

LEGAL SERVICES CORPORATION

BOARD OF DIRECTORS MEETING

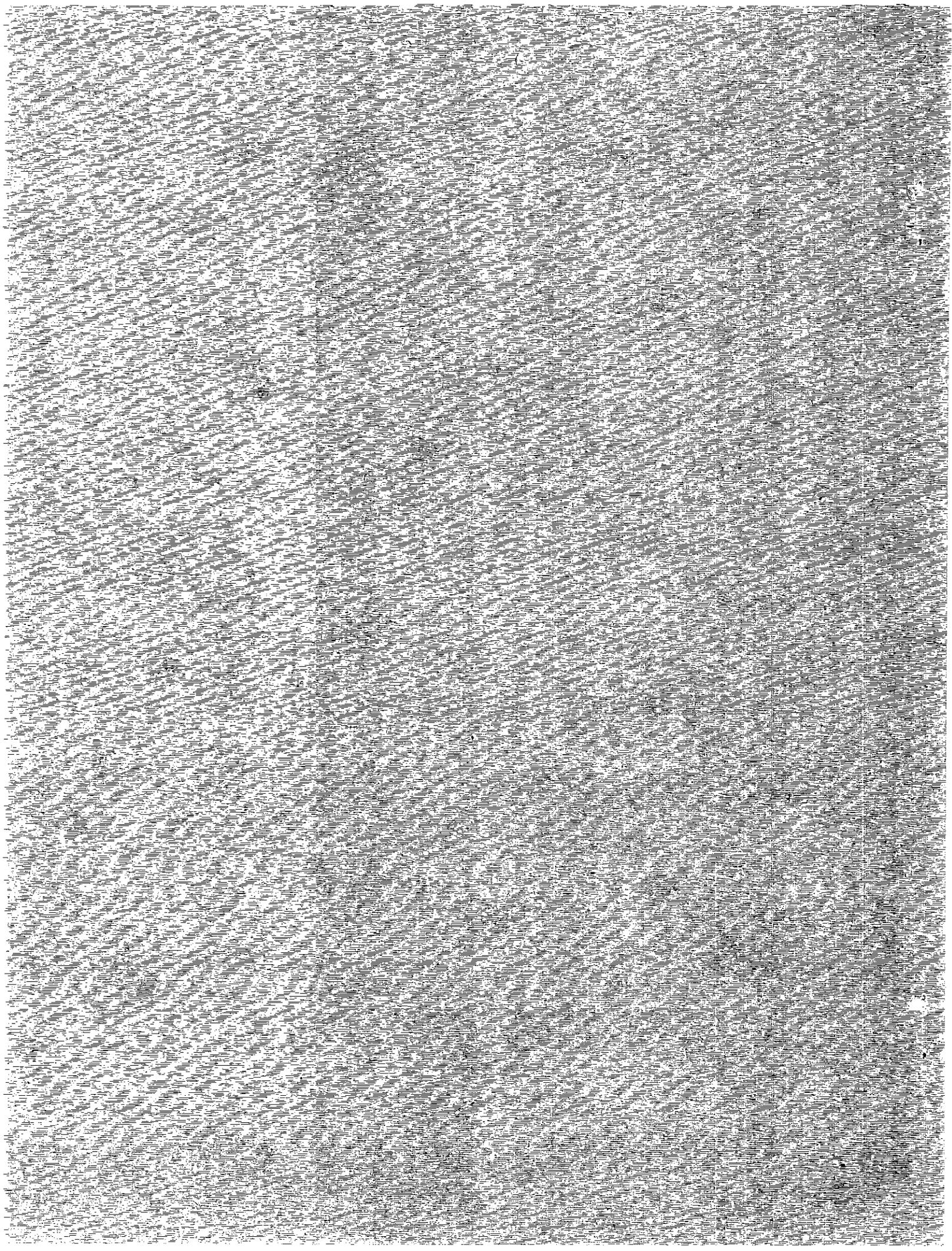
OPEN SESSION

February 22, 1993

9:30 a.m.

The Doubletree Suites Hotel
320 North 44th Street
Ballroom Salons I & II
Phoenix, Arizona 85008

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
Howard H. Dana, Jr.
J. Blakeley Hall
William L. Kirk, Jr.
Jo Betts Love
Norman D. Shumway
Basile J. Uddo
Jeanine E. Wolbeck
Penny Pullen (by telephone)

Staff Present:

John P. O'Hara, President
Emilia DiSanto, Acting Vice President
Patricia D. Batie, Corporate Secretary
David L. Richardson, Treasurer and Comptroller
Victor Fortuno, General Counsel
Edouard Quatrevaux, Inspector General
Suzanne Glasow, Esquire, Office of General Counsel
Ken Boehm, Assistant to the President and Counsel
to the Board

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4, 5, 56, 60, 101, 104

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P R O C E E D I N G S

(9:30 a.m.)

1
2
3 CHAIRMAN WITTGRAF: At this time, our regularly
4 scheduled meeting of the Board of Directors of the Legal
5 Services Corporation will be in order, this being 9:30 a.m.
6 on February 22 of 1993, this being the Doubletree Suites
7 Hotel in Phoenix, Arizona.

8 Let me begin by asking for a motion for approval of
9 the agenda as drafted and presented in the so-called Board
10 book. And I would note, for the benefit of any of our guests
11 who have not determined it already, that the Board Book is
12 available for all just outside the doors to the meeting room,
13 and the agenda is in there, as well as certain other
14 materials pertaining to our deliberations today.

15 Mr. Dana?

M O T I O N

16
17 MR. DANA: I so move.

18 MR. UDDO: Second.

19 CHAIRMAN WITTGRAF: It's been moved by Mr. Dana,
20 seconded by Mr. Uddo that the agenda as presented in the
21 Board Book for this meeting of the Board be adopted.

22 Is there discussion?

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1 (No response.)

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

4 (Chorus of ayes.)

5 CHAIRMAN WITTGRAF: Opposed, nay.

6 (No response.)

7 CHAIRMAN WITTGRAF: The ayes appear to have it; the
8 ayes do have it. The agenda as presented is adopted.

9 The next item of business, then, is the approval of
10 the minutes of our last regular Board meeting, that of
11 January 29, 1993 in Washington, D.C. The draft minutes as
12 prepared by the Corporation secretary are also included as a
13 part of the Board Book.

14 The Chair is prepared to entertain a motion for the
15 approval of the minutes as drafted.

16 M O T I O N

17 MR. DANA: So moved.

18 MS. LOVE: Second.

19 CHAIRMAN WITTGRAF: It's been moved by Mr. Dana,
20 seconded by Ms. Love. Is there discussion?

21 (No response.)

22 CHAIRMAN WITTGRAF: Those minutes, in case you

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1 haven't noticed then, appear on Pages 31 through 37 of the
2 Board Book.

3 Hearing no discussion, those who are in favor of
4 approval of the minutes as drafted will signify by saying
5 aye.

6 (Chorus of ayes.)

7 CHAIRMAN WITTGRAF: Those opposed, nay.

8 (No response.)

9 CHAIRMAN WITTGRAF: The ayes appear to have it; the
10 ayes do have it. The draft minutes are approved.

11 At this time, it's my privilege to recognize the
12 Honorable Colin Campbell, a member of the Superior Court of
13 the State of Arizona and former President of the Arizona Bar
14 Foundation, for the purpose, with one or two of his
15 colleagues, of sharing some of their thoughts regarding legal
16 services delivery systems in this great state with us this
17 morning.

18 Judge?

19 PRESENTATION BY THE HONORABLE COLIN CAMPBELL .

20 JUDGE CAMPBELL: Good morning. We'd like to
21 welcome all of you to the State of Arizona. I'm sorry our
22 weather has not been as accommodating as it normally is. As

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1 you know, we've had more rain in the last two months than
2 we've had, I think, in a two-month period, in the last 100
3 years.

4 CHAIRMAN WITTGRAF: It's all relative, Your Honor.
5 Those of us who come from the upper Midwest, or those of us
6 who used to come from the upper Midwest, realize this isn't
7 too bad compared with the upper Midwest in February. So no
8 apologies are necessary.

9 JUDGE CAMPBELL: We're now a riverfront town, as we
10 call ourselves.

11 Yesterday, you had a chance to talk with some of
12 the leaders of some of the programs here in the state, and I
13 think you got an idea as to the incredible diversity of
14 problems we have in the state. You know, we have both urban
15 problems, rural problems, Indian problems, migrant farmworker
16 problems.

17 What we wanted to talk a little bit about this
18 morning is the diversity of delivery systems we have in the
19 stat to try and address these problems, and give you some of
20 our insights into how well we're doing.

21 By way of background, I wanted you to know first
22 that I don't think there's any state in this country that has

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1 a better partnership between the various segments of the Bar
2 and the programs in the State of Arizona. We have a very
3 pluralistic approach and a very good partnership in trying to
4 address all of our problems with respect to the legal needs
5 of the poor.

6 So, for example, on the State Bar side, we have the
7 Legal Services Committee of the State Bar; we have a very
8 active Bar Foundation; we have very active programs. And, in
9 the 1980s, all of these programs have come together and tried
10 to work together to try and address the needs that we have in
11 this state.

12 I don't think there's any state in the country that
13 has been as innovative as Arizona in trying to address our
14 problems with respect to the legal needs of the poor, and we
15 have tried to address those problems in every area we can.

16 I think we probably have one of the most innovative
17 ADR programs in the country. We have very advanced law-
18 related education programs to try and help indigents. We
19 have many private bar initiatives to try and get lawyers to
20 work on a pro bono basis. The Bar Foundation has addressed
21 many problem that the programs have with respect to the
22 retention of attorneys to try and help them retain and keep

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1 attorneys.

2 So I think, more than any other state, if there's
3 another state that has done more than we have, I'd like to
4 know who it is or, if they have a program we're not doing,
5 I'd like to know what it is so we can implement it.

6 In particular, let me talk about what we've done
7 with respect to private attorney pro bono involvement.
8 Again, we have taken our ethical rules and we have amended
9 them. We amended them two years ago, and have set an
10 aspirational ethical standard of every lawyer to do 50 hours
11 of pro bono work a year.

12 Our Chief Justice, Chief Justice Gordon, has
13 literally stumped the state, using his position as a bully
14 pulpit to get attorneys to adopt pro bono rules within their
15 firms. Many of our major firms have programs that require
16 their attorneys to do 50 hours of pro bono work a year.
17 Chief Justice Gordon won the Harrison Tweed Award from the
18 ABA for his efforts.

19 The Bar Foundation and the programs and the local
20 Bar Association set up a Volunteer Lawyers Program where the
21 programs refer cases to private attorneys. This is a
22 statewide program. Every county in the state has a Volunteer

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1 Lawyers Program. It's funded in part by the Bar Foundation.
2 It's run by the local Bar Associations and the programs.

3 We've set up awards for attorneys to do pro bono.
4 We have, for example, a very prestigious annual award that we
5 announce at our bar convention. We have done everything one
6 can do to get private attorneys involved in pro bono.

7 As a sitting judge, I have to tell you that,
8 despite all the efforts we have done -- either in private
9 attorney involvement, in innovative programs, in ADR -- as a
10 sitting judge on the domestic relations calendar, I have to
11 tell you that we still have a very long way to go.

12 Ninety-two percent of the litigants who appear in
13 front of my court are pro per, and do not have attorneys.
14 Thirty percent of the cases are pro per on both sides. Sixty
15 percent, in addition to that, is pro per on one side.

16 Many of these cases involve allegations of domestic
17 violence, either against a spouse or against children. Many
18 of these cases involve allegations of sexual misconduct with
19 children. And to try and resolve these cases within the
20 court system without attorneys to represent not only the best
21 interests of their clients but how the children fit into all
22 of this is very difficult.

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1 This is a problem we have, not just in domestic
2 relations cases. In landlord-tenant cases, which are handled
3 in our courts of limited jurisdiction, we have the same
4 percentage of people who are unrepresented by attorneys.

5 So, after being involved in this joint partnership
6 between all segments of the bar and the programs for over ten
7 years now, I must tell you I've come to the conclusion that,
8 in terms of delivery systems, unless somehow we get more
9 staff attorneys involved in representing the indigent, we're
10 just never going to come to terms with even making a modicum
11 of effort with respect to the poor people that come into our
12 court systems.

13 You know, we had hoped, in the last ten years, that
14 the Bar Foundation, which is our IOLTA program, would be one
15 of the great saviors for our state and, indeed, in the early
16 '80s, going into about 1989, the Bar Foundation was very
17 active. We had increasing revenues every year.

18 I'm the immediate past president of the Bar
19 Foundation. So, for example, going into our last fiscal
20 year, we were anticipating revenues of \$2.5 million. Now, we
21 had done a lot of things to try and help the programs. We'd
22 set up a law school loan forgiveness program, because we

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1 discovered we had attorneys coming out of law school with
2 debts in excess of \$30,000.

3 I graduated in '77, so I'd forgotten just how
4 expensive this law school process could be. So we had a
5 program that would grant \$3,000 to people working with the
6 poor, to help relieve them of some of their debt obligations,
7 because their debt obligations were so high they had to go
8 into private practice just to meet their debt obligations.

9 We instituted the Frank X. Gordon Fellowship
10 Program, which was a separate program to get very highly-
11 motivated students into poverty areas by paying them a salary
12 ourselves through a fellowship and also getting them involved
13 in our State Bar organizations and ABA organizations. We
14 just started that fellowship by having a student work at
15 Window Rock with DNA this last year.

