

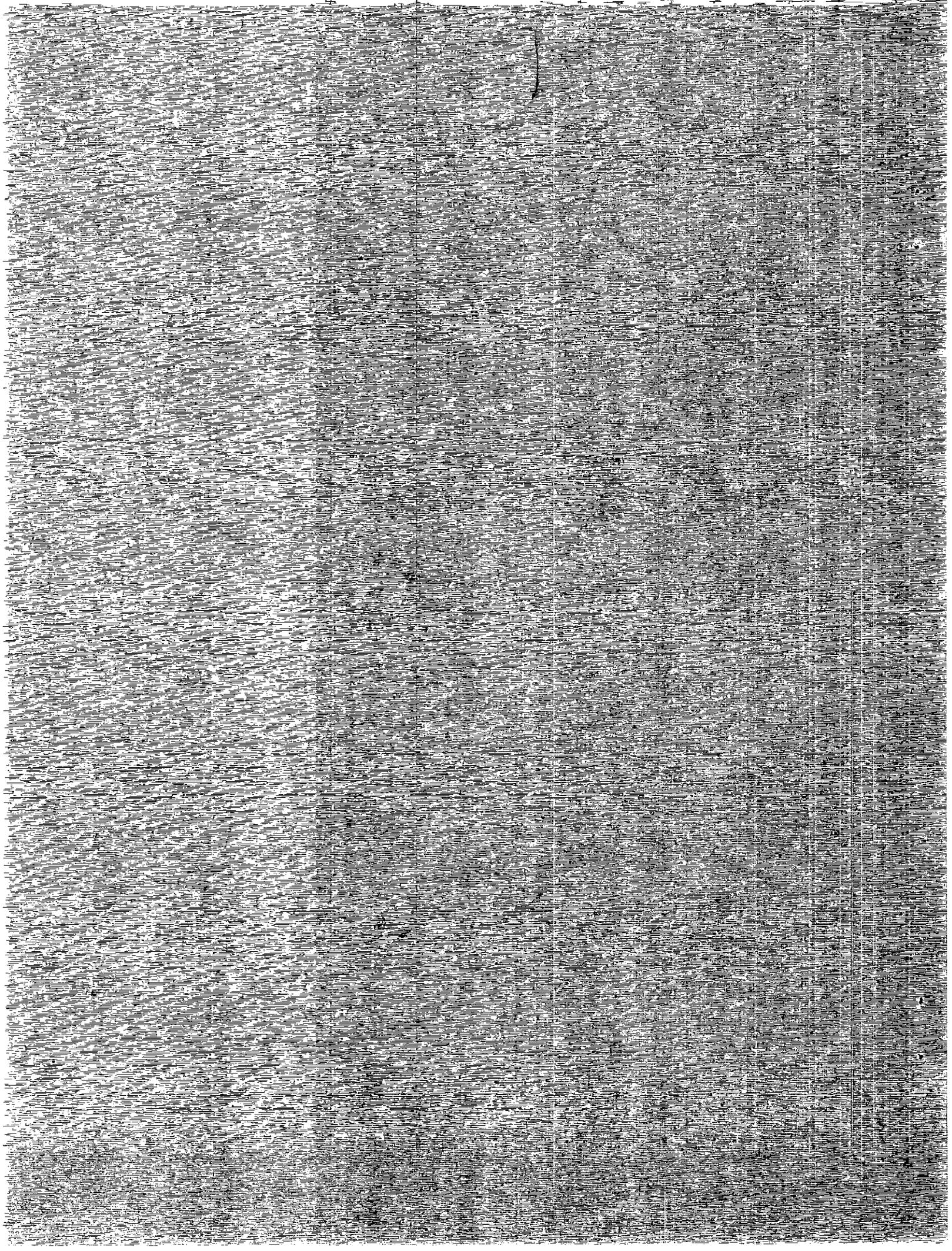
LEGAL SERVICES CORPORATION
BOARD OF DIRECTORS
AUDIT AND APPROPRIATIONS COMMITTEE MEETING

January 28, 1993

1:25 p.m.

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

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



BOARD MEMBERS PRESENT:

Howard H. Dana, Jr., Chairman
J. Blakeley Hall
William L. Kirk, Jr.
Jo Betts Love
Norman D. Shumway
Basile J. Uddo
George W. Wittgraf
Jeanine E. Wolbeck

STAFF PRESENT:

John P. O'Hara, President
Emilia DiSanto, Acting Vice President
Patricia D. Batie, Secretary
David Richardson, Comptroller and Treasurer

OTHERS:

Curtis Berger, President
Association of American Law Schools
Liz Ryan Cole, President
Clinical Legal Education Association
Mary Burdick, Director
Western Center on Law and Poverty
Rosie Newsome, Co-Chair, F
Project Advisory Group

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P R O C E E D I N G S

(1:25 p.m.)

CHAIRMAN DANA: I want to welcome everyone here to the meeting of the Audit and Appropriations Committee.

With me are committee members Jeanine Wolbeck and Basile Uddo, fellow Board members Blakeley Hall, Jo Betts Love, Chairman Wittgraf, and at least two or three other members are likely to return, as well as the president and members of the staff.

I have been asked by him from whom we take our orders -- actually, her from whom we take our orders -- to speak into the microphone. And I would ask my fellow Board members, too. But it seems to me that if there are some seats down front and if people want to move down if they can't hear, I encourage them to do so.

Today we have what may be a long agenda, but an interesting one, and the first item on it would be to approve it, and I would entertain a motion to that effect. It's on page 9 of the handout, which I assume is in the back of the room.

M O T I O N

MS. WOLBECK: So moved.

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1 MR. UDDO: Second.

2 CHAIRMAN DANA: Moved and seconded.

3 I should have said that after item 4 on the agenda
4 we have a -- I would like the committee's permission to hear
5 from Mary Burdick, who is executive director of the Center of
6 -- Western Center of Law -- Poverty Law, who was involved in
7 training.

8 And do I understand your motion to include that
9 addition?

10 MS. WOLBECK: So moved.

11 CHAIRMAN DANA: And the second?

12 MR. UDDO: Second.

13 CHAIRMAN DANA: Thank you.

14 Without addition, all those in favor say aye.

15 (Chorus of ayes.)

16 CHAIRMAN DANA: Opposed?

17 (No response.)

18 CHAIRMAN DANA: It's a vote.

19 The next item on the agenda is approval of minutes
20 of the December 6, 1992, meeting, which I believe is also
21 present in the Board book at pages 11 through 14.

22 Do I hear a motion to approve these minutes?

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M O T I O N

1
2 MS. WOLBECK: So moved.

3 CHAIRMAN DANA: Is there a second?

4 MR. UDDO: Second.

5 CHAIRMAN DANA: Any discussion, additions, or
6 corrections?

7 (No response.)

8 CHAIRMAN DANA: Hearing none, all those in favor,
9 say aye.

10 (Chorus of ayes.)

11 CHAIRMAN DANA: Opposed?

12 (No response.)

13 CHAIRMAN DANA: It's a vote.

14 At this time, I understand that items 3 and 4 are
15 being combined.

16 And I would ask that Curtis Berger, president of
17 the Association of American Law Schools, and Liz Ryan Cole,
18 president of the Clinical Legal Education Association, please
19 come forward.

20 And we know why you're here, and we're anxious to
21 hear from you.

22

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1 PRESENTATION ON CONTINUED FUNDING OF

2 LAW SCHOOL CLINICAL PROGRAMS

3 BY CURTIS BERGER, PRESIDENT,

4 ASSOCIATION OF AMERICAN LAW SCHOOLS,

5 MR. BERGER: Thank you, Mr. Dana --

6 CHAIRMAN DANA: You're very welcome.

7 MR. BERGER: -- and members of the committee.

8 I'm going to speak first, I believe relatively
9 briefly. And then Liz Ryan Cole will follow me. And then we
10 will be happy to take any questions you may have.

11 We thank you for the opportunity to appear before
12 the committee this afternoon. I appear as the president of
13 the Association of American Law Schools. In my other life, I
14 am the Wien Professor at Columbia Law School.

15 The ALS is the umbrella organization for 158 member
16 law schools throughout the United States, and it is also the
17 learned society for the nearly 8,000 men and women who are
18 full-time law teachers.

19 I also chair the Executive Committee of the
20 Association. And at our January meeting, we learned that, as
21 it was reported to us, of a proposed action taken by the
22 Legal Services Corporation to ask Congress to transfer a line

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1 item of \$1.2 million that is designated for law school
2 clinics for Fiscal '93 to other uses.

3 In the wake of that report, the Executive Committee
4 of the Association voted unanimously to ask the Corporation
5 not to make that move. And I wrote to the Corporation
6 expressing that view and asking for an opportunity to appear.

7 Since writing the letter, we learned that the
8 Corporation had already voted to seek Congress' permission to
9 make the move at its December meeting. And so I'm in the
10 somewhat uncomfortable position of asking the committee to
11 change its recommendation, or to reconsider its original
12 recommendation, and to ask the Board to reconsider its move.

13 Let me state why the ALS believes that the Law
14 School Clinic Program should be continued. First and
15 foremost, after reading the December report, we believe that
16 the program has been a rousing success in advancing the goals
17 for which the program was created.

18 The principal goals are to augment legal services,
19 to sensitize students to the legal needs of the poor, and to
20 train them to serve those needs, and to create a future group
21 of lawyers interested in serving the poor. And as to each of
22 those principal goals, we believe that the program has been

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1 very successful.

2 With respect to augmenting Legal Services, I
3 believe that should be measured not only in the number of
4 clients served or the cases closed, approximately 4,000 a
5 year, but also in the fact that many of the law school
6 clinics serve areas that are relatively underserved.

7 I think it's no accident that the two law schools
8 that have received as many as six grants from the Corporation
9 are Southern Illinois Law School in Carbondale, Illinois, and
10 the University of North Dakota Law School in Grand Fork. And
11 among the schools that have received as many as five grants
12 are schools like Gonzaga and the University of Nebraska.

13 The Southern Illinois program, for example, the one
14 that was funded until this year, served the elderly poor in
15 13 counties in Southern Illinois.

16 I spoke to Howard Eisenberg, now the dean at the
17 University of Arkansas Law School, who formerly directed that
18 program. And he pointed out that Southern Illinois is nearer
19 to Little Rock than it is to Chicago and that the nearest
20 major office of the Legal Services Corporation is in Alton,
21 which is about a hundred miles north of Carbondale.

22 And his students in that program visited on a

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1 regular basis 20 senior citizen centers, which, I believe,
2 would not have been accessible to the Carbondale or the Alton
3 offices, and brought legal services to those elderly poor.

4 Another way the law school clinics, as I see it, go
5 beyond what might otherwise be available, they very often
6 innovate in subject matter. For example, Yale Law School
7 this year has a clinic whose client population are persons
8 who suffer from HIV-positive.

9 Now, this was a brainchild of first- and second-
10 year Yale law students, and this program has been partly
11 funded by Legal Services Corporation and has operated very
12 effectively.

13 Second, the program has advanced the goal of
14 sensitizing students to the legal needs of the poor and has
15 trained them to serve those needs.

16 According to your report, 69 percent of the
17 students who entered these clinics had had no prior
18 experience dealing with poor clients. After their experience
19 in the clinic, 87 percent said that they felt more confident,
20 comfortable in their ability to handle matters for poor
21 clients.

22 To gauge the success of the training that they

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1 received, only 1 percent of the students judged their
2 training as less than "satisfactory" or "highly
3 satisfactory." There are always a few complainers. And most
4 of the students believed that the experience that they had
5 was "highly satisfactory."

6 Now, the third goal is to create a future cadre of
7 lawyers interested in serving the poor. Now, we don't know
8 -- I don't believe there are any numbers that indicate what
9 fraction of students who complete these clinics do go on to
10 become legal aid or public defender lawyers. Anecdotally, we
11 will leave it somewhere between a fifth and a third.

12 What we do know from your report is that nearly
13 two-thirds, over 60 percent, of the students who had taken a
14 Legal Services funded clinic reported that they would
15 continue to practice public interest law after their
16 graduation.

17 And that is roughly 50 percent more than the number
18 of students who said that they were interested in pursuing a
19 public interest, legal services representation of the poor at
20 the time that they joined the clinics.

21 And if they become lawyers for the poor, they will
22 be better equipped and better trained. They will have a head

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1 start as a result of their experience in law school.

2 Now, in looking at your minutes of the December
3 meeting, I had the sense that one of the views that some of
4 the members of the committee and the Corporation expressed
5 was that, yes, this is a good program, it has advanced its
6 goals, but it's not all that important in the larger scheme
7 of things. So it won't be terribly missed.

8 After all, it's only \$1.2 million a year. The
9 Department of Education program is \$8 million a year. There
10 is a \$75,000 limit on the size of the grant to any program,
11 and it's a one-year, not a multi-year, program. And so if it
12 disappears, what difference does it make? I think that's a
13 mistake.

14 And the program helps to pay for 60,000
15 student-hours a year, and I would bet that that is only the
16 tip of the iceberg, that those are hours that students spend
17 in the classroom or at the clinical office, and that for
18 every hour that a student spends in the classroom or the
19 clinical hour, there are many other hours that are spent
20 preparing for the classroom, preparing for the clinic,
21 traveling back and forth.

22 The demand for grants has continued to rise, even

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1 as the Department of Education funding has grown from
2 \$1 million to \$8 million over a relatively short period. The
3 demand for LSC grants has continued to rise from 39 in
4 1990-'91 to 47 in 1992-'93. And then we believe that that
5 reflects both an increase in student interest for this kind
6 of training and an increase in client need.

7 In looking at the comments of clinical directors
8 that appear in your report, the kinds of concerns that were
9 frequently expressed were that the demand for the enrollment
10 exceeds the faculty availability, the number of students
11 stretched beyond the space available -- that the clinic was
12 burdened by the overdemand for assistance, by the
13 overwhelmingly requests for help.

14 And we believe at the Association that these trends
15 are going to continue. We find that our students are thirsty
16 for clinical experience.

17 The MacCrate Task Force Report, which was done
18 under the aegis of the Section on Legal Education of the
19 American Bar Association, is calling for a renewed commitment
20 by law schools to train their students in the skills and
21 values that are needed for the practice of law.

