

THE LEGAL SERVICES CORPORATION

BOARD OF DIRECTORS MEETING

OPEN SESSION

May 24, 1993

12:12 p.m.

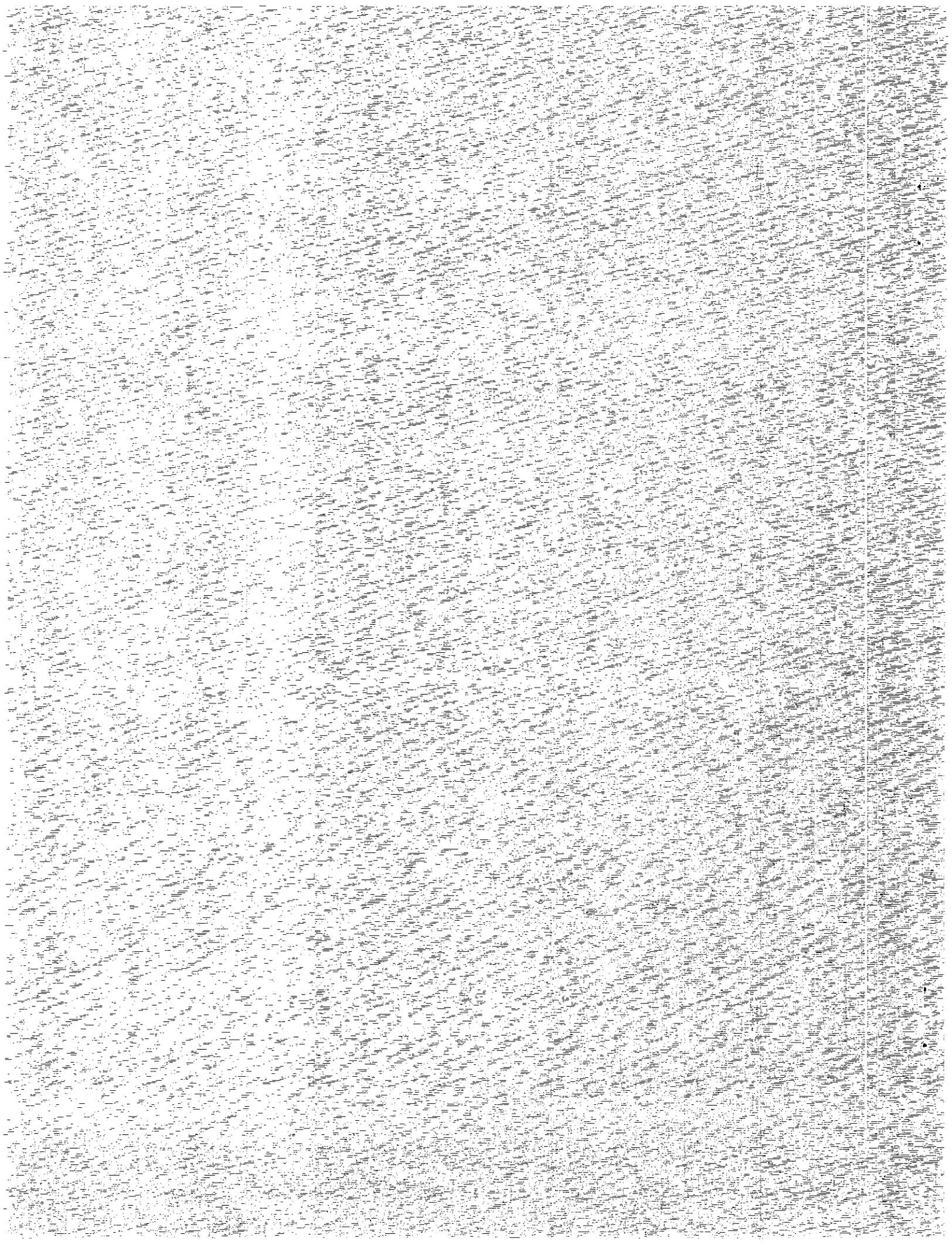
The Legal Services Corporation
750 First Street, N.E., 11th Floor
The Board Room
Washington, D.C. 20002

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929



THE LEGAL SERVICES CORPORATION

BOARD OF DIRECTORS MEETING

OPEN SESSION

May 24, 1993

12:12 p.m.

The Legal Services Corporation
750 First Street, N.E., 11th Floor
The Board Room
Washington, D.C. 20002

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

BOARD MEMBERS PRESENT:

George W. Wittgraf, Chairman
Jo Betts Love
Guy V. Molinari
Penny L. Pullen
Norman D. Shumway
Jeanine E. Wolbeck
Basile J. Uddo
Blakely Hall

STAFF PRESENT:

John P. O'Hara, President
Emilia DiSanto, Vice President
Victor Fortuno, General Counsel
Kenneth Boehm, Assistant to the President and Counsel to the
Board
Edouard Quatrevaux, Inspector General
Patricia Batie, Corporation Secretary
Ellen Smead, Director of OFS
Susan Sparks, Director of MAC
Kathy deBettencourt / *OFS*

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

C O N T E N T S

MOTIONS: 4, 5, 10, 60, 64, 69, 71, 97, 99, 100

	PAGE
Chairman and Members Report	6
Operations and Regulations Committee Report	9
Inspector General Oversight Committee Report	9
Provisions Committee Report	11
Audit and Appropriations Committee Report	60
Presentation of Roger Rosenthal Director, Migrant Legal Action Program	16

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

P R O C E E D I N G S

(12:12 p.m.)

CHAIRMAN WITTGRAF: The regularly scheduled meeting of the board of directors of the Legal Services Corporation will be in order, this being the date May 24, 1993, scheduled therefore.

At this time, we will proceed to agenda item number 1, the approval of the agenda. Let me suggest first, that unless there is objection, it is has been requested by Ms. Pullen that agenda item 3 be considered upon the resumption of open session so that potentially that matter can be discussed with our general counsel in executive session.

Unless there is objection, the Chair will assume that the agenda has the consideration of agenda item 3 as the first item of business when open session is resumed.

(No response.)

Hearing no objection, that will be the case.

With that change, then, I am prepared to hear a motion for the approval of the agenda as presented.

M O T I O N

MR. HALL: So moved.

MR. SHUMWAY: Second.

1 CHAIRMAN WITTGRAF: It has moved by Mr. Hall, seconded
2 by Mr. Shumway. Discussion?

3 (No response.)

4 CHAIRMAN WITTGRAF: Hearing none, those who are in
5 favor of approval of the agenda as modified will signify by
6 saying aye.

7 (Chorus of ayes.)

8 CHAIRMAN WITTGRAF: Those who are opposed nay.

9 (No response.)

10 CHAIRMAN WITTGRAF: The ayes appear to have it, the
11 ayes do have it. The agenda is approved.

12 We will move next to the consideration of the draft
13 minutes of our last regularly scheduled board meeting, that
14 of April 26th of this year in San Diego, California. You
15 have before you the draft minutes beginning on page 34 of
16 the combined committee and board book, continuing through
17 page 40 thereof.

18 The Chair is prepared to entertain a motion for the
19 adoption of the draft minutes.

20 M O T I O N

21 MS. WOLBECK: So moved.

22 CHAIRMAN WITTGRAF: It has moved by Ms. Wolbeck.

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

1 MR. UDDO: Second.

2 CHAIRMAN WITTGRAF: Seconded by Mr. Uddo. Is there
3 discussion regarding the draft minutes?

4 (No response.)

5 CHAIRMAN WITTGRAF: Hearing none, those who are in
6 favor of the adoption of the draft minutes signify by saying
7 aye.

8 (Chorus of ayes.)

9 CHAIRMAN WITTGRAF: Those who are opposed nay.

10 (No response.)

11 CHAIRMAN WITTGRAF: The ayes appear to have it, the
12 ayes do have it. The draft minutes of the meeting of April
13 26th of this year are approved.

14 We will turn then to what is marked as agenda item 4,
15 the report of the chairman and members of the board. The
16 chairman has nothing to report at this time, but will
17 withhold his comments to the context of other matters that
18 come up on the board agenda.

19 Mr. Molinari indicated that he had a few comments that
20 he wished to make at this point in our deliberation. Before
21 I recognize Mr. Molinari, is there anybody else who has any
22 comments or matters they would like to bring to the

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

1 attention of the board at this time?

2 (No response.)

3 MR. UDDO: What was the question?

4 CHAIRMAN WITTGRAF: Is there any member of the board
5 that has any comments that he or she would like to bring to
6 the attention of the board as a whole at this time regarding
7 his or her activities or thoughts of the last four weeks.

8 (No response.)

9 CHAIRMAN WITTGRAF: Hearing none, the Chair recognizes
10 Mr. Molinari.

11 MR. MOLINARI: Talk about timing (laughter).

12 Mr. Chairman and my colleagues on the board and other
13 interested parties, I have a difficult time trying to make
14 the monthly meetings and I think it is no secret that a
15 year, or a year and a half ago, I attempted to resign this
16 position, but I was prevailed upon to remain on,
17 anticipating that it was going to be more difficult for
18 myself to attend the meetings.

19 This last six or eight months has been even more
20 difficult for me. We are into a very busy cycle back home.
21 I did want to advise everybody that it bothers me that my
22 attendance has not been good and on March the 9th of this

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 298-2929

1 year, I submitted a letter to President Clinton.

2 In that letter I had submitted my resignation, but
3 offered to stay on the board recognizing the difficulty with
4 nomination process and with a good faith effort on my
5 attempt to try to make whatever meetings I can make.

6 Now, that is over two months ago. I have not received
7 a response even to the extent that anybody has acknowledged
8 they have received the letter. That may not be so
9 surprising.

10 Nevertheless, that is where we are at and I just wanted
11 to share that information with you and others. I'm not --
12 it is not my policy to be a board member and not be able to
13 attend the meetings as I did in the beginning.

14 It is something that has disturbed me very much and
15 because of that, I have sought to be relieved of that
16 responsibility. That is where I stand at the present time,
17 so we'll keep you posted. Thank you.

18 CHAIRMAN WITTGRAF: Apparently you are not off the hook
19 yet, Mr. Molinari.

20 MR. MOLINARI: I guess not.

21 (Laughter.)

22 CHAIRMAN WITTGRAF: Is there further discussion under

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

1 agenda item number 4?

2 (No response.)

3 CHAIRMAN WITTGRAF: Hearing none, we will proceed to
4 agenda item number 5, that is the report of the Operations
5 and Regulations Committee.

6 For the purpose of that report, the Chair recognizes
7 Mr. Shumway.

8 OPERATIONS AND REGULATIONS COMMITTEE REPORT

9 MR. SHUMWAY: Thank you, Mr. Chairman.

10 I am not aware of any burning matters of priority on
11 the agenda of that committee. Consequently, the committee
12 did not meet on this occasion. President Rath of that
13 committee is not here as well, so I really have no report to
14 make regarding the Operations and Regulations Committee.

15 CHAIRMAN WITTGRAF: Thank you, Mr. Shumway.

16 The Chair next recognizes Mr. Hall for the purpose of
17 the report of the Inspector General Oversight Committee.
18 Mr. Hall?

19 INSPECTOR GENERAL OVERSIGHT COMMITTEE REPORT

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

21 We did meet and reviewed the draft response. We made
22 some general changes to it that were not substantial and

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

1 voted to approve the draft response with those changes.

2 M O T I O N

3 We recommend that to the full board.

4 CHAIRMAN WITTGRAF: Thank you, Mr. Hall. The Chair
5 accepts that action of the committee as a motion made and
6 seconded.

7 The Chair then asks if there is further discussion as
8 we consider the board's approval, in general terms, subject
9 to the final redrafting of the board's response to the
10 Inspector General's semiannual report covering the period
11 from October 1, 1992, to and through March 31, 1993. Is
12 there discussion?

13 (No response.)

14 CHAIRMAN WITTGRAF: Hearing none, we will proceed to
15 the question.

16 Those who are in favor of the board's response, as
17 presented in general terms and is drafted for one final
18 review later this week, the members of the board will
19 signify by saying aye.

20 (Chorus of ayes.)

21 CHAIRMAN WITTGRAF: Those who are opposed nay.

22 (No response.)

1 CHAIRMAN WITTGRAF: The ayes appear to have it, the
2 ayes do have it. The motion is carried. Mr. Hall?

3 MR. HALL: That is all I have.

4 CHAIRMAN WITTGRAF: Thank you, Mr. Hall.

5 At this time the Chair recognizes Mr. Hall again, now
6 for the purpose of presentation of the report of the
7 Committee for the Provision of Legal Services. Mr. Hall.

8 COMMITTEE FOR THE PROVISION OF LEGAL SERVICES REPORT

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

10 The committee did meet this morning and we went over
11 several ongoing projects and received status reports on
12 those projects. No action was taken on any of them, so
13 there are no recommendations to the board. If time is
14 running short, I can leave my report at that, or I would be
15 glad to tell those that are here, again, what we did, as I
16 said earlier today.

17 CHAIRMAN WITTGRAF: I think Mr. Uddo, Ms. Pullen and
18 Mr. Molinari were not present for all or part of that
19 meeting. Perhaps you could summarize the main items.