16 Unfortunately, all of the innovations we've been
17 doing in the Bar Foundation ran into a great brick wall when
18 interest rates started to fall. And I understand you've
19 heard this from every state in the union. But our interest
20 rates went from 5.25 percent to now we're getting 1.65
21 percent on our lawyers' trust account monies.

22 We went from a budget of \$2.5 million to a budget

1 of \$1 million. Every program that you heard from yesterday
2 was impacted by our declining revenues, and we had to cut
3 programs. Some we de-funded; others we cut significantly.

4 So I guess the message I sort of want to get across
5 is that, in this state, we're doing everything we can to
6 create partnerships to try and solve problems, but we still
7 have great struggles. Even in our heyday, we still had 92
8 percent of the people not represented by attorneys and now,
9 with our declining revenues and everything else, we're still
10 facing significant troubles.

11 Let me introduce who I have on the panel. I have
12 Marsha Bushing, who is the board chair for Community Legal
13 Services; David Williams, who is the associate director for
14 the Arizona Bar Foundation; and Ted Warner, who is in private
15 practice. He's on the ABA Standing Committee dealing with
16 indigent problems and is also an active County Bar leader
17 here in this county for many years, with the problems of the
18 poor.

19 Let me ask Marsha if she has some comments she'd
20 like to make.

21 CHAIRMAN WITTGRAF: Judge, before Marsha begins,
22 let me ask you one question. Has the state government in the

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1 great State of Arizona been involved in sharing its resources
2 or committing its resources at all to civil legal services
3 for the poor?

4 JUDGE CAMPBELL: Our relationships with state
5 government are problematical, at best. For example --

6 CHAIRMAN WITTGRAF: You all pay taxes, though?

7 JUDGE CAMPBELL: Yes, we all pay taxes. But, for
8 example, our IOLTA program, we've had a fight with the state
9 legislature every other year on their effort to make that
10 program a crime. In fact, this year, there's a bill pending
11 in the legislature that would make it a crime for a lawyer to
12 put his money into an IOLTA trust account.

13 We have tried to go to the legislature to see if we
14 can increase filing fees and have some of those monies go to
15 programs or go to the Bar Foundation. We have such budget
16 problems in this state -- you know, the state is suffering
17 declining revenues -- that we've had no luck with respect to
18 the state legislature getting involved, and our lobbyists
19 tell us that they don't foresee anything in the future where
20 we would be able to get monies.

21 We have such pressing needs on our -- we don't have
22 Medicaid, we have Access, which is a state-funded program.

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1 But our Access budget and our prison budget is eating up our
2 state.

3 CHAIRMAN WITTGRAF: You spoke of the commitment and
4 involvement of Chief Justice Gordon, and I wondered,
5 particularly because of that, whether or not he had called
6 upon the legislature. And perhaps he has. And if he has,
7 that, too, I guess has fallen on unsympathetic ears.

8 JUDGE CAMPBELL: Yes. We have very unsympathetic
9 ears in the state legislature. We have not, in the last 12
10 years, gotten any help from the legislature. There are
11 people that care in the legislature. It's just that we have
12 such pressing state needs in other areas that this is nowhere
13 close to being a priority.

14 We have a very harsh sentencing code, with
15 mandatory sentencing, and each year, we have an expanding
16 prison budget, which the legislature is trying to fund. And
17 our Access system, which is the alternative to Medicaid, is a
18 very expensive program.

19 For this state of 3.5 million people, we anticipate
20 we'll have 500,000 in our Access program next year. And
21 that's, you know, between trying to fund those different
22 programs, civil legal needs of the poor is not a priority.

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1 CHAIRMAN WITTGRAF: Thank you.

2 PRESENTATION BY MARSHA BUSHING

3 MS. BUSHING: Thank you. I brought along some
4 materials. I wanted to take just a few minutes and walk
5 through them. I think it is, a lot of times, easier if you
6 have something in front of you.

7 CHAIRMAN WITTGRAF: You said you were from the
8 Chamber of Commerce did, you Marsha?

9 (Laughter.)

10 MS. BUSHING: I got these from the Chamber of
11 Commerce. I wanted someplace there would be an easy method
12 to the math and also something that would show you the
13 positive aspects of our state while you're here.

14 If you turn to the inside back cover, what I want
15 to do is talk a little bit about Community Legal Services,
16 the largest program in the state from the perspective of
17 myself, being the board chairman of Community Legal Services.

18 Inside the back cover is a map of Phoenix, or a map
19 of Arizona, and it shows Phoenix down in the central part.
20 Our service area goes north, if you follow I-17 along there,
21 up to Sedona, which is right south of Flagstaff.

22 It goes west, if you will, along Interstate 40 over

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1 to Kingman. Kingman is in our service area, and we have one
2 of our offices in Kingman. It goes south, then, along the
3 Colorado River, clear down to the corner of the state, Yuma,
4 where we also have an office and then, if you draw a line
5 basically back to Phoenix, that's the area that we cover
6 which, as you can see, if you were to drive from Phoenix up
7 to Kingman, it takes about four and a half hours. So it's a
8 huge area that we cover in that regard.

9 If you turn over to the other materials -- and
10 that's all I'll say about the tourism materials -- if you
11 turn over to the other materials, the top sheet is the sheet
12 that was put out by PAG of the increases that the various
13 legal services programs are to receive under the new 1993
14 funding as a result of the 1990 Census.

15 I've marked with an X, right there near the top,
16 where Community Legal Services fits in. It's within the top
17 15 programs in terms of increases, because of our population
18 increases. And if you turn, then, four pages down, the
19 next -- the sheet that says "1980 and 1990 poverty population
20 statistics for counties serviced by CLS," you can see that,
21 in 1980, the State of Arizona's total population was 2.7
22 million whereas, in 1990, it's 3.6 million.

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1 But the total population subject to poverty law
2 status is listed there and then the total population
3 determined at or below poverty-level status has gone from
4 351,000 in the State of Arizona up to 564,000 -- a
5 substantial increase.

6 We have five counties that are in our service area.
7 Each of those are listed there, and you can see that the
8 Maricopa County population has gone from 156,000 to 257,000
9 or the totals in our service area from 185,000 to 309,000.

10 What does that mean? If you turn to the next page,
11 you can see, over the course of the last eight years, the
12 number of attorneys and paralegals we've had servicing those
13 people, and you can see that we've really had very, very
14 little change in the total number of attorneys or paralegals
15 because we've either suffered from inflation or funding or
16 whatever.

17 And if you turn to the next page, we have Community
18 Legal Services funding from 1982 through 1992, and you can
19 see over in the totals over there how every year, just about,
20 the funding is increased. To spend just a moment on this,
21 the LSC funding has increased every year from '82 to '92 but,
22 as you know, that has been essentially flat-funded in terms

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1 of inflation.

2 We in Community Legal Services have gotten
3 substantial monies over the year from United Way and, as
4 Colin had just pointed out, IOLTA funds increased
5 substantially. You can see that basically we went up six-
6 fold form '82 to '91 and then with a substantial decrease in
7 '92. The '93 IOLTA fundings will be half of that, so we've
8 fallen off rather rapidly.

9 The other programs there are relatively minor,
10 except that in the others what Community Legal Services is
11 now trying to do is engage in substantial fundraising efforts
12 through the private bar and through fundraising dinners. We
13 are doing, obviously, anything and everything that we can
14 think of to increase the funding levels so that we can expand
15 our programs.

16 As Colin mentioned, one of our significant programs
17 is our Volunteer Lawyers Program and, if you turn to the next
18 page, it describes a little bit about the Volunteer Lawyers
19 Program. There, too, we have priorities set up just as in
20 our regular program, and those priorities are listed there.
21 And, as you can see, domestic relations is one of them.

22 The problem that we have, though, is like so many

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1 programs. People that are not domestic relations attorneys
2 don't want to volunteer in the domestic relations area
3 because they don't know about it and don't have the skills to
4 handle it and, as a result, the DR lawyers that volunteer for
5 cases are just overwhelmed with requests for pro bono
6 services.

7 But we do handle items in other areas and one of
8 our goals is to increase the matches between the private
9 attorney bar and the needs for legal services. We have a
10 series of clinics that we run.

11 A couple of the law firms have committed, as Colin
12 has said, to substantial devotion in the area of legal
13 services by setting up a clinic where they will open their
14 doors one night a week and staff it using their lawyers, and
15 then people can come in and ask questions and get brief
16 service and advice that way.

17 And what often happens from that is that somebody
18 that will be on duty, if you will, that night, may end up
19 taking a case or two on a pro bono basis to service the
20 clients' needs. That has worked out really well and, during
21 this last couple of years, we have substantially increased
22 the number of clinics that we've been holding in that regard,

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1 thus increasing the amount of delivery of legal services.

2 What that also does, unfortunately, in a lot of
3 cases, is brings in needs for cases that the volunteer lawyer
4 doesn't want to take or can't take because he doesn't feel
5 competent enough. And unfortunately then, that need is
6 sitting there and our own staff lawyers don't have extra time
7 to take them, either. So then they go for lack of help,
8 other than the brief service that they've gotten at the
9 clinic.

10 I have included in this package of materials a
11 summary of one of our programs, which is the Migrant Workers
12 Program. And I won't go into any detail on that since you
13 heard about that yesterday, and I understand at least some of
14 you may be visiting a migrant camp this afternoon, so you can
15 read it in your leisure.

16 The Community Legal Services program, though,
17 consists of not only the Volunteer Lawyers Project and our
18 main regular program here in Phoenix, which a number of you
19 visited our facilities last night, but also includes an East
20 Side office in Maricopa County, the county that we're in, a
21 West Side office.

22 There is an office in Yavapai County, which is in

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1 Prescott, which is north, towards Flagstaff. There's an
2 office in Kingman. There's an office in Yuma. We have the
3 Urban Indian Law Project, and then the Farm Workers Program.

4 If you turn to the next page, it's a graph of the
5 Maricopa County survey of legal needs responses. In
6 accordance with regulations, we do a survey of the needs of
7 our clients as required and we have just finished the legal
8 needs survey for '92-'93 in which, on a statistically valid
9 sample, we asked our clients, as well as social service
10 agencies and others, what needs they had and did they have
11 needs in specific areas.

12 And these areas, while they're now lumped together,
13 were broken down more specifically for types within, for
14 example, housing. But 65 percent of the Maricopa County
15 respondents indicated that they had needs in the housing area
16 that were not being met. Similarly, 48 percent in the public
17 entitlements area; 45 percent in health care; and so on.

18 I want to show this and contrast it to Yuma County.
19 And I picked out some of these. We have them for each
20 office, but I only picked out some of them to show how
21 diverse the needs are because, whereas housing turned out to
22 be at the top in Maricopa County, you went out to Yuma

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1 County, which is the one way out to the West and the answer
2 turned up 75 percent indicated they had health care needs as
3 the top item; public entitlements came in second; family law;
4 consumer housing, et cetera.

5 Similarly, it changes once again if you look at the
6 migrant community, which was also separately identified and
7 surveyed. There, it showed employment needs being at the
8 very top with the most number of responses; health care
9 coming in second; and housing coming in third. Frankly, from
10 my standpoint, not a too-surprising result.

11 Lastly, I included the Native Americans Survey; and
12 this was the Urban Indian Law group as opposed to any of the
13 other areas in the state that serve Native Americans. And
14 there, housing came in first; family law came in a very close
15 second; with the other items coming somewhere behind.

16 So, with our program, we've got, as I showed you, a
17 mere 25 lawyers serving a population base of about 300,000 in
18 the eligible level of service, and we can't do it. We try to
19 do is, as Colin says, through the Volunteer Lawyers Program
20 and the use of volunteer lawyers. But we've got a long way
21 to go, and we're trying to do that through further funding.

22 Thank you.

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1 JUDGE CAMPBELL: David, do you have anything to add
2 from the Bar Foundation or State Bar perspective?

3 PRESENTATION BY DAVID WILLIAMS

4 MR. WILLIAMS: I would like to welcome you on
5 behalf of the Bar Foundation. I'm the associate director.
6 The current president of the Foundation is snowed in in
7 Flagstaff, and the current president of the State Bar is in
8 trial in Tucson and, were he not there, he would be in Yuma,
9 which is about a four-hour drive here. Both of them asked me
10 to welcome you.

11 It's a privilege to speak to you. I, 25 years and
12 six months ago, walked into a Pine Tree Legal Assistance
13 Office on Danforth Street in Portland, Maine to get my first
14 real job.

15 CHAIRMAN WITTGRAF: It's amazing how the world
16 revolves around Maine. Just amazing.

17 (Laughter.)

18 MR. WILLIAMS: I was what we used to call the
19 "Kennedy generation" and I was just back from the Peace
20 Corps. If you had asked me then what I would have predicted
21 as the future of legal services in this country, it would
22 have been a far rosier picture than it is today.

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1 I certainly would have guessed that funding would
2 be at least ten times what it is for legal services on the
3 one hand. On the other hand, we were convinced, at that
4 time, that poverty would have been all but abolished.

5 We thought that we had the wherewithal, in causes
6 of action, to cause the government to react to the needs of
7 the poor in a way that would take care of that problem. We
8 used to joke that we had no pension plan at Pine Tree because
9 none of us were ever going to be around. The whole thing
10 would just disappear at some point in the future.

11 So it's very depressing to look back. I just
12 attended my 25th anniversary of Pine Tree Legal Assistance,
13 and we all talked about how depressing it is to look back and
14 compare that view that we once had as young, idealistic
15 attorneys in the "Great Society" years with what is, in fact,
16 happening.

