

LEGAL SERVICES CORPORATION
BOARD OF DIRECTORS

PROVISIONS COMMITTEE MEETING

Friday, April 16, 1999

2:05 p.m.

Hilton Alexandria Mark Center
Terrace Ballroom
5000 Seminary Road
Alexandria, Virginia 22311

COMMITTEE MEMBERS PRESENT:

Hulett H. Askew, Chair
Edna Fairbanks-Williams
Nancy H. Rogers

BOARD MEMBERS PRESENT:

LaVeeda M. Battle
John T. Broderick, Jr.
Douglas S. Eakeley (ex officio)
John N. Erlenborn
F. William McCalpin
Maria Luisa Mercado
Thomas F. Smegal, Jr.
Ernestine P. Watlington

LSC STAFF PRESENT:

John McKay, President
Danilo Cardona, Director
Michael Genz, Director
Robert Gross, Senior Program Counsel
Karen Sarjeant, Vice President for Programs
Carolyn Worrell, Program Counsel

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C-08804

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P R O C E E D I N G S

1
2 CHAIR ASKEW: We will call the meeting to
3 order. This is a meeting of the committee on the
4 Provision for the Delivery of Legal Services. I will
5 note for the record that the other two committee
6 members are present and Doug Eakeley, who is ex
7 officio, may be joining us this afternoon.

8 The first thing is the approval of the agenda.
9 Before we approve it, I would like to make one slight
10 change in the agenda under item three. After speaking
11 to the vice president, I think it is more appropriate
12 if we title this section of the agenda, "Report by the
13 Corporation's Office of Program Performance on the
14 state planning process and other programmatic
15 activities of the Office including program performance,
16 compliance, and enforcement in the Office of
17 Information Management." That will be become clear
18 when we have the panel.

19 But with that change, I would like to call for
20 the approval of the agenda.

M O T I O N

21
22 MS. ROGERS: So moved.

1 MS. FAIRBANKS-WILLIAMS: Second.

2 CHAIR ASKEW: The agenda is approved.

3 The minutes of our last committee meeting of
4 February 20th are in the book.

5 MS. ROGERS: Do you want their approval?

6 CHAIR ASKEW: Let me make one comment. Victor
7 was here. I understand this came up at the Ops and
8 Regs committee meeting about the minutes from prior
9 meetings. And I am going to ask in the future for the
10 general counsel's office to fill in a little bit in the
11 minutes about what occurred at the committee meeting as
12 opposed to we met, we approved the agenda, and we
13 adjourned. And give us a little bit of a sense of what
14 occurred at the committee meeting.

15 And I understand there was just a problem with
16 the last meeting. It won't recur. But let me request
17 that also for our committee. But with that, let me
18 call for the approval of the minutes.

19 MS. ROGERS: I think we have already done
20 that.

21 CHAIR ASKEW: Oh, have we? No, we did the
22 agenda.

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M O T I O N

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MS. ROGERS: Move the approval of the minutes.

CHAIR ASKEW: Second?

MS. FAIRBANKS-WILLIAMS: Second.

CHAIR ASKEW: Okay. The minutes are approved.

Now, with that, I will introduce our vice president, Karen Sarjeant, who will introduce the panel, and then we will hear from the panel about the items that I just reviewed.

MS. SARJEANT: Thank you, Mr. Chairman. I am really quite happy to be here today to have the opportunity to let you hear from other members of our staff who are doing a lot of the work that you know about, but we want to give you just a broader understanding of some of the various things that are going on, in addition to state planning and competition.

So on the panel today I have with me Mike Genz, who is our director of the Office of Program Performance; Bob Gross, who is the senior program counsel for state planning within the Office of Program Performance; Danilo Cardona, who is the director of the

1 Office of Compliance and Enforcement; and Carolyn
2 Worrell, who is a program counsel in the Office of
3 Program Performance.

4 You will obviously note that Ted Faris, who is
5 the director of the Office of Information Management,
6 is not here today, although we are going to be talking
7 about some of the things that his office is doing. I
8 am sorry that he is not here because he would add a
9 very important dimension to this discussion.

10 But I am happy to report to you that he is on
11 vacation, a very well deserved vacation because it is
12 actually his office that is handling a lot of these CSR
13 reporting issues. So he has been very busy recently in
14 addition to everything that he does. So when we get to
15 that part of our agenda, I will be bringing information
16 to you about the work of that office.

17 In front of you we gave you a package of
18 handouts. And I would draw your attention initially to
19 the cover pages, the first two pages, that are -- it is
20 a chart of the three offices, programmatic offices
21 within the Corporation. And I believe that each of you
22 were sent a copy of the Corporation's organizational

1 chart. This gives you more information about what each
2 office does. And I would like to just briefly go over
3 that with you.

4 As you know and as I reported to you either
5 the past meeting or previously, we have restructured
6 the program side of the Corporation. So we now have an
7 Office of Program Performance that has five primary
8 responsibilities, including competition, state
9 planning, program performance and improvement, special
10 projects, and field technology. And that office is
11 staffed with 15 positions. That is the office that
12 Mike has.

13 There are other handouts in these materials
14 and as each panel participant discusses their part of
15 the information, they will refer you to those pieces of
16 material in the packet.

17 We then have the Office of Compliance and
18 Enforcement that is managed by Danilo Cardona. And
19 their primary responsibilities are 850 referrals and
20 follow-up on referrals -- which are audit follow-ups --
21 complaint investigation, approvals and waivers, on-site
22 reviews, financial statement reviews, and monitoring of

1 record-keeping requirements.

2 In addition, they do some special projects
3 such as disaster relief, which is an area that comes up
4 from time to time. And if we are able to, we try to
5 help out programs that have losses due to various
6 disasters.

7 The third office that we have is information
8 management. And that office is relatively new. And
9 the primary responsibilities of that office would be
10 the development of our grantee information management
11 system, which is our primary method of data collection
12 from our recipients.

13 That office has responsibility for monitoring
14 and support to the field on the case service reviews
15 and development of the data survey that we will be
16 talking about a little bit later. They also have the
17 responsibility to oversee the automation of both the
18 competitive grants process, the grant activity data,
19 and they are currently undertaking the automation of
20 compliance data. And when you get an opportunity to
21 hear from Danilo, you will get an understanding of how
22 vast that responsibility is.

1 So at this time, what I would like to do, if
2 you don't have any questions about the particular
3 responsibilities of each office, is just turn it over
4 to Mike who is going to tell you the kinds of things,
5 other activities that his office is working on, and he
6 will give you a quick overview of those activities.

7 MR. GENZ: Okay. Thank you, Mr. Chair,
8 honorable members. I am going to talk just very
9 briefly about the competition. For the most part, it
10 is very close to what was covered at the last meeting.
11 So we don't have to spend much time on that. And the
12 other that I want to briefly cover is technology. And
13 then I will turn it over to Bob to talk about state
14 planning and then Carolyn will talk about the Native
15 American conference that we are working on, an honor to
16 do.

17 In your materials, the fourth page down, there
18 is a one-page chart on the status of the competition
19 that we have this year. And what you have there is the
20 number of service areas under competition at this time
21 and then the key competition dates.

22 There are probably two things worth noting

1 here. One is the pretty high number that we happen to
2 have this year. We have a total of 217 serviced areas
3 under competition as opposed to last year it was about
4 136. So we have about 80 more. And what I talked
5 about last time, in terms of wanting to streamline the
6 process and make it as efficient as possible, this has
7 a lot to do with why we want to do that in terms of in
8 general.

9 And the other thing to note is that as you
10 see, we have two sets of dates for when we will be
11 getting the applications back, and the states are
12 noticed down at the bottom. And the reason for that
13 was simply that at the time we were doing this, the
14 states in the second group were states where the
15 configuration situation was not clear. And in case
16 there would be a reconfiguration, and in some of them
17 there are, we want to allow as much time as possible
18 for working in those states.

19 So that is pretty much what I have to report
20 in terms of competition. Three things I would like to
21 mention about technology. The first has to do with the
22 Y2K situation. You have in your materials, I think the

1 second from the back, stapled, large stapled group, is
2 a paper that we wrote. It is a primer for the field on
3 the Y2K situation. We are going to be updating it as
4 now there is more and more interest in that situation.

5 While we have it here in printed form,
6 probably the best way to use it and the way we are
7 encouraging our programs to use it is on the Internet
8 because all of those citations to other places are
9 links. They can go right from there.

10 So a very basic explanation of what the
11 situation is and a how to about what to do to check the
12 two possible issues of the software and the hardware,
13 how to test it and, if necessary, where to go to get
14 information about how to test it and how to fix it.

