

RETURN TO CORPORATION
SECRETARY ARCHIVES FILE

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LEGAL SERVICES CORPORATION

BOARD OF LEGAL SERVICES MEETING

Friday, September 6, 1985

Commencing at 11:48 o'clock, a.m.

at Twin Bridges Marriott
333 Jefferson Davis Highway
Arlington, Virginia 22202

1 Board Members in Attendance:

2 Robert Valois, Chairman

3 Michael B. Wallace

4 Lorain Miller

5 Basile Uddo

6 Paul Eaglin

7 Claude Swafford

8 Hortencia Benavidez

9 Thomas F. Smegal

10 LeaAnne Bernstein

11 Pepe J. Mendez

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P R O C E E D I N G S

(The Meeting was convened at 11:48 o'clock a.m.)

MR. VALOIS: This is a continuation of the Board of Legal Services Meeting which began at 7:30 p.m., Wednesday, September 4.

I am acting as Chairman because the Chairman is not here.

I would first like to open the meeting with a devotional by the Reverend Steven Baldwin from the Reston Presbyterian Church.

REVEREND BALDWIN: Thank you, Mr. Chairman.

Before I pray, I would just like to comment that it may be interesting to all of us to know why a pastor comes here to share in this way.

God's word says that the Lord reigns, let the earth be glad, let the distant shores rejoice, clouds and thick darkness surround him, righteousness and justice are the foundations of his throne.

Those things are very near and dear to the heart of God and so we do approach the one who is the judge of all the earth this morning, and Mr. Chairman, with your permission, I'd like to ask that we stand as we pray.

Oh Lord God Almighty, we approach you with awe

1 and fear for you are holy. You have revealed yourself as a
2 God of burning purity, a brilliant light, a fearful beauty,
3 and power.

4 All before you will bow and pay you honor, Our
5 God. For you alone are God. You hold the very universe in
6 the sway of your power. Your word went forth and it stood
7 fast.

8 Such power and sheer intelligence we cannot
9 phantom. The whole of the expanse of the galaxies cannot
10 contain you, and yet you have made yourself known to men.

11 You searched us out. You have come to us in
12 the person of the Lord Jesus Christ. This knowledge is too
13 high for us. It is too great.

14 We confess that we have not known you as we
15 ought. We have not seen your wisdom, your greatness and
16 your love.

17 Lord God forgive us and draw near to us as we
18 draw near to you. As we open our eyes to you we are made
19 so aware of our finiteness. We are people of our age. We
20 are blind to the sins of our age and of our nation.

21 Help us Father to have the humility to accept
22 our limitations, our often onesided view of life, and to
23 see our unrighteousness as it is and to call it evil and to

1 call it evil in ourselves as well as in our nation.

2 Lord, these men and women gather now to make
3 decisions which affect many lives. We humbly pray for
4 guidance, for wisdom far beyond our years as we approach
5 issues which have plagued humanity for centuries.

6 Your words have told us of your deep concern
7 for justice. That you hate those who call evil good and
8 good evil, who call darkness light and light darkness, who
9 call the bitter sweet and the sweet bitter.

10 You have said let justice roll down like a river.
11 You say we must not turn justice into worm wood, or allow
12 money or position to influence justice.

13 Oh, God, we pray that your spirit will be
14 present among us, that your common and your special grace
15 will provide the wisdom and the harmony to deal with these
16 decisions with policies, with priorities of the work before
17 this Board and these people.

18 You say, you promise, that you will give wisdom
19 from your great store of wisdom to him who asks and we ask
20 you Lord God Almighty for wisdom and for your peace to fill
21 the hearts of these men and women and we ask it Father that
22 the the King of Kings would be glorified in that his justice
23 is being done in earth as it is in heaven.

1 In the name of Christ Jesus, we pray. Amen.

2 MR. VALOIS: Thank you, Reverend Baldwin.

3 We will, of course, leave here in a few minutes
4 to go back into Executive Session, but I would like to get
5 a couple of things out of the way first.

6 May I have a motion with respect to approval of
7 the agenda?

8 MR. MENDEZ: Mr. Chairman, I move approval of the
9 agenda as amended by Mr. Daugherty's last epistle.

10 MR. VALOIS: I believe that was with respect to
11 committee's agenda.

12 MR. DAUGHERTY: Mr. Mendez references the fact
13 that the Operations and Regulations Committee would be
14 presenting for discussion and action today a priorities
15 regulation 45 CRF 1620.

16 MR. VALOIS: I see, thank you.

17 Could we have a second for the agenda.

18 MS. BENAVIDEZ: I second it.

19 MR. WALLACE: Where is that amendment going to
20 go? I didn't hear where it would be in the agenda.

21 MR. DAUGHERTY: Before your committee, Mr.
22 Wallace. It's No. 6.

23 MR. WALLACE: Okay, I see where we are.

1 MR. DAUGHERTY: Include discussion and action
2 on your recommendations to amend 45 CFR 1620 dealing with
3 priorities and allocations.

4 MR. WALLACE: Was that in the Federal Register;
5 somebody told me this morning.

6 MR. DAUGHERTY: There was an amendment that
7 was published in the Federal Register.

8 MR. WALLACE: So, due notice has been given?

9 MR. DAUGHTERY: It has been properly noticed.

10 MR. VALOIS: All those in favor of adopting
11 the agenda as amended say Aye.

12 BOARD MEMBERS: Aye.

13 MR. VALOIS: Those opposed?

14 BOARD MEMBERS: (No Response.)

15 MR. VALOIS: The next item on the agenda is the
16 approval of the Minutes of the Board Meeting.

17 May I have a motion with respect to that?

18 MR. MENDEZ: Mr. Chairman, I would move the
19 approval of the minutes, however, I have one correction to
20 the minutes or one addition on Page 16, parenthesis,
21 allocate 216,477 migrant expansion funds to current migrant
22 grantees and subgrantees . . and it should continue with,
23 "on an equal basis."

