MR. DURANT: At this time the Board of Directors meeting for the Legal Services Corporation today Saturday, November 1st, will commence. The time is 10:40 a.m. As is our custom, we will begin with invocation. The individual that we were going to have today Mr. Nosantes is no longer here so the board chairman in his feeble way will attempt our morning invocation.

Dear Lord, we thank you for the opportunity to serve as this board. Let us always be mindful of our special responsibilities. Let us carry on our debate in a sense of good faith, in a sense of unity and always in a sense of love that Your Son has taught us. In Christ's name we pray. Amen.

The first item on our agenda is the approval of the agenda. I would like a motion, if possible, to invert the item number seven, the four, five and six because I suspect that due to the efficiency of the previous chairman in provisions and audit and appropriations that we are moving much quicker than anticipated. So if we could have a motion to put public comment before items five and six because, in fact, I understand from Mr. Wentzel there may not even be necessary to any executive session to touch on litigation and investigation at this point or personnel and personnel management, is that correct?

MR. VALOIS: That's not correct.

MR. DURANT: It is or is not correct?

MR. WENTZEL: It's not necessary to have a meeting.

MR. DURANT: In executive session.

MR. WENTZEL: Right.

MR. VALOIS: So moved.

MR. DURANT: Any second?

MRS. MILLER: Second.

MR. DURANT: Any discussion? All of those in favor say aye.

BOARD MEMBERS: Aye.

MR. DURANT: That's to shift, can I have a motion to approve the agenda?

MR. VALOIS: So moved.

MRS. MILLER: Second.

MR. DURANT: Any discussion? All in favor say aye.

BOARD MEMBERS: Aye.

MR. DURANT: Opposed? Approved. The next item is the approval of the minutes. Do you want to take a minute or two to review them from out meeting on June 27th and 28th, we'll have a moment of silence.

(WHEREUPON, the board members reviewed the minutes.)

MR. MENDEZ: Mr. Chairman, while I wasn't present at the beginning of the meeting, they've put, I gather, on page 79 that it is reflected that we came in. With regard to the second half of the minutes I think they're appropriate. But since I wasn't there at the first, I cannot make a motion to approve them.

MR. VALOIS: If I can make a joint motion.

MR. DURANT: Well, why don't you just make a single motion.

MR. VALOIS: All right, I move that we approve the minutes.

MRS. MILLER: I second.

MRS. BENAVIDEZ: There's some corrections.

MR. DURANT: Okay.

MRS. BENAVIDEZ: On page 83...

MR. DURANT: Tim, are you getting this down?

MR. BAKER: Yes, page 83.

MR. VALOIS: Second paragraph.

MR. DURANT: Which is the ...

MRS. BENAVIDEZ: Aren't there supposed to be proposal, the first line?

MR. DURANT: Oh, yes, that's correct.

MRS. BENAVIDEZ: Then there's another one on page 87, the first line...

MR. DURANT: Well, I think that was put in for emphasis. Okay.

MR. BAKER: Excuse me, where is that?

MR. DURANT: Third line, first paragraph, nearly.

MRS. BENAVIDEZ: What about page 91? Sixth line, is that supposed to be...

MR. DURANT: Exactly, you're

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exactly right, you've got an inversion there. Anything else?

MRS. BENAVIDEZ: That's it.

MR. DURANT: I assume you'll take that as a friendly amendment to correct the typographical?

MR. BAKER: Absolutely.

MR. DURANT: All of those in favor of the...

MR. SMEGAL: Wait a minute...

MR. DURANT: Mr. Smegal?

MR. SMEGAL: I have several comments one of which is I'd like to have a transcript, if I may, a copy of the transcript of the meeting on June 28th as well as the...Mr. Durant, you and, I think, Leanne referred to comments that were made to this board at a January meeting in Florida by former AVA president, Reese Smith, I'd ask that I get a copy of Mr. Smith's portion of the transcript that relates to Reese Smith's testimony. In addition to that, I have several corrections, I think in addition to those...page 85 and before I would vote to approve these minutes, as I indicated, I'd like to see the transcript; but there are a couple of minor things. On page 85, the second paragraph, my recollection is that I was concerned about a lack of communication

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to the board rather than on the board.

MR. DURANT: That correction will be made, I'm sure, without objection by Mr. Valois.