20 MR. HALL: I would be glad to.

21 CHAIRMAN WITTGRAF: Thank you.

22 MR. HALL: We first talked about the request for

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

1 proposals for the Migrant Ombudsman Demonstration Project.
2 We learned from Ellen Smead that we will be choosing from
3 four completed proposals. Originally, there were two more
4 that needed some details filled in. Apparently they never
5 came to be.

6 A review panel consisting of two staff members and one
7 program representative will meet on June 2, 1993. That
8 panel will review the four proposals and make
9 recommendations to President O'Hara. It is hoped that
10 President O'Hara will be able to award those by June 7,
11 1993.

12 Is there a thirty-day waiting period on these? If so,
13 it looks like it would go out sometime in July. Is that
14 correct?

15 CHAIRMAN WITTGRAF: I believe so.

16 MR. HALL: All right. That is basically where we are
17 on the ADR for the migrant programs.

18 We also talked about where we are on the survey that
19 has been sent out to the grantees on the problems they are
20 having recruiting attorneys and retaining them.

21 Last month we learned that a second letter requesting
22 the surveys, that had not come in yet, to come in. We

1 received a good response. I think we received 75 more. A
2 report has been generated and passed out to all the members
3 that basically summarizes what the questionnaire findings
4 were.

5 To no one's surprise, the majority of them do have
6 problems in these areas, especially in the rural areas. We
7 learned that about 10 percent already have loan repayment
8 programs. The LSC staff will be following up in requesting
9 some information on what those programs consist of.
10 Hopefully, they can be used as models in the future.

11 Other recipients told us they have policies that help
12 retain lawyers. We will ask for additional information on
13 those. You will receive a future report on that.

14 At the request of Chairman Wittgraf, the staff will
15 also be looking at the possibility of the corporation
16 sponsoring a job fair, perhaps in connection with the annual
17 conference. The staff will explore the concept of mini-
18 grants which will be smaller grants to recipients to solve
19 specific problems that they may have.

20 Leslie Russell reported to us that he, as you all know,
21 has been going to some of these job fairs. What he has
22 learned is the folks there have very little information on

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 298-2929

1 legal services careers. He is currently taking steps to
2 prepare a directory which will describe the type of law
3 practice that poverty lawyers have, salary ranges and the
4 different areas of the country that they could go to
5 practice.

6 It will have a lot of other information in it as well.
7 And I suppose it will be used to pass out at job fairs and
8 any other type of recruitment function.

9 We had a report on the timekeeping. Ellen reported
10 that she's met with the 20 recipients that are involved in
11 the competition demonstration project and discussed this
12 area with them. It was well received. Some of the
13 recipients told her they already have timekeeping, some
14 don't.

15 A constructive suggestion was made that the Corporation
16 make it clear in their solicitation that this timekeeping
17 thrust is not a revival of the old timekeeping projects and
18 efforts that the Corporation had some years ago, but is a
19 new and different approach and a much more flexible
20 approach.

21 I think it was also suggested by the field
22 representatives that the timekeeping program be expanded to

1 two years. It takes, apparently, some time to get one up
2 and going.

3 The time schedule on that -- the solicitation is going
4 out this week, but should return in July. The award should
5 be made in August.

6 We also had a report on the Meritorious Grant Awards.
7 There is a report that has been handed out to all of us that
8 summarizes those. It basically shows very good progress in
9 all of the grants and all the awards that we made as a part
10 of that program.

11 Lastly, we heard a report on Law School Awards. There
12 are 30 applicants. Seven are new to LSC money. The time
13 schedule is --June of '93, is when the awards should be
14 made.

15 That is basically what we heard. No action, as I say,
16 was taken. That is all I have, Mr. Chairman.

17 CHAIRMAN WITTGRAF: Thank you, Mr. Hall.

18 Are there any questions or comments for Mr. Hall?

19 (No response.)

20 CHAIRMAN WITTGRAF: At this time, the Chair would like
21 to recognize Roger Rosenthal, the director of the Migrant
22 Legal Action Program, MLAP, who I believe has some comments

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

1 he would like to make, generally, regarding utilization of
2 the monies that have been appropriated for migrant programs,
3 and specifically regarding the utilization of monies by the
4 Corporation for migrant alternative dispute resolution
5 efforts.

6 Mr. Rosenthal?

7 PRESENTATION OF ROGER ROSENTHAL, DIRECTOR

8 MIGRANT LEGAL ACTION PROGRAM

9 MR. ROSENTHAL: Thank you very much, Mr. Wittgraf.

10 Good morning, members of the board.

11 I thought this morning it might be helpful to invoke
12 the patron saint of lost causes in starting on this issue
13 this morning. But I thought perhaps when I explain some of
14 the facts that haven't been presented to the board, facts
15 which the board has not considered in making some of these
16 policy decisions, and facts which when presented to LSC
17 staff over the last several months have caused them to
18 express reservations about moving forward with this RFP,
19 maybe my lost cause will turn out to be something else.

20 I am speaking today on behalf of the Migrant Legal
21 Services Programs who are very concerned about the use of
22 what was initially \$100 thousand of migrant money for the

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

1 RFP to have one or several alternative dispute resolution
2 initiatives.

3 I understand based on some discussion this morning,
4 that that amount may increase to \$300 thousand for these
5 awards, although probably most, if not all, of the extra
6 \$200 thousand will not come directly out of the migrant
7 money.

8 It may be surprising to board members to know that
9 there are currently 45 migrant legal services programs in 47
10 states and Puerto Rico. Even more surprising, these
11 statewide programs are really quite small. In fact, they
12 are shockingly small compared to most of the basic legal
13 services programs.

14 For example, 21 programs in 22 states -- in 1993, the
15 current grant year, are receiving less than \$100 thousand to
16 serve all of the migrants and dependents in an entire state,
17 some of them really huge states geographically. Most of the
18 programs in that category are substantially smaller than 100
19 thousand.

20 There are 28 programs in 30 states, because there are
21 some multi-state grants, multi-state programs, which receive
22 less than \$140 thousand, again to serve all migrants and

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

1 dependents in the entire state. Most of those seven
2 programs that were not counted in the first group are very
3 close to the \$100 thousand mark. There are very few up
4 towards the \$140 thousand.

5 You should also be aware that in 1993, the increase for
6 all 45 migrant programs in this country was \$217 thousand,
7 just \$217 thousand, obviously more than twice the full grant
8 for 21 programs.

9 You are looking right now at 100 thousand or 300
10 thousand, but even from the conservative viewpoint, a \$100
11 thousand of migrant money, which is an amount about half the
12 full increase that any of these migrant legal services
13 programs saw in 1993. Of course, those were spread out and
14 distributed among programs.

15 For these migrant legal services programs, \$100
16 thousand, let alone \$300 thousand, is a huge amount of
17 money. To be quite frank, and to be blunt, they are very
18 upset at the prospect of using that \$100 thousand to fund
19 the alternative dispute resolution initiative.

20 The source for the \$100 thousand is left over from
21 money from the migrant line which comes from the four new
22 southeastern states in prior years, but money which was

1 never distributed because of delays in funding these
2 programs by the Corporation.

3 Most of the money is from the state of Mississippi and
4 there is a little bit of money from other sources. This
5 board has certainly recognized, in a way that all of us in
6 the field applaud, the need for a substantial increase in
7 appropriations.

8 You have approved the request to the Congress, as I
9 understand it, of \$525 million for 1994. This reflects an
10 understanding on your part that the field, which is
11 delivering direct services to our indigent clients, is
12 hurting very, very badly, that it is in terrible financial
13 shape.

14 If the basic field is hurting, the migrant field is
15 hurting even more, in no small part because so very many of
16 these grants are just tiny, they are very small. I would
17 like to tell you about what is happening in a number of
18 these programs so that some flesh can be put on the bones
19 here.

20 For example, in Wisconsin there has been a budget
21 freeze and that has produced a very marked decline in staff.
22 Three years ago Legal Action of Wisconsin, had on staff two

1 full-time staff attorneys, one half-time attorney, one half-
2 time paralegal, one secretary and several summer law clerks.

3 Last year, the staff was reduced to two attorneys and
4 one half-time paralegal. This year, the program will be
5 operating with only two attorneys and one summer law clerk.

6
7 The staff has to travel about 150 miles to reach
8 clients in many areas of the state, and this expense, in
9 addition to obviously staff expenses, represents a
10 considerable drain on the program's budget.

11 In Washington State the program made its most recent
12 staffing cuts in 1990, and is still suffering from those.
13 They eliminated one of two paralegals for the entire state
14 of Washington. They eliminated one lawyer and reduced the
15 litigation coordinator's position from full-time to half-
16 time.

17 Meanwhile, the migrant population expanded from what
18 was estimated to be about 70 thousand people to be served in
19 the late 1970s to approximately 200 thousand workers in
20 1990. Just think about that explosion of need and the fact
21 that the population within the office to serve that number
22 of indigent folks has diminished.

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

1 The two-attorney staff in Virginia currently operates
2 without any paralegals or outreach workers, so those two
3 attorneys have to travel through the entire state. They
4 have to do intake; they have to do outreach; they have to do
5 any paralegal functions or activities.

6 Funding over the past four years has been insufficient
7 to maintain even those two full-time positions, and LSC, you
8 are actually funding only a portion of those two attorneys.
9 In fact, in 1990, the funding allowed for only two three-
10 quarter-time attorneys, and they had to scramble to get
11 funds for that other quarter for each of those two
12 positions.

13 In South Carolina, which is a state that is currently
14 estimated at having almost 53, actually 42,467 farm workers
15 and dependents, there is one attorney for the entire state.
16 That budget, their limited budget, will only support a part-
17 time paralegal in addition to that staff attorney.

18 Their litigation budget is currently frozen at a mere
19 \$500 for litigation in the entire State of South Carolina.
20 The travel budget for the entire state is only \$5 thousand.
21 It makes it very difficult for them to adequately represent
22 those workers.

1 In North Carolina, they have made staffing cuts in each
2 of the past two years, dropping from three to one paralegal,
3 and the migrant population to be served has climbed to more
4 than 140 thousand by some state counts.

5 Reduced staff and budget have limited the office's
6 outreach program. No staff member has been able to reach or
7 visit the state's apple growing region for the last two
8 years, or the potato growing areas on the east coast, for
9 the past four years.

10 The office has been unable to cover the central region
11 of the state except for the help of unpaid student interns,
12 some of whom are contributing their own money, their own
13 money, towards travel expenses, for the work of that
14 program.

15 In New York over the past year, budget shortfalls have
16 necessitated the reduction of the staff by one paralegal,
17 one secretary and two summer interns. This program plans to
18 deduct a number of outreach programs which they have
19 completely curtailed. For example, in Long Island, they
20 normally have an annual program. They are unable to do
21 that. In the Lake Champlain area they have a program every
22 other year. They cannot do that this year.

1 This inadequate funding has dictated the elimination of
2 services to 8 to 10 thousand migrant workers, or completely
3 cut out -- it is not just that some of them will be covered
4 or a smaller percentage of those workers will be covered.
5 They are completely excluded from services at this point.

6 Two more states -- just to highlight and to give you a
7 bit of flavor around the country. In New Mexico, they
8 consider staff cuts a fact of life, despite a farm worker
9 population which is about 38 thousand statewide. They have
10 reduced from two full-time paralegals to only one half-time
11 paralegal. They have two attorneys, but you only pay for
12 one of them.

13 That other attorney who is being funded through the
14 IOLTA program has her position in jeopardy right now. This
15 is a state, as you all know very well, that is very large
16 geographically and that has 40 thousand acres in
17 cultivation. Inevitably, the farm worker services are
18 affected.

19 Finally, in Idaho, another very large state, they
20 currently have the equivalent of three staff attorneys
21 serving four migrant offices.

22 Two of the states only have one quarter-time attorneys.

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

1 In other words, one person in each office that serves one-
2 quarter time. This is a reduction from half-time attorneys,
3 which they had just a few years ago. They have had to cut
4 two seasonal outreach workers' positions, and they have been
5 unable to offer a 1-800 telephone number which would be
6 covered by bilingual support staff, and therefore, access to
7 clients is significantly limited. That state has almost 50
8 thousand farm workers to be served.

9 LSC has already spent, as I understand it,
10 approximately \$20 thousand of left-over, carry-over migrant
11 money from prior years. This is again, migrant carry-over
12 money from four southeastern states, to pay for the meeting
13 which was called in Des Moines the week before Christmas to
14 discuss the pioneer hybrid Proteus Ombudsman model.

15 So, some of the money which could have gone to direct
16 service has already been spent in furtherance of exploration
17 of the idea of ADR with the migrant programs.

18 I was pleased to hear that this morning you decided, or
19 tentatively decided, as I understand it, to commit \$50
20 thousand, presumably from the migrant line, towards some
21 additional money towards the state of Mississippi. I don't
22 need to go into the details of that, assuming that that is

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

1 going to be approved.

2 Basically, Mississippi was being funded at \$125
3 thousand for the beginning of the year. When the Larson
4 Placencia Tomas Riveras study came out, they were shown to
5 have a smaller population than was expected.

