

# ORIGINAL

LEGAL SERVICES CORPORATION  
BOARD OF DIRECTORS

COMMITTEE ON PROVISION FOR THE  
DELIVERY OF LEGAL SERVICES

OPEN SESSION

September 18, 1999

2:45 p.m.

W Seattle Hotel  
1112 Fourth Avenue  
Seattle, Washington 98101

COMMITTEE MEMBERS PRESENT:

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

BOARD MEMBERS PRESENT:

Douglas S. Eakeley, Chair  
John N. Erlenborn  
F. William McCalpin  
Maria Luisa Mercado  
Thomas S. Smegal, Jr.  
Ernestine Watlington

STAFF AND PUBLIC PRESENT:

Shannon Adaway  
Danilo Cardona  
Kim Dixon  
John Eidleman  
Victor Fortuno  
Michael Genz  
John Hartingh  
James J. Hogan  
Richard P. Guy  
Joan Kennedy  
Joan Kleinburg  
John McKay, President  
Patrick McIntyre  
Eduouard Quatrevaux  
David Richardson  
Leslie Russell  
Mauricio Vivero

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## P R O C E E D I N G S

1  
2 MR. ASKEW: Good afternoon. This is a meeting  
3 of the Committee for the Provision of Delivery of Legal  
4 Services of the corporation board.

5 Here present are committee members Edna  
6 Fairbanks-Williams, Doug Eakeley and myself and Nancy  
7 Rogers is with us by telephone.

8 Nancy?

9 MS. ROGERS: Good afternoon.

10 MR. ASKEW: Good afternoon.

11 I am going to go through two agenda items.

12 First, we have the approval of the agenda for  
13 today's meeting. I should make note of one change in  
14 the agenda, item 6, presentation by Bob Gross on  
15 technical assistance grants. Bob is not with us.  
16 Mike Genz is going to make that presentation this  
17 afternoon.

18 With that change, I would ask if there's a  
19 motion to approve the agenda for today's meeting.

## M O T I O N

20  
21 MS. FAIRBANKS-WILLIAMS: So moved.

22 MR. EAKELEY: Second.

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1 MR. ASKEW: All those in favor say aye.

2 (Chorus of ayes.)

3 MR. ASKEW: The agenda is approved.

4 Approval of the minutes of the committee's  
5 meeting of June 12th. Let me note a couple of changes  
6 in the minutes before we vote.

7 At the bottom of page 1, there are a number of  
8 people identified who attended the meeting. Victor has  
9 pointed out to me that some of the titles of those  
10 people are not completely accurate. He has made  
11 corrections, I am making corrections and giving those  
12 to Elizabeth and to the court reporter so they can  
13 be reported on the minutes of the last meeting, but  
14 there are no substantive changes, just changes in  
15 titles.

16 MR. EAKELEY: Some people might think that's  
17 substantive.

18 MR. ASKEW: Some might.

19 With that, does any other committee member  
20 have any comments or changes on the minutes of the last  
21 meeting?

22 (No response.)

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1 MR. ASKEW: Hearing none, I will ask if  
2 there's a motion to approve the minutes with the  
3 changes in the titles.

4 M O T I O N

5 MS. FAIRBANKS-WILLIAMS: So moved.

6 MR. EAKELEY: Second.

7 MR. ASKEW: All those in favor, say aye.

8 (Chorus of ayes.)

9 MR. ASKEW: The minutes are approved.

10 With that, we'll go to item 3 on the agenda  
11 and welcome to our committee the Chief Justice of the  
12 Supreme Court of Washington, Richard P. Guy.

13 If you don't mind, Mr. Chief Justice, I'm  
14 going to give a brief introduction of you and then  
15 we're looking forward to hearing from you.

16 Chief Justice Guy has been on the Supreme  
17 Court of Washington since 1989 and has survived two  
18 elections, as I understand it, and has begun serving as  
19 chief.

20 And this is your first term as chief, as I  
21 understand it.

22 JUSTICE GUY: Yes.

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1 MR. ASKEW: Before coming to the Supreme  
2 Court, Chief Justice Guy has had a varied career in the  
3 law, serving at different times as a deputy prosecuting  
4 attorney in Spokane, in private practice. He served on  
5 the Superior Court bench and, as I mentioned, joined  
6 the Supreme Court in 1989.

7 I had the privilege of hearing Chief Justice  
8 Guy in Atlanta at the American Bar Association  
9 convention speak to SCLA, the Standing Committee on  
10 Legal Aid, about legal services in Washington and I  
11 must say it was a quite impressive, very knowledgeable  
12 remarks. Obviously, he is very involved. And we also  
13 heard from Pat McIntyre earlier today of the pivotal  
14 role you played in the Access to Justice work here in  
15 Washington as a justice on the Supreme Court.

16 So with that, I would like to welcome you and  
17 thank you for being here and thank you for what you've  
18 done for access to justice in this state.

19 JUSTICE GUY: Thank you. It is very nice of  
20 you to welcome me and have me here. What you do I  
21 think is very critical to our society. I know that  
22 many people are concerned on an individual basis with

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1 the representation of people who are disadvantageded in  
2 the system and I am as well, but I think my concern  
3 goes beyond that and is really addressed to what I  
4 think is paramount in the preservation of a democratic  
5 republic and that is that if you don't have a system  
6 where people can be heard, where they can understand  
7 that there is a fairness that is apparent and that they  
8 will be accepted, you don't have much of a safeguard  
9 against government or against other individuals.

10 And, for me, it is essential that we have the  
11 ability for people, all people, to access our system on  
12 a basis that is timely and cost effective. And that's  
13 really kind of what I wanted to talk to you about  
14 today.

15 I had the opportunity to go back to  
16 Washington, D.C. where we met with our congressional  
17 delegation concerning funding. We have certainly in  
18 the state of Washington sought funding for legal  
19 services. It's a constant battle and it's obvious to  
20 me also that regardless of whether you get \$300,000,000  
21 or \$600,000,000 or we get \$12,000,000 in this state or  
22 \$4,000,000, we'll never be able to serve all of the

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1 needs. And so what I thought I might try to talk to  
2 you about today is looking beyond the financing toward  
3 issues of access and asking you whether or not you  
4 might be willing to join in attempts to provide access  
5 throughout the system; that is, making the system work  
6 better, which is one of the concerns that I have.

7 For example, I went before the board of  
8 governors of the Washington State Bar a year or so ago  
9 and I had a photograph that I had taken of what I guess  
10 you might term a paralegal office. It had a reader  
11 board outside, there weren't any lawyers in there and I  
12 don't think there were any paralegals, but there were  
13 people who helped people fill out forms. And it  
14 indicated \$75 for a will and so much for a divorce and  
15 \$125 for bankruptcy and those kinds of things.

16 Those people operated without any sort of  
17 control, there was virtually no supervision, there were  
18 no bonding requirements and whether they did good  
19 things or bad things, I don't know, but anecdotally I  
20 can tell you that there are cases, certainly in the  
21 bankruptcy field, where some real damage has been done  
22 to people by incompetence.

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1           I can tell you that within our system the  
2 court commissioners that often handle the dissolution  
3 matters ask who help fill out the forms and if they're  
4 told certain people filled them out they know there's  
5 some sort of competence. And if there are other  
6 people, they know that there isn't.