1 MR. VALOIS: Is there any objection to amending
2 the minutes as Mr. Mendez has proposed?

3 MR. MENDEZ: Mr. Chairman, just for clarification,
4 the minutes from my committee meeting and our discussion,
5 that's what it was.

6 MR. VALOIS: Without objection then the amend-
7 ment will be allowed.

8 Is there a second to the motion to approve the
9 minutes?

10 MS. BENAVIDEZ: I second it.

11 MR. VALOIS: All those in favor of approving
12 the minutes as amended say Aye.

13 BOARD MEMBERS: Aye.

14 MR. VALOIS: Opposed?

15 BOARD MEMBERS: (No response.)

16 MR. VALOIS: Next I will call on the President
17 for a report.

18 MR. WENTZEL: Mr. Chairman, I just have a
19 couple of short items. Everything I was going to bring
20 to the attention of the board this morning has been
21 thoroughly discussed except for two matters which I would
22 like to bring to the attention of the Board of Directors.

23 First of all, Peter Broccoletti, and I have

1 been asked to testify before Chairman Kastermier's Sub-
2 committee of the House Judiciary on the 19th. We have been
3 informed that the other two witnesses that will be there
4 will be Mr. Dick Taylor and Mr. Charles Daugherty, the
5 Program Director.

6 One other matter is that as an update to our
7 implementation of the Board's decision regarding the re-
8 organization of the regional offices.

9 I've sent a personal letter to each corporation
10 employee whose position was involved as a result of the
11 reorganization.

12 These letters inform them of our severance
13 pay offers and the opportunity to apply for existing or
14 new companies within the corporation.

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

16 MR. VALOIS: Thank you.

17 MR. WALLACE: Mr. Chairman, I have a question
18 for the President.

19 MR. WENTZEL: Yes, sir.

20 MR. WALLACE: Did Chairman Kastermier tell
21 you about what you are going to testify?

22 MR. WENTZEL: It was not that specific. We
23 have an idea of some of the matters that will be brought

1 up, but we intend to get back to him for more specifics.

2 MR. WALLACE: Thank you.

3 MR. VALOIS: May we now have the report of the
4 Operations and Regulations Committee?

5 MR. WALLACE: Mr. Chairman, I'll try. Since
6 1620 wasn't on our original agenda, I wasn't quite sure my
7 committee was going to make a report and frankly my
8 committee hasn't got a report on 1620.

9 This is the provision on priorities and allo-
10 cation of resources. It was approved by my committee once.
11 It was approved by this Board. The Board authorized re-
12 publication because there were substantial changes in it
13 from the original draft.

14 The republication period has expired. There
15 have been no new comments since this Board originally
16 approved this draft.

17 Ordinarily, my committee would have considered
18 this and approved it and we had a foul-up someplace, because
19 my committee has not looked at it the second time.

20 Consequently, I haven't got the committee report,
21 but I am happy to make a motion as an individual that we
22 adopt part 1620 as republished in the Federal Register there
23 having been no new comments received since the Board's

1 original action in this matter.

2 MR. UDDO: Seconded.

3 MR. VALOIS: The motion has been made and
4 seconded.

5 Is there any discussion?

6 BOARD MEMBERS: (No response.)

7 MR. VALOIS: All those in favor of the motion
8 say aye.

9 BOARD MEMBERS: Aye.

10 MR. VALOIS: Opposed?

11 BOARD MEMBERS: (No response.)

12 MR. VALOIS: The motion passes.

13 Do you have a further report?

14 MR. WALLACE: I have no further report. I
15 think most folks have heard my committee's business this
16 morning. We've had no votes. We took no action. We have
17 two pending sets of regulations before us, 1612 on lobbying
18 and 1630 on questioned costs and we have publised 1630 for
19 comment.

20 The comment period has not expired. It will
21 expire this month and in October we hope to be able to
22 consider those comments and to take action on 1630.

23 We may also be able to take some action on 1612,

1 as well.

2 No action was taken on either today.

3 MR. VALOIS: Thank you.

4 The next agenda item is No. 7, discussion and
5 action on the recommendations of the Provisions for the
6 delivery of legal services committee.

7 I will make the report.

8 We covered the items on the agenda. We had
9 rather extensive and very helpful contributions from the
10 staff members and the public with respect to those items
11 and we have two actions which we bring to the Board for
12 action.

13 I'll call on Basile for that.

14 MR. UDDO: Mr. Chairman, the Provisions
15 Committee recommends to the Board the allocation of all
16 necessary and appropriate funding to further develop the
17 law school clinical program, and it is also part of our
18 recommendation that in addition to the type of things that
19 have been done so far in that program that it now include
20 the development of a national resume bank to provide and
21 expand the basic core of attorneys who are exposed to
22 assisting indigent clients.