22 Students are increasingly ready to accept

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1 professional responsibility. There are 21 schools, including
2 my own, that now have instituted mandatory or voluntary
3 pro bono programs.

4 Experiential education, clinical education,
5 however, is very costly. It's labor-intensive. And as the
6 student interest in clinical experience grows, as the need
7 for legal services grows, law schools are faced with the
8 problems of financing all their programs.

9 We are in an era of hard times for legal education.
10 And so this program, even though it's only \$1.2 million, has
11 made a difference in legal education, and we are certain that
12 it will continue to make a difference.

13 So in closing, we realize that you have to make a
14 painful choice. But in making the choice that you have made,
15 you elect to seek the elimination of the Law School Clinic
16 Program.

17 You have voted to end a program that has performed
18 admirably in meeting its goals, that does make a difference,
19 and that performs a unique role within the legal services
20 program. This is the one program that not only delivers
21 legal services effectively, but also trains and inculcates
22 the next generation of lawyers for service to the poor.

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1 Thank you.

2 CHAIRMAN DANA: Thank you, Professor Berger.

3 PRESENTATION ON CONTINUED FUNDING OF
4 LAW SCHOOL CLINICAL PROGRAMS
5 AND LIZ RYAN COLE, PRESIDENT,
6 CLINICAL LEGAL EDUCATION ASSOCIATION

7 MS. COLE: Thank you.

8 I'm Liz Ryan Cole. I teach at Vermont Law School,
9 and I am here as president of the Clinical Legal Education
10 Association. We are an organization composed of individual
11 members who are involved and interested in clinical teaching
12 methodology.

13 Many people are traditional clinical teachers;
14 other members are field supervisors from externship clinics
15 and practicing lawyers who are interested in supporting
16 clinical methodology.

17 It's nice to go second, because you don't have to
18 say all the things that you had planned. And there is
19 nothing that President Berger has said that I would disagree
20 with. Rather, I would like to raise some perspectives that I
21 hope will be fresh ones for you and will encourage you to
22 reconsider your vote of last week.

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1 I think that you are proceeding on insufficient
2 information. And if I can perhaps illustrate some of the
3 areas where you have insufficient information, you will be
4 able to look at what you need.

5 I think there are two areas: One is there are
6 problems with your arguments, the arguments at least that I
7 saw advanced in the transcript, for eliminating the funding
8 in the first place. And then there are problems with the
9 proposed new uses for the monies.

10 As far as the arguments advanced for eliminating
11 the monies, I understand that one of the points was that the
12 law schools aren't counting on the money. And I can assure
13 you that that is not the case.

14 But in addition to my personal assurance, let me
15 remind you that the program has been in existence since 1984,
16 that the funds have already been appropriated by Congress, so
17 people sitting around doing budgets in the law schools in the
18 fall have seen that come through.

19 And if the chart on page 21 of your yellow-covered
20 December report is accurate, the number of grants which are
21 repeat grants are almost two-thirds of those given out. So
22 even though they are one-year grants, anybody trying to

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1 develop a program is going to understand that the Corporation
2 has a pattern of continuing to fund interesting and valuable
3 work.

4 And so there's no reason to conclude that the law
5 schools are not counting on it because they're a one-year
6 program. As a matter of fact, many of the law schools there
7 have four or five grants.

8 The second point is that there are other funding
9 sources now picking up the slack, and I would say two things
10 to that. Yes, the DOE is putting in money, and that's
11 terrifically important.

12 But think about what your goals are with this
13 program. If your goal is increased service to the field, we
14 all know that service is still far behind what it was 10
15 years ago, and taking this money away will not help you
16 improve service.

17 If your goal -- and, in fact, the actual need is
18 worse than it was 10 years ago. So even if the funding is
19 the same, the need is greater.

20 Second, much more needs to be done. President
21 Berger referred to the McCrate Report, and I would go back
22 and refer to that as well. In terms of service, we need to

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1 be a leader. The Legal Services Corporation needs to be a
2 leader.

3 Third, in terms of other ways for law schools to be
4 involved, one of the suggestions made was in the area of
5 training. And those of you involved in the world of legal
6 education know that it's hard enough to get skills training
7 brought into the classroom, into the traditional classroom.
8 In fact, law schools which are effective in bringing skills
9 training in are often talked about derogatorily as
10 "vocational law schools."

11 Looking to the law schools for resources is a
12 terrific idea. It needs to be encouraged. Looking to the
13 traditional faculty member to provide training for the Legal
14 Services field program is not, I suggest, an effective way to
15 encourage cooperation.

16 I think these fallacious arguments are coming
17 about, in fact, because you've had to hurry up the report.
18 Just as I read through the report, a couple of questions came
19 to my mind that I think you would want to look at.

20 For example, there's a question about students, was
21 this their first -- how effective were they dealing with
22 low-income clients. But the question wasn't asked to compare

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1 what their experience was in dealing with clients in general.
2 My experience is this is probably the first time they ever
3 dealt with any client, whether they were a low-income client
4 or not. And I think that's a distinction that should be
5 made.

6 The question is: What is an open case?

7 How do you compare an open case here with an open
8 case with a field program?

9 Why do schools such as Yale or the University of
10 Colorado at Boulder show "not applicable" in their total
11 clinical dollars when we know that they have significant
12 clinical programs?

13 And what is a clinic?

14 You look at the number of students who are involved
15 in clinics, and I couldn't figure out why there was this huge
16 drop between last year and this year.

17 Well, Tulane's mandatory pro bono program is
18 included. I think it's a terrific idea. Whether mandatory
19 pro bono counts as a clinic I think is an open question.

20 The second area then, I would say, is: What are
21 you going to do with the money that you're suggesting should
22 be changed? As I understand it, the proposal is to divide it

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1 roughly onto thirds. Well, if you do that, let's look at
2 loan forgiveness.

3 In Vermont, which is a very small state, we've been
4 considering a loan-forgiveness program. We believe that we
5 would need about \$200,000 invested in order to have two
6 students a year be able to work with a Legal Services
7 program.

8 Well, let's be optimistic and say that if you took
9 \$400,000 of your \$1.2 million and invested it, and you
10 assumed that a student had \$5,000 to \$10,000 a year in
11 repayments, which is a safe, conservative assumption, you
12 would buy four lawyers a year. Well, four lawyers a year
13 versus 20 clinics a year is not an effective use of those
14 monies.

15 If you measure it in hours, I don't know that I
16 agree with the 60,000-hour figure. But let's take that
17 figure and compare the 60,000 hours that you are buying now
18 with the clinic money versus the 8,000 hours you could get
19 from four attorneys a year?

20 Or let's say you took the money instead and hired
21 new people. Well, maybe at the most you were going to get
22 16,000 attorney-hours a year. But you're not going to begin

1 to touch the 60,000 hours of attorney time a year or law
2 student time providing services to the low-income poor.

3 You talk about attorney recruitment. I don't think
4 attorney recruitment is a problem for the Legal Services
5 programs around the country. We don't have the opportunity
6 to interview the hundreds of wonderful people who send
7 applications to us on a regular basis, because there aren't
8 the jobs to fill.

9 I serve on the Board of the Vermont Legal Aid
10 Program. I've served on that Board for the past 12 years.
11 We have not been able to hire any of the clerks who have
12 applied to us, either from the Vermont Supreme Court, the
13 Federal Court System, or the Court of the Supreme Court of
14 Maine, who would like to come and work for Vermont Legal
15 Services, because we simply have to lay people off more often
16 than we can hire new, wonderful people.

17 Recruitment isn't a problem. Retention -- I think
18 there are other issues, but I don't think you need to look at
19 those issues until you can look at the bottom line. I think,
20 finally, you have an unanticipated affect if you proceed with
21 this.

22 One of the goals of your clinic program was to

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1 foster communication between the law schools and the field
2 programs. CLEA believes that that's a very important goal,
3 and it's one that the Corporation needs to consider
4 continuing.

5 If you take this relatively small amount of money
6 and make it available for competition, you are going to see
7 the divisiveness that always comes, no matter how well
8 intentioned people are, when they're competing for the same
9 amount of money.

10 I think instead -- you look confused, so let me
11 address that a little bit. If clinicians are looking to
12 compete with field programs for the same pot of money for
13 field service delivery, then instead of having cooperation, I
14 am afraid we will go back to what was historically true when
15 the Corporation first created this clinical program, which
16 was hostility between clinics and the field.

17 And if our ultimate goal is to provide effective
18 legal services for the low-income poor, we need to maximize
19 cooperation between the law schools and the clinical
20 programs, not set up competition, certainly not over this
21 amount of money.

22 I think for this year it's completely inappropriate

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1 to ask Congress to change the use of this money. If, in the
2 future, the Corporation wants to look at whether funding a
3 clinic component is appropriate, you need to gather more
4 information and be clear on the goals which you want to
5 accomplish.

6 That's all I'd like to say in my formal statement.
7 Thank you.

8 CHAIRMAN DANA: Thank you both very much.

9 Are there questions from committee members or Board
10 members?

11 MR. UDDO: Mr. Chairman.

12 CHAIRMAN DANA: Mr. Uddo.

13 MR. UDDO: Mr. Berger and Ms. Cole, it's probably
14 no surprise to you that it was my proposal that accounted for
15 the Board's action.

16 And I can tell you, Ms. Cole, for the '94 Fiscal
17 Year budget, we're also -- at least my budget is recommending
18 that the law school line not be funded in '94. And let me
19 tell you why.

20 I've been here long enough to also be able to take
21 some credit for the creation of the Law School Clinic
22 Program, because I was on the Board when it was first

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1 created.

2 And you said '84. I don't think it was '84. I
3 think it was later than '84. If somebody knows the exact
4 year, they can tell me. But I don't think I was on the Board
5 in '84.

6 Was it '84?

7 MR. MOSES: '85. '84 was the first year of grants.

8 MR. UDDO: '84? It's longer ago than I thought.

9 MS. COLE: I have the advantage. I worked for the
10 Corporation in '81.

11 MR. UDDO: In '81? Yeah, okay.

12 What each of you said is correct. This has been a
13 successful program, but I don't think that that should mean
14 that it should exist forever, because its original intent, I
15 think, has been achieved.

16 I think it's original intent was --- back in '85 or
17 '85, whenever it started, clinical education was much more
18 sparse in law schools that it is now, support for clinical
19 education was much sparser than it is now. An awareness of
20 what clinics could do, not only in a community or in a law
21 school or in the larger scheme of delivering legal services,
22 I think was misunderstood.

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1 And one of the original intents, one of the real
2 original intents of this program was to overcome some of
3 those things, to be seed money for some law schools that
4 didn't have clinics to start a law clinic, not forever to be
5 funded by the Legal Services Corporation, but to start a law
6 clinic and to generate some interest and some enthusiasm for
7 a law clinic.

8 And then that LSC money would go somewhere else and
9 maybe start another law clinic somewhere else, or expand the
10 clinic from a smaller clinic to a larger clinic, or get it
11 interested in another area of delivery of legal services.

12 I would venture to say that the greatest success of
13 the program is that a number of law schools did start clinics
14 because of the availability of this money.

15 I don't know of any clinic that started with LSC
16 money -- and that doesn't mean there isn't one, but I don't
17 know of one that started with LSC money that stopped
18 functioning after there were no more LSC grants, because
19 there are a number of law schools that have gotten LSC grants
20 that didn't continue to get LSC grants.

21 I think that the interest and enthusiasm that was
22 generated for clinical education, I hope, was partly

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1 responsible for the Department of Education, the real part of
2 the federal government that ought to be concerned about this,
3 increasing its appropriation for law school clinics over the
4 last three years from \$3.8 million to \$9.9 million. That's
5 the most recent appropriation for the Department of Education
6 Law School Clinic Program.

7 I hope that maybe we had something to do with
8 generating the interest in the Department of Education as law
9 schools and law clinics became more widely in place and
10 supported.

11 Where we are today with this organization, this
12 Corporation, is that we have a severe limitation of funds,
13 more so than most people recognize.

14 Last year we told Congress we needed \$525 million
15 to do what this organization is supposed to do, and we got
16 \$357 million. That is not enough money to do what the Legal
17 Services Corporation needs to do.

18 Consequently, we do have to make hard choices, hard
19 decisions. We've got to figure out whether we're spending
20 the money the best way or not. And the \$1.2 million for law
21 school clinics is very difficult to justify now that I think
22 it has achieved its primary function and that there is such a

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1 need for money in field programs and direct delivery of legal
2 services.

3 And on top of that, the Department of Education has
4 \$9.9 million available for similar kinds of programs.
5 Actually, it's a better program, because as I understand it,
6 it can be as long as a three-year grant.

7 And the minimum size of the grant is larger, so the
8 DOE grants, I think, are probably much more effective,
9 because, Ms. Cole, I think it was you, or maybe it was
10 Mr. Berger, who said that it's not a valid criticism that
11 they're only one-year grants with a \$75,000 maximum. I think
12 that is a valid criticism.

13 It's very difficult to depend upon a one-year grant
14 for much of anything, particularly a small one-year grant. I
15 mean, some of the grants are \$30- or \$40,000. How much can
16 you add to the impact of a clinic with a one-year \$30,000
17 grant?

18 And by the time the university takes its overhead
19 costs out of that, and by the time that you try to find
20 somebody that's -- what, you're going to add another
21 supervisor, attorney supervisor, and offer him a one-year
22 contract at \$27-something-thousand?

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1 That's not really going to help your clinic that
2 much, in my opinion. And in my law school's clinics
3 experience, it's hard to make those kinds of changes on a
4 one-year basis.

5 So I think that the program has been successful. I
6 think it's been very successful. I think it's one of the
7 reasons why we've got more clinics and law schools today than
8 we did eight or ten years ago.

9 I think that there's more respect for clinical
10 legal education. I think there's more support and enthusiasm
11 for it, and I hope that we're partly responsible for that.

12 But now I think it's great that the Department of
13 Education has appropriated this much money -- Congress has
14 appropriated it for the Department of Education -- because
15 that's really where I think the emphasis has to go now, on
16 the educational component of clinical education.