15 So other things that we are doing on Y2K
16 include a grant assurance we are looking at that would
17 ask programs to look into it and make sure that they
18 are Y2K compliant. And we expect to be dealing with --
19 providing other help as time goes on. The second topic
20 with respect to technology I would like to raise is
21 bulk purchasing. Members of the Board have
22 suggested -- I am sorry.

1 CHAIR ASKEW: Mike, the primer, the paper on
2 Y2K, has that been sent out or is that only available
3 on the web site? This looks like a printout from the
4 web site?

5 MR. GENZ: It is a printout from the web site.
6 I don't believe we have sent it out. It is available
7 on the web site.

8 CHAIR ASKEW: Do we know or do we have any
9 assurance that programs are accessing -- using the web
10 site for purposes such as this?

11 MR. GENZ: We have publicized that in several
12 ways and the web site itself. Actually, this is also
13 on the recipient information network and we have sent
14 out e-mails and also faxes sort of pointing people to
15 that place.

16 One place where we really tried to publicize
17 it was in the state planning information to point
18 people there because we have, for each state, a good
19 database of information about each program and about
20 demographics and what have you. And I think that
21 probably brought people to that as a source of
22 information.

1 CHAIR ASKEW: Okay.

2 MR. GENZ: So with respect to bulk purchasing,
3 members of the Board and others have suggested that we
4 look into it in the technology area as a useful -- sort
5 of a useful tool to help programs get -- have power in
6 the marketplace that they wouldn't ordinarily with just
7 the one.

8 So we are currently checking into it in the
9 context of the computerized legal research, either
10 Westlaw or Lexis, and we have just undergone that
11 effort and hope to move on it very quickly because, as
12 we know, there is interest in several places at this
13 time.

14 One project that we have completed in the bulk
15 purchasing area is with the Clearinghouse magazine. We
16 talked with them about the possibility of offering a
17 subscription offer of bulk purchase. And they sent
18 that out about two months ago offering rates much
19 better than were available to programs one by one.

20 The normal first subscription rate was \$300
21 for a subscription for one year, and that also involved
22 access to the legal materials that they had. And with

1 this deal, it was \$95 in addition to the access to the
2 online database, and what have you. We were very happy
3 with the reception. Lots of programs expressed great
4 interest in that. And there were, I believe, about
5 1,500 subscriptions. So that program is going forward.

6 One we haven't started on, but are looking
7 into is the -- how to use the equipment. And as soon
8 as we get somebody online, non-staff, to work in the
9 technology area, we will start that up to look at the
10 bulk purchasing of computer equipment and other
11 equipment that would make sense.

12 So the last thing I wanted to talk about
13 briefly was a Pro Se Conference that is scheduled for
14 November in Scottsdale, Arizona. It is sponsored by
15 the State Justice Institute, and it is being run or
16 facilitated by the American Adjudicature Society. The
17 goal of the conference was to promote pro se within
18 courts and to promote the acceptance of it by courts.

19 Chief justices are asked to send a contingent
20 of four persons, hopefully the chief justice, to come.
21 And, of course, while there will be presentations
22 there, it is also designed to be a working group so

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1 that those four from each state would actually be
2 working up a plan during the course of this conference
3 about how they will be moving pro se forward.

4 So the Corporation was invited to participate
5 in the planning process and because it is very relevant
6 to us. Pro Se representation is, of course, one of the
7 major topics in our emphasis on state planning and it
8 is also relevant to the overall theme of working
9 together coordinating.

10 MR. EAKLEY: Are there opportunities for
11 Ernestine or Edna to get involved if they would like
12 to?

13 MR. GENZ: We will certainly check with them
14 about it. This is an invitation situation. So one of
15 the roles that we played on the planning committee was
16 to try to broaden the base of folks that they would be
17 inviting to make sure that our community is considered
18 because we played a role in pro se over the years. So
19 that is something we should certainly look into. Okay.
20 Thank you.

21 CHAIR ASKEW: Yes. Let's stop and see if,
22 before we go on to the next, maybe if there are any

1 questions on the things that Mike has reported on. No
2 questions? Oh, Nancy.

3 MS. ROGERS: Of the 46 one-year funding
4 grants, what proportion of those, about, are because of
5 state planning as opposed to an issue in local
6 programs?

7 MR. GENZ: I don't have the exact number.
8 Most of them would be state planning. The issue of
9 program performance, I believe, was 11. So it would
10 have been 35. Anything else?

11 (No response.)

12 MR. GENZ: Okay. Thank you. I will pass on
13 to Bob.

14 MR. GROSS: Honorable Chairman.

15 MR. EAKELEY: Or not so.

16 MR. GROSS: Honorable Chairman, members of the
17 committee, my name is Bob Gross and I am pleased to
18 provide you with another update on state planning.
19 Ohio, of course, is one of the states that was included
20 with one-year funding in the 46, but I am pleased to
21 report, as we look at the 217 service areas that are
22 going to be in competition, 8 will be changed this

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1 April for the competition and only 8.

2 Seven of those are in the state of Ohio. They
3 finally submitted their state plan on March 1st and it
4 was a very good one. They had broad participation from
5 stakeholders. I reported a little bit about that at
6 the last meeting. We had a glimpse of their plan, but
7 now it is in and we have looked at it and they have
8 followed through with strengthening a lot of their
9 state support capacities, looking at new ways to do
10 intake in a regional way.

11 Wayne Moore, who you may know is sort of one
12 of the gurus of intake, I think has got an apartment
13 somewhere in Ohio because he is out there all the time
14 now. And they brought someone on board to the Ohio
15 Legal Assistance Foundation to work on technology
16 across the State.

17 And they are really pleased with their plan
18 and they also recommended in their state plan that the
19 current 14 service areas be changed to 7 and that we
20 publish those 7 this April. And they want to have in
21 place new configurations, consolidated programs in most
22 of those areas, by January 1st of next year.

1 So we have agreed and in the Federal Register,
2 which should be published today, you will see a new set
3 of service areas in Ohio. Those are seven of the
4 eight. The eighth change is in Pennsylvania.
5 Pennsylvania also took a regional approach, also
6 greatly strengthened their central activities to hold
7 the programs together.

8 Pennsylvania Legal Services, which is sort of
9 a state support fundraising center, has set aside a
10 quarter of a million dollars to create a support team,
11 which includes technology, fundraising, or I should say
12 resource development, because they want to look at it
13 broadly, they will have a consultant on intake systems,
14 and someone to coordinate training.

15 They have also changed the way their task
16 forces on -- substantive task forces work across the
17 State. One of the things I am most interested in, they
18 decided that the chair of the substantive task forces,
19 housing or consumer, they needed to look at this from a
20 statewide basis. And their programs needed to free
21 them up time wise so that they could perform that
22 function for the rest of the State.

1 So there are five task forces and each of
2 those chairs is going to have sort of like a reduced
3 program load so that they can serve a statewide
4 function. It was the strength of the middle in both of
5 those states that made us glad to accept their regional
6 configuration so that we wouldn't just see another
7 Balkanized -- just fewer programs, but as Balkanized as
8 they were before.

9 And in Pennsylvania, there is a plan in
10 several of the regions to consolidate, in some cases,
11 four programs into one, another four into one, three
12 into one. And they have set a goal, and we have agreed
13 with that, of 2001 to have that in place.

14 And in one section of the State, the northwest
15 where two programs are going to merge, they asked us to
16 change the service area this April to get them going to
17 get their work done on a shorter schedule. And so that
18 is the other service area change. Those are the only
19 service area changes we have made.

20 However, in Pennsylvania, we will, for the
21 following year's competition, adjust those other
22 service areas. And as we proceed in state planning

1 with the remaining states, we will continue to look at
2 configuration, as well as the other items.

3 You remember there were six states that were
4 ones that we were looking at most closely at this time
5 about configuration, New York, New Jersey, Virginia,
6 and Indiana were the others. We are not changing their
7 configuration. Each of those states is very different.
8 They have a lot of strengths.

9 I think we are very pleased with the progress
10 they have made in many areas with the progress that New
11 Jersey had made well before we were involved, but I
12 think we have also encouraged them to do a few things
13 too.

14 The other states, less so in New Jersey, we
15 still have a close eye on configuration and we will be
16 working with those states to continue to look at that
17 and to see whether they are developing enough in their
18 state plan to make sure that clients throughout the
19 state have high quality services and relatively even,
20 equal access system in that state that works well. So
21 that is -- I just briefly wanted to follow-up on the
22 competition side.