MR. SMEGAL: On page 95, well, actually it starts on page 94, Patrick Clark spoke and expressed concern about the subject we were discussing and the next paragraph says Leanne agreed and I don't believe she agreed with what he was saying. It may be that that sentence is just developed in a way that it does not express what was going on.

MR. BAKER: I took from the transcript. She did begin her statement with I agree with you.

MRS. BERNSTEIN: I did agree with him to the extent that he was saying the local programs were in a better position to choose.

MR. SMEGAL: Well, maybe it will be clarified if I can have a copy of that transcript.

MR. DURANT: Why don't we do this, as in all of our minutes, obviously if there are supplemental changes that have to be made that can be done by motion or otherwise at that time.

MR. VALOIS: Sure.

MR. DURANT: After you review them, if you feel that you want to change your vote,

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let me know and we'll bring it up again. All of those in favor of Mr. Valois' motion to accept the minutes as written signify by saying aye.

BOARD MEMBERS: Aye.

MR. DURANT: Opposed? Mr. Smegal, if there are changes after you go over the transcript, let Mr. Baker or myself know.

MR. SMEGAL: Okay.

MR. DURANT: The next item on the agenda is the report from the provisions committee regarding the migrant conciliation proposal, Mr. Valois.

MR. VALOIS: Mr. Chairman, once again, you all have been present during that meeting and the writings of the general counsel and Mr. Rathbun are in the board book and I'm not going to repeat all of that. As a result of that, as you know, the committee recommended that we return $191,400.00 and we thank you for our assignment and our task. There was also some discussion, as you well know, that we do something further at this time on conciliation and at least Mr. Mendez and I are in agreement that at some point in the future arbitration insofar as it may be applied to the problems of the poor without us having to await provisions of couple of labor statutes, that should be promoted.

MR. DURANT: Okay, do you want

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to make the same motion that you had in committee as to the board's purpose or are you moving that we accept the report as...

MR. VALOIS: I move you accept our report and if you do that, I also move that the Board return the money to the mirgrant program.

MR. DURANT: Pursuant to your motion...

MR. VALOIS: Pursuant to my motion.

MR. DURANT: Is there a second to that?

MRS. MILLER: I second.

MR. DURANT: Any further discussion?

MR. MENDEZ: Mr. Chairman, in anticipation that this might be the case, I've had coversations with Mr. Coster and directed him that assuming if this is done and approved, that I wanted those checks to go out immediately.

MR. DURANT: I echo that. Mr. Coster, is there any problem with that?

MR. COSTER: I didn't hear you, sir.

MR. DURANT: With the board's

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approval on returning the $191,400.00 how quickly can the checks go out?

MR. COSTER: We can send them out next week. There are no more monthly grant checks to be mailed in this calendar year, so we'll make a special mailing, certainly in the next 10 business days.

MR. DURANT: Thank you, Mr. Coster. Any other discussion on Mr. Valois' motion? All of those in favor signify by saying aye.

BOARD MEMBERS: Aye.

MR. DURANT: Opposed. Ayes have it. As board chairman I'd like to reemphasize to Mr. Wentzel who I don't think is here, so Mr. Jarvis, I will mention it to you. I agree with what Mr. Valois and Mr. Mendez were saying in terms of devoting some staff time to looking into the conciliation arbitration proposals that have been talked so that we can continue to pursue it and particularly to contact Mr. Udo because I know that he had raised some questions both when this was brought up in Mississippi about some particular programs and subsequently. So if you would see that that's followed through on, I'd appreciate it. And it's nice to see you, by the way.

Next item on the agenda is the report from the audit appropriations committee. Dr. Mendez.

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MR. MENDEZ: Mr. Chairman, the audit and appropriations committee met and with regard to the third quarter budget review of the corporation recommended that we refer it to the board for its review and comment and taking no action with regard to that. Mr. Coster was directed to provide information to us and prepare various documents in that regard and hopefully during that discussion he was also told to have monthly reviews for us henceforth.

MR. COSTER: There is really no action that the board need take on this budget review unless it desires to have it incorporated in the minutes of the meeting.

MR. DURANT: What about your...

MR. MENDEZ: With regard to the consolidated operating budget for fiscal year 1987, the committee recommends to the board and I put it in the form of a motion that we adopt the consolidated operating as prepared by the comptroller as presented in the committee book and as set forth in the statutory provisions.

MR. COSTER: Excuse me. The committee also directed that the format be changed by consolidating the two lines.