7           The bar certainly was concerned about it,  
8 looked at it and basically felt there was very little  
9 that they could or wanted to do at that point, although  
10 I was told today by the former president of the bar,  
11 Wayne Blair, that the Washington State Bar Association  
12 has now defined the practice of law and is sending us a  
13 court rule on that issue.

14           And, as a part of that, they may very well ask  
15 us to do something with respect to people who practice  
16 law in a sense, but in a very limited sense.

17           In this state, we previously have done that in  
18 what's called limited practice where people can close  
19 real estate transactions, even though it's the practice  
20 of law. They are supervised, they take examinations  
21 and they are subject to certain ethical concerns and  
22 they have bonds that are posted.

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1           So what I am suggesting to you is that it  
2 seems to me it makes a great deal of sense for you to  
3 take a look at how legal services are being provided in  
4 the marketplace and the fact that legal services do  
5 involve a great deal of competition today and it's not  
6 all being provided by lawyers.

7           And those of us who are at the American Bar  
8 Association recognize that multi-disciplinary practice  
9 is going to take place ultimately and we also recognize  
10 that there are going to be reciprocal arrangements  
11 between states for the practice of law throughout the  
12 country. Congress certainly is looking at that issue.  
13 We just passed a reciprocal rule in our state.

14           So what I am really attempting to do is say  
15 let's certainly concentrate on the money aspects, but  
16 there are other methods by which access can be provided  
17 and that's one of them.

18           Another proposal that I think makes some sense  
19 is the use of the Internet. For example, this is an  
20 area where micro technology is really a major industry  
21 and we see how the computer is in some ways mutating so  
22 that ultimately you're going to be able to speak to it

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1 and it will speak back to you and you can access it  
2 through your fingerprint and it will then open up its  
3 net to you.

4 All these things are going to happen. They're  
5 going to be a lot simpler than they have been today  
6 which requires some sort of dexterity and knowledge of  
7 the keyboard. And I see the ability for people to  
8 access our courts through the Internet where we  
9 ultimately can address, say, small claims court issues,  
10 traffic tickets, things like that, through the  
11 Internet. It's a matter of, I suppose, some training  
12 and some people getting used to it, but those in my  
13 view are the things that can be done.

14 Arbitration and mediation. As you're aware,  
15 there's a service now that allows people who want to  
16 settle lawsuits for, say, \$15,000 or less really to do  
17 it through the Internet, where offers are made and  
18 counteroffers are made and settlements are arrived at  
19 and this is a method by which a lot of disputes, I  
20 think, could be resolved.

21 I also see the ability of judges or judges pro  
22 tem or even lay people to be at one end of the net and

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1 resolve disputes that arise. I watch "Judge Judy" now  
2 and then and Judge Judy resolves a lot of disputes  
3 between people and fairly well.

4 I don't see any reason that we could not  
5 create community boards that would resolve disputes,  
6 where you have in effect storefront kinds of resolution  
7 centers or even auditoriums where people can come in  
8 and in effect take a number and agree to submit their  
9 disputes to that forum.

10 Within the system itself, we can provide  
11 mediation and arbitration services. In part, we  
12 haven't done it because we haven't thought about it.  
13 Part of the problem we have within the judiciary is  
14 that we've got a system that's a couple of hundred  
15 years old and we haven't wanted to change it very much.

16 Well, technology has changed, the demands of  
17 the public are changing it and the marketplace is going  
18 to dictate what happens. There is no longer any  
19 monopoly in government services and that includes us in  
20 the judiciary. And so what I'm saying is let's open  
21 ourselves up to different ideas and different methods  
22 of dispute resolution and look beyond the need solely

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1 for money and look at other methods of dispute  
2 resolution.

3 Now, at the State Justice Institute in  
4 Williamsburg, the National Center for State Courts,  
5 Roger Warren, who is a director, has been working on  
6 access issues and I don't know whether or not you have  
7 accessed him, but he is looking at issues relating to  
8 access and some of the things that I'm talking about  
9 here. My suggestion is that we really do need to reach  
10 out more and more to those who are engaged in access  
11 issues, not only for ideas, but for assistance in  
12 promoting those ideas and I suggest to you that a  
13 national conference where people dealing with access  
14 issues, who have ideas who want to present them in sort  
15 of the way I'm doing now might be useful to you and  
16 then you could see whether or not they have efficacy  
17 and whether you want to promote them.

18 I have a proposal that I want to make to  
19 you. In the year 2001, the chief justices conference  
20 is going to be held in Seattle and the conference is on  
21 science and technology and obviously one of the places  
22 we're going to look is to Microsoft, to take the chiefs

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1 and to take all of the court administrators. And there  
2 are 50 chiefs and 50 court administrators and Guam and  
3 Marianas and Puerto Rico and we meet and have our  
4 courses and our evaluations of what's happening in our  
5 society and science and technology is a big issue.  
6 We're going to look at genetics and biotechnology as  
7 well. But given the fact that the ability to use  
8 technology, and I'm talking about interactive TV and  
9 all of the different methods of presenting cases and  
10 presenting people's issues to forums for resolution is  
11 present here, I am proposing that we suggest to  
12 Microsoft that we get some help in in effect looking at  
13 access issues, looking at how technology can provide  
14 access to people from their homes or even from the  
15 legal services offices through the Internet and through  
16 interactive TV.

17 Paul Steer, who is a very noted lawyer in  
18 Seattle, and I were talking today and we think we  
19 could go to Bill Gates II, the father of the Microsoft  
20 chair, and talk to him about trying to create in  
21 effect a forum of the next millennium for the  
22 purposes of showing it to the chiefs and showing it

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1 to the court administrators and in making it really  
2 an example of technological access, which is really  
3 your issue.

4 And if you're willing to work with us in the  
5 area of examining how we can through technology allow  
6 people, the user, to gain access to the courts and in  
7 effect permit a court or tribunal or pro tem or a lay  
8 person to help resolve issues with the use of  
9 technology, we're prepared to do it.

10 The chiefs have asked us to put together the  
11 agenda and put together the conference and we're  
12 prepared to do it and we're prepared to try to make it  
13 meaningful in terms of access.

14 Paul and I can get together with Bill Gates  
15 and discuss it and see if we can interest Microsoft in  
16 it. I am aware that Microsoft has been looking of late  
17 at issues relating to courts and the technology that  
18 would help us to better serve people.

19 We know, for example, and we're doing it some  
20 ways, we're doing electronic filing, for example. Some  
21 of the courts are addressing motions through e-mail.  
22 So the technology is there.

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1           If we're talking about witnesses or expert  
2 witnesses or even witnesses in a civil context, there  
3 could be within offices studios where you can access  
4 the courts through interactive TV. All those things  
5 are not only possible, they are what's going to happen  
6 in any event.

7           Within our civil system where we have some  
8 real problems in our society because of the large  
9 numbers of criminal cases. We're going to have to do  
10 those things because we can't expect people, certainly  
11 in complex litigation, to sit around and wait until the  
12 courtroom opens up. You've got to have date certain.  
13 Your witnesses, wherever they are, should be able to  
14 testify from their offices or their homes or their  
15 laboratories or wherever they are. And so those things  
16 are happening now.