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1 The other thing that I wanted to talk about
2 are the technical assistance grants. Perhaps more fun.
3 As you know, on February 23rd, we published our request
4 for proposals in the Federal Register and we put it on
5 our web site and we faxed notices around and e-mailed
6 notices around to all our recipients, to IOLTA
7 programs, to state bar executives, seeking proposals
8 for grants from 5 to \$15,000 to advance the development
9 of comprehensive integrated delivery systems.

10 We had a terrific response. We received 49
11 requests for \$588,000 total, 40 states and territories.
12 Mostly LSC recipients; however, there were five bar
13 associations, seven IOLTA funders, and a handful of
14 non-LSC providers who were consortiums or providers
15 that submitted requests.

16 They were for a range of activities. Our
17 request for proposals talked about planning, but also
18 implementation of plans because we recognized that some
19 states are ready to go, they don't need assistance in
20 sort of developing their plan, but they wanted
21 assistance in moving certain parts forward, whether it
22 was the technology piece or something around intake.

1 So the major categories we received requests
2 for, the first one was planning. There were 14 of
3 those, but actually, there was a tie, technology.
4 There were 14 requests for some kind of assistance in
5 and around technology, 8 around intake systems, and 6
6 around resource development.

7 We reviewed those, the way we have operated
8 with the state plans, as a group. All of us took a
9 look at these applications, we relied heavily on the
10 individual state responsible person to tell us what was
11 going on in the state, whether making a grant would
12 help move that state forward. We sort of ranked all of
13 these, we put it all together.

14 Some of the major criteria that we used was
15 will this foster integration? Is what they have
16 submitted a high priority under their state plan? Does
17 it have a likelihood of success? Are there other
18 stakeholders involved? One thing we weighed was how
19 much will our assistance do? Will it sort of make or
20 break it? Would they do it without our help? Do they
21 really need our help?

22 It was a tough one because in some states

1 where they have done a good job, you want to support
2 them. They may not be the lower funded states, but you
3 want to see that momentum going so that we didn't want
4 to penalize the state because they had done a good job.
5 In fact, we would want to reward that state if we
6 could.

7 But we also wanted to address those states
8 where we felt they didn't have a lot of resources, they
9 might have a hard time attracting a match, there might
10 not be help available. And so we wanted to look at
11 those states and help them as well.

12 Those were the major criteria. They were
13 tough decisions with 49 applications. I must say
14 decisions were made a little bit easier by a decision
15 to double the amount of funds that we were going to
16 make available in this round, and we will hear more
17 about that later.

18 But we were able to use funds in the category
19 that the Board authorized at the last meeting and make
20 \$150,000 worth of grants at this time. And given the
21 demand, I am hopeful that we will be able to make
22 further grants in a few months.

1 If that is the case, if there are other funds
2 available, we would publish another notice, give
3 programs an additional chance, perhaps those that
4 didn't apply to apply, those who have applied to either
5 affirm their applications as is or as was or resubmit
6 them as adjusted.

7 So the winners are -- in your packet, I
8 believe, there is a list of the -- I think it is the
9 second page. And I think if you glance at that, you
10 will get an idea, and I would be glad -- I know you
11 have a lot on your agenda -- to go over these at any
12 time in more depth.

13 But I think if you will look at those, you
14 will see that there is a range in terms of geography,
15 size, shape, who the recipient is. In some cases, it
16 is a state bar association, in some cases -- well,
17 someone had to apply, for instance, in the bay area on
18 behalf of other programs.

19 We looked very carefully. If there were three
20 programs in the state and two applied, we sort of said,
21 "It doesn't seem right. This is about state technical
22 assistance, state planning." So you will see, for

1 instance, down towards the bottom, Southern Tier Legal
2 Services in New York was the applicant that was on
3 behalf of all the New York state programs. And they
4 have a match coming from the IOLTA fund in that state.

5 Actually, we should hand this out. Now I will
6 give you the guide to what these grants were for, which
7 apparently is not in your packet. I apologize. Again,
8 I am not going to go over each one, but you can see in
9 the table that in the Bay Area, for example, help with
10 their work in developing an integrated system for the
11 Bay Area.

12 California. We were looking at how they are
13 going to integrate what they are calling an intake
14 service system. It is an access system. It is an
15 intake system that will also provide advice and
16 information building on what is existing in Orange
17 County there.

18 Colorado. The three programs there have been
19 working on a merger. They want to make it happen.
20 They need some assistance.

21 Louisiana was exciting. That comes from the
22 bar association. They have an access to justice

1 committee and a subcommittee on technology that really
2 applied on behalf of all the programs that have been
3 working together to move their technology forward.

4 Maine had an interesting effort that is going
5 to touch a lot of bases ranging from brief banks to
6 stuff that can be used pro se. They are working with
7 the courts very closely there.

8 Mississippi. Not surprisingly, high priority
9 as resource development. We want to support that.

10 Nebraska is undergoing reconfiguration. We
11 have been working with them there. The state bar
12 foundation is a large partner in forging a new system
13 there along with the bar association. Our programs are
14 involved in that application, but the bar filed it so
15 that they are all at the table together. The bar
16 foundation is going to put in significant funds in the
17 planning effort.

18 New Hampshire. I recused myself from all
19 discussion having been the project director there.
20 They are continuing the planning that they have been
21 doing with the bar association, the bar foundation, the
22 LSC and non-LSC provider. And they have matching funds

1 as well.

2 New Mexico. We want them to continue to find
3 work that they have been doing with their planning.
4 Their proposal came in from the state bar and we
5 supported that one.

6 New York. One of their highest -- actually,
7 their highest priority is resource development, but
8 they seem well underway on that one. Their second
9 priority in their state plan was intake. And we are
10 going to help them share in a statewide conference that
11 they are going to put on. They are going to have to do
12 a lot of work to pull that together. It is a very
13 large state. I think they are going to learn a lot
14 from what is going on in the rest of the country and
15 from each other.

16 North Carolina. The four LSC funded programs.
17 I thought it was kind of interesting. In their
18 application they wrote about a new wind is blowing
19 through North Carolina and it is no longer a cool wind,
20 it is a very warm one. They have hired a consultant
21 and have been working to pull the programs together at
22 the planning table along with the bar association.

1 They are going to have support from their IOLTA program
2 financially to help that. So we are glad to see that
3 happening.

4 Ohio. They have set a task for themselves.
5 Mergers are not easy to make happen quickly. We want
6 to support that. The Legal Assistance Foundation is
7 going to put in substantial resources, and they have
8 put in substantial time. And so that is where that one
9 is going to be.

10 And then in Pennsylvania, I think they have
11 done an excellent job. And I think the rest of the
12 country has learned from some of the planning work that
13 they have done. We have circulated it. New Jersey is
14 another state that we commonly circulate their plans to
15 other states. And we are pleased to support them and
16 to encourage them to keep going. And those are the
17 grants that were made.

18 CHAIR ASKEW: Anybody have questions for Bob
19 either about state planning or about the technical
20 assistance grant?

21 MR. EAKELEY: Where in the agenda for the
22 weekend is the discussion of how to find other and

1 further resources to continue with this development?

2 MR. GROSS: I am not sure. Are you looking
3 for Mr. Hogan?

4 MR. EAKELEY: Mr. Hogan, yes. I was looking
5 for Mr. Hogan.

6 MR. MCKAY: I can answer that question. We
7 expect that we will be coming to the Board either
8 before the June meeting or at the June meeting to ask
9 for another transfer into the funds available, which
10 you did before, since you transferred everything that
11 was in our account and gave us authorization to
12 disburse it. We are, I think, getting the sense of the
13 Board in Miami. We have the sense that you wanted us
14 to move aggressively in this area. And we have.

15 We expect, as Bob pointed out, that given the
16 response in the field, we will be recommending to you
17 that you make a further transfer, although we are not
18 prepared yet to do that. I think -- at the last time
19 we presented to you, we were talking about 75,000, this
20 is 150,000. And I think it is Karen's sense and her
21 teams that we ought to continue this project. And you
22 can expect to hear from us. But it will be between

1 this meeting and the next meeting.

2 CHAIR ASKEW: Mr. Smegal?

3 MR. SMEGAL: Bob, have you ranked the other 36
4 applicants so as the Board gets more money, you could
5 just check them off and send them the money?

6 MR. GROSS: Well, if we post it and allow
7 people to -- who didn't apply because they thought the
8 funds were so limited, we might get a different mix.
9 We didn't really rank them so that we could just check
10 it off because we sort of had a top priority and a
11 middle priority, but we didn't have enough money to get
12 to the middle priority. So we didn't really look at
13 those carefully enough. So I think we would have to do
14 a little bit more work is the answer.