23 I'd put that in the form of a motion.

1 MR. VALOIS: May I have a second to that.

2 MS. BERNSTEIN: I'll second it.

3 MR. VALOIS: The motion has been made as stated
4 and seconded.

5 Is there any discussion?

6 MR. MENDEZ: Mr. Chairman, I have one point.
7 The law school clinics are annualized, but it is anticipated,
8 I believe, that they will be rebid each year, so that we can
9 cross check. They are not to be --

10 MR. UDDO: It was going to be -- I'll include
11 it in this motion. I was going to do it in two separate
12 parts, but if one part is the Provisions Committee motion;
13 two, annualize the law schools clinical program into the
14 LSC budget, so my motion would include the motion for
15 annualizing and I take it you are going to amend that
16 motion with a suggestion about how the annualizing should
17 be treated?

18 MR. MENDEZ: I believe that we ought to -- my
19 committee considered this last evening and agreed that it
20 should be annualized.

21 Now, our request in terms of annualizing, that we
22 require each of the clinics to bid on it each year, on the
23 budget so that we could review each clinic and make a

1 determination about which are the appropriate ones to refund
2 each year and they are not to be considered under refunding
3 applications. Each year they are to be examined completely.

4 MR. VALOIS: Can we deal with these separately?

5 We have a motion on the floor which has been seconded and
6 unless Mr. Uddo is going to permit that as a friendly
7 amendment, I think we need to deal with it separately.

8 MR. UDDO: Let's just deal with our motion then.

9 MR. VALOIS: All right.

10 Is there any further discussion on Mr. Uddo's
11 motion?

12 MR. SMEGAL: Mr. Chairman, I think I want to
13 speak to it, but I'm not sure. Would you repeat the motion?
14 I got confused by --

15 MR. UDDO: The motion is that the Provisions
16 Committee recommends the allocation of all necessary and
17 appropriate funding for further development of the law
18 school clinical program which will now include the develop-
19 ment of a national resume bank, and we further recommend
20 the annualization of the law school clinical program into
21 the LSD budget.

22 MR. SMEGAL: Let me see if I understand what
23 we have here. At the present time we have fourteen law

1 schools that have clinical programs and are they -- what does
2 the word annualize mean? I don't understand what's going
3 on here.

4 MR. VALOIS: As I understand it and maybe LeaAnne
5 could do a better job with it, but it's somewhat of one-time
6 grant basis and we are trying to get out of having to deal
7 with it as a grant by grant by grant because the program has
8 had some success and satisfaction to us and we would like
9 to annualize it and make it a fixture, more or less.

10 MR. SMEGAL: Well, right now we have fourteen
11 law schools that have a two-year grant and we have twenty
12 law schools that have an eighteen month grant? Other way
13 around?

14 MR. MENDEZ: We have thirty-four law schools on
15 grants.

16 MR. SMEGAL: There's a group of fourteen that
17 have an eighteen month grant, when, Keith, when would that
18 grants run out?

19 MR. OSTERHAGE: That will go until about
20 February, March.

21 MR. SMEGAL: '86?

22 MR. OSTERHAGE: Yes.

23 MR. SMEGAL: So it started in November of '84

1 and then the other twenty that have two year grants for
2 the elder law programs --

3 MR. OSTERHAGE: Were first announced by July 1
4 by the corporation, but implementation following first day
5 notice - - probably in the fall term, August and September
6 of '85, this year.

7 MR. SMEGAL: They are just starting now?

8 MR. OSTERHAGE: Just starting. They are part
9 of the special two million appropriation of Congress.

10 MR. SMEGAL: Voting for this motion at this
11 time would be to extend those programs that are just
12 starting and annualize them; is that correct, Mr. Chairman?

13 MR. VALOIS: Mr. Uddo made the motion and if
14 he had some other intent, I think he should state that.
15 That is my understanding.

16 MR. UDDO: It is to annualize.

17 MS. BERNSTEIN: As I understood it when we
18 talked about it yesterday, we were annualizing a pot of
19 money to be available for law school clinics to apply for
20 and that we are annualizing the pot, not annualizing the
21 individual schools.

22 MR. UDDO: That's right.

23 MR. OSTERHAGE: That's staff's understanding as

1 well. There would be competitive solicitation on an annual
2 basis.

3 MS. BERNSTEIN: But that we are annualizing the
4 pot of money so that we are not in a situation of not
5 having this as a program on-going.

6 MR. UDDO: That's the committee's --

7 MS. BERNSTEIN: That's what I seconded. If
8 that is what you meant you did say it.

9 MR. UDDO: That's right.

10 MR. SMEGAL: I'm still hung up and I apologize
11 for my inability to understand this. I'm in favor of this,
12 by the way, so let me get on the right side of this issue.
13 I think this is a great program.

14 One of the concerns that I have is that we
15 statistically don't know that. We feel that way. I feel
16 that way and I believe everybody on this Board feels that
17 way that what's happening with the law schools is good.

18 I think the fact that we have cut back on the
19 REGGIE Program and as a result of this program will develop
20 the resume bank is also an excellent plan.

21 I'm still concerned though. We've got a program,
22 as I just understood from Keith, fourteen law schools are on
23 an eighteen month program that doesn't end until February of

1 for these can come from -- I want some of these funds to
2 come from the elder law projects. I want the law schools
3 to be specifically instructed to provide aid and consider
4 the elderly in all their grants. That that be a grant
5 condition.

6 MR. WALLACE: Would you restate the motion,
7 please, sir?

8 MR. MENDEZ: I move that all of the law schools,
9 as part of the grant conditions, be required to consider
10 the health and aid of the elderly.

11 MS. BERNSTEIN: Are you meaning exclusively?

12 MR. MENDEZ: No, as one of the conditions.

13 MS. BERNSTEIN: So, as a low-income person they
14 would be -- that you just want language in the grant,
15 solicitation documents that say among other problems of
16 low-income persons you will also be asked to specifically
17 consider -- here's my concern with it, Pepe.