17           So I suggest to you that while I think that  
18 certainly the funding issues are significant, probably  
19 the most significant, they are not the only means of  
20 gaining access and that we have to look beyond that  
21 because there's never going to be enough money, there's  
22 never going to be enough sources and we really have to

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1 generate new ideas in gaining access.

2           You may have done many of these things and  
3 you may have already thought of them, but I began  
4 to see when I was back in Washington, D.C. that the  
5 problems of gaining access if the only method that  
6 we're going to do is under established methods and  
7 through the use of money, it's not going to work.

8           We really have to change the system and that  
9 means the culture of the judiciary and we're prepared  
10 to help you do some of that. And that's about what I  
11 wanted to say to you.

12           MR. ASKEW: Well, thank you very much. Those  
13 are very thought provoking ideas. Frankly, the things  
14 you're suggesting could take up -- we could spend the  
15 whole afternoon talking about those because they are  
16 quite interesting and forward-looking.

17           You're mentioning several things that actually  
18 we as a board and our staff and president have been  
19 focused on, certainly in terms of technology, but also  
20 looking beyond the money, about how better services,  
21 more services, more access can be provided to our  
22 clients. And you're blessed here in Washington to have

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1 a program that in some ways is on the cutting edge of  
2 some the technology issues. That may be something that  
3 by 2001 everybody will be doing, but certainly now,  
4 there are very few doing.

5           Ironically, Roger Warren, as you might expect,  
6 is a former legal aid lawyer.

7           JUSTICE GUY: No, I didn't know that.

8           MR. ASKEW: And his brother-in-law was former  
9 vice president of this corporation, John Tull. And so  
10 we do have connections to Roger and Roger is very  
11 interested in how the things he's working on at the  
12 National Center impact poor people and can be linked to  
13 legal services, but I'm not sure we've had as much  
14 contact with him or as much of a linkage there as we  
15 should.

16           We also obviously greatly appreciate the  
17 support from the National Center, the state courts, and  
18 from the conference of chief justices for the Legal  
19 Services Corporation and the motions that you adopt at  
20 your meetings supporting full funding and the effort  
21 you and many other chief justices have made in trying  
22 to get us as much funding as we can get.

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1           I think we all agree with you that we'll never  
2 have all that we need and we need to look beyond that  
3 in terms of what we can do with the resources that we  
4 do have to make sure they reach as many people as  
5 possible.

6           Let me see if there are other committee  
7 members or board members who might have a question or  
8 comment to make.

9           MR. EAKELEY: I would love to see maybe not  
10 a formal invitation, but perhaps an opportunity to talk  
11 about having access to justice for low income persons  
12 on the agenda for your 2001 conference. I think the  
13 current chair of the conference is David Hale from  
14 New Hampshire.

15           JUSTICE GUY: Yes.

16           MR. EAKELEY: One of our board members, John  
17 Broderick, is a colleague of Chief Justice Hale's, and  
18 Chief Justice Hale -- it's Brock, I'm sorry. Justice  
19 Brock spoke at a congressional reception that we hosted  
20 after our White House reception in July, but beyond  
21 that, it seemed to me that the leadership you have  
22 shown and as represented in your Access to Justice

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1 initiative and now institution is also replicable in  
2 other parts of the country. And I'm wondering how to  
3 borrow a page from that particular playbook and  
4 distribute it widely with encouragement for others to  
5 do likewise.

6 JUSTICE GUY: The chiefs conference is going  
7 to be in Rapid City next year, 2000, and the theme  
8 there is really family law, domestic law, which fits in  
9 very well with the issues of access and you might very  
10 well look at that for presentation purposes.

11 MR. EAKELEY: When the top court in the state  
12 starts paying significant, visible attention to access  
13 on behalf of the poor issues, a lot of other people who  
14 might not otherwise pay attention start paying  
15 attention and that creates a very different environment  
16 in which to gain not just attitudinal changes and  
17 cultural shifts, but also perhaps changes in approaches  
18 and the researches that need to go with them.

19 You can increase access with technology, but  
20 the more you increase access, the more there is a  
21 demand for either legal services to go with them by way  
22 of resources or that adjudicatory function, one way or

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1 the other.

2 JUSTICE GUY: Well, we're going to deal with  
3 the latter because we see that we don't have the  
4 resources within existing judge positions to address  
5 all of the cases and we really see the need to bring in  
6 pro tems, temporary judges, and, frankly, lay people,  
7 knowledgeable lay people, and they're very competent to  
8 deal with some of these issues.

9 People get traffic tickets and they have  
10 mitigation hearings on that, basically why were you  
11 speeding, well, I was speeding because I was on my  
12 way to such and such. Those, I think, can be  
13 handled by e-mail, by the Internet, and dealt with by  
14 knowledgeable people. You don't have to use judge  
15 resources. And what that means for us in the system  
16 is that we can use that money, those resources  
17 elsewhere.

18 And I can see folks who want access to the  
19 system, but don't want to take time off of work or  
20 can't leave home or things like that, being able to  
21 access in that fashion, child care, all of those  
22 things.

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1           And to me, those are access issues because the  
2 courts are there to resolve those problems and people  
3 shouldn't have to go to a single location. You look  
4 around in Seattle, go down 5th, the courthouse is  
5 there. Well, years ago, courthouses were the focal  
6 points for lots of activity, some entertainment and  
7 certainly the filing of papers and all of that. But in  
8 today's world, making people go to a central location  
9 makes no sense at all and I suggest to you that  
10 something else you might consider is the promotion of,  
11 in effect, satellite courts.

12           We can do it technologically because you can  
13 file your papers electronically. A satellite court can  
14 be in a shopping center, where you've got a vacant  
15 space. It's not that hard to set up a court with a  
16 clerk and a bailiff and a judge and run it from seven  
17 to nine and have people access it directly there, at a  
18 lot less cost than what we're doing now.

19           These are the things that I think we have to  
20 look at if we're talking about allowing people to come  
21 before a tribunal for dispute resolution. The reason I  
22 like the community boards idea, I saw it when I was a

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1 trial judge in Spokane in the juvenile area and it was  
2 brilliant because you had folks that lived in the  
3 community and they knew the kids that lived there, they  
4 saw them, they saw them on the bicycle or in the  
5 shopping centers or wherever they were. And they also  
6 knew what the signs were when a kid started getting  
7 into trouble and they could bring them up short and  
8 they sort of watched them.

9 I think citizen involvement is very  
10 significant and you could put three citizens together  
11 in a tribunal and do a Judge Judy resolution and it's  
12 really mediation.

13 Those kinds of ideas in terms of access I  
14 think are pretty critical and you don't need lawyers  
15 involved in that. What you need is some staff support  
16 and it wouldn't be too hard for us to put that sort of  
17 stuff together.

18 MR. ASKEW: Let me mention one thing on the  
19 issue on the unauthorized practice of law that you  
20 touched on first. We have a commission in Georgia  
21 chaired by one of our justices of the Supreme Court and  
22 I've had to do some staff work for it and one of the

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1 things we did was survey every state and what we found  
2 was everybody's frustrated with UPL and nobody, no  
3 state, feels it's found the solution to it.