17 IOLTA is disintegrating before us. There's little
18 we can do about it. These are just cosmic market forces, to
19 some extent and, to the extent that they're controlled, at
20 least in the western states, by decisions that bankers make,
21 they couldn't care less. I wouldn't be surprised for a bank
22 to say "The heck with it; we're not going to pay any interest

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1 at all."

2 I'm defending a bill in the legislature, as Judge
3 Campbell said, that would get rid of IOLTA entirely. Two of
4 the advocates of that bill live within a very short commuting
5 distance from the East Side office of Community Legal
6 Services, and it defies me why they would like to deprive the
7 people in their own community of legal services.

8 Nationally, we're defending the Washington Justice
9 Foundation lawsuit against the Massachusetts Bar Foundation
10 saying that IOLTA is a taking again, even though it's clearly
11 been decided that it's not, saying that we're violating
12 people's First Amendment rights by doing divorces. I would
13 have thought that all of that -- I would no longer have to be
14 defending the good that legal services does.

15 In conclusion, I have five things that I would like
16 to see, personally and professionally, take place in the next
17 25 years:

18 I think we need to, as Marsha said, bring about the
19 adjustment for the Census.

20 I'd like us to work again, always, towards the
21 minimum access figures we've been talking about through all
22 the years, and nearly made it at one point.

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1 I'd like us to work harder on programs to return
2 that special esprit de corps that we had back in the '70s. I
3 think bringing the REGGIE program back would be an example,
4 to make legal services lawyers, although underpaid and
5 overworked, feel that they are special and that they have
6 special skills in the areas of poverty law.

7 I'd like to see the Corporation help programs on
8 law office management techniques. If we're going to be
9 inundated by cases, we need to find the most efficient ways
10 we can handle those cases.

11 And finally, as Marsha has alluded to, we must,
12 especially in this state, do something about the domestic
13 relations caseload. It is destroying legal services. You
14 cannot put an ad on the radio for legal services because, in
15 the first hour of the next day, you will get 1,000 telephone
16 calls and they'll all be for DR, and you'll turn them all
17 down. We have got to find a way to divorce people.

18 If we can't prevent people from meeting in a casino
19 in Laughlin and getting married three hours later on a Harley
20 in a drive-in chapel and then deciding, two weeks after that,
21 that one of them is a drug addict and the other has got
22 something else wrong, and then coming to Legal Services and

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1 saying, "Okay, it's your problem, society" -- if we can't
2 stop that from happening, and much more well-intentioned
3 marriages as well -- we have got to find some two-track
4 administrative system to handle these things.

5 It's like trying to find a quiet corner in
6 Mogadishu to eat a nice, thick roast beef sandwich. I mean,
7 there's so many eyes looking at you. When you're a legal
8 services director, you're trying to conduct a multi-faceted
9 program, only to have the poor constantly telling you, "What
10 are you doing with your time? You won't help me with my
11 divorce. That's the only thing I want you to help with and
12 you're not doing it."

13 If we could handle some of those problems, I know
14 it would be the Millennium, but at least 25 years from now I
15 would find that the dreams of 25 years ago had come to
16 fruition.

17 And finally, I would like to say goodbye to Howard
18 Dana. You've done great work and the people of Arizona
19 appreciate it. Thank you.

20 JUDGE CAMPBELL: Let me just add to what David
21 said. We have the second highest divorce rate in the country
22 in Maricopa County. I often tell people there's something in

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1 the water, so watch out when you're drinking the water.

2 (Laughter.)

3 JUDGE CAMPBELL: Ted.

4 PRESENTATION BY TED WARNER

5 MR. WARNER: Thank you very much. I, too, would
6 like to thank you for coming to Arizona and visiting with us
7 this morning. I hope your stay is enjoyable.

8 As a member of the private bar from the State of
9 Arizona for the last 32 years, it's been my privilege to
10 spend the most part of that engaged in active bar programs,
11 particularly in the area of delivery of legal services.

12 I'm currently a member of the SCLAID, the ABA and,
13 as the freshman member, I'm beginning to learn much more
14 about the Legal Services Corporation than perhaps I even
15 wanted to know. But it is going to be an interesting
16 experience for me, topped on six years of membership on the
17 Legal Service Committee of the ABA.

18 We've talked to you a lot about VLA. And VLA, or
19 the Volunteer Lawyers Program, is a particular pride of mine
20 inasmuch as, in 1980 and '81, I was president of the Maricopa
21 County Bar Association when VLA was conceived and a
22 partnership with the Community Legal Services program here in

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1 Phoenix actually forged out.

2 When I say "partnership" I mean a true partnership
3 in the legal sense of the word. The Maricopa County Bar
4 Association was one proprietor owner of the concept of pro
5 bono legal services through an organization and Community
6 Legal Services here was the other partner and, together with
7 private involvement funds from CLS, that program was put
8 together, the private bar funding matching funds with
9 Community Legal Services. And it was very pleasing to us to
10 receive, in 1982, the Harrison Tweedy award for pro bono
11 programs in the United States.

12 I think I'd like to be a little more positive with
13 you than we've been able to be with you so far in this panel
14 discussion. The numbers that we have presented to you this
15 morning create evidence of a dire need that I'm sure you all
16 are well aware of, as am I.

17 But what those numbers or figures don't show us is
18 what has been involved or achieved in the last decade with
19 regard to private attorney involvement in this work that LCS
20 is attempting to accomplish for the poor. We have in place,
21 as we've told you, a statewide pro bono program that is
22 functioning very effectively in conjunction with our

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1 Community Legal Services staff attorneys.

2 When I first went on the board of the Maricopa
3 County Bar Association back in the mid-1970s, there was an
4 absolute war in this community between legal aid providers
5 and the private bar. Literally, we had no communication --
6 none.

7 With the advent of the 1980s and the awareness of
8 the need of the poor for services, we were able to break
9 those communications down and, with the coming of Lillian
10 Johnson here as the director of LCS, we were able to
11 establish communication between the private bar and the staff
12 at LCS, and the world turned for private lawyers and their
13 ability to serve the poor and the near-poor.

14 We have accomplished all of that, and I'm sure that
15 those accomplishments, you're well aware, are probably 50-
16 fold in other states. We're very proud of what we've done
17 here, but we think that we can help in the future with LCS,
18 and we believe that Community Legal Services in this
19 community, and probably every other community, does need more
20 staff to meet these various needs.

21 I'm going to go to a meeting at the Maricopa County
22 Bar Association Delivery of Legal Services Committee today to

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1 talk about a Modest Means Panel, a Modest Means Panel for a
2 referral service here in this county which is going to try to
3 do what LCS has done for its clients -- its poor clients.

4 The Modest Means Panel is going to try to ratchet
5 up another notch above the requirements or the 125 percent
6 poverty-level requirements and meet the needs of people who
7 cannot afford lawyers. And I'm sure you're all aware that
8 people who are making moderate means in this country cannot
9 afford lawyers.

10 We're going to try to expand the programs we've
11 learned from dealing and being in partnership with Community
12 Legal Services to even more people, people of modest means.
13 Colin discussed the fact that some 92 percent of the people
14 are pro per in our Domestic Relations Court at this time in
15 this county.

16 We know that, in a recent survey the ABA has done,
17 that those people range up to incomes of \$50,000 per year,
18 and are going pro se in the Domestic Relations Court. Most
19 of us would believe that if you have a family income of
20 \$50,000 per year, you would buy yourself a lawyer in such
21 circumstances. That is not true. \$50,000 and below are
22 using their own services, or self-help, to try to resolve

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1 these problems.

2 So together, I think we've accomplished something
3 in the ten years, and I think you can take a great deal of
4 pride in what you've done. There's much more to be done and
5 the private bar is there willing to help you. And I urge
6 you, do not discount the value of the private bar and please
7 do not get rid of private attorney involvement in your
8 programs in the future.

9 Thank you.

10 JUDGE CAMPBELL: Let me just, in wrapping up,
11 there's one area that we haven't talked about, which doesn't
12 affect your Corporation because of your legal restrictions,
13 but it's a big problem in our state. And that's the area of
14 immigration.

15 We do, as a Bar Foundation, and as private
16 attorneys, help immigration programs. The reason for that is
17 we had an immigration judge come to the Legal Services
18 Committee of the State Bar some years ago and tell us that
19 they had deported a fellow here in Arizona two times before
20 discovering he was an American citizen.

21 So we thought this is probably not what the
22 Constitution intended, and the private bar had an obligation

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1 to get involved in providing some legal representation.

2 I bring this up only to point out that there are
3 other needs and problem that we try and address as a private
4 bar, which, I guess, divert resources otherwise available to
5 the programs.

6 And finally, I just wanted to point out to Mr. Dana
7 that I, too, spent six years in Brunswick, Maine, in my early
8 life, and we appreciate your service --

9 (Laughter.)

10 CHAIRMAN WITTGRAF: You could have even left that
11 out, Judge. Most of us think Portland is in Oregon.

12 Questions or comments? Mr. Uddo?

13 MR. UDDO: I want to thank you-all for your
14 presentation. It was very informative.

15 From the standpoint of the one thing among the many
16 things that you spoke about that we can do as a Board,
17 really, funding is the one thing that we have any active
18 involvement in. And, in a sense, you're preaching to the
19 choir, because we've requested a significant increase in the
20 budget mark for the next fiscal year.

21 So, after having listened to your admonitions to
22 us, I'm going to turn it around and say you've got a very

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1 significant role to play in the impending opportunity to
2 increase funding for legal services. You have a
3 congressional delegation from Arizona that can be very
4 helpful in actually achieving something close to the budget
5 market that this Board has already endorsed.

6 So we've already taken a significant step in the
7 direction that I think you want us to go and you need to see
8 the Corporation move, but we weren't successful last year.
9 We had a similar recommendation last appropriation cycle and
10 didn't get anywhere near what we were asking for.

11 So I would say that you've got the support of the
12 Board and the Corporation for increased funding, but we need
13 the help of influential people like you to let the Arizona
14 delegation know that this is important, why it's important,
15 just how important it is, especially for a state like
16 Arizona, and to urge their support for the increased funding.

17 This is the first time -- these past two years --
18 the first time in a long time that this Board has endorsed
19 such dramatic increases in the level of funding for the Legal
20 Services Corporation and it's going to be a missed
21 opportunity if folks like you don't jump on the bandwagon in
22 a big way.

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1 It used to be, you know, five years ago, a lot of
2 the effort was directed toward the Board, to try to get the
3 Board to endorse something bigger. Well, that's not a battle
4 you have to fight anymore. So I really think that attention
5 has got to be focused on Congress, and to encourage them to
6 actually come close to what we're asking for.

7 Thank you.

8 CHAIRMAN WITTGRAF: Let me take Mr. Uddo's comment
9 one additional step, and that is that you in Arizona have the
10 Ranking Republican Member of the Senate Appropriations
11 Subcommittee, as you may know, who deals with the
12 appropriation for the Legal Services Corporation -- the
13 Commerce, State, Justice Appropriations Subcommittee in the
14 Senate.

15 He's new to that responsibility. He's succeeding
16 Senator Rudman in that responsibility. But, to the extent
17 that any of you or any of the people with whom you're
18 involved in this cause have any influence with your
19 Republican Senator, you can be very, very helpful in bringing
20 about exactly what Mr. Uddo is talking about -- a sensitivity
21 and awareness -- and hopefully, then, a support for a
22 significantly-increased level of funding.

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1 So, to the extent that any of you or any of your
2 colleagues have any influence with your Republican Senator --
3 the Ranking Member of the Senate Appropriations Subcommittee
4 for Commerce, State and Justice, or Commerce, Justice and
5 State -- please take advantage of those connections or of
6 that influence, because it comes down to a handful of
7 Senators and a handful of Congressmen and members of the
8 House who will decide what the level of funding is going to
9 be as they jockey with the competing interests for a pie
10 that's not nearly big enough, and he can have a significant
11 influence. Please pursue that.

12 MR. WILLIAMS: Can I respond to that?

13 CHAIRMAN WITTGRAF: Yes.

14 MR. WILLIAMS: It's been the great despair of all
15 of us here in Arizona, the voting record. Consistently, our
16 four Republican House members have voted against the
17 Corporation at every opportunity, and only the one Democrat
18 voted in favor of it -- Representative Pastor. And two of
19 the people who consistently voted against it are members of
20 the Bar.

21 Somewhere in the congressional delegations' filing
22 cabinets is a file of board resolutions from the State Bar of

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1 Arizona and the Bar Foundation begging them to change their
2 votes. We have discussed everything short of taking their
3 children the day of these votes.

4 We talk about it all the time. The directors do.
5 We use every means to approach them. It's just been very
6 difficult.

7 CHAIRMAN WITTGRAF: You're speaking specifically of
8 the reauthorization process, and there have been some largely
9 partisan differences, and Mr. Shumway can probably speak much
10 better to that than I can. I was focusing particularly on
11 the appropriations side.

12 Realizing the reauthorization is again at least a
13 couple of years off if not more, we will continue using the
14 act that, in effect, ran out at the end of 1980 and exists
15 because of the reappropriation process, or the appropriation
16 process, which brings about reauthorization.

17 I would like to think that the level of controversy
18 in the House, including the Arizona Republican delegation, as
19 well as in the Senate, has subsided a great deal just in the
20 last couple of years.

21 But, in the meantime, I would really be concerned
22 with the appropriations side, and that's where a difference

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1 can be made, and a difference that can and will be made over
2 the next six months -- this March, April, May, June, July,
3 August, September. When they decide for October 1 of '93,
4 fiscal year '94, what the funding is going to be, your
5 Republican Senator at least can and presumably will have a
6 direct hand in that.