MR. MENDEZ: That's correct. But the committee can do that without, I think, the board

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action.

MR. DURANT: Are you going to make it in the form of a motion?

MR. MENDEZ: Yes, that is the motion.

MR. DURANT: I didn't hear... okay.

MR. MENDEZ: I move that the board adopt without modification the FY 1987 consolidated operating budget as prepared by Mr. Coster and presented in the committee.

MR. DURANT: What page is that?

MR. MENDEZ: 15 I think it is.

MR. SMEGAL: 13, 15.

MR. VALOIS: 13 through 15...

MR. MENDEZ: No, it's on pages 19 and 20. 20 is his actual document, 19 is explanatory letter, 21 is the statement by Congress.

MR. VALOIS: We're voting on what's on page 20?

MR. MENDEZ: That's correct.

MR. DURANT: Columns, too.

MR. MENDEZ: Column two.

MR. DURANT: Is there a second?

MRS. MILLER: I second.

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Durant speaking, you don't identify the luncheon speaker, who's going to speak at lunch?

MR. BESHAROV: We have extended an invitation to the attorney general and my understanding from his schedule is that if his plans about being out of town are changed, and I think there in the process of being changed, he will be attending and giving the luncheon speech. If not, the luncheon speech will be given by Mr. Allen Morrison who will talk about the practice of law and the demonopolization of the practice of law. He will emphasize that many of the things that we now, the services that we now limit to the provision... excuse me, not only does my throat not work, sometimes my brain is not connecting with my mouth. He will describe how many things that we now say only lawyers can do, para-professionals, paralegals could do and he's going to emphasize, for example, the changes that he has succeeded in obtaining, for example, in bankruptcy filing and he'll emphasize that in bankruptcy, as well as in many other areas, it should be possible to have non-lawyers perform the tasks that lawyers are performing now.

MR. DURANT: Thank you. Any other comments? Mr. Besharov, thanks for not only the time but the insights and I'm looking forward to this whether I was on or off the program. Thank you very much.

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Any other public comment? Martha, you had some questions regarding the refunding calendar. Has that been taken care of or do you want to address it?

MRS. BERGMARK: I'd like to raise some of those now if that's all right.

MR. DURANT: The floor is yours.

MRS. BERGMARK: The field programs, as you know, are in the midst of dealing with the refunding application which they received early in October with the deadline date of November 21st. There are a number of questions that have come up.

MR. DURANT: Can I just interrupt you a second? Which staff people are to be here?

MR. MENDEZ: I don't know what...

MR. DURANT: Is there any particular staff person that you want in addition to listening to listening to what you're saying, I mean, to respond or...

MRS. BERGMARK: I'm not sure who would be able to answer.

MR. SMEGAL: Well, why don't you present it to us and let's have the staff make sure that all of you are paying good attention to this so we'll get it to the right person.

MRS. BERGMARK: Okay, it's our

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1 understanding that there is a target date of December
2 15 for making the grant, issuing the grant letter. Is
3 that...are we still on target for that?
4 MR. DURANT: I don't know the
5 answer to that. Is Mr. Wentzel here? I know he had
6 to leave shortly.
7 MR. SMEGAL: Tim, is that correct?
8 Are we still on a December 15th target date for issuing
9 refunding?
10 MR. BAKER: I can check into
11 that.
12 MRS. BERGMARK: The other questions,
13 I guess, that go with that are that last year, as you
14 know, the grants were made on a month to month or a three
15 months basis basically using the argument that some of
16 the information that was provided in the refunding applica-
17 tions was insufficient and there was a second round of
18 questions that went out. It was also the problem with
19 the continuing resolution was not finalized and it was
20 not final word yet on what the amount to the field pro-
21 grams and what would be.
22 This year I would encourage you to take the position
23 that we don't have either of those problems. First of
24 all, the funding amounts are set. There's not going
25 to be any questions about that.