4 Arizona has taken a most interesting approach  
5 which was to abolish all UPL statute and view it as an  
6 access issue and their position is if we could provide  
7 access to the poor and to the middle class, these  
8 people who prey on folks would go away because the  
9 market would be met by lawyers or by others providing  
10 those services under a regulated system as opposed to  
11 people operating with a non-regulated system.

12 That seems to me a growing sort of idea, which  
13 is it's really more of an access issue and if we could  
14 address those issues, as you are speaking to, then the  
15 growth of these other forms of delivering these  
16 services would dissipate because the market would take  
17 care of it.

18 It's a fairly radical approach and Texas has  
19 taken the exact opposite approach, which is trying to  
20 prosecute everybody, including software makers, but  
21 nobody has defined the practice of law. I would be  
22 interested to see the Washington State Bar's definition

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1 because that's tended to be the problem, is that  
2 defining the practice of law is where everybody  
3 stumbles in terms of regulating UPL.

4 JUSTICE GUY: I'm told that it came out of the  
5 board of governors unanimously and it's more of an  
6 exclusion definition. This is not the practice of law,  
7 this is, facilitators, for example, are not the  
8 practice of law.

9 There was a bill in the legislature in the  
10 last session which was, I think, aimed more at tweaking  
11 the nose of the bar than anything else to have the  
12 legislature define what the practice of law it. Under  
13 our constitution, I think they'd have to write a  
14 constitutional amendment. But it is a public issue and  
15 it's one the legislature is concerned about because  
16 they see the guild syndrome, you know, the  
17 protectionist kind of thing. Frankly, I don't think  
18 it's accurate and I don't think that most of the people  
19 that are served by the paralegals are going to go to  
20 lawyers.

21 We could, and it was suggested to me today by  
22 Wayne Blair, the president of the bar, former president

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1 of the bar, that we hold public hearings on the issue  
2 and we might do that. Frankly, I hadn't thought that  
3 through totally, but the bar did hold public hearings,  
4 it got a lot of comment. But it's -- I guess the thing  
5 that's troublesome to me is people are doing it.

6 They are in effect practicing law, they are  
7 doing so negligently and without any kinds of control  
8 and it becomes an issue of public protection.

9 MR. ASKEW: Well, thank you very much for  
10 taking time today. I know you were rushed to get here.  
11 We very much appreciate you coming and all you've done.

12 JUSTICE GUY: I want to thank you for what  
13 you're doing. I know that you are basically  
14 volunteering your time and a lot of effort and it's a  
15 very significant effort on behalf of the judiciary and  
16 that's my perspective and that's where I'm coming from  
17 and, on behalf of the judiciary, we appreciate what  
18 you're doing. I don't think we could function very  
19 well without having help, access help, including the  
20 pro bono help we get.

21 MR. EAKELEY: We look forward to your remarks  
22 this evening.

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1 JUSTICE GUY: They may not be much different.  
2 Thank you.

3 MR. ASKEW: Thank you.

4 Pat, I'm going to ask you and Joan and  
5 whomever else you want bring forward to come forward.

6 Welcome.

7 MR. McINTYRE: Thank you very much. We have a  
8 little outline of what we'd like to cover. Would it be  
9 okay for me to distribute that?

10 MR. ASKEW: Please.

11 Pat really needs no introduction after the  
12 last day and a half.

13 MR. McINTYRE: Let me first begin by saying  
14 again thank you for the opportunity to meet with you.  
15 We really appreciate it.

16 We're always very anxious to be sure that all  
17 of you are aware of what we're doing and of the good  
18 use that we certainly try to put the grant funds to and  
19 feel pretty confident that we are. But I also want to  
20 echo what Chief Justice Guy said, even though I've said  
21 it before over the last couple of days. The support  
22 from the board and the staff at the corporation is

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1 really vital to us and we don't, as much as we may  
2 grumble about an occasional requirement, the fact is  
3 that we do understand the difficulty of some of what  
4 you have to do to support us, that it's not an easy  
5 job.

6 And if we didn't say anything else, we would  
7 want to say thank you for that. And that's a very  
8 genuine sentiment and I say that for a lot of people.

9 MR. ASKEW: Well, thank you.

10 MR. McINTYRE: Let me say also that the state  
11 Access to Justice board, which is the vehicle of the  
12 Supreme Court that really oversees all access to  
13 justice activities, as it turned out, is having their  
14 annual retreat through this morning or until this  
15 afternoon.

16 They would all be driving at this point and  
17 they met all day yesterday, or certainly many members,  
18 I can tell you without a doubt that Judge Small, who is  
19 the current chair of the Access to Justice board, would  
20 most certainly have been here and I'm sure he would  
21 want me to say that he looks forward to seeing you this  
22 evening, he's sorry he can't be here for this.

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1           Let me introduce Joan Kleinburg again for the  
2 record. Joan Kleinburg is the director of CLEAR at the  
3 Northwest Justice Project and not only does she have  
4 the official title, but the reality is she's the brains  
5 of CLEAR. So if we're going to talk about CLEAR, the  
6 person I would need to help me do that, and I'm very  
7 happy to have her, is Joan Kleinburg.

8           As you can see from the outline that we've  
9 provided you which is both to help you follow along and  
10 make notes, but also to jump in and get us back on  
11 track if we wander off, which we are sometimes wont to  
12 do, what we would like to do is a couple of things.  
13 Many of you had the opportunity yesterday to actually  
14 view the CLEAR operation by sitting in and watching an  
15 advocate at work, talking about some of things, as I  
16 understand it, hearing the clients, hearing the  
17 problems live. That's an important slice of CLEAR.

18           I think it helps people to understand the  
19 day-to-day reality. But what we thought we could add  
20 to that today, as the outline illustrates, is to talk a  
21 little more in depth about the parts that you wouldn't  
22 see. In some ways, that's a tip of an iceberg.

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1 There's a lot more that goes into getting us where we  
2 are today. There are a lot more interesting things  
3 about the system that we'd like to share with you.

4 The second thing we want to accomplish is to  
5 talk a little bit about the state planning process,  
6 which has just completed another round. One of the  
7 things on the agenda for the Access to Justice board  
8 this past couple of days at its retreat are to make a  
9 decision on the final draft of the revised state plan,  
10 which they have done, incidentally, and I am prepared  
11 to hand you the copy.

12 So I am sort of also the official delivery  
13 person for the state of Washington, to say here it is,  
14 here's our state plan. So we can talk a little bit  
15 about that. I know it's late on a long day and  
16 Friday's not the best day to try to generate interest  
17 and enthusiasm, but I think we probably will be able to  
18 do some of that.

19 One final thing and then we'll get rolling.  
20 As you might expect, John Asher, that, of course, is  
21 the Denver program that you last visited at your last  
22 meeting, is a long-time friend of mine and so I don't

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1 think I'm giving away any secrets to say that when I  
2 started to think in earnest about, okay, they're  
3 coming, what are we going to do, one of the people that  
4 I made it a point to do was call John and I also got  
5 the transcript of that meeting because I really wanted  
6 to be well prepared and after I had read it and called  
7 John, I know he wouldn't mind my sharing with you his  
8 sage advice.

9 He told me that we'd do great, you know,  
10 he said all those kinds of things and then he said,  
11 "But, Mack, I got one thought I want to leave with  
12 you."