7 Further questions, comments? Mr. Kirk.

8 MR. KIRK: Thank you, Mr. Chairman. I apologize
9 for coming in late. I was caught in a conference call.

10 I wonder if we're not just talking about putting
11 bandaids on a really big problem. I cannot imagine a bigger
12 budget crisis than we're facing now. And if you got a 50
13 percent increase in the budget, I mean, how much would that
14 really go towards solving the problem, which is not just
15 related to the poor? As you pointed out, it's related to the
16 entire middle class.

17 Our entire legal system has priced half of our
18 country from its services. And, in fact, the poor in some
19 ways have some access, and certain people that are just above
20 the poverty line have absolutely no service.

21 And, you know, we talk about IOLTA funds going
22 away. I'm from the state that had the first IOLTA. I'm from

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1 Florida. And we started it. I was surprised it got through
2 there. I think you're going to continue with the tax, and I
3 think that some of it's going to be taken away. I really do.

4 I don't know what the solution is, but it isn't
5 more lawyers. And I think that, you know, I love this
6 profession but, you know, I'm not sure that hiring more
7 lawyers is necessarily the solution to what our problem are.

8 I don't have any answers. But I think, in many
9 ways, we need to stand back and see just what we can do about
10 the system to make it more accessible to just people.

11 Yesterday, sitting in and hearing the
12 presentations, I heard the word "tribal court," and I just
13 was excited because I said, "My gosh, what an opportunity."
14 Here the federal government can come in, or anybody can come
15 in, and you've got no rules. You can set it all up again.
16 You can start from scratch and be innovative and what have
17 you.

18 And essentially, what I heard was that the tribal
19 courts were set up, just in the same system that we're using
20 now, which is a great system except that it seems to take
21 away the ability of a lot of people to have access to it.

22 And I think that we need to do what we can to gain

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1 more money and more accessibility and more availability of
2 legal service lawyers to the poor, but I really think that we
3 ought to be looking at the bigger issue.

4 JUDGE CAMPBELL: Can I address that, Mr. Chairman?

5 CHAIRMAN WITTGRAF: Sure.

6 JUDGE CAMPBELL: I think your points are very well
7 taken. I'll tell you that the Superior Court is looking at
8 the DR Court, for example, which is no longer a court system
9 when you have 90 percent of the people pro per. And really,
10 the court system is evolving into what I would call a social
11 service agency. We have service agencies that deal with
12 visitation, with support, with mediation of parenting
13 agreements.

14 But, having said all of that, I think even if we
15 evolve the full way into a social service agency, we have
16 some issues that are only going to be addressed by lawyers.
17 And that's when we get into issues of domestic violence, when
18 we have issues involving custody with violence issues.

19 And, to say something good about the legal
20 profession, I'll say one thing. We have not priced ourselves
21 out of the market as much as psychologists have. Because
22 when we ask for private psychological custody studies, it is

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1 incredible to me the difficulty we have getting pro bono work
2 from that profession to try and help out some of our
3 indigents.

4 But I think your comments are well taken. We're
5 evolving that way, but we're still, at the end of that
6 process, going to have a great need for lawyers, just for the
7 most difficult types of cases, which are so prevalent in our
8 society.

9 CHAIRMAN WITTGRAF: Let me take a moment to correct
10 myself. I made an unfortunate mistake. It's not Senator
11 McCain who is a member of the Senate Appropriations
12 Subcommittee that deals with legal services funding. It's
13 actually your next-door neighbor to the east, Senator
14 Domenici, who is the Ranking Member.

15 The House Appropriations Subcommittee, on the other
16 hand, has, as one of its Ranking Republican Members,
17 Congressman Kolbe, who has not -- and this isn't unusual --
18 who has not been at attendance at our Appropriations
19 Subcommittee hearings in recent years.

20 The Ranking Republican, Congressman Rogers from
21 Kentucky; the Chairman, Congressman Smith from Iowa; and a
22 couple of other of the Majority Members have been there.

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1 You've expressed some frustration, perhaps, in visiting with
2 Congressman Kolbe, but I would continue to pursue that and
3 encourage him particularly to attend the Appropriations
4 Subcommittee hearing for the Legal Services Corporation when
5 it comes up probably this April.

6 I certainly would not give up on him, because he,
7 too, can have a hand in the decision that's made regarding
8 funding for the Corporation. It's an issue that he's
9 somewhat sensitive to. In fact, he or his staff members, at
10 least, have visited with President O'Hara of the Legal
11 Services Corporation within the last year or two, and they
12 have acknowledged the need for an increased level of funding.

13 So I would encourage you to keep working on him.
14 Then, if you can, go across the border to the east, to
15 Senator Domenici. Do that as well.

16 Mr. Uddo.

17 MR. UDDO: Let me just say one more thing. I
18 understand the frustration that you're talking about. But I
19 don't think this gets done by resolutions from the Bar
20 Association.

21 I've been involved with this seven years now. It's
22 a long, slow process of convincing people of what it's all

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1 about, what legal services does, that it's not all the bad
2 things that they hear about it, and that there's a lot of
3 day-to-day difficult legal work that needs to be done that
4 legal services grantees are doing.

5 Bar resolutions can't communicate that. You know,
6 sort of the ordinary ways of making the contacts with
7 legislators unfortunately don't work. Somehow, you're going
8 to have to get these folks to pay more careful attention.

9 I mean, the presentation that was put on yesterday
10 I went out of my way to compliment, because I thought it was
11 very good, very sincere, very persuasive. I don't know if
12 you can get a Congressman or a Senator's staff to sit and
13 listen to something like that or to really begin to learn
14 what's important in this legal services debate, particularly
15 with respect to appropriations. But I think that's what it's
16 going to take.

17 Bar resolutions are easy to ignore, frankly, and
18 most of the standard kind of stuff that you do is easy to
19 ignore. But if you can start getting people to understand, I
20 think that that begins to make a difference.

21 CHAIRMAN WITTGRAF: We do have a former member of
22 the House of Representatives who is now good enough to serve

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1 as a member of this Board, one of your neighbors from the
2 west, Norm Shumway. Congressman?

3 MR. SHUMWAY: Thank you. I haven't been called a
4 Congressman for some time.

5 CHAIRMAN WITTGRAF: Are you glad?

6 MR. SHUMWAY: I think, for the moment, I'd prefer
7 something else. Let me just add on to what my friend, Mr.
8 Uddo, just said.

9 I'm not speaking in defense of your four Republican
10 Congressmen, but I think you have to recognize the fact that
11 any member of Congress takes positions on issues and forms
12 opinions and casts votes which he believes reflect a majority
13 of the constituents that he represents.

14 If those four are not with you, they probably
15 believe that their portion of Arizona's citizenry looks with
16 disfavor on legal services. And so the issue becomes bigger
17 than just four sitting Republicans in Washington. It becomes
18 a matter of public opinion.

19 They need to hear your opinions. They need to hear
20 opinions of the Bar. But they also need to hear them from
21 newspaper editors, from responsible people that form and
22 shape public opinion.

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1 I think, in that regard, you likewise can perform a
2 great service to what it is we're all about here. And that
3 is to speak out and to influence other opinion leaders that
4 this is something that we need to give attention to.

5 I was one of those Republicans who routinely voted
6 against any kind of resolution or funding for legal services.
7 During the Reagan years, we were barraged with horror stories
8 about all of the things that Legal Services Corporation was
9 getting into, and a majority of Congress, therefore, looked
10 very dimly upon this organization.

11 But what was true then is not necessarily true now.
12 In fact, I tell you that it is not true now. We have turned
13 the corner. We have achieved some reforms. We've
14 established a better working relationship with the field.

15 The statement of policy which the Bush
16 Administration endorsed when I joined this organization was
17 one that I was very much in harmony with, and I'm sure your
18 four representatives would likewise endorse. We have a
19 responsibility, and this is the way we meet it.

20 So I think the times have changed. It's not just
21 four people who are buried in some issues of the past. But I
22 think it really is a matter of changing the tide of public

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1 opinion, that this is now a responsive organization; we're
2 filling one of the social needs that we all recognize; and we
3 no longer carry with us the stigma that may have been true in
4 years past.

5 CHAIRMAN WITTGRAF: We thank the four of you for
6 taking the time to be with us this morning. We understand
7 that you all have busy schedules and many other things to be
8 concerned with.

9 One of the reasons we meet other than in
10 Washington -- and the only one of us who is from Washington
11 is our president; the rest of us are from other parts of the
12 country -- is so that we can have the opportunity to learn.
13 And there's no better way to learn than to be around the
14 country and not in Washington.

15 We want to continue to work with you, and I
16 certainly underscore the comments of Mr. Shumway and Mr. Uddo
17 and, together, I would like to think that, while we won't
18 necessarily put poverty away and put poverty law back on the
19 sidelines, it will continue as a practice of law that we can
20 increase the level of federal funding for the fight.

21 Thank you all.

22 At this time, we will proceed to Agenda Item 4:

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1 any comments or reports from members of the Board.

2 I have a couple of comments I wish to make, but let
3 me ask first if any of the Board members have any reports or
4 any comments they'd like to share with us at this time?

5 (No response.)

6 CHAIRMAN WITTGRAF: Hearing none, let me take the
7 opportunity again to acknowledge the passing of one of our
8 colleagues. I wonder who's going to be able to talk about
9 Maine or keep us connected in the future.

10 As I think we all know, and those of you in the
11 audience know, this Board of Directors has been serving, most
12 of us, for the last three years together. Mr. Hall has about
13 a year ahead of us, so he's got four years or so. Mr. Uddo
14 was on a prior Board, off, and then back on this Board.

15 We will probably be together for the balance --
16 most of the balance -- of this year, and then we anticipate
17 being replaced by a successor Board to be nominated or
18 recess-appointed by President Clinton. We will continue
19 functioning this year, and continue to take our
20 responsibilities seriously, as suggested by the comments of
21 some of the Board members already this morning.

22 Unfortunately, as we go on through the rest of the

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1 year, we'll be missing one of our colleagues. Howard Dana,
2 as I think most of you know, has been nominated and now
3 confirmed for the Maine Supreme Court, to be one of the seven
4 Justices of that Court, and will be robed therefor on March
5 4, just a few days from now, and will have to withdraw or
6 resign from his membership on this Board.

7 Last night, our Corporation secretary, Pat Batie,
8 on behalf of the Corporation staff, did share with Mr. Dana
9 some caricatures that she had prepared and had framed, and I
10 would encourage any of you who haven't had the opportunity to
11 see those, to take that opportunity today.

12 We've found that we have a latent talent in our
13 Corporation secretary in the form of caricaturing. Not only
14 did she turn her pencil to Mr. Dana, but she did to all of
15 the rest of us as well, so that some of us fared better than
16 others of us did under the pencil or the pen of Ms. Batie.
17 But it was wonderful for her to make that effort, and I'm
18 sure that those mementos will be cherished by Mr. Dana.

19 Also, our Board members felt called upon to share a
20 memento with Mr. Dana that we hope that he will take to the
21 state capitol building -- no, to his offices in Portland; he
22 doesn't get to go to Augusta -- to his offices in Portland to

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1 remind him of his service with us over the last three years.

2 If Mr. Dana would come forward just a moment, let
3 me hold up for you what is, we would like to think, a fitting
4 memento with an even more appropriate inscription, which I
5 will share with you at this time. I'll take my glasses off
6 so I can read it:

7 "For continuing efforts related to the provision of
8 legal services to the less fortunate and for distinguished
9 service on the Board of Directors charged with the
10 responsibility of assuring such services are provided, the
11 Legal Services Corporation hereby recognizes Howard H. Dana,
12 Jr. on this 22nd day of February, 1993. 'Let justice roll
13 down like waters.' Amos, Chapter 5, Verse 24."

14 (Applause.)

15 MR. DANA: May I speak just a moment?

16 CHAIRMAN WITTGRAF: Sure.

17 MR. DANA: Thank you. I will really miss this. I
18 will miss all of you, each for different reasons, and in
19 different ways. I'll even miss Penny, if she's listening
20 somewhere. I'm sure she is. I'll miss the staff. I think
21 that the Corporation is blessed with a group that is trying
22 to do a wonderful job with scarce resources.

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1 I will miss the people in the field especially. I
2 think that they are on the front line of a really wonderful
3 effort to live up to our national ideals. And it's just
4 going to be very difficult to not be with you.

5 I hope that Harrison still sends me that -- I was
6 going to say that in two or three sentences he captures what
7 we did and it's terrific to look back and find out what, in
8 fact, we did do.

9 Maybe after the Millennium, I'll get another chance
10 to come back and sit on this Board, and I look forward to
11 that. Thank you all very much.

12 (Applause.)

13 CHAIRMAN WITTGRAF: We will miss you.

14 MR. UDDO: Mr. Chairman?

15 CHAIRMAN WITTGRAF: Mr. Uddo, very briefly.

16 MR. UDDO: Howard, two things I'm going to miss
17 most is the fact that you're so meticulous that any meeting
18 you chair takes twice as long as it needs to take, so I'm
19 going to miss those long A&A meetings.

20 And the other great quality that Howard has, he can
21 find a good Northern Italian restaurant in any city in the
22 country. So we're going to have to rely on George now, which

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1 I'm really concerned about, because George's taste buds
2 aren't quite as sophisticated as Howard's.