17 In addition, I don't think that we can continue to
18 appropriate \$1.2 million for clinics on the theory that we
19 need to do that for law schools who are perfectly capable of
20 doing it for themselves.

21 I mean, I am little astounded to hear the example
22 of Yale Law School, Mr. Berger. I mean, Yale Law School is

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1 certainly not an institution that needs a \$75,000 or a
2 \$50,000 grant from LSC to start its AIDS clinic. That's \$50-
3 or \$75,000 that really, I believe, could be better used in an
4 underfunded field program for whom \$50- or \$75,000 could mean
5 a lot.

6 I don't know a lot about Yale's finances, but I
7 know Yale is not strapped for money. And I think law schools
8 have to assume this responsibility now. I think we're passed
9 the point where there's a debate about clinical legal
10 education. I think it's a fact of life. I think any law
11 school worth its reputation has to have a clinical component,
12 and I think it's the responsibility of the law school to have
13 it and to fund it.

14 Now, they've got the help of the Department of
15 Education, and that's great. But I don't think that our
16 limited funds can continue to be used for clinical legal
17 education. So I'm not going to support a reversal of our
18 earlier decision.

19 And as I said, I think for future budgets, at least
20 as long as I'm here, which probably won't be much longer, I'm
21 going to continue to suggest that the money be spent in other
22 places.

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1 Now, let me say something about where the money is
2 going to be spent. For '94, Fiscal Year '94, that budget
3 does not specify a particular place that that money goes.
4 It's just a completely new budget with different
5 recommendations.

6 But we are -- at least my budget proposal is to put
7 a fairly sizable amount of money into attorney recruitment,
8 loan-forgiveness pilot projects. It's not an attempt to fund
9 loan-forgiveness programs, because obviously a million
10 dollars isn't going to provide too much loan forgiveness
11 money.

12 The idea is to start shifting the focus now to
13 something that people in the field tell us ia a problem,
14 recruitment and retention. Recruitment in some areas of the
15 country is very difficult. Maybe not in Vermont, maybe not
16 in some big cities, but there are parts of the country where
17 it's difficult to recruit attorneys for legal services
18 programs.

19 And everywhere retention is a problem, because so
20 many students come out of law school with such debt that it's
21 difficult for them to continue to work in legal services
22 programs and have to pay their student loans.

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1 So at our conference back in -- about a month,
2 George -- tell me the month our conference was.

3 MR. WITTGRAF: September.

4 MR. UDDO: September. One of the major themes that
5 came across in the sessions that I was involved in is that we
6 need to do something to help our grantees retain good
7 attorneys who can't afford to stay otherwise.

8 So this money is not to provide loan forgiveness,
9 but to create pilot projects in conjunction with law schools,
10 in conjunction with states, in conjunction with state bar
11 associations, in conjunction with Congress, whoever. Let's
12 figure out ways to create good loan-forgiveness programs so
13 these folks can stay in legal services work longer than they
14 can now, because of economic realities.

15 So that -- I just don't want -- I mean, I -- I
16 don't know what the chairman wants to do with this issue.
17 Oh, the '93 money that we talked about would be divided
18 somewhat along the lines that you talked about, but most of
19 the money would go either to the field or to an early attempt
20 to start to create these pilot projects for recruitment and
21 retention. That's where most of the money would go.

22 I read a letter somewhere that somebody said that

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1 we were going to take \$1.2 million from clinics and put it
2 into management, administration of the Corporation. That was
3 never said by me or anyone else on this Board. It was never
4 intended to be the case.

5 And if in the budget crunch that we were in or have
6 been in for the office here in Washington, it was never
7 intended that more than \$100- or \$200,000 of that money would
8 be necessary to cover the M&A shortfall.

9 So whoever made that statement made it incorrectly,
10 and I know a lot of information gets around, but it was never
11 intended that the entirety of that money or even any
12 substantial part of it would go to management and
13 administration.

14 Thank you.

15 CHAIRMAN DANA: Thank you. I take it that Mr. Uddo
16 is not going to make the motion to reconsider.

17 (Laughter)

18 CHAIRMAN DANA: Is there -- are there other members
19 of the Board or committee that wish to ask any questions or
20 make observations?

21 Do you have a reaction to anything that has been
22 said?

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1 MR. BERGER: I would like to reply to Professor
2 Uddo.

3 I would like to make four points, Professor Uddo.

4 First, this is a direct funding of legal services
5 in the sense that these students will deliver legal services
6 to the poor, just as your offices do.

7 And it has the further benefit of sensitizing law
8 students and training law students for future careers as
9 legal services lawyers. And even if the graduates of these
10 clinics don't become legal services lawyers, many of them, in
11 their private practices, as a result of this experience, will
12 want to and will succeed in delivering services to the poor
13 on a pro bono basis.

14 Second, my sense is that you're absolutely wrong,
15 Professor Uddo, in saying that there are no instances -- you
16 know of no instances, there are no instances where, if
17 funding, LSC funding, disappears, the clinic will not
18 continue.

19 I have a letter from Robert Golden, who is the
20 director of an Indian law clinic that is being funded this
21 year by Legal Services Corporation. He learned of your
22 action, and he knew I was going to appear before the

1 committee today, and he asked me to talk about his clinic as
2 a "for instance." And I will read one paragraph from his
3 letter.

4 "As I indicated to you on the phone, this Indian
5 Law Clinical Program has had a high volume, handled more than
6 200 cases in the past year since we began on January 15,
7 1992, has generated a good deal of attention, and from the
8 law school's standpoint, has been highly successful in
9 attracting Native American law students to the school and in
10 providing solid practical experience and tough training to
11 student attorneys.

12 "Our budget has been extremely lean. We've gotten
13 space and in-kind support from the university but our
14 \$100,000 annual operating budget has been supplied mostly by
15 the Legal Services Corporation, with some supplemental
16 private foundation support.

17 "We think that if we can keep this program going
18 for three or four more years, we will be able to wean
19 ourselves off of LSC money and maintain our momentum,
20 although not with university support. As I indicated, the
21 law school's budget is very tight; and in a state initiative
22 this past election, Colorado voters have imposed a further

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1 squeeze on public funding."

2 That gets me to the third point. The third point
3 is: Yes, as a result of your Law School Clinical Program, as
4 a result of others efforts, the readiness of law schools to
5 create and fund Law School Clinical Programs has risen
6 immeasurably. In a sense, you've created a taste, an
7 appetite, for clinical or experiential training among our
8 students.

9 But even now, not more than one student in three at
10 most law schools will have received any kind of clinical
11 experience before he or she graduates. And to think of law
12 schools, including publicly funded law schools, as being a
13 bottomless pit, as having a reservoir of monies that are
14 available to expand programs to meet the demand, I think is
15 simply a misreading of the availability of funding at
16 American law schools at the present time.

17 A fourth point is you mentioned Yale as a poor
18 example of a school that ought to be getting LSC funding. I
19 think the reason Yale got the grant this year was because the
20 program was an innovative one. And if the program succeeds,
21 I am confident that, in this instance, Yale Law School will
22 find the funds to continue it.

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1 But I think that the LSC program serves a role that
2 perhaps is underappreciated. Every law school dean, every
3 law faculty, has to make choices, just as you have to make
4 choices. And as you know, Professor Uddo, at most American
5 law schools, faculty support for clinical education, although
6 much greater now than it was 10 years ago, still has not
7 become a ground swell of enthusiasm.

8 And therefore, a law school very often has to
9 decide, do we put -- and remember that LSC funding in most
10 instances pays on the average of 30 percent of the cost of a
11 program. And so the law school has to decide, "Even if we
12 get LSC funding, are we prepared to put \$125- or \$150,000 of
13 our own money into this new clinical program?"

14 The grant system, the competition system, the
15 decision by LSC to fund this program because it seems like a
16 worthy program is often the marginal voice that has to be
17 heard for the school to go forward with the program. And
18 then if it succeeds, perhaps the funding for it will appear.

19 And so I believe that this is a program that is
20 worthy of retention. You know, there's an old saying, "If it
21 ain't broke, don't fix it." And what I would say to you here
22 is: "If it ain't broke, don't discard it."

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1 CHAIRMAN DANA: Thank you. Thank you both for two
2 excellent presentations.

3 This may well be a dress rehearsal for your next
4 presentation. Like everybody else, we, in this particular
5 setting, only make a recommendation. It is ultimately
6 Congress that would be required to authorize a
7 de-appropriation for this year and a noncontinuance for next.

8 And I know you are appreciative of the fact that
9 while law school clinics, when you combine the federal
10 dollars coming from the Department of Education and Legal
11 Services, have actually gone -- will go up this coming year
12 by 8 percent.

13 If we cut out the 1.2 million that comes from Legal
14 Services and go up by 20 percent or more if we don't, then
15 all of the components of the Legal Services Program in this
16 country, their funding is going down because of the loss of
17 IOLTA funds and a 2 percent increase overall in Legal
18 Services funds.

19 So the committee was of the view that we had --
20 while perhaps the law school program isn't broke, Legal
21 Services in this country is rapidly becoming so. And we are
22 doing what we can to balance these competing needs.

1 I think your presentation is excellent, but I think
2 you're going to have to take it an appeal if I read the tea
3 leaves correctly. But please give my best to Max. And thank
4 you very much for coming.

5 If it was your intention to come again and give
6 this presentation tomorrow to the full Board, perhaps we
7 could arrange an audience with the three members who are --
8 who will be here tomorrow.

9 And, of course, the whole Board can -- any one
10 Board member can move to reconsider at tomorrow's hearing.
11 So I don't know how to -- I don't know how to orchestrate a
12 special session with those three, but I think that would be
13 probably productive.

14 MR. BERGER: Are you suggesting, Mr., Dana, that we
15 not appear before the full Board tomorrow then?

16 CHAIRMAN DANA: You can -- I'm thinking that maybe
17 the three members of the -- I'm not sure how we can
18 orchestrate it. I think maybe you should appear, unless
19 we're able to get you together with the three.

20 MR. BERGER: And I would like to make a point now,
21 then, that I had intended to make tomorrow, because I think
22 it has to be said.

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1 CHAIRMAN DANA: No, I want you -- I don't want to
2 -- I don't want to prevent you from appearing tomorrow. And
3 you're on the agenda, and I think that's as it should be.

4 My hope was that you could have an opportunity to
5 meet with the three members who haven't heard your full
6 presentation, privately or in some other way, but that may
7 not be possible.

8 But you're welcome to make whatever point you were
9 going to make.

10 MR. BERGER: Let me state this. But for the
11 decision that the Corporation took in December, the requests
12 for proposals would have been drafted and published sometime
13 in January, as I understand your timetable. And the
14 proposals would have been due by the first of March.

15 And awards for your Fiscal '93, which would be the
16 law school's '93-'94 academic year, would be -- would have
17 been announced in May.

18 On the assumption that the Board does not
19 reconsider its decision tomorrow, we're in this never-never
20 land, as I see it, because the status is that the
21 Corporation plans to make a recommendation to Congress, which
22 means that there will be no requests for proposals.

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1 And am I right in believing that?

2 CHAIRMAN DANA: I hope you're wrong. It seems to
3 me that we have to proceed on two tracks. It is -- Congress
4 has directed us to continue the program at the level
5 indicated.

6 And until Congress changes its mind, we have to --
7 we should be proceeding with the normal application process
8 so that if Congress disagrees with our assessment, the grants
9 will be made in at the appropriate time, so that you can plan
10 for next year.

11 I don't believe that there is any intention to deny
12 Congress -- to override Congress without giving them an
13 opportunity to speak on the issue.

14 Am I correct, Mr. Berger?

15 MR. BERGER: So there will be an RFP published
16 sometime soon? Is that --

17 CHAIRMAN DANA: That certainly would be my belief.
18 It is hard to get to -- Congress has been otherwise occupied.
19 And we haven't apparently gotten even an audience with the
20 appropriate committees on this request. And so if they turn
21 us down, we have to be in a position to do what they had
22 intended us to do.

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1 MR. BERGER: I just want to stress how important it
2 is to adhere to the usual timetable, because grants made even
3 as late as the first of May come at the very end of the
4 current academic year.

5 And plans for funding and operating clinics for the
6 academic year that begins on July 1st ought to have been made
7 by then. So we urge you, as strenuously as we can, for there
8 not to be any delay, any further delay, in the usual
9 schedule.

10 MS. COLE: In the event that tomorrow is different
11 than I anticipated, I want to illustrate two
12 misunderstandings.

13 CHAIRMAN DANA: I'm going to ask you to be brief,
14 because --

15 MS. COLE: I'm going to be.

16 CHAIRMAN DANA: Thank you.

17 MS. COLE: Vermont Law School, my own institution,
18 did not continue what we were funded to do by LSC after the
19 grant was stopped. I believe you will discover, if you have
20 an opportunity, that the assumptions upon which you're making
21 your decisions are faulty.

22 MR. UDDO: Well, can I just ask you why?

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1 MS. COLE: Because we simply don't have the
2 resources. We are a tuition-driven school. And we have a
3 low-income clinic. What happened is we added a third
4 attorney. And when the monies were gone, the third attorney
5 was gone.

6 MR. UDDO: So you're actually arguing for perpetual
7 funding from the LSC?

8 MS. COLE: No. I'm saying this year it's too late
9 to change your mind without finding out more. That's all I
10 will say. It may be that when your goals are clarified, that
11 changing the course of the funding to field programs may be
12 appropriate. I just think that you don't have the
13 information.

14 And let me ask a question, which is: Am I not
15 correct that last year at this time the RFPs were already
16 out?

17 Is that a question, too? I don't know who will
18 know the answer to that.

19 CHAIRMAN DANA: Ellen. Ellen, can you tell us what
20 the -- excuse me, she's otherwise occupied.

21 MS. COLE: Sure.

22 CHAIRMAN DANA: Ellen, the issue is when -- when

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1 were the RFPs out last year? And when do you anticipate they
2 will be out this year?

3 MS. SMEAD: My recollection is that they were out
4 in mid-January last year. They came back the beginning of
5 March. At this time, we do not have a solicitation ready to
6 go, and we have no money in the budget for a competition.