15 MR. SMEGAL: So you sort of picked out 13 top
16 priority here and directed the funding to that.

17 MR. GROSS: Yes.

18 CHAIR ASKEW: Let me say Mr. McCalpin and I
19 spent a day in Washington -- now I have forgotten the
20 date, but I think it was in early March.

21 MR. MCCALPIN: No. It was later than that.
22 The 25th, I believe.

1 CHAIR ASKEW: The 25th of March and met with
2 staff about the status of state planning and did some
3 other things. And speaking for me, I can say we were
4 quite impressed with what we heard from the staff, but
5 also quite pleased with what we heard. If Ohio and
6 Pennsylvania are leading the pack, it is quite an
7 accomplishment.

8 And I know this is a dynamic process and there
9 is still a lot -- long way to go, but I think the
10 results we have seen just at this point justify all the
11 effort and the work that has gone into this. And it
12 seems to me it is a very productive producing things
13 that we really wanted to see happen.

14 And I think all of you deserve credit, but I
15 am very pleased the way the field responded to this.
16 It certainly seems like we are getting a positive
17 response. I also heard rumors that our board member,
18 Nancy Rogers, was very helpful in Ohio with what they
19 did there, which --

20 MR. GROSS: It is more than rumor.

21 CHAIR ASKEW: So we certainly appreciate that.
22 And Ernestine in Pennsylvania was involved and helpful

1 there. So if there are no other questions, we will
2 move on, but I think it is quite an affirmative report
3 we are hearing from you and we are quite pleased about
4 that.

5 MR. GROSS: Thank you.

6 MS. SARJEANT: I would just like to add, Bob
7 won't say this. He and the staff worked very hard to
8 take a look at this -- the grants that came in, the
9 request for proposals that came in and make some really
10 thoughtful decisions about how to best use this limited
11 resource to really make an impact and an effect within
12 the different states and within the programs.

13 And I would just like to, you know, publicly
14 thank the staff for the work that was done along those
15 lines. It is very important. I sat in on part of one
16 of their meetings and there is a lot of discussion and
17 referral back to the state plan and just it is really
18 not just a quick process of just deciding who will get
19 the money. So I would just like to commend them for
20 doing such a thorough job.

21 And now the last report from the Office of
22 Program Performance will be given by Carolyn Worrell,

1 who is a program counsel with us. Carolyn previously
2 was a project director and has experience in Native
3 American delivery issues.

4 And so we have prevailed upon Carolyn to help
5 develop and plan and implement a conference in May in
6 Estes Park, Colorado, on Native American delivery
7 issues. And so at this point, I would like to have
8 Carolyn explain to you what we are doing.

9 MS. WORRELL: Thanks, Karen. I am really
10 pleased to be here today and to share with you ideas
11 and information about our upcoming conference. And you
12 said there was a --

13 MS. SARJEANT: There is. The letter that was
14 sent out is in your packet. There is a letter that
15 went out from John to the field explaining and inviting
16 them to participate.

17 CHAIR ASKEW: Carolyn, move the microphone
18 over if you would, please. Yes.

19 MS. WORRELL: Oh, I am sorry. Well, as I
20 understand it, the last conference of Native American
21 programs was somewhere around 1977. Your honorable
22 chairman can probably confirm that. So it has been

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1 more than 20 years since --

2 MR. EAKELEY: You were young.

3 MS. WORRELL: Yes, very young. Very young.

4 CHAIR ASKEW: I was 12 when it happened.

5 MS. WORRELL: Twelve, right. Right, a mere
6 child. So this really is more than 20 years since we
7 have had a gathering of the Native American programs.
8 And our goals for the conference are particularly to
9 hear from the programs about what their concerns and
10 problems are, particularly on delivery ideas, resource
11 development, and also equally important is to provide a
12 forum for exchanging ideas, particularly on intake, on
13 delivery, and on technology.

14 We have invited to the conference one person
15 from each of our Native American programs and
16 components. And as of today, we have had acceptance
17 from every single program. In addition, we have had
18 requests from I think we are up to eight or nine now to
19 send an additional person.

20 We have also had requests from at least one
21 program that is not funded specifically to do Native
22 American delivery, but provides services to a number of

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1 Native Americans. And we are in the process of
2 determining how many people and how many rooms, et
3 cetera, to see whether or not we can indeed accommodate
4 those requests. But I think that that is a real good
5 indication of the excitement and the anticipation that
6 folks have about the conference.

7 In addition, because of -- and this really
8 surprised me -- our managing attorney and director
9 staff, of the 30 Native American programs and
10 components, as best we can determine, we only have two
11 directors who are Native Americans and another director
12 who is part Native American.

13 And I was very concerned that we have a
14 conference dealing with Native Americans and not have
15 very, you know, almost no Native Americans there. And
16 so we are also going to invite three additional Native
17 American tribal leaders who are also members of our
18 boards of programs.

19 In addition to that, we are -- we really do
20 want to connect the Native American programs to the
21 wider community. And in a lot of cases, they really
22 are fairly isolated. And so to really do that, we

1 really want to try to get Alan Houseman to come and Don
2 Saunders as well.

3 In addition, we have asked or are in the
4 process of inviting Senator Benjamin
5 Nighthorse-Campbell, who is the only Native American in
6 Congress, to keynote the conference, which will open on
7 a Sunday night. In addition, we are also asking some
8 other key legislative folks and other agency folks as
9 well.

10 In terms of the agenda, we -- some of the
11 major topics that we are going to be covering are
12 resource development. When you look at the funding of
13 the Native American programs and components since the
14 1995 cut, the basic field programs have really done, I
15 think, a remarkable job of making up that loss. The
16 Native American programs really haven't. They face
17 considerable more challenges than our basic field
18 programs. So resource development is going to be one
19 of our major topics.

20 In addition, we are also going to, at least
21 briefly, open how we fund programs for discussion.
22 Other important topics are going to be technology.

1 Because of the cultural differences, because of the
2 isolation, how will technology impact service delivery
3 in Indian country.

4 We are also asking -- we are having a paper
5 prepared, as part of our resource materials, on the
6 demographics. And you cannot go to a source right now
7 and get population information about the tribes, the
8 colonies in each individual state. And so we have a
9 contract and are going to try to have better
10 demographic information.

11 One of our topics is also going to be private
12 bar involvement. As you know, the Native American
13 programs are not subject to the 12 1/2 percent because
14 it is so difficult. So we really do want to explore
15 how, wherever possible, what are some strategies to be
16 able to have more private bar involvement.

17 In terms of format for the conference, we are
18 really trying hard not to have it just talking heads.
19 We are trying to do a variety of presentations and
20 panels in small groups and we are also utilizing our
21 conference participants to be a part of that as well.

22 Another major topic that we are going to be

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1 talking about are indicators of excellence. What does
2 excellence look like in Native American programs? Is
3 that different from basic field? What additional
4 things -- for example, in priority setting, you can't
5 do -- you can't think you are going to send out a
6 survey and get particularly good data back on what
7 those needs are in Indian country. You have really got
8 to find other ways to do it.

9 So we really are going to try to, as a result
10 of the conference and the discussions, develop what
11 excellence in Native American programs really looks
12 like.

13 Another very important topic that the advisory
14 committee, which is the NAILS, the National Association
15 of Indian Legal Services programs, has strongly
16 suggested is recruitment, training, and retention. It
17 is very difficult because in a lot of places the
18 programs are very isolated to recruit and particularly
19 to retain attorneys. And so that was one of the major
20 issues that they would like to discuss.

21 We are really looking forward to it, folks are
22 really excited, and I am really pleased to be a part of

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1 it because the Native American programs have a special
2 place at least in my mind and heart.

3 CHAIR ASKEW: Any questions for Carolyn?
4 Tom.

5 MR. SMEGAL: I just want to correct the
6 record. Less than 20 years ago, a former board that I
7 served on for this corporation did meet on an Indian
8 reservation.

9 MS. WORRELL: Right.

10 CHAIR ASKEW: In Window Rock.

11 MS. WORRELL: In Window Rock, right. DNA.

12 CHAIR ASKEW: It might not be a bad idea for
13 us in the future.

14 MS. WORRELL: Yes.

15 MS. FAIRBANKS-WILLIAMS: The question that I
16 was going to ask you said you have talked to all the
17 programs that are serving Indians, and so on. Did you
18 send an invitation to each listed Indian nation, tribe,
19 or whatever in the United States?

20 MS. WORRELL: No. We sent invitations just to
21 our recipients.

22 MS. FAIRBANKS-WILLIAMS: Is there any way that

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1 you are notifying the public that this is happening so
2 if there were some people from a certain nation, or
3 whatever, that wanted to come that they could?

4 MS. WORRELL: We are very limited by the
5 facility where we are holding it in. So no, we really
6 didn't consider doing that.