13 And I said, "John, what is that?"

14 He said, "You know, comes Monday, they'll all  
15 be gone and you'll still be there."

16 MR. EAKELEY: You know, that's interesting,  
17 too, both of you are so totally reticent.

18 MR. McINTYRE: I'm glad you noticed that. He  
19 can't sing, though.

20 Why don't I throw it over to Joan and we'll  
21 give you the -- kind of go back in time. I know I said  
22 to several of you yesterday, CLEAR doesn't start out

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1 where it is, it starts out as an idea. In our case, the  
2 idea was strongly fostered by the Legal Services  
3 Corporation planning process back in '95, the documents  
4 that came out, and the emphasis that was given at that  
5 time and the encouragement to programs who were going  
6 to bid, to think about technology and what it could do.  
7 That was the starting point for us.

8 MS. KLEINBURG: Well, I dug back in some of my  
9 notes of various talks I've given over the last several  
10 years to find out what we were saying at that moment  
11 now almost four years ago so this would have been that  
12 last week in October, first week in November, as we  
13 were, I think Mack explained to you, sitting in Law  
14 Fund's supply closet putting together our proposal for  
15 LSC funds. And at the same time, we were trying to  
16 create this concept and then to communicate it to all  
17 of our partners in the access to justice network here  
18 in Washington.

19 And at that time, when CLEAR was fairly  
20 embryonic, what we were saying to people that we  
21 thought it would do, the benefit that we saw in this  
22 thing that we were creating, there were three or four.

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1           At that point in Washington state, we were  
2 looking at a system that had multiple service providers  
3 in each geographic location because at that point we  
4 were going to have, we hoped, two statewide legal  
5 services providers, NJP and Columbia Legal Services.

6           We also had in many communities across the  
7 state a volunteer lawyer program that was sponsored by  
8 the local bar association, and then we have a number of  
9 specialty programs or free standing programs, for  
10 example, an unemployment law project, an immigrants  
11 rights project. And so putting ourselves in the  
12 clients' shoes, we saw this could be a pretty confusing  
13 landscape.

14           And so our first goal and one of the benefits  
15 that we saw coming out of a centralized system was to  
16 streamline client access into that system in an  
17 environment where there were many providers. And what  
18 we wanted to avoid was a client walking down the street  
19 from door to door, knocking on each door, engaging with  
20 a staff person inside that door, having some kind of an  
21 interview, being told, sorry, we can't help you but go  
22 on down the street to the next door, maybe they can.

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1           And while all of this is happening the  
2 client's frustration is growing, staff time is being  
3 used up, and the clock is ticking perhaps on a deadline  
4 to assert legal rights. So streamlining client access  
5 was one goal.

6           We also predicted at that point that we could  
7 gain some efficiencies which were particularly  
8 important because at the same time that all this change  
9 was happening you all remember there was a significant  
10 reduction in funding at that point, so we were looking  
11 for efficiencies.

12           And one of the ways we thought we could get  
13 that was through technology. For example, using a  
14 computerized case management system and just  
15 contrasting how we used to do intake with what we could  
16 do sitting in front of a workstation the way you saw  
17 the CLEAR folks yesterday, we'd have client records  
18 stored electronically so that if the client said I  
19 spoke with you last week, instead of jumping up and  
20 running down the hall and hoping that that paper file  
21 would be in the file cabinet where it belonged, we'd  
22 pull it up on the computer and save significant time.

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1           We could do conflicts checking electronically  
2 without flipping through some file box that might or  
3 might not have had records. We would have research  
4 tools right there at the desktop, instead of having to  
5 go into the library and hope that volume 59 of the  
6 Revised Code of Washington as in fact on the shelf and  
7 not in somebody's office. We could do research.

8           We saw a way to automate mailings of our legal  
9 information publications which many of you saw on our  
10 web site yesterday by folding that into the electronic  
11 client record. And then we could avoid the need to  
12 handle intake sheets and do reentry of data from a  
13 paper intake sheet into a computerized system.

14           So we did see that there would be efficiencies  
15 and each minute that we could save avoiding some of the  
16 tasks manually meant more minutes for client service.

17           We also wanted to and predicted that we could  
18 reduce inappropriate referrals, that situation I said  
19 where somebody might have walked into one legal  
20 services office and be told we don't help you, but  
21 maybe they do down the street or here's a list of three  
22 you could try.

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1           We thought by using a computer to provide  
2 information about what each of those resources provided  
3 that we could get the client to the right place on the  
4 first try and save everybody a lot of frustration and  
5 wasted time.

6           So that's where we sat in October 1995 when we  
7 were thinking up the system and thinking how this would  
8 benefit clients here in Washington state.

9           MR. McINTYRE: I think it's important to point  
10 this out that at that point we had another important  
11 decision to make which we were very clear about and  
12 that was you could attempt to do this using relatively  
13 unskilled people and try to make that a valuable system  
14 or you could opt instead to shoot for very experienced  
15 people, the thought being that the more experienced the  
16 people the more service you could provide immediately,  
17 the greater the likelihood that you could actually  
18 solve a problem and provide detailed, really mature,  
19 knowledgeable advice.

20           That is what we opted to do and it was very  
21 deliberate, so we want you to understand that that's  
22 how we set up the process going in because that has

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1 implications for what we learned over time.

2 MS. KLEINBURG: At that time, we were much  
3 smaller than we are now. This was all very  
4 experimental and so our approach was to say let's come  
5 up with our model and let's pilot it and so we started  
6 it in eight counties and tried it out to see how that  
7 would go and then steadily expanded the service area of  
8 CLEAR as resources became available to match the  
9 staffing with the clients who would be using the  
10 system. And so it has grown since that time.

11 When we started, I think we had six attorneys  
12 who were what we say on line or on the line, folks who  
13 answered the phone, attorneys and paralegals, and over  
14 the years since then we've now grown largely with the  
15 help of state funding and a federal grant from the  
16 Administration on Aging to about 17 attorneys full-time  
17 equivalents who go on the line and we're now fully  
18 serving 38 of Washington's 39 counties and doing  
19 service on a more limited basis here in King County,  
20 which is the largest county in the state.

21 Our staff, as Mack was saying, we wanted to  
22 have experienced staff and we have a wide range of

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1 staff experience in terms of quantity of years and also  
2 quality. And that's really brought a wonderful  
3 richness to our staff. So for example, our staff  
4 ranges from recent law school graduates, folks who had  
5 demonstrated a very serious commitment to public  
6 interest law while they were in law school, to several  
7 people who came to CLEAR from the attorney general's  
8 office, which was a wonderful connection for us. Two  
9 of them -- actually, all three of them at one time had  
10 worked in the child welfare division. And so they came  
11 with a wonderful knowledge of those systems that they  
12 brought to CLEAR.

13 One of our attorneys is probably a 13-year  
14 attorney who came to us from a private labor law  
15 practice, labor and employment practice, and so she  
16 brings another dimension and another whole set of  
17 skills.

18 We recently had somebody temping with us who  
19 we would have liked to have added permanently had a  
20 number of things worked out because of his skills in  
21 bankruptcy and insolvency and that brought another  
22 dimension.