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1 Secondly, with respect to the application process,
2 this year's application is substantially, substantially
3 changed from previous years. This was done without any
4 consultation with field representatives, with no real
5 advance warning to the field people that this would be
6 there.
7 MR. DURANT: Is it out in the
8 field now?
9 MRS. BERGMARK: I beg your pardon.
10 MR. MENDEZ: It's been out for
11 about a month now.
12 MRS. BERGMARK: It's not quite
13 a month. It came out, I think, the first week in October
14 if I'm not mistaken. There are several questions involved
15 with it. I think people are going to be...I know that
16 they are already working hard on trying to respond in
17 good faith to the questions that are asked, but we would
18 ask your indulgence, in a sense, on that because there's
19 a lot of new material there that...there are several
20 items that have the opporunity, at least, for raising
21 some confusion about the answers. And that we would
22 urge you to take the position that the programs ought
23 not to be penalized as they were in last year with short
24 funding unless there's some specific reason to do that,
25 but not a wholesale short funding, or wholesale three

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1 month or month to month funding. Can we get some clarifi-
2 cation at this point on what the intention is on December
3 the 15th where the annualized grants are...
4 MR. MENDEZ: I will tell you,
5 like I told them last time, if you don't give full and
6 proper documentation, I instruct the staff last time
7 not to send the funds out and I'm going to tell the staff
8 again if it's not complete, it's not in good shape, not
9 to send the funds out again.
10 MR. DURANT: I would add to
11 that, Mrs. Bergmark, that you should encourage your members
12 if they have questions about the new procedure and they've
13 had this document for a month that you're talking about,
14 that certainly by now, they should have asked for answers
15 to those questions, and if they haven't done it by now,
16 they certainly ought to do it posthaste.
17 MRS. BERGMARK: All right.
18 MR. SMEGAL: Or if they've asked
19 and, you know, there hasn't been any turn around, I'd
20 want to know about that, as I'm sure the board would,
21 for Mr. Wentzel.
22 MR. MENDEZ: I think the board
23 and they ought to get ahold of the board and Mr. Wentzel
24 both, we'd both like to know. But in the absence of
25 anything...let me just tell you the reason I have the

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position that I have. Some people said in some of their grants that they weren't bound by the some of the statutes and some of the regulations. And I will not send out... as long as I sit here, if I know about that, if we've got some grant conditions and some regulations that they say that they're not going to obey, then I don't want the funding to go out. I think that's fair. Until that's clarified, until we're sure, that's the case.

Now, my recollection is that somewhere there was about one-half last year had accurate responses and the other half didn't. Maybe it was a little bit less than half had good responses. Now, I would assume that part of the problem last year was that there was a short turn around time. That was the reason that this went out so long. Now, by the time this is finished, we're going to have it for what?

MRS. BERGMARK: About six weeks, I think. Three weeks ago and we have three weeks...

MR. MENDEZ: Six weeks which is a substantial time and if there are any questions or problems, the staff has been instructed to answer all of the questions. If they haven't given you good and satisfactory responses, we want to know about them.

MRS. BERGMARK: One area would be...

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1 MR. DURANT: With specificity
2 I would add.
3 MRS. BERGMARK: All right, I
4 do have a short list of those right now. One is with
5 respect to assurance number eight. Assurance eight is
6 the provision that talks about the legal services corpo-
7 rations' opportunity to designate an auditor but it does
8 not clarify in there that that would be at LSC expense.
9 Last October at this committee meeting that question
10 was raised. This is October of '85. There was at page
11 five of the minutes of that meeting there was discussion
12 of that grant assurance and there was a statement made
13 that notification would go to the field that, yes, grant
14 assurance eight did provide that LSC could designate
15 an auditor but that that would not be at program expense.
16 That would be at LSC expense and that has not been changed
17 this year. Again, the language of assurance eight con-
18 tinues exactly as it was last year despite what we thought
19 had been clarified at an audit and appropriations committee
20 meeting then.
21 MR. DURANT: These are getting
22 fairly technical. Why don't you prepare your list, put
23 it in writing and send it as quickly as possible. Do
24 you think you can do it in this next week?
25 MRS. BERGMARK: Yes, we really

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have to for it to really be of any value...

MR. MENDEZ: Why don't you send it Mr. Baker with copies the board...

MR. DURANT: Is John Brooks still...

MR. MENDEZ: Let's just have Tim because Tim will know that he's supposed to get it. Follow up, if you don't get it by Wednesday, follow up with these to find out where they are.

MRS. BERGMARK: Thank you, the only other question concerned and, again, I understand the remark, the comments that you're making concerning not wanting grants to go out if applications have not been properly filled out. There was a concern concerning whether there was any intention at this point of treating support centers differently from field programs in terms of what is to be done on December 15? Has a decision been made already about whether there'll be a three month funding or a month to month funding pending...