7 MS. FAIRBANKS-WILLIAMS: So of the programs
8 that you have notified, how many of the Indian nations
9 do you think are represented?

10 MS. WORRELL: Oh, that is really -- that is
11 very hard to say. When we get our population data
12 report, I think we would be able to answer that
13 question. We know -- for example, we had an inquiry
14 from New York state, which gets no Native American
15 funding from us, about the possibility of that.

16 So another reason for getting this demographic
17 data is to be able to see where the uncovered areas
18 really are and perhaps develop a funding strategy in
19 terms of next year's or the year after request to
20 Congress for additional funding.

21 MR. MCKAY: Edna.

22 CHAIR ASKEW: Mr. President.

1 MR. MCKAY: Yes, thank you, Mr. Chairman. And
2 if I could just add to that. Of the recipients that
3 are attending, many, many of them serve more than one
4 nation. And so we are not talking about -- what was
5 the total number of our recipients on --

6 MS. WORRELL: We have 30.

7 MR. MCKAY: Thirty.

8 MS. WORRELL: East Mississippi has gotten left
9 out of the list. So we have 30.

10 MR. MCKAY: Thirty recipients, but many -- for
11 example, in my own state of Washington, the Native
12 American grant goes to the Northwest Justice Project,
13 but they serve literally scores of nations in the state
14 of Washington from the Yakima, which is one of the
15 largest, to the recently recognized Snohomish Indians.
16 And so there are many, many represented, although we
17 don't have one program for each nation.

18 MS. FAIRBANKS-WILLIAMS: Yes. I understand
19 that, but take for instance she mentioned New York. I
20 am not going to mention any states or anything like
21 that, but there is a reservation in Sandburg, New York
22 and there is Abenakis in New York and Vermont, there is

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1 Tuscaroras and different, you know, ones. And so I
2 think we need to know where they all are and what we
3 are doing because I think we are only touching the tip
4 of the iceberg.

5 MR. MCKAY: We think we all agree with that
6 point. No question about it. My understanding is that
7 you will hopefully be coming to that conference.

8 MS. FAIRBANKS-WILLIAMS: I am hoping to.

9 MR. MCKAY: Good. We hope you can. And we
10 will get the word out as much as we can. We are
11 working with the NAILS group, which is, I think, the
12 most general participation group of lawyers that do
13 legal services in Indian country, which go beyond our
14 recipients. And they have been involved with Carolyn
15 in the planning of this conference. So it is not as if
16 we are only talking to our recipients. There is, I
17 think, a broader understanding that this conference is
18 going to take place.

19 CHAIR ASKEW: Carolyn, what is the staff
20 involvement in the conference going to be?

21 MS. WORRELL: In what sense?

22 CHAIR ASKEW: Well, the LSC staff? I mean,

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1 are we going to have a large staff presence there to
2 participate in this?

3 MS. WORRELL: One of the topics -- I forgot to
4 mention that we really are -- what we are also going to
5 talk about is state planning. So we are going to have
6 a pretty good staff presence. I mean, Mike is going to
7 be a part of the technology presentation, Bob the state
8 support, Anh Tu is working on the logistics with me,
9 and Karen -- and we are putting everybody to work who
10 comes, including John -- have tasks.

11 So it will be -- I mean, it really be a very
12 good opportunity for all of us to learn a lot more. We
13 are going to also begin the session with an overview of
14 the substantive issues that are going on right now.

15 I mean, some of you may have seen in the
16 newspaper that the Native -- and I don't know whether
17 or not it was one of our programs, but there was a
18 recent Supreme Court decision validating the hunting
19 and fishing rights from the treaty in Minnesota, which
20 is going to have implications, probably, elsewhere. So
21 we really -- we are going to have sort of an overview
22 of the substantive context in which all the delivery

1 issues arise.

2 CHAIR ASKEW: Great. Okay. Thank you.

3 MS. WORRELL: My pleasure.

4 MS. SARJEANT: Thank you, Carolyn.

5 MR. MCKAY: Karen, can I just interrupt
6 quickly because I just wanted to put it in perspective
7 for the Board. We intend to conduct a similar
8 conference on migrant representation next year. And
9 this is really part of our effort to look across the
10 board at how we structure our grant system. I think it
11 is a natural outflow.

12 We got a number of comments in state planning
13 that, you know, somewhat insulting to some of our
14 Native American recipients to talk about state planning
15 and to say, "Well, you must plan on a state level."
16 And if you are at DNA, which is the Navajo, they cover
17 three states. And so this was, in part, a recognition
18 of the unique aspects of some of our Native American
19 recipients. And we wanted to engage in a process where
20 they had an opportunity to speak with us and we could
21 listen.

22 So one of the things we are really trying to

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1 do in this conference, and I think it came across well
2 in Carolyn's report, is that we want to listen to them
3 about the best way that we can utilize federal dollars
4 for Native American programs. And many of them have
5 not been together in this kind of a setting, I think,
6 in a long, long time.

7 So we are excited about what we might learn.
8 We don't come in with any preset understanding of how
9 it is going to work out. But there are lots of issues
10 that need to be discussed in how we administer our
11 grant funds. So we want to learn from this.

12 I think it is going to be an exciting
13 conference. And if any -- Edna did indicate that she
14 was interested and others who might have a particular
15 interest, we would love to have you. And we are
16 targeting a listening and learning kind of a conference
17 for migrant representation next year.

18 We make some very small grants in some of
19 these programs. And I think legitimately we can ask
20 how effective we are with them and at least put on the
21 table the issue of how can we be more effective. Thank
22 you.

1 CHAIR ASKEW: Thanks.

2 Karen?

3 MS. SARJEANT: Thank you. The next
4 presentation will be Danilo Cardona, who is the
5 director of the Office of Compliance and Enforcement.
6 And in your materials that were handed out is several
7 pages of LSC reporting requirements. This is a
8 document that is on our RIN and on the web site.

9 And as Danilo speaks, he will give you a sense
10 of some of the work that his office does. And one of
11 their primary tasks is to monitor and keep track of all
12 of these reporting requirements. And when you read
13 through them, you will see they are fairly substantial.

14 So Danilo?

15 MR. CARDONA: Thank you, Mr. Chairman. Good
16 afternoon, Board members.

17 The period of reporting that I am going to
18 report this afternoon is from January the 1st to the
19 present. And there are various activities that, as you
20 now have in hand the handout, that our division -- that
21 our office engages in. And one of it is complaint
22 investigations.

1 And under that, I have on-site reviews that
2 have been conducted and on-site reviews that are
3 planning to be conducted. Then I am going to be
4 talking about regulatory activities, which includes
5 state reporting requirements. I will talk about these
6 after relief grants and then about the new hires in our
7 office.

8 In late January of this year, of 1999, the
9 last week of January 1999, we conducted an on-site
10 review of community legal services in San Jose,
11 California. The result of that was an anonymous
12 complaint filed with the Office of the Inspector
13 General. The Office of the Inspector General then
14 referred it to the Office of Compliance and
15 Enforcement. And we went on a follow-up visit over
16 there to investigate issues about program integrity.

17 I am pleased to report that there is nothing
18 too wrong at the program. They have received this week
19 a draft report from our on-site visit and they have 30
20 days to comment on the report. There is nothing there
21 about the allegation.

22 Furthermore, on the week of April 5, 1999, we

1 conducted another on-site visit at Central Michigan
2 Legal Services. And this visit was the result of a
3 prior visit. We called it a follow-up visit. We went
4 to check in there whether the program had implemented a
5 corrective action plan with respect to a case
6 management system and their case reporting system to
7 LSC.

8 That was also the result of a complaint filed
9 through the Office of Inspector General referred to our
10 office and the program, as it did last year, has
11 corrected all these systems and is operating correctly
12 on that matter.

13 On Sunday there is a team that is going to be
14 leaving composed of attorneys from the Office of
15 Compliance and Enforcement and attorneys from the
16 Office of Program Performance, to Lacoochee area legal
17 services in Florida. This is a visit also that was
18 prompted by a complaint filed against a program.

19 And many of the issues of that complaint have
20 been resolved, but others remain and a visit, an
21 on-site visit is warranted. And we are going to go and
22 review the program systems and oral management of the

1 situation.

2 Furthermore, next week I will meet with Karen
3 and we will select six grantees that we will conduct
4 on-site reviews with regards to their case management
5 system and their CSR reporting. We have to pick -- we
6 have a list and Karen and I have to determine where
7 exactly is it that we are going to go to proceed to
8 notify those six recipients that we are going to be
9 coming during the next six months. We will try to do
10 these visits in the next six months. There are six of
11 them planned.