7 MR. BERGER: I don't understand that.

8 CHAIRMAN DANA: No money in the budget for a
9 competition. There's at least two of us who don't understand
10 that.

11 MS. SMEAD: What that means is, in order to conduct
12 -- in order to conduct the review, we hire consultants to
13 review the proposals.

14 And our budget, as it stands now, does not have any
15 money to pay the consultants to come in and review the
16 proposals or to pay for their transportation here. So we
17 don't have the money to pay the consulting fees or the --

18 CHAIRMAN DANA: And I take it that -- that those
19 costs came from the M&A line, not the 1.2 million?

20 MS. SMEAD: Correct. They came from the M&A line
21 and specifically from the Technical Assistance Division's
22 budget.

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1 CHAIRMAN DANA: And approximately what kinds of
2 resources are involved in this?

3 MS. SMEAD: Approximately \$10,000.

4 CHAIRMAN DANA: All right. And how quickly --
5 setting aside the \$10,000 for a moment, how quickly could the
6 Corporation get out RFPs?

7 MS. SMEAD: Within a couple of weeks.

8 CHAIRMAN DANA: I think that's your answer.

9 Thank you.

10 MS. COLE: Thank you very much.

11 CHAIRMAN DANA: The next item on the agenda is a
12 presentation from Mary Burdick.

13 Mary, if you would be so kind as to introduce
14 yourself for the record.

15 PRESENTATION BY MARY BURDICK, EXECUTIVE DIRECTOR,
16 WESTERN CENTER ON LAW AND POVERTY IN LOS ANGELES

17 MS. BURDICK: Thank you. My name is Mary Burdick.
18 I am the director of the Western Center on Law and Poverty in
19 Los Angeles.

20 I am here to speak to you today about a couple of
21 proposals I understand you considered at your last Board
22 meeting, both of which would have eliminated all funding next

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1 year for the Regional Training Center line item and for the
2 five Regional Training Centers, and instead would divert the
3 training funds either to the Legal Services Corporation staff
4 or to State Support Centers.

5 You should have all already received a letter from
6 Mary Thomas, who is the director of the Southeast Regional
7 Training Center, giving you some history and background and
8 the perspective of the five Regional Training Centers on this
9 proposal.

10 I'll try and be brief. But before I begin, I'd
11 like to give you a little background about myself and center
12 and where we fit in on this issue.

13 I've been at Western Center for 18 years, and I've
14 been the director for the last 9. We are the largest State
15 Support Center that you fund and therefore would be a
16 beneficiary if regional training money were diverted to
17 State Support Centers.

18 On the other hand, we are the smallest of the five
19 Regional Training Centers that you fund and also, therefore,
20 have a direct interest in the Regional Training Center
21 system.

22 In addition to my experiences through the Regional

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1 Training Center and the State Support Center, in the delivery
2 of training to Legal Services at President Jack O'Hara's
3 request, I have been working with the LSC staff on the
4 training for peer reviewers as part of the competitive
5 demonstration project. So I have a fairly broad range of
6 experience in the delivery of training to Legal Services
7 attorneys.

8 I would just like to make it very clear that I hope
9 I can give you a dispassionate view, because neither my job
10 nor the existence of my institution, Western Center, depends
11 at all on the continued receipt of the Regional Training
12 Center Grant.

13 We're a \$2 million program. Of that amount,
14 1.2 million comes from the Legal Services Corporation, but
15 only 50,000 is for our Regional Training Center operation.

16 Our primary concern with the proposals before the
17 Board to eliminate the Regional Training Center line item is
18 that the proposal puts the cart before the horse.

19 It assumes that you are going to do a study or an
20 analysis of the best way, most efficient way, to delivery
21 training services and are going to conclude that the Regional
22 Training Centers are the piece of the system that should be

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1 eliminated.

2 But we have absolutely no objection to a study and
3 analysis of the delivery of training. And, in fact, we think
4 such a thing would be a good idea. I am on the Advisory
5 Committee of the NLADA's Uniting Support Project, and we are
6 regularly meeting and looking at our training and delivery
7 system and trying to see how all the pieces could work
8 together better. State support, national support, Regional
9 Training Centers, are all a part of this effort.

10 But we're all a part of one delivery system, and I
11 think elimination of one component before you study the whole
12 delivery system is not the best way to proceed. I think if
13 you did do a study, you would quickly realize why
14 centralizing training at the Corporation is not the way to go
15 and why diffusing the money to state support, also, is not
16 the way to go.

17 In the late '70s, the Legal Services Corporation
18 staff and Board did study whether training should be
19 centralized or regionalized, and determined, after getting a
20 lot of input from the field and doing a lot of thoughtful
21 analysis, that centralized training was not cost-efficient.
22 It also wasn't very responsive. It costs a lot more to

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1 deliver training round the field from Washington than it does
2 through Regional Centers.

3 I think the other thing you would come to realize
4 is that if you take the money that goes to Regional Training
5 Centers, which this year is, for example, 700,000, and if you
6 divided that into 50 states and gave it to the State Support
7 Centers, you would have so badly diluted the money that no
8 state would have enough money to hire a professional trainer.

9 My own experience trying to deliver training
10 through a State Support Center is that you can't take a
11 full-time litigator and say, "We have a little more money.
12 Now, you're a trainer."

13 You don't get good training designed, you don't get
14 good materials, you don't get good delivery, you don't get
15 thoughtful presentations that are responsive to adult
16 learning theory unless you have a full-time professional
17 trainer who isn't diverted by other responsibilities in the
18 delivery of services.

19 And I think the most cost-effective way to be able
20 to afford a cadre of professional trainers is what we have
21 now, the Regional Training Centers where all the training
22 centers are able to afford a professional trainer responsive

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1 to their region.

2 I'd be happy to take questions.

3 CHAIRMAN DANA: Thank you very much.

4 Are there questions of Mary Burdick?

5 MR. UDDO: Mr. Chairman?

6 CHAIRMAN DANA: Mr. Uddo.

7 MR. UDDO: Ms. Burdick, I just wanted to tell you
8 that my proposal was one of the ones that I think you were
9 addressing, and I have since modified my proposal.

10 MS. BURDICK: Okay.

11 MR. UDDO: And, in fact, it is a proposed increase
12 in Regional Training Centers.

13 MS. BURDICK: Okay.

14 (Laughter)

15 MR. UDDO: Now, don't get overly excited about
16 that, because I'm still confused about training. I still
17 don't know exactly what we get for the money and whether
18 we're getting it the best way and whether there's not a
19 better way to do it. But I was persuaded that it ought not
20 be done in reverse fashion.

21 So at least my proposal, which I hope to garner the
22 support of the Board on, I've preserved the regional training

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1 Center line and moved it from \$711,000 to \$800,000, but I
2 have added a line called "Training Study" with \$100,000 in
3 it, which I would hope would be used to figure out what's
4 training all about, what are we getting for the money we're
5 spending, is there a better way to do it, is there a more
6 comprehensive way? And let's -- I've been here a long time,
7 and I still don't understand the Regional Training Centers
8 and all they do.

9 So that's my resolution of it in light of your
10 objection and the one that was contained in the letter.

11 MS. BURDICK: Okay. I just have two comments.
12 First, I appreciate very much your reconsideration of your
13 initial proposal. The Regional Training Centers would be
14 happy to cooperate with a committee of this Board, a special
15 committee, ad hoc committee, such as the Support Study
16 Committee that you had a number of years ago. So that I
17 think you could get a picture of how training is delivered
18 without spending \$100,000 for consultants.

19 MR. UDDO: You don't mean my Support Study
20 Committee, do you, the National Support Center Study?

21 MS. BURDICK: No. We go back again -- 1984 or
22 whatever it was, you had a State Support Committee.

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1 MR. UDDO: Well, that was the National and State
2 Support that I was chairman of, but I don't think you want
3 that kind of committee to undertake the study. That didn't
4 get anywhere.

5 MS. BURDICK: Well, I think a Board committee that
6 hears from all the components of the field about how training
7 is delivered could learn fairly quickly, at least how the
8 current system works.

9 My own program got a \$50,000 grant from the Ford
10 Foundation to study state support, and we gathered an awful
11 lot of information about how the State Support System works,
12 and you've seen that. My initial reaction is you really
13 don't need to spend that much money to study the delivery
14 system.

15 CHAIRMAN DANA: All right.

16 MR. UDDO: If this is approved, then I would expect
17 that once it gets off the ground that you volunteer your
18 services to work with the appropriate staff and Board members
19 to undertake that study.

20 MS. BURDICK: Right. How quick can you get out the
21 RFP?

22 (Laughter)

1 MS. BURDICK: My second --

2 CHAIRMAN DANA: Oh, excuse me. Go ahead.

3 MS. BURDICK: I'll keep it very brief.

4 CHAIRMAN DANA: Thank you.

5 MS. BURDICK: My second remark is just that I
6 believe all the components of the support system, state
7 support, national support, Regional Training Centers, should
8 all get the same increase as the field is getting next year.

9 And to the extent that that is not reflected in
10 your proposal, the Regional Training Centers believe that all
11 the support components should have the same increase in large
12 part because the amount of money spent for training has
13 decreased from about 6 million to 600,000 or 7000,000 in the
14 last 10 years. And I think that's felt in the field.

15 MR. UDDO: Well, that's not reflected in my
16 proposal, and I don't expect that I'm going to change my mind
17 about that.

18 MS. BURDICK: And I appreciate that.

19 MR. UDDO: Okay.

20 CHAIRMAN DANA: Thank you.

21 Are there other questions of this able advocate
22 who's batting .500?

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1 MR. RICHARDSON: Like you said, remedy is it,
2 Mr. Chairman?

3 CHAIRMAN DANA: I guess so.

4 I thank you.

5 MS. BURDICK: Thank you.

6 CHAIRMAN DANA: The next item on the agenda is item
7 5, Consideration of Status Report on Leasing of the
8 Corporation's Former Office Space.

9 The brave man steps up to the table.

10 CONSIDERATION OF STATUS REPORT ON LEASING OF

11 THE CORPORATION'S FORMER OFFICE SPACE

12 BY DAVID L. RICHARDSON, TREASURER AND COMPTROLLER

13 MR. RICHARDSON: For the record, my name is David
14 Richardson. I'm the treasurer-comptroller of the
15 Corporation.

16 We have completed negotiations on the original
17 9,000. We are receiving rent on that at this point. And
18 that was subleased to HUD. HUD -- we have responded to a
19 second solicitation for offer, or at least Trammell Crow has
20 on our behalf, because they have now come forward and need an
21 additional 10,- to 11,000 square feet of space. So those
22 negotiations are going forward.

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1 Unfortunately, with the change in administration
2 and the changes of each agency head, the people that come
3 forward from FAA, the IRS, EPA, have now stepped back until
4 the completion of the confirmation hearings and they get
5 their heads and their authority in place before they make any
6 decision about expanding space.

7 So basically at this point there's -- we have 9,000
8 leased, have another 10 to 11 that we hope to complete in the
9 next -- hopefully in the next month.

10 There is one stumbling block, and that is that GSA
11 is not going out in a competitive environment for this offer.
12 Since we are quasi-government, they are attempting to take it
13 without the competition.

14 They have to go before a competition advocate,
15 which I understand was supposed to have happened last week.
16 Unfortunately, that was canceled, and it's supposed to be
17 done next week so that they can bypass that particular stage
18 of it and move forward with the solicitation proffer that
19 we've responded to.

20 CHAIRMAN DANA: Are there any questions of
21 Mr. Richardson?

22 Thank you for -- yes, sir.

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1 MR. RICHARDSON: There is one other one that just
2 comes to mind. The executive office area at 400 Virginia
3 Avenue we have subleased for 120 days to a consulting group
4 for NASA, and they moved in at the end of December, first of
5 January.

6 And they're also paying rent on that, so some money
7 is coming for it; but they will be moving out March 31, so
8 it's a 90-day lease.

9 CHAIRMAN DANA: Okay. Thank you.

10 I think it may be premature to talk this way, but
11 someone once told me that it's not illegal to break a lease,
12 and you can, if you -- we are having no success in basically
13 renting the space.

14 If all of our efforts come to naught, we can turn
15 it back and let our landlord endeavor to do it, and probably
16 end up paying the difference between what they're able to
17 recover and what we otherwise would have.

18 Thank you.

19 And don't go away, because the next item on the
20 agenda is Consideration and Review of Proposed Fiscal Year
21 1993 Consolidated Operating Budget.

22

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1 CONSIDERATION AND REVIEW OF PROPOSED
2 FISCAL YEAR 1993 CONSOLIDATED OPERATING BUDGET

3 CHAIRMAN DANA: That is something that I think we
4 annually do inadvertently in two steps. We spend all of our
5 time dealing with the M&A line and forget that the COB
6 includes all of the various lines that are not the M&A. And
7 we have a handout.

8 I take it, for the record, you would like us to
9 make a -- our committee to make a recommendation to the full
10 Board that the full Board adopt a 1993 consolidated operating
11 budget as set forth in attachments -- the attachment to this
12 memo of January 26, 1993?

13 MR. RICHARDSON: That is correct, sir.

14 CHAIRMAN DANA: Is there such a motion?

15 M O T I O N

16 MR. UDDO: So moved.

17 CHAIRMAN DANA: Second?

18 MS. WOLBECK: Second.

19 CHAIRMAN DANA: Any discussion?

20 (No response.)

21 CHAIRMAN DANA: Hearing none, all those in favor
22 say aye.

1 (Chorus of ayes)

2 CHAIRMAN DANA: It's a vote.

3 Now, the next item of the agenda is item 7.

4 PUBLIC COMMENT REGARDING THE FISCAL YEAR 1994

5 APPROPRIATIONS REQUEST FOR THE CORPORATION

6 CHAIRMAN DANA: Well, that's right, section 7 is
7 set forth as public comment regarding Fiscal Year 1994
8 appropriation request for the Corporation. Section 8 is
9 actually a consideration of that.

10 If there are -- if there are members of the public
11 who wish to address us before we deliberate on our 1994
12 appropriations request, would they raise their hand? Is
13 there anyone in the room?

14 (No response.)