18 We've got specific proposals that are specific
19 grants that have gone out under the elder law project of a
20 large number and I am concerned that if we put that kind of
21 focus in the grant solicitation document, we are going to
22 have a lot of proposals that deal exclusively with the
23 elderly or that focus primarily on the elderly and I'm not

1 sure that I want -- I don't -- I'm sure -- I think that this
2 ought to be a broadbased -- I mean if one law school wants
3 to do it focusing on the problems of housing in a particular
4 area or -- I mean, I think that's what the --

5 MR. VALOIS: The Acting Chairman understands
6 Mr. Mendez' motion to require that every law school grant
7 have as a condition that if the law school clinic have as
8 a part of its program a component for legal care for the
9 elderly -- if I understand that correctly, it raises another
10 issue and that has not been seconded.

11 MR. SMEGAL: Wouldn't that be priority setting in
12 a sense?

13 MS. BERNSTEIN: Well, I think we can do that
14 -- I mean if we wanted -- if that was the purpose of it to
15 focus on the elderly, but as I saw the law school clinic
16 kind of project as an overall project, it was to develop
17 the resume bank, develop lawyers in all facets of legal
18 work for the poor, develop a sensitivity to the needs of
19 the poor and to focus specifically on the elderly seems to
20 me to limit us rather than expand us. Not anything to say
21 that the elderly should not be considered in terms of legal
22 services.

23 MR. UDDO: The other thing and the reason for

1 flexibility I think works out well as we heard yesterday
2 from the fellows from G.W. was that he asked the legal
3 services program in his area what they could use help on,
4 what areas that they felt that the clinic did supplement and
5 I think we want to continue with that kind of flexibility
6 so that if the local legal services office has a major
7 project to serve the elderly it would be redundant, I
8 think, to require that the clinic do that.

9 So, I think we ought to give the flexibility
10 to the clinical programs to try and supplement what needs
11 to be done in that community.

12 MR. VALOIS: I believe the motion dies for want
13 of a second.

14 Are there any further motions with respect to
15 the clinical program?

16 MR. MENDEZ: I move that we put the remaining
17 REGGIE -- remaining REGGIE funds -- allocate the remaining
18 REGGIE funds for the law school clinic projects and for the
19 recruitment project.

20 MR. UDDO: I'll second.

21 MR. VALOIS: The motion has been made and
22 seconded.

23 Is there any discussion from the Board?

1 MR. SMEGAL: First off, how much are we talking
2 about and second out --

3 MR. MENDEZ: \$500,000.

4 MR. SMEGAL: How much?

5 MR. MENDEZ: Approximately \$500,000.

6 MR. SMEGAL: Is it one time? Is it fiscal year
7 '85 REGGIE funds?

8 MR. MENDEZ: That's right.

9 MR. VALOIS: We are moving it into the
10 annualization schedule.

11 MR. WALLACE: Is the intent of your motion that
12 we are allocating \$500,000 every year to the law school
13 project or is the intent of it we are taking \$5,000 (sic)
14 that's somewhere else in this year's budget and we are
15 putting it in here?

16 MR. MENDEZ: All it is out of is this year's
17 carry over budget of this year's REGGIE.

18 MR. SMEGAL: It troubles me a little bit in that
19 as I recall it took us a lot of time to place the elderly
20 funds and that's been a number of months and we are talking
21 about -- I guess ear marking \$500,000 that's going to sit
22 around until fiscal year '88 or something before we ever
23 even spend anything; is that right?

1 Didn't it take a lot of time to place that --

2 MR. GESSER: We wouldn't be waiting until the
3 current grants expire. This would be to run the '86 law
4 school program, since in the '86 budget marked as before
5 Congress now, there is currently no funding set aside for
6 law school programs.

7 So, this REGGIE carry over that we are antici-
8 pating from '85 would be available for the law schools.

9 MR. UDDO: Is this to bridge the gap to fiscal
10 year '87?

11 MR. GESSER: That's right.

12 MR. WALLACE: I am looking at Page 133 of the
13 Board Book which is the only place I find any numbers on
14 REGGIES and I don't see anything there that looks like
15 500,000. Maybe that is because I just don't know what I
16 am looking for, but it says we've got an unexpended balance
17 as of June 30, 1985 of about five million of which sum has
18 been knocked out, so it is a little less than five million.

19 Now, that's unexpended. Is it going to be
20 expended? How does it work?

21 MS. BERNSTEIN: Can I answer that; in terms of
22 the timing of the REGGIE Program and I understand it is that
23 the REGGIES for this year have been selected and that money

1 is to pay them and there is an X amount of dollars that has
2 already been promised for those REGGIES that signed up and
3 that will be paid out to them and as I -- if I am hearing
4 what they say in terms of 500,000 that amount of money
5 out of the five million is definitely going to be left
6 after the administration costs.

7 MR. GESSER: That's correct.

8 MR. WALLACE: So where you've got five millions
9 dollars here, in fact, you are going to pay out about four
10 million --

11 MR. GESSER: About four point five.

12 MR. WALLACE: Okay, and what is left over is
13 what we are putting into this project.

14 MR. GESSER: Yes, sir, we are anticipating
15 about five hundred thousand.

16 MR. VALOIS: Are there any other questions
17 clarifying this matter? If not, I would --

18 MR. SMEGAL: Well -- yes, I do. I think this
19 -- I think the motion is inconsistent with the basic motion
20 which we passed which my understanding was what we are
21 talking about is going to Congress and asking for funding
22 -- for future funding for this program.