12 With regards to regulatory activities, there
13 have been two referrals this year from the Office of
14 the Inspector General referring findings from audited
15 financial statements. These are the APAs, you know.
16 They are reports that are reviewed by the inspector
17 general and he determines what findings and
18 recommendations should be followed up by management.
19 We have received two of those.

20 Recommendations in findings from prior years
21 have all been resolved. There are only two pending and
22 they pertain to a program in California that we will

1 close them pretty soon pending some opinions from the
2 Office of the General Counsel.

3 There is another regulatory activity called
4 prior approvals that comes under 45 CFR Part 1630.
5 That regulation requires that if a program is going to
6 purchase real property or equipment or, you know, or
7 improve real property or lease property, if it meets a
8 certain threshold, it has to require prior approval to
9 the Corporation.

10 So this year from January the 1st to the
11 present, we have approved purchases of equipment and
12 improvement of leases of \$1,650,000. From 1996 to
13 1998, December 31, 1998, we approved \$11,650,000 in
14 purchase of equipment alone.

15 Now we also have some other activities with
16 regards to approval of supplemental agreements,
17 approval of private attorney involvement, waivers of
18 the 12 1/2 PI percent, and approvals also of fund
19 balance waivers.

20 With regards to PI waivers, we have processed
21 so far this year seven. Regulation 1614 says that when
22 a program cannot meet their 12 1/2 PI requirement, they

1 should seek a waiver from the Corporation for good
2 cause. And so seven of them -- all of them are partial
3 waivers this year. We usually in a given year only
4 approve 17. That is where it comes.

5 So far we have processed and approved 72
6 supplemental agreements. The majority of those are for
7 private attorney and enrollment. Furthermore, our
8 division also reviews, from the accounting point,
9 audited financial statements submitted to the Office of
10 the Inspector General. We have conducted 43 of those
11 reviews so far and all the reviews are fine. We have
12 so far also, from January the 1st to the present, have
13 processed three fund balance waivers.

14 With regards to disaster relief grants, we
15 have processed two. One for Texas Rural Legal Aide for
16 \$37,500 and then from a Mississippi program for
17 \$27,000. I forget the name of the Mississippi program,
18 but the executive director is Stanley Taylor.

19 The office also this year conducted interviews
20 and decided to hire -- has hired two new attorneys for
21 the division in order to help us conduct the increased
22 work activity that we have, especially in the area of

1 on-site reviews. One attorney began -- started on
2 April the 12th, the other is scheduled to begin on May
3 the 1st.

4 One last issue is this handout on the LSC
5 reporting requirements. It was unbeknownst to me that
6 it was distributed. Because when I see it, it is very
7 disturbing to me to see that we have to track all this.
8 For the record, we do track it. And I wish not to be
9 asked many questions about it because it is
10 mind-boggling.

11 But we do somehow get along, and the programs,
12 much to their credit, do comply with those reporting
13 requirements, but sometimes you have to get on the
14 phone and remind them. It is too long to keep in mind.
15 Some of the most critical ones, though, I will refer
16 that we track. And by tracking, I mean we not only
17 make sure that they are in within the deadline or
18 shortly thereafter, but reviewing them also to see if
19 there is something wrong reported or whatever it is.

20 One of them is the 1644, the Burton Amendment
21 reports. The other one is the program integrity
22 reports. The next one are the legislative and

1 administrative reports. And the other one is under
2 regulation 1620, the non-priority cases report. Those
3 are ones that are originated, the reporting by
4 restrictions contained in our appropriations. And that
5 is my report.

6 CHAIR ASKEW: Thank you, Danilo.

7 Any questions? Mr. Smegal.

8 MR. SMEGAL: Fund balance waivers. You
9 mentioned that you had approved three of them. Under
10 our regulations, a program can carry over, what, 10
11 percent without getting a waiver. With respect to
12 these three programs, how big were these waivers and
13 why were they necessary?

14 MR. CARDONA: I will to turn over -- because I
15 do not remember them. Mr. Jay Brown from my office is
16 here and he can perhaps answer that question.

17 MR. BROWN: I don't have the specific
18 information at my fingertips, but I do know that the
19 three programs that we received waivers for, one was
20 for Pine Tree Legal Assistance. And they had an excess
21 fund balance not more than 2 percent above the ceiling.
22 In the three instances that we have had these since

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1 this year have been very small excess fund balances.

2 And they have been basically issued because of
3 the unusual circumstance of the program having
4 experienced some savings due to the fact that staff had
5 left and they were not able to hire staff before the
6 year end. And that is basically why we gave the
7 waivers in those instances.

8 CHAIR ASKEW: Doug.

9 MR. EAKELEY: I know Danilo discouraged us
10 from asking questions about reporting requirements. So
11 I will have to ask. The very first question I was
12 asked almost six years ago in my first appearance as
13 Board chair at the NLADA annual meeting, I think it was
14 in Albuquerque, was what does the new board intend to
15 do about lessening the reporting and regulatory
16 requirements imposed by the Corporation.

17 Now we have all lived through a sea change in
18 legislation and effect and how the Corporation does
19 business and we have watched with great admiration as
20 the Ops and Regs Committee and staff waded through
21 literally a mountain of regulations. But do we have a
22 process in place that forces us on a periodic basis to

1 go back to say this is an undue imposition or this is
2 an unnecessary reporting requirement?

3 MR. CARDONA: Well, we look at the -- if you
4 look at the reporting requirements here, some of them
5 have been there for -- since I started working in the
6 Corporation in 1989. And they are reasonable reports.

7 MR. EAKELEY: Do we regularly ask ourselves
8 though is this necessary? Is this worthwhile? Is the
9 effort that goes into it as important as the cost?

10 MR. CARDONA: Not necessarily, at least from
11 my office.

12 MR. EAKELEY: Might we want to take a look
13 at --

14 MS. SARJEANT: Yes. We do want to take a look
15 at that. I mean there are some things. And it would
16 come up -- a lot of these are things that --
17 requirements that are in the regulation. And as we
18 work through the regulation with the chair of Ops and
19 Regs and within our staff and take a look and see what
20 needs to be addressed in the coming -- in a given year
21 in terms of regulations, we would take a look at that.
22 And I think that it is a point well taken. We should

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1 put that on our agenda of things to do and see because
2 it is a significant list of requirements.

3 MR. EAKELEY: Well, I think it is in our
4 strategic plan or the -- I think we perhaps might have
5 an opportunity at the next Board meeting, in the
6 context of discussing the strategic planning process,
7 to talk about this as an element of a strategic plan
8 for Board and management.

9 MS. SARJEANT: We would be happy to have that
10 discussion.

11 CHAIR ASKEW: I think it was Bob Gross from
12 New Hampshire who asked you that question.

13 (Laughter.)

14 CHAIR ASKEW: Any other questions?

15 Danilo, the six programs that you will be
16 doing the management reviews on, will those be randomly
17 selected or are those programs that you have some
18 reason for picking?

19 MR. CARDONA: No. Part of it is a -- we have
20 reviewed information, you know, submitted through the
21 grant activities reports on their reporting. We look
22 at their percentages, we look at a series of data in

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1 there and we look at it by geographic distribution
2 also. So it is a combination of factors.

3 CHAIR ASKEW: Okay.

4 MS. SARJEANT: And some of the factors are
5 that we don't want to just look at programs where their
6 CSR information is on the, you know, outlier ranges, or
7 something like that. We want to take a look at
8 programs where their numbers look fine also and just
9 take a look at their systems and thinks like that.

10 And this is actually probably a good segue
11 into the next section I was going to talk about and try
12 to pretend to be Ted Faris. This is going to be a very
13 poor imitation, but I am going to read what he gave me.

14 But the whole issue of CSRs has certainly come
15 to public attention recently. We are happy to have the
16 opportunity to address this in a very affirmative way.
17 We have done several things over the last year, have
18 several things planned in terms of how we are going to
19 address the CSR issues and providing assistance to the
20 field.

21 Let me give you -- let me just finish
22 answering the question about the six visits. We have

1 not selected them. When we do, there will be plenty of
2 prior notice to the field of where we are going. We
3 will certainly discuss these with in-house. We are
4 going to take a look at lots of different factors.
5 Both CSRs, we are going to be looking at issues that
6 come up around, you know, general program performance.

7 Some of the visits may be combined with -- as
8 Danilo said, this visit coming up is combined with
9 staff from program performance. So to some degree, it
10 will be random and some degree we will be looking for
11 certain factors on the visit.

12 But that is part of our strategy for providing
13 assistance and hopefully being helpful to the field and
14 taking a look at how the CSR handbook and instructions
15 are being implemented and whether the additional
16 guidance that we have put out there recently and over
17 the past year has, in fact, helped stem what was a
18 problem in some areas.