MR. MENDEZ: There has been no decision and it would be my intent in the absence of something between now and later that these would be the annualized funding. That it would not go out month to month. But what I'm telling you, if there's some problem with the application...

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1 MRS. BERGMARK: Then that would
2 create an exception to that overall statement?
3 MR. MENDEZ: That's correct.
4 MRS. BERGMARK: Okay.
5 MR. MENDEZ: You understand
6 that.
7 MRS. BERGMARK: Yes, sir, I
8 understand that...
9 MR. MENDEZ: As long as we're
10 on the same wave length there.
11 MRS. BERGMARK: Yes, sir.
12 MR. MENDEZ: Mike, do you under-
13 stand our dialogue here?
14 MR. COSTER: Yes. I would add
15 that it's new to the corporation staff. There has been
16 fairly limited correspondence regarding the refunding
17 application, but we would encourage that.
18 MR. MENDEZ: If there's any
19 problems, make sure that you... you know, that's one
20 of the things, if you will look at the dialogues that
21 we had last year was call the staff, if you've got a
22 question, got a problem, call them, get it clarified.
23 Do it quickly. It's been my understanding that there
24 hasn't been much communication.
25 MRS. BERGMARK: Well, I'll make

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sure that that message gets across. Thank you.

One final point concerns the November 21st deadline there is a statement in the instructions that there's an opportunity to request a waiver if it's not possible to have a board meeting. My experience with this has been not that we don't schedule a board meeting, we know what the deadline is, we'll schedule the board meeting three or four days in advance but if you don't get a quorum, there you are. You know, you have to reschedule so last year there was essentially a provision that provided for an automatic waiver in that instance to the December date.

It would be my understanding that that's probably true this year. I just want to get that clarified.

MR. MENDEZ: Well, I tell you I hate to be the bad guy here but the reason I told them to get this thing out so early was that it was not an automatic. You have to request it.

MRS. BERGMARK: You have to request. Well, I understand, but does the filing of a request essentially mean that there would be a waiver granted? I mean assuming that you couldn't get a quorum on the board, see what I'm saying?

MR. MENDEZ: Yes.

MRS. BERGMARK: Okay, in other

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words, yes, you must write and request the waiver, but it's liberal...

MR. MENDEZ: Yes.

MRS. BERGMARK: ...or virtually automatic approval of such a request?

MR. MENDEZ: I don't want to say automatic, but I would say it's liberal.

MRS. BERGMARK: All right, thank you.

MR. DURANT: Martha, not to confuse anything, I have the utmost affection for my fellow board member and I don't think I disagree with anything that he's said, but I mean he is speaking as one board member and is not...

MR. MENDEZ: I also hope I'm speaking as chairman of audit...

MR. DURANT: ...as chairman of the audit appropriations committee, and I would follow Mr. Mendez's words closely. I'm just saying that we're not officially adopting any board policy on any of your particular questions and tht the most important thing is to contact the staff and get particular problems resolved as quickly as possible so that if there are things that come up, well, then they'll be addressed at that time.

MRS. BERGMARK: Well, the only

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two things then that I think I'm taking away, I would hope to take away the intent of the board so far would be that in terms of application for a waiver that, yes, a written application needs to be made, written request for waiver but those would be liberally granted assuming that there's a reason given such as the one I've just mentioned for being unable to meet the November 21st deadline.

MR. MENDEZ: Here's the problem that you resolve, so that you understand, you make your application for waiver gives the corporation a shorter time in which to resolve any difficulties that there are.

MRS. BERGMARK: Yes, sir, I understand that and I'm sure that...

MR. MENDEZ: That was the reason why we wanted to have it this far out in front.

MRS. BERGMARK: Yes, sir.

MR. MENDEZ: And you understand that there's more likelihood that you'll get a month to month grant.

MRS. BERGMARK: I appreciate that and I think people are aware of that.

And then the second thing would be that the intention is to go with annualized grants on December 15th and

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no distinction as between a field program versus national or state support and that that be contingent...

MR. MENDEZ: Well, now, hold it. There's a difference between national and state support are not grants. They're contracts.

MRS. BERGMARK: Yes, sir. But they are annualized...

MR. MENDEZ: They're annualized.

MRS. BERGMARK: ...contracts.

MR. MENDEZ: That's fine, but I don't want us to blend the two because there are some distinctions between the two.

MRS. BERGMARK: I'm sorry, but let me preserve that distinction right now; but the intention would be contingent upon the completion of the application process, the annualized funding would go forward on December 15th?

