et cetera, et cetera.

17 There is legislation that is either currently be
18 considered or that is being proposed by advocates from
19 those groups, some of which are far broader than Legal
20 Services, and the idea was just to give some essential
21 support in the report, but not to get into our own statute
22 and the obvious negotiations that would have to go on.
23 It was not meant to --

24 MR. CRAMTON: That's unrelated to see a client.
25 It's --

1 MR. HOUSEMAN: No. The recommendation flows from
2 two -- well, from one critical issue, which is: The special
3 access difficulty of migrants is seeing, physically seeing,
4 legal services advocates, and the problem that they face
5 is that they cannot leave the migrant labor camp to go see
6 legal services people and that the primary means of delivering
7 service to migrants in many parts of the country is getting
8 into the labor camp to see the client, and that's what
9 this --

10 MR. CRAMTON: You mean before there's an
11 attorney-client relation.

12 MR. HOUSEMAN: Both before and after, yes.
13 That is, access to the camps is critical in order to get --

14 MR. CRAMTON: -- in order to see potential
15 clients.

16 MR. HOUSEMAN: Potential clients. Access to
17 the camp is critical in order to reach, to service, to do
18 outreach, to have contact with the clients.

19 And the report will be -- I mean, I'm essentially
20 consolidating several sections of the report that talk
21 about that access difficulty of the clients with the legal
22 problems that the advocates face into essentially a stronger
23 section that gives support to that particular recommendation.

24 CHAIRPERSON RODHAM: Any other comments or
25 questions?

1 (No response)

2 CHAIRPERSON RODHAM: Alan, why don't we move on,
3 then, to --

4 MR. HOUSEMAN: The final is residents of
5 sparsely populated areas.

6 Roger, if you wish, I'll -- first is completion
7 of expansion and minimum access.

8 Second is going on, both through KWIP and the
9 delivery systems study and through other efforts by Field
10 Services and OPS. That is going forward.

11 Three is essentially tied to the efforts, among
12 other, that Buck Hennican making, and to the efforts that
13 will be undertaken by Field Services in some additional --
14 and possibly KWIP, but mostly Field Services -- in some
15 additional delivery research. So that is going forward.

16 Four is going forward.

17 Five, that is being acted upon both by OPS and
18 the Research Institute.

19 And six has been acted upon by both OPS and the
20 Research Institute and Field Services in its funding
21 decisions with regard to national and state support.

22 MR. CRAMTON: It seems to me --

23 MR. HOUSEMAN: Six is a -- both 5 and 6 are
24 currently going on and it will be said so, stated clearly.
25 Our funding decisions that Clint and I made with national

1 support specifically takes this into account.

2 MR. CRAMPTON: If these are rephrased that way,
3 you may want to consider amending the heading, do it says
4 "Actions and Recommendations," because it strikes me that
5 the majority of them are going to turn out to be actions
6 that the Corporation has already taken in response to the
7 studies and concerns, and then others are recommendations
8 directed to Congress for future funding, and so on.

9 MR. HOUSEMAN: Good point.

10 MS. ESQUER: On No. 5 maybe we'd like to add
11 a couple of words to reflect that more accurately.
12 "Undertaken continued training of program staff and clients,"
13 because I understand that there is some training on
14 substantive issues. It seems that in this particular
15 area that the client training would be especially
16 important.

17 CHAIRPERSON RODHAM: Howard?

18 MR. SACKS: I have a question, and a recommenda-
19 tion, too. The Corporation should make investment of
20 resources and, if necessary, outside assistance to develop
21 and improve the delivery system in rural areas.

22 The question is this: To what extent do we try
23 to draw on the experience and maybe even the resources of
24 agencies like the Department of Agriculture or the
25 extension services?

1 MR. DOULEY: In an organized way at the national
2 level, I don't think it's been done at least with that
3 particular organization. At the local level some programs
4 have started to do it particularly and with that group,
5 the Extension Service. There was, for example, recently a
6 conference in North Carolina and the Extension Service
7 people were part of it.

8 I would say that's part of what's necessary at
9 the national level, the Extension Service being one of it.
10 Almost every national level agency that distributes funds
11 faces the rural delivery question. They've all faced it
12 different ways. There are some things to be learned from
13 what they did. We did gather a lot of their literature
14 during the course of the study and it was just more than
15 we could handle to try to break it down because it's going
16 off in a million different directions, you have to say at
17 this point. I think systematically going through it and
18 talking -- I mean, analyzing it first, getting some sense
19 of where they are, and then talking to the people is one
20 of the parts of the process suggested at the national level.

21 MR. SACKS: Well, I would like to suggest that
22 we specifically refer to that. Once again, I think we
23 ought to make every effort to indicate to the Congress that
24 we are using existing expertise and existing resources
25 where appropriate to do the job, because I think we ought to

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1 convince them that we are as concerned about dollars as
2 they are.

3 My other question relates to Recommendation 6 and
4 perhaps 5, and that is to do more research on substantive
5 legal problems of the rural poor. My question is probably
6 more general than this one. To what extent do we try to
7 use the resources of law schools in developing materials
8 and projects? I'm not talking about going out and making
9 a contract; that costs money. But what I'm thinking about
10 is there are lots of Law Reviews in states like Nebraska and
11 Iowa and Montana and so forth. Editors of those Law
12 Reviews are always looking for topics, they're always
13 looking for symposium topics. Is it feasible, is it possible
14 to consider that we might get a fair amount of free legal
15 work done of good quality by drawing on those resources?

16 MR. HOUSEMAN: Yes. When the Research Institute
17 first began I sent a letter to all the Law Reviews and
18 followed up with personal contacts with a number of them
19 to talk about not only getting published the projects that
20 the fellows undertook at the Research Institute, but also
21 the develop their own work or to undertake symposia. I
22 will follow that up again. I got some favorable response to
23 that and out of it came some symposia and some Law Review
24 staff work relating to poor people's legal problems.

25 Stanford, for example, has a big symposia about to

1 come out on advocacy around mental health, which contains
2 some of our work from research fellows, as well as a number
3 of other people, and we worked closely with Stanford to
4 help put that together. There were a number of others.

5 DR. EHRLICH: We've asked the University of
6 Connecticut to do the same

7 MR. HOUSEMAN: Yes.

8 CHAIRPERSON RODHAM: Dick?

9 MR. TRUDELL: Let me -- as I pointed out at the
10 beginning of the discussion of the access reports, that the
11 committee had not come up with any kind of recommendation
12 last night or at its February meeting, but I would like to
13 just move that we adopt the recommendations incorporated in
14 each of the five access reports, that each report indicate
15 the posture of each recommendation listed and that the body
16 of each report be brought into line with report recommenda-
17 tions prior to submission of complete reports to the Congress.

18 CHAIRPERSON RODHAM: Is there a second?

19 MS. ESQUER: I second.

20 CHAIRPERSON RODHAM: Any further discussion on the
21 motion?

22 MR. SACKS: I'm sorry, I didn't hear the last of
23 your three recommendations, Dick.

24 MR. TRUDELL: And that the body of each report
25 be brought into line with report recommendations prior to

1 submission of the complete report to the Congress.

2 CHAIRPERSON RODHAM: All those in favor of the
3 motion, please signify by saying "aye."

4 (Chorus of "ayes.")

5 CHAIRPERSON RODHAM: All those opposed?

6 (No response)

7 CHAIRPERSON RODHAM: Thank you very much for --

8 MR. KUTAK: Were we voting on the whole
9 recommendations then?

10 CHAIRPERSON RODHAM: Yes.

11 MR. KUTAK: Well, I'd like to be recorded as
12 voting no.

13 CHAIRPERSON RODHAM: Okay.

14 MR. KUTAK: I'm sorry. I do want to take just
15 a minute, Madam Chairman, to say that when I vote no, I'm
16 not voting no in any way intending to be disrespectful to
17 the many who have worked so hard to prepare this report,
18 but out of respect for the few who, like myself, hope to
19 find practical and succinct answers to a simple question
20 put by the Congress and did not.

21 CHAIRPERSON RODHAM: Okay.

22 MS. WRIGHT: Madam Chairman?

23 CHAIRPERSON RODHAM: Yes.

24 MS. WRIGHT: I'd like to ask a question in reference
25 to what you just adopted. Do I understand --

1 CHAIRPERSON RODHAM: Excuse me. We have a
2 procedural matter that we have to take care of, and that
3 is, since there's a dissenting vote, we have to record the
4 votes.

5 Following Ms. Wright's question, we will break
6 for lunch and we will be in recess until 2:30.

7 All those in favor of Mr. Trudell's motion, please
8 signify by raising your right hand.

9 (Showing of hands)

10 CHAIRPERSON RODHAM: Worthy, Smith, Trudell,
11 Cramton, Rodham, Esquer, Engelberg.

12 All those opposed?

13 (Showing of hand)

14 CHAIRPERSON RODHAM: Kutak.

15 Yes, go ahead.

16 MS. WRIGHT: Did I understand that in the
17 separation of this package that was just accepted that
18 there were what you call working groups for each area?

19 MR. HOUSEMAN: Yes, that's correct.

20 MS. WRIGHT: Could you please give me an idea of
21 who the working group people were and whom they represented?

22 CHAIRPERSON RODHAM: Do you want to provide a
23 list?

24 MR. HOUSEMAN: I can provide you a full list of
25 all of that. They're made up of Legal Services staff and

1 clients and other advocates.

2 MS. WRIGHT: Okay. I would appreciate it very
3 much.

4 CHAIRPERSON RODHAM: Thank you very much.

5 We'll be back in this room at 2:30.

6 (Whereupon, the luncheon recess was held at
7 12:26 p.m.)

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

(2:40 p.m.)

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2
3 CHAIRPERSON RODHAM: During lunch we met in
4 Executive Sesssion, as had been announced earlier, and we
5 discussed the question of the need for an acting president
6 if there is a gap in time between Tom's departure and our
7 selection of a new president to lead the Corporation. We
8 discussed that matter at some length and I believe have
9 some action to recommend and to take during this public
10 session.

11 I would like to, with the unanimous consent of
12 the Board, act on the matter discussed in Executive Session
13 and also, then, following that matter, slightly alter our
14 agenda to take up Matter No. 6 which is Procedures for
15 Presidential Search, since we were not able to discuss
16 those procedures in Executive Session and felt strongly
17 that we should get to them while everyone was going to be
18 here, all of the Board members. Some of them may have to
19 leave and might not be available when we reach them, if
20 we were to go according to this schedule as written.

21 So I would, if we could, like unanimous consent
22 to first have a report and take action on the matter
23 discussed in Executive Session and then move into the
24 discussion for procedures for presidential search.

25 Is there such consent?

1 MR. KUTAK: There is.

2 MR. SMITH: There is.

3 CHAIRPERSON RODHAM: Mr. Kutak, would you report
4 for the Board on the matter discussed at the Executive
5 Session?

* 6 MR. KUTAK: Thank you, Madam Chairman.

7 The Board did consider the candidates or a list
8 of candidates proposed and came up with the proposal to
9 select Alic Daniel as acting president. The reasons are
10 perhaps self-evident, but I would like to express them
11 personally and, I trust, reflecting the thinking of the
12 Board.

13 One is, of course, that Alice knows the
14 Corporation. Just as you would expect any lawyer, in this
15 case our general counsel, she knows the clients, and for the
16 office of acting president, by definition the time to learn
17 that job would be very short.

18 Second of all, she has the confidence not only
19 of the constituents of the Corporation, the poor, whom we
20 are all striving to serve in this case, but as well her
21 colleagues in the Corporation and among ourselves.

22 And, finally, although I don't mean to exhaust
23 the reasons why we have urged her selection, that she is
24 committed, concerned, creative, attributes which we believe
25 would not only keep us going in the right direction and

1 fashion, but will put our --- trust in good hands.

2 So, Madam Chairman, I would like to read the
3 following resolution to that end:

4 "WHEREAS, Thomas Erhlich has notified the Board
5 of Directors that, effective May 1, 1979, he will
6 relinquish the duties of President of the Legal Services
7 Corporation; and

8 "WHEREAS, the Board of Directors has not appointed
9 a permanent successor to Mr. Ehrlich pursuant to
10 Section 1005(a) of the Legal Services Corporation Act,
11 42 U.S.C. Section 2996d(a);

12 "THEREFORE, BE IT RESOLVED that Alice Daniel is
13 hereby appointed as Acting President, with the authority
14 to exercise all of the powers of the President under the
15 Legal Services Corporation Act" -- citing the sections and
16 the regulations and the bylaws thereunder -- "and such
17 other powers that have been or may be delegated to the
18 President by the Board of Directors. The appointment shall
19 be effective from May 1, 1979, until such time as a President
20 appointed by the Board of Directors pursuant to Section
21 1005(a) of the Act has taken that office."

22 CHAIRPERSON RODHAM: Is there a second?

23 MR. SMITH: Second.

24 CHAIRPERSON RODHAM: Mr. Smith?

25 MR. SMITH: Madam Chairman, seconding that, I'd

1 like to mention briefly, too, that Roger and I and Bob,
2 I believe, are the only three members of the Board who
3 happen to be present today who were on the Board when Alice
4 came on board as general counsel and I know that the three
5 of us and the others who were on the Board at that time
6 who aren't able to be here today are in unanimous agreement
7 that she has performed admirably as general counsel, is
8 particularly well suited for this responsibility, has been
9 able to satisfy and bring together divergent viewpoints
10 among Board members, among Board and clients, among clients,
11 among all the various segments of the governance group
12 and the people being served by the Legal Service Corporation,
13 and, for all of those reasons, she's particularly admirably
14 qualified.

15 I think one thing that's important, also, not so
16 much related--not at all related, really--to her
17 qualifications, but related to reassurance of those whom
18 the search committee, if that is procedure or whatever it
19 might be, will be contacting, is the fact that Alice
20 doesn't desire to be considered for the position
21 permanently. I think it is extremely important for the
22 assurance of those people who will be sought to become
23 president of this Corporation that they know that the person
24 serving as acting president is doing just that and isn't a
25 competing candidate for the presidency. The last is a rather

1 negative reason as far as she's concerned, but I think it's
2 important for the other people, as I mentioned, and I think
3 the reason she's being nominated and the reason I'm glad to
4 second the nomination is because of all of her very
5 positive and exceptional characteristics and capabilities.

6 CHAIRMAN RODHAM: Any further discussion or
7 comments?

8 (No response)

9 CHAIRMAN RODHAM: Ready for the question?

10 All those in favor of naming Alice Daniel, our
11 general counsel, to serve as acting president from May 1st
12 until a new president is able to assume office according
13 to the resolution that Bob has read, please signify by
14 saying "aye."

15 (Chorus of "ayes.")

16 CHAIRMAN RODHAM: All those opposed?

17 (No response)

18 CHAIRMAN RODHAM: Congratulations and we're
19 very pleased --

20 (Applause)

21 CHAIRMAN RODHAM: Given the change in our agenda,
22 we will now move to the item entitled "Procedures for
23 Presidential Search."

24 As all of us, I suppose, in this room know, we
25 must undertake this effort to find a new president because

1 Tom will be leaving on May 1st and we have discussed just
2 now that we will have an acting president, but we want to
3 move as expeditiously and effectively as we can to fill
4 the vacancy permanently so that we are able to have a new
5 president in place as soon as possible.

6 On March 6th I sent a memo to the members of the
7 Board and the nominees that outlined a number of issues
8 and questions relating to this whole matter of the presidential
9 search that I'd like to share with you and then we will have
10 general discussion from the Board and from any others who
11 wish to participate as to what procedures we wish to adopt
12 in order to begin the process of finding a new president.

13 We are hopeful, because some of the Board members
14 have requested that we do so, that we try to finish up our
15 business this afternoon by 5 o'clock or 5:15, so we will
16 hopefully be able to come to some resolution of the
17 procedures question, as well as finishing with the other
18 matters on the agenda which apparently are not going to take
19 very much time. But we'll see how that proceeds as we go
20 on this afternoon.

21 The first thing that I did in preparation for
22 my own thinking about procedures and also for acquainting
23 myself with what had been done before is to go and read all
24 the available records of the first search process, which
25 included all the minutes of all the meetings and the

1 correspondence that went back and forth between various
2 persons, both on the Board and off, concerning the search
3 process in order to get an idea as to what, if any,
4 precedent we had so that all of the Board could understand
5 that, as well.

6 Very briefly, at the very first meeting of the
7 Board on July 14, 1975, the Board adopted a resolution that
8 the Chairman would appoint a presidential search committee
9 to assist the Board in its search for a president of the
10 Corporation composed of three members and that the
11 committee would meet and discuss qualifications, obtain
12 information, narrow the search and eventually report on
13 activities to the Board and make recommendations.

14 Three Board members were appointed to that
15 committee. At the August 5, 1975, meeting, the Board
16 Committee discussed procedures for interviewing candidates,
17 but did not present any specific ones, and discussed
18 certain selection procedures and criteria, and decided to
19 review names and just generally discuss matters relating to
20 the collection of names and also decided to meet in
21 Executive Session when discussing candidates and not to
22 subject candidates present at Board meetings to questions
23 from the public.

24 On August 27, 1975, meeting in Executive Session,
25 the Committee discussed candidates and solicited additional

1 names of people who had been brought up to the Committee
2 members.

3 On September 7, 1975, the Committee, again
4 meeting in Executive Session, adopted the list of
5 qualifications that they were seeking in a president and
6 then, at the September 8th-9th Board meeting in 1975
7 introduced a resolution, which was a rather long one, that
8 listed qualifications of the kind that they were looking
9 for in a candidate for president. Those qualifications,
10 as you might guess, included everything from good character
11 and good reputation and commitment to legal services for the
12 poor, to good administrator to national visibility to
13 experience to recommendations.

14 The Committee, then, with the assistance of other
15 Board members, sorted through resumes and selected
16 candidates until they finally could arrive at a number that
17 they thought should be interviewed who were not just viable,
18 but very possible and exciting candidates for the
19 presidency.

20 The Committee did meet in Executive Session on
21 one occasion with members of designated organizations also
22 in attendance, and that was September 19, 1975, and they
23 all discussed together approximately 33 nominees and
24 eliminated 18 from consideration.

25 The Committee then met again the following month

1 in October to interview candidates and representatives of
2 specific organizations were invited to attend portions of
3 the meetings.

4 During the Board meeting on October 4 and 5, 1975,
5 the Board held an Executive Session to hear the Committee's
6 report and consider the qualifications of various candidates,
7 and in late September it invited representatives of
8 designated groups to attend interviews of the four candidates
9 in final contention for president. The interviews were
10 held October 3 and 4, 1975, and the representatives both
11 observed the Committee and Board interviews and held their
12 own interviews.

13 I have spoke with Bernie Veney and Charles Dorswy
14 about their concerns and recollections of that period and
15 their participation, and attached to the memo that was
16 sent to all of the Board members and nominees a copy of a
17 letter that Charles Dorsey sent me and the copy of a memo
18 prepared by Thorns Craven that he attached to that letter,
19 so that all Board members and nominees have had the
20 opportunity to review that letter and memo.

21 Now, the only statutory qualification for the
22 presidency set forth in the Act is that the person have a
23 law degree and membership in the highest court of a state
24 and that any other qualifications or desirable criteria
25 that we wish to seek in a person are ones that we will have

1 to discuss and come to some understanding or consensus on
2 because the statute does not give us very much guidance.

3 In the ads now being circulated in order that we
4 could begin the process, the qualifications that I included
5 in that ad were ones that Board members and others have
6 mentioned to me commonly and prominently and are meant only
7 as a sort of shorthand description. They included extension
8 experience and demonstrated ability in management and
9 administration; experience with Congress, federal agencies,
10 or other grant-making entities; familiarity with Legal
11 Services or public interest law practice. But we are going
12 to, as I said, have to go into in more depth what we're
13 looking for, what kind of person we want.

14 Now, I have suggested some procedures to the
15 Board that I will share with you now and other Board members,
16 obviously, have different ideas as to how we should proceed
17 that we will, then, discuss.

18 As I said, we have advertised widely in order to
19 get the process going. I think that the one point that we
20 were all agreed on is that we wanted as short a process as
21 we could humanly have so that we would not have any
22 discontinuity, especially during the appropriations and
23 authorization processes that are now going on on the Hill.
24 And I did ask the Board members to think that over and to
25 give me some sense of what they thought a reasonable time

1 might be and we have set a deadline for resumes of April 15th.
2 That corresponds with Tom's departure and forces the Board
3 to move as fast as it possibly can.

4 Linda Pearl, formerly Clint Bamberger's special
5 assistant, has been asked to be the coordinator of the
6 process at the Corporation in order to collect resumes,
7 put people in the right direction, let people know what
8 the deadlines and procedures are that we eventually develop.

9 I also recommended the creation of a special
10 Board Committee for the presidential search consisting of
11 five Board members. Any number, of course, is open to the
12 discussion of the Board, but that all Board members are
13 invited to participate fully in the Committee's work in
14 every and all capacity.

15 I also recommended that the Board Committee
16 should work with an Advisory Committee composed of
17 representatives from certain designated organizations, in
18 particular the ABA, the NCC, NLADA and PAG, and that
19 Advisory Committee members would be included in the work
20 of the Board Committee and would be invited to share their
21 recommendations of candidates and knowledge about candidates
22 with the Board and would be invited to observe and/or
23 participate in interviews with candidates as determined by
24 the Board Committee.

25 I also recommended that the Board Committee retain

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1 the right that it does have to meet and interview candidates
2 and to discuss its business in Executive Session if it
3 determines that that is a responsible and necessary way to
4 proceed at a certain time.