19 What I was going to do was to very briefly
20 give you a chronology of some of the events that have
21 happened around CSRs and what it is we are going to do
22 and are doing affirmatively to provide assistance to

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1 the field.

2 There were some program visits at the
3 beginning of '98 that indicated that there might be an
4 issue of some concern around some CSRs. In May of '98,
5 the Corporation reissued, without making any changes,
6 its then existing CSR handbook. That was done, as I
7 said, in May of '98.

8 Also in early '98, the Office of Inspector
9 General began doing on-site visits to look at the --
10 how programs were implementing CSRs. Now I think the
11 IG's office would agree, their visits were not randomly
12 selected. They actually were looking at some factors,
13 numbers that were out of range, things like that.

14 They went to the programs, did the on-site
15 reviews. And some of the things that they found were
16 that in some instances, activities were being reported
17 as cases that weren't cases, that in some places, they
18 found a backlog of open cases, they were finding some
19 duplicate cases or insufficient documentation of cases.

20 Now what they did not find, and I want to say
21 this and I want it to be widely publicized, they did
22 not find that there was any fraud involved, that there

1 was any deliberate attempt to misrepresent numbers.
2 And we think that there is a -- you know, there is a
3 responsibility on our part, in terms of the CSRs, that
4 there was some instruction out in the field from the
5 Corporation that wasn't clear.

6 So in November, we reissued the CSR handbook,
7 made some changes and clarifications to some of the
8 information in that handbook, and we think that it has
9 hopefully helped stem any misinterpretations that were
10 happening. And without boring you with a lot of
11 details, let me just tell you some of the changes that
12 were made.

13 We instituted a clearer definition of what is
14 a case. We gave new guidance on when to report
15 referrals as cases. We instituted a new requirement
16 that recipients had to implement and use an automated
17 case management system.

18 There is a new requirement for the timely
19 closing of cases. We clarified how to treat a
20 situation where you have a client coming in and you are
21 opening a file on a repeat client for the very same
22 issue in the same year. We included a new statement on

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1 the minimum documentation requirements for cases. And
2 then we have instituted a new reporting of eligible
3 cases regardless of funding source.

4 We also said very clearly that it was required
5 and it is our expectation that there will be management
6 review of CSR submissions for accuracy before they come
7 to us. So we just want to make sure that the programs
8 understand that these are very important statistics,
9 data records, whatever you want to call them. They are
10 very important and there needs to be management
11 oversight on this information that comes to us.

12 Additionally, and I didn't put copies in the
13 materials that you have because they would get to
14 voluminous, this is our CSR handbook. It is on the
15 recipient information network, if you want to access
16 it. We also have on the RIN a section that has
17 frequently asked questions and answers on how to apply
18 the CSR instructions.

19 And these are very practical. They site you
20 to the section of the handbook, they are the kinds of
21 questions that come into us. We have staff within
22 Ted's unit, primarily John Meyer, who takes the phone

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1 calls from programs, gives an interpretation based on
2 the handbook. And those generally end up in the
3 frequently asked questions. And these are updated
4 regularly on the web site.

5 So part of our strategy on helping programs do
6 a better job around CSRs is to provide better guidance
7 on how to implement those instructions. We also have,
8 primarily Ted, going around to regional and national
9 meetings of project directors, other legal service
10 providers, and actually doing a session at each meeting
11 on CSRs, on how to apply the instruction, giving
12 guidance, answering questions.

13 So we think it is very important. And what we
14 are getting from just the two meetings so far that Ted
15 has gone to, two or three meetings, is we are getting
16 wonderful feedback about helpful it is to have him out
17 there to interact with people on a very, you know, face
18 to face basis. And they can get the information they
19 need.

20 We are providing -- as I said, his staff is
21 providing technical assistance in terms of answering
22 questions about how to apply the CSR instructions. And

1 part of what Danilo was referring to in terms of our
2 doing some visits, because as you know, the inspector
3 general is going to continue to do some on-site reviews
4 also, we are going to do that.

5 We hope that by doing timely follow-up with
6 programs and getting out there and helping them look at
7 their systems and help them get the correct
8 interpretation of how to apply the CSRs, that we will
9 be able to make sure that the numbers that we are
10 getting back are reliable and numbers that we will not
11 have to be readjusting or having the programs readjust
12 because of an incorrect interpretation.

13 We look forward to these being very helpful
14 visits. We want the field to understand that these are
15 helpful visits. And as I said earlier, there will be
16 plenty of notice to let any program know that we are
17 coming to take a look at their systems.

18 The other issue that has come out of, and we
19 knew it was there and it has come up in many
20 conversations, is the fact that our CSR system is a 20
21 year old system that was built around counting cases.
22 And we know that our programs now are doing a lot of

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1 different things. They were doing them before, but it
2 is becoming more and more a part of the expanded
3 delivery of legal services to do activities other than
4 direct casework. And our system does not currently
5 give our recipients a good way to count a lot of this
6 other information.

7 So part of what we are doing is, and I have
8 spoken to the committee before at the very last meeting
9 about the draft data survey. And at that time I said
10 we expected to have it out in a couple of weeks. Well,
11 here it is.

12 It is not out yet, but the reason for that is
13 we have circulated it to people -- some folks in the
14 field and some others in terms of IOLTA programs and
15 other providers to get some input on the types of
16 information we need to ask and how we need to ask it in
17 a way that would get information back to us that is
18 useful.

19 And what we are trying to do with this is to
20 take a look at what kinds of activities, matters,
21 whatever they are being called, what kinds of things
22 people are counting, what kinds of activities they are

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1 doing, what their other funders are requiring that they
2 report and have.

3 And we want to get this out there and find out
4 lots of information. Our target date now is to get it
5 out in May, get it back within 45 days of when it has
6 been out, and really take the information, analyze it,
7 and use this as a basis for the development of an
8 addition to -- we think at this point it will be in
9 addition to the CSR system so that we will help.

10 And with the field's input and very much with
11 their involvement, we will start the process of
12 developing another data collection. I am almost afraid
13 to say this. It is going to be another type of
14 reporting requirement, but we think it will be helpful
15 not only to the recipients, it will be helpful to us
16 when we go and make our case for the expanded and the
17 unmet needs that we know is out there.

18 And we think it will be helpful to our
19 recipients as they look at local funding and they have
20 really good, solid information that they can use to
21 make their case in terms of the numbers they are having
22 to turn away, the types of services that they are

1 providing in addition to casework.

2 So one of the things that is very important to
3 us, and it is actually along the line of what the chair
4 was saying, when we take a look at putting a new system
5 in place, we have a very serious responsibility to
6 balance the benefits of putting that system in place
7 and the -- I don't want to say the detriment, but the
8 burdens that it may impose on recipients in terms of
9 the amount of time for collecting the data and things
10 like that.

11 So there will be a lot of discussion. We will
12 certainly bring this information back to the Board, to
13 this committee, have further discussions about it. We
14 want to make sure that whatever we develop jointly with
15 the field to collect this information is something that
16 will be useful to both sides of the fence. Both, you
17 know, the field and us. And it will be useful. And it
18 won't just be another reporting requirement.

19 So that is primarily what we are doing on CSRs
20 at this point in time, but I did want to also just tell
21 you a couple of other things that Ted's unit is
22 involved in. As I mentioned earlier, his office has

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1 the responsibility for a lot of the automation of some
2 of the programmatic functions that the three offices
3 undertakes. So he continues to work on automating the
4 competitive grants process. And that -- each year that
5 moves closer and closer to being a fully automated
6 process.

7 He is also responsible for our recipient
8 information network and the information that goes up on
9 there and on the bulletin board. And that is
10 information that any of our recipients and others,
11 because we have, for example, given access to the IOLTA
12 programs so that they could, as a guest to that site,
13 draw down information about the state planning reports,
14 any of the information that we have put up on the RIN
15 about program data, staffing, funding, things like
16 that.

17 So we are trying to make all of this
18 information freely available to the community of legal
19 services organizations so that we all, in the whole
20 planning process, we can all be working towards and
21 with the same information. So Ted's office is the
22 office that has the responsibility for getting all of

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1 that up.

2 Additionally, he is just undertaking -- and
3 this is, in fact, a very good time for us to look at
4 reporting requirements. He is starting to undertake
5 the automation of the compliance and reporting
6 requirements section, a lot of the work that Danilo's
7 unit is doing. And some of that we know is going to be
8 ongoing, that there are certain reporting requirements
9 that are not going to go away. And that is what he has
10 started on.