MR. MENDEZ: That's correct.

MRS. BERGMARK: Thank you.

MR. DURANT: Bob, anything?

MR. VALOIS: No.

MR. DURANT: Thank you for your efficency and your comments. Do you have anything else, Mike?

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MRS. BERGMARK: Bob has just pointed out that the date we think refunding applications were received was on or about the 10th of October just for...

MR. DURANT: So, you've had it...you will have had...

MRS. BERGMARK: About three weeks.

MR. CLYDE: 20 days, 21 days.

MR. DURANT: Any other comments from the board? Field? On two if you want to come forward and address the board, you can, you know.

MRS. BERGMARK: There's just one final question. There is a two part application process, as we all know, and I'm just wanting to make sure that we were clear that it's only the first part as specified in the instructions that's due on November 21st pursuant to which grants will be made and the final part comes in in January, February?

MR. MENDEZ: That's correct.

MRS. BERGMARK: Thank you.

MR. DURANT: Anything else? Hearing nothing else, I will entertain a motion to adjourn the board meeting?

MR. SMEGAL: I'm sorry, I didn't

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realize you were that far along, Clark, I do have several things. I assumed we were talking about their point here.

MR. DURANT: Okay.

MR. SMEGAL: I wrote you a letter several days ago and I appreciate that time has been insufficient to get a response, but in that letter I suggested that...

MR. DURANT: Do you want me to respond now?

MR. SMEGAL: Well, let me suggest what I want you to talk about. I suggested in that letter that it seemed appropriate to me that this board have a discussion, a monitoring. We haven't had that. We haven't had an opportunity to have public comment on what's going on. We haven't had an opportunity to hear from our staff as to what they're doing. I am disturbed by the fact that I understand that a program in North Carolina has now has 400 person days of monitoring. 400 person days of monitoring.

MR. DURANT: Who has, Tom?

MR. SMEGAL: The legal services of North Carolina. We've gotten several inquiries from Congress both the Senate side and the House side, Congressman Castenmyer most recently on September 17 has inquired

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1 of what the monitoring procedures are. It seems to me
2 appropriate that this board have some direct input.
3 In this whole process I get lots of paper. I get lots
4 of correspondence on this, not sufficient to answer the
5 questions necessarily, but I would like this board to
6 have an opportunity to have a hearing. I suggest of
7 at least a half a day.
8 The other day I got a letter from...I got a copy of
9 a letter from President Wentzel advising the staff that
10 the IRF policy had been discontinued. I don't know what
11 the IRF policy is, I'd like a copy of that. In that
12 continuing resolution and the committee report that
13 accompanied it, two sets of lobbying regulations have
14 been addressed, particularly the Congress has told us
15 that we are not to spend any money enforcing either of
16 those sets of lobbying regulations. I'm wondering how
17 we're going to publicly announce that. Is there going
18 to be something in the federal register that will tell
19 these programs that they aren't bound by regulations
20 that we have been told not to enforce?
21 In addition to that, Clark, I think I've seen a letter
22 from you on this. There was a letter sent to everyone,
23 to all of the programs, I guess, from one of our staff
24 people, Mr. Gomez, questioning their attendance at the
25 NLADN meeting a week ago. I believe I saw a response

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from you which indicated that we were going to have an opportunity to find out why that letter was sent, what the purpose was.

And finally, I've come here with my calendar with the understanding we're going to schedule board meetings. I appreciate three of us aren't here and if I understand correctly, we're not having a closed session where we have in the past scheduled board meetings. I'm wondering what we're going to do about that.

MR. DURANT: All right, let's do them right now.

MR. SMEGAL: Well, I've given you a laundry list, you can respond if you would deem it appropriate or we can have it done in some other way.

MR. VALOIS: Mr. Chairman, I realize these questions are addressed to you but I think probably the questions deserve some discussion if we're going to be asked as a board to respond to them. In the first place, I mean, the taking up of setting dates of meetings is not something we need to spend time on the record about.

MR. SMEGAL: I'm not suggesting we do that, Bob. I just want to know what was going to happen. I was given information in my packet that led me to believe I should come here prepared to do that.

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And now I understand we're not going to do that and I wondering when we're going to do it.

MR. DURANT: No, all we're not going to do is that we're not having a formal executive session.

MR. SMEGAL: All right.