3 CHAIRMAN WITTGRAF: I couldn't even find Senator
4 Domenici in the right state.

5 MR. UDDO: But I do want to say, Howard, I guess
6 I'm in a position to really make a comparison between two
7 dramatically different Boards. And I can't tell you the
8 difference that this Board is compared to the last Board,
9 just in terms of the way people relate to each other and
10 function.

11 It's actually a pleasure to come to these meetings.
12 And I think you're largely responsible for that, because you
13 really do have the quality of being dedicated and sincere
14 about what you do, but the very gracious quality of
15 disagreeing with grace and with dignity and with respect for
16 other people's opinions.

17 I think that that's a quality that's essential to
18 any kind of an organization like this; and I've appreciated
19 that from the time that I came back, and I think that we're
20 going to be poorer in your absence for not having your grace
21 and dignity in dealing with the matters that come before this
22 Board. But good luck to you.

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1 MR. DANA: Thank you, Basile.

2 CHAIRMAN WITTGRAF: At this time, the Chair is
3 prepared to move on and to turn to Mr. Shumway, the acting
4 chairman of the Operations and Regulations Committee of the
5 Board for his report on behalf of that committee.

6 Mr. Shumway.

7 OPERATIONS AND REGULATIONS COMMITTEE REPORT

8 MR. SHUMWAY: Thank you, Mr. Chairman. The
9 Operations and Regulations Committee did meet this morning,
10 and on our agenda we considered the matter of amendments to
11 Sections 1610 and 1611 of our Corporation's regulations.

12 This matter was held over from the last meeting
13 because of a concern that was voiced about the effect on the
14 Corporation's standing policy regarding abortions.

15 We were assured by our counsel this morning in our
16 meeting that adoption of the amendments to those two parts
17 would really not affect in any way the standing policy that
18 we have had since 1976 vis-a-vis abortions and, with that
19 assurance, we adopted amendments pertaining to those two
20 parts -- 1610 and 1611.

21 Those amendments would change the rule insofar as
22 it did prohibit recipients from using private funds for three

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1 purposes, none of which had to do with abortion.

2 We then moved on to Section 1612. This section was
3 broken down into several subparts that we considered
4 individually. On many of those subparts, the committee has
5 already made a recommendation to the full Board and,
6 accordingly, there was no additional action taken this
7 morning.

8 But on the first one to be considered, dealing with
9 1612.2, that amendment would change the Corporation's
10 standing policy regarding abortion. And so, as we adopted
11 the amendment there, we added to it a proviso that I think
12 Board members perhaps have before them and I don't need to
13 repeat. But that proviso essentially reinstates at least our
14 neutrality regarding the abortion controversy.

15 Board members have that memo before them. It was
16 prepared by Suzanne Glasow.

17 On Items 2,3, and 4, there was no action taken by
18 the committee, meaning that our prior action, the amendments
19 that we adopted in committee, still stand and are still
20 recommended to the full Board.

21 On Number 5, which was Motion 5, dealing with
22 1612.6(a), the Board did adopt alternate language that had

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1 been recommended by CLASP. And that language essentially
2 imposed a standard of reasonable and necessary in responding
3 to requests for information -- in my estimation, not a huge
4 departure but one that was of some concern to some committee
5 members.

6 Then again, we took no action regarding Items 6, 7,
7 and 8, meaning that our prior recommendations are still
8 before the Board, and that was true also of the last item --
9 Number 10.

10 On Item 9, or Motion 9, that had previously died in
11 the committee on a four-to-four tie vote. Reconsideration
12 was requested by CLASP and, on reconsideration, the committee
13 this morning did vote in favor of that amendment dealing with
14 organizing.

15 Now, if you're not confused by that report, we can
16 even add to it. But that essentially was the action taken
17 this morning by committee. We also drew five names of
18 participants from our bingo device. I guess we drew six
19 names, four of them to be comparative groups for our
20 demonstration projects; the others to be alternatives in case
21 one of the primary four is unable to serve.

22 That's our committee's report.

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M O T I O N

1
2 MR. SHUMWAY: I would move the action recommended
3 by the committee regarding 1610, 1611, and 1612 of the
4 Corporation's regulations.

5 CHAIRMAN WITTGRAF: The committee's report, then,
6 as made by Mr. Shumway, is taken as a motion made and
7 seconded.

8 Is there discussion?

9 MR. DANA: Mr. Chairman?

10 CHAIRMAN WITTGRAF: Mr. Dana.

11 MR. DANA: My recollection was that we -- what did
12 we do with 8, Item 8? Did we adopt the amended language or
13 not?

14 CHAIRMAN WITTGRAF: Mr. Shumway?

15 MR. SHUMWAY: That's the only item that I made no
16 notation about, and I'll have to defer to Suzanne.

17 MS. GLASOW: I believe we adopted that.

18 MR. SHUMWAY: We did?

19 CHAIRMAN WITTGRAF: Ms. Pullen?

20 MS. PULLEN: I would appreciate a clarification,
21 please.

22 CHAIRMAN WITTGRAF: Do you have a specific

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1 questions?

2 MS. PULLEN: Is the motion related to the same
3 revisions that we reviewed in December?

4 CHAIRMAN WITTGRAF: Yes, I think they are, Penny.
5 Is there further discussion? Mr. Kirk.

6 MR. KIRK: I would like to take a moment and maybe
7 explain to Ms. Pullen what occurred.

8 At the meeting this morning, the issue on abortion
9 was addressed and it was confirmed by Ms. Glasow. And I
10 believe most members of the Board are prepared to support
11 1610 and 11 based upon the clarification that was given.
12 Basile, is that correct?

13 MR. UDDO: Yes, that's correct.

14 CHAIRMAN WITTGRAF: Mr. Uddo.

15 MR. UDDO: The report that was done from the
16 general counsel's office, the recommendation for how we would
17 amend that regulation to make it consistent with our policy
18 respecting abortion and eliminating involvement on the issue
19 from any perspective, I think, is well documented by Ms
20 Glasow's memorandum.

21 CHAIRMAN WITTGRAF: Mr. Kirk.

22 MR. KIRK: Also, Penny, to whatever extent there

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1 was a notation of your concerns that existed in the minutes,
2 those were addressed. At times, I even tried to speak for
3 you on the transportation of lay advocates, although, on
4 reflection and reconsideration, I think I tend to agree with
5 the change, that it's rather nitpicking and probably not well
6 taken, and I think I'm prepared to just go ahead and vote to
7 support these changes.

8 CHAIRMAN WITTGRAF: Ms. Pullen?

9 MS. PULLEN: I appreciate the clarification. And
10 important as it is to me to keep the Legal Services
11 Corporation and its grantees out of the abortion litigation
12 field, I did have other, more general problem with these
13 provisions. And I regret that I am operating in relative
14 dark but that is, unfortunately, necessary at this point.

15 So I expect, at this point, that I will probably
16 vote present on the motion, but I do appreciate Mr. Uddo's
17 work and Mr. Kirk's work in removing some of the wrong that
18 was being proposed in these changes.

19 CHAIRMAN WITTGRAF: Is there further discussion?

20 (No response.)

21 CHAIRMAN WITTGRAF: Hearing none, those who are in
22 favor of adoption of the committee's report as summarized by

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1 Mr. Shumway will signify by saying aye.

2 (Chorus of ayes.)

3 CHAIRMAN WITTGRAF: Those who are opposed, nay.

4 (No response.)

5 CHAIRMAN WITTGRAF: The ayes appear to have it; the
6 ayes do have it. The committee report is adopted.

7 MS. PULLEN: Mr. Chairman?

8 CHAIRMAN WITTGRAF: Ms. Pullen?

9 MS. PULLEN: If there is no provision in the rule
10 for a "present" vote to be cast, please indicate me as
11 participating but abstaining from the vote itself.

12 CHAIRMAN WITTGRAF: I do believe you can vote
13 "present" and the record will reflect that fact.

14 Anything further, Mr. Shumway, on behalf of the
15 Operations and Regulations Committee?

16 MR. SHUMWAY: No. Those were the only action
17 items, and I just reported on the drawing for informational
18 purposes. Thank you.

19 CHAIRMAN WITTGRAF: Thank you. At this point, the
20 Chair recognizes Mr. Kirk, chairman of the Office of the
21 Inspector General Oversight Committee for the purpose of that
22 committee's report. Mr. Kirk.

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1 OFFICE OF THE INSPECTOR GENERAL OVERSIGHT COMMITTEE REPORT

2 MR. KIRK: Thank you, Mr. Chairman. I specifically
3 placed my amendment. There it is.

4 The Inspector General Oversight Committee met
5 yesterday, had a single item on the agenda. That single item
6 involved the Corporation's program operating
7 responsibilities.

8 After a good deal of debate, a bit of negotiation
9 and compromise, the resolution as initially submitted by Vic
10 Fortuno has been passed with a single exception. And, as I
11 read this, I'm going to include a scrivener's change from
12 what was done yesterday. It's on the placement of the
13 inserted provision, at the suggestion of Howard Dana.

14 So I will read that portion of it into the record.
15 The rest of it is would remain exactly as it is.

16 M O T I O N

17 MR. KIRK: "Be it hereby resolved that, having
18 carefully considered this matter, the Board of Directors has
19 determined that, without in any way restricting or limiting
20 the scope, rights, powers, duty, and authority of the OIG in
21 dealing with field programs, the aforementioned functions and
22 duties of the Corporation's Office of Monitoring, Audit &

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1 Compliance are among those activities undertaken as part of
2 the day-to-day operations of the Corporation and are an
3 integral part of the Corporation's program as evidenced by
4 the Corporation's enabling legislation, the LSC Act and, as
5 such, are among the program operating responsibilities of the
6 Corporation."

7 I would submit that as a motion made and seconded
8 by the Inspector General's Oversight Committee.

9 CHAIRMAN WITTGRAF: The Chair receives it in that
10 manner. Is there discussion?

11 (No response.)

12 CHAIRMAN WITTGRAF: Hearing none, those who are in
13 favor of the motion as reported by the committee will signify
14 by saying aye.

15 (Chorus of ayes.)

16 CHAIRMAN WITTGRAF: Those who are opposed, nay.

17 (No response.)

18 CHAIRMAN WITTGRAF: The ayes appear to have it; the
19 ayes do have it. The motion is adopted.

20 Any further report, Mr. Kirk?

21 MR. KIRK: That's all I have, sir.

22 CHAIRMAN WITTGRAF: Thank you, Mr. Kirk. That,

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1 then, concludes the report of the Office of the Inspector
2 General Oversight Committee.

3 The Chair next recognizes Mr. Hall for the purpose
4 of the report of the Provision for the Delivery of Legal
5 Services Committee. Mr. Hall.

6 PROVISION FOR THE DELIVERY OF LEGAL SERVICES COMMITTEE REPORT

7 MR. HALL: Thank you, Mr. Chairman. The Provisions
8 Committee did not have a meeting this last go-around.

9 However, the staff has kept me informed and up-to-date as to
10 where they are and what they've been doing, so I thought I
11 might just touch on a few of those things.

12 CHAIRMAN WITTGRAF: Please.

13 MR. HALL: If anyone has any questions, they may
14 have to inquire of the staff for specifics. The chairman did
15 hand me a migrant alternative dispute resolution grant
16 solicitation, which I assume is a completed draft?

17 CHAIRMAN WITTGRAF: Yes, it is, subject to any
18 questions, comments, or concerns of members of the Board.

19 MR. HALL: Okay. Then I guess the report would be
20 that that's been prepared. I have not read it or looked
21 through it, but I'm sure it's been carefully done.

22 In addition to that, of course, one of the main

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1 things that the committee is looking at is the retention and
2 recruitment problems from the different recipients. There
3 was a survey that was to go out, unfortunately, asking for
4 additional information from the recipients on what their
5 problems were. We hope to get responses much as we heard at
6 yesterday's forum.

7 That has gone out. Emilia, is March 15 kind of
8 still what we look at as receiving it back?

9 MS. DiSANTO: That is the date we are looking
10 forward to.

11 MR. HALL: Okay. I guess as time goes by we'll
12 know whether or not that day holds true.

13 I've also been informed by the staff that Legal
14 Services staffers have attended some of the career-day type
15 functions. They've gone to a joint career fair between the
16 University of Baltimore and the University of Maryland School
17 of Law -- that was February 11 -- and also attended a first
18 annual career fair at George Mason University Law School on
19 February 13.

20 I've been told that they intend to send a staff
21 member to the joint career fair between Georgetown University
22 Law School and the George Washington University National Law

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1 Center, which is on the 20th of February, and then to a
2 career fair at Catholic University Law School on February 24
3 of this year.

4 I take it that we'll have some input back from
5 those attendees as to the types of recruitment that they've
6 seen that's going on there, and perhaps they'll be able to
7 pick up some literature that other recipients have printed.

8 During coming months, Legal Services hopes to
9 expand its recruitment and retention efforts on law school
10 campuses, including additional and improved materials on loan
11 forgiveness. The staff continues to explore the various
12 options, such as the loan repayment assistance programs,
13 fellowship programs, and summer internship programs -- I'm
14 not sure exactly what they've done since last time on
15 that -- and is also exploring the benefits of the LSC
16 administration of such programs, the administration of the
17 program by law schools, and individual grants to field
18 programs.

19 The staff is also reviewing the federal loan
20 repayment initiatives, such as the Higher Education Amendment
21 Act, which could lead to support for legislation to include
22 attorneys' fees or federal loan repayment assistance

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1 benefits. We've had some discussion that that would be a
2 tremendous benefit because it wouldn't include any LSC
3 dollars necessarily.