5 I think it is critical, no matter what procedures
6 we eventually adopt today, that each of us--and I mean not
7 only the Board, but every person interested in legal
8 services--take an opportunity during the next couple of
9 weeks to seek out, encourage, persuade, or cajole any person
10 whom he or she believes qualified to head the Corporation.
11 This is not going to be an easy task and the ads that we
12 have sent out in the sort of old-boy old-girl network of
13 people mentioning it one to the other will not necessarily
14 bring in the number and quality of candidates that we hope
15 to be able to choose from. Any effort that anyone can make
16 to involve more people is going to be not only appreciated,
17 but encouraged.

18 I also considered the question of hiring an outside
19 consultant or head-hunter to assist in the soliciting and
20 screening of candidates and have discussed that possibility
21 with a variety of people who have and have not had
22 experience, and I have recommended against that. I think
23 it's very clearly the Board's responsibility under the
24 Statute and the way the Corporation is structured that the
25 Board is delegated and given that responsibility to pick a

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1 president and I do not believe that we should delegate it
2 elsewhere or expend the funds that would be necessary in
3 order to do so. But, again, that's a procedural matter
4 that the Board will have to decide on.

5 I also recommended a suggested time table so
6 that each of us would have an idea as to what our
7 responsibilities were and how we should proceed, so that
8 by April 15th or during March and up to April 15th that
9 we would solicit the resumes through the ads and through
10 any other way that we could imagine, encouraging everyone
11 to give us names of people, that at this Board meeting on
12 March 22nd and 23rd we would discuss the procedures that
13 we wish to adopt and do so, and that following the meeting
14 today that we would continue our solicitation and that, of
15 course, whatever procedures we would adopt would take place
16 and would be begun.

17 Now, because we don't know what procedures are
18 going to be adopted, it's not possible to talk about when
19 we are actually going to be able to meet whatever deadlines
20 or time tables we might wish to set. I personally would
21 like to decide on a new president at the June 1st or 2nd
22 Board meeting. That's a very, very fast and very difficult
23 schedule and it may be totally unrealistic. On the other
24 hand, I think if we set that as a goal, to have recommenda-
25 tions available to the Board by that time, that all of us

1 who are interested in and participate in the process may
2 feel compelled to work maybe a little harder than we would
3 if we set the deadline at some later date. But that was
4 the -- and then the attachments of Charles Dorsey's letter
5 and Thorns Craven's memo, at the least the part of it
6 that Charles sent to me.

7 That's the substance of the memo that I sent to
8 the Board and, as I mentioned, we did not discuss procedures
9 in Executive Session, but I do think that we have to, if we
10 can, reach some agreement today so that we can begin tonight
11 or tomorrow to implement whatever procedures we are going to
12 be following to get a new president.

13 Is there any comment or questions or suggestions
14 from Board members?

15 MR. SMITH: Madam Chairman?

16 CHAIRPERSON RODHAM: Yes.

17 MR. SMITH: I think the procedure as you've
18 outlined it orally and as contained in the memo you sent
19 to us is realistic. It's true that the time table is very
20 short, but, on the other hand, I think there are several
21 reasons why the time table can be shorter this time than it
22 was the first time. I think it's short, but realistic and,
23 as you say, it's good to have a time table that does put
24 some pressure. I think even, then, if you have to extend
25 it somewhat--hopefully you won't, but if you do, that can

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1 always be done, but you could never shorten it beyond that
2 projected time table, so I think it's the right way to start.

3 I agree very much with your recommendations as
4 to the composition of the Committee and the procedure for
5 the Committee, and also I agree with your recommendation
6 against using a professional consultant or head-hunter.
7 I know there's a difference of opinion perhaps among some
8 people. I've had experience both ways, with and without
9 using one, in searching for a person to fill a position
10 like this and I just feel that the responsibility of the
11 Board is better discharged if the Board keeps that
12 responsibility entirely to itself, utilizing outside advice
13 and the Advisory Committee, as you've suggested, but keeping
14 the primary consideration strictly as a Board function
15 where the responsibility lies. In fact, if there's any one
16 overriding or most important responsibility of this Board
17 as compared with all other responsibilities of the Board,
18 I believe the selection of the president is the most
19 important function of a Board of this type. So I think in
20 discharging our most important function we need to keep the
21 control of it within the Board appointed and confirmed for
22 that purpose.

23 CHAIRPERSON RODHAM: Glenn Stockel was not able
24 to be with us today, but he did respond by calling Linda
25 Pearl to state that he felt that the suggestions I've just

1 outlined to you in the memo involved people outside the
2 Board too much and that there should be no Advisory
3 Committee until after preliminary decisions as to final
4 candidates have been made and that if there is an Advisory
5 Committee it should act more as a veto on specific candidates
6 than as a search device. He wanted me to share that reaction
7 that he had.

8 Bob?

9 MR. KUTAK: Hillary, I thought the procedure
10 as outlined in the memo you've prepared and circulated
11 was terrific. I hope that we can underscore the point
12 that comes through with the time table, however, that we
13 rather keep to it if we can, and here I seem to be a little
14 internally inconsistent with my remarks of the morning, but
15 that we keep to it if we can, but that it is more important
16 that we really do search and that we really do evaluate and
17 that we really do have time to deliberate not only among
18 the members of the Committee, but among the constitutive
19 groups that are concerned. The march is very sobering if
20 we really do hope to have a final candidate or group of
21 candidates ready for Board, final Board action by our
22 next meeting.

23 However, I'm hopeful. As Glee made mention of
24 just a minute or two ago, we have a track record now. If
25 there is widespread knowledge of this vacancy and widespread

1 interest in this vacancy, and I believe both are true, there
2 will be many friends who will come forth to not only
3 recommend, but to search out, candidates with us; and,
4 very frankly, there is a recognition of the tremendous
5 opportunity and an excitement that the job holds.

6 So I am very pleased that you have put us on this
7 kind of a pace, because I think it is a better one than
8 to look at it as an interminable process, and that we try
9 to buckle down to meet it.

10 I do stress, however, that the liaison, if you
11 will, that you have designated should be somebody that
12 everybody knows about--Linda Pearl--so that we can kind of
13 hit that very, very hard. I frankly knew that I got
14 messages, but I didn't know to whom to turn afterwards, and
15 I dare say maybe that's the case in the field. I really
16 hope that her availability is really well known and that
17 she gets not only -- that we have access to her, but that
18 the community at large knows about here whereabouts and
19 can reach her.

20 CHAIRPERSON RODHAM: Bob, I'd like to add, too,
21 that it only took the first Board three months, less than
22 three months, to do what we're trying to do. They
23 met for the very first time on July 14th and had a
24 recommendation, I guess, by the middle of October. So I
25 would think that since they were created out of ---, that

1 we should be able to try to meet that time table.

2 MR. SMITH: That's right. Madam Chairman, as a
3 member of that Committee, I would say my recollection is
4 that we gave preliminary screening to 400 names during
5 that period of time and traveled from coast to coast. So
6 we met a considerable number of times and in various
7 locations in the country. It is the kind of responsibility
8 that takes a lot of dedication and commitment and time,
9 but is well worth it.

10 I think if it's in order, Madam Chairman, as a
11 point of discussion I would like to move that the Board
12 approve your suggested procedure and time table with the
13 idea in mind that some of the detailed procedures that
14 the Committee will follow will be up to the Committee to
15 decide after they are appointed. But I would make that
16 motion as far as Board action is concerned.

17 CHAIRPERSON RODHAM: Is there a second?

18 MR. KUTAK: Second.

19 CHAIRPERSON RODHAM: Discussion? Roger?

20 MR. CRAMTON: In general, I think the proposed
21 framework looks very good. I do have a number of suggestions
22 or comments.

23 One has to do with the implication about treating
24 April 15 as, quote, "a deadline." I think that's
25 unfortunate. I think we ought to encourage people to apply

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1 and to be nominated as early as possible, but not to have
2 any deadline that constitutes a time after which you won't
3 consider new names. Obviously, the further the process
4 gets along, the more thinking is going to focus on
5 particular individuals and other people are likely to be
6 prejudiced by the fact that not so much information is
7 known about them. But it seems to me the Committee ought
8 to be open to consider new ideas whenever they come along
9 about talented people and their possibility availability.
10 I have no objection to it as long as it's understood that
11 it's not a deadline, it just means it's an encouragement of
12 an early nomination process.

13 The second observation has to do with the kind
14 of openness of the process. I think we want maximum
15 openness in terms of the suggestion of names, maximum
16 opportunity for interested people to get detailed information
17 about possible candidates and maximum opportunity for
18 representatives of very important and interested groups to
19 express their views in confidence to the Search Committee.
20 It seems to be your procedure does that.

21 My own feeling was that the procedure worked
22 very well last time of having the Advisory Committee, of
23 having the Advisory Committee interview the small group of
24 candidates that the Board is fixed on by themselves and
25 then report to the Search Committee on their observations

1 while, at the same time, the Search Committee was interviewing
2 them.

3 The problem of doing it jointly, I think, is going
4 to be a time problem. If the interviewee has only an hour
5 or the Board has a number of people that it has to interview
6 in the course of a given day, if you have 10 or 12 people
7 conducting an interview it's a little difficult. If you
8 have two separate processes or interviews in which four or
9 five people or six are involved in each, that's more
10 possible. I think it would be a mistake if the presence
11 of too many people at those meetings prevented Board members
12 from satisfying themselves by being able to ask questions,
13 just because there are so many other people that want to
14 ask questions or make comments. So, in general, I like
15 the framework you have.

16 It seems to me that the government in the
17 Sunshine Act would permit some standing operating arrange-
18 ments, at least for 30-day periods, which then can be
19 extended for 30-day periods, that call for Executive Sessions
20 by the Search Committee when its doing one function and one
21 function only; that is, talking about the merits of
22 individual candidates. I think our posture ought to be
23 very clear that all discussion of qualifications in general,
24 all discussion of procedures for selections, ought to be
25 conducted in public, but whenever the Search Committee wants

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1 to talk about the merits of X or the merits of Y and the
2 merits of Z and what does the field think about them and
3 what do former employers think about them and so on--or her--
4 that that should be done in Executive Session, and it
5 clearly falls within the exceptions to the Sunshine Act,
6 and it is possible to have a standing exception for 30-day
7 periods and it can be extended so that we just have a
8 standing arrangement so that those portions of the Search
9 Committee meetings that are devoted to discussions of
10 individuals will occur in Executive Session automatically.
11 I think that's desirable.

12 We need to draw a balance between an openness
13 that allows everybody to react to people who are real
14 possibilities while not forcing individuals who have
15 important responsibilities now which they value to publicly
16 take themselves out of the running because they can't be
17 in the position, because of their current responsibilities,
18 of being publicly considered for an extended period for
19 another opportunity, and that requires a nice balancing
20 between not forcing people too early to make too public a
21 commitment of their throwing their hat in the ring, but of
22 kind of feeling our way, and only at the very last stage
23 forcing individuals to make that choice if the Board really
24 is serious about them.

25 I wondered a little bit about having five members

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1 of the Board on the Search Committee. It seems to me that's
2 too many, in part because it comes close to having a majority
3 of the Board and really raises the question, if all five
4 of them had the same view, of really in a way depriving
5 other Board members of possibly the same weight in the
6 selection. I think it would be better to have four members
7 and have them committed to really working hard at it and
8 have it clearly a minority of the Board with other Board
9 members free to attend the sessions, but not to vote. I
10 think the five gets to be a little too close to being almost
11 a majority of the Board and that's unwise. We had three
12 before and I think maybe having one more, four, would be
13 desirable, but I wonder whether five isn't too many.

14 CHAIRPERSON RODHAM: Any other comments from
15 Board members?

16 Howard?

17 MR. SACKS: I have a number of comments on your
18 excellent, but I just wondered, do you want to deal with
19 some of Roger's suggestions first? I don't want them to
20 get lost.

21 Do you want to hear --

22 MR. KUTAK: Can we just understand that the word
23 "deadline" means "target"? That takes care of the first
24 thing. Target of April 15th, but not a deadline.

25 MR. SMITH: I think the only one of Roger's

1 suggestions that would require a change in the motion or
2 procedure would be the reduction of the Committee from five
3 to four. Other than that, I think all of his suggestions
4 are within the context and intent of the draft.

5 MR. CRAMTON: That's right.

6 CHAIRPERSON RODHAM: Well, we could say a
7 Committee to constitute no more than five or no fewer than
8 three. I'm not sure yet who would want to be on the
9 Committee, who's going to have the time to be on the
10 Committee.

11 MR. CRAMTON: Is there any --

12 CHAIRPERSON RODHAM: Or who's going to be on the
13 Board.

14 (Laughter)

15 MR. CRAMTON: I kind of do worry about the
16 relationship of the Search Committee and the rest of the
17 Board and ultimately it's the Board that should make the
18 decision.

19 MR. SMITH: I think maybe your suggestion is
20 very good, Roger, for a reason that you didn't mention, too,
21 and that is, I mentioned earlier that the Search Committee
22 four years ago met at various places all over the country,
23 and I think if you have a Search Committee working on this
24 responsibility it's very important to have as often as
25 possible, in fact all the time if possible, all members of

1 the Committee present. The larger number you get, the
2 more difficulty you have in adjusting schedules to get all
3 the members present. I do think it would be a mistake to
4 have only a part of the Committee meeting to visit people
5 and interview.

6 So, for that reason, in addition to the one
7 Roger mentioned, I think the reduction to four might be
8 a good idea. But maybe Hillary's suggestion of not less
9 than three, nor more than five, -- because the appointment
10 can actually be done by the president, anyway, and she doesn't
11 have to make that final decision today.

12 I'd be willing, if my second is, to amend my
13 motion on approval of this to say not less than three nor
14 more than five to be appointed by the president.

15 MR. KUTAK: Chairman.

16 MR. SMITH: Chairman, excuse me.

17 MR. KUTAK: Yes.

18 CHAIRPERSON RODHAM: Second will accept that?

19 Okay, Howard, do you want to --

20 MR. SACKS: Yes. Most of what I have to say,
21 I think can be done within the framework of your proposal,
22 at least I hope so.

23 One thing is that I notice that during the last
24 search an alphabetical list of names under consideration was
25 made public. I hope that we don't do that this time, at least

1 not until the last stages. I think it's important that
2 we preserve privacy and confidentiality as much as possible
3 consistent with getting a full flow of information on the
4 candidates and I think that to insure that we get excellent
5 candidates, both this time and next time, because there will
6 be a next time, I think that we ought to try to protect
7 identities consistent with the need to get a flow of
8 information about them.

9 So I wouldn't want to see in the newspaper an
10 official Board list of 17 candidates or 7 or maybe even 3.

11 CHAIRPERSON RODHAM: Okay. Well, I think the
12 Committee, if we decide on a Committee, will have to adopt
13 some of those procedures to govern itself, and I think that
14 is a matter of --

15 MR. CRAMTON: May I respond to that?

16 CHAIRPERSON RODHAM: Yes.

17 MR. CRAMTON: Actually, the way it was phrased
18 before, it didn't appear in The New York Times and it didn't
19 get very wide circulation, and it was phrased in terms of,
20 "These are individuals whose names have been suggested and
21 we don't know" -- I don't have the right wording, but it
22 essentially said, "We don't know whether they're available
23 or not and we essentially invite people to inform us about
24 them." And it really was quite useful, because unless you
25 let in the newsletters and the things that go out to people

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1 in the field and the ABA and the law school world and so on
2 you start getting a notion of X is a possibility; then all
3 of a sudden people start writing in saying good things or
4 bad things about X and you learn a lot. So I think it
5 would be helpful, actually, to the Search Committee, and
6 as long as it's done in a way that makes it quite clear
7 that these individuals haven't said that they will leave
8 their present jobs and take it if they're offered it, to
9 make it quite clear to the contrary, that we haven't even
10 necessarily approached them about whether they were willing
11 to be considered.

12 MR. SMITH: I think that's a good point, Roger.
13 The other thing about it, too, it was done only, as Roger
14 indicated, at the beginning and it did let interested
15 individuals and groups know by reference to that list that
16 someone they might be concerned about is already under
17 consideration and it saves a lot of duplication of
18 nominations.

19 I would agree entirely with your concept that
20 once the Committee starts reducing it, there should be no
21 further publication. To say, "The Committee now has under
22 consideration these 17 or these 12," I think that would be
23 wrong. But in the very initial stage, particularly indicating
24 that they've been nominated and suggested and may or may not
25 be interested, it does let people know who all is being

1 I don't assume you mean that, do you?

2 CHAIRPERSON RODHAM: I think that kind of detail,
3 Howard, is up to the Committee, if we have a Committee,
4 since at this point we don't even know how many candidates
5 we're going to have. As I understand the motion, it's
6 merely to have me set up a Committee and have an Advisory
7 Committee appointed and we've got the numbers of people on
8 the Board Committee and April 15th as the target. I think
9 the Committee needs some flexibility as to how it's going
10 to be operating and I don't think that we can necessary
11 preordain it. It may be that--this is impossible to
12 believe, but I suppose it could happen--that everyone would
13 agree by May 1st that is they could get Person X, that's
14 what they need and they wouldn't want to reinterview or
15 interview or anything else. I mean, anything is possible,
16 I suppose, once the process begins.

17 MR. SACKS: Well, that's fine. As long as it's
18 understood that they can move around within --

19 CHAIRPERSON RODHAM: Oh, yeah.

20 MR. SACKS: No problem.

21 Now, is the Committee to recommend one candidate
22 or several to the Board, or is that up to the Committee?

23 CHAIRPERSON RODHAM: That's up to the Committee,
24 as far as I'm concerned.

25 MR. SACKS: And is the Board to interview the

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1 considered.

2 MR. SACKS: Well, if it's done the way Roger
3 suggests, I think that's splendid. No problem.

4 Along the same line, I think that the Committee or
5 this Board ought to centralize relations with the press
6 so that we don't have a series of background stories along
7 the line as we move through the process, and I would hope
8 that the Committee would get the agreement of the Advisory
9 Committee, also, to have one spokesperson who deals with
10 the media. My reasons for that are similar to my reasons
11 for not wanting a list of the last five or the last seventeen.

12 You suggested, Hillary, and I think that I under-
13 stand you, but I don't want to have problems later on. You
14 say that both the Board and the Committee should retain
15 the right to meet and interview candidates in Executive
16 Sessions. I assume that this means the right not only to
17 meet candidates in Executive Session, but to discuss
18 candidates in Executive Session.

19 CHAIRPERSON RODHAM: Right.

20 MR. SACKS: Okay. I don't want to be hung up on
21 that later one.

22 You contemplate Committee interviews of final
23 candidates, as well as interviews during the period
24 beginning April 1st; at least your time table seems to
25 suggest that the finalists are going to be reinterviewed.

1 finalists or finalist?

2 CHAIRPERSON RODHAM: Well, I think that most
3 likely it would seem reasonable to me that if I'm sitting
4 on the Board and haven't made the Committee meetings and
5 they come to me to recommend George Schmoie or somebody,
6 I'm going to want to know what he looks like, anyway, and
7 have a chance to talk to him, and I would imagine that
8 the Board members will be invited to attend any meeting of
9 the Committee. So either through formal or informal ways,
10 the Board members will, I would hope, interview candidates,
11 or at least have some chance to meet and discuss with those
12 people that are final candidates before making a decision
13 at the Board.

14 MR. CRAMTON: Hillary, I would like to comment
15 on that. It's different from the time we did it before
16 in a number of ways, but the Board then was meeting much
17 more regularly and the arrangement was that the Search
18 Committee reported regularly to the Board, and I think the
19 Board had actually had three different meetings at which
20 the Search Committee reported, even though there was only
21 a four-month period involved.

22 I wonder whether it wouldn't be a good idea to
23 hold a special meeting of the Board at about the halfway
24 point, at the point where the list is really dramatically
25 narrowed down, and to have the whole Board in an Executive

1 Session at a special meeting called solely for that purpose,
2 have a chance to reflect publicly on such things as
3 qualifications, the kind of person we're looking for at
4 this point in the history of the Corporation; publicly on
5 further procedures, but privately in terms of the narrowing
6 of the list down and the next steps to be taken in terms
7 of getting further information about the remaining
8 candidates.

9 I wonder whether at about the halfway point,
10 sometime in the first two weeks in May, it wouldn't be
11 appropriate to hold a special Board meeting and I would
12 think it would be a meeting restricted solely for that
13 purpose, probably in Washington, one day, so that --

14 CHAIRPERSON RODHAM: You don't think that a
15 Committee meeting to which ever Board member is invited
16 to do that would not be sufficient?

17 MR. CRAMTON: No. Only the Committee members vote.
18 It's not the same obligation on the Board members to
19 participate. I just think that the function of the Search
20 Committee is to gather all the relevant information so that
21 the Board can make the best possible decision, and it seems
22 to me, as I now think about what you're contemplating, it
23 essentially delegates too much authority to the Search
24 Committee and makes it more difficult for other Board members
25 who are not on the Search Committee to make an effective

1 participation and have their views known. So I would
2 suggest that modification.

3 CHAIRPERSON RODHAM: Mickey?

4 MR. CANTOR: Under your suggested procedures,
5 No. 3, involving the Advisory Committee. I just want to --
6 I think I understand your intent, I just want to make sure
7 that it's clarified.