MR. DURANT: To go over the particular items that the session was to be closed for. That doesn't mean that...it's my understanding we're going to have lunch together and that we set our calendar dates...

MR. SMEGAL: Fine, that's perfectly acceptable.

MR. MENDEZ: The other thing that I wanted to do was that in the past we haven't published the dates, the tentative dates and I think it would be very helpful if in our program notes from now on out if we would just list all of the tentative dates in the future with the understanding that they may change or whatever, but because we generally set them by calendar year ahead. I've asked to have this done and I think that that will be done this time around so that everybody can sort of schedule around it.

MR. DURANT: So, we will do that at lunch. Tom, as far as your other particular

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questions are concerned, I did get your letter the other day. I've been...

MR. MENDEZ: The one that is particularly bothersome to me, Tom, is that the lobbying regulation and the statutory language on the lobbying regulation says that we're not to use any monies from '87 to enforce it. It does not say, the way I read it, that it's not in force. That lobbying regulation is in force.

MR. SMEGAL: If that's the way you're reading it, Pepe, that is certainly not the way it was intended by this Congress...

MR. MENDEZ: Well, I'll tell you what, that's what it clearly says.

MR. SMEGAL: ...that's inconsistent with what was intended. Well, I don't want to get into a debate with you right now over what it says.

MR. DURANT: I don't think I have correspondence from Mr. Houseman and from some others and I have asked Mr. Bayly... There you are, I like that bow tie. I have had correspondence with Mr. Bayly and also with Mr. Houseman in which to review the questions that Mr. Houseman has brought up for the benefit of the field programs and whatever and the discussion has not moved as quickly as I would have liked so that

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1 the there's some resolution of the questions that are
2 raised by Mr. Houseman that that is an ongoing discussion
3 and I would ask Mr. Bayly to...I know you've been busy
4 on other matters, but I really want this one resolved
5 in terms of your thinking and your recommendations on
6 it in fairness to the programs and in terms of what action
7 the board should take. I know Mr. Wallace, who couldn't
8 be with us because of depsitions, he is contemplating
9 and maybe he's already done it to come up with a new
10 proposal regarding lobbying regulation and would file
11 those for comment to begin a discussion in terms of what
12 a different regulation and what shape it ought to take.
13 So, that is ongoing also.
14 And I think in terms of your other questions on monitor-
15 ing, I did ask Mr. Wentzel briefly before coming in here
16 regarding the monitoring program and he informs me that
17 he's here so he can elaborate on this a little bit better
18 maybe than I can that the different committees have in
19 questions that have been raised irregarding particular
20 programs or standards in whatever for montioring are
21 receiving, if I'm correct, answers to them regarding
22 what what our procedures are and how we've been conducting
23 monitoring. Is that correct, Mr. Wentzel?
24 MR. WENTZEL: That's correct.
25 MR. DURANT: I mean Congressman

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Castemyer's committee and the others. So that, in fact, I think there was just a recent court date in Pennsylvania upholding our procedures and standards and the way in which we've been conducting the monitoring, although I haven't read the opinion, that's my understanding...

MR. SMEGAL: I think it was a little more limited than that, but, yes, it was addressing some of these points.

MR. WENTZEL: Let me comment on that, that case is still ongoing, it's still in litigation. So I think it would be inappropriate to raise anything at this time.

MR. DURANT: But that's the status and those are moving along, Tom, and at the appropriate time...

MR. SMEGAL: Good, well, I appreciate knowing that, thank you, Clark.

MR. DURANT: Okay.

MR. MESAR: Mr. Durant, if I may on the monitoring question...

MR. DURANT: Can you identify yourself?

MR. MESAR: My name is Joe Mesar. I'm on the staff of National Organization of Legal Service Workers and our office communicated, I think, with you

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C E R T I F I C A T E

STATE OF VIRGINIA:

AT LARGE:

I, Marie I. Epps, Notary Public for the State of Virginia At Large, do hereby certify that the foregoing was reported by stenographic and mechanical means, which matter was held on the date and at the time and place set out on the title page hereof, and that the foregoing constitutes a true and accurate transcript of same.

I further certify that I am not related to any of the parties, nor am I an employee of or related to any of the attorneys representing the parties, and I have no financial interest in the outcome of this matter.

GIVEN under my hand and seal this 5th day of November, 1986.

My Commission Expires:
September 4, 1990

Marie I. Epps
Notary Public