15 CHAIRMAN DANA: All right. Not foreclosing, you're
16 subsequently changing your mind, but if -- hearing none,
17 we'll move on to item 8.

18 CONSIDERATION OF PROPOSED FISCAL YEAR 1944

19 APPROPRIATIONS REQUEST FOR THE CORPORATION

20 CHAIRMAN DANA: For the record, before us -- and I
21 trust out in the audience -- there are three proposals,
22 proposals denominated B, C, and D, and there is a sheet which

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1 compares these B, C, and D, together with the Appropriations
2 levels for 1992 and '93.

3 I take it that Proposal D is a revision of Proposal
4 A, and Proposal A has been withdrawn. The floor is now open
5 for a motion to -- for -- I guess of the Audit and
6 Appropriations Committee to recommend one or more of these
7 proposals to the full Board.

8 MS. WOLBECK: Mr. Chairman.

9 CHAIRMAN DANA: Yes.

10 MS. WOLBECK: I would like to go through first and
11 notice the difference between them.

12 CHAIRMAN DANA: Fine.

13 MR. SHUMWAY: Mr. Chairman, could you also tell us
14 who the authors of the different budgets are, why we have
15 three?

16 CHAIRMAN DANA: I would be happy to, to the extent
17 that I'm aware of that. My understanding is -- and please
18 correct me if I am wrong -- that Proposal B is the current
19 staff proposal and is, I think, the first of a three-year
20 proposal that -- and I think Mr. Richardson probably should
21 address that -- if you are the appropriate person from the
22 staff.

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1 Proposal C, I believe, is Mr. Kirk's proposal?

2 MR. KIRK: Yes, sir.

3 CHAIRMAN DANA: And Proposal D is Mr. Uddo's
4 current proposal.

5 And let's take a minute and proceed in alphabetical
6 order. And if you would indicate, are you going to be
7 speaking to the staff proposal, David?

8 MR. RICHARDSON: Yes, sir, I will.

9 CHAIRMAN DANA: If you would briefly summarize it
10 and indicate where it differs from this year's appropriation
11 and make whatever advocacy comments you would like.

12 MR. RICHARDSON: Okay. We originally started
13 looking at this a few months ago in regards to the '94
14 appropriation. And we were looking at a three-step approach.

15 Our original figure, yes, is the \$399 million that
16 you have before you. However, in light of additional
17 information, we would have increased this mark up to
18 approximately \$420 million, because we do see that the IOLTA
19 funding and some of the other funding sources, United Way,
20 that our programs have been receiving -- will be receiving
21 less money this year.

22 When working with each of the Board members, I

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1 found that there was someone coming forward with the
2 \$440 million request, we did not amend this original request.

3 The second year of our proposal, which we would
4 have increased up to -- it was either \$420 to \$430 million.

5 The second year of our proposal would take us to
6 approximately \$5 million.

7 CHAIRMAN DANA: 500?

8 MR. RICHARDSON: 500 million, yes.

9 And in the third year, it would go to approximately
10 600 million.

11 So we were showing a graduated effort to increase
12 the fuel funding. Most of the increase was going into the
13 basic fuel component, with increases much along the line that
14 you see in an Attachment C going to the remaining portions of
15 the other programs.

16 Just to highlight a couple of the changes, most of
17 them are -- as you look down, B, C, and D are pretty --
18 pretty much the same, but with different dollar figures.

19 We had included money in the staff proposal for
20 some technical assistant grants and for expansion
21 consolidation. We do see some continued effort along those
22 lines.

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1 And, of course, anytime that we -- in the technical
2 assistance, we have many requests for computers, telephone
3 equipment, and also for additional training and materials
4 that they require. And that is as far as the grantees.

5 As far as with the expansion and consolidation and
6 merger grants, there is continued interest in that. It does
7 take money to -- when you have two programs, to buy out a
8 particular lease when you're combining, to pay off debts, and
9 to get the two programs combined on solid footing.

10 MR. WITTGRAF: Mr. Chairman.

11 CHAIRMAN DANA: Mr. Chairman.

12 MR. WITTGRAF: Just for clarification,
13 Mr. Richardson, is it fair to assume that proposals B and C
14 at line III-H are essentially the same as V at line III-C,
15 except for the different figure? And those are the same
16 things said in different ways and placed at different
17 positions, are they not?

18 MR. RICHARDSON: Yes, sir, they are.

19 MR. WITTGRAF: Thank you.

20 CHAIRMAN DANA: I notice, Mr. Richardson, that
21 you -- the staff proposal is to -- in II-A-1 and -- want to
22 eliminate Regional Training Centers?

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1 MR. RICHARDSON: Yes, sir. And we were looking at
2 that in light of Board comment at the prior meeting.

3 CHAIRMAN DANA: So to the extent that this is a
4 proposal, B is, to some extent, an effort of the staff to
5 reflect views that are from the Board?

6 MR. RICHARDSON: That is correct, sir.

7 CHAIRMAN DANA: I see.

8 MR. RICHARDSON: And -- well, that's true.

9 CHAIRMAN DANA: Mr. President.

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

11 That's a fair comment by David, but I think we
12 should, for the record, point out that prior to the time that
13 we started working on this Board, I had been meeting with
14 Mary Burdick, who was here just a few minutes ago to testify,
15 regarding a greater use of the Regional Training Centers and
16 the State Support Centers, because in the time that I've been
17 here, I'm just as confused as Mr. Uddo about what they did
18 and how we can make better use of that particular operation.
19 And so we had agreed that once the competition thing was
20 underway, that Mary and I were going to get together with
21 some of the other center directors and move them in this
22 area.

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1 So the removal of that from the budget reflects our
2 following the Board's lead on that; that's true.

3 CHAIRMAN DANA: But the same could not be said for
4 your inclusion of the law school clinics.

5 MR. RICHARDSON: That was done, of course, after,
6 yes, we had prepared our documents.

7 CHAIRMAN DANA: Other questions of Mr. Richardson
8 on proposal B?

9 (No response.)

10 CHAIRMAN DANA: If not, Bud, would you like to take
11 the laboring oar with your proposal?

12 MR. KIRK: Yes, I have proposed this as something
13 on the table. Basically, I would like to get input from
14 Mr. Shumway and Mr. Molinari, with some suggestions of what
15 they think would be most appreciated by Congress and have the
16 best chance of passing.

17 In my conversations last year with Mr. Molinari, he
18 indicated that over-reaching -- what could be perceived as
19 over-reaching sometimes would not be as persuasive with
20 Congress as perhaps a more reasonable figure.

21 And I also was trying to balance what I thought was
22 probably a loss of money in IOLTA and IOTA funds based on

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1 interest rates as they are today, but I really don't have any
2 empirical evidence of what that loss is.

3 Again, there is some anecdotal evidence. But
4 combining that with what field programs could reasonably
5 expect to absorb over a year, it is still -- it was my
6 feeling last year, and it is my feeling again this year that
7 a 50 percent increase in funds would be difficult to absorb
8 and probably would not be the best use of taxpayer dollars.

9 I'm not denying that more funds are needed. I just
10 think that a 22 percent increase that I proposed would
11 probably be more easily absorbed, in a more orderly manner,
12 than throwing 50 percent in a year. I'm aware of -- well, I
13 won't go into details.

14 So that's where the 22 percent came from. I have
15 eliminated the law school clinics in recruiting in mine. I
16 have not given as much money to the migrant programs mainly
17 because my concern is the basic field programs and what I
18 think is an effective and efficient use of our money.

19 I am not convinced that the training centers give
20 us back what we -- what could be obtained perhaps by
21 continuing to put the money into the field programs, and
22 those have been eliminated, undermined.

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1 The client training and self-help programs, I'm a
2 strong believer in that. I believe that some of my
3 conversations with other members of the Board would indicated
4 that the state programs might be a better recipient of that,
5 but I'm going to rely on others to comment on that.

6 I've thrown in 500,000 for ADR, because, as you
7 know, I believe in it.

8 Let me just make a couple of comments on the M&A,
9 item 4. I took the 1992 money that we actually spent -- 1992
10 -- and I added 22 per cent to that, assuming that that would
11 reflect the additional money that would be needed for M&A.

12 I am still a strong believer that there may be some
13 -- still some fat in M&A, and I would like to continue to
14 look at it and see in what ways that it could be trimmed.
15 But I felt that taking the actual sum that was spent in '92
16 and adding the 22 percent to that was the fairest way of
17 handling an increase in management and grant administration.

18 Even though it says that's a 36 percent increase,
19 it's a 36 percent increase over the appropriation level for
20 last year, which did not take into consideration carryover
21 funds and things of that sort.

22 Basically, it's a 23.58 increase. Last year, I

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1 proposed a 395 million budget, and it was not granted, but I
2 felt, like, that the needs were still there and that if that
3 had been granted, I would have requested an additional sum of
4 another \$50 million, as I have done here. And so that's why
5 I have arrived at the -- another reason how I arrived at the
6 \$440 million.

7 Thank you, Mr. Chairman.

8 CHAIRMAN DANA: Thank you, Mr. Kirk.

9 MR. WITTGRAF: May I ask a specific question,
10 Mr. Kirk?

11 MR. KIRK: Certainly.

12 MR. WITTGRAF: Under category 2, part B, you have
13 line item 5, \$1 million for client training and self-help
14 programs. Proposal D, Mr. Uddo's proposal, has line II-A,
15 \$500,000 for client training. Again, aren't those
16 essentially the same kinds of initiatives but with just
17 slightly different and slightly different dollar amounts?

18 CHAIRMAN DANA: Well -- Mr. Uddo.

19 MR. UDDO: I think there's a substantive
20 difference, George. I put it as II-A, because I thought it
21 should be administered through State Support Centers and not
22 through the creation of a national organization or

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1 administered through the Corporation.

2 MR. KIRK: Then, in that event, I would certainly
3 want mine up under II-A, too. I see -- I didn't understand
4 what the difference in A and B was, and now I do.

5 MR. UDDO: That's it.

6 MR. WITTGRAF: So the answer is yes?

7 CHAIRMAN DANA: Other questions of Mr. Kirk?

8 Mr. Uddo.

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

10 My proposal reflects some modifications from the
11 first proposal that I floated some weeks ago when we met.
12 And as with Mr. Kirk, I find the most difficult part of this
13 process trying to figure out whether you're really supposed
14 to try to propose what you think you need, or whether you're
15 supposed to outguess Congress and propose what you think they
16 might give you, or whether you're supposed to be a real
17 negotiator like some of, I think, our friends from the field
18 are and go way high up and hope that they'll come in
19 somewhere in the middle.

20 I've sort of opted for trying to propose what I
21 think is really needed. And the reason that I do that,
22 despite the advice of some that you can't do that because

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1 it's unrealistic, is because I think a lot of other people
2 competing for the federal dollar are asking for what they
3 think they need or more.

4 And one of the problems with negotiation is if
5 you're the only honest guy in the negotiating process, you're
6 the one that's going to take the hit, because the other ones
7 who are fudging and going high are going to negotiate down to
8 what they really want.

9 And if you're the guy that's trying to be
10 realistic, well, you're going to have to go down with
11 everybody else, because the assumption is you really ask for
12 more than you need.

13 So I think that we really have to try to defend LSC
14 by going into these what are essentially negotiations with
15 Congress on the same footing with other folks that are
16 competing for federal dollars and to at least give what I
17 think is an honest assessment of what we need. I don't
18 suggest that we go the route of, you know, doubling what you
19 think you really need. I think that you can defend an honest
20 assessment of what the program needs.

21 The other reason I think I've got to do that -- and
22 I'm speaking personally, not for the Board now -- is that I

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1 think if Congress is going to make decisions about how much
2 money to give to different things, then they really need to
3 have a fairly fair assessment of what people thing is in
4 order.

5 I could very easily make the decisions for
6 Congress. I mean, if they asked me, it would be no problem.
7 I mean, there are a number of things that I would tell them
8 that they should not spend money on at all or they should
9 drastically reduce, and they should give LSC \$525 million.

10 But they're not going to ask me to help them make
11 that decision. So again, I've got to take the position,
12 then, I'm going to tell them what I think we really need.

13 Now, if they want me to help them negotiate the
14 overall budget and tell them where they should not fund and
15 cut down, I'll do that, too, but they're not going to ask me
16 that. So I'm going to give them the figure that I think I
17 can defend, and I think it's the \$525 million figure.

18 I reach it a little bit differently than last
19 year's proposal, which was not originally my proposal. And
20 on my proposal, I asked Dave Richardson to include the
21 percentages, because I want to make a few things clear.

22 And one is I share Mr. Kirk's emphasis on field

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1 programs. I really think that the most dramatic need is with
2 the field programs and for the same reasons that he
3 articulated, we have an increased poverty population, we have
4 declining IOLTA funds, we have some areas of the country that
5 have been hit with disasters and other things that have
6 increased the demand. We have an economy that's starting to
7 come back, but still has been a strain on many people.

8 So I think -- and I'm convinced -- that the most
9 dramatic need is with the basic field program, and that's why
10 my proposed increase there is 50 percent.

11 Most of the rest of the delivery system I'm
12 proposing a 20 percent increase for Native American, migrant,
13 supplemental field programs, national and state support.

14 Again, I feel comfortable with that, because those
15 are all, whether they're listed as supplemental or not, they
16 are a product of double-counting in a sense. The entire
17 poverty population is counted in the basic field program.
18 And then, on top of that, we appropriate certain funds for
19 certain special needs and special groups.

20 But those supplemental or add-on kinds of funds are
21 coming on top of the basic field programs already getting a
22 certain amount of money based on the fact that those folks

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1 exist in the poverty community. So I feel that you can
2 justify a difference like that.

3 A couple of other -- the specifics of my proposal,
4 I did propose that the law school clinics not be funded for
5 Fiscal Year 1984. I believe that, as I said earlier, the
6 money could be better spent on trying to come up with some
7 innovations on recruitment and loan-forgiveness programs and
8 the like, and especially in light of the Department of
9 Education having close to \$10 million for law school clinics.
10 I don't see any justification for our continuing in that
11 business.

12 In terms of training, I've already expressed what I
13 feel about that. I'm confused about it. I'm ashamed to
14 admit that as long as I've been here. It's -- I should be
15 one of the few people that's not confused about it, but I
16 still am. And that's why I changed my mind.