8 The last sentence indicates that there is some
9 retention of right of the Committee and the Board to meet
10 in Executive Session. I think you contemplate, though,
11 full participation by the Advisory Committee, even at
12 certain Executive Sessions, although allowing the Board to
13 retain the right of the Committee under circumstances if
14 it seems necessary. In other words, the thing -- what we're
15 doing is a spirit of inclusion rather than exclusion.

16 CHAIRPERSON RODHAM: It's my opinion that the
17 Board Committee may meet in Executive Session either alone
18 or with the Advisory Committee, depending upon the
19 circumstances and the situation. So that, yes, --

20 MR. CANTOR: Well, what we're saying here, under
21 all appropriate circumstances and in hopefully every case
22 the constituent groups, the representatives of the constituent
23 groups would be included, even in though Executive Sessions.
24 Only in the rarest of circumstances would the Committee or
25 the Board meet in Executive Session without the --

1 CHAIRPERSON RODHAM: Well, Mickey, I can't --
2 I meant what I said, which is that either and/or can happen,
3 and I don't want to put qualifying adjectives like "rarest"
4 or "most unusual" or "hardly ever," because I don't know.

5 MR. CRAMTON: I guess I have just the contrary
6 perception, that this Advisory Committee would certainly
7 meet in Executive Session with the Search Committee and
8 express their candid reactions and there would be a lot
9 of back and forth in which Committee members would ask
10 questions, exchange views, but then get reactions from the
11 Advisory Committee. But as things reached the decisionmaking
12 point in terms of narrowing the list or moving ahead on
13 particular people, that the Search Committee would meet by
14 itself, with the members of the Advisory Committee not
15 present.

16 MR. SMITH: I like the language just like it is.
17 I think that Mickey may be right, it may not be very often
18 that they meet without the Advisory Committee in Executive
19 Session, but if we qualified it too strictly I think we
20 then put the Advisory Committee in a difficult position when
21 they did feel it necessary, because we have restricted them
22 so much by the qualifying adjective. I would rather leave
23 it -- I think the language is just right.

24 MR. CANTOR: I really wasn't asking for language.
25 I was trying to just determine the intent to make sure we all

1 understood what we were doing.

2 CHAIRPERSON RODHAM: I think that your first
3 statement, that we want the process to be as open and
4 inclusive as we possibly can, is true. I just can't go
5 any further because I don't know --

6 MR. CANTOR: I understand.

7 CHAIRPERSON RODHAM: -- what the circumstances
8 are going to be. Obviously, if we can do something in a
9 public meeting or in an Executive Session with the members
10 of the Advisory Committee, that is preferable, but I don't
11 think we should in any way limit the right of the Board
12 Committee to go into Executive Session by itself whenever
13 it deems it necessary.

14 MR. ENGELBERG: Point of clarification, I guess
15 really to Glee, since you made the motion, Glee. I think
16 this is implicit, but I want to be sure. I assume that
17 unlike other committees of this Board, the Search Committee,
18 assuming your motion is adopted that as to how it governs
19 itself, procedures, et cetera, would not have to come back
20 to the full Board for its approval. Obviously, at anytime
21 the Board could discharge the Search Committee and say it
22 hasn't done its job, but I assume that your interpretation
23 of Hillary's memo is that that Committee would make its
24 procedures and then not have to get those ratified by the
25 Board.

1 MR. SMITH: That's right, because the next regular
2 meeting of the Board is the one in which final action is
3 anticipated.

4 MR. ENGELBERG: Right

5 MR. SMITH: Even if there's the interim meeting,
6 as Roger suggested, it would be after the Committee is a
7 long way down the road.

8 MR. ENGELBERG: Right. Well, I assumed that, but
9 I just wanted -- it was just a point of clarification.

10 CHAIRPERSON RODHAM: Bill?

11 MR. MacCALPIN: Hillary, I just wanted to say
12 in response to Roger's comment about another meeting that
13 if other members of the Board not on the Search Committee
14 are to have detailed knowledge and an influence, it means
15 that they've got to sit in on the interviews and not that
16 we have to have another Board meeting to talk about
17 procedures or going from 20 to 10 or 10 to 5, or whatever.
18 It doesn't seem to me that another Board meeting, which
19 involves those things, is going to be very helpful to a
20 Board member who's not on the Search Committee. If that
21 Board member wants to have the best possible knowledge and
22 the best basis to make a decision, then that Board member
23 should be invited to sit in on an interview with the Search
24 Committee. I think that's the only way it's going to happen.

25 MR. CRAMTON: Well, I don't agree with that,

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1 partly because I don't weight the personal interview aspect
2 of the process anywhere near as important as the letters
3 of recommendation, all of the telephone inquiries, the
4 materials that are put in writing by the Search Committee and
5 circulated within the Search Committee and, I would think
6 at some point, to members of the Board. It's like the
7 whole process of choosing federal judges or choosing law
8 professors, or anything. Most of the best information is
9 going to be obtained from people who have long working
10 and other familiarity with the individuals involved and
11 are weighed to give candid judgment. We're not going to
12 choose a president on the basis of a 20-minute or a 30- or
13 40-minute interview. It's going to be based on letters of
14 recommendations, it's going to be based on telephonic
15 inquiries, and presumably all of those are going to be put
16 in writing, I hope, and circulated to the Search Committee
17 and, at some point, with the candidates narrowed down.

18 And then, what it seems the Board members have to
19 talk about is weighing advantages of one candidate against
20 advantages of another that involve matters of the kind of
21 symbolism you want for the Corporation, how important is
22 national visibility as against experience in legal services
23 and things like that that really relate to the -- not so much
24 to the quality of the individuals, but to the goals and
25 objectives of the Corporation and its needs right now.

1 MR. MacCALPIN: All you're talking about doing
2 is attending the last Committee meeting.

3 MR. CRAMTON: Well, I just think the narrowing
4 process, when you go from 25 or 50 names that you're
5 building serious dossiers on, to 6 or 8, or whatever the
6 number in which you're going to do much more intensive work
7 to make a final choice, in fact involves some very important
8 choices and all members of the Board should be involved
9 at some point and to some degree at that point.

10 I'd be willing to put that as a motion, if it's
11 appropriate, as an amendment, that the Board plan a special
12 Board meeting halfway through the process to assist and
13 advise the Committee and assist in the narrowing down.

14 CHAIRPERSON RODHAM: I'd prefer if we could take
15 those two separately, Roger, if that's all right.

16 Is there a second?

17 MR. SMITH: No, I wasn't going to second. I just
18 wanted to ask a question.

19 CHAIRPERSON RODHAM: Howard?

20 MR. SACKS: Just one question or clarification on
21 the criteria. You used the phrase "familiarity with legal
22 services or public interest law practice." Now, I assume
23 by that you mean that there's no need for professional
24 experience with either legal services or public interest
25 law practice.

1 CHAIRPERSON RODHAM: Well, in the ad that was
2 sent out it was deliberately as general as it could be.

3 MR. SACKS: All right.

4 CHAIRPERSON RODHAM: So that every possible person
5 could fall within its ambit who might be interested in the
6 job.

7 MR. SACKS: Well, I would hope that the Committee
8 would not rule out anybody simply because he or she doesn't
9 have a professional involvement with the program.

10 CHAIRPERSON RODHAM: Right.

11 MR. SACKS: So familiarity means that if you
12 read about it in The New York Times and you can answer a
13 few questions.

14 CHAIRPERSON RODHAM: Well, we've had third year
15 law students sending in their resumes, so I suppose
16 familiarity means anything.

17 (Laughter)

18 CHAIRPERSON RODHAM: Any further comments from
19 the Board members?

20 (No response)

21 CHAIRPERSON RODHAM: Any comments from anyone in
22 the audience?

23 Mr. Dorsey?

24 MR. DORSEY: Yes. I think that the procedure that
25 is recommended would not be acceptable to the field because

1 it does not provide for the greatest possible openness
2 that is meaningful.

3 First of all, I'd like to talk about the
4 relationship of the parties. I believe that clients and
5 field people have a special relationship to the Corporation
6 and a special relationship to its top official which is
7 different from other organizations which might be
8 incidentally interested in what happens to Legal Services
9 and to this Corporation. So, for this reason, I believe
10 that clients and field people should be treated differently
11 from a representation of other organizations,

12 Secondly, in terms of openness, if memory serves
13 me correctly it was because of the great number of Executive
14 Sessions that surrounded the last process that the field
15 became outraged and proposed to the Congress that the
16 Corporation be brought within Sunshine. I think that the
17 procedure that is suggested does not represent the openness
18 that is required, especially when you talk about Executive
19 Sessions.

20 Talking about the philosophies of Legal Services'
21 openness has been one of the things that has been in the
22 forefront of Legal Services' movement, openness as far as
23 decisions are concerned, that type of thing.

24 I imagine that one of the reasons why I suggested
25 that clients and field members be part of the official

1 Search Committee is to get around the problem of openness,
2 to get around the problem of dealing with Executive Sessions.

3 In my conversations with people around the
4 country the word that I get leads me to believe that there
5 are significant numbers of people who will not apply,
6 people with excellent qualifications who will not apply,
7 because they feel that the process will not be open. There
8 are people in certain quarters who feel that already there
9 are certain preferred candidates and, in fact, some people
10 believe that the whole system is wired. I think --

11 CHAIRPERSON RODHAM: I wish it were. I wish we
12 had even one preferred person.

13 MR. DORSEY: I do not happen to be one of those
14 who feel that it is wired, but I'm saying that in addition
15 to there being actual openness, that openness has got to
16 be perceived by the field, or else we're not going to get
17 the numbers and the quality of people who should be
18 applying for this position.

19 In terms of interviews, I find it difficult to
20 understand why an open interview process is impossible.
21 Whoever the person is is going to have to face the field
22 and clients at some point and I believe that the sooner that
23 confrontation, that meeting takes place, the better. I
24 guess my bottom line is that I do not think that the process
25 that is being suggested meets any standard of the greatest

1 openness possible.

2 It's strange that Roger talks about selection
3 of federal judges. I happen to be involved in a number of
4 corporation meetings about the selection of federal judges.
5 One of the things that was urged on the field, and I urged
6 on my own Senator, was that there be a Commission set up,
7 separate and apart from the fact that the President with
8 the suggestion of the Senator makes the appointment, that
9 there be an open process, that there be a Commission, that
10 names be promulgated so that the general public can make
11 comments about those names. I find it iron that Roger draws
12 a parallel with the federal judgeship and we seem to be a
13 little inconsistent in taking a different tack as far as
14 the presidency of this Corporation is concerned.

15 CHAIRPERSON RODHAM: Steve?

16 MR. ENGELBERG: I'd like to ask Charlie a few
17 questions cause a couple things he said disturbed me.

18 First of all--and maybe -- what I understood you
19 to say is -- you don't believe -- assuming -- regardless
20 of how we work out the relationship between the constituent
21 groups, which I agree with you is vitally important, you're
22 not advocating that the actual, final conduct of interviews
23 be -- I'm sorry -- of decisionmaking be open to all the
24 public. At some point it seemed to me you were recognizing
25 that there has to be, for the sake of confidentiality and

1 decency, because I can't see anybody on this Board candidly
2 attacking a person or saying, "I don't want that person."
3 I think it's unfair, it's an invasion of privacy and I
4 assume you agree with that, --

5 MR. DORSEY: That's correct.

6 MR. ENGELBERG: -- so there has to be Executive
7 Sessions.

8 MR. DORSEY: I agree with that.

9 MR. ENGELBERG: Okay.

10 MR. DORSEY: I'm suggesting that if field people
11 and clients are part of the Board, then you can deal with
12 that problem of Executive Session because they will be
13 involved in those discussions.

14 MR. ENGELBERG: Well, okay, but I mean -- but, you
15 see, there's a little bit of inconsistency there, because,
16 as you know, and I do agree with your point, that we do have
17 primary constituent groups and some that can be called
18 secondary constituent groups. But certainly logistically
19 there's no way in the world consistent with at some point
20 an Executive Session, whether or not PAG and the Clients
21 Council is in there or not, that you can everybody in there.
22 So there's going to be some selection made.

23 I recognize that there are priority of groups in
24 terms of the involvement with this program, but I think --
25 and, again, I just wanted to be sure cause I thought that's

1 what you were saying. But, like, for example, what Mickey
2 said earlier, Mickey's interpretation is that the Advisory
3 Committee, which would certainly include the groups you're
4 talking about, would be working closely with both the
5 Search Committee and at some point maybe even the Board,
6 and that every effort would be made to include them in
7 Executive Sessions, which is consistent with your suggestion.
8 So, I mean, I think at that point we're in agreement.

9 Where we may be in disagreement is that at some
10 point either the Search Committee or the Board would choose
11 to go in an Executive Session without the Advisory
12 Committee, but I mean I just wanted to narrow the range
13 of our disagreement, if in fact we do disagree.

14 You presented it sort of as an -- you know, kind
15 of an all or nothing thing, and I don't -- because I agree
16 with Mickey's interpretation of the proposed motion; that
17 is, every effort will be made to include the Advisory
18 Committee in closed sessions. So, up to a point, the
19 kind of inclusion you want will be there.

20 Now, I agree, there may come a point when, for
21 whatever reason the Committee decides -- obviously, when
22 it gets down to what it feels are the final decisions --
23 they may ask to go into total Executive Session.

24 MR. CRAMTON: How would you choose the field
25 people and the clients?

1 MR. DORSEY: Well, the National Clients Council
2 certainly does present a vehicle for selection of clients.
3 Field people, I think that the Project Advisory Group should
4 be considered as an organization which does have some
5 relationship to the field.

6 MR. CRAMTON: What about NALDA, what about
7 representatives of the Boards of local programs, what about
8 the American Bar Association which has had such a long-
9 standing interest in the program? I mean, haven't they got
10 something to contribute and don't their fears about the
11 openness of the process also need to be assuaged?

12 MR. DORSEY: My position is that --

13 MR. CRAMTON: Why do you want to be so inclusive?
14 It seems that what we're proposing is actually more open,
15 more inclusive than what you're advocating which just says
16 two organizations and two alone get special treatment,
17 but others are going to be excluded.

18 MR. DORSEY: No, I didn't --

19 MR. CRAMTON: Don't want any members of local
20 Boards, we don't want any NALDA, we don't want any ABA.

21 MR. DORSEY: I did not suggest that, Roger.

22 MR. CRAMTON: Your comments imply that, though.

23 MR. DORSEY: I did not suggest that -- well, --

24 MR. CRAMTON: You said special role and you talked
25 about clients and field people.

1 MR. DORSEY: Well, I think there is a special
2 relationship, a relationship that is different than the
3 ABA's relationship. I believe that we are more closely
4 tied in -- clearly we are more closely tied in with the
5 Act and the goals and objectives of the Legal Services
6 Corporation.

7 MR. CRAMTON: The question is whether the inclusion
8 of other people would contribute, not whether relative
9 priority of interest in the program. It seems to me the
10 more open and the more exclusive you are in terms of
11 interested groups, the better, and that's why I liked what
12 the Chairman suggested.

13 CHAIRPERSON RODHAM: Ray?

14 MR. RAY: Thank you, Hillary. I think an
15 injustice is being to the point that Charlie was making
16 here. The insights of NALDA and the American Bar
17 Association and the like would be worthwhile, and there
18 probably are a number of organizations, and I do not
19 discount the contributions that they can make. Nor is
20 anything that I'm saying to suggest that the final authority
21 for the decisionmaking does not rest with this Board of
22 Directors. It clearly does.

23 However, there are two constituent groups to
24 which the Legal Services Corporation has a relationship,
25 and is accountable, just as we are accountable to you. One

1 is those people who provide the service, the field programs;
2 the other is the people who receive the service and those
3 are --

4 CHAIRPERSON RODHAM: How about the people who
5 give the money. Should we have Senator Hollings on the
6 Committee?

7 MR. RAY: You are the representatives accountable
8 to the public. This is your process and it is essential,
9 in my judgment, and I think I speak for the field at large,
10 that the clients and the field, through their representatives
11 chosen by the National Clients Council and PAG, share
12 equally in the documentation and in the deliberation for
13 two rather obvious reasons. One is that we bring an
14 insight that should be beneficial to the decision that's
15 going to be made, and the other is that it's critical that
16 confidence and trust be established between those
17 constituent groups and the person chosen.

18 Now, although it's perfectly true that you can
19 preserve the right, strictly speaking, to go into Executive
20 Session anytime you want, that would do a great disservice
21 to the task that you're seeking to perform.

22 Now, that's not to say that this whole process
23 can't be done through representatives, and I would agree
24 with your point there. We don't need to have the field at
25 large, the clients at large, the world at large, participate

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1 in everything that's done. It may be necessary to do some
2 of these things with a much smaller group. But that smaller
3 group, I suggest to you, at no time should require the
4 exclusion of the chosen representatives of the field and of
5 the clients.

6 For example, supposing that there is a person
7 who submits an application on condition that it only be
8 considered privately by the Board, because he or she fears
9 that current employment status, or something of the sort,
10 would be harmed. What are you going to do with an applica-
11 tion like that? Are you going to give it credence and
12 handle it strictly behind closed doors? You could, based
13 upon the conditions you're presently talking about. It
14 would be inexcusable for you to do so. There's no good
15 reason, I submit to you, why you can't condition everything
16 that you do on the active participation of the representa-
17 tives of the field and of the clients as equals in everything
18 but the vote.

19 CHAIRPERSON RODHAM: Berry Kehrer?

20 MS. KEHRER: Madam Chairman, Betty Kehrer from
21 NLADA. I would offer the good offices of NLADA in this
22 process and, for those of you who might not be clear,
23 NLADA is composed of clients from the field, from project
24 folk, from private bar folk, from civil and defender folk.
25 We are very interested, very concerned and we would expect

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1 to be and want to be a part of the process of whatever
2 rules or guidelines the Board lays down.

3 CHAIRPERSON RODHAM: Bernie?

4 MR. VENEY: Just for the record, and this
5 is really just for the record, the Board of Directors of
6 the National Clients Council has instructed me in language
7 slightly stronger than Charlie's and sometimes more colorful
8 to take exactly the same position that Charlie has taken.

9 CHAIRPERSON RODHAM: Thank you.

10 Any further comments or suggestions?

11 MR. CRAMTON: Am I correct that the only
12 disagreement really at this point between the views
13 expressed and your recommendation is, first, that your
14 recommendation calls for the inclusion of two other groups
15 that are not included in the Dorsey and -- I don't know
16 about Denny Ray's, but not included in National Clients
17 Council or PAG proposal; and, second, that your recommenda-
18 tion holds out the possibility, although it doesn't say it
19 will happen, that the Search Committee and the Board will
20 meet in Executive Session without this Advisory Committee
21 being present? Those are the only two differences we're
22 talking about, right?

23 MR. MacCALPIN: You missed the basic difference.

24 MR. CRAMTON: What's the basic difference?

25 MR. MacCALPIN: The composition of the Search

1 Committee.

2 MR. CRAMTON: Well, I thought they both were
3 sort of backing away from that. They're saying that the
4 vote would be the Search Committee and the members of the
5 Board. Are you really talking about a Search Committee
6 that's composed solely of people from the field?

7 CHAIRPERSON RODHAM: No. A Search Committee, as
8 I understand, Charles, from our conversations both today
9 and before, the Search -- there would be one Search
10 Committee and that one Search Committee would be composed
11 of Board members and representatives, at least PAG and NCC
12 There would not be an Advisory Committee. And then, as
13 Denny Ray seemed to suggest, there might be some difference
14 among the powers of the members of that Committee in that
15 non-Board members would not vote, which is obviously
16 different from my suggestion of two committees working in
17 tandem as much and as often and as fully as possible.

18 So, yes, that's the fundamental difference.

19 MR. SACKS: Do I understand, then, that the
20 proposal from Mr. Dorsey is that ABA and NLADA would not
21 be represented in this process?

22 MR. DORSEY: No. I did not speak to NLADA and
23 the ABA. What I'm suggesting is that, speaking only for
24 field people and clients, there's a special relationship
25 which requires, in my judgment, that we be part of the

1 Committee.

2 MR. SACKS: And what would you propose to do
3 about ABA and NLADA?

4 MR. DORSEY: Betty has spoken on behalf of
5 NLADA and I would not purport to speak for NLADA. I say
6 nothing as to ABA. I think that it would be helpful to
7 have representatives from NLADA and ABA serving on the
8 Committee, but my interest and the thrust of my comments
9 is that field and Board representatives should be -- field
10 and client representatives should be a part of the Search
11 Committee.

12 MS. SHUMP: Are we talking in terms of six
13 people, then, with two Board members, or only one Board
14 member -- are you talking in terms of one representative
15 from each of these groups plus the Board?

16 MR. DORSEY: My recommendation would be that
17 there be four Board members, two field people and -- you
18 know, I don't get into whether the field people are selected
19 by NLADA or by PAG, or whatever, but there be two field
20 people and there be two clients. So a total board of eight.

21 MR. SACKS: All voting members.

22 MR. DORSEY: Having all powers except to vote
23 on who the president will be.

24 MR. SACKS: Well, won't you exclude? Could
25 they vote to exclude candidates?

1 MR. DORSEY: I wouldn't think so.

2 CHAIRPERSON RODHAM: Steve?

3 MR. ENGELBERG: Well, Charlie, you said that
4 all powers up until choosing the president. The members
5 of the Search Committee aren't going to choose the president.
6 The Search Committee is going to make a recommendation to
7 the Board which, I think everybody in this room agrees,
8 ultimately has to make the final authority. Again, I
9 think our disagreement is over -- as I understand it, the
10 sole disagreement, aside from form--and I'll get back to
11 the question of form--is the right of the Search Committee
12 or the Board--not the legal right, but the correctness from
13 a political point of view--to at some point go into
14 Executive Session without the Advisory Committee, because
15 as I understand what Mickey clarified--and it seems to
16 be my feeling that that's the way the process should work--
17 that we all agree there's got to be an Executive Session,
18 including the Advisory Committee, for reasons of just
19 common sense. Everybody understands that. And that
20 basically -- cause I think it's important to narrow the
21 disagreement.