6 They are being funded at slightly over \$70 thousand
7 now, and the shortfall in Mississippi has been about \$7
8 thousand per month to make up the difference. That has
9 really hurt their ability to be able to continue.

10 As you are aware, and have heard, LSC has received four
11 applications for the migrant ADR initiative. Three of the
12 applicants have written to President O'Hara asking that the
13 Corporation not fund the ADR project, but rather use the
14 money directly for migrant delivery and have that be
15 redistributed back to the migrant line.

16 The fourth program did not as yet send a letter, but I
17 understand from them that they had intended to do so, but
18 they had not yet gotten it out.

19 Let me move very briefly to the issue of ADR because I
20 don't want there to be any misunderstanding on the migrant
21 community's position with respect to alternative dispute
22 resolution.

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

1 In spite of the fact that we feel very strongly in the
2 migrant community that this migrant money should not be
3 spent on the ADR initiative, the migrant community fully
4 supports the use of alternative dispute resolution.

5 There is no one in the community who opposes it. In
6 fact, of all the components of the legal services community
7 as a whole, the migrant community is the one that uses ADR
8 on a daily basis.

9 All migrant programs which take cases under the
10 Migrant and Seasonal Agricultural Worker Protection Act,
11 which is a labor protection law, have to do alternative
12 dispute resolution or they will find at the end of the road,
13 if they are successful, a minimum amount of damages. It is
14 a way of maximizing damages for them, so there is an
15 incentive on behalf of their clients to do ADR every single
16 time they have an OPPA case, which is very, very frequently.

17 Programs also engage in ADR in a wide variety of other
18 areas, which I won't go into now. This is a component of
19 the community that is doing it right now.

20 There is also no illusion that these grants will
21 significantly change the relationship between growers and
22 farm workers, as enviable and as laudatory as that goal may

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

1 be. This is especially true since this is a one year non-
2 renewable grant.

3 What will happen after you give this money out and the
4 year ends, given the terrible financial shape that these
5 programs are finding themselves in, they are going to be
6 unlikely able to continue these programs.

7 When there have been formal ADR mechanisms in a number
8 of states, West Virginia, North Carolina, Pennsylvania, to
9 name three, which are not applying for the money, the legal
10 services programs have discovered that they have not
11 succeeded in changing the relationship. In fact, they've
12 had, shall I say, rather unfortunate experiences, unhappy
13 experiences with the ADR generally.

14 Finally, I understand that the board in testimony
15 before the Congress has been asked by members of Congress
16 what it is doing with respect to ADR. I understand the very
17 sincere desire on the part of the board and the Corporation
18 as a whole, to respond to that request and to get on the
19 bandwagon, so to speak, with respect to the use of
20 alternative dispute resolution, which is certainly something
21 that is being used more and more frequently around the
22 country in the legal community.

1 I have to submit that whatever the Corporation plans to
2 do with respect to ADR, that migrant clients are absolutely
3 the most vulnerable, most fragile, client population to do
4 something about ADR.

5 I urge you not to start with migrant clients to push
6 the ADR concept. There are a number of reasons for that,
7 some of which were presented on a number of occasions to
8 President O'Hara.

9 First of all, they are terribly subject to retaliation
10 for filing any kind of grievance or complaint, which leads
11 to alternative dispute resolution. The Pennsylvania
12 program, just using one example, had a terrible circumstance
13 that was presented to Mr. O'Hara, where a client did file a
14 grievance using the ADR process and found some very unhappy
15 results at the other end of that complaint.

16 In fact, this was an element that was not taken into
17 account, we discovered, when we visited Des Moines, by the
18 Pioneer Hybrid Ombudsman project. They hastened to say they
19 were going to check on that and see if they could put a
20 protection in their process, in their model, to include
21 that. That is a terrible risk that migrant clients face.

22 There is an even more grievous power imbalance between

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

1 the employer and the employee in the migrant context than
2 even exists with respect to other legal services clients,
3 where it is certainly seen very frequently.

4 There are many cultural differences. There is a degree
5 of cultural-physical and physical-geographical isolation
6 that these clients suffer from. This is a very fragile
7 population to be doing this for, particularly to start out
8 with ADR.

9 The system of alternative dispute resolution is one --
10 there have been experts who have looked at this in the
11 migrant context, and they say that the system of ADR must be
12 rights based, and not a neutral mediation arbitration
13 process. It gets very complex because of the unusual
14 relationship that you have between the employer and the
15 employee.

16 Let me just conclude by saying that this board has
17 stated its desire, as I've heard it, and as I've read
18 reports, as has President O'Hara, to work with the field and
19 to listen to it. What I have to say to you today, even
20 though I am only one person, is that there is a very loud
21 cry from the migrant field, pleading with you, to devote --
22 not to fund these proposals, but to devote these precious

1 \$100 thousand, or if it is even \$300 thousand, the crying is
2 tripled -- to devote these precious dollars to all the
3 migrant legal services programs so they can better serve
4 their migrant clients given how badly off they are right
5 now.

6 Please use your \$500 thousand request that Mr. O'Hara
7 mentioned in his March 2, 1993, letter to accomplish these
8 aims. My understanding is you may have a request. I don't
9 know if this is going forward now to 1994, for \$500 thousand
10 to be used specifically for ADR.

11 If you do go ahead with that, it would give you the
12 opportunity to do the same thing that you are doing here, to
13 include migrant programs if you really feel you need to, but
14 not use money that is better used, in our view, for direct
15 delivery to migrant legal services.

16 To proceed with funding this migrant initiative, I'm
17 fearful would drive a further wedge between the Corporation
18 and migrant programs, a division which, I think, this board
19 and President O'Hara have endeavored mightily to narrow.

20 I ask you to please hear the anguish in these programs
21 that are cutting staff, that are unable to serve their far-
22 flung client base, and to choose as a policy matter not to

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

1 put these funds that are supposed to be used for client
2 service in these initiatives, but rather put that money back
3 in the field and help these programs meet their budget and
4 keep their staff intact.

5 Thanks.

6 CHAIRMAN WITTGRAF: Thank you, Mr. Rosenthal.

7 Just as an aside before I make a couple of comments,
8 I'm not sure what the \$500 thousand figure is to which you
9 just referred. Could you elaborate upon that? You lost me
10 on that point.

11 MR. ROSENTHAL: There is a letter, Mr. O'Hara may be
12 the best person to talk about it. I think I brought it with
13 me. Let me see if I can find it real quickly.

14 CHAIRMAN WITTGRAF: My sense is that whatever \$500
15 thousand figure you just referred to is probably not on the
16 table or has been made moot by the passage of time and
17 developments.

18 MR. ROSENTHAL: It may.

19 CHAIRMAN WITTGRAF: Let me make a couple of comments,
20 Mr. Rosenthal, and perhaps you'll find that. I don't think
21 there is any \$500 thousand --

22 MR. ROSENTHAL: Here, I did find it. It is to all

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

1 program directors, Jack O'Hara, Alternative Dispute
2 Resolution, March 2.

3 Over the past several months LSC has been examining ADR
4 techniques. I'm summarizing. It goes on, the third
5 paragraph, "The Corporation, through its board of directors,
6 officers, and staff, recognizes that equal access to justice
7 means that the full array of dispute resolution options
8 offered through the justice system, including mediation,
9 arbitration, conciliation, et cetera, should be available to
10 all persons regardless of their ability to pay.

11 "The Board of directors recently showed its support for
12 ADR by voting to request \$500 thousand for FY 1994, to fund
13 ADR initiatives."

14 CHAIRMAN WITTGRAF: I think everything aside from that,
15 that your discussion has to do with fiscal year 1993, and
16 the comments I'm going to make, and perhaps that other board
17 members will, are about fiscal year 1993 as well.

18 We are on record for fiscal year 1994, but then again
19 we are on record for a lot of things for fiscal year 1994,
20 which probably aren't going to be met by the reality of the
21 Congressional appropriations, so I'll stay with the money
22 that is on the table for the moment.

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

1 Certainly, I, Mr. Uddo, President O'Hara and the rest
2 of the members of the board and staff are cognizant of the
3 committee report from the Senate from July of 1992, for
4 fiscal year 1993.

5 I quote particularly the one sentence, "Similarly funds
6 appropriated for migrant and native American funding," and
7 then I'll skip over the rest of the references, "should be
8 used to fund activities within those categories."

9 We accept that mandate. Now, I would say that mandate
10 applied to a then Senate appropriations subcommittee
11 recommendation of \$350 million. Ultimately, as you are well
12 aware, the Congress appropriated \$357 million. The figures
13 that we are utilizing today, six months into the year, are
14 for just under \$362 million with different forms of
15 carryover.

16 Even with the migrant monies being whatever proportion
17 they are, whatever dollar proportion they are, of \$350, \$357
18 or nearly \$362 million, I think we accept that mandate from
19 the Congress and the Senate subcommittee report.

20 The discussion that we had earlier today, and I think
21 most of the discussion regarding ADR monies in the migrant
22 context, has to do with monies that are not being utilized

1 otherwise. Another part of that committee report says, and
2 I quote, "Should the Corporation fail to fully utilize these
3 funds for the purposes intended, the committee would not
4 look favorably upon requests to reprogram carryover funding
5 to other categories in fiscal year 1994."

6 So, we know both from that admonition and from our own
7 difficulties in budgeting the last several years because of
8 the by-play between the new appropriation and carryover from
9 the prior year's appropriation, just what problems it can
10 cause.

11 So, under Mr. Uddo's leadership and Mr. O'Hara's
12 leadership, we are trying to get the monies out the door.
13 We are trying to get them out the door consistent with the
14 admonition given to us.

15 Even so, there are some unutilized dollars which Mr.
16 Richardson reviewed with us this morning. There are some
17 additional monies, miscellaneous income from interest, from
18 things like sales. And even those monies we want to get out
19 the door, but the question then becomes for the board, with
20 the staff, how -- for what purpose to get those monies out
21 the door.

22 One of the purposes we use for the current fiscal year

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

1 was what we refer to as meritorious and innovative grants.
2 We probably will do a little bit of that again with excess
3 monies for fiscal year 1993.

4 You suggest, understandably so, that even another \$50
5 or \$100 or \$200 thousand dollars would mean a great deal to
6 migrant programs from Wisconsin, to the State of Washington,
7 to North Carolina and virtually everywhere in between.

8 At the same time, with us as a board having been in San
9 Diego in recent weeks, having been in Phoenix and having
10 heard from the programs in Arizona and New Mexico within
11 recent months, I can't imagine but what any grant recipient
12 in any part of the country, unfortunately, could give the
13 same kinds of examples that you just gave.

14 They are all desperate examples, or almost all of them
15 are desperate examples, and we are attempting to utilize
16 them as best we can as a board and a corporation staff in
17 making the case for increased funding with the Congress. In
18 fact, I hope you will take the anecdotal information that
19 you summarized, for those states and any other states that
20 you have, and make sure that Mr. O'Hara and our staff get it
21 so that we can have it as we visit with members of the
22 Congress, just as you do on behalf of MLAP, PAG and NLADA

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

1 and the AB and others do, because I think it is important.

2 But, if we, as a board, with our staff, are attempting
3 to exert any leadership at all beyond getting monies,
4 additional monies out to additional grantees, it is
5 hopefully encouraging a few people to experiment, be it
6 meritorious and innovative grants, be it in timekeeping for
7 greater efficiency and economy, or be it even in ADR, and
8 specifically ADR geared toward migrants.

9 I take exception to the notion that we are asking
10 migrant programs to be the first people to utilize ADR
11 concepts, because I think clearly existing, basic, field
12 grant recipients are using ADR mechanisms with Legal
13 Services monies and with their other monies already today.
14 But I've said over the last 6 or 9 or 12 months, and I won't
15 repeat it today, why I think it is important to try to do
16 more to resolve as soon as possible, as early as possible,
17 producer-migrant problems.

18 I would acknowledge, and it was one of the things that
19 came out of the meeting in Des Moines in December, what
20 might work in Iowa is not what necessarily will work in
21 California. What might work in Nebraska is not necessarily
22 what will work in Pennsylvania, but the fact that it will

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

1 work in some places strikes me, at least, as being very
2 important.

3 I would rather say, "Where might it work?" rather than
4 -- because it won't work in some places, "Let's not try it
5 anywhere."

6 I would like to think we are being responsive to and
7 responsible within the mandates of the Congress. I'd like
8 to think that we're also providing some leadership in asking
9 migrant programs as well as all programs across the country
10 to try new approaches.

11 I would also like to think we are being responsive to
12 the great needs that exist for all our program recipients
13 for more monies. I think it is fair to say that also with
14 Mr. Uddo and President O'Hara's leadership, we will continue
15 meeting by meeting to analyze where we're at and if there
16 are any extra dollars at all within a degree of fiscal
17 responsibility, that we will try and get those dollars out
18 the door.

19 The needs that you have suggested are important because
20 we will keep them in mind both in pressing for fiscal year
21 '94 monies and in trying to make sure we utilize as fully as
22 possible fiscal '93 monies.