17 I was persuaded it's not a good idea to zero out
18 something that's been in existence that long without trying
19 to figure out whether we should zero it out, reduce it,
20 increase it, or whatever.

21 And that's why I proposed the hundred thousand
22 dollars for a training study, which I would hope would answer

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1 some questions and force us to make some very specific and
2 informed decisions about that.

3 As I just indicated, my different slant on client
4 training self-help programs is that that should go through
5 the existing state support structure and not create a new
6 organization, national organization, or run it through the
7 Corporation.

8 So my proposal, the reason for the II-A, is that it
9 would be appropriated in the state support line, but
10 earmarked for client training self-help programs. So that
11 additional \$500,000 to state support, on top of the increased
12 20 percent, would be earmarked.

13 With respect to the Corporation initiatives, I find
14 that also a confusing area, because that's got the potential
15 for great things, and it's got the potential for wasting a
16 lot of money, as we sort of founder around and figure out
17 what we think is innovative and what we think is worth doing.

18 Now, I was persuaded that a few things should
19 obviously be funded: The competition initiatives, because
20 it's so far along, and I think there's something close now to
21 universal agreement that it's worth pursuing. And I think
22 that \$600,000 is about what it's going to take to continue

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1 that process to completion.

2 I put a fairly healthy amount of money proposed in
3 consolidation initiatives, because I am also very much
4 convinced that we are losing some efficiency and some money
5 by duplication by, you know, a lot of small programs close
6 enough to each other that if they were properly pulled
7 together it would make sense to consolidate them.

8 And I think that that's something that really
9 hasn't been looked at over the many years that the LSC has
10 existed, and it's a good time to look at that and see if we
11 really can't trim down the delivery system so that we feel
12 confident that we've got it consolidated in it's most
13 effective way.

14 Time-keeping -- I've got a \$100,000 here for
15 time-keeping, because I assume that the \$300,000 that's been
16 carried over for eons is going to continue be there and will
17 be the basis for starting up the time-keeping project, and
18 that \$100,000 would be appropriate in the '94 budget to
19 continue it on to get it to the point where it's a
20 self-perpetuating initiative.

21 I preserve some money for pro bono project awards,
22 because I think that that is a good thing to do, and we

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1 should continue to do it. And I'm not sure how much it takes
2 to do it, but it seems to me that the \$50,000 is about right
3 to help get that conference going every year and to show some
4 appreciation for the firms and the individuals and the
5 programs that are outstanding in pro bono delivery.

6 And then Board initiatives is, for me -- I sort of
7 took innovative grants out and took corporate initiatives and
8 turned them into Board initiatives and said, you know,
9 "Here's a sum of money that this Board or the next Board can
10 use to experiment with some of the things that have been
11 talked about, have been proposed."

12 But I think it's -- I'm not convinced that we're at
13 the point where we've carefully thought through how some sum
14 of money like that can be well used and effectively used. So
15 it's there, but it's under Board control, because that's my
16 way of saying I think the Board needs to think it through a
17 little bit more.

18 My M&A increases is 50 percent because I am
19 convinced that the current president has done a good job of
20 trying to cut out the fat and I think to run an enterprise as
21 big as this, we ought to fund the management and
22 administration line at a reasonable and effective level.

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1 That's basically my proposal.

2 The one thing I would ask, I would not mind hearing
3 from someone in the field about my proposal on law school
4 clinics. I have not heard any official reaction to that.
5 And I wouldn't mind, for the record, knowing if anyone out
6 there has any thoughts on that.

7 MR. WITTGRAF: Mr. Dana.

8 CHAIRMAN DANA: Yes, Mr. Wittgraf.

9 MR. WITTGRAF: If Mr. Kirk and Mr. Uddo would
10 yield, am I correct in my assumption that Mr. Kirk's Roman
11 numeral III, line F -- rather, Mr. Uddo's III-F is the same
12 as Mr. Kirk's IV-C, except for the difference in dollars?

13 CHAIRMAN DANA: I think that is correct.

14 MR. UDDO: That's correct.

15 MR. WITTGRAF: Thank you.

16 CHAIRMAN DANA: Are there other questions of
17 Mr. Uddo?

18 MS. WOLBECK: Mr. Chairman.

19 CHAIRMAN DANA: Yes, Ms. Wolbeck.

20 MR. SHUMWAY: I'm not sure, maybe George just asked
21 this, but I'm looking at my letters here, the consolidation
22 initiatives in number III-C. How is that different from H?

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1 What is H?

2 MR. UDDO: I don't think there is a difference
3 there.

4 CHAIRMAN DANA: Mr. Richardson indicated earlier
5 that Y and B was the same. I assume Mr. Kirk's lines --
6 category C or proposal C is the same as Mr. Richardson's, so
7 it is the same as the dollar amount.

8 MS. WOLBECK: Okay. And then the pro bono project
9 awards -- are you saying that we would have to eliminate our
10 conference without that money?

11 MR. UDDO: No.

12 MS. WOLBECK: Just the pro bono awards?

13 MR. UDDO: No. Since the conference is held in
14 conjunction with a Board meeting, I think that it would
15 always go on. I think that that money is needed to do the
16 pro bono award part of it, to bring in some people for that
17 and to give the awards. And in my opinion, it's a rough
18 estimate of what it would take to continue it on the way it's
19 been done.

20 MR. WITTGRAF: You're looking at a monetary award,
21 Mr. Uddo, are you, as opposed to simply the placque?

22 MR. UDDO: No, no. I'm -- I think that money needs

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1 to be there to put on that portion of the conference, where
2 the award is given to buy the awards, to have some money to
3 bring some people into receive the awards. I mean, that's
4 my appreciation of what it's for.

5 MS. WOLBECK: Okay. Well, I guess I have a little
6 bit of a problem with that, because I think if we're looking
7 at short funds in the field, I'm not real sure that we need
8 to have pro bono awards. So that's --

9 MR. UDDO: Well, you want me to answer that?

10 MS. WOLBECK: Yes.

11 MR. UDDO: Okay. The reason I think it's important
12 is two-fold. The pro bono awards were generated by the
13 conference two years ago, when, in the small group section
14 that I was in, it was, in my opinion, put quite effectively,
15 that we talk a lot about wanting to encourage pro bono, but
16 the Corporation never really has done anything to show that
17 it appreciates the enormous amount of effort that goes into
18 pro bono projects. And I took that as a very valid
19 criticism.

20 And secondly, I think everybody agrees that
21 pro bono commitment of time is one of the most important
22 supplements to the field program delivery system. You know,

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1 we can fight about all sorts of other things, but I do
2 believe that the field would admit -- and I think everyone
3 agrees -- that those folks out there who volunteer their time
4 in pro bono projects are an important additional component of
5 the delivery system.

6 So I don't view it as taking money away from the
7 field as much as acknowledging those people who do this for
8 free or contributing something of value to the delivery of
9 legal services.

10 MS. WOLBECK: Okay. I just have one other thing,
11 and that's in part IV, the special contingency and the Board
12 initiatives that you did not fund. What is "the special
13 contingency"? And why did you not fund it?

14 MR. UDDO: I didn't fund it because I proposed such
15 a large increase in M&A. And as I understood the contingency
16 funds, it was there for shortfalls and, you know, budgetary
17 problems.

18 MS. WOLBECK: Okay.

19 MR. UDDO: And in my opinion, there ought not be
20 those shortfalls and budgetary s if we approve this increase.

21 MS. WOLBECK: All right. Well, I guess the only
22 other that I would have with yours is that I would like to

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1 see you put something into the ADR, in the -- now, to be --m.

2 MR. UDDO: That's -- I mean, we can certainly find
3 a way to do that. I don't have a with it.

4 MR. WITTGRAF: Mr. Uddo, Mr. Chairman,

5 CHAIRMAN DANA: Yes.

6 MR. WITTGRAF: My understanding of special
7 contingency funds is somewhat different from that just
8 described by Mr. Uddo as his understanding.

9 In further response to Ms. Wolbeck, from my
10 recollection, special contingency funds have been utilized
11 for crisis, one-time needs, such as those that have arisen
12 from hurricanes and other natural disasters.

13 CHAIRMAN DANA: That's a separate line item.

14 MS. WOLBECK: That's special --

15 CHAIRMAN DANA: Yes, I think your -- there are two,
16 in effect, special contingency funds. There's I-A-4, which
17 is what you've just described.

18 MR. UDDO: Special emergency fund.

19 CHAIRMAN DANA: Yes, okay. And then under the --
20 under IV, we have historically -- not this year, but in prior
21 years -- had a management special contingency fund, which is
22 management is held to a very tight budgeting process, but

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1 there's a little flexibility there in case of the needs for
2 undertaking a special grant. And that's what that's for.

3 It's --

4 MR. WITTGRAF: Okay. So special contingency funds
5 would be management's emergency needs?

6 CHAIRMAN DANA: I think that's right. David --

7 MR. WITTGRAF: Whereas I-A-4 would be the field's
8 emergency needs.

9 MR. UDDO: Natural disasters and that sort of
10 thing.

11 CHAIRMAN DANA: Very good analogy.

12 MR. WITTGRAF: So your response then is because of
13 the substantial increase in your proposal for the M&A line,
14 it's unnecessary to have --

15 MR. UDDO: In my opinion, a 50 percent increase
16 should, you know, obviate the need for that.

17 MR. WITTGRAF: Thank you.

18 CHAIRMAN DANA: Did I understand, Jeanine, that you
19 would like to amend proposal D by adding \$500,000 to the --
20 to line II-B-6?

21 M O T I O N

22 MS. WOLBECK: That's correct.

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1 CHAIRMAN DANA: I'll take that as a motion.

2 Is there a second?

3 MR. UDDO: Second.

4 CHAIRMAN DANA: Any discussion?

5 (No response.)

6 CHAIRMAN DANA: Hearing none, all those in favor
7 say aye.

8 (Chorus of ayes.)

9 CHAIRMAN DANA: Opposed?

10 (No response.)

11 CHAIRMAN DANA: It's a vote.

12 Proposal D has 500,000 under ADR demonstration
13 project and support projects, and all other lines -- all
14 other additive lines will be adjusted accordingly.

15 MR. WITTGRAF: So D is now, Mr. Chairman, 525 --
16 615 -- 515?

17 CHAIRMAN DANA: 515 is correct.

18 M O T I O N

19 MR. UDDO: With that amendment, I would propose
20 this as a motion for the committee's adoption, proposal B.

21 CHAIRMAN DANA: It has been moved. Let me get the
22 motion on the floor, and then I understand that the field

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1 wishes to be heard.

2 Is there a second?

3 MS. WOLBECK: I second.

4 CHAIRMAN DANA: There is a second.

5 And at this time, I understand the public wishes to
6 be hear.

7 Welcome, public. For the record --

8 MS. ROGOFF: My name is public..

9 CHAIRMAN DANA: Would you identify yourself for the
10 record?

11 MS. ROGOFF: I am Regina Rogoff. I'm the executive
12 director of the Legal Aid Society of Central Texas, and I am
13 co-chair of the Project Advisory Group's Funding Criteria
14 Committee.

15 And I'm not really here to answer Mr. Uddo's
16 question, but I would like to just --

17 MR. UDDO: Someone is going to follow you to do
18 that, right?

19 MS. ROGOFF: Well, I don't know.

20 I really do appreciate it, and I believe on behalf
21 on the field. I appreciate the discussion that you're having
22 today, especially with the emphasis on basic field and the

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1 recognition of the loss of IOLTA monies and United Way
2 monies.

3 My local United Way, for the first time in, I
4 guess, their entire history, they actually recovered less
5 this year than the year before. I hope it's just a
6 phenomenon based on what happened nationally and that that's
7 not a trend.

8 What I came to you today to just point out is that
9 in the PAG MARC, we have identified a population that is not
10 counted in the census that we believe has special needs and
11 have been persuaded by members of our own community who have
12 organized a section of the National Legal Aid and Defenders
13 Association to urge work on behalf of the institutionalized.

14 The total population of institutionalized persons
15 is counted in the census. But since they do not distinguish
16 the poor from the non-poor, that number is not included in
17 the poverty census. While we query whether there may be some
18 who are institutionalized, particularly in prison, and
19 everybody jokes about one in particular, who clearly is not
20 poor, out of New York, but --

21 MR. WITTGRAF: I think he's out now.

22 MS. ROGOFF: No, I was thinking Helmsley. Well,

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1 maybe there's more than one.

2 The great majority of people who are in
3 institutions, be they prisons, mental health institutions, or
4 nursing homes, are poor. And even though we do not, in our
5 own MARC, budget an amount based on our per capita goals, we
6 recommended -- and will recommend to Congress -- that there
7 be a \$2 million amount earmarked to study the delivery needs
8 of that population. And I would encourage you, since that is
9 a population that is not counted in the census.

10 I heard Mr. Uddo commenting that he was proposing
11 lesser of an increase for the Native American and migrant
12 lines because of what you perceive as a double-count. This
13 is a population that is not counted at all.

14 And so on behalf of the Project Advisory Group, and
15 since that is a line in our proposed MARC, we would encourage
16 you to undertake to include that in your MARC, particularly
17 for purposes of study, to see what the needs are among that
18 population.

19 The members of our community who are attempting to
20 address those needs are very articulate, have done a
21 substantial amount of research, and have made very credible
22 presentations to the Funding Criteria Committee and to the

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1 Steering Committee of the Project Advisory Group on behalf of
2 this population of clients. And so we would encourage you to
3 put something in your MARC for that purpose.

4 CHAIRMAN DANA: Just while you're there, has the --
5 has the Project Advisory Group had an opportunity to
6 reconsider its views on the M&A line?

7 (Laughter)

8 MS. ROGOFF: Unfortunately, we haven't. And the
9 timing is that there will be an Executive Committee meeting
10 of the Project Advisory Group, but it will take place after
11 this meeting. And the members of the Funding Criteria
12 Committee have been advised of the Board's request that we
13 revisit that, and we are -- and will revisit it, but I can't
14 give you a number that we have adopted as an organization.