22 It really comes down, aside from the question of
23 whether you called the outside group part of the Search
24 Committee or an Advisory Committee of the Search Committee,
25 assuming they're going to all be meeting together, which I

1 assume they will be, it comes down to that final one or
2 two sessions that the Committee itself or the Board as a
3 whole may go into Executive Session. And I think that
4 that, it seems to me, is the sole issue in dispute
5 between the representatives so far that have spoken on the
6 floor?

7 CHAIRPERSON RODHAM: Bob, did you --

8 MR. ENGELBERG: Is that right, Charlie? I mean,
9 are we further apart than I think?

10 MR. DORSEY: I think that you articulated fairly.
11 I agree with Denny. I cannot conceive of a situation when
12 considering potential presidents of this organization, I
13 cannot think of a situation when field and client
14 representatives should be excluded. I can't conceive of a
15 situation where that would be desirable or necessary.

16 CHAIRPERSON RODHAM: Bob?

17 MR. KUTAK: Hillary, forgive me for being ---,
18 but I can be very understanding of the case being made
19 for the simple reason that I would draw upon my experience
20 when we started out three years ago with the regulations.
21 I can remember the tremendous tension that existed in the
22 room. You could almost cut it with a knife, as they really
23 thought it was them against us, and particularly, just
24 look who's chairman, Kutak. What does he really know about
25 our needs and our environment.

1 As we progressed it became not only a working
2 relationship, but indeed, as you know, we finally looked
3 upon the group--not finally, fondly looked upon the group--
4 as amicus curiae, I mean really friends of the court that
5 were an integral part of the process.

6 I wonder if we aren't really here in a situation
7 where we're really all friends, really with a common cause
8 and we're almost going back to a situation of three or four
9 years ago when there seemed to be a justification. There
10 probably was a justification, but we had fears and
11 apprehensions about what might emerge.

12 I think maybe what I'd like to suggest, somehow
13 these things are looked upon perhaps on the basis of the
14 integrity of those who are involved in the process, but
15 we know, we know together that we can't be at cross-
16 purposes with each other. It's got to be, if you please,
17 a joint venture. If we think those who make up that task
18 force or that team that's looking at an initial -- making
19 the initial cuts are going to play games, they're not only
20 going to fool -- they're not going to fool the field
21 and, very frankly, they're going to be rejected by this
22 Board.

23 The process itself has to have an enormous
24 amount of integrity in it, which means it's got to be open,
25 it's got to be -- we've got to be together, we've got to

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1 communicate and cooperate and relate and, yet, at some
2 discreet period, knowing that the field and all of those
3 constituent developments --- really have had input and
4 have been considered, you know, it comes down to three
5 people or five people or eventually, I guess, eleven
6 people biting the bullet and saying, "We've done our best
7 and here is" -- and, by the way, there's a rich group in
8 that field that we can draw upon that's going to come up
9 with an answer.

10 I think this, and I only fear, as I said there's
11 kind of a feeling of deja vu here, but I really don't
12 think we are at opposite ends with each other and that we
13 are in conflict. I really think we are together with
14 respect to the common conviction of common belief that we
15 must work together or we're going to come up not only a
16 satisfactory -- an unsatisfactory result, but we're going
17 to come up with a counterproductive process.

18 So I urge only, not trying to say "trust me,"
19 but I really say that I think if we really do proceed
20 together with the conviction that this Board has and
21 pledges to itself and, therefore, to the field and,
22 therefore, to the community at large and, therefore, indeed,
23 to all concerned persons, most of all those who will not
24 be heard but will be affected, that if we are open and
25 communicate and relate, we aren't going to have the problems

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1 that we may be all trying to guard against. And I think
2 the kind of people that are going to be involved are going
3 to assure that on both sides of the table.

4 MR. SMITH: Madam Chairman?

5 CHAIRPERSON RODHAM: Glee?

6 MR. SMITH: In fact, I think the discussion
7 that's gone on here today, and particularly as summed up
8 by Bob, will help assure that the problem that some fear
9 probably won't arise, because everybody is committed to a
10 degree of openness.

11 I had a suggestion or maybe an inquiry--maybe
12 it's a combination--but I was wondering if you intended --
13 if this motion carried, if you intended to select the
14 Committee sometime this evening so that while they're here
15 they could organize tomorrow morning; and also while every-
16 one's here you could visit with the potential members of
17 the Committee and then the Advisory Committee could be --

18 CHAIRPERSON RODHAM: Well, I have a hard time
19 doing that since we don't know who the Board members are.
20 I mean, that would mean by necessity that it could only be
21 people who are not only already on the Board, but would
22 have to exclude --- and Bob because of the -- some uncertainty
23 about --

24 MR. KUTAK: From what I heard, that's great. '

25 (Laughter)

1 MR. SMITH: I was assuming that what was left
2 was primarily a formality since the Committee has made the
3 recommendations, but maybe --

4 CHAIRPERSON RODHAM: Well, I would hope that it's
5 merely a formality.

6 MR. SMITH: And I was assuming that you could go
7 ahead and select the committee and have them start
8 organizing on the basis that it would be, and then if you
9 had to make a substitution or change you could do so. But
10 I would think you could go ahead on the assumption.

11 CHAIRPERSON RODHAM: Well, I certainly will if
12 that's possible.

13 MR. McNALLY: Madam Chairman?

14 CHAIRPERSON RODHAM: Yes?

15 MR. McNALLY: Joe McNally of Greater Boston Legal
16 Services.

17 I'm hearing a lot of concern expressed from the
18 Board about not unnecessarily creating an us-versus-them
19 dynamic and not going back to some of the distrust that
20 existed a number of years ago, and I respect that concern
21 and really share it.

22 I wonder if we shouldn't act more on that concern,
23 particularly since we all know that ultimately the Board,
24 however then constituted, will make the final decision, to
25 come up with a Search Committee of eight or nine people, or

1 comparable membership of the Board or a comparable amount
2 from organizations, from the groups that have been mentioned
3 here. I would suggest the addition of another group myself,
4 frankly, which is the LSC staff itself. I think that their
5 new boss is going to be executive director and you might
6 want to have one representative either from regional staff
7 or the Washington staff on the Search Committee. I would
8 suggest a group of about nine is totally workable.

9 You really don't have a lot to worry about,
10 because my experience with these sorts of discussions is
11 that there are a lot more theoretical parables come out
12 during the conceptual stage than ever come out with nine
13 reasonable people sitting down and trying collectively to
14 come up with the best name or names for the full Board to
15 consider.

16 I think that what you've got before you is an
17 opportunity to really act upon what you've all just said.
18 I really mean that. And to try to do something which will
19 really demonstrate that you mean you are all part of the
20 same team and that we're all involved in the same job.

21 I would suggest that you give very serious
22 consideration and not rush to a vote today necessarily,
23 very serious consideration to a Search Committee made up
24 of clients and people from the field, people from the LSC
25 staff and the Board, for the recognition again that the full

1 Board will vote on the next president.

2 MR. ENGELBERG: Well, how do you deal with the
3 Executive Session problem?

4 MR. McNALLY: I would say that the Search
5 Committee -- either you, Steve, or somebody else made a
6 comment that took care of that. I would say that a Search
7 Committee with nine people would be the committee, that
8 they would go into Executive Session when they thought it
9 was necessary, but that ultimately all they'd be making to
10 the Board was a recommendation.

11 MR. ENGELBERG: Well, would the full Board, then,
12 under your proposal be allowed to go into Executive Session?

13 MR. McNALLY: Sure.

14 MR. ENGELBERG: So at some point you would
15 recognize that the Board itself would retire after that
16 process without any other public representatives.

17 MR. McNALLY: That's right. My sense is by
18 that point -- see, I really expect that by that point the
19 nine people on the Search Committee will --- on somebody
20 and there will be no serious divisions along Board, non-Board,
21 lines; and, frankly, if there were, the Board could remedy
22 that when it retires to Executive Session.

23 MR. ENGELBERG: Well, just out of curiosity,
24 that suggestion seems to be inconsistent with certain --
25 for example, Denny seemed to say that he would oppose any

1 Executive Session.

2 MR. RAY: That's the first time I've ever said
3 anything inconsistent with --

4 MR. ENGELBERG: Well, I know it.

5 (Laughter)

6 MR. ENGELBERG: No, I'm serious. I'm curious
7 as to whether, for example, either Denny or PAG has a
8 position on that proposal, which is at least interesting,
9 I think; that is, that the -- as I understand the proposal
10 it's that the Search Committee be a combined Search
11 Committee which would meet in Executive Session from the
12 public at large, but that the Board representatives of that
13 Committee would not meet in Executive Session apart from
14 the other members of the Committee, but that ultimately
15 the full Board itself, if it chose to do so, would go into
16 a real Executive Session without anyone else there other
17 than the Board.

18 MR. RAY: Of course, if the Board felt that that
19 was appropriate, they could do so. Right? The important
20 thing is to have the active participation down the line
21 and -- you know, those of us--and I'm sure this includes
22 some of you--who have done a lot of recruitment and
23 selection over the years see a dynamics where it's really
24 essentially that those actors involved in that selection
25 process do it together, because if you've got one group over

1 here and another group over there and each parallel to the
2 other considering the particular candidates, it's very
3 difficult to bridge that gap. And that kind of equal
4 status with the reservation of the vote of the Board seems
5 to cure, I think, all the problems that have been dealt with.

6 MR. ENGELBERG: See, the problem I have with
7 your suggestion -- and I appreciate that spirit of
8 compromise which motivates -- conceptually it's not really
9 that different --

10 MR. RAY: That's right.

11 MR. ENGELBERG: -- from --

12 MR. RAY: From your perspective it's not that
13 different, because you already believe what you just said.
14 When you're sitting out here, it's a lot different.

15 MR. ENGELBERG: Well, okay, but let me just
16 finish my point. You see, if you view the -- if you accept
17 the fact, which I certainly believe in, that ultimately at
18 some narrow process the Board as a whole goes into
19 Executive Session --

20 MR. RAY: Speak up just a little.

21 MR. ENGELBERG: I'm sorry. If you accept the
22 fact, which you seem to, that at some point the Board would
23 itself go into Executive Session to deliberate and so on
24 and so forth, which certainly is legally allowed under the
25 law, under the Sunshine Act, I guess I don't see the

1 distinction between that and the Search Committee--that is,
2 the Board component of the Search Committee--as an
3 instrument of the Board, in its discretion, at some point
4 feeling the need to do likewise, because, after all, the
5 Board part of a Search Committee is obviously the Board's
6 agent to help it come up with a choice. It is not the
7 Search Committee which is going to make the final decision.

8 MR. McNALLY: I think the answer is there isn't
9 any real distinction and, therefore, you should do it.

10 In other words, what the proposal promises is
11 a process in which collection of people are involved, half
12 of whom -- about half of whom happen to be from the Board,
13 but I believe they'll come together as a collection of people
14 and honestly try to do something together. And I would
15 believe, I would predict that their nominee would be the
16 nominee that the Board would want to pick.

17 MR. ENGELBERG: Well, you're assuming there would
18 be one nominee?

19 MR. McNALLY: One or three or whatever, whatever the
20 Committee decided. What I'm assuming -- what I'm predicting,
21 I guess, is that out of that process would grow some trust
22 around the new president because people have been and would
23 feel as if they had been meaningfully involved in the process.

24 I think what you're saying, Steve, is that they
25 will be just as involved with the Advisory Board mechanism.

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1 That may be perfectly true, but all I'm saying is people are
2 going to feel better if we do it the other way, and I
3 really think that's important.

4 MR. ENGELBERG: Let me just throw this out.
5 See, I have -- and I'm not sure this is what everybody's
6 saying, cause I think people are saying different things.
7 If it's a symbolic gesture of melding these two groups,
8 although I must say the problem, how you identify the
9 outside groups -- see, one advantage, it seems to me, by
10 calling it an Advisory Committee, we're not -- you know,
11 it's a little difficult, it seems to me, to presume who
12 the right outside groups are. Roger raised the question
13 at the local boards. I mean, after all. I mean, I realize
14 clients obviously compose local boards, but there are
15 other people.

16 But my concern is the way with trying to combine
17 the two things into one. First of all, you've got to deal
18 squarely with that problem of defining the outside groups,
19 which I don't think anybody here has a real easy answer to.
20 I mean, we've been dancing around, you know, who that
21 should be.

22 Symbolically, I mean, it seems to me nothing
23 wrong with calling whatever the group is a Search Committee,
24 but I still think at some point the Board component of the
25 Search Committee, in order to effectively serve the full

1 Board, should have the right to go into Executive Session,
2 which they're going to probably do, anyway. They're going
3 to either do it the right way, which is with an announced
4 procedure, or they're going to do it sort of by talking to
5 themselves. And, of course, obviously I think it's better
6 that they not do it the wrong way.

7 MR. McNALLY: I guess I would just add some
8 suggestions about how you might come up with nine people
9 that might -- and obviously they're just suggestions.
10 Before adding those, let me say that that's exactly the kind
11 of thing that the Board might wish to think about a little
12 before making its decision. Let me just give you the idea
13 I have.

14 You would have a nine-person Search Committee,
15 four of whom were Board members, and one of those four
16 whom would be a client, all right? You could then have
17 five additional people, another client, a PAG, somebody
18 from the field, either selected from PAG, is that's what you
19 wish, or some other program, and NLADA, again selected
20 through NLADA or by you. So you'd have two field people.
21 An ABA representative, because I think ABA involvement in
22 our work is critically important. And I would suggest the
23 ninth being an LSC staff person. That would give you a
24 nice cross-section of the Legal Services community, an
25 opportunity to involve those groups. You can swear all nine

1 people to whatever confidentiality rules and so forth that
2 you wanted, and I think you'd be setting the tone from where
3 we would go from there with a new president.

4 MR. TRUDELL: How would you select the LSC staff
5 person, or suggest how we --

6 MR. McNALLY: My only suggestion would be that
7 you might ask for indications of interest and then let
8 your acting president pick one.

9 CHAIRPERSON RODHAM: Any other comments?

10 MR. ENGELBERG: What about -- just to follow your
11 suggestion, what about the voting mechanism? Are you saying
12 that when it came time for the Search Committee to make
13 recommendations -- under your concept of the type of Search
14 Committee to make recommendations to the Board, that everybody
15 would vote or just the Board members could --

16 MR. McNALLY: All nine people would vote. Now,
17 the Board, in its deliberations, Steve -- assume there
18 was no division, meaningful division, between the Board and
19 the other members, and the Board would say, "Well, that's
20 nice." If there were division the Board would be allowed
21 to know that. In other words, the Board could say, "We
22 notice that the vote was 5 to 4 for this person over here,
23 but all four Board members voted against that person." I
24 think that would greatly lower the chances of that person
25 being selected by the Board. So that the Board has plenty

1 of built in protection, but it also has the inputs of at
2 least five other constituents.

3 MR. ENGELBERG: Well, let me ask one other
4 question. Again, I still didn't -- I don't think you
5 answered my question, that assuming we went to the kind of
6 mechanism you're talking about, are you suggesting that under
7 no circumstances the Board component of that unified source
8 should go into its own Executive Session?

9 MR. McNALLY: I would say that's right.

10 MR. ENGELBERG: Would not.

11 MR. McNALLY: Right. Nothing could stop them
12 from going to lunch together, if they feel the need for it.

13 MR. RAY: I would agree with that last, but I'm
14 not hung up on the fact that the Board doesn't vote. What
15 you've got to strive for is a practical matter as a
16 consensus. You work for the consensus. If you don't get
17 the consensus, the Board members reserve the right to vote,
18 but they don't need to vote in private. They can vote with
19 all members of the Search Committee.

20 MR. CANTOR: I was going to suggest just exactly
21 what Denny said, that you have X number of people in the
22 Search Committee comprised of constituent organizations
23 and X number of people from the Board, and the non-Board
24 members of that Committee participate fully in all activities
25 except the fact they cannot vote, similar to what I'm doing

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1 here today. I just sit here and cannot vote, although I
2 can open my big mouth whenever I want to. And I think
3 that would be a very effective process.

4 I don't see -- maybe Denny said it, or Charlie,
5 I can't conceive of a situation, can't conceive of the
6 situation where we would want to exclude any person
7 representing those groups involved from those deliberations.
8 It seems to me that going with what Bob just said, let's
9 take the final step, Bob. If we're going to create this
10 spirit, which you have very well in the continuing Board,
11 this process of involvement, participation and trust, that
12 we ought to go ahead and tie the knot at this point. I
13 think it's in the spirit of the Act, I think it's in the
14 spirit of this program and I think it's an effective way to
15 process. I don't think it does violence to any of the powers
16 of this Board, nor to the final process.

17 I believe it is a mistake, it would be a mistake
18 to merely have an Advisory Committee, excluded at certain
19 times by Executive Session, which I believe would only
20 create suspicion and mistrust and fear rather than creating
21 the kind of spirit that you were talking about.

22 CHAIRPERSON RODHAM: Bill?

23 MR. ENGELBERG: What about the final Board?

24 CHAIRPERSON RODHAM: Bill, do you have something?

25 MR. MacCALPIN: I've been sitting here thinking.

1 I'm not great expert in the law of defamation, but I worry
2 about the fact that the statute requires that the president
3 be a member of the Bar and licensed to practice before the
4 highest court of some state. I am concerned about the
5 negative aspects of derogatory information that comes to a
6 member of the Board with respect to a candidate. I believe
7 that so long as that information is imparted to other
8 members of the Board who have the fiduciary obligation,
9 they are -- the imparter of the information is sheltered
10 by a privilege.

11 I am concerned that if that information is impart
12 to another group which does not consist of Board members
13 who have the same obligation, that it may be more difficult
14 to impart the kind of information which concerns me and
15 which I think is not just theoretical, I think it's entirely
16 possible that some such information may come to hand. And,
17 thus, I think I do see a situation in which it may be
18 necessary for members of the Board alone to meet to talk
19 about some aspects of one or more candidates.

20 CHAIRPERSON RODHAM: Roger?

21 MR. CRAMTON: Hillary, I agree with what Bill
22 has said, but I think there's another aspect of the same
23 problem that is at least as important. The group that's
24 envisioned, it seems to me, puts the individuals who are
25 selected under pressures of the kind that people should not

1 be put under and also raises a problem of whether it's really
2 going to effectively represent the field. If you're going
3 to have a Search Committee that's really going to exchange
4 the extremely candid information about individuals and the
5 kind of even personal and psychological reactions to
6 personalities that the members of the group have, it requires
7 a great deal of confidence within the group and confidence
8 of things staying within the group. And yet you're
9 talking about participation in those discussions of people
10 who will not be there to exercise their own judgment.
11 They're representatives of outside groups, private groups.
12 They're supposed to report back to those groups. They're
13 supposed to get the views of PAG and NCC and the ABA and so
14 on, and that means they have to carry back with them all of
15 the kind of internal discussion and possible questions and
16 so, get reactions to that, and then bring it back; not to
17 express their own view.

18 It seems to me you can only go to the kind of
19 Search Committee that you're talking about if the function
20 and responsibility of the individuals involved is to act as
21 individuals having confidence within the group that's created
22 and not as representatives of groups. I guess I don't see
23 why the Advisory Committee approach doesn't more effectively
24 represent and allow all the outside interests and groups,
25 inside interests and groups, to express their views about the

1 various candidates, their reactions to them, their reactions
2 to the viewpoints the Board members and the Search Committee
3 express and the like. In some ways it gives more
4 effective representation to the groups because the individuals
5 are not put in the dual capacity of -- they're clearly
6 representatives and they are in a representative capacity.
7 They're not forced to choose between the loyalty to the
8 Search Committee and confidences within the Search
9 Committee and their loyalty to the group which they
10 presumably represent.

11 CHAIRPERSON RODHAM: Bob?

12 MR. KUTAK: I find, however, the thoughtful
13 comment of Bill puzzling because surely what some of these
14 groups are talking about out here is not at all unlike the
15 committee set up to find a candidate for the United States
16 Court of Appeals for the Second Circuit, or for district
17 judgeship, or, indeed, I suppose, to pick a director of a
18 local agency. It seems to me that what is simply being
19 said is that ultimate judgment may be reserved and by
20 statute is reserved to this Board. But I question if
21 you really want -- I must say, I'm getting intrigued with
22 the thought that if we really kind of read through the
23 spirit of the Act which talks about not only participation
24 on the Board, but participation on local boards and
25 tremendous participation in the groups, why we can't have

1 one group that is made up of a number of people who are
2 Board members and non-Board members, talking about a person
3 who has to be a lawyer, but so does a judge have to be a
4 lawyer, and there are public members and it doesn't tie the
5 hands of the president or, indeed, the attorney general
6 when he makes the nomination.

7 I just wonder whether or not it wouldn't be
8 simpler and it would at least be symbolic that we are
9 together in an effort to search the field and to suggest --
10 frankly, I can't believe, if you want to be somewhat
11 pragmatic about it, that with a world of 220 million
12 citizens out there, that this Board is going -- or this
13 Search Committee is going to come up with one name. In
14 all events it's going to come up with a list of five names
15 or a list of seven names, or at least a list of three names.
16 I would think it would be the height of presumption if that
17 Search Committee would come up with one name and say, "All
18 right, this is for you to take or reject."