23 Now we are talking about taking

1 carry over funds and using it next year.

2 MR. MENDEZ: Different motion.

3 MR. VALOIS: Well, we are talking about --

4 MR. SMEGAL: But, it's the same program.

5 MS. BERNSTEIN: But, we can't ask Congress until
6 our next budget --

7 MR. VALOIS: We don't get to go back every week.

8 MR. UDDO: The problem, Tom, is I think that
9 the first grants, a number of them will expire in January
10 and February '86 and that's just sort of a silly time to have
11 a law school expire in the midst of a semester.

12 It would actually mean they won't function for
13 that second semester because they are not going to be able
14 to function for one or two months.

15 MR. VALOIS: Did Member Roche wish to address us
16 or are you holding the column up?

17 MR. ROCHE: Thank you, Mr. President.

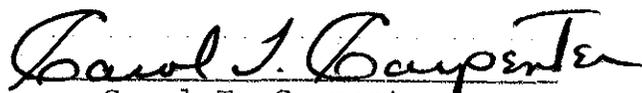
18 It's nice that you provided me with this today.
19 I didn't get to speak last night as you may recall though
20 I was tempted to for about another four hours on the whole
21 question of FY '85 fund balance.

22 It may be 3.3 million as information from staff
23 presented to you yesterday. I suggest it may be 4 or 5

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CERTIFICATE OF REPORTER

I, Carol T. Carpenter, the stenographic reporter who did well and truly report the foregoing proceedings, do hereby certify that they are true and correct to the best of my knowledge and ability; and that I have no interest in said proceedings, financial or otherwise, nor through relationship with any of the parties in interest.

IN WITNESS WHEREOF, I have hereunto set my hand this 11th day of September, 1985.


Carol T. Carpenter

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

1
2 MR. VALOIS: We are going to start the meeting.

3 It is 1:45 and there is a quorum of the Board present.

4 We have completed Item 6 on the Agenda and we are now
5 working on Item 7.

6 Before we get to that, Mr. Uddo wanted an
7 opportunity to speak.

8 MR. UDDO: Thank you, Mr. Chairman. On the last
9 vote on the carry-over on -- excuse me, the reallocation
10 of the REGGIE Funds. I want to go back and change my vote
11 to an abstention. As I said yesterday, I have an opinion
12 of General Counsel's office that with respect to the first
13 motion of the clinic dealing with annualizing the clinics
14 that that was a general vote that did not benefit any
15 particular on-going program and that I could vote on that.

16 After the end of the morning session, it occurred
17 to me that the second vote does benefit on-going programs
18 because the re-allocation of the REGGIE money is to
19 continue those grants that expire in January and February
20 of '86, one of which is in the law school where I am
21 employed. So, I believe that I should go back and abstain
22 on that vote.

23 MR. VALOIS: The record is so ordered to be

1 reflective of your abstention without objection. There
2 were no votes to a motion and I hear no objection.

3 The next item is the continuation of Item 7 and
4 Ms. Bernstein has a motion. We might want to wait for
5 two other members if they are available.

6 Mr. Mendez is now present. Does anybody know if
7 Mr. Smegal is coming back?

8 MR. EAGLIN: He indicated to me that he is not
9 leaving early. He is staying over.

10 MR. VALOIS: All right. We will continue. The
11 next item relates to Item 7, recommendation of the Provision
12 for the delivery of legal services. Ms. Bernstein?

13 MS. BERNSTEIN: Yes. The Committee had considered
14 all the data that had been presented at this meeting and
15 at previous meetings relating to the cue service reporting
16 process and I have a three-part motion. And if you will
17 bear with me, I asked you beforehand and you said it
18 would be best to just go on and read it in detail.

19 So, I will do that. But, I will tell you to
20 help your listening that it is three parts. The first
21 part is the substantive part. The second part deals with
22 funding and the third part deals with time-frame. So, if
23 that will help you listening to the motion because it is

1 long winded.

2 I would move the adoption of the motion of the
3 Provision Committee including all six CSR options with the
4 exception that Item V, weighing of cases/activities, be
5 by collection of time data rather than the other addition-
6 al mechanisms suggested. Staff is to begin work to
7 develop plans for implementation to the Board on a regular
8 basis regarding -- Oh, I'm sorry -- and for implementation
9 and report to the Board on a regular basis regarding these
10 options.

11 These options specifically include:

12 1. Uniform definitions for the existing revised
13 CSR system due to reporting discrepancies and widely
14 varying interpretations.

15 2. Automation of all remaining field programs
16 with compatible equipment and provision of necessary
17 software.

18 3. Credit for other activities in addition to
19 case service closings measured by CSR.

20 4. Disaggregate data stored in local program
21 computers, transmitted in summary and case/activity
22 groupings by modem to LSC.

23 5. Weighting of cases/activities by collection

1 of time data for each case and activity.

2 6. Linkage of weighted outcomes with:
3 monitoring activity and historical review of previous
4 performance; ranges of efficiency, all programs within
5 one or two standard deviations for a given measure or
6 variable; and priority setting and resource allocations
7 made by local programs.

8 Now, those last three things, monitoring
9 activity, ranges of efficiency and priority setting are
10 all part of the linkage of weighted outcomes which brings
11 in those extra areas that we talked about. That is the
12 substance of the motion.