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1           And so we have a range of staff, younger,  
2 newer attorneys who have that wonderful enthusiasm and  
3 who are, you know, just eating up this wide range of  
4 areas of law and folks who bring to us years of  
5 experience and seasoning and practice out in the world  
6 as well as substantive knowledge.

7           And we're really striving to maintain that  
8 balance. We like the new blood and we like that  
9 seasoned, older, been out there, been in court, knows  
10 what those procedures are like.

11           MR. McINTYRE: So right now, about two-thirds  
12 of the staff, just to summarize, are pretty heavily  
13 experienced by legal services standards. And that was  
14 a big question mark going in. And what I mean by that  
15 is it was questionable whether people would find this  
16 kind of work adequately fulfilling and rewarding to  
17 keep them doing it. What we have found is that it is,  
18 I think for several reasons, one of which is that it's  
19 changing.

20           The whole system, as Joan says, is to some  
21 extent an experiment in some ways. We will say a  
22 little more about that, but it is very new and novel

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1 and just listening to the things that Chief Justice Guy  
2 says, that's a big part of this. There are new things  
3 that are coming all the time. New capacities are  
4 coming into the system and that has the effect of  
5 keeping people energized and interested.

6 And, also as Jean suggests, the diversity of  
7 the group and the breadth of the various kinds of  
8 experience is really, I think, a real charge for people  
9 that are doing the work.

10 Quickly, some of the things that you don't  
11 see. They're on the line from 9:30 to 12:30 and that's  
12 five days a week. It's not always fully staffed. You  
13 know, people have kids, take vacations, all of those  
14 things happen. The volunteers are out there to some  
15 extent. They make up for some of the little gaps.

16 So what happens at 12:30? You know, does  
17 everybody go home?

18 No. A lot of people choose to leave word  
19 about their problem and their need for somebody to call  
20 them back in a voice mail system, so in the afternoons,  
21 there's a need for people to check the callbacks, to  
22 contact those clients, to have conversations just like

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1 they would in the morning, except they're not sitting  
2 there getting them out of the queue.

3 In many cases, they're doing research.  
4 Where they can and their direct assistance is required,  
5 they're providing that. That is, calling landlords,  
6 calling case workers from state agencies, assisting  
7 clients in drafting, seeing that materials that we  
8 promise to send get sent out, that kind of thing. So  
9 those are all some of the things that you don't see.

10 Something that some of you heard about  
11 yesterday that we'd like to pass along to all of you is  
12 that as time went on, as we had the new law school  
13 people that Joan mentioned, we had a concern that if we  
14 were attract somebody no matter how good and  
15 experienced this is, it probably was not a fair thing  
16 to do to somebody to have them go for four years, be on  
17 the phone, benefit from the secondhand experience of  
18 others that they would hear about.

19 In other words, we didn't think it was a good  
20 idea to have somebody be a conduit for this great  
21 advice that had no firsthand knowledge of what the hell  
22 they were talking about. I mean, they may be giving

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1 great advice, but the fact is they've never been in  
2 court.

3 We think that's not a good thing for people  
4 and that long term it wouldn't be adequately  
5 fulfilling. So we created what we call a mentor  
6 program and we take people off, the relatively  
7 inexperienced people go off of the CLEAR system for  
8 three to four months and they get an intensive  
9 experience where they're mentored by a very senior  
10 attorney and they handle a case load during that period  
11 of time. So that's one of the things.

12 The other thing we found out was that it made  
13 very good sense to give people geographic assignments  
14 around the state and to give them the opportunity to be  
15 able to take some time off and go for a few days to  
16 that particular area of the state and meet the  
17 individuals that they were making referrals to or  
18 trying to assist through cases. So they go out and  
19 talk to the courthouse facilitators. They go out and  
20 meet the volunteer lawyer program coordinators.

21 In some cases, they meet the local judges.  
22 They go watch somebody. One of our advocates was

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1 telling -- Bucky was sitting in -- that during her  
2 visit, she went and watched the pro se calendar and it  
3 made all the difference to her because she understood  
4 that in some counties our clients would have a  
5 tremendously good and helpful experience as a pro se  
6 while in other counties you would virtually be  
7 consigning them to failure as well as a humiliating and  
8 degrading experience. And that makes all the  
9 difference, of course, when she's trying to assist  
10 people over the phone. So those are some of the  
11 things.

12 MS. KLEINBURG: One of the other things that  
13 goes on in the afternoon is that the CLEAR advocates  
14 are also members of the statewide substantive law task  
15 forces that we have in Washington, so there's a  
16 children, youth and families task force, a housing task  
17 force, a medical assistance task force, an education  
18 task force, and those task forces meet typically  
19 quarterly to stay on top of changes in the law within  
20 the state, issues that are arising, and CLEAR advocates  
21 are full members of those committees and bringing a  
22 very interesting perspective because each of the other

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1 advocates has a kind of very geographically defined  
2 view of the client community and CLEAR advocates come  
3 in with that wide angle view because of the volume of  
4 calls, volume of clients that we speak with.

5           And that perspective is proving to be a new  
6 perspective in those committees, but a very useful one,  
7 and what we're seeing happen now is that issues that  
8 are brought up by CLEAR, where we're saying we're  
9 seeing this happening, those substantive task forces  
10 are now discussing strategies to address those issues.  
11 And so it's feeding into advocacy efforts in that way  
12 and integrating CLEAR folks with advocates across the  
13 state.

14           MR. McINTYRE: We'll take a little question  
15 pause here, if you have any. If not, we'll move on.

16           MS. FAIRBANKS-WILLIAMS: Do these geographic  
17 meetings across the state change any of your priorities  
18 or anything, the problems that come up? Or are they  
19 just about the same all over the state?

20           MR. McINTYRE: Well, the way our priorities  
21 work is that we have the general state priorities and  
22 they are refined to some extent in local areas. So

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1 certain things impact certain offices of the state more  
2 than others, but the priorities are broad enough to  
3 allow some flexibility at that level. But the answer  
4 to your question is yes.

5 Does that impact priorities? It does  
6 indirectly in the sense that that new information about  
7 a problem in that community or a particular spin on the  
8 problem would feed into our annual priorities review  
9 and then the proposals that we make to the board and  
10 the board's consideration of what the final priorities  
11 are would be influenced by that.

12 MR. ASKEW: Mack, you remember John Orango's  
13 writings about the types of people who are in legal  
14 services and the hands-on helpers, people who are there  
15 because of the help they can give to an individual poor  
16 person.

17 MR. McINTYRE: Yes.

18 MR. ASKEW: Was it a difficult transition for  
19 those people in your program who came from that  
20 perspective to make the technology and the new way of  
21 doing this, was that a difficult transition for them?  
22 And how has it worked out for them, do you think?

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1           MR. McINTYRE: Well, my sense is -- Joan would  
2 have much more firsthand knowledge, but from what I've  
3 observed, it has not been a difficult challenge. In  
4 fact, I would say that there's a very heavy percentage  
5 of those kind of people who find this work most  
6 rewarding.

7           I mean, I think what you're suggesting by your  
8 question is that somehow because the communications  
9 are, you know, other than personal, face-to-face, that  
10 there's some different level of satisfaction that comes  
11 to people who really want to have that kind of  
12 experience.