19 So, really, I wonder, to facilitate the
20 discussion, to strive to achieve the same effect that we all
21 want to achieve, and that is maximum participation, and
22 yet preserve the possibility that -- I mean preserve the
23 point that the ultimate decision in making the final choice,
24 the actual selection, is, of course, retained by the Board
25 as the law provides that it must be.

1 At least the discussion's enough, if I may, to
2 move an amendment to your -- to the motion, that proposes
3 instead of a Board Committee and an Advisory Committee,
4 that there be one Committee which is composed of Board
5 members, whether they are lawyers or not lawyers, and
6 Advisory of non-Board members, whether they be lawyers or
7 not lawyers, that serves as the Search Committee for this
8 Board. I move it.

9 CHAIRPERSON RODHAM: Is there a second?

10 MS. WORTHY: I second.

11 CHAIRPERSON RODHAM: Yes, Steve?

12 MR. ENGELBERG: I think that's a good compromise,
13 because obviously --

14 MR. KUTAK: Excuse me. I should have said --
15 forgive me on that, Ms. Worthy. I should have said a
16 membership of which is to be appointed by the Chairman
17 so that we really can get the thing moving. I would urge
18 that she have the right not only to appoint the Board
19 members, but would be able to have the right to appoint
20 the non-members.

21 CHAIRPERSON RODHAM: Could I just ask how many
22 people your committee would consist of?

23 MR. KUTAK: Give me some help.

24 MR. CANTOR: Not to exceed nine

25 MR. KUTAK: All right. No more than nine, no

1 fewer than five.

2 MR. ENGELBERG: Can I ask a question?

3 CHAIRPERSON RODHAM: Sure.

4 MR. ENGELBERG: I think that's -- I would support
5 that cause I think it's a good compromise. I mean, as
6 Bob has said and Bill I think, trying obviously to bridge
7 what may be apparent differences.

8 But I do want to get one thing straight and I
9 would like to hear from the representatives from the
10 various groups involved. I think we shouldn't slide over
11 the question as to the ultimate -- under this procedure,
12 whether there would be an understanding which the people
13 that represent these various groups may not-like, but at
14 least they would not feel paranoid about, that the Board
15 itself would ultimately meet in Executive Session. I
16 happen to think that's important. Not that it has to, but
17 that the Board certainly could reserve the right and that
18 nobody is going to feel that this procedure was changed
19 in midstream. I think that should be laid on the table now
20 and we should discuss it. I happen to feel it's very
21 important that that understanding be there.

22 But if we're going this for the sake of comedy
23 and to eliminate the kind of friction, whatever, I want to --
24 you know, I think it's important that we get some under-
25 standing. Because, frankly, if the feeling is that even that

1 is still going to breed distrust, then, frankly, I'm not
2 even sure that we should even go to what is going to be a
3 more cumbersome search procedure.

4 In other words, I'm willing to live with a more
5 cumbersome search procedure because, frankly, I don't
6 see any real difference between that and what Hillary
7 proposed, but I do understand the symbolic difference, but
8 I do want some comment as to what the feeling would be --
9 not that you would prefer that we would meet in Executive
10 Session, but the feeling would be that nobody's going to
11 feel that they got double-crossed if we met in Executive
12 Session. Because I think that's inevitably going to happen.
13 The Board itself, I mean.

14 CHAIRPERSON RODHAM: Howard?

15 MR. SACKS: Do I understand, Bob, that every
16 person on this Committee has a vote?

17 MR. KUTAK: Yes.

18 MR. SACKS: So if there were a nine-person
19 Committee and there were four Board members and five
20 non-Board members and the name of Ms. X came up and the
21 four Board members favored Ms. X and the five non-Board
22 members did not favor Ms. X, Ms. X would go down the drain.

23 MR. KUTAK: Howard, I --

24 MR. SACKS: Unless the Board chose to go against
25 the recommendation of its own Search Committee.

1 MR. KUTAK: I would want to make very clear the
2 recommendations of the Search Committee are only
3 recommendations. The Board's hand is not tied.

4 MR. SACKS: Is my factual premise correct?

5 MR. KUTAK: I don't think it's correct.

6 MR. SACKS: What way am I incorrect?

7 MR. KUTAK: I can't tell you it would go down
8 the drain.

9 MR. CRAMTON: I think there's a serious question
10 which I would like the views of counsel on as to whether
11 the proposal is consistent with the by-laws of the
12 Corporation. When we made the by-laws we had a great
13 deal of discussion as to whether Board committees could or
14 could not include non-members. I was one of the Board
15 members that strongly favored, believe it or not, a
16 by-law provision that allowed non-members of the Board to be
17 included on Board committees, but that proposal was defeated
18 and the existing by-law which we are bound by and which
19 cannot be changed, it seems to me, at this meeting, unless
20 you find that there's some emergency and so on, does state
21 that the Board may appoint directors to serve on such
22 committees, the committees that it may establish, including
23 one to serve as the chairman, or may delegate to the
24 chairman of the Board the authority to make such appointments,
25 and the whole provision as a whole talks about committees of

1 the Board composed of Board members. And I think there is
2 a serious question as to whether the Board can, under its
3 by-laws, create a Search Committee in which voting member-
4 ship is given to non-members.

5 MR. KUTAK: Well, let's call it an Advisory
6 Committee made up of non-lawyers with --

7 MR. CRAMTON: I guess I defer to our former
8 general counsel on that question.

9 MS. DANIEL: I defer to the acting general counsel.

10 MR. CRAMTON: Is the acting general counsel here?

11 MR. WALTERS: Yes. I agree with your
12 interpretation of that by-law. I do not think the Board
13 can delegate Howard to the Board of that Committee. I do
14 think it could be established as an Advisory Committee.
15 I think in that event it probably would not be subject to
16 the Sunshine Act at all.

17 CHAIRPERSON RODHAM: Well, let's figure out where
18 we are now with your motion, Bob. Given that interpretation
19 of the by-law, what is your motion?

20 MR. KUTAK: My motion, is, then, that this Board
21 pick an Advisory Board made up some Board members and non-
22 Board members that advises it as to a list of candidates
23 that would be considered by the Board for the president.

24 CHAIRPERSON RODHAM: And then that list of
25 candidates is given to the Board, which then pursues its own

1 selection process as it goes through the interviewing and
2 determination. Is that correct?

3 MR. KUTAK: Well...

4 CHAIRPERSON RODHAM: That's what you're saying.

5 MR. KUTAK: Well, let me see if --

6 CHAIRPERSON RODHAM: We're not in, you know,
7 Christmas, as far as I can see.

8 MR. KUTAK: Well, I think we're going to be more
9 in Christmas the other way we're going.

10 CHAIRPERSON RODHAM: Bernie?

11 MR. VENEY: Hillary, I think it's interesting that
12 we've been discussing this topic for quite some time and
13 Roger has a very acute memory and ---, who has a memory
14 that is at least as sharp as Roger's, has not raised any
15 problems with the process as it was before. The only
16 place that process broke down, if you read Thorn's memo,
17 and I haven't read it for a while so I'm working from some
18 memory on this point, where it broke down was where the
19 clients and the field felt double-crossed around a double
20 set of intergroups. That's the only place that thing broke
21 down.

22 CHAIRPERSON RODHAM: I agree.

23 MR. VENEY: There wasn't a problem with
24 confidentiality, there wasn't a problem in terms of people
25 being embarrassed with their employers, as far as one knows.

1 I think that Roger or we would have made that
2 point to you if that had been true. I cannot stress
3 strongly enough Bob's point, the point Denny made, how
4 important it is that this person, whoever is chosen, comes
5 in with the greatest degree of credibility and the greatest
6 ability to get us together or keep us together, cause we
7 ain't got time for the kind of split diversity, hostility,
8 atmosphere in relationships that we had before.

9 I am sure, I am absolutely sure, between all of
10 you who sit around that table can come up with every reason
11 in the world why it shouldn't be done. I am absolutely
12 positive. But in point of fact if the desire of Board is
13 to allow openness, is to encourage support, is to find the
14 best person, is to make sure that that persons comes in
15 with as close to a consensus as possible, then for goodness
16 sakes get on the with business of passing Bob's resolution
17 and just get it done.

18 CHAIRPERSON RODHAM: I guess, Bernie, my problem
19 is perhaps a problem of imagination or understanding, is
20 that I am trying to determine what it is we are going to get
21 done. Now, the reason that I say that is that I also
22 read those memoranda and I talked with Charles and it was
23 exactly my understanding, and I don't think that either
24 Glee or Roger felt necessary to say that since it was in the
25 materials that was before them, that the process did break

1 down at the end, but that the preliminary processing of
2 all those names and applications, which is probably going
3 to take a whole lot more time than the actual interviewing
4 of whoever it is we determine to interview, worked well
5 and that nobody had any problems or objections to that and
6 that it was a quick, dedicated group of people, rather
7 small in number, who finally reached some conclusions about
8 who those final four candidates were. And where the process
9 broke down, at least from the perspective of Thorn and
10 other people, was in the interviewing of those people.

11 Now, what I --

12 MR. CRAMTON: Or actually in the final selection.

13 CHAIRPERSON RODHAM: In the final selection.

14 MR. CRAMTON: The fact that they disagreed with
15 the selection that the Board made.

16 CHAIRPERSON RODHAM: No. No, I think it was more
17 than that, Roger. I think --

18 MR. VENEY: Where it broke down was that we
19 decided to go and interview Tom separately.

20 CHAIRPERSON RODHAM: Right. And I understand
21 that, and I agree with you, Bernie, that we should have
22 consistency in the kinds of procedures that we are going to
23 adopt. But I also believe that the proposal that was
24 originally submitted that would enable us to get under way
25 and enable us to meet with the Advisory Committee, and as

1 I've said before, in every possible opportunity of avoiding
2 what I do think are both legal problems and authority
3 problems, so that at the end there would be interviews held
4 in conjunction with the Advisory Committee members in a
5 consistent and logical and fair way that would exclude
6 none of those people who were supposed to be in that process,
7 subject to some unforeseen reason that might require the
8 Committee to go into Executive Session, which it will do,
9 anyway, if Board members are on the Committee no matter what
10 and we might as well be up front about that, I think is a
11 fair way to take this process and get it under way.

12 Now, if we want to have one committee that meets
13 together, nine people, to try to decipher who these
14 candidates are and select them and get to the point where
15 there's going to be some interviews conducted, and then
16 make recommendations to the Board as a whole, I see no way,
17 other than the Board will have to retrack much of what
18 is done, in my opinion.

19 Now, that's -- and I'm just trying to put it into
20 just sort of some idea of when we're going to do what to get
21 what done, and that's where I'm having problems.

22 But Bill's been breaking his arm over there.

23 MR. McNALLY: If I were a Board member, my
24 expectations around this process, Hillary, would be that
25 you will be presented as a full Board with two or three

1 selections. You will then have to make a decision. This
2 would come from the Search Committee which will be advisory
3 to deal with any legal problems you have. You will then
4 have to decide how you are going as a full Board as to
5 those two or three people.

6 I think if you decide to interview them only
7 in Executive Session, you'll be buying problems in terms of
8 the sort of attitudinal kinds of problems we're talking
9 about. If you decide to reserve the right to interview
10 them in Executive Session, if you need it, I think that's
11 within your powers.

12 I don't think the idea of involving people in a
13 more meaningful way on the search process, you'd be confused
14 with the other sort of public relations problem you have,
15 which is that occasionally you go into Executive Session,
16 and the level of distress is high enough in this world that
17 people don't trust what you do in Executive Sessions.
18 That's a different problem, and this doesn't solve that
19 problem, but that observation doesn't undercut the merits
20 of this process.

21 Roger?

22 MR. CRAMTON: Well, my view of the process is
23 that the Board has a broader responsibility than that.
24 This group of eight or nine, or whatever it is, might decide
25 by a split vote of five to three, or something like that,

1 that only people who had had long, long service in the
2 legal services movement would be considered. The three
3 names that came out might all be long-time legal service
4 people. There might be other people, lawyers of great
5 stature and national visibility and competence, that have
6 been excluded. What's the Board going to do at that point?
7 Reject the whole slate and start it over again?

8 That's why I feel that the Board as a whole,
9 which is the only group appointed by the president, confirmed
10 by the Senate, representative of clients, representative
11 of the legal profession, representative very broadly of
12 interests involved, ought to be much more intimately involved
13 in the process, and the more this conversation has gone on
14 the more strongly I feel that this Board would be derelict
15 in its responsibilities unless it holds that special --

16 CHAIRPERSON RODHAM: It's really the only thing
17 we have to do, Bill. That's the problem.

18 MR. McNALLY: Let me just respond to it --

19 CHAIRPERSON RODHAM: I'm serious. Under the
20 statute, that is just about the only task that is directly
21 given to the Board, and I guess I share Roger's belief
22 that, you know, I'm sorry about mistrust and bad faith
23 and I wish it weren't there because I think everybody's
24 trying to do as good as he or she can, and I feel very
25 strongly about that. But, at the same time, I also feel like

1 we have a certain trust that we're supposed to discharge
2 in the best way we know how.

3 MR. McNALLY: But there's just a chance --

4 CHAIRPERSON RODHAM: Glee?

5 MR. McNALLY: There's just a chance, isn't there,
6 that the Search Committee might do a job that you'd agree
7 with and be proud of.

8 CHAIRPERSON RODHAM: I'm sure that the people --
9 I hope that everybody involved in Legal Services is going
10 to be involved in this process and doing as much as they can.
11 That doesn't alter the feeling that I have that ultimately
12 it's a Board decision and a Board process.

13 Glee?

14 MR. SMITH: Madam Chairman, I agree with the things
15 you and Roger have said and I think -- I'm amazed really
16 that my colleague, who was principal author of this yellow
17 book, would try to make a motion that circumvents a very
18 specific provision. No matter how he disguises it, his
19 motion would circumvent or attempt to circumvent 1601.26,
20 and I was very much involved in the development of that
21 particular section. I feel very strongly about the need
22 for it and it covers every -- it was intended to cover every
23 kind of a committee, because it says "regular standing or
24 temporary," whatever you might call it, and any attempt to
25 put on the committees of the Board anyone other than Board

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1 members is a circumvention of that by-law. The only way
2 you could do it, then, if you refer to 1601.44, which
3 provides a 30-day publication in the Federal Register and
4 so on before you could amend the by-laws and, therefore,
5 we'd get into a long delay if we attempted to circumvent
6 it.

7 But I think -- I mentioned earlier and Hillary
8 repeated, the one most important function this Board has
9 is the selection of a president. Now, the involvement of
10 advisory committees is a very fine thing in many areas of
11 the discharge of our responsibility. And, as Bernie pointed
12 out, the composition of the Board with an Advisory Committee
13 the last time, the composition of the Board-Committee and
14 an Advisory Committee, was all right structurally. There
15 was some disagreement with the way it proceeded at the end,
16 but that was just a matter of the procedure and I indicated
17 a while ago I think this discussion today, this very
18 prolonged discussion, has helped insure that there won't
19 be any discontent with the way it works this time. I think
20 we should stick with the original outline.

21 CHAIRPERSON RODHAM: Steve?

22 MR. ENGELBERG: Can I make -- try to throw out
23 what I consider maybe a compromise proposal to get around
24 what may be the legal problem? Let me try to play it out.

25 One, that the motion be the Chairman of this Board

1 appoint a Board Search Committee with an Advisory Committee
2 along the lines that Bill has suggested and others have
3 suggested.

4 Two, the understanding that the Search Committee
5 of the Board would be directed by this Board to meet at
6 all times with the Advisory Committee and never to go into
7 an Executive Session. In other words, the Board would
8 instruct its Board Committee to work jointly down the line
9 with the Advisory Committee.

10 Step three, that the Board Search Committee,
11 obviously after full and proper consultation with the
12 Advisory Committee, and several of you have said that you
13 did not necessarily care so much about the voting power,
14 because I think we should avoid the kind of thing Howard
15 talks about where the Board gets outvoted on the
16 recommendations made to the Board, which is certainly not
17 likely to happen; but in any event, the Board Committee
18 would make recommendations to the full Board, but again
19 keep in mind that under this compromise the Board Search
20 Committee would have to be directed at all times to meet
21 with its Advisory Committee and would be prohibited from
22 meeting separately from the Advisory Committee, and that
23 whatever the final list of recommendations or single
24 recommendation that would go to the full Board, the full
25 Board would then make its decisions and then it would decide

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1 at that point whether it needed to have an Executive Session,
2 but with the implicit understanding that, if that happened,
3 that there would be a good-faith understanding that that
4 would be done because the full Board would feel the need
5 at some point to be able to retire and have candid
6 deliberations, which I happen to personally think is
7 important.

8 Now, I don't know whether -- it seems to me we
9 might get around both the semantic and legal problems and
10 I think that that deals with what I consider the very
11 legitimate suggestions made by Bob, Mickey, Bill, Charlie,
12 et cetera, everybody.

13 CHAIRPERSON RODHAM: Howard? -

14 MR. SACKS: You may get around the semantic
15 problems and the legal problems, but you're not going to
16 get around some policy problems. If I'm on that Committee
17 and Ehrlich's name comes up -- I pick him because his name
18 won't be up there -- and I want to ask some searching
19 questions about Ehrlich or say some derogatory things to
20 see whether they really have merit or not based on my
21 impressions, and if I want to vote against Ehrlich, it's
22 one thing to do that in the privacy of my colleagues and
23 know that my confidence will be respected. It's quite
24 another thing to do that among -- in the presence of
25 representatives who can be expected to report to their

1 constituencies everything that I say and do and vote, and
2 I would feel chilled in my ability to speak and vote, because
3 if I'm outvoted and then later Ehrlich gets the job, we
4 may have difficulties. I don't want to operate under that
5 inhibiting influence.

6 MS. WRIGHT: Madam Chairman, as a client I sit
7 here and I listen to this and I clearly feel at this point
8 in time that the folk that you are supposed to be serving
9 and the folk that delivered the service, which are the two
10 groups that I'm most concerned with at this point, and
11 that's not to exclude or say that the other entities are
12 not important, but since I'm affected by what you do and
13 don't do, it seems quite clear to me that all this talk
14 about opening the process is just a waste of time and we
15 could have gone on to do something more meaningful and
16 perhaps take care of some business cause it ain't about
17 no open process, okay?

18 There's only one way to open up the process and
19 that is to have a meaningful mechanism to let those people
20 in so that they can have some input into the decision. And
21 listening to what the gentleman here just say about him
22 feeling inhibited about his vote and the inference being
23 place on the fact that if you had some folks from PAG and
24 you had some folks from National Clients Council and you
25 had some folks from ABA and NLADA, that, of course, we're

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1 unsophisticated and uneducated and unqualified enough to
2 understanding how to deal with confidences.

3 Well, I think under your superb and super
4 guidance we could be taught to do that. I don't think it
5 would be extremely difficult.

6 I think we have had access to other boards at
7 some point in time and dealt with situations similarly,
8 what we understand in a process such as that, that you
9 don't go and expose those folks to public ridicule or open
10 discussion. But if we don't understand that and if you have
11 some real fears about us understanding, I can deal with
12 that fine. I'm still saying to you that you have the
13 expertise, so teach us. We're willing to learn.

14 But if you're serious about opening up the process,
15 then let's do it. If you are not serious about opening up
16 the process, then let us go on and do something else,
17 because we have been talking about it and talking it over
18 and playing with it and pushing it back and forth, and
19 there's only one way to do it: You're either going to do it
20 or you aren't going to do it. I would just like to see
21 this body make a decision. That would please me as a
22 client. I'd like to be able to go back and tell clients,
23 "They made a decision."

24 MR. ENGELBERG: That's what we're trying to do.

25 CHAIRPERSON RODHAM: Cecilia?

1 MS. ESQUER: Well, I'm coming from a point of not
2 having ever participated in a search for a president for a
3 national organization and I have no problems as a Board
4 member with agreeing to require the members of the Board
5 Search Committee to agree not to interview candidates in
6 Executive Session. I really think that the process that
7 Hillary suggested, you know, would be adequate if we took
8 out the right of the Board Committee to interview candidates
9 in Executive Session; however, since I have never partici-
10 pated in this type of a process, I really would hate to
11 right now agree to not allow that Search Committee to meet
12 in Executive Session without the Advisory Committee members
13 and then have some unforeseen thing come up that would
14 require the Board members in that Search Committee to meet
15 in Executive Session. I think that if I were a client or
16 if I were in TAG or NLADA, or any other organization, I
17 would really feel more double-crossed.

18 So from this point of view I think that I would
19 really like to go full circle and go back to Mickey's
20 recommendation, that my interpretation of Hillary's
21 recommendation would be that only in the rarest instances
22 would that Search Committee go into Executive Session
23 without the Advisory Committee members. I would be willing
24 to add the requirement that no candidates be interviewed
25 without the full Search Committee--that would mean the

1 Board members and the Advisory Committee members. But as
2 someone who has not participated in this type of process,
3 I really don't know what types of things can come up. And
4 then, also, as a fairly new organization that is, I think,
5 trying to open up a process, I think that we should be given
6 an opportunity to show that we can act in good faith; and,
7 if we fail in some way, I would be willing to accept what-
8 ever the consequences are of our failure as Board members.