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

1 But on balance, I, at least, think that our going
2 forward, subject to a committee review of those proposals,
3 and President O'Hara's review of the proposals from the four
4 grantees -- Florida Rural, Western Nebraska, Farm Worker
5 Legal Services of New York, and I'm not sure offhand,
6 myself, even who the fourth is. I only know these three
7 because I got copies of the letters to which you referred
8 about, you know, we would like to have the money go to
9 everybody, but if it is not going to everybody then we would
10 still like our application to be considered seriously.

11 I think those are important applications in that
12 logically in attempting to provide some leadership for the
13 future, we should follow through on those applications.

14 So, we are sympathetic, but I, at least am inclined to
15 think we should go forward, but we really can benefit from
16 the information you brought today. I hope that in whatever
17 form you've got it in, or in some other form, you'll share
18 it with the president so we can continue to utilize it.

19 MR. ROSENTHAL: Mr. Wittgraf, if I could just respond
20 very briefly. I just wanted to clarify that we are not
21 disputing in any way that the board and the corporation has
22 the authority to use either the 100 thousand or the 200

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

1 thousand from the way it sounds. Although, I am not sure
2 about the 200 thousand since that just arose this morning,
3 but certainly the 100 thousand that is left over from the
4 migrant line, you have the authority under the law to devote
5 to this project.

6 There is absolutely no dispute about that whatsoever.
7 The question is whether given, as you termed it yourself,
8 the desperate examples of these programs, whether the money
9 would be best used to make sure that the house isn't falling
10 down around you rather than building a sun porch in the back
11 -- which might improve the house an enormous amount in the
12 long run, but right now the foundation may be cracked in the
13 main structure.

14 That is what we are really talking about in the migrant
15 community. The 100 thousand is really critical. If there
16 is enough money to even have 300 thousand, I think we would
17 urge you to give serious consideration to applying that to
18 direct delivery, whether that be for migrant clients or
19 basic field program client or indian clients around this
20 country.

21 It is really hurting out there. It is really horrible.
22 CHAIRMAN WITTGRAF: You are not suggesting that migrant

1 ADR services would not be direct delivery of legal services;
2 are you?

3 MR. ROSENTHAL: Not as a --

4 CHAIRMAN WITTGRAF: It is a different form, but --

5 MR. ROSENTHAL: Not as a general matter, but it is the
6 sun porch, in a sense, on this house that is crumbling.
7 What you have already is ADR being implemented in virtually
8 every single migrant legal services program.

9 I would have to take issue with your statement before,
10 that you are asking migrant programs to go first. To be
11 frank, they have gone first on their own initiative. They
12 don't need \$100 thousand to do that. They are doing it now
13 with the minimal amount of funding that they are getting,
14 with 59 cents per migrant, the lowest funded program, had in
15 the 1993 assessment.

16 This is not going to be a mechanism that is going to
17 get ADR implemented in the migrant community. What we are
18 asking is that the 100 thousand be used to deliver the
19 services that people are struggling so hard to deliver,
20 considering that they are already doing the ADR.

21 CHAIRMAN WITTGRAF: I hope if it happens that some or
22 all of those four grantees, who have requested the

1 additional monies, happen to get them that you won't
2 discourage them from using them.

3 MR. ROSENTHAL: Oh, no. As Ms. Smead knows, I have
4 tried to be cooperative in this process and, in fact, I'm
5 the one who suggested a third person from the migrant field
6 to be part of this review panel.

7 I'm not trying to be obstructionist about this at all.
8 If it is this board's discretion to use the money this way
9 that is your choice, but I'm trying to give you some facts
10 to dissuade you to do otherwise.

11 CHAIRMAN WITTGRAF: I guess I would say that one
12 person's sun porch could be another person's bedroom. So,
13 I'm inclined to think there may be something to be gained
14 yet. Mr. Uddo?

15 MR. UDDO: Mr. Rosenthal, I would just agree with Mr.
16 Wittgraf. This, I think, is not a decision that should be
17 perceived as somehow damaging to migrant representation. In
18 fact, I think that is an unfair characterization.

19 First of all, I don't know whether it is sun porch or
20 bedroom, but I think you have to view alternative dispute
21 resolution as shoring up the foundation. The theory behind
22 it is that it is going to make more representation available

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

1 for less money.

2 If that is not true, then it is going to be a big
3 mistake, but I don't think it is a mistake because I think
4 most of the private practice of law is beginning to see that
5 there is truth to that, that it should be shoring up the
6 foundation of representation and helping these folks who are
7 underfunded do more representation better.

8 The other thing is, it is true that migrant programs
9 have difficulties, they're underfunded. We have pretty much
10 concluded that that is true across the board, but migrants
11 are really subject to dual representation in the sense that
12 basic field programs also represent migrants and --

13 MR. ROSENTHAL: That is not true, sir.

14 MR. UDDO: Basic field programs -- if a migrant walked
15 into a basic field program --

16 MR. ROSENTHAL: They can, but they don't.

17 MR. UDDO: They don't? They don't represent --

18 MR. ROSENTHAL: They don't have the expertise because -

19 -

20 MR. UDDO: But, wait. Nowhere in this country are
21 basic field programs representing migrants? I mean --

22 MR. ROSENTHAL: It is a very rare instance. I know of

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

1 one situation in Virginia where farm workers came through
2 some of the Shenandoah Valley programs.

3 MR. UDDO: You are talking about exclusively migrant-
4 related concerns, but they are representing migrants for a
5 vast array of other problems that migrants might have;
6 right?

7 MR. ROSENTHAL: On occasion, and there is a referral
8 generally from the migrant program on a non-migrant issue,
9 but it is the exception rather than the rule, very
10 substantially.

11 MR. UDDO: I hear from people in the field programs
12 that they do represent migrants until it is a matter of
13 technicality and great expertise, in which case they might
14 necessarily require a migrant program to represent them.

15 You know, in addition, to say that the migrant
16 community is pleading with us not to do this, and then we've
17 got four applications for the funding, I don't think
18 confirms your view of the unanimity of the migrant
19 community.

20 MR. ROSENTHAL: Why would they have written the letter,
21 which is definitely not in their interest to do?

22 MR. UDDO: I don't know why they wrote the letter, but

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

1 the letter says, yeah, we'd rather it go to funding
2 everybody, but if it doesn't we'd like it.

3 MR. ROSENTHAL: Well, if there is money on the table,
4 they aren't going to let somebody else take it.

5 MR. UDDO: I guess --

6 MR. ROSENTHAL: They are good enough managers to do
7 that; that is the market philosophy.

8 MR. UDDO: But if they really shared your view, I
9 guess, they should withdraw their application for the grant.
10 If we had no applications for the grants, then I guess we
11 couldn't do it.

12 I just think that so often when we try to do something
13 that almost everyone on the board and a fair number of
14 people elsewhere believe is a good effort to try and improve
15 legal services to the poor, we very often hear from some
16 discrete group that this is a terrible thing that we are
17 about to do.

18 I don't share that view. I think that everyone
19 acknowledges that alternative dispute resolution is an
20 appropriate direction not only for Legal Services, but for
21 everybody involved in the legal community.

22 Years and years ago in one of my earlier incarnations

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

1 on the board, I was part of trying to propose something
2 along the lines of alternative dispute resolution. I got
3 very discouraged with the negative reaction that I got to
4 it.

5 It seems as though the migrant world, and I don't just
6 mean the workers, I mean the farm -- the whole world, seems
7 to be hell bent on as much acrimony as possible sometimes.

8 I think that that is one reason why we have to try
9 alternative dispute resolution. I think it has tremendous
10 possibilities that have to be explored, and the \$100
11 thousand that was previously in the migrant line, that we
12 are talking about using, I don't want to say it is peanuts
13 if you divide it among all the programs, but it is peanuts
14 if you divide it among all the programs.

15 MR. ROSENTHAL: Then the increase that people saw in
16 1993, was also peanuts. It was maybe two peanuts as opposed
17 to one.

18 MR. UDDO: It is small.

19 MR. ROSENTHAL: It is tiny.

20 MR. UDDO: I'm saying that if we can use \$100 thousand
21 to maybe create a way of dealing with these problems that
22 ultimately will be more effective, more cost effective,

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

1 better for the people that we represent, then I think we
2 bite the bullet and say that that \$100 thousand is going to
3 be better spent on trying to develop these alternatives.

4 And we're committed enough to it, that we are proposing
5 adding another \$200 thousand from elsewhere to make this
6 work. So, I would just suggest that -- I guess we've
7 probably talked about it long enough. I think we ought to
8 move on and take action on it.

9 MR. ROSENTHAL: Mr. Uddo, the last point that you make,
10 I think, is the point. I'm glad that you got to that. As
11 you probably noticed, I said nothing negative about
12 alternative dispute resolution. The legal services
13 community that represents migrants embraces ADR and does it
14 every day, as I've said.

15 The point is the last one that you made before. You
16 have to confront the choice, the hard choice here, of
17 whether you want that money to go into this ADR initiative,
18 or whether you want that money to go to be divided to
19 provide direct services.

20 As I've said from the beginning, it is your policy
21 decision to do one or the other, but there are consequences
22 in terms of the relationship between the Corporation and its

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

1 grantees in the migrant community, none of whom are bashing
2 ADR, none of whom are disagreeing about ADR at this
3 juncture, but about their desperate plight and the use of
4 this money that should be used for direct representation,
5 being used for four initiatives, or one or two initiatives.

6 So, if you all decide that the money is better spend
7 for ADR as opposed to direct service, that is the decision
8 that the majority is going to take, that is your role and
9 that is your discretion to exercise. What I am urging you
10 to do is the opposite, but the issue is not ADR, because we
11 are not disagreeing with ADR. The issue is the priorities
12 of use of the money that was originally designated to
13 provide direct services.

14 You said it very well. You choose the option of ADR
15 over putting the money back in the migrant line. That is
16 your choice and I respect that.

17 MR. UDDO: I'm not sure what you mean by, "It has
18 consequences for our relationships with the migrant --

19 MR. ROSENTHAL: Well, I said that in my remarks. I
20 think the migrant community -- even though again, I am
21 speaking just with one voice and I'm in a two-piece suit
22 here today, is the migrant community -- is very exercised,

1 because they are dealing with the problems of their program
2 on a daily basis.

3 They see the \$100 thousand as a huge amount of money.
4 They do not see it as peanuts. They would consider a
5 decision to put it into the ADR as a decision which is not
6 in the interest of their clients.

7 Now, there can be honest disagreement about that, but I
8 have to tell you, in terms of public relations, and that may
9 not be the major concern here today, but in terms of public
10 relations, what the migrant community will say is, "There
11 goes the LSC board again, doing things that are not in the
12 interest of migrant farm worker clients."

13 You may disagree with that result, and that conclusion
14 but --

15 MR. UDDO: I do disagree with that. I do. I think it
16 would be irrational and poorly based, and I think it would
17 justify the board saying that the migrant community is not
18 viewing our action in a good faith.

19 CHAIRMAN WITTGRAF: I'm sure Mr. Rosenthal will present
20 our actions as having been in good faith.

21 MR. UDDO: I'm just saying, that if that is the result
22 of our doing that, then that would be my reaction to it.

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

1 MR. ROSENTHAL: As I have described on a number of
2 occasions, again in my remarks, I think that the board and
3 President O'Hara has made a lot of effort to understand the
4 needs of the migrant community.

5 CHAIRMAN WITTGRAF: Unfortunately, the logical
6 extension in my mind to what you are suggesting is that the
7 Congress might as well grant the money directly to Florida
8 Rural Legal Services and do away with the Corporation and
9 skip \$10 million that is being spent on it.

10 MR. ROSENTHAL: I guess some people wouldn't disagree
11 with that, but --

12 CHAIRMAN WITTGRAF: I'm sure some would think that
13 would be wonderful, but at least that is not the way the law
14 exists at the moment. As long as the law is the way it is,
15 I think most of us feel that we have a responsibility to try
16 to look at things on a macro basis as well as a micro basis
17 and to try to make some, what we would like to think of as
18 informed judgments, accordingly.

19 I think that is all we are doing and have been doing
20 the last few months. Mr. Molinari?

21 MR. MOLINARI: Mr. Chairman, let me begin by saying
22 that I have been very much impressed by the presentation

1 made by Mr. Rosenthal. Perhaps I am the last member of the
2 board that should be addressing this issue since I've not
3 been attending a lot of the meetings that have been held,
4 particularly those out of the D.C. area.

5 I am very troubled by learning that the very people
6 that are making requests to be funded under this grant
7 program are telling us that it shouldn't be done that way.

8 If all four that are making applications are saying to
9 the board that they believe the better use of the money is
10 to give the money directly to the programs, offhand, I would
11 be inclined to go along with that. That does bother me that
12 the very people who are responding that they would be doing
13 it, are saying that it shouldn't be done.

14 I think that perhaps what that might suggest to us is
15 we should pause in our efforts. You are having a meeting in
16 Tennessee next month, I guess. You could have some of those
17 larger programs who have large migrant populations speak to
18 the issue and maybe revisit it.

19 Frankly, it causes me some concern, and I don't mean to
20 reflect upon my colleagues who have spent an extraordinary
21 amount of time in the area and I have not, so I apologize to
22 you, but I must say that I find these arguments compelling.