13           What we find is that there are very -- people  
14 feel like the relationships and the work that they do  
15 is very closely related to the clients.

16           MS. MERCADO: Do the advocates that you have  
17 working for CLEAR, are any of the cases that they give  
18 advice on it then turns out that they do need beyond  
19 advice they need legal help and going to the court  
20 process, do they take some of those cases or is that  
21 referred out to other attorneys?

22           MR. McINTYRE: No, it's referred out, but, of

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1 course, it could be referred -- if it was in the  
2 Seattle area, for example, it would often be referred  
3 right to our field office that we have in our office.

4 That does raise another interesting point, a  
5 very good experience that we've had, and that is that  
6 the volunteer attorneys who come and man the line have  
7 in several cases, as I understand it, had difficulty  
8 finding somebody and done as much as they could and  
9 just said I'm taking the case, is it okay if I take the  
10 case, this person just really needs the help and even  
11 in some cases in far outlying counties where maybe they  
12 had a contact or a friend or their law firm had a  
13 branch office or something like that.

14 MR. ASKEW: We're going to pause for just a  
15 minute so that we can get Nancy Rogers back on the  
16 phone. She was cut off, unfortunately, so hopefully it  
17 will just take a minute.

18 (Pause.)

19 MR. ASKEW: I knew the answer to the question  
20 I was asking you about the transition because the  
21 paralegal I sat in with yesterday told me that she was  
22 intimidated by this when it was first suggested and

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1 thought that she would terribly miss the one-on-one  
2 contact with clients, but she feels much more rewarded  
3 now because she can help so many more people with the  
4 time that she has. And my guess was she is one of  
5 those hands-on helper sort of people and she is a  
6 convert to this now.

7 I think she went into it with a great deal of  
8 trepidation, both from the technology point of view,  
9 but also from what am I giving up here by doing this  
10 and now is absolutely committed to it.

11 MR. McINTYRE: There's a very difficult aspect  
12 to this work because for resource limitation reasons  
13 there are many places unfortunately in the state where  
14 what you can provide is simply not going to be enough.  
15 It's not that it's not helpful, but the person needs  
16 help.

17 They're not in fact going to be able to go in  
18 on their own and get an order and there's nobody there.  
19 We don't have an office, nobody has an office, there's  
20 no active pro bono program in some parts of the state.  
21 That's tough to take and it's especially tough to take  
22 for those kind of people who are the hands-on kind that

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1 you mentioned.

2 I think that the only reason that they're able  
3 to continue doing the work despite those kinds of  
4 disappointments and pressure is because such a large  
5 majority of the time in fact they are able to make a  
6 rather big difference in people's lives with this.

7 We learned some hard lessons along the way,  
8 too, which we should briefly address and I want to  
9 stress one point that again was not an obvious thing.  
10 You know, to do this, it's not as though everybody was  
11 waiting out there with open arms in all those other  
12 programs to say sign me up, you guys be the intake  
13 system, we love this idea.

14 What the reality is is that people have done  
15 things over a long period of time, they are possessive  
16 about the ways that they do things. If you're a  
17 volunteer lawyer program and you've been getting  
18 funding partly from your local bar and partly from  
19 whatever, United Way, how do you get that funding and  
20 keep it going, you provide numbers, you know, at the  
21 end of every accounting period of how many people came  
22 in through your system.

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1           There is a great fear initially that if  
2 somebody else is serving as that intake system then  
3 we're not going to look so good and our funding is  
4 going to be jeopardized, so there's that fear, there is  
5 the general dislike of having anybody do it differently  
6 than you think is the right way to do it, and then  
7 there's the general suspicion about efficiency and  
8 whether it's really personal adequately to do things  
9 over the computer and over the phone.

10           So Joan met with a lot of resistance and  
11 probably continues to some extent to have to confront  
12 that, so a large part of her job and of any program who  
13 is thinking about this on a large scale would have to  
14 expect is you have to go out there and you need to meet  
15 a lot of people, you need to learn how they do things,  
16 you need to bring them into the system and you really  
17 need to educate them about the benefits.

18           We've been fortunate in doing that, but  
19 I wouldn't want anybody to misunderstand or think  
20 that that's something you do quickly or easily.  
21 It's the hard groundwork that you lay to make this  
22 work.

1           What other lessons would you say are really  
2 important?

3           MS. KLEINBURG: Well, I've got some of the --  
4 I was hoping for a segue directly from what you said,  
5 Bucky, you know, about folks giving up that face to  
6 face contact. Well, Norma in particular, because there  
7 were other paybacks in that she was helping a lot of  
8 people.

9           And there are a number of things that we've  
10 discovered that we had not predicted four years ago and  
11 I think that some of these are what makes the work  
12 rewarding for the folks who go on the line and I think  
13 the foremost one is the value of getting the client  
14 into immediate contact with an attorney or a very  
15 experienced paralegal who has the knowledge and the  
16 skill to help them with that legal problem.

17           And I think that's been really surprising to  
18 clients, that that phone gets answered not by several  
19 different levels of screening, but by an attorney or a  
20 paralegal.

21           And I think our folks really see that value of  
22 that immediate hookup because then it lets them do more

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1 for the client. They can identify an emergency earlier  
2 in the process, get some help out there.

3           Something else that we're really realizing is  
4 how convenient this is for clients. And I'm not sure  
5 which one of you, but somebody yesterday apparently was  
6 sitting in with Millicent who had a call from a woman  
7 who was literally in labor calling from the hospital  
8 with some questions about the birth certificate and the  
9 implications of putting or not putting the father's  
10 name on the birth certificate for her ability to  
11 collect child support.

12           MR. McINTYRE: And that would be the right  
13 time to call.

14           MR. McCALPIN: No, it's about nine months  
15 late.

16           MR. McINTYRE: Better late than never.

17           MS. KLEINBURG: But that woman was not going  
18 to make it down to present herself in person to a legal  
19 services office at that moment in time, but I think she  
20 probably got the information she needed to make a wise  
21 choice.

22           Because of the efficiencies we've gained, we

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1 think we're talking to more people than we might have  
2 without it. And one of the efficiencies I think that  
3 we've realized that when we talked efficiency it was in  
4 a generalized way, but there's something extremely  
5 efficient about using the phone system and not having  
6 no shows or appointments lots that are too long or too  
7 short, but it's very self-regulating.

8 As long as we have a few calls in queue so  
9 that when that advocate finishes this call and hangs  
10 up, then the next one can come through, so their time  
11 is used very efficiently and we're finding that that's  
12 been a real plus for the volunteers also. Some of the  
13 feedback we've gotten from volunteers is I like  
14 volunteering at CLEAR because I come down to your  
15 office, even though I'm very busy, I take the time, I  
16 come down and from the minute I put on that headset and  
17 hit that button, my time is used doing what lawyers do,  
18 counselling people, helping them sort out their  
19 problems and there is not a wasted moment in there, and  
20 at the end of my time on line I go back to my office  
21 and I know I've done some good and I feel that my time  
22 has been well used.

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1           Something else that has emerged and I think  
2           that there may be a copy of this in the materials has  
3           been our role and value to many of the volunteer lawyer  
4           programs.