9 So I guess what I'm doing is speaking against
10 Bob's amendment to the motion.

11 CHAIRPERSON RODHAM: Dick?

12 MR. TRUDELL: I think -- you know, I really agree
13 with Cecilia in terms of being new on the Board and never
14 having participated in a search process for something as
15 important as a corporation. I guess I've just sat here
16 and listened to try to, in my own mind, come up with a
17 balance, I guess, that makes sense and I think that, you
18 know, since we've been on the Board, I think we've tried
19 to really demonstrate that everything will be open, and
20 I think you've probably seen that more so than in the
21 previous Board. I think that we've had some heated debates
22 by a variety of things and I think it's almost like on one
23 hand you're giving us a vote of confidence, on the other
24 hand you're telling us that we can't be trusted. And I'm
25 not familiar with all the legal ramifications in terms of

1 whatever we decide to do, if we do the right thing or the
2 wrong thing, in terms of turning it around and having to
3 extend the process to correct things that we shouldn't have
4 done.

5 I just have, you know -- I don't know, just very
6 mixed feelings about, you know, the trust or confidence
7 that you're bestowing in us and I think that the important
8 thing is to get on with the process and that, in terms of
9 Cecilia's comments and I think Charles, as well, in terms of
10 I can't foresee any particular situation that would require
11 the Search Committee to go into Executive Session. But
12 if there is the unusual situation that came up that required
13 that, I think for us to fulfill our responsibilities we
14 have to have that avenue available to us, or kick it back
15 to the full Board and convene everybody so they can go on
16 to Executive Session.

17 I have problems with the suggestion of involving
18 somebody from the staff in the selection process. If that's
19 going to be the case, then we might as well involve the
20 President. I just -- I mean, to make the decision which
21 staff member, be it a regional director or someone in
22 Washington or a project director, I just have problems with
23 that. I think that by involving PAG, I think we've done
24 that.

25 So I would hope that before this meeting is over

1 that there is some kind of process that's spelled out in
2 terms of the composition of the Committee and some kind of
3 time schedule worked up that we can agree to. I think
4 what Hillary's proposed is very good and she's trying to
5 expedite the situation as best we can.

6 MR. CRAMTON: Madam Chairman, I wonder if we
7 aren't reasonably close to having a vote on the Kutak motion.
8 I guess one comment on the use of terminology, when you and
9 Dick and Cecilia talk about not having Executive Sessions,
10 they don't mean that technically. The Search Committee,
11 however it's composed, is going to have Executive Sessions
12 all the time to talk about people.

13 The point is, will the representatives from other
14 groups be included in those Executive Sessions or will
15 members of the Board be meeting privately in that Executive
16 Session? I mean, that's what we're talking about; not
17 whether or not there are going to be Executive Sessions,
18 because there very clearly are and everybody agrees on that.

19 MS. ESQUER: Right. What I was talking about --

20 MR. CRAMTON: Right. I just wanted to make sure.

21 MS. ESQUER: -- was having separate --

22 MR. CRAMTON: All right.

23 MS. ESQUER: -- separate interviews --

24 MR. CRAMTON: But these are going to be Executive
25 Sessions of a Board Committee which consider details

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1 relating to particular individuals.

2 MS. ESQUER: Right. What I'm talking about, that
3 I would be willing to agree that there would be no separate
4 interviews of candidates in Executive Sessions without the
5 Advisory Committee members, that they should not be
6 excluded from any Executive Sessions where there are
7 candidates being interviewed.

8 CHAIRPERSON RODHAM: Yes, Jo?

9 MS. WORTHY: I agree with Cecilia that if we are
10 going to choose this Advisory Committee, then we choose
11 them saying that we're going to work with them, that they
12 are going to be in what we're doing. We're saying that we
13 want to involve people. Then let's be for real and do that
14 and work with them.

15 I hope that Mr. Sacks was not saying that I don't
16 trust people that I have chosen to serve on a committee,
17 if that type of committee is set up. That's just like
18 I would choose an attorney to plead my case. I trust that
19 person because I have chosen him, and that's all I can go on.

20 MR. CRAMTON: But we haven't chosen --

21 MS. WORTHY: And the same thing --

22 MR. CRAMTON: -- these people, I don't think.

23 MS. WORTHY: I'm talking about a committee that
24 is being set up. If we set the committee up, we're going
25 to have to trust them, and I believe that, as the lady said

1 out there, that clients are people that you can trust, and
2 I'm speaking because I'm one. I'm sitting on this Board
3 and I'm hoping that you trust me. I trust you. I hope that
4 you trust me, if I'm going to get on that committee, that
5 I'm going to keep the confidence of things that go on in
6 that committee, and I hope we're not separating, saying "I
7 trust these Board members, but I don't trust these people
8 you're going to choose to work with the Board." We have
9 to do that. If we're going to choose the Advisory Committee,
10 then I think we should go on the basis that Cecilia talking
11 about.

12 MR. SMITH: Madam Chairman?

13 CHAIRPERSON RODHAM: Yes. Mr. Smith.

14 MR. SMITH: I agree with what Jo has said and
15 Cecilia and Dick. All of them really reinforce the point
16 I made earlier, that I think the discussion this afternoon
17 will cause the very great likelihood that there will be
18 no problem such as people are fearing. In fact, I don't
19 think there will be at all. And I would think, then, in
20 light of that, that perhaps my colleague, Bob Kutak, would
21 withdraw his amendment because it would seem like all of
22 these speakers have been saying that they want to go the
23 way of trust which would involve the original motion.

24 MR. KUTAK: It's really academic. There's only
25 going to be one vote for it. But I, just as a matter of

1 legislative history, have studied with great interest
2 Section 26 of the by-laws and I don't see anywhere in there
3 where that is restricted to Board members. It's
4 brilliantly written --

5 (Laughter)

6 MR. KUTAK: -- to simply say that the Board shall
7 create committees. It does not say made up only of Board
8 members.

9 MR. SMITH: That was certainly the intent because
10 I worked very hard on that to try to forestall exactly
11 what's happening.

12 MR. KUTAK: But as one of the authors, I would
13 say, at least to clarify that history, I don't read
14 Section 26 of the by-laws prohibiting this Board from
15 creating any committee that is made up of only Board
16 members. The language could be clearer if it meant that,
17 and if you start reading it all the way through it works.
18 At least it can work if we want it to work.

19 But the point I want to make, and I don't care
20 if I withdraw the motion or not because it would lose and
21 I don't want to go through an act of futility, but I think
22 we have to heard something that's very important not to
23 miss, and that is simply that this Board is not working in
24 a vacuum and is not, in my mind, any longer able to say,
25 because it has been put on notice, that it is insensitive

1 to the--as it never has been--to the deeply felt concerns
2 of its constituency, and I do believe we've probably come
3 around to the point that Mickey did suggest some time ago,
4 that however we structure it, the substance is that we
5 really are going to have to work together if we're going to
6 find a decision that will work.

7 So in light of the fact that being trained as a
8 presiding partner of a law firm always counting noses, that
9 I have only one nose to count, I regretfully withdraw my
10 motion.

11 CHAIRPERSON RODHAM: Let me see if I can figure
12 out where we are now. We are back, then, to a revised
13 version of Glee's motion, including Cecilia's specific
14 amendment that would require the interview of any candidate
15 to be conducted by both the Board Committee and the Advisory
16 Committee, but permitting the possibility of the Board
17 Committee to meet in Executive Session.

18 Is that right?

19 MR. CRAMTON: Well, that hasn't been adopted.

20 CHAIRPERSON RODHAM: No. I'm just repeating what
21 she said, which was apparently accepted as an amendment
22 by Glee on his motion.

23 MS. ESQUER: Right. I would propose that as an
24 amendment to Glee's motion.

25 CHAIRPERSON RODHAM: I'm just trying to figure out

1 where we are, and that was my understanding of where we were.

2 Is that right?

3 MR. CRAMTON: Who seconded Glee's motion?

4 MS. ESQUER: Jo did. Oh, Glee's motion?

5 MR. CRAMTON: Well, it seems to me it's a very
6 substantial change in the -- or at least a substantial
7 change and it ought to be done by an amendment and we ought
8 to have a vote on it. Why don't you just move it as an
9 amendment to the proposal.

10 MR. KUTAK: I'm lost in a parliamentary position.
11 I withdrew my motion at the Board's request. That takes
12 it back to where it was originally, I believe.

13 CHAIRPERSON RODHAM: Yes. And let me -- that's
14 what I'm trying to determine. We had on the floor before
15 Bob's formal motion to amend Glee's motion that included
16 the creation of a Board Committee and the creation of an
17 Advisory Committee to the Board Committee.

18 Is that correct, Glee?

19 MR. SMITH: That's right.

20 MR. CRAMTON: I object to this notion about nine
21 people, or whatever it is, always being together when the
22 interview -- it may not be possible. It may be, for example,
23 that a particular person can only be interviewed under a
24 time schedule that permits only a particular day and only a
25 couple of members of the Search Committee are going to be

1 available and then members of the other group can talk to
2 them at some other point. There are a lot of logistics
3 involved. The time schedule is very, very limited and --

4 MR. RAY: They can work that out together.

5 MR. SMITH: Yes. The committees work that out and
6 they can delegate two members as a subcommittee. They have
7 the right to be there. They don't have to be.

8 CHAIRPERSON RODHAM: That's right.

9 Let me just find out where we are, cause I don't
10 know where yet we are.

11 So my understanding is that Glee has made the
12 original motion and that Cecilia has proposed this amendment
13 and now if Glee will accept that as an amendment to his
14 motion -- we can do it that way or we can have Cecilia
15 propose a separate amendment that we would vote on first.
16 I frankly don't care which way we go, but I'd like to have
17 some idea of where we are.

18 So, Glee, do you have any response to Cecilia's
19 amendment?

20 MR. SMITH: Well, I think I already said that I
21 agree with the comments Cecilia made. I don't view it as
22 substantial as Roger did, because I think it still leaves
23 the Commission to audit the session. They have the right
24 to request it, but that doesn't mean they all have to be a
25 hundred percent present to conduct an interview.

1 CHAIRPERSON RODHAM: Okay.

2 MR. SMITH: So I'm willing to accept that. I
3 think Bob was my second on that originally.

4 CHAIRPERSON RODHAM: Okay. Now, is there any
5 further discussion on this motion?

6 MR. CRAMTON: Restate the motion.

7 CHAIRPERSON RODHAM: All right. As I understand
8 the motion--and if Glee and Cecilia will track this so that
9 we can be sure that we're all talking about the same thing--
10 Glee has proposed that the Chairman of the Board appoint
11 a committee consisting of Board members, not to consist of
12 more than five nor less than three -- is that right?

13 MR. SMITH: Right.

14 CHAIRPERSON RODHAM: -- for the purpose of
15 conducting a search for the next president of the Corporation.
16 In addition, there be an Advisory Committee consisting of
17 whom, Glee? I can't remember.

18 MR. SMITH: Well, the motion was actually to
19 adopt your outline of procedure. Your outline says --

20 CHAIRPERSON RODHAM: Okay. It would consist of
21 a representative from PAG, from NCC, from NLADA and the ABA.

22 MR. SMITH: And the NBA.

23 CHAIRPERSON RODHAM: And the NBA.

24 MR. SMITH: That's right.

25 CHAIRPERSON RODHAM: And -- yes, Cecilia?

1 MS. ESQUER: Okay. And what I was proposing
2 in addition to what Glee has proposed as an amendment was
3 that your last sentence in Paragraph 3 be amended to read,
4 "The Board and its committee should retain the right to
5 meet in Executive Session except that Advisory Committee
6 members will have a right to attend all interviews of
7 prospective candidates."

8 MR. SMITH: That's right.

9 CHAIRPERSON RODHAM: Fine, okay. So that's what
10 the present motion is.

11 Yes.

12 MS. LITTLE: I'd like to speak to this motion.
13 I think that it's very unfortunate that --

14 CHAIRPERSON RODHAM: Would you identify yourself,
15 please?

16 MS. LITTLE: I'm sorry. My name is Virginia
17 Little. I'm from Legal Services in New Jersey and the
18 National Organization of Legal Services Workers which is a
19 union representating ---

20 I think that what we were talking about before was
21 a peer relationship of Search Committee where people from the
22 field, clients, legal workers, lawyers, program directors
23 and so on, would sit together with people from the Board
24 and the constituencies that they represented to select in an
25 atmosphere of trust people who would -- the person who would

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1 direct the Legal Services Corporation. I'm very distressed
2 that there was only one person on the Board who thought
3 that that was something that we should consider.

4 As far as the Advisory Committee is concerned,
5 I think that the list of the people who should be included
6 on that committee should also be extended to the union
7 representing Legal Services Workers. It was my under-
8 standing when I first read the proposal that the list was
9 illustrative, not necessarily inclusive, and I see that
10 this is a narrowing now of that recommendation.

11 CHAIRPERSON RODHAM: Any further comments or
12 suggestions?

13 MR. CRAMTON: One reason why I think that having
14 this whole group available for interviews and so on is
15 because it in fact limits the number of people that could be
16 on the Advisory Committee and the number that can be
17 represented. My own view would be for a separate Advisory
18 Committee which probably would interview candidates
19 separately, but they would hold meetings with the Search
20 Committee from time to time, and then I would invite all
21 of the relevant groups to suggest two people and have much
22 more representative process at that point.

23 CHAIRPERSON RODHAM: Mickey?

24 MR. CANTOR: Just a brief comment. I can't vote.
25 If I did, I'd vote against this, because I think that we've

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1 gone about 86 percent of the way, we might as well go a
2 hundred percent. It's sort of silly at this point. We
3 should have a process where there is a committee and the
4 committee does not have Executive Sessions and the committee
5 is composed of nine or ten or whatever people we have, and,
6 except for the voting, which I would think -- I agree with
7 Roger, it's probably illegal for people outside of the
8 Corporation Board to vote, they would -- those persons
9 representing the groups would fully be involved in the
10 process.

11 I just -- and I don't want to get in anymore
12 discussion. I can't understand why we don't go to that
13 point. We're almost there. I don't know why we're
14 reluctant. I don't know what we're preserving unto our-
15 selves here except the seeds of mistrust now, and it just --
16 it is unfathomable to me at this point.

17 CHAIRPERSON RODHAM: Steve?

18 MR. ENGELBERG: Point of information. See, I
19 don't understand where it was suddenly agreed that everybody
20 objected to Roger's thing. See, I guess -- and I'd like
21 to know where you stand on the question of -- cause I think
22 I could buy the notion of a joint committee, no Executive
23 Sessions, and I've been --

24 MS. ESQUER: I didn't really mean no Executive
25 Sessions.

1 MR. ENGELBERG: I'm sorry. No Board --

2 MR. CANTOR: No exclusive Board Executive sessions.

3 MR. ENGELBERG: -- component Executive Sessions.

4 And the only thing -- and then that committee would then
5 make recommendation and also only Board members would vote,
6 cause I think that's appropriate, and I don't think the
7 people I've heard from disagree with that. And the only
8 where I would -- then I would say that once the recommenda-
9 tions are made to the full Board, which ultimately will make
10 the decision, then at that point the full Board, if it wants,
11 would have the right to go into Executive Session.

12 And, again, I found some support for that. At
13 least Bill agreed to that. I mean, I'm not saying who Bill
14 speaks for, but --

15 MR. CANTOR: That's what I was saying, too.

16 MR. ENGELBERG: Okay. Now, I would -- it seems
17 to me -- and if you personally think that makes sense and
18 others do, I agree with you, it's silly not to go that
19 extra little step and, therefore, I would -- or I will
20 announce that I will vote against the compromise and that
21 I intend to propose another motion which would do essentially
22 that, create one Advisory Search Committee.

23 MR. SMITH: I would go back to my point that it's
24 contrary to our by-laws and, in spite of what my Chairman
25 said, the legislative history of the development of that

1 by-law would show that there was specifically language to
2 include appointment of members other than directors and
3 it was rejected by a vote of the Committee and by the Board
4 and that by-law now says that the president -- or the
5 Chairman -- shall appoint directors to the Committee, and
6 the limitation of directors was very specifically the
7 alternative when it used to include directors and others.

8 MR. ENGELBERG: Glee, my understanding from
9 Steve Walters was that as long as there was an Advisory
10 Committee and particularly as long as only Board members
11 voted, that would probably be consistent, or would be
12 consistent with the by-laws. And I agree with Mickey: Why
13 create a -- in other words, I had first thought the need
14 for Executive Session at the committee level was important.
15 I now have reconsidered that and I don't think it's so
16 important as long as the Board itself, with the under-
17 standing and the feeling that there won't be these seeds of
18 distrust, has the right to go into Executive Session.

19 CHAIRPERSON RODHAM: Cecilia?

20 MR. ENGELBERG: And I think that would be --
21 you know, if that --

22 MS. ESQUER: You're starting to dig in, Steve.

23 My thing is, again, the same thing. If anything
24 can happen, it usually happens in Legal Services, I think,
25 and it seems ridiculous for us to give up something that we're

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1 really not fully aware could happen. And if there is a
2 need for an Executive Session, then what you're talking
3 about is having to call a full Board meeting, a special
4 Board meeting, for an Executive Session and it might be
5 something that could be decided with just the Board
6 Committee.

7 I think we're really getting into a longer type
8 process, Steve.

9 MR. ENGELBERG: But, Cecilia, if I may, it seems
10 to me that, first of all, I think it's very unlikely to
11 happen, cause I think that probably we're going to be able
12 to -- this Advisory Committee would probably be able to
13 do its work without the need of it. And if it happens, I
14 would argue, so long as we had some recognition from the
15 field. I think there's a quid pro quo here that, yes,
16 indeed, there may be the real Board Executive Sessions
17 required. I'm willing to put up with the additional
18 procedural problems. If, in fact, the representatives --
19 and I realize you people don't necessarily speak for every
20 legal services lawyer or every client, and I assume that
21 everybody agrees with that, but at least if there's a feeling
22 that everyone has tried to go the extra mile to open the
23 process up and this seems to me to be important and we're
24 really so -- there's so little difference between the
25 procedural needs of the full Board to go into Executive

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1 Session.

2 MR. CRAMTON: Is there that little difference?
3 I mean, are you really talking about the letters of
4 recommendation, confidential summaries of phone calls about
5 people who are candidate within the legal services
6 community being distributed to representatives of groups
7 who will not be, as I understand it, under any admonition
8 of confidentiality, but, in fact, their function is to
9 report back and to get views.

10 MR. ENGELBERG: No. I would --

11 MR. CRAMTON: And so there might be --

12 MR. ENGELEBERG: No, no. I would think that --

13 MR. CRAMTON: -- a person in this room --

14 MR. ENGELBERG: I would think we'd have to have
15 an agreement of confidentiality which --

16 MR. CRAMTON: But then they're not representative,
17 then they're not representatives.

18 MR. DORSEY: I think you misunderstand, Roger.
19 I don't think that you ever conceived of a free flow of
20 information to representatives. I think that we would be
21 representatives in the fact that we're representing the
22 field people.

23 MR. CRAMTON: But then I don't understand why the
24 two clients on the Board aren't as representative of the
25 clients. Because you're talking about then picking one

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1 person and so on and saying, "You're the representatives
2 of the entire client population of the United States. You
3 can't report back to the National Clients Council about
4 information that's received, get reactions and so on,
5 because you're under admonitions of confidence." That's
6 not an advisory and representative function.

7 The other process of having a separate committee
8 in which they are representatives of organizations and
9 they're supposed to go back and get the views of that
10 organization, they are given a lot of information, but not
11 total information, they're given -- when the list is
12 narrowed, they're told who the people are that are narrowed,
13 they help participate in that process. It seems to me
14 that allows in some ways the representative process which
15 is fuller and better.

16 MR. DORSEY: It didn't happen in '75.

17 MR. CRAMTON: Well, I think it happened pretty
18 well.

19 MS. SHUMP: I think you're insulting the integrity
20 of the people that would serve on this committee and I think
21 that that is unjustifiable. I would hope that even though
22 I am not yet a member of this Board, that I would be open
23 to the feelings and to the needs of all of the people and,
24 in so being, I could actively be a representative of the
25 Clients Council.

1 Now, it's my understanding that these people who
2 would serve on this committee, even though they come from
3 different groups, would have the confidence of the groups
4 that they are representing rather than have to run back and
5 snitch on everything that went on in the meeting.

6 (Laughter)

7 MS. SHUMP: And I don't understand this. There is
8 integrity in all levels of people, whether they have money
9 or not.

10 MR. CHAMTON: We're not talking about integrity.
11 We're talking about who their fiduciary obligation is to
12 and there are two different conceptions. One is an
13 Advisory Committee in which their fiduciary obligation
14 is to the organization in which they come, and which we
15 want them to report back and get broader-based views and
16 then bring them forward, because that's the advisory function
17 that's anticipated. Another function is that they become
18 members of our committee and then they have to handle the
19 material in confidence, they can't communicate it to the
20 organizations which they come from and they have a totally
21 different function.

22 I'm just asking for clarify of which one do you
23 want and why. It seems to me that the advisory function is,
24 in fact, some ways much better in terms of getting the
25 views from the field.

1 CHAIRPERSON RODHAM: At the risk of perhaps
2 committing political suicide, it is 5 o'clock and I think
3 we are well aware of the arguments on every side of these
4 octagonal points that have been made and I think that we
5 need, as Ms. Wright said about an hour and a half ago, we
6 need to make a decision and, if we can, make a decision,
7 get this behind us and if we are then able to finish off
8 about the 15 minutes' worth of work that we have left on the
9 agenda, then we will not have to meet tomorrow morning.
10 If not, we will be meeting tomorrow morning, and that
11 doesn't bother cause I like this room, but I know it will
12 be hard for a lot of other people who have other plans.