13 I would further move that \$756,600 be made
14 available for automation costs and an additional \$150,000
15 for software development, consultant assistance, and
16 necessary training, for a total outlay of \$906,600. That
17 is the funding section of it.

18 And, finally, I would move to direct the staff
19 to work towards pre-test implementation by January 1,
20 1986, and for full implementation by April 1, 1986.

21 MS. SWAFFORD: Second the motion.

22 MR. VALOIS: The motion has been made and
23 seconded. Is there any discussion?

1 (No response.)

2 MR. VALOIS: All those in favor of the motion --

3 MR. WALLACE: There is a hand on the floor.

4 I don't know if you want to take -- I didn't sit in on your
5 committee meeting yesterday, so I don't know the extent
6 to which you went over it.

7 MR. VALOIS: Well, I know that Mr. Roche is
8 not going to regurgitate six hours of yesterday.

9 MR. ROCHE: The only reason I rise is that is
10 somewhat different from the motion that the committee
11 adopted yesterday. There was another part of the motion.
12 I wouldn't want to quote Mr. Uddo exactly, because I've
13 only got it in my head. I wonder whether that was --

14 MR. UDDO: We had specifically said that the
15 question of performance criteria standards would be
16 treated separately from the CSR. The staff and the Board
17 would continue to develop approaches and attitudes toward
18 the performance criteria. This was strictly on the CSR
19 data.

20 MS. BERNSTEIN: I agree with you as far as that
21 was what happened, but I would think that it would be
22 cleaner for this to be a motion regarding what we are
23 going to be doing and then if you wish to make a motion

1 regarding the -- I mean, is this because you are concerned
2 that we are confused because of the earlier discussions
3 on it, or -- see, mine didn't include anything about
4 performance criteria.

5 MR. UDDO: I know, but I think the recommendation
6 of the committee was to keep those two things separate.

7 MS. BERNSTEIN: Well, I thought since it was
8 out -- that's okay. I don't care. Is that a friendly
9 amendment?

10 MR. UDDO: I offer that as a friendly amendment.

11 MR. VALOIS: The motion has been made and
12 seconded and amended by permission. Is there any further
13 discussion?

14 (No response.)

15 MR. VALOIS: All those in favor of the motion
16 say aye?

17 (Members respond "aye".)

18 MR. VALOIS: All those opposed?

19 (No response.)

20 MR. VALOIS: No opposition. The motion carries.

21 MR. MANDEZ: As long as we are discussing the
22 CSR data, we did not specifically discuss what it would
23 come from but there is money and technical assistance from

1 carry-over funds and funds in FY '86. And, I would move
2 that we allocate those funds from technical assistance
3 carry-over and for FY '86 to the CSR purchases.

4 Do I hear a second?

5 MR. UDDO: Second.

6 MR. WALLACE: I heard the second. Now, can I
7 understand it? Where is it -- I'm, again, looking at
8 page 133 which is the only budget I got.

9 MS. BERNSTEIN: It would be 2A2, Mike.

10 MR. WALLACE: Okay. 2A2, Technical Assistance.
11 We had an unexpended balance on that line of \$342,918; is
12 that correct?

13 MS. BERNSTEIN: Are you on page 133?

14 MR. WALLACE: 133, 2A2. And the unexpended
15 balance as of June was \$342,000. I don't know what the
16 unexpended balance is going to be as of the end of the
17 year.

18 MR. GESNER: As of July it is the same.

19 MR. WALLACE: What is it going to be at the end
20 of this year; do you know?

21 MR. GESNER: There were plans to use about
22 \$320, 000 of that but those are now on hold.

23 MR. WALLACE: I'll bet they are. It sounds

1 like we are competing for the same \$320,000. Can I ask
2 what we were going to use that \$320,000 for?

3 MR. GESNER: Similar types of computer assistance,
4 nothing as coordinated an effort as this.

5 MR. WALLACE: And what is the total amount we
6 just appropriated, it was about \$700,000?

7 MS. BERNSTEIN: \$906,000.

8 MR. GESNER: Between the technical assistance
9 and training money in '85 and that in the '86 mark, it
10 is approximately \$858,000. I would suggest that we look
11 for the rest of it out of uncommitted '85 carry-over.

12 MR. WALLACE: And that can be done later? We
13 don't need to give you the whole \$900,000 today?

14 MR. GESNER: Certainly.

15 MR. WALLACE: Now, I understand your motion,
16 Mr. Mendez. I appreciate the indulgence.

17 MR. VALOIS: Is there any further discussion
18 having been enlightened by Mr. Gesner?

19 (No response.)

20 MR. VALOIS: All those in favor of the motion
21 say aye.

22 (Members respond, "aye".)

23 MR. VALOIS: Opposed?

1 (No response.)

2 MR. VALOIS: No opposition, the motion passes.

3 The next item on the agenda is Item 8, Discussion
4 and Action on the Recommendations of the Committee on
5 Audit and Appropriations. Mr. Mendez?

6 MR. MENDEZ: Mr. Chairman, the Committee on
7 Audit and Appropriations met -- took testimony on the
8 refunding applications and has instructed the staff to
9 compare various amendments and meet with Mr. Wentzel for
10 any additional corrections that he wishes to place in
11 there and send out this as promptly as possible along with
12 a cover letter to the various organizations indicating
13 the time within which they are to perform various activities.

14 The -- with regard to the 1986 State Support
15 Funding Formula and the National Support Funding Formulas,
16 the committee took testimony and has made no final
17 determination.