4 That's kind of where we are and what we've done.
5 There may be a few other things.

6 CHAIRMAN WITTGRAF: Are there any questions or
7 comments for Mr. Hall? Mr. Dana?

8 MR. DANA: Mr. Chairman, at our last meeting -- I
9 think it was our last meeting -- the question had been raised
10 as to the legality of our creating an alternative, funding an
11 alternative dispute resolution vehicle. And I understand
12 that that legal concern has been resolved?

13 CHAIRMAN WITTGRAF: On the specific matter of the
14 grant solicitation for migrant alternative dispute
15 resolution, let me ask Ms. DiSanto and Ms. Glasow to come
16 forward. They might make a couple of comments pertaining to
17 the drafting or the evolution of the grant solicitation.

18 Let me ask one of you, I think probably Ms.
19 DiSanto, also, to give us a sense -- I don't know that this
20 requires formal Board action; we don't usually do that in the
21 case of grant solicitations -- if there are additional
22 questions or concerns or suggestions from Board members, by

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1 when those should be made to you or to Ms. Smead or to Mr.
2 Moses so that we can proceed on a timely basis with the grant
3 solicitation.

4 Before you begin, why don't each of you introduce
5 yourselves for the record?

6 MS. DiSANTO: Good morning. My name is Emilia
7 DiSanto. I'm the acting vice president for Legal Services
8 Corporation.

9 What you have before you is the draft of the
10 solicitation for basically an alternative dispute resolution
11 proposal. That draft that you have before you is a completed
12 draft. It has been revised and reviewed carefully by the
13 Office of the General Counsel in light of the legal concerns
14 that we have with regard to our current Act and whether or
15 not Legal Services' funds can be used to fund alternative
16 dispute resolution.

17 So the proposal that you have you in fact resolves
18 all of those concerns. If the particular criteria are met
19 that are set forth in that solicitation, our funds may be
20 used for alternative dispute resolution.

21 In response to Mr. Wittgraf's question, we would
22 appreciate your comments as soon as possible with regard to

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1 the solicitation because, as soon as that is completed, we
2 are prepared to issue that solicitation into the Federal
3 Register.

4 CHAIRMAN WITTGRAF: Okay. And let's say, then, by
5 this Friday, February 26, at the latest?

6 MS. DiSANTO: It would be greatly appreciated.

7 CHAIRMAN WITTGRAF: Right. Because I think,
8 assuming we're going to proceed -- and I believe we are -- we
9 want to do so, so that if anybody has any questions,
10 concerns, or suggestions, they should be received by you, by
11 Ms. Smead, or by Mr. Moses, by this Friday, February 26?

12 MS. DiSANTO: Yes. Thank you.

13 CHAIRMAN WITTGRAF: Ms. Glasow, would you like to
14 introduce yourself and respond further, if you wish, to Mr.
15 Dana's inquiry?

16 MS. GLASOW: Yes. My name is Suzanne Glasow. I'm
17 an attorney in the Office of General Counsel. I have
18 reviewed the ADR proposal.

19 Basically, to put it maybe another way, it's worded
20 in such a way that it sets out the legal framework and we're
21 asking recipients -- any possible grantee out there -- to
22 devise and come up with a creative program that fits within

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1 that legal framework, and we will be reviewing it with that
2 in mind.

3 There are so many different types of ADR out there,
4 and different state laws, that we just feel for sure that
5 there are some proposals and creative ideas that can come
6 forward under this proposal.

7 CHAIRMAN WITTGRAF: And this is geared exclusively
8 towards the migrant community in dealing with migrant
9 producer disputes?

10 MS. GLASOW: That is correct.

11 CHAIRMAN WITTGRAF: Mr. Dana?

12 MR. DANA: No further questions.

13 CHAIRMAN WITTGRAF: Further discussion or questions
14 for either Ms. DiSanto or Ms. Glasow?

15 (No response.)

16 CHAIRMAN WITTGRAF: Any questions or comments
17 regarding the grant solicitation proposal as a whole?

18 (No response.)

19 CHAIRMAN WITTGRAF: Again, if you have questions,
20 concerns, or suggestions, please try to get them to Ms.
21 DiSanto, Ms. Smead, or Mr. Moses by this Friday, February 26.
22 Otherwise, they will proceed with the solicitation, I

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1 believe.

2 MR. HALL: Mr. Chairman?

3 CHAIRMAN WITTGRAF: Mr. Hall.

4 MR. HALL: I just want to end my report with an
5 observation that the form that we had yesterday -- and I know
6 everybody's already bragged on it enough -- but I mean,
7 sitting as a member on the Provision of the Delivery of Legal
8 Services Committee, it was just really helpful to me.

9 I wanted to ask those folks some questions on the
10 things that we're studying right now, and I had written them
11 all down but, before I could finish, they just all started
12 talking about them and telling us their problems and, you
13 know, I guess maybe time has been a reason that we haven't
14 done that type of form everywhere we have gone. It seems
15 like we fill the day with committee meetings and by day's
16 end, we must go home.

17 But if that could be done each place we go, it's
18 really good. Not only could they help the problem that this
19 committee -- my committee -- addressed, but they might could
20 speak to everyone's problems and have comments, because it's
21 really good to hear from the executive director and the
22 people themselves. It's really an opportunity to do that

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1 and, if possible, I think it should be encouraged.

2 CHAIRMAN WITTGRAF: Again, we thank Lillian Johnson
3 and her colleagues for having made that possible. Further
4 questions or comments regarding the report made by Mr. Hall?

5 MR. DANA: Mr. Chairman?

6 CHAIRMAN WITTGRAF: Mr. Dana.

7 MR. DANA: The \$100,000 that has been indicated
8 that is available for this award, is that going to come out
9 of the migrant 1992 line?

10 CHAIRMAN WITTGRAF: That's my understanding. Mr.
11 President?

12 MR. O'HARA: I believe it is.

13 CHAIRMAN WITTGRAF: Mr. Richardson?

14 MR. RICHARDSON: Yes.

15 CHAIRMAN WITTGRAF: Further discussion?

16 (No response.)

17 CHAIRMAN WITTGRAF: Hearing none, we will proceed
18 to Agenda Item 8. That is the report of the Audit and
19 Appropriations Committee. For that purpose, the Chair
20 recognizes the committee chairman, Mr. Uddo.

21 AUDIT AND APPROPRIATIONS COMMITTEE REPORT

22 MR. UDDO: Mr. Chairman, the committee didn't meet

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1 in conjunction with this Board meeting, but I am going to ask
2 Mr. Richardson and Mr. Boehm to come to the table first so
3 that Mr. Richardson can answer any questions about the first
4 quarter report on the '93 fiscal year consolidated operating
5 budget, which I think has been distributed to everyone, so if
6 there are any questions about that particular report, Mr.
7 Richardson can answer them for you.

8 CHAIRMAN WITTGRAF: Would you like to identify
9 yourself, please, for the record, Mr. Richardson?

10 MR. RICHARDSON: Yes. For the record, my name is
11 David Richardson. I'm the treasurer and comptroller of the
12 Corporation.

13 MR. UDDO: If there's no questions for Mr.
14 Richardson, David, is there anything that you want to add to
15 this or anything else?

16 MR. RICHARDSON: Not at this point. Just to
17 highlight that of course with the management and
18 administration, the budget, of course, is very tight.
19 Through the first 25 percent of the year, we've spent less
20 than 24 percent, so we're trying to gear down to make sure
21 that we can make our budget target as we now have it.

22 MR. UDDO: Now, in conjunction with what Mr.

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1 Richardson just pointed out, I asked Mr. Boehm to come to the
2 table to give us a report on our efforts to reprogram the law
3 school clinic funds, or other supplemental appropriation
4 possibilities.

5 MR. BOEHM: For the record, I'm Ken Boehm,
6 assistant to the president and counsel to the Board.

7 The reprogramming that had been approved by the
8 Board last time has been communicated to the Hill. We're
9 much more likely to get that than we are to get a
10 supplemental, but we may have opportunities at both. Just
11 because of the budget being so tight, when you reprogram
12 money you're not asking for additional funds; you're asking
13 just to rearrange among the lines.

14 Where we are on that is both President O'Hara and
15 myself have talked to key Minority and Majority staffers
16 about the Corporation's needs. We're waiting for an
17 appropriate vehicle at this point.

18 A couple of considerations, short-term, between now
19 and maybe the next Board meeting or over the next two months.

20 One is, if there is an appropriate vehicle and the
21 rules do allow for attaching the reprogramming request, then
22 we're going to do it the very first opportunity.

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1 If not, at the suggestion of both the professional
2 staff on the Appropriations Committee as well as OMB, this is
3 also going to be rolled into our FY '94 request, even though
4 it's a fiscal year '93 adjustment or reprogramming.

5 And, under those circumstances, if we haven't been
6 successful as of the time of our hearing, which is expected
7 to be April, before the House Appropriations Subcommittee,
8 we'll have a chance at that point to put it forward and, at
9 that point, there may be more likelihood of something coming
10 along as well.

11 And again, this was suggested to us both by the
12 folk at OMB as well as the professional staff on the
13 Appropriations Committee. So that's the feeling there.

14 There's also been interest expressed from the
15 Reauthorization Committee, which is just recently reorganized
16 in the House. The Judiciary Committee's Subcommittee on
17 Administrative Law and Governmental Affairs has an interest
18 in this and so, as a courtesy, as we've always done with
19 these appropriations matters, we've forwarded the Board's
20 position to the professional staff on the subcommittee.

21 They have not held hearings and not scheduled
22 hearings on legal services yet, but they have expressed an

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1 interest in what we've decided on this.

2 So that's the near term. And on supplemental
3 appropriations, as I say, that may be a little more
4 difficult, but there should be some opportunities this year
5 as well, and that may be a second bite at the apple.

6 MR. UDDO: Has everything been done on the
7 reprogramming, other than finding a vehicle? I mean, has all
8 the necessary groundwork been done and the appropriate
9 announcement for the request?

10 MR. BOEHM: Yes. We've communicated it both
11 generally and specifically. Generally, earlier, in terms of
12 back at the end of last year when we were looking at this,
13 and just to give them a heads up that the Board was
14 considering it; and then, once the Board did consider it and
15 did have specific dollar amounts, that also has been
16 communicated.

17 Their counsel to us was that, as the appropriate
18 vehicle comes forward, that that's when the subcommittee
19 really is going to have to make their decision. They did say
20 that once the hearing takes place, if it's right after that,
21 that would be the ideal forum.

22 Otherwise, if we see a vehicle -- and by a vehicle,

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1 I just mean a piece of legislation; it has to be
2 appropriations legislation that has to be open to this sort
3 of reprogramming request -- then we'll just move quickly. We
4 won't wait until anything else. We'll just, at that point,
5 meet with them.

6 The subcommittee staff can, assuming the
7 subcommittee members are favorably considering it, will do
8 the necessary drafting, and it can be added on and, if there
9 are not major objections, then we can achieve it. It still
10 has to, of course, go over to the Senate and go through the
11 whole process.

12 MR. UDDO: The timing of all this gives me some
13 concern about the law school grant requests. Did they go out
14 yet?

15 MR. O'HARA: Yes.

16 MR. UDDO: They did go out? Was it noted in the
17 request that this reprogramming was in the offing?

18 MR. HALL: Yes.

19 CHAIRMAN WITTGRAF: Mr. President.

20 MR. HALL: Thank you, Mr. Uddo. I was going to
21 report on that in the President's Report, but since it came
22 up now, I will mention that the law school solicitation was

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1 signed and mailed last week.

2 It did contain the appropriate information which
3 the Board had suggested be inserted regarding funding -- that
4 is, the possibility that the refunding may not be available
5 because of the reprogramming request and the fact that it was
6 not included in the Board's budget request for 1994.

7 MR. UDDO: Okay. Fine.

8 MR. BOEHM: And you're right. The real concern
9 here is when will we know what Congress's disposition of this
10 is. I think that there's a good chance there will be a
11 vehicle between now and the formal, final, necessary
12 decision on the grants going out.

13 But the discomfort, and the problem is going to be
14 that, in order to keep with the timetable for law schools, in
15 order to keep with the traditional timetable, because the
16 money has been appropriated by Congress for this purpose, we
17 had to go forward with those grant letters.

18 MR. O'HARA: I understand that. It just sounds
19 like the process is going to extend long enough into the
20 fiscal year that we're going to create a squeeze point at
21 some point down the road, and I just hope Congress is mindful
22 of that and if there is a way to expedite it, we expedite it

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1 one way or the other, so we know where we stand.

2 CHAIRMAN WITTGRAF: Mr. Boehm, perhaps I've
3 misunderstood this all along, but as I've understood
4 reprogramming, it was not related to a particular piece of
5 legislation but simply was, or at least could be, an
6 affirmative announcement made by the entity -- in this case,
7 the Legal Services Corporation -- that such a reprogramming
8 was being made and that, thereafter, there were 15 days --

9 MR. BOEHM: Yes. Let me explain that, because it's
10 the same word, but it's a different context. And the reason
11 is, you're looking at Section 606, yes, of the appropriations
12 bill, which is actually the section for all the
13 appropriations that deals with that type of reprogramming,
14 and we initially thought that there was a chance we could get
15 in under that.

16 The reason we can't was that this particular item
17 was an actual budget line in the legislation itself. If it
18 was in the report language, even the conference report
19 language -- either House, Senate, or Conference report
20 language -- as direction, as encouragement, as something less
21 than a law, then we could have done it just in the way that
22 you suggest, using Section 606, a letter to the

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1 Appropriations Committee, 15 days passes. It's more of a
2 notice of reprogramming.