15 CHAIRMAN DANA: To the extent that the -- your
16 request of a study of the institutionalized citizens relates
17 to prison inmates, do we have a statutory?

18 MS. ROGOFF: I don't believe so. Well, we are --
19 we do not do criminal law. But the work that is done on
20 behalf of inmates often has to do with family law matters,
21 other matters that occur in their lives, that they are unable
22 to take care of because of their incarceration, or it may

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1 actually have to do with the terms of their incarceration,
2 the conditions. And there are currently programs that handle
3 cases of that nature.

4 CHAIRMAN DANA: These are the civil legal needs of
5 institutionalized persons.

6 MS. ROGOFF: Correct.

7 MR. WITTGRAF: Then the noninstitutionalizing needs
8 of people -- in other words, under --

9 MR. UDDO: Not necessarily.

10 MR. WITTGRAF: -- certain constitutional rights in
11 most of our states, I think, those individuals have been
12 represented and are represented on a continuing basis, so
13 these are needs having to do with something other than the
14 reasons for their institutionalization.

15 MS. ROGOFF: If you're speaking about those in
16 prison.

17 MR. WITTGRAF: Or mental health institutes or
18 nursing homes. Perhaps Iowa and Texas are different.

19 MS. ROGOFF: Well, mental health institutions --
20 and I will say that during the course of the 20 years that
21 I've been in legal services, there certainly have been
22 changes over that. Some of the very first litigation I did

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1 concerned the failure to appoint counsel to persons being
2 civilly committed to mental institutions.

3 I think we're really talking more about conditions,
4 treatment, and external problems that they have in terms of
5 their relationship with family and others in the broader
6 community.

7 MR. WITTGRAF: Mr. Kirk.

8 MR. KIRK: How many in person versus how many in
9 other institutions?

10 MS. ROGOFF: I have to apologize. I can provide
11 that to you. I don't -- I have it, but not with me. And I
12 will be happy to provide it with you. If I remember --

13 MR. KIRK: How many people didn't get counted, the
14 total?

15 MS. ROGOFF: Oh, we're talking about a couple of
16 million people. I mean, I think it's like 4 or 5 million
17 people who are in institutions.

18 But that is still -- that is the best
19 recollection -- in looking at this this morning, I realized
20 that that was something that should be addressed. And if you
21 want, I will call and have that number for you tomorrow.
22 That would be no problem.

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1 Why don't I just -- instead of guessing, putting a
2 false number out, I will have it for you tomorrow -- which is
3 why we're proposing a study. I mean, it is a large enough
4 population that it would -- if they were to be funded on a
5 per-poor-person basis, would be a substantial increase to the
6 total budget.

7 And we recognize that there may be other services
8 that are out there to address some of the needs, but clearly
9 not all of those needs are being met. Often those people are
10 in remote rural areas, because that's where institutions
11 often get placed. And there are unique access issues. So in
12 our own proposal, we have taken the positions that this
13 should be studied.

14 MR. KIRK: Why would it cost \$2 million to study
15 it?

16 MS. ROGOFF: Because it's a national . And maybe
17 it won't. I mean, I -- you have to pick a number. Why does
18 it cost \$100,000 or \$500,000? You know, we -- in looking at
19 the magnitude of the , the diversity of the populations --
20 you know, you're talking about prisons, nursing homes,
21 juvenile facilities, mental health facilities.

22 You're looking at 50 states, plus territories. It

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1 seemed like a not unreasonable amount. It's hard -- I mean,
2 we -- you pick a number, what do you think it's going to cost
3 to do something like this nationwide?

4 I recommend the 2 million just because after our
5 discussions it seemed like a reasonable amount, given the
6 magnitude of the s.

7 MR. KIRK: It was just kind of a guess, as opposed
8 to somebody saying, "Hey, you know, I think it will cost
9 2 million to do this study"?

10 MS. ROGOFF: Yes. We don't have a proposal on the
11 table in terms of, you know, somebody having come to us and
12 said, "It will cost you this much to do this study," no.

13 MR. KIRK: And it's not that you're -- I mean,
14 people in institutions already are available -- I mean legal
15 service field programs already represent these people
16 civilly.

17 MS. ROGOFF: Sometimes. Particularly because of
18 the access issues, not all programs do. Some programs have
19 undertaken either with other sources of funds -- I believe
20 North Carolina has some state money that they use to
21 represent the institutionalized.

22 I believe Evergreen Legal Services has a special

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1 project for the institutionalized. Some programs have
2 undertaken to do that, but it is clearly not the majority or
3 the mainstream position.

4 And I think it's more because these are not the
5 clients that necessarily come to you. They don't walk into
6 your office. You have to do something -- and . . . you have
7 to go reach out to them. They're not going to call. They --
8 some of them may write, but most of them don't come in.

9 And it's the same reason that we have ombudsmen's
10 programs for nursing homes, because those people don't have
11 ready access to external communications. And that's part of
12 the study. One is to confirm or refute what the need is and
13 then to figuring out how that need can be addressed.

14 CHAIRMAN DANA: George.

15 MR. WITTGRAF: Thank you.

16 Switching subjects, Ms. Rogoff, like Mr. Uddo, I
17 would be interested in your response, either on behalf of the
18 Project Advisory Group or on behalf of the poor of Central
19 Texas as to your thoughts on the need for or the
20 appropriateness of continued funding for legal clinics
21 through the Legal Services Corporation.

22 MS. ROGOFF: Okay. Without in any way denigrating

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1 the value of clinical legal education, I personally became
2 involved in Legal Services through a clinic. That was my
3 first introduction to Legal Services, was through the
4 University of Texas Family Law Clinic.

5 The PAG MARC for 1994 does not include funding for
6 clinics.

7 MR. WITTGRAF: Does not?

8 MS. ROGOFF: Does not include funding for clinics.

9 I certainly think clinics are very valuable and
10 should be funded from some source.

11 MR. WITTGRAF: Well, I think the colloquy earlier
12 this afternoon had not to do with the purposes served or the
13 accomplishments of the clinics, but rather with the funding
14 sources therefor and the appropriateness of these scarce
15 resources being used in that way.

16 So PAG is on record similarly?

17 MS. ROGOFF: Yes.

18 MR. WITTGRAF: Thank you.

19 MS. ROGOFF: I will say the PAG obviously is
20 particularly concerned about equitable distribution of
21 services, and particularly in terms of trying to equalize
22 after the 1990 census. And this is just one factor that

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1 works, a disequalization.

2 CHAIRMAN DANA: Mr. Uddo.

3 MR. UDDO: Regina, I'm not supportive of the idea
4 of the idea of \$2 million for that particular purpose. I'm
5 way too confused about exactly what sort of things would be
6 done, and if there are not things that are being done by
7 other advocacy groups, and if there aren't other people sort
8 of doing a similar thing?

9 I would, at least from my standpoint, I would
10 prefer to see somebody make some concrete proposals to us and
11 give us a little bit of idea what the is before we commit \$2
12 million to something like that. I'm not saying that it would
13 forever be outside of our purview, but I think that's not
14 enough for us to make that kind of a commitment at this
15 point.

16 MS. ROGOFF: Well, I mean, if there is interest on
17 behalf of the Board, there is a section of the NLADA that
18 addresses -- that is made up of advocates for the
19 institutionalized, and I am sure they would be more than
20 happy to have some kind of work group with your staff to come
21 up with a proposal for how that could be funded, if we're
22 talking -- or for how it would be conducted and then maybe

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1 have a better handle --

2 MR. UDDO: I would like to -- yes, I would like to
3 hear what they've got to say about why they think there's a
4 need for us to get involved in it and what sorts of
5 representation we would be talking about, because I think the
6 constitutional issues are pretty well covered by a variety of
7 groups.

8 And if we're talking about domestic s that
9 institutional people have, it seems to me that it's simply an
10 outreach , because that's stuff that certainly grantees can
11 do and are geared to do, it's just a question of making sure
12 that folks in institutions know that there is somebody there.
13 You know, I don't know. I don't understand the maybe, and I
14 think if --

15 MS. ROGOFF: There are a range of s, depending on
16 which institutionalized population. I am not the best person
17 to speak to on that, and so I would be --

18 MR. UDDO: Right. Well, I think that's why we're
19 premature on this, and I wouldn't support adding that in at
20 this point.

21 CHAIRMAN DANA: I think that -- my recollection
22 is -- or I seem to recall that when Congress directed the

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1 Corporation to focus on certain populations, like Native
2 Americans and migrants, it had institutionalized people as
3 under consideration and for some reason chose not to direct
4 us to do that. Does that ring a bell with you?

5 MS. ROGOFF: I think that was even before my time,
6 which is hard to imagine.

7 CHAIRMAN DANA: Well, it was before my time, too,
8 but I have that recollection.

9 Additionally, I know that the ABA has grappled with
10 this issue in its current National Legal Needs Study. And
11 I'm not sure how that was resolved.

12 MS. ROGOFF: Unfortunately, they are not including
13 a survey of the needs of the institutionalized.

14 CHAIRMAN DANA: Okay. It was discussed at great
15 length but apparently with the wrong result.

16 MS. ROGOFF: Because it's a difficult process, and
17 they had a limited budget. And that's exactly the point, is
18 that if you have a limited budget and you're going to do a
19 legal needs study, which group is not going to get studied?
20 It's the group that's hardest to reach and hardest to
21 identify what their needs are.

22 I just raise it because this is -- it is true when

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1 you say an outreach issue, the fact is though that they are
2 not included in the count of the poor, for which we are
3 funded. Actually, nor are the population between 100 of
4 percent poverty and 125 percent of poverty. So whatever
5 funding we receive, it is for only a proportion -- a
6 percentage of the total people who even need it, the people
7 who are eligible for it. That's correct.

8 Thank you.

9 CHAIRMAN DANA: Thank you.

10 Any other comments from the public? Yes.

11 Rosie, would you identify yourself?

12 PRESENTATION BY ROSIE NEWSOME,

13 NORTHERN INDIANA LEGAL SERVICES, SOUTH BEND, INDIANA

14 MS. NEWSOME: Yes, I am Rosie Newsome. I'm from
15 South Bend, Indiana, Northern Indiana Legal Services. I'm
16 also a vice chair for a Project Advisory Group. I am here
17 representing the CRC, which is clients made up from the nine
18 regions that represents PAG. And I find that both budgets
19 have been changed; I appreciate that very much.

20 But I still find that the clients are put in a
21 predicament where they're still seeing funds on paper and no
22 mechanical way to getting it out. I can have a bankcard with

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1 no money, and that bankcard is of no use to me. I can have
2 monies with no access to getting it, and it's still no use to
3 me.

4 The clients have struggled hard to bring about a
5 national organization. We have had support from lots of
6 organizations to create a national organization. I say this
7 every time I come before this Board.

8 I don't know why it's so difficult that you all
9 understand this or understand why it is so vitally important
10 that there be a national for the clients, for the poor, and
11 for the people, regardless to race, creed, or color. We need
12 something that we can rely on, other than a regional, a
13 local, or a state.

14 Please believe me, we need everything out there.
15 We need them. And there is no reason why this organization
16 should not have an opportunity to prove itself, the same as
17 any other new organization come up and prove themselves.
18 Well and good, yes, you did put money in the budget, but is
19 not directed to the national. It is where it has been all
20 the time, and I grant you, support centers are fine.

21 Indiana gets along fine with their support center.
22 But what does Wisconsin do? You still must go back and just

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1 look and think why and tell us -- tell us why you feel that
2 there should not be a national.

3 CHAIRMAN DANA: Well, I think that's a good
4 question, and I can -- I can give you my own answer to it. I
5 think this -- at least the recommendations that have been put
6 forth believe that money -- for instance, there are several
7 national organizations. There's the National Legal Aid and
8 Defenders Association. There's the Project Advisory Group.
9 This Corporation does not fund either of those.

10 We fund programs at the local level, and those
11 programs have seen fit to create national organizations to
12 represent them here in Washington. And our proposal does not
13 preclude that, but it is intended to put the money at the
14 local level so that clients all over this country are given
15 help in the becoming Rosie Newsomes in their own -- within
16 their own programs, so that the interests of clients are
17 advocated for effectively at the local level.

18 I believe that naturally a national organization
19 would emerge, but I think that this recommendation is to put
20 the money at a local level and see what happens. And at
21 least speaking for myself -- and since all these proposals
22 are the same -- and I think at least the three sponsors of

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1 these recommendations all feel that the money should go at
2 the local level, and maybe the money will work its way -- the
3 state organizations and regional organizations and the
4 national organizations will emerge quite naturally the way
5 PAG has emerged within Legal Services.

6 MS. NEWSOME: Are you saying, Mr. Dana, to me, that
7 you think, Mr. Dana, our client, will be able to pay the dues
8 that other private sources pay to run a national
9 organization? Is that what you're saying to me, because that
10 is how PAG functions -- with the help -- it's private --
11 private. We are not able, as clients, to pay. If we pay \$10
12 a year, we're doing good, and we've had to save that money.
13 And we need it for something else. But that right -- at this
14 point, that is our only means of supporting -- and with your
15 guideline, Legal Services can't even pay those dues. That
16 has to come out of the client's money.

17 Now, you sit here -- how long have there been
18 grants for Yale?

19 CHAIRMAN DANA: For who?

20 MS. NEWSOME: Yale's college. Yale's Law School.
21 How long?

22 CHAIRMAN DANA: Oh, I -- I honestly don't know.

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1 MS. NEWSOME: And how much money do they have? How
2 many poverty people do you know go to Yale?

3 How many poverty people do you know will ever get
4 into Yale? Tell me that.

5 I've got three grandsons, and I'll guarantee you
6 they will not get into Yale. I guarantee you if Notre Dame
7 gives them a scholarship, as they did my son, I still won't
8 be able to send him, because I can't pay that money.

9 Now, don't tell me that you are expecting clients
10 that's out here working for \$3.50 an hour -- some of them
11 \$2.50 -- and got to depend on you and everybody else that
12 walk in that restaurant that leaves a tip on that on that
13 table to make up their \$3.50 an hour.