18 I will note for the record that we anticiapte
19 making final determination as to how we will allocate
20 State Support Funding and National Support as well as
21 a determination on the other groups for FY '86 budget
22 in October. And the committee took no activities with
23 regard to FY '85 funds in its meeting.

1 MR. VALOIS: Thank you, Mr. Mendez.

2 We are at the end of the items on the agenda.
3 Member Roche wishes to address us.

4 MR. ROCHE: This is just simply a procedural
5 question: Will the committee be addressing the third
6 quarter budget review and FY '85 fund analysis at its
7 next meeting?

8 MR. MENDEZ: Yes. We will be -- next meeting we
9 will have a full day.

10 MR. BROWN: With respect to the proposed
11 re-allocation of budgeting relating to State and National
12 Support for 1986 you just mentioned will be on the table
13 for the October meeting. When would you anticipate the
14 proposed actions to be available for consideration by
15 people in the field in the legal services community?

16 MR. MENDEZ: I don't anticipate that we are
17 going to have any further written documents.

18 MR. BROWN: Do you anticipate that at the
19 October meeting --

20 MR. MENDEZ: It will be subject to negotiation
21 in front of the Board at that time as to what the various
22 members of the Board want to do.

23 MR. BROWN: Do you anticipate that there will be

1 significant changes in the funding allocations as they
2 currently exist?

3 MR. MENDEZ: I would have to poll the Board. I
4 can't answer that.

5 MS. BERNSTEIN: There is a staff recommendation.

6 MR. MENDEZ: There is a staff recommendation.
7 There is your recommendation. There is the testimony we
8 have taken. I would anticipate -- I think most of the
9 members have some ideas and would be subject to some sort
10 of negotiation among the members at the next meeting.

11 MR. BROWN: Thank you.

12 MR. VALOIS: Is there anything further to come
13 before the Board?

14 There has been discussion among the Board members
15 about switching the Santa Anna meeting with El Paso meeting
16 and reverse them. And, if that has been decided, somebody
17 tell me about it. I have no position personally.

18 MS. BERNSTEIN: Not the dates. The dates are
19 the same. It is just Santa Anna in November and El Paso
20 in December instead of the other way around. I just would
21 say that maybe those of you who are interested to come to
22 the meeting, we are just going to let you know that this
23 has been a discussion.

1 MR. EAGLIN: Is that settled?

2 MR. WALLACE: I don't know whether it is or not.

3 MS. BERNSTEIN: We brought it up a couple of
4 times. We asked if there is any objection.

5 MR. EAGLIN: It doesn't matter to me.

6 MS. BERNSTEIN: Without objection, let's do it.

7 MR. VALOIS: I'll second. It doesn't matter to
8 me. Everybody in favor of doing that say aye.

9 (Members respond with "aye".)

10 MS. SWAFFORD: While you are talking about the
11 calendar, we have not set a place for October of '86
12 and I would like to suggest that we think about coming
13 to Tennessee and I'll work with Mrs. Johnson to find us
14 a place to stay. We didn't set a place. But, I just
15 wanted to make that suggestion.

16 MS. BERNSTEIN: In addition, so that we --
17 procedurally, so that we won't have to ask our staff
18 to go along with it separately, could I move that a
19 portion of the meeting that is to be held in Galford,
20 New Hampshire be closed to discuss personnel,
21 personal litigation investigatory matters under the
22 Sunshine Act. 5 USC, 552 BC 2,6,7,9b and 10 and 45 CFR
23 1622.5 a, e, f, g and h. And the reason for this is

1 procedural because Executive Session would be scheduled
2 before the public meeting is taken and the vote of the
3 Board can be recorded as a roll call vote. So, that's
4 my motion.

5 MR. VALOIS: Has that been seconded?

6 MR. EAGLIN: Yes, second.

7 MR. VALOIS: We need a roll call.

8 MEMBERS: Aye, aye, abstain, aye, aye, aye,
9 aye, aye, aye.

10 MR. VALOIS: Motion passes.

11 Need somebody from General Counsel's office --

12 MS. BERNSTEIN: To certify that we did it.

13 MR. VALOIS: Timothy?

14 MS. BERNSTEIN: Or Dennis.

15 MR. DAUGHERTY: As I understand there is no
16 requirement that the certification occur at the meeting
17 itself and if there is anything deficient in Mr. Baker's
18 certification we can put the matter before Mr. Bagenstos.

19 MR. BAKER: This motion is similar to that made
20 at the last meeting; is it not?

21 MR. DAUGHERTY: Yes.

22 MR. BAKER: Well, I'll certify that the closing
23 would be proper under Government -- in the Sunshine Act

1 5 USC 5522BC 2, 6,7,9b and 10 and Legal Services Corpora-
2 tion Regulations 45 CFR 1622.5 (a,e,f,g, and h.)

3 MR. VALOIS: Thank you. Mr. Mendez?

4 MR. MENDEZ: Mr. Chairman, at the Executive
5 Session the other night there was a motion to table to
6 the Public Session, and at this time I move that we transfer

7 --

8 MR. WALLACE: That motion has been made, Pepe.
9 You have to tell them what it is. What the motion is now
10 to take it off the table.

11 MR. MENDEZ: I move that we take the -- that we
12 consider to motion to transfer the \$801,018 in unallocated
13 reserves to the Office of General Counsel for litigation
14 reserve.

15 Do I hear a second?

16 MR. WALLACE: It has been seconded. Your motion
17 is to take that motion off the table.

18 MS. BERNSTEIN: I second that.

19 MR. WALLACE: I don't know whether that is
20 debatable of that. I just ran out of parliamentary
21 expertise.

22 MR. VALOIS: A motion has been made to remove
23 from the table that which was raised in Executive Session

1 and is now on this table and it has been seconded. Is
2 there any discussion?