13 So if there is -- we have the motion of Glee Smith
14 as amended by the amendment of Ms. Esquer. We can vote that
15 up or down and then go on to the other possibility before us,
16 or we can entertain that possibility first in another
17 amendment and vote that up or down.

18 Now, at this point I'm going to turn to Mr. Smith
19 and ask if you want to call the question --

20 MR. SMITH: I did a while ago.

21 CHAIRPERSON RODHAM: All right. Then we are
22 voting on Mr. Smith's motion as amended by Ms. Esquer to
23 create a Board Committee consisting of Board members and
24 an Advisory Committee consisting of designated representatives
25 from the five groups that had been mentioned that will meet

1 together in this process to find a new president and will
2 interview all candidates together in whatever way that
3 combination works out, knowing that it may be that two people
4 forming a subcommittee of the Advisory Committee and the
5 Board Committee may be what's necessary, and will then
6 report back to the -- the Board Committee will then report
7 back to the Board as to the results of that process. This
8 reserves to the Board Committee its right to meet in
9 Executive Session if it so determines the necessity for
10 that. It also reserves to the Board Committee the right
11 for the Board members to vote.

12 The question has been called.

13 All those in favor of that procedure, please
14 signify by saying "aye."

15 (A chorus of "ayes.")

16 CHAIRPERSON RODHAM: All those opposed, say "no."

17 (A chorus of "noes.")

18 CHAIRPERSON RODHAM: All those in favor, please
19 signify by raising your right hand.

20 (A showing of hands.)

21 CHAIRPERSON RODHAM: Smith, Trudell, Rodham,
22 Esquer.

23 All those opposed, please signify by raising your
24 right hand.

25 (A showing of hands.)

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1 CHAIRPERSON RODHAM: Worthy, Cramton, Engelberg,
2 Kutak.

3 That's four to four and I've already voted.
4 All those in favor again, please raise your right
5 hand.

6 (A showing of hands.)

7 CHAIRPERSON RODHAM: Smith, Trudell, Rodham,
8 Esquer for.

9 All those opposed?

10 Worthy, Cramton, Engelberg, Kutak. Okay.

11 MR. ENGELBERG: We have a parliamentary problem.

12 CHAIRPERSON RODHAM: Yes. It's a four-to-four
13 vote.

14 Now, the motion doesn't carry. Is there another
15 motion?

16 MR. CRAMTON: If Cecilia will withdraw her
17 amendment, you would get another vote to the Smith proposal.

18 CHAIRPERSON RODHAM: Is there any other motion
19 on the floor?

20 MR. ENGELBERG: Yeah, I would like --

21 MS. ESQUER: I withdraw my amendment.

22 CHAIRPERSON RODHAM: Okay. Ms. Esquer has just
23 withdrawn her amendment to Mr. Smith's motion.

24 MR. CRAMTON: Now we have the pure Smith proposal.

25 MR. ENGELBERG: Wait a minute. I want to make a

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1 motion.

2 MR. CANTOR: There was a motion pending before
3 she withdrew hers.

4 MR. ENGELBERG: This is terrific. I'd like to
5 make a motion.

6 MR. CANTOR: Steve's motion was already pending.
7 He had made a motion.

8 CHAIRPERSON RODHAM: No. He never formally made
9 a motion, Mickey. He talked about making a motion.

10 MR. ENGELBERG: Well, why don't you let me make a
11 motion --

12 MR. CANTOR: But he's not very articulate.

13 CHAIRPERSON RODHAM: I know, but we're going to
14 help Steve.

15 (Laughter)

16 CHAIRPERSON RODHAM: We're going to help him.

17 Okay, Steve, it's your turn. You can make a
18 motion.

19 MR. ENGELBERG: I move that the Chairman of this
20 Board appoint an Advisory Search Committee, not to exceed
21 ten people, with at least three members of this Board --
22 or, strike that -- four members of this Board serving on
23 that Advisory Committee; that the Committee basically
24 interview, set up procedures, interview and come up with a
25 list of recommendations to the Board as a whole for the

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1 selection of a president; that all -- that while the
2 meetings of the Advisory Committee will be closed to the
3 public at large at its discretion, that the Board members
4 of that Committee will not ever meet in Executive Session
5 and that voting on the Advisory Committee will be limited
6 to the Board members of the Committee and that the Committee
7 will then make recommendations to the full Board with the
8 understanding that, in its discretion, the full Board would
9 have the right, as it does under law, to go into Executive
10 Session at anytime.

11 CHAIRPERSON RODHAM: Is there a second?

12 MR. CANTOR: Second.

13 MR. SMITH: Madam Chairman?

14 CHAIRPERSON RODHAM: Yes.

15 MR. SMITH: Point of order. I would ask that
16 the Chair rule that motion out of order as being contrary
17 to 1601.26, because I feel confident it is.

18 MR. KUTAK: Then move to have the Chairman of the
19 Board appoint a Search Task Force.

20 MR. SMITH: Which would obviously be a
21 circumvention of the by-laws.

22 MR. KUTAK: I don't think so.

23 MR. ENGELBERG: Well, my understanding from the
24 general counsel, acting general counsel, is that the
25 Advisory Committee as I've outlined it is not in violation

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1 of the by-laws. If it is, we'd have to go back to the
2 drawing board.

3 CHAIRPERSON RODHAM: I would like to ask Mr. Walters
4 for his opinion.

5 MR. WALTERS: I'll try to clarify my opinion again.
6 I think that a committee including Board members who retain
7 the exclusive power to vote is consistent with 1601.26 of
8 the by-laws. It can be a committee of the Board. You do
9 have a -- I would also point out that under the quorum
10 requirements of the by-laws, a quorum half of the voting
11 members, the Board members, is sufficient to enable the
12 Committee to act.

13 So if there were a meeting and only two Board
14 members showed up, they could act.

15 CHAIRPERSON RODHAM: So as I understand you,
16 you're saying that it is not inconsistent, with your
17 understanding of 1601.26, for the Chairman of the Board to
18 appoint a committee consisting of Board and non-Board
19 members so long as only Board members vote and a quorum
20 of those voting Board members may constitute a sufficient
21 number in the committee to conduct business. Right?

22 MR. WALTERS: That's correct.

23 CHAIRPERSON RODHAM: Okay. Well, under that
24 interpretation, then, Mr. Smith, I'm going to entertain
25 that motion.

1 MR. SMITH: Okay. I got bad legal advice when
2 we were drafting that.

3 (Laughter)

4 MR. SMITH: Because one of the -- this should
5 not be possible under the legal advice I had when we were
6 drafting that particular section. But if it is...

7 CHAIRPERSON RODHAM: All right. All those in
8 favor of Mr. Engelberg's motion, please signify by saying
9 "aye."

10 (A chorus of "ayes.")

11 CHAIRPERSON RODHAM: All those opposed?

12 (A chorus of "noes.")

13 CHAIRPERSON RODHAM: All those in favor, please
14 signify by raising your right hand.

15 (A showing of hands.)

16 CHAIRPERSON RODHAM: Worthy, Trudell, Esquer,
17 Engelberg, Kutak.

18 All those opposed?

19 Smith, Cramton, Rodham.

20 Okay. Now, let me be sure we have finally
21 adopted procedures. The Chairman is to appoint an Advisory
22 Search Committee not to exceed ten people with at least
23 four Board members. That Committee will set up procedures,
24 interview candidates, make recommendations to the Board as
25 a whole. The Committee meetings may be closed to the public

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1 at the discretion of the Committee. The Board members on
2 the Committee will not meet in Executive Session by
3 themselves. Only Board members will be able to vote. A
4 quorum of the Board members will be sufficient for the
5 Committee to constitute business under our legal interpreta-
6 tion. And this Committee will make recommendations to the
7 full Board.

8 MR. CRAMTON: The meetings could be closed to the
9 public only pursuant to meeting the requirements of the
10 government Sunshine Act.

11 CHAIRPERSON RODHAM: Oh, absolutely.

12 MR. SMITH: Madam Chairman?

13 CHAIRPERSON RODHAM: Yes, Mr. Smith.

14 MR. SMITH: I believe it would be necessary now
15 to consider a motion comparable to my original motion with
16 this change, because all this motion did was establish that
17 particular committee, while my motion was all inclusive
18 as to time table, procedures and other elements. So with
19 permission of the Chair, I would restate my motion changing
20 it now to accommodate the motion which has just been
21 adopted.

22 MR. CRAMTON: Could I make another amendment
23 essentially before that, and that's to raise again the
24 question that was by-passed. The path that the Board has
25 now taken seems to me raised even more seriously than when I

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1 first raised it, the question of participation by the full
2 Board in the selection of a new president, and I would
3 like to alter the time table by essentially requiring an
4 interim meeting, a special meeting of the Board, in May in
5 that time table in order to assist in narrowing the names
6 and consideration of procedure and the like.

7 MR. SMITH: Well, I would accept that amendment
8 if you didn't pin it down too tightly, but left it to the
9 discretion of the Chairman. You were saying, for instance,
10 May, and it may be June when she wants to have it or some
11 other time.

12 MR. CRAMTON: Well, I think the time is so short
13 that probably the date ought to be fixed while the Board
14 members are here. If an attempt is going to be made to
15 complete the process by the meeting in June, it's got to
16 be sometime -- at some intermediate point to be determined
17 in the very near future.

18 CHAIRPERSON RODHAM: Any other Board comments?
19 Betty?

20 MS. KEHRER: Madam Chairman, it appears that you
21 would perhaps have some flexibility now in naming the
22 advisory groups and I would like to lend my support to
23 the representative of the unionized Workers of Legal
24 Services which is an identifiable group and has a serious
25 interest.

1 CHAIRPERSON RODHAM: Any other comments?

2 MR. SMITH: If you don't think that the May
3 specification limits you too much, I would accept Roger's
4 amendment to my motion. But I felt maybe --

5 CHAIRPERSON RODHAM: Is the motion understood to
6 be mandatory that we have to call a meeting in May?

7 MR. CRAMTON: No. Some interim point at which
8 it's appropriate to do so, but I think in fact you're going
9 to have to schedule it pretty soon so people can get it down
10 on their calendar.

11 MR. SMITH: Well, as long as you have now
12 generalized it a little more and leave it at some appropriate
13 time, I would accept that.

14 CHAIRPERSON RODHAM: Okay.

15 MR. RAY: I'd like to make one suggestion, Hillary,
16 and that's to endorse the proposition that a representative
17 of the Corporation staff be a member of this Committee.
18 It's customary in many legal services programs, if not most,
19 for staff to participate in the hiring of an executive
20 director and it works out very well, and they obviously have
21 a great stake in the outcome and have a lot of insight
22 that they can bring to bear.

23 CHAIRPERSON RODHAM: Yes, sir?

24 VOICE: I would urge the Chair in selecting the
25 Advisory Committee -- I am a staff attorney with the Legal

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1 Services Program and I would urge the Chair to assure that
2 there is some staff attorney or other staff person on the
3 Search Committee, somebody who is directly involved with
4 the Provision of Legal Services and sees clients.

5 CHAIRPERSON RODHAM: Well, as I understand the
6 motion, I guess I'm responsible for appointing everybody.

7 MR. SMITH: That's right.

8 CHAIRPERSON RODHAM: And that means that I can
9 appoint anyone. I will try to keep in mind organizational
10 representation, but that is different from what we had
11 talked about earlier where the organizations themselves
12 would appoint their representatives.

13 So I will do my best to be sure that we have the
14 kind of representation that will be useful.

15 MS. ESQUER: I have a question. Was there a
16 second to Glee's motion and has that motion passed?

17 CHAIRPERSON RODHAM: It has not been voted on yet.
18 There was a second,

19 MS. ESQUER: Okay. And that includes Roger's
20 requirement --

21 MR. SMITH: Yes.

22 MS. ESQUER: -- requiring a special Board meeting.

23 I guess that I will vote against the motion
24 because a special Board meeting may not be necessary.

25 MR. ENGELBERG: Roger, can I ask you to leave that

1 up to the Chairman of the full Board who, as I understand it,
2 always has an opportunity to call a Board meeting, and
3 based upon whatever advice or comments she gets from the
4 Advisory Committee? In other words, I just -- I mean,
5 obviously it's inconceivable to me that this Advisory
6 Committee, which will include at least four Board members,
7 will deliberately do anything--and it would be sort of
8 foolish--to exclude the full Board from the process.
9 Obviously this whole thing -- the ultimate legal decision
10 is clearly the full Board's, no matter who's on the Advisory
11 Committee. The Advisory Committee is really basically
12 trying to do a lot of legwork to make the full Board's
13 decision easier, and certainly it seems to me that if the
14 Chairman of this Board, who I assume will be actively
15 meeting with the Advisory Committee and will be an
16 ex officio member of the Advisory Committee, sees the need
17 for a Board meeting before recommendations are presented,
18 she will call one.

19 CHAIRPERSON RODHAM: Well, I will entertain
20 the suggestion from the Chairman of the Search Committee.
21 I think that the Search Committee is going to have to keep
22 us advised as to whether or not we need a Board meeting.

23 MR. ENGELBERG: Well, I was asking Roger to agree
24 not to require and to leave it up to the procedural
25 intelligence of the Chairman of this Board and of the

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1 chairman or chairperson of the advisory group.

2 MR. SMITH: I understood his last modification to
3 leave it discretionary. Didn't you, Roger?

4 MS. ESQUER: No. He just left the date
5 discretionary.

6 MR. ENGELBERG: I'm asking if he would make --

7 MR. CRAMTON: Well, I don't have any stake in this.
8 I'd be happy to withdraw it, if you don't want to. I think
9 there is a serious problem about the Board members who
10 are not going to be members of this Committee -- it's going
11 to involve a lot of travel, a lot of special meetings.
12 They won't do it because they're not on it. They probably
13 will not receive all of the confidential material of all of
14 the -- is every member of this Board going to get every --
15 a report on every phone call, every inquiry, all of the
16 detailed dossiers on all of the 200 candidates? So at some
17 point judgments are going to have to be made drastically
18 narrowing the list down. Those are bound to be infused by
19 notions about the kind of person that the Corporation needs
20 at this moment in time and enormous number of judgments in
21 which, it seems to me, their opportunity to participate is
22 going to be really quite nominal as it's proposed. I mean,
23 they're going to be faced with a Board meeting in June in
24 which a committee composed of -- a majority of which are
25 non-Board members, comes in with a slate and they're put in a

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1 position of either taking it or leaving it.

2 MR. SMITH: Except we're adopting those dates as
3 target dates, Roger, and I think it may be almost wishful
4 thinking to think that it will be concluded the first of
5 June. But we are still leaving it discretionary with the
6 Chairman and if it moves as fast as everyone hopes it will,
7 she can call the meeting, but I don't think we need to tie
8 her down.

9 CHAIRPERSON RODHAM: Are we ready to vote on
10 Glee's motion?

11 Where does your amendment stand, Roger? Is it
12 still on?

13 MR. CRAMTON: I don't know.

14 CHAIRPERSON RODHAM: But we have the flexibility,
15 you think.

16 MR. CRAMTON: Yes.

17 CHAIRPERSON RODHAM: Okay. All those in favor of
18 Glee's motion -- yes.

19 MS. ESQUER: Well, I would like a clarification
20 of this --

21 MR. ENGELBERG: No. He dropped it. You have
22 dropped it, Roger, haven't you?

23 MR. SMITH: Restate the motion.

24 CHAIRPERSON RODHAM: The motion, as I understand
25 it, that Glee made is that we try to proceed according to the

1 target date set forth in our time table so that we are able
2 to move as expeditiously as possible and that, if it proves
3 to be necessary, a special meeting of the Board be called
4 to expedite the process.

5 MR. SMITH: And that the procedural outline you
6 submitted be adopted with the only change being the motion
7 that was just adopted a while ago.

8 CHAIRPERSON RODHAM: Right.

9 MR. ENGELBERG: I'll second it.

10 CHAIRPERSON RODHAM: All those in favor, please
11 signify by saying "aye."

12 (A chorus of "ayes.")

13 CHAIRPERSON RODHAM: All those opposed?

14 (One "no.")

15 CHAIRPERSON RODHAM: All those in favor, please
16 signify by raising your right hand.

17 (A showing of hands.)

18 CHAIRPERSON RODHAM: Worthy, Smith, Trudell,
19 Rodham, Esquer, Engelberg, Kutak.

20 All those opposed?

21 (A showing of hand.)

22 CHAIRPERSON RODHAM: Cramton.

23 Yes.

24 MR. ENGELBERG: May I just make two quick comments.
25 Now, please don't -- I don't want them misunderstood.

1 What concerns me about the tone of some of the comments
2 before during what I considered to be a good-faith effort
3 by the Board to open its process along the lines that
4 Bob Kutak suggested is, one, the sort of statements that
5 somehow we were just procrastinating. I hope you recognize
6 that we're trying the best we can and it's not a simple --
7 at least we all know the procedure is often substance
8 and we're trying to do the best we can.

9 Secondly, I would hope, as a start down the
10 road of better trust, that comments that were made which
11 I think were in no way, by either Howard Sacks or Roger or
12 anyone else, were in no way intended to insult anybody.
13 They were legitimate concerns about chilling effects based
14 on the ability to candidly say things that they wanted to
15 say, and I just find the kind of exchanges that those
16 comments are insulting and everything just to be unnecessary
17 and I would hope that as we begin this process that it's
18 recognized that everybody on the Board, in my opinion, and
19 I think it's clearly demonstrated--really has the same
20 objectives: to get the best person possible for the job
21 and to do it in the most open way possible. We struggled
22 all afternoon with refinements of procedures, but I think
23 that the goals of everybody on the Board is exactly the same
24 and I really believe that. So I hope that the public
25 representatives in the audience will keep that in mind.

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1 CHAIRPERSON RODHAM: Okay. I'd like to see if
2 we can finish the rest of this agenda so that we can make
3 some more progress.

4 The next thing on the agenda is the receiving
5 from the Committee on Regulations the revised regulations.
6 Do you have anything to add to that, Mr. Kutak?

7 MR. KUTAK: Yes, I do. It's time to bring you
8 good news, but the -- as you can see, my colleagues, we have
9 now the regulations complete with -- in as tentative final
10 form as we can do it. I would invite, however, and in fact
11 more than invite, solicit, the thoughts, the comments, the --
12 certainly the study of the Board and, more importantly--
13 and equally importantly, I should say--of the staff and the
14 recipients in the field a scrutiny.

15 What I would like to do is now take these
16 regulations that are in -- that have been collated and
17 collected and put in fine legal form, translate them, as
18 you know, into non-legalese. This has been a dream of the
19 Committee that is now going in effect out of existence, but
20 it's a job that still needs to be done and I think it would
21 be enormous help if we could receive from those members of
22 the Board who are willing to devote that time and certainly
23 those members in the public who would be willing to devote
24 their time their attention to the compilation of regulations
25 and give us whatever they might have with respect to their

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1 simplification and elucidation so that everyone, whether he
2 be a lawyer or not, can quickly and easily read them.

3 In that regard, there is one further item. Mailed
4 out to each of the Board members last week was a proposed
5 regulation, proposed 1624, a prohibition against
6 discrimination on the basis of handicapped. This regulation
7 is designed to replace an instruction issued by the
8 Corporation last year to implement Section 504 of the
9 Rehabilitation Act.

10 What we would like to do, since it is a
11 regulation that is a transformation, if you will, of an
12 instruction, is we'd like to circulate it for comment
13 and get public reaction. However, it would be desirable,
14 if we could have the authority to do so, to request and
15 I so would like to move and then open the matter for
16 discussion, move that your standing Committee on Regulations
17 soon to expire, would have the authorization to publish
18 the proposed regulation for notice and comment following
19 this meeting. This does not foreclose, of course, any
20 input, but because we feel that it is not of a burning
21 controversial character, we could move forward more
22 expeditiously if we could publish and then be prepared to
23 come back, I dare say, not until October. Or could --

24 MR. WALTERS: I think we could do it in June.'

25 MR. KUTAK: We could do it in June. We could come

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1 back in June, having, of course, a committee meeting prior
2 thereto to review the comments and to report to you with
3 our recommendation, action on the final regulation.

4 CHAIRPERSON RODHAM: Is there a second?

5 MR. ESQUER: Yes.

6 CHAIRPERSON RODHAM: Any discussion?

7 (No response)

8 CHAIRPERSON RODHAM: All those in --

9 MR. CRAMTON: Why is it necessary to do this?

10 I mean, I received this on March 20, just a couple of days
11 ago. I didn't have a chance to read it before today's
12 meeting. Past practice has been that once we publish a
13 regulation for notice and comment, we very rarely make
14 substantial changes in it and our whole practice up till
15 now has been one of careful consideration by a committee
16 of the text of a regulation before it is published for
17 notice and comment. Apparently this is an instruction now.
18 Why not have the committee consider it carefully and
19 leisurely? I mean, it does seem to me that there are
20 questions of policy that it raises. For example, just a
21 requirement that Braille devices and so on be available
22 in a large number of Legal Services offices has substantial
23 fiscal implications and the question is should it be
24 applicable to all programs or is it only programs that have
25 15 attorneys or more? It seems to me that there are a number

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1 of things that might well be considered.