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

1 If I had to vote right now, I would vote with you to
2 reconsider it.

3 CHAIRMAN WITTGRAF: Mr. Hall?

4 MR. HALL: Let Ms. Pullen go first.

5 MS. PULLEN: I wonder whether the president, or
6 someone, could inform us of the date that those letters were
7 received from those programs and compare that date to their
8 application date.

9 Did those letters accompany their applications, Mr.
10 President, or was this something that happened significantly
11 after the applications were filed?

12 CHAIRMAN WITTGRAF: If I might, I have one letter
13 directed to me personally, and copies of two directed to
14 President O'Hara. The three letters are dated May 13, 14
15 and 17.

16 MS. PULLEN: When were the applications submitted?

17 CHAIRMAN WITTGRAF: The applications were submitted in
18 March. I take that back, March into April. The
19 solicitation date was March, the application deadline was in
20 April.

21 MS. PULLEN: So, these letters were all dated last
22 week, essentially?

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

1 CHAIRMAN WITTGRAF: Not to impugn the presentation that
2 Mr. Rosenthal is making, I think it fair to conclude that
3 they were solicited and generated in connection with his
4 presentation. There is nothing wrong with that, but I don't
5 think that they necessarily represent the initial saying,
6 hey -- as Mr. Molinari has perhaps concluded tentatively --
7 saying, "Hey, we just don't think you ought to use the money
8 this way."

9 I think they, in fact, applied when the solicitation
10 went out, as you are suggesting, and only now when solicited
11 by somebody with whom they work, in the name of MLAP, if
12 not, perhaps, Mr. Rosenthal himself, they have sent these
13 letters. I've got my three letters which you or Mr.
14 Molinari can look at.

15 MR. ROSENTHAL: One thing I should add, sir, is that we
16 met with Mr. O'Hara on March 25th, I believe it was, on
17 invitation of LSC staff to discuss a number of migrant
18 issues.

19 There was in attendance Karen Dennimore from the
20 Pennsylvania program; Gary Gershon from Michigan; and Betty
21 Walker-Lanier from the Georgia program, by phone. At that
22 time, the issue was already raised.

1 There was a direct representation to President O'Hara,
2 which he is apparently recalling, that if people applied, it
3 was not on the basis of their approval or agreement with the
4 approach, but, in fact, because the money may very well be
5 let and they wanted to hedge their bets.

6 In fact, it might not surprise you to know that Ms.
7 Dennimore of Pennsylvania is one of the programs that
8 initially indicated that they wished to apply. Then because
9 of the time constraints, she was actually told by LSC staff
10 that it was too late, at the point where she had not yet
11 submitted her application, and there were some additional
12 delays that were going to be incurred.

13 Ms. Dennimore is a very good example. She might have
14 been here today, but for the fact that it was easier for me
15 to come across town than for her from Philadelphia, to tell
16 you that she might have applied even though she disagreed,
17 herself, with the use of the money.

18 CHAIRMAN WITTGRAF: Unfortunately, in my mind the point
19 we are coming to at this moment symbolizes the whole
20 agricultural-producer, migrant labor dilemma.

21 I've been impressed in the last four years, as I've
22 said in the past, that there is no more intractable problem

1 in the whole area of civil legal services for the poor than
2 that of the producer-migrant relationship.

3 I think, as everyone in this room is aware, some of the
4 most vocal critics of funding or increased funding for civil
5 legal services for the poor, meaning members of Congress,
6 are those whose districts include large numbers of
7 agricultural producers and, in turn, migrant workers.

8 It has been my concern over the last year to try and
9 move beyond that deadlock or gridlock to the extent we
10 could, with some monies that happened not to be utilized in
11 another way, but still using them in the migrant legal
12 services context.

13 I don't mean this personally towards you, Mr.
14 Rosenthal, but I am just expressing a little of my own
15 frustration at the moment. Just as some of the people with
16 whom you work share horror stories with us, and Mr. O'Hara
17 was there, as were other members of the staff, in Des Moines
18 this past December, and indicated that because of the
19 attitude of some of the producers toward migrant workers,
20 that it was impossible to ever get a working relationship
21 between producers and migrant workers, of the nature that
22 exists in detassling for seed corn in Iowa, and to have

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

1 something like the Proteus program.

2 I accept that, but I don't accept the notion that more
3 can't be accomplished in some parts of the country, and I'm
4 almost as frustrated by the notion that we aren't going to
5 try anything, we don't really want to try anything, as I am
6 by the horrible comments I heard in Des Moines purported to
7 have been made by agriculture producers characterizing
8 migrant workers as nothing but chattels, nothing but animals
9 or less in their fields.

10 I find that offensive, and in a different way, I guess
11 I am being offended by the notion that there is nothing to
12 be learned, there is nothing to be gained. If the eleven of
13 us, now ten of us on the board with our staff, are to
14 provide some leadership, I think there is a desperate need
15 for some leadership to find ways to lessen the problems and
16 to avoid the automatic polarization that seems to occur in
17 so many areas between agriculture producers and migrant
18 workers.

19 I would like to think of this as one small step in that
20 direction. I hope, at least for me, that what I'm trying to
21 do can be viewed in that way. Mr. Uddo put it similarly a
22 few minutes ago, and better than I am now, but we are

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

1 getting to the point where I'm feeling almost as frustrated
2 by the exchange we are having now as I was by hearing the
3 indefensible comments, which I am assuming were accurately
4 attributed to producers, particularly in the state of
5 California, if I remember correctly.

6 Again, I hope that you and the people that rely upon
7 your word can accept our effort as one of good faith, as one
8 of constructiveness, as one of leading to a greater good in
9 both funding and reauthorization, rather than as some
10 negative, ill-informed, mean-spirited effort, which I don't
11 believe it is in any way.

12 Mr. O'Hara, you wanted to say something earlier, I
13 think?

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

15 I just wanted to state that, yes, Mr. Rosenthal has
16 been very cooperative in working with me and with the staff.
17 We have learned a lot from him and I think he has learned a
18 lot about us.

19 I think that one of the things that came out of the
20 meeting in March, at least as I recall, was that I was
21 impressed with the fact that the people who were here had
22 experience with ADR as it effects the migrant workers.

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

1 It was my feeling that if that experience was related
2 to the members of the board, they would be in a better
3 position, not to say yes or no, but to tailor the proposal
4 so that it would address the real problems that are out
5 there and maybe overcome some of the things that had
6 happened along the way.

7 We are dealing with a very unique situation. Just two
8 weeks ago I spent almost eight hours -- and I won't even
9 call them migrant camps, because they just weren't camps at
10 all. I think that it is a unique problem and it is going to
11 require a unique solution.

12 The unique solution may very well be ADR. I think that
13 we have to work together, whether we agree or disagree on
14 whether we should fund this thing. The board needs to have
15 the kind of information that the young man from Michigan and
16 the young lady from Pennsylvania relayed to us, in this very
17 room, I guess it was, the day we met.

18 I think Mr. Molinari's proposal to have somebody come
19 to the board in Memphis, not for the purpose of delaying the
20 action of the board, but for the purpose of making that
21 information available to them so that they can arrive at a
22 better solution of how to fund this ADR program would be the

1 proper way to go.

2 Thank you, Mr. Chairman.

3 CHAIRMAN WITTGRAF: Thank you. Mr. Hall?

4 MR. HALL: I just wanted to comment that I am also
5 impressed by your presentation, but I feel like the money
6 probably could be better used in doing an ADR-type of
7 project.

8 If you have \$100 thousand, I'm not sure how you would
9 allocate it, but if it is put among 45 programs, I'm not
10 sure if you could accomplish as much as perhaps one of these
11 ADR programs could. I don't know. That would be one of my
12 concerns.

13 I also would comment that it was last month, I think,
14 that George, I think it was in the Provisions Committee,
15 commented that you had talked with him and had said when we
16 talk about this, we should keep in mind the fact that the
17 field felt the money could better be used by strictly giving
18 it to them.

19 Although your feelings weren't reduced to writing at
20 that time, I think they were your feelings at that time, and
21 I don't feel like these letters are new concerns, at least
22 not in my mind.

Diversified Reporting Services, Inc.

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

1 That is basically my feelings on it.

2 CHAIRMAN WITTGRAF: Because we are trying to do three
3 committee meetings and a board meeting today, I guess I
4 would just as soon end at this point.

5 MR. ROSENTHAL: Sure.

6 CHAIRMAN WITTGRAF: I think that we are moving forward.
7 I think, as I have already said, that we need the anecdotal
8 information you have, and that we will continue to wring
9 every dollar we can out of our \$361.9 million.

10 Perhaps some of that needs to go into basic services to
11 existing programs in addition to what we are trying to do in
12 the way of ADR.

13 Mr. Dana before him, and now Mr. Uddo, with the help of
14 Mr. O'Hara and Mr. Richardson, in particular, are trying to
15 make sure, as the Congress has admonished us, to get all the
16 money out the door. That is what we want to have happen,
17 and we want it to be used in a constructive way.

18 It is all going for services, I guess we just have some
19 different views on the priorities on those services.

20 Thank you for taking the time. Hopefully you took none
21 of it personally, and you will convey the message that we
22 are trying to operate in good faith, even if we have a

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

1 disagreement.

2 MR. ROSENTHAL: Thank you very much for giving me all
3 this time. I know your schedule today is pressed, and I
4 appreciate the dialogue.

5 CHAIRMAN WITTGRAF: We are trying to say you the few
6 extra thousand dollars by having all our meetings in one day
7 rather than two.

8 MR. ROSENTHAL: Thanks.

9 CHAIRMAN WITTGRAF: Thank you.

10 Mr. Hall, anything further on behalf of the Provisions
11 Committee?

12 MR. HALL: No, that is all.

13 CHAIRMAN WITTGRAF: That being the case, the Chair
14 recognizes Mr. Uddo for the purpose of the presentation of
15 the Audit and Appropriations Committee report.

16 AUDIT AND APPROPRIATIONS COMMITTEE REPORT

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

18 M O T I O N

19 The Audit and Appropriations Committee took two votes
20 that require action by the board. The first is represented
21 by an attachment to Mr. Richardson's May 24th memorandum to
22 me on six-month projections, which I think were distributed

1 to the entire board.

2 Attachment A, page 3 of 4, column 7, March budget
3 revisions reflects the recommendations of the comptroller
4 that 6 furlough days be reallocated among the various
5 components of the M & A budget, according to those figures
6 which are shown there.

7 The Audit and Appropriations Committee approved that
8 recommendation, understanding that these figures are based
9 on six furlough days, only two have been taken, and it was
10 the opinion of the president and the comptroller that no
11 more are likely to be necessary, but that this allocation
12 would allow the flexibility needed for the administration of
13 the M & A budget.

14 The committee approved what is, in essence, column 7 of
15 attachment A, page 3 of 4.

16 CHAIRMAN WITTGRAF: The Chair takes that as a motion
17 made and seconded by virtue of it being the recommendation
18 of the committee on resolutions therein. Is there
19 discussion?

20 (No response.)

21 CHAIRMAN WITTGRAF: Hearing none, those who are in
22 favor of adoption of what is reflected both in the

1 consolidated operating budget in Attachment D, that being an
2 allocation based upon as many -- or reallocation based upon
3 as many as 6 furlough days, with the understanding that only
4 2 have been taken and no more are projected at this time,
5 will signify by saying aye.

6 (Chorus of ayes.)

7 CHAIRMAN WITTGRAF: Opposed nay.

8 (No response.)

9 CHAIRMAN WITTGRAF: The ayes appear to have it, the
10 ayes do have it. The motion is adopted.

11 Mr. Uddo.

12 MR. UDDO: Mr. Chairman, the second action that the
13 committee took was to reallocate certain funds. I am going
14 to ask Mr. Richardson just to give us the source of those
15 funds, and then I'll tell you where we reallocated them,
16 because we had a larger number that we worked down from. He
17 can give us the specifics of the approximately \$450 thousand
18 that we reallocated.

19 MR. RICHARDSON: Thank you. For the record, again, my
20 name is David Richardson. I'm the treasurer, comptroller of
21 the Corporation.

22 The funds were available in contingencies in different

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

1 lines. For instance, the basic field component, there is a
2 contingency of \$53,115. You can refer to Attachment E.

3 There was also additional money in the state support
4 line that was earmarked to be moved, in the amount of
5 \$74,821. There is money in the national support line; we
6 did not move that money at this time.

7 In addition, we have funds from grant recoveries and
8 interest income, and a projected budget plan for the next
9 six months. Therefore, there was \$289,200 that we moved out
10 of that line to support this meritorious grant and migrant
11 project.

12 If I can continue, I did summarize a little differently
13 because one of the funds that we were earmarking was \$32,000
14 that was included in the migrant line, so the actual amount
15 moved to the migrant programs and components was \$217,136.

16 CHAIRMAN WITTGRAF: Because of the \$32,864 being there
17 already?

18 MR. RICHARDSON: Right. Then there was 200 thousand
19 moved to the meritorious grant awards to establish that
20 project, to continue that project from last year.