3 But, because this appeared as an individual line in
4 the legislation, we were told early on that, to undo
5 something, you need the same level of authority at which it
6 was originally done and so, unfortunately, for practical
7 reasons here, it was done as an individual line, passed by
8 both the House and the Senate, so it has to be undone using
9 the same level of authority. And, you know, as I say, it
10 would have been a lot more easy that way.

11 CHAIRMAN WITTGRAF: Thank you for the
12 clarification. Mr. Uddo.

13 MR. UDDO: I think that's it. Any other comments
14 or questions for Mr. Boehm and Mr. Richardson?

15 (No response.)

16 MR. UDDO: That completes the report of the
17 committee.

18 CHAIRMAN WITTGRAF: Mr. O'Hara.

19 PRESIDENT'S REPORT

20 MR. O'HARA: Thank you, Mr. Chairman. Ken, if you
21 would, stay at the table.

22 I have a number of items, and some of them have

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1 already been covered in the previous committee reports, so
2 mine will be a little shorter.

3 The veterans project, which consists of the
4 \$950,000 which we are handling for the Court of Veterans'
5 Appeals, the consortium recently had a meeting at the
6 Corporation headquarters which we hosted, chaired by David
7 Asbill, who is a prominent D.C. lawyer, who is volunteering
8 his time.

9 You have, amongst the items given to you by the
10 secretary, a letter from the Court of Veterans' Appeals to me
11 discussing the Court's plans for this program for the future
12 and requesting that I attend the court's appropriations
13 hearings before the Senate, which I have agreed to do to
14 answer any questions that the committee members may have
15 regarding our handling of the program.

16 Secondly, the refunding application, which I
17 discussed yesterday, we have an in-house committee which has
18 been working on that document. I expect there will be not
19 only fewer forms, but less information will be requested of
20 the programs as we go down.

21 We are really scrutinizing this in an attempt to
22 make it as brief and as helpful to the programs as we can. A

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1 major focus of our effort this year will be toward the
2 computerization of as much of this application as may be
3 possible.

4 Third, since the last Board meeting, I attended a
5 meeting of the SCLAID Committee in Boston, at the ABA
6 committee, at which time I had the privilege of meeting Mr.
7 Warner, who appeared before the Board this morning.

8 Dennis Archer, the Chair of the SCLAID Committee,
9 asked me to pass on his compliments to the Corporation and to
10 the Board specifically for their legal services commitment
11 and efforts during the past year.

12 It gave Emilia DiSanto and myself, who attended the
13 meeting, an opportunity to meet with members of the committee
14 and discuss the future of the program with them.

15 Third, there is going to be a pro bono meeting in
16 Baltimore between April 15 and 17 and, since it is close to
17 Washington, D.C. I hope to have a number of LSC staff in
18 attendance. It will also give us an opportunity to meet with
19 Charlie Dorsey, executive director of the Legal Services
20 Program in Baltimore, and get a chance to tour his new
21 quarters.

22 The Corporation's annual report is on schedule and

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1 we expect to distribute it during the month of April. The
2 Corporation is also sponsoring a conference in Atlanta,
3 Georgia to deal with migrant issues, and the Office of Field
4 Services staff will be participating in that conference.

5 I've accepted an invitation to be the keynote
6 speaker at a symposium sponsored by the Center for the
7 Medically Dependent and Disabled also in mid-April; and I
8 hope to have an opportunity at that time to visit with the
9 Loyola Law School clinic.

10 This week, I've scheduled a meeting with Larry
11 Lavin of the National Health Law Program to discuss the
12 potential use of some remaining National Support Center funds
13 and thoughts on additional ways the centers can contribute to
14 legal service program needs.

15 This evening, or this afternoon, I will be leaving
16 here to meet with the Board of Directors of the Charles
17 Houston Bar Association Ajudicare Program in Oakland to
18 discuss the operation and activities of that program.

19 At the last Board meeting, I advised the Board of
20 my intention to meet with the Legal Aid Society of Hawaii's
21 Board of Directors regarding operation of that program, which
22 had been on month-to-month funding since December of 1990. I

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1 thought the meeting was a good one.

2 I brought with me Mr. Fortuno, who is our general
3 counsel, and Mr. Bill Sulek from the Office of Monitoring,
4 Audit, and Compliance, who was the team leader on a
5 compliance visit last September.

6 We had an open exchange regarding the concerns of
7 the program personnel, the staff, and the Board, with regards
8 to the prior LSC reports, and I advised them that I would be
9 receptive to their submitting documentation of any of their
10 objections to any portion of the report, and I would review
11 the same personally.

12 It gave me also an opportunity to correct some
13 reported inaccurate statements which were made regarding the
14 current Board, and of the Corporation's commitment to work
15 with, not against, programs. They will be removed from
16 month-to-month funding very shortly and the funds that have
17 been withheld from them over this period of time will be
18 restored.

19 Finally, I would like, on behalf of the Corporate
20 staff -- all 127 of us, which includes Mr. Quatrevaux's
21 staff -- to express our appreciation to Howard Dana for his
22 efforts on behalf of the staff. And I can say this, and I

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1 hope that this will get to the people of Maine: they
2 couldn't have selected anybody to do the kind of a job that a
3 Justice of the Supreme Court can do by selecting anybody
4 other than Howard.

5 The man has an inquisitive mind. He keeps the
6 staff and the Corporation on their toes, and he keeps me off
7 my toes. I will say that justice will be well served in the
8 State of Maine, and we congratulate you.

9 That concludes my report, Mr. Chairman.

10 CHAIRMAN WITTGRAF: Thank you, Mr. President. I've
11 got one question. Could you elaborate a little bit more on
12 the conference in Atlanta? Did I understand that was being
13 sponsored by LSC?

14 MR. O'HARA: Yes. Emilia? It's in April, I
15 believe, right?

16 MS. DiSANTO: Yes. We are going to be co-
17 sponsoring an event on migrant issues in Atlanta. I think
18 among the issues that are going to be discussed is going to
19 be ADR, the future of ADR, and its many facets. An agenda is
20 still being worked up for that meeting at this point in time.
21 We'll be happy to share that with you once it's somewhat
22 finalized.

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1 MR. O'HARA: It's not final yet.

2 CHAIRMAN WITTGRAF: For whom is the conference
3 designed?

4 MS. DiSANTO: For migrant programs.

5 CHAIRMAN WITTGRAF: And when you said "co-
6 sponsored," with whom is it co-sponsored?

7 MR. O'HARA: We're sponsoring it. The Corporation
8 is.

9 MS. DiSANTO: Then it is entirely sponsored by the
10 Corporation.

11 MR. O'HARA: Yes.

12 CHAIRMAN WITTGRAF: Thank you. Further questions
13 or comments for Mr. O'Hara? Mr. Kirk?

14 MR. KIRK: Mr. O'Hara, over the year and a half or
15 so that you've been the president, you and I have had many
16 opportunities to talk about sort of a code of ethics -- an
17 unwritten code of ethics -- that you try to have the members
18 of the Corporation operate under and, in particular, in
19 dealing with the Board.

20 I understand that in years past and, certainly,
21 even the initial few months of my being on the Board, it
22 became a -- it could be used for political purposes as

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1 opposed to purposes of encouraging, or being objective, and
2 just trying to do what the Board as a whole wanted.

3 I would like to ask you to work on perhaps a code
4 of ethics, so that, you know, if someone makes a request to
5 have something done of a member of the Corporation -- special
6 research or something like that -- that should be for the
7 benefit of the entire Board, and copies should be available
8 for everybody. And I would hate for it to ever resort to
9 what I understand it was during a good part of the '80s.

10 So I would like to ask that you work on that and
11 perhaps present something at a future meeting.

12 MR. O'HARA: Thank you, Mr. Kirk. I'd be happy to
13 do that, and we will work on that. I think it's not very
14 difficult to do that. I think, in the time that I have been
15 there, I have instructed the staff that when a request comes
16 in for work like that, that they at least advise me of it.

17 And the finished product, as I understand it --
18 and, if I'm wrong, I stand to be corrected -- the finished
19 product is also furnished to every member of the Board upon
20 completion. But we will work on a code of ethics for the
21 staff.

22 MR. KIRK: I think, to know what people are working

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1 on --

2 MR. O'HARA: You mean as soon as it comes in, to
3 notify the Board?

4 MR. KIRK: I think it might be nice to know that
5 so-and-so has made this request and this is what's being
6 done, so that we have notice that that's being worked on by
7 our staff and won't be surprised if they just happen to
8 finish the final product the day before the hearing, the
9 meeting or something like that.

10 MR. O'HARA: That would be helpful to me, too. I
11 know recently we started doing a lot of timekeeping within
12 the Corporation because we found that certain projects that
13 were underway were not being completed because staff was
14 doing work on other things which even their division
15 directors didn't know about. So we are looking into that and
16 we will include that in our code of ethics.

17 CHAIRMAN WITTGRAF: Do you think it would be fair,
18 Mr. Kirk, to refer to that as a policy as opposed to a code
19 of ethics? In my mind, at least, ethical considerations rise
20 to a higher level than policies to be implemented within an
21 organization. Do you think these are ethical considerations
22 or policy considerations?

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1 MR. KIRK: Mr. Wittgraf, I in no way want to
2 conflict with whatever your views are on what it ought to be
3 and, to me, I think that it's unethical for a member of the
4 Board to use the services of the Corporation for political or
5 partisan purpose. But if that's a policy, I'll be happy to
6 defer to your recommendation on that.

7 CHAIRMAN WITTGRAF: I was more concerned that we
8 were putting an ethical burden on the staff members as
9 opposed to the Board members.

10 MR. KIRK: I don't care. I really don't.

11 CHAIRMAN WITTGRAF: Is there further discussion,
12 questions, or comments for the president?

13 MR. O'HARA: Mr. Boehm.

14 CHAIRMAN WITTGRAF: Oh, Mr. Boehm?

15 MR. O'HARA: On the legislative report.

16 LEGISLATIVE REPORT

17 MR. BOEHM: It's basically some developments with
18 our appropriations, and not much happening, at least as yet,
19 with reauthorization. With appropriations, you remember last
20 year, the subcommittee hearing took place March 25.

21 This year, it's already been mentioned it's
22 probably going to be in April. The reason is that the

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1 Appropriations Committee right now is working on the
2 President's Economic Stimulus Program. They've scheduled
3 things into March for some of their programs that they have.
4 I was told on Friday, just before leaving, that most likely
5 our hearing would come in April.

6 The President, in his economic message to the
7 country, while providing certain details on spending in
8 certain areas, it was not meant to be an all-inclusive budget
9 message. That budget message, however, is expected. It's
10 expected March 23. That date could change a little bit.
11 And, at that point, we may know what the Administration
12 budget is vis-a-vis legal services.

13 As members of the Board remember in the past, OMB
14 is not necessarily by law a part of our loop. We have bypass
15 budget authority was the way the Corporation was set up. So
16 there have been years when there has been nothing in the
17 budget, or just a modest amount, a percentage across the
18 board for all types -- certain categories of spending.

19 So we may or may not know on March 23 what the
20 Administration view is. That will be a good early signal, at
21 least, for fiscal year '94 though, and we'll let the Board
22 know as soon as that happens.

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1 The subcommittee itself, the complete lineup has
2 been announced. As has previously been mentioned, Neal Smith
3 of Iowa remains the Chairman; Hal Rogers of Kentucky remains
4 Ranking Minority. The additional quick lineup, because it is
5 a subcommittee on the Majority side, is Representatives Carr,
6 Mollohan, Moran, Skaggs and Price.

7 CHAIRMAN WITTGRAF: Excuse me just a minute, Mr.
8 Boehm. Does your list or does your mind tell you the states?

9 MR. BOEHM: No. I know a number of the states.
10 Mr. Carr, I know, is Michigan; Mollohan is West Virginia;
11 Moran is Virginia. One-fourth of the Congress is new, and
12 I'm not, off the top of my head, certain.

13 CHAIRMAN WITTGRAF: Mr. Price is North Carolina, I
14 believe. Mr. Skaggs, I believe, is West Virginia.

15 A PARTICIPANT: Colorado.

16 CHAIRMAN WITTGRAF: Colorado. Thank you.

17 MR. BOEHM: Consensually, I think, we'll probably
18 get them all, then. Mr. Kolbe is, as you mentioned, earlier,
19 Arizona.

20 CHAIRMAN WITTGRAF: On the Minority side.

21 MR. BOEHM: Right. On the Minority side. And then
22 also on the Minority side is Mr. Taylor, who is a freshman.

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1 CHAIRMAN WITTGRAF: North Carolina.

2 MR. BOEHM: Then over on the Senate side, the
3 lineup that we have now is, again, the Appropriations
4 Subcommittee is Senator Ernest Hollings of South Carolina
5 chairing it.

6 Also in the Majority are Senators Inouye, Bumpers,
7 Lautenberg, Sasser, and Kerrey of Nebraska; and, on the
8 Republican or Minority side, Pete Domenici of New Mexico is
9 the Ranking Member, Ted Stevens of Alaska is also Minority
10 and the remaining Minority members are Mark Hatfield, Phil
11 Graham and Mitch McConnell.

12 And, of course, they'll be taking -- as is
13 historically the case -- they'll be taking up legal services
14 after the House passes their budget forward in June.

15 On the reauthorization side, the subcommittee has
16 now organized. They finally have a staff. For a while, the
17 previous staff was waiting for other developments with all
18 the changes in Washington before moving on.