14 And they've got a baby-sitter at home to pay, no
15 medical, because when you get -- when you're on welfare, and
16 you get a part-time job, if you work 20 hours a week, they
17 take your medical. They cut your food stamps. Where do you
18 really want the clients to go and get somebody to pay us dues
19 or to pay dues for us?

20 You have all access to go to Congress and get
21 everything that we need as clients. That's who you're
22 representing. And you're going to say you can't find that

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1 money? When we violate -- when I say "we," I mean NOCA, this
2 new organization -- when we violate your rules and
3 regulations, then you come down on us.

4 Don't hold us responsible for something another
5 organization has done. That's all I'm asking you to do.
6 Give NOCA an opportunity and a chance, as you did once
7 before, and you took it back in the same breath. That's all
8 I'm asking you to do.

9 Or are you telling me you can't do it, you want us
10 to go to Congress for ourselves?

11 Tell me.

12 CHAIRMAN DANA: I'll tell you. I think that we are
13 a Board of the Legal Services Corporation, and what we do is
14 make a recommendation to Congress. That's all we do. And
15 you have every right and have just demonstrated great skill
16 at advocating for a direct appropriation to NOCA.

17 You are certainly -- if the result of your efforts
18 are unsuccessful here, you can and I urge you to go right
19 over there when Congress is in session and urge them to
20 follow your lead.

21 Jeanine.

22 MS. WOLBECK: Rosie, can you explain to me what a

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1 national organization would do that can't be done on a state
2 level?

3 MS. NEWSOME: What does this national Board do that
4 a local Board can't do, Jeanine?

5 Yes, a national organization can get into places
6 that a local cannot, because you cannot go any further out of
7 your boundary than your bylaws allow you. And your bylaws
8 can say you must take all your complaints on a local level to
9 your -- to your state level.

10 If your state is not doing what you want, then you
11 must go to your region. If your regional does not do it,
12 then you must come to your national. We have four sets of
13 bylaws that we have to follow. First ones are yours. The
14 next one is our state. The next one is the local. And the
15 next one is your regional. That's why I'm thinking nobody
16 but a very few people want to see this national organization.
17 And that is because of the fact we are not completely
18 governed by this Board, because we are individuals.

19 And I think, as you said, Mr. Dana, run across when
20 they're in Congress, why can't you do it? You're sitting
21 here, you go over and ask for everybody else. Why can't you
22 do it? And if it fails, come back and say, "We tried,

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1 Rosie."

2 Why haven't you asked Mr. Boyd to try it? They
3 were willing at one time. So tell us why. Tell us why there
4 is a change in heart. You even gave us a mediator, so what
5 is the to running back to -- when -- just tell us in plain
6 words. And if you don't want to tell us, write it to us.

7 CHAIRMAN DANA: Okay.

8 MS. WOLBECK: Rosie, who is funding you presently?
9 And how much are you short?

10 MS. NEWSOME: We're short of it all. We have been
11 one time, two times finding through Project Advisory Group
12 and NLADA, as joint partners --

13 MS. WOLBECK: They're no longer funding you now?

14 MS. NEWSOME: They are still supporting us and
15 helping us, yes. But we cannot hire staff, we cannot set up
16 an office. They have at this point been given us training,
17 they help us to organize, they pay our transportation our
18 board and lodging, which does not make us have too much of an
19 independence.

20 MS. WOLBECK: How much do you need?

21 MS. NEWSOME: I would think we could use at least
22 \$3 million to start with. We are a national organization.

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1 Then we have anticipated hiring someone, with the
2 understanding that whatever salary they get, they must be
3 able to funnel money in to the organization. But other than
4 that, we can't demand anything. And that's all that I'm
5 asking. If they give us an opportunity and we don't succeed,
6 then I would be the first to come here and say, "I'm willing
7 that you withdraw, because we just absolutely can't make it."

8 MS. WOLBECK: You need \$3 million more than what
9 PAG and NLADA are giving you?

10 MS. NEWSOME: Yes, because NLADA and PAG are --
11 they are not giving us money for a staff person. They are
12 only -- the only supported us to organize and to bring in and
13 elect officers from the three meetings we've had.

14 MS. WOLBECK: Thank you.

15 CHAIRMAN DANA: Thank you.

16 Are there other questions?

17 Thank you very much.

18 MS. NEWSOME: Thank you.

19 Jo.

20 MS. LOVE: Mr. Dana, she asked a question, would
21 you -- if you can go to the Hill to ask for funds for other
22 things, why can't you go for the NARB? And I never did her

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1 answer. I am -- since you are the chairman, I'm a client --
2 if the funds are available, I'd be willing to go to the Hill
3 and fight for them, along with you.

4 CHAIRMAN DANA: I thank you.

5 Actually, as individuals, we are able to do that.
6 As a corporation, we have to -- we speak as one voice. We
7 also have minority views. And I don't know what this budget
8 is going to ultimately look like.

9 The current proposal is on the table. All have
10 \$500,000 for client training and support at the state and
11 local level. There is no money for and there is certainly
12 not \$3 million to -- in any of these proposals to create a
13 national voice. And --

14 MS. NEWSOME: But Ms. Newsome been fighting for
15 this a long time. And you know, you get kind of tired if you
16 don't try. You have to try.

17 CHAIRMAN DANA: That's true. And I think that --
18 well -- well, is it --

19 (Discussion off the record.)

20 CHAIRMAN DANA: I don't dare ask.

21 MS. LOVE: Everybody heard you.

22 You might as well ask.

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1 (Laughter)

2 CHAIRMAN DANA: Well, I don't know.

3 Mr. Uddo.

4 MR. UDDO: Let me try to explain what I see as the
5 reason why -- at least my proposal was to suggest \$500,000 to
6 be administered through State Support Centers. If I
7 understand Ms. Newsome's concern correctly, it's that the
8 clients want to have a voice in the things that affect them
9 with respect to Legal Services.

10 In order for clients to have an effective voice, I
11 think it has long been recognized that clients have to know
12 about the way Legal Services operates, know how to function
13 in the Legal Services world, know what the regulations are,
14 know what their rights are, know what they're entitled to.

15 It seems to me that Congress' intent in helping to
16 facilitate that was to require that clients be on boards.
17 And that by requiring that clients be on boards, local boards
18 and on this Board, clients have a voice at the level that
19 most directly affects them.

20 So if in South Bend, Indiana, your grantee there is
21 not doing a good job or the Board is not making good
22 decisions, being on the Board is supposed to be a way of your

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1 objecting to that, or your opposing that, of your attempting
2 to do something about that.

3 So I think that the scheme of the Act was to say
4 that clients have to be on the boards, because that's the way
5 that clients have a voice in their own destiny with Legal
6 Services and how they protect against being ignored and how
7 they protect against things being done that aren't in their
8 best interest.

9 So what this proposal is attempting to do is to
10 say, "We're going to put \$500,000 out there, state by state,
11 to make sure that clients are well-trained, properly trained,
12 understand what their rights are as Board members, understand
13 what the client community's rights are so that they can
14 represent the client community, understand how to function on
15 a board. And that's going to make them better Board members,
16 better advocates of the position of the clients.

17 One of the things they're going to learn is that
18 there are certain regulations and certain requirements of
19 this Corporation, and that if you're Board is not doing what
20 it's supposed to do, you can complain to this Corporation as
21 a member of a local board and say, "This project is not doing
22 what it's supposed to do," or "It's not doing it right."

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1 I don't understand, and have never understood, why
2 it would make sense to substitute a national organization
3 that, in effect, bypasses that scheme of clients on local
4 boards being the voice of clients at the level where it's
5 going to have the most impact, dealing with the kinds of s
6 that most affect those particular clients.

7 So that's where I guess I disagree with you,
8 Ms. Newsome. I think that this proposal is going to help arm
9 clients with the training that they need to be good,
10 effective, Board members on the local level.

11 And if things aren't going right on the local
12 level, they're going to know, just as you know, that this
13 Corporation has to respond to complaints from client Board
14 members who feel that something is not being done according
15 to the regulations or the way it's supposed to be done.

16 MS. NEWSOME: Mr. Uddo, in all respects, to local
17 boards, state boards, regional boards, and national boards, I
18 have been on all of them. You are talking about one-third
19 clients on a board where possibly there might not be but 16
20 on a board. There's more lawyers required to be there;
21 there's your "others." That's there. So you don't have too
22 many clients there.

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1 Stay in a community of 4,000 people. Three people
2 are not going to do too much good in that community. And as
3 far as reporting when something is going wrong on a local
4 level to this Board, to the field -- management, to anybody,
5 they don't move on it until they are ready. And they don't
6 do anything about it until it affects them, not the clients.

7 Hear me good: I respect every attorney that's in
8 my office in Northern Indiana. That is still a local level.
9 That director can only do as you said, what these guidelines
10 say. And I don't think there's anybody out there -- you or
11 anyone else -- know your guidelines any better than I do. I
12 don't think so. If they do -- or if you do, I'm willing to
13 learn your ways over again.

14 They cannot do any more than you say do. There is
15 certain fees that they cannot pay. There is certain things
16 that they cannot engage in that a client needs to learn.
17 There is so many tie-ups on a local that a national can do.

18 Why is it that you have a national Board of Legal
19 Services? What is your purpose? You do something that they
20 cannot do. You make rules and regulations for every one of
21 them. That's what you do. That is what the national would
22 do for clients.

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1 Just like you sit here and I asked Regina about the
2 institutionalizing, they know that the help is out there. I
3 wouldn't have even said that. Some of them in there don't
4 even know what where they are. But if it was not for
5 somebody like Regina or Legal Services, some of those people
6 would still be locked up and have no need to be locked up,
7 because they've got people that put them there. That's the
8 system. And they have someone at home that want them out and
9 don't know how to get them out.

10 So I sit here earlier and heard somebody say, "We
11 can't contribute money to a program because clients are
12 driving another client to a doctor, and it don't consist of
13 Legal Services. Yes, it does.

14 If you are on that Board, you have an Advisory
15 Council. Your job is, as a community worker, to get out
16 there and do these things. That's all that I'm saying.
17 Don't close your eyes to clients having a national or needing
18 one, because they do.

19 And you know you cannot do on a local level. You
20 can't even practice law in some states.

21 CHAIRMAN DANA: Thank you.

22 MS. NEWSOME: So, thank you. Just think about it.

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1 CHAIRMAN DANA: Thank you very much.

2 M O T I O N (PENDING)

3 CHAIRMAN DANA: If there's no further public
4 comment, there's a motion pending. Any comment from the
5 Board?

6 (No response.)

7 CHAIRMAN DANA: There's a motion pending to adopt
8 proposal D.

9 All those in favor, say aye.

10 (Chorus of ayes)

11 CHAIRMAN DANA: Opposed?

12 (No response.)

13 CHAIRMAN DANA: It's unanimous.

14 Thank you.

15 The last item on the agenda is a Consideration of
16 Whether to Formally Adopt and, if so, to Adopt a Corporate
17 Position as to the Corporation's Program O as Referred to in
18 the Inspector General Act.

19 CONSIDERATION OF WHETHER TO FORMALLY ADOPT AND, IF SO,

20 A CORPORATE POSITION AS TO THE CORPORATION'S PROGRAM

21 OPERATING RESPONSIBILITIES AS REFERRED TO IN

22 THE INSPECTOR GENERAL ACT

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1 CHAIRMAN DANA: This is a matter that I asked be
2 put on the agenda if I don't think that it has been addressed
3 or considered by the IG Committee, and if the IG -- if the
4 chairman is here, if he would like to have an opportunity to
5 discuss it with his committee, we can defer action on it.

6 Do you have a view on that, Mr. Kirk?

7 MR. KIRK: Well, I have no committee scheduled for
8 this time and could not have a meeting on it. You know, I --

9 CHAIRMAN DANA: Would you like to have a meeting
10 before -- would you like to have a meeting of your committee
11 before it was considered by the full Board?

12 MR. KIRK: Probably. But I think I would like to
13 find out why we are doing it --

14 CHAIRMAN DANA: Okay.

15 MR. KIRK: -- and who initiated it, and did Laurie
16 do it?

17 CHAIRMAN DANA: I asked that a resolution be
18 established -- be drafted, following up on a report that was
19 presented to you and to all of us many months ago.

20 On November 10th, Laurie did a memo to you and us,
21 to all of us, which is privilege and confidential, entitled
22 "Transfer of Certain Components of the Corporation to the

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1 Office of Inspector General."

2 And it develops that this Board should have adopted
3 an expression of what this Board views as its essential
4 program operating responsibilities, circumscribing those
5 functions that are the responsibility of the Corporation, as
6 distinguished from the responsibility of the Office of
7 Inspector General.

8 We failed to do that in years past, and it was my
9 view that something like that should be done in order to
10 outline the boundaries or the responsibilities that we regard
11 to be essential functions of the Corporation, which therefore
12 should not be delegated to our Inspector General.

13 And I will tell you that I think it is appropriate
14 for your committee to deal with this issue. And if it's your
15 pleasure to focus on these, memoranda and the resolution, at
16 your next meeting, I would be more than happy to urge my
17 committee not to take action today, but to defer -- to give
18 you an opportunity, presumably at the next meeting, to
19 consider it, if that's your pleasure.

20 MR. KIRK: Well, obviously, I would prefer to
21 consider it with my committee. My schedule is such that I
22 probably will not be at the next Board meeting and would not

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1 be able to have a meeting. So, you know, I would sure like
2 to have some folks I can ask some questions to -- including
3 you.

4 CHAIRMAN DANA: Well, maybe with that in mind, a
5 member of my committee would move to table this matter so
6 that those conversations can go on, and maybe we'll be in a
7 position to discuss it at the next meeting, and maybe we
8 won't.

9 M O T I O N

10 MR. UDDO: So moved.

11 CHAIRMAN DANA: Is there a second?

12 MS. WOLBECK: Second.

13 CHAIRMAN DANA: There is.

14 Well, hearing no opposition, that item has been
15 tabled, pending conversations and dialogue, and it we
16 probably ought to keep it on the agenda for the next meeting.

17 M O T I O N

18 MR. UDDO: I move we adjourn.

19 CHAIRMAN DANA: I believe that a motion to adjourn
20 is in order. It's been moved and seconded.

21 All those in favor, say aye.

22 (Chorus of ayes.)

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