21 MR. UDDO: Let me just recap where the money is going.
22 Mr. Richardson told you where it came from.

M O T I O N

1
2 The committee recommends to the board that \$200
3 thousand of that money be reprogrammed to the line called
4 meritorious grants, which does appear on --

5 MR. RICHARDSON: Page 3 of 4 of Attachment A.

6 MR. UDDO: And that is for the purpose of funding
7 additional meritorious grants.

8 The committee recommends moving \$217,136 to the migrant
9 line and in conjunction with the \$32,864, a carryover
10 already in that line, which would equal \$250 thousand
11 dollars. \$200 thousand of that would be additional funding
12 for the ADR project that we spent the last so many moments
13 discussing, to fund that program at a \$300 thousand level.

14 The other \$50 thousand that we are transferring would
15 be for purposes of funding certain commitments made to the
16 Mississippi Migrant Program. We are not sure at this point
17 whether the whole \$50 thousand will be necessary, but the
18 committee recommends, at this time, moving \$50 thousand for
19 purpose of funding additional needs of that Mississippi
20 Program.

21 That is the proposal of the committee, Mr. Chairman.

22 CHAIRMAN WITTGRAF: Thank you, Mr. Uddo. The Chair

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

1 takes that as a motion being seconded by virtue of the
2 committee's action. Is there discussion?

3 (No response.)

4 CHAIRMAN WITTGRAF: Let me try to clarify one point.

5 Mr. O'Hara, would you infer for yourself and your staff
6 that if this change is made that an RFP will be developed
7 right away for the meritorious and innovative grant monies?

8 MR. O'HARA: Yes, we can make the RFP.

9 CHAIRMAN WITTGRAF: Let me ask Mr. Hall, would your so-
10 called Provisions Committee want to consider that any
11 further, or are you comfortable to moving right to an RFP
12 for \$200 thousand for meritorious and innovative grants.

13 MR. HALL: I think we should move forward.

14 CHAIRMAN WITTGRAF: Is there further discussion?

15 (No response.)

16 CHAIRMAN WITTGRAF: Hearing none, those who are in
17 favor of the motion signify by saying aye.

18 (Chorus of ayes.)

19 CHAIRMAN WITTGRAF: Those who are opposed nay.

20 MR. MOLINARI: Put me down in the negative, Mr.
21 Chairman, please.

22 CHAIRMAN WITTGRAF: The record reflects that Mr.

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

1 Molinari votes no.

2 The ayes appear to have it, the ayes do have it, the
3 motion is adopted.

4 MR. UDDO: The third matter, Mr. Chairman, is one that
5 we did not take a vote on because it required that there be
6 some additional information. That is with respect to the
7 law school grant solicitation.

8 As most of the members of the board know, reprogramming
9 requests for the \$1.25 million in law school clinical
10 funding for fiscal year 1993, was denied by the
11 subcommittee. Technically the process is still going on.
12 We don't have a final word on the denial of the
13 reprogramming, but the report that we received is not an
14 optimistic one about whether or not that request would be
15 honored by the Congress ultimately.

16 Therefore, we are faced with the prospect of funding
17 the 1993, law school clinical grants. It was my personal
18 interest in viewing the RFP that had gone out for those
19 awards to see if there is not a way that we can improve on
20 that program given some of the concern that I had and other
21 board members had that prompted the board to recommend the
22 reprogramming in the first place.

1 I believe that it can be done, and I think it can be
2 done with minor changes to the RFP, which I have consulted
3 with Mr. Fortuno, and he feels there is nothing in the RFP
4 that would prohibit us from some fine tuning and attempting
5 to improve, as I know the subcommittee would want us to do
6 with that particular project.

7 The RFP says that no grants will be awarded before
8 August 1, 1993, or after September 30, 1993. So, in effect,
9 we have, I think, through the fiscal year to make these
10 awards.

11 What I would propose to the board, and again this was
12 not voted on by the committee because we didn't have all the
13 information at the time, I would propose that we reissue the
14 RFP, or at least write an amendment to the RFP, suggesting
15 that the grant awards would be for a minimum of \$100
16 thousand each, and that they would run for 18 months.

17 In which case, the recipients would be notified before
18 September 30, 1993, and the first check to the grants could
19 actually be awarded in this fiscal year, which has been the
20 practice that we've followed, but since it would be an 18
21 month grant, it would carryover into the next academic year.

22 Actually, there are different ways that we could do

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

1 that to make sure that the 18 month period covers at least
2 three academic semesters. I think that that would respond
3 to some of the concerns that have been expressed about the
4 program.

5 The other thing that I think the RFP should do is
6 reemphasize what would be critical factors in the selection
7 of a clinic for funding. I think greater weight should be
8 given to the fact that the school does not currently have a
9 law school clinic, which was always one of the goals of this
10 project.

11 As it currently reads in the RFP, I think that that
12 counts for a percentage of the weight given in making the
13 award, but I think that should be a much higher percentage.

14 Secondly, I think the availability of other funds to
15 enhance what the grant would do should be given greater
16 weight than is currently given.

17 Finally, I think greater weight should be given to the
18 commitment by the school to continue the clinic beyond the
19 life of the grant. That, again, is in there as part of the
20 variety of things that could be looked at, but I think if we
21 are really going to maximize the impact on the delivery of
22 legal services, we should emphasize that a school that is

Diversified Reporting Services, Inc.

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

1 committed to continuing the clinic on for some period of
2 time beyond the grant would have an advantage because we
3 would be getting a lot more bang for the buck, if, instead
4 of two years or 18 months, they are committed to a like
5 period of funding for another 18 months or 2 years, or what
6 have you.

7 Those are my recommendations, I think, to improve
8 this program significantly. I think it would be consistent
9 with the way scheduling has been identified in the current
10 RFP, and I mean, if Vic wants to come and take it, he can,
11 but I haven't consulted with Vic, if he feels that that
12 would be consistent with any legal restraints we might have.

13 CHAIRMAN WITTGRAF: Did you make a motion, Mr. Uddo?

14 MR. UDDO: I would have to put that in the form of a
15 motion because the committee didn't get the specifics(?)

16 CHAIRMAN WITTGRAF: What is your motion? Could you
17 summarize it?

18 M O T I O N

19 MR. UDDO: My motion would be that the RFP -- and I
20 don't know whether it could be amended or a new one would
21 have to go out -- but that whichever it is, a new RFP, or an
22 amended RFP go out indicating that the grants are going to

1 be for a minimum of \$100,000, and for a minimum of 18
2 months, and that greater emphasis be given to the schools
3 not currently having a clinic, that the school is committed
4 to continuing the clinic on beyond the time of the grant.

5 And I would recommend at least for a like period of
6 time -- whether it's 18 months -- that they're committed to
7 carrying it on for at least 18 months after the expiration
8 of the grant. And third, that greater emphasis be given to
9 the availability of other funds which can enhance the
10 effectiveness, the impact of the LSC grant.

11 CHAIRMAN WITTGRAF: Is there a second?

12 MR. MOLINARI: I'll second.

13 CHAIRMAN WITTGRAF: It has been seconded by Mr.
14 Molinari. I've got a couple of questions. I guess I'd ask
15 Mr. Fortuno, General Counsel, and Ms. Smead, Director of the
16 Office of Field Services, to come forward at this time.

17 Mr. Fortuno, you can make some comments in a moment, if
18 you'd like, about the legality of our shifting gears here,
19 under the circumstances of having published and received the
20 request. I'd like to ask Ms. Smead first where she thinks
21 Mr. Uddo's proposal would leave us in a time frame, looking
22 particularly at the start-up of the new academic year. In

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

1 other words, republishing, as I understand it, reapplying,
2 reviewing later than now imagined, and then awarding the
3 grants and getting the monies out into the people.

4 MS. SMEAD: Doing a cursory look, I think we could get
5 out a revised RFP next week, which means that it will be due
6 back to us late July, and then would be reviewed in August.
7 And it would be tight, but we could probably notice by the
8 end of August so that we could have, potentially, a contract
9 before the end of this fiscal year.

10 But the problem I see is not so much with our setting
11 up the proposed schedule, as a lot of law schools will be
12 closing down now and a lot of the personnel would be
13 leaving, I'm not sure that they're going to be there to
14 draft the proposals. But I'd have to rely more on people
15 that have experience with the law schools.

16 CHAIRMAN WITTGRAF: Mr. Uddo.

17 M O T I O N

18 MR. UDDO: The Chairman has encouraged me to modify my
19 proposal because of the timing involved, which I will
20 reluctantly do because I think the program would be improved
21 to make these changes.

22 The way the RFP is currently written, I think that we

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

1 could express to the reviewers a sense of the board,
2 assuming that the board agrees with what I'm about to say,
3 and satisfy some of these concerns anyway. For example, I
4 think that the reviewers could be encouraged to make no
5 awards less than \$100,000, because the current proposal does
6 say between -- I don't know what the figures are, but I
7 mean, \$100,000 is already in the RFP as the maximum -- so
8 the reviewers could be encouraged to try to find the best
9 proposals to fund at the \$100,000 level. Because smaller
10 proposals than that, I'm convinced, don't really create much
11 opportunity to do much for the delivery of legal services.

12 Unfortunately, I don't think the current RFP allows a
13 grant beyond 12 months, unless I'm missing something in
14 here. So I don't think there is anything we can do about
15 that in this particular cycle. But if this gets into the
16 '94 budget I would certainly think that that's something we
17 could do.

18 With respect to the emphasis given to the things that I
19 think are important, I think the RFP specifies a certain
20 weight that can be given to those things. To the extent
21 that reviewers have discretion, I think that great weight
22 should be placed on the fact that a school doesn't currently

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

1 have a clinic, because you can see palpably how that's going
2 to increase the delivery of legal services -- the clinic
3 wasn't there before and it's going to be there now.

4 I think the commitment to continuing the clinic is
5 essential because of the same reason. If this clinic only
6 exists for the 12 months that it has an LSC grant then
7 you've had one year of maybe some additional services that
8 were beneficial, but it's gone after that. And I think
9 every law school ought to have a clinic, and every law
10 school ought to be committed to having clinics. And I think
11 if LSC funds help them start up a clinic they ought to be
12 committed to keeping that, because it's an important part of
13 legal education these days and it's a commitment that the
14 law school ought to make, and not just make because LSC gave
15 them the money for 12 months.

16 And then finally, I think the availability of other
17 funds to increase the reach of the clinic and the scope of
18 the clinic is important also. A \$100,000 grant may sound
19 like a lot, but in clinical education -- clinical education
20 is very expensive and it's hard to get the kind of impact
21 that I think we would like to get for that \$100,000. So the
22 availability of other funds, other sources of money to make

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

1 that \$100,000 clinic a \$200,000 or a \$300,000 effort is very
2 important.

3 Now, I know all those things are already in the RFP.
4 Unfortunately, there are percentages of weight attached to
5 them, and it concerns me that those percentages are out of
6 balance. In fact, I think the three things that I just
7 mentioned amount to, what, 20 percent of the decision, or
8 something along those lines. And I think those three things
9 should really be given a great deal more weight.

10 So, to the extent that the reviewers have any
11 discretion, I think that those are things that should be
12 taken strongly into consideration.

13 CHAIRMAN WITTGRAF: If I understand your substitute
14 motion, Mr. Uddo, it is that rather than revising and
15 republishing the request for proposals you would encourage
16 the reviewers of the proposals, and President, to put
17 emphasis on \$100,000 minimum grants, new grants, likely
18 continuing clinical -- or new clinical programs, the
19 likelihood of the continuation of those programs, and in
20 particular, the likelihood of other funds being available
21 for such continuation.

22 Is that a fair summary of your substitute?

1 MR. UDDO: That's a fair summary, and I haven't read
2 this carefully enough to know if the President's decision is
3 bound by all of the same percentages that the reviewers are
4 going to be looking at. But if it's not -- if the
5 President's decision is not, then I would add to the motion
6 to strongly urge the President to exercise his discretion to
7 emphasize these things.

8 CHAIRMAN WITTGRAF: Mr. Molinari, are you willing to
9 join in that substitute?

10 MR. MOLINARI: Yes, I am. I have some problems with it
11 because I'm just concerned that those who are in the process
12 of submitting application may not be advised of your
13 recommendations, and it might have some impact on proposals
14 they would submit.

15 But you're the author of the motion, and I would
16 respectfully join you.

17 MR. UDDO: I understand your concern, Mr. Molinari.
18 One thing that I'm pretty sure of around legal services,
19 nothing is kept a secret very long. So probably before I
20 make it to the airport this afternoon everybody is going to
21 know about it. But I would have no problem with adding to
22 the motion that additional notification be distributed to

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

1 the folks who have submitted grants if they want to add
2 anything to their current proposals. Is there a problem
3 with that?

4 CHAIRMAN WITTGRAF: Ms. Smead, what is the deadline for
5 the submissions?

6 MS. SMEAD: The submissions are already in. The review
7 is scheduled for this Thursday, and we have people coming in
8 to review them. They already have the proposals, they've
9 been reviewing the proposals.

10 CHAIRMAN WITTGRAF: What is the number of proposals
11 submitted?

12 MS. SMEAD: The number of proposals that have been
13 submitted are 30. And I think I'll just count it -- six
14 were for \$100,000, and the other 24 were for less than
15 \$100,000.