19 Mr. Bryant of Texas is the new Chairman. He had
20 previously served on Judiciary. His other committee is
21 Energy and Commerce. He's new to legal services, new to the
22 subcommittee. The expectation is that there will be

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1 hearings. Even though, in the past, there have been hearings
2 over the last two to three years, because so much of the
3 group is new, there will probably be further hearings.

4 They have expressed interest, as I mentioned just a
5 few moments ago, on our appropriations situation as well.
6 There's been special interest in attorney retention and
7 recruitment and what's being done on that particular issue.
8 They share our concerns that that's developing as a serious
9 issue out there.

10 At this point, though -- I did a quick check -- no
11 bills have been introduced, unless it's been in the last
12 couple days, on legal services reauthorization. That's
13 downstream and it very well may be that it won't be
14 considered this session.

15 There's no pressing reason that it would have to be
16 done this session. They could wait for, perhaps, a new
17 Board, more hearings, what have you. This is a busy session
18 on the Hill. There's a lot of confirmations and other things
19 above and beyond the normal legislative business. And so
20 that's certainly a possibility, that it may last until
21 sometime later.

22 That concludes the report.

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1 CHAIRMAN WITTGRAF: Questions are comments for Mr.
2 Boehm?

3 (No response.)

4 CHAIRMAN WITTGRAF: Mr. Boehm, is Mr. Gekas the
5 Ranking Republican Member on the at-law subcommittee?

6 MR. BOEHM: Right. He remains ranking.

7 CHAIRMAN WITTGRAF: Mr. President?

8 MR. O'HARA: That concludes my report, Mr.
9 Chairman.

10 CHAIRMAN WITTGRAF: Further questions or comments
11 for Mr. O'Hara? Mr. Uddo?

12 MR. UDDO: Mr. Chairman, I wanted to revisit Mr.
13 Kirk's suggestion about what I agree with you should really
14 be a policy or a procedure code, rather than an ethics code.

15 I think that we ought to talk a little bit more
16 about exactly how that would work out because I understand
17 what Bud is concerned about, and I think that's fine. But
18 every piece of paper that gets sent to a Board member or
19 committee chairman in preparing a committee meeting -- it
20 might really be excessively burdensome to circulate all that.

21 I mean, in Audit and Appropriations we get dozens
22 of things with little number changes just because they're

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1 reworking the numbers or the numbers are wrong or something's
2 changed. Certainly, whatever is going to be considered by
3 the committee when the final proposed budget or whatever is
4 completed, I think that that should be circulated and always
5 is circulated.

6 But, you know, there's an awful lot of paper that
7 goes back and forth between a committee chair and the staff
8 in getting to the point of having a committee meeting and,
9 you know, I don't know that it makes much sense for every
10 piece of paper that goes back and forth to be circulated to
11 the entire Board.

12 So I think that what you're concerned about is any
13 information that would be necessary or helpful to prepare for
14 a committee meeting or a Board meeting so that you don't get
15 surprised with anything. And I think there should be a way
16 of defining what that stuff is separate and apart from every
17 piece of paper that goes back and forth in preparation for a
18 meeting.

19 What that kind of reflect what you're most
20 concerned about, that you see all Board members and committee
21 members see in advance all those things that are certainly
22 going to be necessary to prepare for and participate in the

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1 meeting?

2 CHAIRMAN WITTGRAF: Mr. Kirk?

3 MR. KIRK: Thank you, Mr. Chairman. I have given
4 just some notes to the president. I don't think he's had a
5 chance to review them. But this is the type of thing that
6 would certainly be available for you to review.

7 I would think that items that took less than 30
8 minutes or something like that really should be, but if
9 there's a substantial commitment of time by the staff member
10 or what have you, that it might be the business of everyone.

11 I don't know where we draw that line, but I
12 wouldn't envision a chairman working back and forth with this
13 committee member; but my understanding is that there has been
14 an abuse, both in the '70s and in the '80s, by Board members
15 utilizing various staff members.

16 So I did not anticipate every single piece of
17 paper, and I don't believe --

18 MR. UDDO: Well, I didn't think you did.

19 MR. KIRK: -- that anything that I have said -- I
20 didn't mean to indicate that and, certainly, my conversations
21 previously with the president would indicate that it's
22 certainly a reasonable thing where there was some commitment

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1 of time involved.

2 CHAIRMAN WITTGRAF: Mr. Uddo.

3 MR. UDDO: I think that we're saying the same
4 thing, and that's why I just thought that, lest the president
5 feel that we're talking about a standard that I think would
6 be excessively burdensome on the staff, I don't have any
7 problem with notifying Board members of what staff is working
8 on for a committee chair or for an individual Board member in
9 terms of subject matter. I don't think that's a problem.

10 But again, every piece of paper -- and, look, I've
11 been the victim of that in the '80s, too, so I know what
12 you're talking about, and it did happen. And I think that
13 that needs to be avoided.

14 But also, I think that we've got to be careful
15 about adding burdens to the staff, to be shuffling paper to
16 11 folks on the Board that really have no particular
17 significance other than they're another link in the chain of
18 getting prepared for a meeting.

19 So I would just suggest, Mr. O'Hara, that it sounds
20 like Mr. Kirk and I are saying the same thing, and come up
21 with a policy that works that way.

22 MR. O'HARA: Mr. Chairman?

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1 CHAIRMAN WITTGRAF: Mr. President.

2 MR. O'HARA: Mr. Uddo, thank you, and Mr. Kirk.
3 May I propose to the Board that I go back and sit with senior
4 staff and solicit some of their thoughts and also their
5 observations on what has been the history of this area, and
6 come back to the Board at the next Board meeting with some
7 suggestions or recommendations for the Board?

8 CHAIRMAN WITTGRAF: Thank you, Mr. President.

9 MR. DANA: Mr. Chairman?

10 CHAIRMAN WITTGRAF: Mr. Dana.

11 MR. DANA: Not to prolong this, but it seems to me
12 that in your deliberations you ought to think how this might
13 apply in the IG oversight area.

14 The IG Oversight Committee, I think and,
15 particularly, the chairman of the IG Oversight Committee, of
16 necessity I think, may obtain more information than even the
17 rest of the members of this committee or the full Board; and
18 I think that is probably healthy and necessary in that
19 situation. So I think there are exceptions, and that's one
20 that ought to be focused on.

21 CHAIRMAN WITTGRAF: Thank you, Mr. Dana. Further
22 discussion on this issue or further questions, comments, or

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1 discussion regarding the president and his report?

2 (No response.)

3 CHAIRMAN WITTGRAF: If not, the Chair recognizes
4 the Corporation's inspector general, Mr. Quatrevaux, for his
5 report. As the Chair recognizes General Quatrevaux, he calls
6 the Board members' attention to the fact that we have a
7 monthly activity summary from General Quatrevaux dated
8 February 4, 1993.

9 Mr. Quatrevaux.

10 INSPECTOR GENERAL'S REPORT

11 MR. QUATREVAUX: Thank you, Mr. Chairman. I only
12 have one item for you today.

13 A basic element of fraud prevention is to create
14 awareness of the problem with all concerned. My office has
15 compiled fiscal year 1992 loss data. That is, losses
16 resulting from criminal activity both in the Corporation and
17 the field.

18 The data is summary in nature. That is, no
19 specific incidents are described. But it is detailed by such
20 characteristics as the type of crime, the type of funds
21 involved, and the position titles of the individuals
22 involved. We'll soon review that data with the Corporation

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1 management and share it with the Board.

2 But, from time to time, Mr. Chairman, you have
3 suggested or you have asked what we could do to assist the
4 field in this regard in terms of prevention of fraud; and
5 this is the objective of this effort. We will include such
6 information as indicators that were present prior to the loss
7 as well as various tips that might be useful in preventing
8 fraud.

9 CHAIRMAN WITTGRAF: When are you expecting that you
10 might have that ready?

11 MR. QUATREVAUX: Prior to the next Board meeting.

12 CHAIRMAN WITTGRAF: Good.

13 MR. QUATREVAUX: That's all I have, Mr. Chairman.

14 CHAIRMAN WITTGRAF: I have one question. On the
15 monthly activity summary for January of this year, there are
16 apparently six complaints or referrals. Two of those did
17 come from the hotline. What was the nature of those; do you
18 recall?

19 MR. QUATREVAUX: I would not want to discuss that
20 in this forum, Mr. Chairman. Let me also add for your
21 information that the data -- that the number, the quantity
22 that you seek, for example, for hotline calls -- is not the

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1 number of calls received, but the number of cases opened as a
2 consequence of those calls.

3 CHAIRMAN WITTGRAF: Do you have any sense of the
4 number of calls or inquiries received on the hotline overall,
5 say, for January?

6 MR. QUATREVAUX: No, I don't. I'd want to ask
7 staff. Let me say in that regard that I attended the annual
8 inspector general conference this past week and there were a
9 number of presentations on a hotline. It was an agenda item.

10 And, remarkably, the experiences of the federal
11 sector and the various states -- there are now seven states
12 that have established Offices of Inspector General, and it
13 seems to be almost consistent across the board that
14 approximately 5 to 7 percent of the total volume results in
15 the opening of inquiries and, among those, approximately one-
16 third turn out to be of value.

17 CHAIRMAN WITTGRAF: Five to seven percent of the
18 hotline inquiries result in the opening of files?

19 MR. QUATREVAUX: Correct.

20 CHAIRMAN WITTGRAF: And then a third of those
21 materialize into serious allegations or substantive
22 allegations?

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1 MR. QUATREVAUX: No, I'm sorry. I misspoke. One-
2 third result in substantiation of the allegations.

3 CHAIRMAN WITTGRAF: Questions or comments for the
4 inspector general?

5 (No response.)

6 CHAIRMAN WITTGRAF: Thank you, Mr. Quatrevaux.

7 MR. QUATREVAUX: Thank you, Mr. Chairman.

8 CHAIRMAN WITTGRAF: At this time, the Chair is
9 prepared to receive a motion to allow us to proceed to closed
10 or executive session. Before doing so, let me make a couple
11 of administrative comments for our friends and for our staff.

12 It's the Chair's expectation that we will be in
13 executive session until approximately 12:30 p.m. I don't
14 think that there's too much that's going to keep us beyond
15 that time.

16 When we return to open session, I don't anticipate
17 that we will be pursuing any substantive business, although
18 we do have the general item of other business, and that's
19 open-ended, of course. But I don't expect any major items.

20 Following our return to open session, then, at
21 approximately 12:30 and, presumably, adjournment shortly
22 thereafter, some number of the Board members, staff members,

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1 and others who might be interested will be proceeding first
2 to a migrant farm location and, thereafter, to the Urban Law
3 Indian Project.

4 It's the Chair's understanding, from the schedules
5 of the respective Board members, that almost all of the Board
6 members will be participating in the first half of the trip.
7 Several of the Board members will need to drop off, though,
8 and catch flights and not be able to go on to the Urban Law
9 Indian Project.

10 There will not be time, as I understand it, for us
11 actually to go to a migrant camp but, rather, only the
12 migrant farm location, which we'll do initially. Also, we'll
13 plan to depart at approximately 1:00 p.m. and between about
14 12:30 and 1:00 p.m., the Chair encourages anyone who will be
15 going to dress in his or her most casual attire.

16 Having said that, the Chair is prepared to receive
17 a motion that we proceed to executive or closed session.

18 M O T I O N

19 MR. SHUMWAY: So moved.

20 CHAIRMAN WITTGRAF: It's been moved by Mr. Shumway.

21 MR. UDDO: Second.

22 CHAIRMAN WITTGRAF: Seconded by Mr. Uddo.

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1 Number 15, the consideration of other business to come before
2 the Board at this time.

3 Is there any such business?

4 (No response.)

5 CHAIRMAN WITTGRAF: Is there any other business to
6 come before the Board at this time? Mr. Dana?

7 MR. DANA: Only I would like to say, formally,
8 goodbye to all of you, and I'll chat with each of you later.
9 But I really have enjoyed it. I wish you Godspeed in your
10 deliberations, and I hope you'll pray for me in mine.

11 CHAIRMAN WITTGRAF: We look forward to joining you
12 soon in retirement, but we will miss you in the meantime.

13 Further business to come before the Board at this
14 time? Ms. Love?

15 MS. LOVE: I'm going to miss Howard, but I still
16 have Mr. Kirk.

17 MR. KIRK: Boy, what a compliment.

18 (Laughter.)

19 CHAIRMAN WITTGRAF: The two kind of go together in
20 my mind, too, Ms. Love. That's kind of the way I've been
21 thinking. I may miss Mr. Dana, but I've still got Mr. Kirk.

22 (Laughter.)

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1 CHAIRMAN WITTGRAF: Further discission?

2 (No response.)

3 CHAIRMAN WITTGRAF: Hearing none, the Chair is
4 prepared to entertain a motion to adjourn.

5 M O T I O N

6 MR. DANA: So moved.

7 CHAIRMAN WITTGRAF: It's been moved by Mr. Dana.

8 MR. SHUMWAY: Second.

9 CHAIRMAN WITTGRAF: Seconded by Mr. Shumway.

10 Those who are in favor of the motion will signify
11 by saying aye.

12 (Chorus of ayes.)

13 CHAIRMAN WITTGRAF: Those opposed, nay.

14 (No response.)

15 CHAIRMAN WITTGRAF: The ayes appear to have it; the
16 ayes do have it. The meeting is adjourned. We will plan to
17 depart from the front of the hotel at 1:00 p.m.

18 (Whereupon, at 12:20 p.m., the meeting of the Board
19 of Directors was adjourned.)

20 * * * * *

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