11 So he has got a really full plate and
12 additionally, we want that office to get itself into
13 position to really be the authority on civil legal
14 needs of the low income population in this country.

15 And so in order to do that, that is going to
16 require both -- it is just going to take a lot more
17 work to get us to the point where we are collecting
18 that information and being able to analyze it and use
19 it in a very fruitful way. So Ted has a very dry wit
20 that you didn't get in this presentation, but this is
21 what he told me to tell you.

22 CHAIR ASKEW: Thank you.

1 Any questions from Board members? LaVeeda.

2 MS. BATTLE: I just wondered, and I don't know
3 enough about computers, are there software implications
4 involved in looking at how to collect this information
5 so that everybody is on the same system in terms of how
6 they do it and how it can be transmitted to the
7 Corporation? Is that part of what he is looking at?

8 MS. SARJEANT: Well, there are -- I mean, one
9 of the things that we are asking in this data survey,
10 what kinds of information people are reporting and
11 have. Our grantee information management system, which
12 we call GIMS, is a system that we can make adjustments
13 to to collect other information. But again, we want to
14 make sure that we have done the benefits burden balance
15 and test before we do that. But there are -- you know,
16 there certainly are software implications, there may
17 even be hardware implications. So yes.

18 CHAIR ASKEW: Any other questions? I think
19 the data information survey is a very important
20 undertaking for us. So I am pleased to hear where you
21 are with that and anxiously await the results of that.
22 And hopefully it can be implemented in a way that won't

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1 be too burdensome, but will help us solve some of these
2 problems.

3 MS. SARJEANT: That is right. There is one
4 thing that I did want to mention. I know Danilo
5 mentioned the hires that he has made in his office.
6 Mike's office also will be having a new program counsel
7 start at the beginning of May, Willie Abrams, who is
8 starting. And we have two other positions that we are
9 currently searching for candidates for and we would
10 like the word to go out, you know, loudly and widely
11 that we are looking for a few good folks.

12 CHAIR ASKEW: Great.

13 MS. SARJEANT: So if you know anybody, send
14 them our way.

15 CHAIR ASKEW: Great. Okay. Any other
16 questions?

17 (No response.)

18 CHAIR ASKEW: Thank you for the report.

19 MS. SARJEANT: Thank you. That, I think, does
20 it for all three offices.

21 CHAIR ASKEW: Okay. You are very busy.

22 MS. SARJEANT: We are.

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1 CHAIR ASKEW: There seems to be a lot going on
2 there. Ted needed a vacation I can tell.

3 MS. SARJEANT: He needed one badly.

4 CHAIR ASKEW: But we thank you for the work
5 you are doing. Everything seems, certainly from my
6 perspective, to be moving in the right direction very
7 affirmatively and just keep up the good work. And I
8 hope you get some help soon through your new positions.

9 MS. SARJEANT: Thank you.

10 CHAIR ASKEW: Willie Abrams is a Georgian,
11 another good decision. Thank you

12 MS. SARJEANT: Thank you.

13 CHAIR ASKEW: I have a couple of announcements
14 before our meeting is over. One, there will be a
15 shuttle to the restaurant tonight out in front of the
16 hotel at 6:00 p.m. for Board members, and I think we
17 have 17 -- is Nikki here --

18 A PARTICIPANT: 17.

19 CHAIR ASKEW: Seventeen seats. So there will
20 be some seats for others if there are people who don't
21 have a ride. And it is going to return back here to
22 the hotel at 9:00.

1 Secondly, any of you who drove here and have a
2 parking ticket, there is a stamp on the reporter's
3 table right there that you can use to validate your
4 parking and not have to pay.

5 MS. GLASOW: You still have to pay \$4.

6 CHAIR ASKEW: You still have to pay \$4.

7 MS. GLASOW: You don't have to pay \$10.

8 CHAIR ASKEW: Oh, you don't have to pay \$10.

9 So you are still getting a benefit. Is there any other
10 business to come before the Committee?

11 Mr. Saunders.

12 MR. SAUNDERS: Thank you, Mr. Chairman,
13 members of the Board. I will be very brief. I just
14 wanted to take one moment to announce an event we are
15 very excited about and acknowledge our support from the
16 Corporation and our thanks for it.

17 We are very excited at NLADA. My name is, by
18 the way, Don Saunders. I am the director of the civil
19 division of the National Legal Aid and Defender
20 Association.

21 We are very excited about the first of what we
22 hope will be annual Equal Justice conferences which

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1 will be held in Florida early May. It is a combination
2 of the former ABA pro bono conference and what
3 affectionately used to be known as Camp Bucky at NLADA,
4 our senior manager's conference.

5 CHAIR ASKEW: It is a serious event, Don.
6 Very serious event.

7 MR. SAUNDERS: I am sure many people here are
8 graduates of Camp Bucky.

9 We have worked with the pro bono committee,
10 which Mr. Smegal serves on, for over a year and really
11 recognizing the themes that you recognized in your
12 state planning process, that really there are a whole
13 community of stakeholders involved in providing equal
14 justice.

15 And this event will really be a similar event
16 in that it will bring that community together. We are
17 very excited at this point to have over 650
18 registrants, over 260, I believe, of your grantees
19 equally divided between management and staff.

20 That is a very unusual and unique event and we
21 do intend to engage them in a number of conversations
22 that probably haven't taken place between management

1 and staff on the national level in a long time. Equal
2 numbers of pro bono people there, a lot of judges are
3 coming, law school people are critical players, and we
4 are just very excited about it.

5 And I wanted to publicly thank John and Karen
6 for the support of the Corporation. They have been
7 involved integrally in the planning of it. John will
8 be addressing a leadership forum made up of judges,
9 private attorneys, law school people, a whole amalgam
10 of folks there. Karen, again, and Mike and John
11 Eidleman have been very, very helpful to us in planning
12 it.

13 So if any of you happen to be free in early
14 May, there is still time to register, we would love to
15 have you, but you can rest assured that the Corporation
16 will be very well represented there. Thank you.

17 CHAIR ASKEW: Thank you. Don, do you have any
18 material or --

19 MR. SAUNDERS: I will have some tomorrow.

20 CHAIR ASKEW: Tomorrow.

21 MS. BATTLE: What is the --

22 CHAIR ASKEW: So we can see what the agenda is

1 like.

2 MS. BATTLE: I am sorry.

3 CHAIR ASKEW: Now you can speak.

4 MS. BATTLE: I should have raised my hand.

5 CHAIR ASKEW: Go ahead.

6 MS. BATTLE: What is the date again?

7 MR. SAUNDERS: The conference in May is May
8 6th through 8th in Tarpon Springs, Florida near Tampa.

9 CHAIR ASKEW: So the ABA pro bono conference
10 will be -- this will be it. It won't be -- they won't
11 be holding a separate --

12 MR. SAUNDERS: There will not be an ABA pro
13 bono conference. It will be merged hopefully in the
14 future years into the Equal Justice. It was really the
15 initiative of Tom's committee. They realized that pro
16 bono was too isolated in the context of the pro bono
17 conference and they really felt it was important to
18 have a dialogue among all the providers. So it really
19 is an opportunity to move your agenda as well as the
20 broader one.

21 MR. SMEGAL: I might say that the NLADA was
22 very cooperative as they had an event which came at a

1 different time of year, and there was a lot of
2 logistics into getting the ABA event and the NLADA
3 event into the same time frame. And Don and his people
4 were extremely cooperative with the ABA.

5 CHAIR ASKEW: It is a great turnout.

6 MR. SAUNDERS: Well, we are hoping it will get
7 into the mid 750s or even up to 800 as an ultimate
8 goal.

9 CHAIR ASKEW: And the NLADA will still hold
10 its conference in the late winter or in the winter.

11 MR. SAUNDERS: Our conference this year is in
12 the second week of November in Long Beach. If the
13 partnership with the ABA works out, we would hope that
14 there would be two annual events, this broader
15 gathering and then our convention will again be more
16 focused on the provider community as an audience.

17 CHAIR ASKEW: Great. Thank you.

18 MR. SAUNDERS: Thank you.

19 CHAIR ASKEW: Any other comments from the
20 public? Any other business to be brought before the
21 committee?

22 (No response.)

1 CHAIR ASKEW: Do I hear a motion that we
2 adjourn?

3 M O T I O N

4 MS. FAIRBANKS-WILLIAMS: So moved.

5 MS. ROGERS: Second.

6 CHAIR ASKEW: All those in favor say aye.

7 (Chorus of ayes.)

8 CHAIR ASKEW: The meeting is adjourned. Thank
9 you.

10 (Whereupon, at 3:45 p.m., the meeting was
11 adjourned.)

12 * * * * *