16 CHAIRMAN WITTGRAF: Is it likely to assume that the 30
17 grant proposals are for programs that have fax machines?

18 MR. UDDO: Most law schools have fax machines.

19 CHAIRMAN WITTGRAF: Is that reasonable to assume?

20 MS. SMEAD: It would be reasonable.

21 CHAIRMAN WITTGRAF: Ms. Batie, is it reasonable to
22 assume that you are going to be able to summarize this

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803
WASHINGTON, D.C. 20006

(202) 296-2929

1 motion in short order, such that it could be read by people
2 who weren't present at this time, and who could understand
3 that summary?

4 MS. BATIE: It's possible.

5 CHAIRMAN WITTGRAF: That being the case, Mr. President,
6 do you think it's feasible that the 30 applicants could be
7 advised of this resolution tomorrow, and give it until
8 Thursday, is it, Ms. Smead, to supplement their
9 applications?

10 MS. SMEAD: Well, I guess it would be Wednesday,
11 because the people actually meet Thursday morning.

12 MR. UDDO: Mr. Chairman, let me just say that this
13 grant proposal and the cover letter both indicated that this
14 proposal was subject not only to change, but to being
15 totally withdrawn if the reprogramming occurred. So, there
16 is really no one out there who doesn't know if they read
17 this that this whole project is in a state of flux, and that
18 changes could be made.

19 So, I'm concerned, but not that concerned that they
20 shouldn't be alerted to and aware of possible changes.

21 CHAIRMAN WITTGRAF: Ms. Smead, what would you say to
22 the suggestion that in order to allow for the communication

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

1 I've just hypothesized, that the review could be put off,
2 more or less, for a week?

3 MS. SMEAD: I see no problem with putting it off, as
4 long as we don't lose our reviewers. We'd have to check
5 with our reviewers.

6 CHAIRMAN WITTGRAF: Put it off to such a date in the
7 near future as would accommodate the reviewers -- who are
8 how many in number?

9 MS. SMEAD: There are only two from outside the
10 Corporation.

11 CHAIRMAN WITTGRAF: Okay. To accommodate their
12 schedule, is that reasonable, do you think?

13 MS. SMEAD: I think that is.

14 CHAIRMAN WITTGRAF: With that understanding then, Mr.
15 Uddo, is there anything else you would like to say to your
16 motion?

17 MR. UDDO: No. I think that that would adequately
18 express a view that would improve the grant process.

19 CHAIRMAN WITTGRAF: Mr. Molinari.

20 MR. MOLINARI: I'll keep quiet. I think it's more
21 prudent.

22 CHAIRMAN WITTGRAF: Further discussion?

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 298-2929

1 (No response.)

2 CHAIRMAN WITTGRAF: Hearing none, those who are in
3 favor of the motion will signify by saying aye.

4 (A chorus of ayes.)

5 CHAIRMAN WITTGRAF: Opposed, nay.

6 MS. PULLEN: No.

7 CHAIRMAN WITTGRAF: Let the record show that Ms.
8 Pullen, I believe, voted no. The ayes appear to have it.
9 The ayes do have it, the motion is adopted.

10 Mr. Uddo, anything further on behalf of the Audit and
11 Appropriations Committee?

12 MR. UDDO: The committee considered whether to
13 recommend that the Corporation seek a supplemental
14 appropriation and determined that it would not make that
15 recommendation.

16 CHAIRMAN WITTGRAF: Is there anything further?

17 MR. UDDO: No, that completes the report of the
18 committee.

19 CHAIRMAN WITTGRAF: Thank you, Mr. Uddo.

20 At this time we proceed to agenda item 9. That is, the
21 results of the Corporation's survey of its basic field
22 grantees regarding funding reductions, either from IOLTA or

1 otherwise. I believe everyone has a copy of a memorandum --
2 or I hope everyone has a copy of the memorandum dated May
3 19. It's actually a memorandum to the board from Ms. Smead,
4 through Mr. O'Hara, having to do with the effects of
5 budgetary constraints on the Legal Services Corporation and
6 its grantees.

7 Is there anyone who needs a copy of that who doesn't
8 have it at this time?

9 (No response.)

10 CHAIRMAN WITTGRAF: I don't know that this is an action
11 item, as such. It's a report that is being put together by
12 the staff for whatever review we wish to give it as the
13 board, to be presented within the course of the next couple
14 of weeks to the Congress.

15 When we met -- Ms. Love was there, Mr. Molinari was
16 there, Mr. Uddo was there, Ms. Wolbeck was there, I was
17 there, Mr. Kirk was there for a while, as well as Mr. O'Hara
18 and other staff members -- with the House Appropriations
19 Subcommittee just two months ago, we indicated that we would
20 try to provide more information, particularly about the
21 IOLTA reductions. This is an effort to respond to the
22 questions that were raised by the members of the

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 298-2929

1 subcommittee at that time.

2 Let me say that both Mr. O'Hara and his staff, as well
3 as NLADA and PAG and the 218 programs who responded on very
4 short notice, all are to be commended for the effort they
5 have made. As these things go, this is very rapid
6 turnaround and required special effort by many people here
7 in Washington and across the country, and I commend them and
8 applaud them for that. I think it's a fine summary.

9 I have just made a few red pencil editorial comments
10 that I'll simply give to Ms. Smead. We can vote on it if
11 you wish. I'm not sure that it's necessary, but I think the
12 more important thing is any suggestions or comments you
13 have, either editorially or more substantively, about things
14 that might be included -- or included in the different
15 weight to strengthen the points that are made in the four
16 pages of narrative, or the points that are made in the
17 graphs, the five pages, or in the graphs that accompany the
18 narrative.

19 Before I turn to the other members of the board, Ms.
20 Smead, is there anything you would like to say by way of
21 comment or introduction?

22 MS. SMEAD: No. That summarizes it.

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

1 CHAIRMAN WITTGRAF: Any discussion regarding this
2 report?

3 (No response.)

4 CHAIRMAN WITTGRAF: It's a good thing I don't
5 understand signing. I'll give you my red-marked copy, Ms.
6 Smead. Let me ask one thing. I understood that there were
7 actually state-by-state figures for the reductions, or the
8 loss in IOLTA funding, both real and projected; is that
9 right?

10 MS. SMEAD: Yes. I believe Chris has most of that
11 data. We don't have it totally from the programs, we have
12 some -- it was from the refunding application. But we also
13 have anecdotal, supplemental information, more up to date
14 information as a result of the survey.

15 For example, we have one program that initially
16 projected getting \$1.5 million. IOLTA now projects only
17 getting \$1 million. So some of the figures we have, have
18 been updated.

19 CHAIRMAN WITTGRAF: It's more current than May 19th?

20 MS. SMEAD: No. I'm sorry, from -- the stuff that we
21 have on a state-by-state reduction is based on the 1993
22 refunding application. We also have state-by-state

1 reductions -- yes, I'm sorry -- overall, but not by program-
2 by-program. We would not know specifically --

3 CHAIRMAN WITTGRAF: But it is state-by-state?

4 MS. SMEAD: Right, it is state-by-state.

5 CHAIRMAN WITTGRAF: I was going to suggest that you
6 consider adding that information, because I think as members
7 of Congress -- a handful of members of Congress look at
8 this, that might be more poignant for them to see what it
9 means for their state as opposed to just what it means in
10 the aggregate.

11 I also wondered about the last graph and the reduction
12 in IOLTA fundings, whether or not that was for the 218
13 programs who responded to the surveys, or whether or not it
14 was for all 284 basic field grant recipients, or whether it
15 was for all programs -- some 325 -- that have or sometimes
16 do receive IOLTA funds. Do you know?

17 MS. SMEAD: It's for the 218 that reported.

18 CHAIRMAN WITTGRAF: Okay. Maybe you want to clarify
19 that, because clearly there are other IOLTA funds going to
20 other programs then, which are not reflected in these dollar
21 amounts.

22 I did visit early this morning with John Osthaus the

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

1 chief counsel for the House Appropriations Subcommittee, the
2 subcommittee to which we're principally responding with this
3 material. He indicated that with the recess coming up, the
4 Memorial Weekend in the District work period -- or whatever
5 the appropriate terminology is -- that the Congress would
6 not be in session from approximately this Thursday or Friday
7 until Monday, June 7th.

8 So, I'm looking at these materials being reproduced by
9 June 3rd or 4th, that Thursday or Friday being the deadline
10 now. And I apologize at this point to Ms. DiSanto for
11 having initially told her May 17th, which is what Mr.
12 Osthaus initially told me. And after she overcame the shock
13 of that three week turnaround period, Ms. DiSanto and
14 everybody else worked very hard on getting the information
15 together, as I said earlier.

16 But it appears now that having the materials together
17 by June 3rd or 4th is the appropriate deadline.

18 Further discussion?

19 (No response.)

20 CHAIRMAN WITTGRAF: Hearing none, we'll proceed to
21 agenda item 10, which also responds to the House
22 Appropriations Subcommittee hearing of two months ago

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

1 tomorrow. And that is, trying to put together some
2 declination of representation, information on a meaningful
3 basis. For a status report on that, Ms. Smead.

4 MS. SMEAD: Thirty programs, we sent it out at the end
5 of April to have the survey done during May. We talked to
6 each of the programs involved, and we understand that all is
7 going well. We expect to have the survey results back by
8 June 7th. There may be a couple to come in afterwards, but
9 we're looking at having the data back in by June 7th so we
10 can compile it and issue a report.

11 CHAIRMAN WITTGRAF: Is it possible, do you think, to
12 have a draft for our next board meeting?

13 MS. SMEAD: Yes, I think it's possible to have a draft
14 by the next board meeting.

15 CHAIRMAN WITTGRAF: Then we'd be able to have that
16 finalized to give to the members upon return from their
17 Fourth of July in District work period.

18 MS. SMEAD: Right.

19 CHAIRMAN WITTGRAF: Questions or comments for Ms. Smead
20 on this item?

21 (No response.)

22 CHAIRMAN WITTGRAF: Hearing none, the Chair recognizes

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

1 the President for agenda item 11, that is his report. Mr.
2 O'Hara.

3 MR. O'HARA: Thank you, Mr. Chairman, and Ellen, please
4 keep your seat. Kathy deBettencourt and Ken, would you
5 please join Ellen at the table.

6 While they're taking their seats I will report to the
7 board that the annual report of the Corporation is complete.
8 We had hoped to have had it in your hands today. Ellen, I
9 guess it's not going to happen until Friday?

10 MS. SMEAD: That's correct, it looks like it will be
11 Friday now.

12 MR. O'HARA: Right. And her staff has done an
13 excellent job putting it together thanks to Mary Bush, who
14 was the leader on that project.

15 Also, while Ellen is at the table, on behalf of myself
16 and the board I want to commend you for the work that you
17 did on the -- and Chris Sundseth -- for the work on the loss
18 of IOLTA funds project, which you put together in very short
19 order.

20 MS. SMEAD: Thank you.

21 MR. O'HARA: We've already talked about the furlough
22 day, and we're discontinuing those. Of interest in the last

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

1 month we had a visit from the representative of Australia
2 Legal Services and spent several hours with that gentleman.
3 It was a very interesting exchange on how they do things
4 down there.

5 I went to the Senate Appropriations Committee with the
6 Court of Veterans Appeals for their appropriations hearing.
7 I have made a trip to a migrant camp, as I mentioned
8 earlier, and I'll discuss that at a later date.

9 Ken, would you like to give you legislative report?

10 MR. BOEHM: Sure. Some of the more important matters
11 we've touched on a little bit earlier, and that is with
12 respect to our reprogramming request for FY '93. Several
13 other items, following up on what Mr. O'Hara just mentioned,
14 other hearings on the Hill. There was a hearing, a further
15 hearing on our appropriations subcommittee in the House, for
16 public witnesses, on the Legal Services program, and there
17 were presentations by Mr. Dwight Loins, Dick Taylor and
18 Merle Miller. Mr. Miller is with AARP, Mr. Loins with the
19 union, representing legal services workers. Mr. Taylor
20 representing the field programs. And all three testified to
21 the increased legal needs.

22 And this was further buttressing some of the points

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 298-2929

1 just raised earlier by Chairman Wittgraf on the need for
2 getting information to our subcommittee about legal needs
3 out in the field. So that had happened since the last board
4 meeting. And there was an additional meeting in the House
5 on the Court of Veterans Appeals.

6 And one of the things, I guess, that needs to be said
7 about that is that the oversight being given to the program
8 that Legal Services is running with the Court for their pro
9 bono representation is going extremely well. There was a
10 very -- I think it could only be described as amicable
11 hearing before the House Oversight Committee -- which is the
12 Veterans Committee -- and then as Mr. O'Hara was talking
13 about, in the Senate Appropriations Subcommittee that takes
14 care of the funding for that program.

15 So, both those hearings went extremely well, and the
16 program is well regarded. And there is a monitoring that is
17 going to be scheduled in several months that will, I think,
18 bear that out even further.

19 And that really concludes the Hill report, with the
20 exception of -- you know, which is almost typical at this
21 point -- no further action on reauthorization, no bills
22 introduced, no hearings scheduled. And with respect to

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

1 rumors regarding a new board, as far as we can tell, nothing
2 has really developed yet on that front, either.