3 MR. EAGLIN: Mr. Chariman, the only thing I
4 could say is that since I was not there I didn't hear
5 whatever specification might have been advanced for that
6 amount of money for litigation. I guess I would have to
7 abstain.

8 MR. WALLACE: Well, this motion is to bring up
9 the previous motion and start talking about it here. It
10 is to take it off the table and start debating it.

11 MR. UDDO: I call the question.

12 MR. VALOIS: All those in favor?

13 (Members respond with "aye".)

14 MR. VALOIS: Any opposed?

15 (No response.)

16 MR. VALOIS: Motion carries.

17 MR. MENDEZ: Now we have discussion as I under-
18 stand it.

19 MR. VALOIS: No, we don't have any motion yet.

20 MR. WALLACE: Well, he made the motion Wednesday
21 night, Mr. Mendez' motion to put \$800,000 in the General
22 Counsel's office is on the table for discussion.

23 MR. VALOIS: And it was seconded?

1 MR. WALLACE: And it was seconded. For the
2 record, it wasn't debated on Wednesday night. We tabled
3 it immediately.

4 MR. DAUGHERTY: Since there is no public record
5 of the meeting Wednesday night perhaps --

6 The full motion, as I recall it was
7 simply that you stated to allocate \$842,000 FY '85 funds
8 to General Counsel's office.

9 MR. VALOIS: Is there any discussion?

10 MR. MENDEZ: I would just note for the record
11 that this is based on the materials that we were presented
12 in Executive Session concerning the office of General
13 Counsel.

14 MR. VALOIS: There being no discussion, all those
15 in favor say aye.

16 (Members respond with "aye".)

17 MR. VALOIS: Any opposed?

18 (No response.)

19 MR. VALOIS: Motion carries.

20 Mr. Mola?

21 MR. MOLA: Mr. Chairman, just a quick question
22 before you adjourn. At the August meeting there were
23 re-allocations of two separate pots of money, I believe,

1 basic field programs \$387,090 to go equally, I think, to
2 all basic field native American migrant supplemental
3 field programs and a second sum of money, \$170,000 to
4 go to basic field programs, a formula to be determined.

5 I was wondering as to the first pot of money
6 whether any plans had been made to distribute that money
7 to field programs and when those checks might be forth-
8 coming and as to the second, whether any decision has been
9 made or proposals made as to the funding formula?

10 MR. VALOIS: As to the first question, I
11 consider that to be an administrative matter which we
12 as a Board don't really deal with. And, I don't have an
13 answer to it. Pepe may have some personal knowledge of
14 it.

15 MR. MENDEZ: I believe as to the first one it
16 has been advertised in the Federal Register and it should
17 be going out soon, the \$387,000. As to the second, I
18 don't believe there has been a final determination made
19 on that yet.

20 MR. MOLA: Do you know when that might be, Pepe?

21 MR. MENDEZ: I am not on the staff. I just
22 asked and I followed that up, but I don't know exactly
23 when they will have it. I have asked them to expedite

1 that.

2 MR. MOLA: So, we might anticipate on the
3 October agenda, perhaps?

4 MR. MENDEZ: I think those are going to be grant
5 type things. That is my recollection of what they
6 anticipate.

7 MR. MOLA: So that there will not be the need
8 for further Board approval of that formula for the
9 \$170,000?

10 MR. MENDEZ: No, I don't think that --

11 MR. DAUGHERTY: My recollection is that you have
12 to have recommendations but the allocation was made
13 pending your determination of a formula.

14 MR. MENDEZ: I'll tell you just put it on the
15 October. My recollection was a little bit different, but
16 if that is what it is, that is what we will do. We will
17 put it on the October and make sure something is done on
18 that.

19 MR. MOLA: Thank you.

20 MS. BERNSTEIN: Does staff have a recommendation
21 on that?

22 MR. MOLA: Mr. Chairman, the field does.

23 MR. VALOIS: We will be glad to hear you.

1 MR. MOLA: It is very quick and it is the one
2 that Jonathan Asher made at the August meeting that that
3 pot of money be given to basic field programs according
4 to the fill up the cup portion of the basic field
5 allocation.

6 MR. VALOIS: As amended and revised or as
7 originally promulgated --

8 MR. MOLA: As in existence now, the '85.

9 MR. VALOIS: Is there anything further to come
10 before this Board?

11 (No response.)

12 MR. VALOIS: Do I hear a motion to adjourn?

13 MR. WALLACE: So moved, Mr. Chairman.

14 MR. VALOIS: All those in favor of adjournment
15 say aye.

16 (Members respond with aye.)

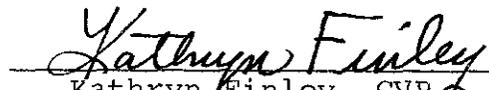
17 (Whereupon, at approximately 2:08 o'clock p.m.,
18 the hearing in the above matter was adjourned.)

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CERTIFICATE OF REPORTER

I, Kathryn Finley, the stenographic reporter, do hereby certify that I truly reported the foregoing proceedings; that they are true and correct to the best of my knowledge and ability; and that I have no interest in said proceedings, financial or otherwise, nor through relationship with any of the parties in interest or their counsel.

IN WITNESS WHEREOF, I have hereunto set my hand this 12th day of September, 1985.


Kathryn Finley, CVR
Certified Verbatim Reporter