2 MR. KUTAK: Of course, Roger, so that the record
3 is clear, were it a subject considered de novo, the procedure
4 I have just moved, I would never propose. But because it is
5 already an existing instruction, we felt that in the interest
6 of getting reactions and having a meeting, it doesn't bring
7 anything new to the operation of the Corporation --

8 MR. CRAMTON: The existing instruction doesn't
9 contain the provision to which I've just referred, does it?

10 MR. WALTERS: No, it does not. The provision is
11 contained in HEW regulations which their effect in
12 interpreting the Rehabilitation Act as to corporation
13 grantees is not clear. But it is a provision to which
14 several legal services programs, or a large number, are
15 probably already subject due to the fact that they get
16 funding from other sources.

17 CHAIRPERSON RODHAM: Any further discussion?

18 (No response)

19 CHAIRPERSON RODHAM: All those in favor of Bob's
20 motion, please signify by saying "aye."

21 (A chorus of "ayes.")

22 CHAIRPERSON RODHAM: All those opposed?

23 (A chorus of "noes.")

24 CHAIRPERSON RODHAM: All those in favor, please
25 raise your right hand.

1 (A showing of hands.)

2 CHAIRPERSON RODHAM: Worthy, Trudell, Esquer,
3 Engelberg, Kutak.

4 All those opposed?

5 (A showing of hands.)

6 CHAIRPERSON RODHAM: Cramton, Rodham.

7 Okay. The next item, unless -- is there anything
8 else, Bob?

9 MR. KUTAK: No, except again to remind you,
10 please give us your comments.

11 CHAIRPERSON RODHAM: The next item is the selection
12 of the auditors. Is Fabio here?

13 (No response)

14 CHAIRPERSON RODHAM: Is there -- Charles, would
15 you make the recommendation, then, please?

16 MR. CRAMTON: Well, Fabio actually asked me to
17 as a member of the Committee on Appropriations --

18 CHAIRPERSON RODHAM: Oh, here comes Fabio.

19 MR. CRAMTON: -- and Audits. Buck was going to
20 be here to -- in fact, Buck, why don't you come up?

21 CHAIRPERSON RODHAM: Fabio, we're doing the auditor
22 selection now.

23 MR. CRAMTON: The Chairman on the Committee on
24 Appropriations and Audit is absent, Glen Stopell, and in
25 his absence we have to call on Mr. Hennegan to summarize the

1 Corporation's financial situation and ask any questions
2 which members of the Board have, and then I would like to
3 move the adoption of the resolution that's printed in your
4 book, the resolution concerning the reappointment of Price-
5 Waterhouse as auditors of the Corporation.

6 Mr. Hennegan?

7 MR. HENNEGAN: Mr. de la Torre can speak to the
8 selection of the auditor.

9 MR. CRAMTON: Why don't we do the general budget
10 situation first.

11 MR. HENNEGAN: I'm sorry. I misunderstood you.

12 Happily, this is the one Board meeting each year
13 when the budget is not a major topic of business. There
14 have been no changes in the allocations approved by the
15 Board in December. We had a first quarter budget review
16 within the staff for the period ending December 31st. We
17 have informed the committee of a number of procedural
18 matters we have been considering and certain accounts that
19 we are watching carefully.

20 At the mid-year budget review, which will take
21 place in late April, we will be preparing recommendations
22 for the Appropriations and Audit Committee's consideration
23 before the June meeting,

24 I believe there is no action required on the budget
25 at this time.

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1 CHAIRPERSON RODHAM: Thank you. Any Board members
2 have questions?

3 (No response)

4 CHAIRPERSON RODHAM: Fabio, do you want to go on
5 to the next?

6 MR. de la TORRE: Well, I think my memo to Tom is
7 very explicit, you know. We are very satisfied with the
8 firm of Price-Waterhouse and we recommended to Tom that they
9 be engaged again by the Board of Directors to do the audit
10 for fiscal year 1979.

11 CHAIRPERSON RODHAM: Well, Roger has made that
12 motion.

13 MR. CRAMTON: I would like to move that we do,
14 in accordance with the motion, reappoint the Price-Waterhouse
15 as auditors to the Corporation.

16 CHAIRPERSON RODHAM: It's been seconded by
17 Mr. Trudell. Is there any discussion?

18 Ms. Esquer?

19 MS. ESQUER: I would just like to make a comment.
20 I would like to say that I strongly support the recommenda-
21 tion in the third to the last paragraph and that I would
22 support changing -- you know, a rotation of auditors after
23 the fiscal year '80 as part of the motion, but because we
24 are a public corporation, I think it would be a good policy
25 to adopt this particular suggestion.

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1 CHAIRPERSON RODHAM: Bob?

2 MR. KUTAK: My objection and vote against the
3 motion is not again to be misunderstood. I have made it
4 every year and my colleagues on the Board know the reason
5 why. I think Price-Waterhouse is a most distinguished and
6 splendid accounting firm and I have every confidence in it.
7 My plea to the Board is, once again, and I renew it once
8 more, is that that matter be put out for public bid instead
9 of being negotiated, and only for that reason and no other
10 that I would vote against this motion.

11 CHAIRPERSON RODHAM: Any further discussion?

12 (No response)

13 CHAIRPERSON RODHAM: All those in-favor, please
14 say "aye."

15 (A chorus of "ayes.")

16 CHAIRPERSON RODHAM: All those opposed?

17 (One "nay.")

18 CHAIRPERSON RODHAM: Show of hands. All those
19 in favor?

20 (A showing of hands.)

21 CHAIRPERSON RODHAM: Worthy, Smith, Trudell,
22 Cramton, Rodham, Esquer, Engelberg.

23 Opposed?

24 (A showing of hand.)

25 CHAIRPERSON RODHAM: Kutak.

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1 The next item on the agenda are the President's
2 Reports. Tom?

3 DR. EHRLICH: Be brief, but I hope Board members
4 will ask for further elaboration on any of these points if
5 they wish, but there is another group breathing down this
6 room's neck.

7 First, we have had out oversight hearings in
8 the House and our Senate appropriations hearings. We
9 will next Tuesday have our House appropriations hearings.
10 On the whole, I think both the House oversight and the
11 Senate appropriations went well, the latter particularly
12 because of the presence of Hillary there. It will still be
13 an extremely tough effort and we are spending full time
14 all the time on that effort.

15 Second, you all have, I hope, the new annual
16 report, and special thanks are due to Harriet Ellis for
17 producing what I think is a superb report.

18 I have underway a number of efforts that have
19 been in various stages of planning for some time, but I
20 think are important to have done before I do shift gears.
21 One is the beginning of a process to establish a national
22 needs assessment through working with the American Bar
23 Foundation, the Department of Justice, the Administrative
24 Offices of the Courts. Our own Research Institute I expect
25 will coordinate an effort to examine on the national basis

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1 more fully than we have done before a look at legal needs
2 of poor people. We have talked a good deal about how to do
3 it. Those of you who have looked through the fact book have
4 seen some of the problems, but I'm convinced at least it
5 would be a mistake to go into our authorization and
6 appropriations hearing next year without having this effort
7 underway and so instituting arrangements with our Research
8 Institute in coordination with those other groups to get it
9 started.

10 We are also undertaking now a more coordinated
11 effort in examining our information flow and information
12 needs and coordinating those in a more structured process
13 than we have had before. Similarly, under Buck Hennegan's
14 leadership, we have developed a further set of budget
15 processes and procedures to deal with what has become an
16 increasingly complex set of budgetary arrangements.

17 This is not to say that on the whole I think most
18 of the steps that are going on in the Corporation really are
19 working very well. You talked in detail about a couple of
20 them, client training, which is under the direction, as you
21 know, and authority of Kathryn Day-Germany and I think she
22 has got complete charge of that and is doing very well.
23 We talked about some other ones as well, but these ones,
24 that I'm referring to now weren't clearly under the egis
25 of any particular effort and I thought it important to

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1 establish them.

2 Clint Lyons is starting himself a variety of
3 arrangements that a little later he will talk to the Board
4 about in terms of strengthening his own office.

5 CHAIRPERSON RODHAM: Tom, let me just interrupt
6 for a minute.

7 We apparently have run afoul of the hotel's plans,
8 but if everyone moves this side of the dividing doors we
9 will be able to continue. We have about 10 more minutes of
10 work and rather than reconvening tomorrow morning, that might
11 be the more appropriate way to handle it.

12 (Pause)

13 CHAIRPERSON RODHAM: Is there anything further,
14 Mr. President?

15 DR. EHRLICH: That was a lot of information very
16 quickly, but I hope those of you who want to know
17 particularly about the information or one of those other
18 steps will take the opportunity early to ask me about it
19 and let us supply you further information on it.

20 CHAIRPERSON RODHAM: The next item on the agenda
21 is the authorizing resolution. Mr. Smith, do you have a
22 motion?

23 MR. SMITH: Madam Chairman, I move the adoption
24 of the resolution found on Page 158 of our Agenda Book
25 for the reasons explain on Page 157.

1 MS. ESQUER: Second.

2 CHAIRPERSON RODHAM: All those in favor, please
3 signify by saying "aye."

4 (A chorus of "ayes.")

5 CHAIRPERSON RODHAM: All those opposed?

6 (No response)

7 CHAIRPERSON RODHAM: The next item on the agenda
8 are future Board meeting sites. On Page 169 you can see
9 that the meetings are scheduled as set forth there and room
10 is reserved in the Marvin Center in Washington, if that
11 meets with everyone's approval.

12 Okay. Is there any other business to come before
13 the Board?

14 MR. CRAMTON: I have one item, if I might beg
15 your indulgence for a minute.

16 CHAIRPERSON RODHAM: Let's do yours last, okay?

17 Yes, ma'am?

18 MS. BRIGHT: My name is Izetta Bright and I'm the
19 National Co-Director of Law Students.

20 CHAIRPERSON RODHAM: Okay. Do you want to talk up
21 a little loudly. I'm afraid it's going to be a little hectic,
22 but go ahead.

23 MS. BRIGHT: Okay. My name is Izetta Bright and
24 I'm National Co-Director of the Law Students Civil Rights
25 Research Council, better known as LSCRRC to a lot of people.

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1 I wanted to address this Board today because we
2 just got official notice yesterday that the Board had --
3 Corporation had made a decision to cancel the summer
4 internship program of which we have been an integral part
5 for the last two years. I first would like to begin with
6 giving a brief history of LSCRRRC, and how our
7 involvement with Legal Services has evolved and then address
8 the issue of the cancellation and what it means.

9 CHAIRPERSON RODHAM: Let me just -- not to be
10 either abrupt or rude, I think all of us, or at least I,
11 know quite a bit about LSCRRRC and have always supported it
12 and participated in the program when I was in law school.
13 The decision that has been made to terminate the internship
14 programs was part of our larger budgetary decision and that
15 decision is final for this year. There is no way that any
16 money is going to be available. The Board had to make some
17 very difficult decisions amongst lots of competing
18 programs and it was fully informed as to what the impact
19 would be when it decided to cut its budget.

20 Hopefully, if we are able to obtain more money
21 in the future, we can refund these internship programs.

22 MS. BRIGHT: Well, I understand that, but again
23 I feel like, well, you're telling us this now, but all of
24 this was not put forth to us at a time when I think it would
25 have been important. We have this past October, as of

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1 October, we have been talking to law students and encouraging
2 them, as we always have, to be involved in Legal Services
3 programs because of the importance to minority and poor
4 people and law students are very interested in this issue.
5 They have so far submitted applications and proposals.
6 We've gotten a lot of support from staff, fraternities,
7 wanting these internship programs, and to me and to the
8 members of LSCRRC, we feel that the exclusion of an
9 internship program from the Legal Service Corporation has
10 wide implications for the whole issues of having minority
11 representation in Legal Services, and we feel that the
12 Board's decision really affects all of us in that sense
13 and that there should be some other ways that we can have
14 these internship positions so that we can get the
15 participation of minority and women law students in the
16 Legal Services Corporation.

17 CHAIRPERSON RODHAM: Well, I don't think anybody
18 on this Board disagrees with you and it's just -- it's the
19 unfortunate task that we face that we only have so much
20 money and we make these decisions, and by not funding the
21 internship program we made a decision to put more money
22 into something else that we thought was of higher priority.

23 I would suggest that the information that you have
24 available about the internship program be provided to the
25 Audit and Appropriations Committee that will be beginning to

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1 work on the next budget. Do you know Mr. Hennegan who's
2 sitting directly behind you? Buck Hennegan is in charge
3 of our budgetary process. Because this whole issue we will
4 have to look into again as we begin to put together our next
5 budget.

6 But at this point, as far as I understand, there
7 is nothing we can do to reverse the decisions that have been
8 made for the disposition of the money in this year's budget.

9 MS. BRIGHT: So you're saying that's the final
10 word. There's no way that there can be a '79 internship
11 program where we have the involvement of these minority law
12 students.

13 CHAIRPERSON RODHAM: We cut out our internship
14 programs. That was what we did. And I'm very sorry, but
15 that's just one of the decisions that we made.

16 MS. BRIGHT: Well, --

17 CHAIRPERSON RODHAM: But if you -- being a supporter
18 and participant in LSCRRRC, I wish you would spend some
19 time talking with Mr. Hennegan and give to him all the
20 information that you have available so that when we make out
21 next budget we will try once again to have an internship
22 program and if Congress gives us enough money we will try
23 to fund it.

24 MS. BRIGHT: Well, I understand what you're talking
25 about for next year, but, again, I just wanted to go on

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1 record as saying that we oppose that position and we wish
2 that we had more input in the whole decisionmaking process,
3 because it seems like -- or what my understanding of the
4 whole issue has been is that this decision was made and I'm
5 not sure who made the decision to --

6 CHAIRPERSON RODHAM: We did. The decision was
7 made in a public meeting in December. About 1500 people
8 were there.

9 MS. BRIGHT: Well, we had no notice of this being --
10 this occurring and everyone knew that LSCRRRC has been
11 involved in this program for the -- and to just totally
12 ignore us and our involvement in this whole minority
13 representation problem, you know, it just seems to be a
14 real problem to me. It seems like you're just ignoring us
15 and I'm just really concerned with what's going to happen
16 with our whole minority representation in the legal field
17 when you just dismantle a program like that.

18 CHAIRPERSON RODHAM: I understand that and I
19 appreciate it and all I can do is that the Board acted in the
20 best way that it knew how, and I hope that we'll be able to
21 provide some funds next year. But there's nothing more that
22 we can do. I'm sorry.

23 Yes.

24 MS. KEHRER: I noticed the dates of your fall
25 meeting and this past year when the Board met simultaneously

1 with the National Legal Aid and Defender Association's
2 annual conference, I had hoped that would be the beginning
3 of such a practice for the future. NLADA will be have its
4 annual conference this year the first part of November,
5 November 2 through 6, in Albuquerque, New Mexico. If it
6 possible at all to reconsider and rearrange the Board's
7 schedule so that you could have it at that time, I think it
8 would be very good, both for the Board and for the field
9 and NLADA to have the interchange and have you available
10 with us.

11 CHAIRPERSON RODHAM: Betty, I think we will.
12 The problem, I think, is that that is a little bit late for
13 our budgetary process. We have got to have that early
14 October meeting in order to figure out what Congress has
15 done to us and begin the process of working out our
16 budget and -- I mean, we'll explore it and bring it up again
17 in June if we think we can make it otherwise, but probably
18 we will have to stick with that early October date.

19 MS. KEHRER: I can understand, but it might even
20 be possible that you would want to meet early on your budget
21 and then later again, since it is -- if that's possible.

22 CHAIRPERSON RODHAM: Buck, will you advise us on
23 that at the June meeting, if you would?

24 Any other business?

25 DR. EHRLICH: I promised to suggest to the Board

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1 at this time to hear from a representative who wanted to
2 press a point that the staff had discussed. He's not here,
3 so if I could make it in his behalf.

4 Briefly it is that he hopes the Board considers
5 carefully the problems in our funding formula as we move
6 into consideration of the application of that formula in
7 the 1980 census. I will be in touch with him and ask that
8 he provide a memorandum to you as we will provide memoranda
9 to you about the issue. But given this is the only
10 opportunity, I think the best would be a direct and written
11 communication to Board members on the subject.

12 CHAIRPERSON RODHAM: Any other business?

13 MR. SACKS: Hillary, did I miss something? Did
14 you act on the LSC reauthorization?

15 CHAIRPERSON RODHAM: Yes, we did. We voted on it.

16 MR. SACKS: Did you?

17 CHAIRPERSON RODHAM: Yes, we voted on it.

18 It was unanimous.

19 MR. CRAMTON: Unanimously.

20 MR. SACKS: All right.

21 CHAIRPERSON RODHAM: Any other business?

22 (No response)

23 CHAIRPERSON RODHAM: Roger, do you want to go ahead?

24 MR. CRAMTON: If I may have your indulgence for --

25 CHAIRPERSON RODHAM: Excuse me, Roger. The meeting

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1 dates are set forth and I asked if there were any objection
2 while the door was closing and Betty then asked if we
3 could change our fall meeting and I asked Buck to advise
4 us at our June meeting how that would affect our budget
5 process.

6 MR. ENGELBERG: One other quick -- are these all
7 set in Washington or is that --

8 CHAIRPERSON RODHAM: They're all set in Washington,
9 unless we do something about the fall meeting.

10 MR. ENGELBERG: All right. And they're all --
11 and these dates are set subject to the problem of coordinating
12 with NLADA.

13 CHAIRPERSON RODHAM: Right. -

14 MR. ENGELBERG: Okay.

15 CHAIRPERSON RODHAM: Roger?

16 MR. CRAMTON: Earlier today we had quite a lot
17 of discussion about the procedures followed during July and
18 October 1975 and the selection of a president and some
19 critical comments were made about decisions that the Board
20 made at that point.

21 My own view is that there has been much less
22 criticism and no grounds for criticism of the results and
23 the outcome that the Board reached at that point. I would
24 like at this point to hope that all of you, as a departing
25 Board member, are successful in the presidential search this

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1 time around as we were in July and October of 1975 when we
2 emerged with Thomas Ehrlich as president of the Corporation,
3 because good fortunate certainly smiled on us and I hope
4 that good fortunate may similarly smile on you.

5 My own view is that they have been three glorious
6 years of achievement of which -- for which he is very
7 largely responsible. He is a person of enormous intelligence
8 and ability, a sense of mission and dedication to the service
9 of poor people and the cause of justice that seems to me to
10 be unparalleled, very difficult to match, and a person of
11 great sensitivity to human problems, to institutional
12 relations with enormous imagination, flexibility and
13 ingenuity.

14 With that introduction, I would like to propose
15 for the Board's consideration the following resolution.

16 "Whereas, Thomas Ehrlich has served as president
17 of the Legal Services Corporation since its early days, and

18 "Whereas, Thomas Ehrlich has exercised
19 extraordinary leadership, provided creative direction
20 and wise guidance, and

21 "Whereas, by virtue of his talents, energy and
22 dedication, the fledgling corporation has achieved
23 stability, respect and excellence and has made outstanding
24 progress toward achievement of the national goal of providing
25 access to justice for all poor people,

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1 "The Board of Directors of the Legal Services
2 Corporation, speaking for itself, the staff, the field
3 programs and for the millions of clients who have benefited
4 from his work,

5 "Hereby extends to Thomas Ehrlich heartfelt
6 gratitude and best wishes for his future success."

7 (Applause)

8 MR. KUTAK: Madam Chairman, I think it is
9 significant that Tom is going from one government job
10 serving the poor here at home to another government job
11 concerned about serving the poor abroad. This only
12 confirms our judgment about him. His vision knows no
13 bounds, territorial or otherwise, and certainly these past
14 three years have demonstrated that he has incredible patience
15 and fortitude which he's going to require in his new
16 assignment as he has demonstrated in his present one.

17 Tom, I hope you know that you go with the
18 confidence that your service -- by your service here you
19 have distinguished the Legal Services program and, in that
20 process, yourself.

21 For the record, I only hope that in your new
22 assignment, with a new government agency, you will give us
23 a crack at drafting its regulations, too.

24 (Laughter)

25 MR. WALTERS: Speak for yourself.

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1 (Laughter)

2 MR. CRAMTON: I move the adoption of the
3 resolution by acclamation.

4 CHAIRPERSON RODHAM: All those in favor, say "aye."

5 (A chorus of "ayes.")

6 DR. EHRLICH: Thank you. I'm most grateful.

7 CHAIRPERSON RODHAM: That concludes our business.

8 MR. ENGELBERG: I think it's fitting that the
9 departing act of our president is that the room has been
10 shrunken.

11 (Laughter)

12 CHAIRPERSON RODHAM: Unless there's any other
13 business to come before the Board which we should consider,
14 dinner for the Board will be in the Forum Room at 7:30,
15 which is at the other end of this corridor, the right-hand
16 door, and we are, I hope, eagerly awaited by the Boston
17 Bar Association, 16 Beacon Street. Since we've never had a
18 Bar Association offer us this kind of hospitality, I think
19 we should hot-tail it over there.

20 So other wise we stand adjourned. Is there a
21 motion to adjourn?

22 MR. SMITH: So moved.

23 CHAIRPERSON RODHAM: All those in favor?

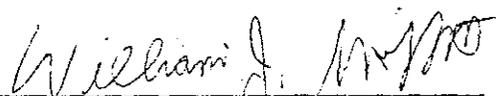
24 (A chorus of "ayes.")

25 (Whereupon, the meeting was adjourned at 5:51 p.m.)

C E R T I F I C A T E

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This is to certify that the foregoing proceedings before the Legal Services Corporation, Board of Directors Meeting, Thursday, March 22, 1979, were had as herein appears and that this is the original transcript thereof.



WILLIAM J. MOFFITT