3 And that concludes the report, unless there are
4 questions.

5 CHAIRMAN WITTGRAF: Discussion?

6 (No response.)

7 CHAIRMAN WITTGRAF: Mr. O'Hara.

8 MR. O'HARA: Finally, Mr. Chairman, a report on the
9 comparative demonstration project. Ellen, being the person
10 in charge of the Office of Legal Services, and Kathy
11 deBettencourt being the project manager on this particular
12 program. Kathy has been waiting patiently since she didn't
13 get home until, I guess, 1:30 or 2:00 this morning. She had
14 been in San Diego where the training of the peer reviewers
15 took place over the weekend. And perhaps, Kathy, you could
16 bring us up to date on how that went.

17 CHAIRMAN WITTGRAF: If you have to be coming back late
18 from some place, San Diego is not a bad place to come back
19 late from, I guess.

20 (Laughter)

21 MS. deBETTENCOURT: Well, I'm very happy to report that
22 the demonstration project is officially underway. Five

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

1 teams of peer reviewers are, even as we speak, visiting five
2 programs from Northwest Florida to the Legal Aid Society of
3 Alameda County.

4 It has been a very intense month, with a lot of action
5 on the demonstration project. When the board last met we
6 were just coming off of the test training, which was held in
7 Denver, Colorado. The peer reviewers -- six peer reviewers
8 who had been trained then visited John Asher's program,
9 Legal Aid Society of Metropolitan Denver, and spent a week
10 there using the methodology and the performance criteria
11 that had been developed for the demonstration project.

12 And then we had a lengthy day of debriefing sessions on
13 Saturday, in which the peers debriefed John Asher to see if
14 they had, using the methodology and criteria, gotten a true
15 picture of his program. And then they talked to the
16 trainers and LSC staff, and told us what we had done wrong,
17 then we spent the next two weeks trying to fix that.

18 Then we invited all of the 25 demonstration project
19 site program directors, or their designated representatives,
20 to the Corporation for an orientation. It turned out to be
21 a very good idea. They had a lot of questions. It was an
22 opportunity to dispel some fears about, you know, what the

Diversified Reporting Services, Inc.

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

1 peer reviewers were going to be doing, what they were going
2 to look at, how they were going to be scored.

3 And it turned out to be a very productive day, a very
4 busy day. But the project directors were, to a person, very
5 enthusiastic about entertaining the peer reviewers, and even
6 if they weren't going to win they were confident that they
7 would learn a lot in the process. And they were excited
8 about contributing to that learning.

9 And then the last preparatory event to the site visits
10 that began this week was the training in San Diego, which
11 was held this Saturday -- just two days ago -- Saturday and
12 Sunday, in San Diego. We chose that site because we have
13 several programs which are clustered in California, and so
14 it was very convenient to have the training in San Diego.
15 And then at the conclusion of the training the peer
16 reviewers left from San Diego to go to their next site --
17 San Francisco; Oakland; Visalia, California; Northern New
18 Mexico; and Northwest Florida. So they are there today,
19 actually beginning the first site.

20 The remaining site visits are scheduled throughout this
21 summer. All site visits will be concluded by September
22 30th. This is the first round of site visits to give the

1 baseline scores for all the programs. And then on October
2 15th we have scheduled a debriefing conference of all the
3 peers so that we can assess what happened in the first
4 round, what they found, and just get everyone back together
5 and derive as much learning as we can from this first round.

6 But the training went very well. The peers are very
7 happy to be able to get out into the field and look at other
8 programs and see what they can learn from them. They had
9 lots of questions and lots of suggestions, but I think
10 everyone is relieved that everyone is finally on the road.

11 CHAIRMAN WITTGRAF: Questions for Ms. deBettencourt?

12 (No response.)

13 CHAIRMAN WITTGRAF: The monies, then, that the programs
14 are getting are out?

15 MS. deBETTENCOURT: Are out.

16 CHAIRMAN WITTGRAF: They've been out since --

17 MS. deBETTENCOURT: April.

18 CHAIRMAN WITTGRAF: The peer reviewers who will go to
19 all of the sites, then, for the benchmark visit you said
20 would have completed that by September 30th. Apparently
21 they're going to the first round, coming out of the field
22 for a while and then going back into the field again?

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

1 MS. deBETTENCOURT: Yes. Many of the peer reviewers
2 are executive directors of programs and very busy people.
3 We had a hard time scheduling visits because they have so
4 many other commitments. But we were able to get at least
5 one site visit per month, so that we will complete most of
6 them. There are only a couple that we will have left in
7 September.

8 It's difficult arranging site visits in the summer,
9 particularly in August. So that's why we had to use an
10 extra month.

11 CHAIRMAN WITTGRAF: How long is each site visit?

12 MS. deBETTENCOURT: One week. There are a few programs
13 -- one of the things that we learned in Denver is that we
14 had arranged, originally designed the teams to have five
15 members apiece, and to go -- each team had five members and
16 would spend one week at each site.

17 Well, we found out when you look at the participating
18 programs -- some programs may have 30 attorneys and, you
19 know, a number of other staff in five offices spread out
20 over a state. We also have another program that has an
21 executive director, a supervising attorney, and an attorney.
22 And so it seemed a considerable waste of resources to spend,

1 you know, a full court coverage of two attorneys for five
2 days with five people. So we did some adjustment of the
3 teams.

4 CHAIRMAN WITTGRAF: Further questions?

5 (No response.)

6 CHAIRMAN WITTGRAF: Thank you. Mr. O'Hara.

7 MR. O'HARA: Thank you, Mr. Chairman. Finally, in
8 connection with the project, I've asked Julie Clark if we
9 could have some time at the NLADA meeting to meet with the
10 executive directors of the programs who are a part of the
11 comparative demonstrative project, and we have sent them a -
12 - I believe by now a note has gone out to all of them asking
13 them to make their own notes on what they observed and how
14 they feel about how this program went, so that we can get
15 some feedback from them, also, as we go down the road.

16 CHAIRMAN WITTGRAF: You would be meeting with the
17 directors of the programs who are in -- or the participants
18 in the demonstration project?

19 MR. O'HARA: Yes.

20 CHAIRMAN WITTGRAF: When would that be?

21 MR. O'HARA: That would be -- Julie, is that November
22 when your meeting is?

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

1 MS. CLARK: Yes. It's November in Albuquerque -- I'm
2 sorry, I don't know the dates -- perhaps around the middle
3 of November.

4 MR. O'HARA: We just feel that not only will it help us
5 learn about the comparative demonstration project, but we
6 feel there might be some fallout for use in the monitoring
7 audit and compliance program.

8 And that concludes my report, Mr. Chairman.

9 CHAIRMAN WITTGRAF: Questions or comments for President
10 O'Hara.

11 (No response.)

12 CHAIRMAN WITTGRAF: Thank you all. At this time the
13 chair recognizes the Inspector General, General Quatrevaux,
14 for his report.

15 MR. QUATREVAUX: Thank you, Mr. Chairman. It will be a
16 brief report today.

17 On the 5th of May I met with meeting and project
18 directors from upstate and suburban New York to discuss with
19 them OIG operations and to answer the questions that they
20 might have. It was very beneficial, and later this week I'm
21 meeting in New York on Thursday with the New York City group
22 of project directors. The agenda is the same, basically, to

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

1 explain what we do and how it relates to grantees, and
2 answer their questions.

3 CHAIRMAN WITTGRAF: Were those meetings that you
4 initiated, or they initiated?

5 MR. QUATREVAUX: It's their regular meeting, I just
6 asked to be invited, to be given an hour or so to discuss
7 our operations. Next week I'll attend an annual inspector
8 general training conference, I'll be out Wednesday through
9 Friday. This is going to be held out in Maryland. They've
10 lined up quite an interesting agenda. We're going to be
11 visited by the director of the National Performance Review,
12 also Mr. Panetta's new deputy for management at OMB, and
13 congressional staff on their agenda as it effects IGs.

14 That's all I have, Mr. Chairman.

15 CHAIRMAN WITTGRAF: I was wondering, looking at your
16 April monthly activities summary, a couple of hot line
17 complaints are listed. Do you recall offhand whether those
18 pertain to the Corporation internally, or to the field --
19 meaning, grant recipients?

20 MR. QUATREVAUX: I have some documentation here, let me
21 see if that is covered. We don't segregate them that way.

22 CHAIRMAN WITTGRAF: Okay. So you're not sure if it's

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

1 internal to the Corporation, or external to the field?

2 MR. QUATREVAUX: Correct. I think it's probably safe
3 to say some of both, but I don't have a definitive answer
4 for you. I can certainly get it.

5 CHAIRMAN WITTGRAF: I guess what I was really curious
6 about was whether or not anybody out and about the country
7 was aware of and utilizing the hot line. It seems to me
8 that at this point the people who are most aware of the hot
9 line are employees of the Corporation, the 110 or 115 people
10 here, who have made some hot line complaints -- I understand
11 it, I just wondered if the word had gotten out.

12 MR. QUATREVAUX: Well, I'm certain it has not gotten
13 everywhere, things being what they are. But we have taken
14 quite a few calls relating to operations in the field.

15 CHAIRMAN WITTGRAF: Any questions or comments for the
16 Inspector General?

17 (No response.)

18 CHAIRMAN WITTGRAF: Thank you.

19 MR. QUATREVAUX: Thank you.

20 M O T I O N

21 CHAIRMAN WITTGRAF: At this time the Chair is prepared
22 to entertain a motion to proceed to executive session for

1 the items listed, the agenda items 13 through 16, with the
2 thought in mind that the executive session will last some 20
3 to 30 minutes, and that upon conclusion of the executive
4 session we will return to open session for consideration of
5 agenda item 3, as well as consideration of agenda item 17.

6 I believe we've already made a notational vote for the
7 purpose of proceeding to executive session for these items.
8 The Chair is now prepared to entertain a motion, and then a
9 vote.

10 MR. HALL: So moved.

11 MS. PULLEN: Second.

12 CHAIRMAN WITTGRAF: It has been moved by Mr. Hall that
13 we proceed to executive session, and seconded by Ms. Pullen.

14 Discussion?

15 (No response.)

16 CHAIRMAN WITTGRAF: Hearing none, those who are in
17 favor of the motion will signify by saying aye.

18 (A chorus of ayes.)

19 CHAIRMAN WITTGRAF: Opposed, nay.

20 (No response.)

21 CHAIRMAN WITTGRAF: The ayes appear to have it. The
22 ayes do have it. We will proceed directly to executive

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 296-2929

1 session. We'll begin with the Inspector General as
2 indicated at agenda item 13. In light of that, the Chair
3 asks all but the reporter and the Inspector General, and any
4 members of his staff that he wishes be present, all but them
5 to excuse themselves from the deliberations at this time.

6 (Whereupon, at 2:12 p.m., the meeting was adjourned to
7 executive session.)

8 * * * * *

9 (3:45 p.m.)

10 M O T I O N

11 CHAIRMAN WITTGRAF: At this time we will be in order in
12 open session again. We have before us agenda item 3, and
13 that is ratification of the notational vote taken in recent
14 days regarding the release of an opinion of the general
15 counsel regarding employee protections, that released to a
16 requesting third party. That requesting third party being
17 Linda E. Pearl, Senior Staff Attorney, Center for Law and
18 Social Policy.

19 I believe there has been an affirmative notational
20 vote. Nonetheless, at this time the Chair is prepared to
21 entertain a motion to that effect in open session so that we
22 can move to a vote here.

1 MR. SHUMWAY: So moved.

2 MR. HALL: Second.

3 CHAIRMAN WITTGRAF: It has been moved by Mr. Shumway,
4 seconded by Mr. Hall. Is there a discussion?

5 (No response.)

6 CHAIRMAN WITTGRAF: Hearing none, those who are in
7 favor of release of the opinion to the requesting third
8 party will signify by saying aye.

9 (A chorus of ayes.)

10 CHAIRMAN WITTGRAF: Those opposed, nay.

11 (No response.)

12 CHAIRMAN WITTGRAF: The ayes appear to have it. The
13 ayes do have it. The motion is adopted. We now proceed to
14 agenda item 17, consideration of other business. Is there
15 any other business to come before the board at this time?

16 (No response.)

17 M O T I O N

18 CHAIRMAN WITTGRAF: Hearing none, the Chair is prepared
19 to entertain a motion to adjourn this meeting.

20 MR. SHUMWAY: So moved.

21 MS. LOVE: Second.

22 CHAIRMAN WITTGRAF: It has been moved by Mr. Shumway,

Diversified Reporting Services, Inc.

918 16TH STREET, N.W. SUITE 803

WASHINGTON, D.C. 20006

(202) 298-2929

1 seconded by Ms. Love. Those who are in favor will signify
2 by saying aye.

3 (A chorus of ayes.)

4 CHAIRMAN WITTGRAF: Those opposed, nay.

5 (No response.)

6 CHAIRMAN WITTGRAF: The ayes appear to have it. The
7 ayes do have it. The meeting is adjourned. Thank you all.

8 (Whereupon, at 3:46 p.m., the meeting of the Board of
9 Directors was adjourned.)

10

* * * * *