5           In Washington state, we have a model that's a  
6           little bit different from many other states. In many  
7           states, the volunteer lawyer program is incorporated  
8           into the LSC grantee and so there may be a person who  
9           is designated as the pro bono coordinator and that's  
10          the person who recruits volunteers and gets the cases  
11          out to the volunteers.

12          In Washington state, our model evolved a  
13          little bit differently and we have now, I think, 24  
14          volunteer lawyer programs that are sponsored by local  
15          bar associations, typically, in some cases, they're  
16          housed in community action programs, and their  
17          coordinators are typically not lawyers. And what many  
18          of those programs have found is the working with CLEAR  
19          so that they do their client intake by taking referrals  
20          from CLEAR, that they're getting a higher quality  
21          screening because those cases are screened by an  
22          attorney or a paralegal, so that when they're calling a

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1 volunteer to say would you take this case, they're  
2 confident that it's a meritorious case with some legal  
3 issues that this volunteer attorney can do something  
4 about.

5           And so we're finding that we have very, very  
6 positive relationships with many of the volunteer  
7 lawyer programs that have really interfaced with CLEAR  
8 in a very constructive way so that we're doing what we  
9 do best and they're doing what they do best. They're  
10 recruiting lawyers, they're getting the cases out to  
11 the lawyers. Many of them now have more time to do  
12 that recruitment.

13           One told me she felt like she had time to make  
14 maybe two or three calls to place a case and then she'd  
15 kind of give up if people said no and now she can make  
16 five or six or just stick with it until she can get  
17 someone to take a case. So there have been shifts like  
18 that that have been very positive for clients and we're  
19 getting some good feedback about that.

20           We just got something from the -- actually, it  
21 was an IOLTA application from one of the volunteer  
22 lawyer programs out in a rural county just saying

1     how -- she says, "We refer all of our telephone clients  
2     to the CLEAR line for intake and screening. We found  
3     that with such a huge demand for services within the  
4     community, it was to our advantage to ask for help with  
5     our client load, rather than risk turning people away.  
6     CLEAR allows us to provide services to everyone. CLEAR  
7     handles not only our intake and screening, but can  
8     offer legal advice to clients as well, thus reducing  
9     our case load significantly. Cases they refer back to  
10    us for help always include suggestions on how we may  
11    best serve our clients."

12             And so it helps them then -- we frame the  
13    issues for them and so particularly when it's a  
14    non-lawyer trying to sell the case to an attorney,  
15    they can say these are the issues and this is what  
16    needs to happen. And they've found that to be very  
17    helpful.

18             MR. McINTYRE: I'm going to rattle real fast  
19    through what we see in the future kind of thing and a  
20    lot of it's already been suggested.

21             MR. McKAY: Can I ask one, Mack?

22             MR. McINTYRE: Yes.

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1           MR. MCKAY:  When you first -- Joan, maybe this  
2 is best directed to you.  When you first went out to  
3 the volunteer lawyer programs and said, you know, we've  
4 got this thing under this curtain here, we want to tell  
5 you what it's going to be, was there not some concern  
6 that it would just result in huge new case loads for  
7 them?  In other words, if they all of a sudden started  
8 taking referrals from CLEAR plus what they were  
9 currently trying to do, it sounds to me like there  
10 was -- what you've really worked out is a tradeoff  
11 where you're doing some of their intake and they are  
12 now getting localized, high quality cases without  
13 having to work the screening.

14           But I would think that initially their fear  
15 might have been that if they sort of turn themselves  
16 over to CLEAR, CLEAR was just going to give them this  
17 overwhelming case load.

18           MS. KLEINBURG:  I think it was a fear and I  
19 think it was in some instances a reality, initially.  
20 And then some of the programs, some right from the  
21 beginning and some later on, said our primary mechanism  
22 for taking clients, rather than answering the phone

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1 ourselves doing it, we'll give up that function and we  
2 will take referrals from CLEAR and that will be our  
3 client intake mechanism.

4 And so that was the way I think they  
5 ultimately achieved some balance. But I think there  
6 were offices that initially did get more.

7 MR. McINTYRE: Here quickly is where we're  
8 going, that we know we're going. I mean, it's obvious,  
9 you just need to walk down the hall, as you can see,  
10 this is all coming because it's starting to happen.

11 There are going to be people on the web site  
12 and the CLEAR line at exactly the same time and then  
13 you're going to split screen and you're going to have  
14 the same part of the web site up, the CLEAR advocate,  
15 the client is going to be out there saying, okay, I  
16 understand it to this point, but what does this mean.  
17 All of that stuff is starting to happen. We don't have  
18 to do anything.

19 It's absolutely clear that the so-called  
20 digital divide is being narrowed. It's receiving  
21 tremendous attention in the philanthropic community,  
22 it's a very attractive thing for people like Bill Gates

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1 to want to be concerned about and a place to spend  
2 their money, so I think to the extent it was a gamble  
3 to go in this direction, the issue being whether  
4 there's going to actually be a concern in the public,  
5 another education system, to make sure that people are  
6 basically, you know, aware of how to use a computer, I  
7 don't think that's going to be a problem and I think  
8 public access, a lot of it is obviously increasing  
9 really radically. I mean, that's all happening fast.  
10 So those are some things that we could basically count  
11 on.

12 The capacity to utilize volunteers and to  
13 attract and interest them and put them to good use is  
14 unquestionably -- the difficulty for us is going to be  
15 having enough places to put volunteers and to figure  
16 out how it is you deal with quality control because one  
17 of the things we haven't talked a lot about is that  
18 there is spot checking that goes on of the CLEAR  
19 advocates so that you can see the quality of the advice  
20 and the recordkeeping and all of that. As long as we  
21 have the volunteers in-house and we have a limited  
22 number, we can do that as well in-house.

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1           The bigger it gets, you know, unless you have  
2 additional supervisory staff, you have some limits  
3 there. We are already in the position to have  
4 outstations.

5           It doesn't have to be the case that the people  
6 who are doing CLEAR volunteering or the advocacy have  
7 to be on-site, it's only a matter of money and quality  
8 control that keeps you from having people setting up,  
9 for example, in a private law firm three stations, you  
10 know, whether it be in the farthest reaches of the  
11 state. It's all doable.

12           It's interesting to hear the chief justice  
13 talk about the electronic filing. I had a conversation  
14 with one of the CLEAR advocates this morning, one of  
15 the most experienced, who said, you know, if I could  
16 just file a notice of appearance right smack on the  
17 line when I'm talking to a lot of these clients, that  
18 would really be terrific because I know they're not  
19 going to be able to do it on their own, they're in real  
20 jeopardy, the clock is ticking, they can't find  
21 anybody, that would be a tremendous service, even if it  
22 bought us enough time to then get them help to fill out

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1 the from. So that's coming.

2 I'm happy to hear the chief justice say that  
3 at least in some parts of the state there's some of  
4 that going on, but I can tell you it's really on a test  
5 basis at this point and it's not sufficiently expanded  
6 to where we can use it. But those are some of the  
7 directions we think we will be going, some of the ones  
8 we know we will be going.

9 The "what do we need to know" point on this  
10 outline is to remind us to say we know we would be  
11 among the first to recognize and to tell anyone there  
12 are a lot of unanswered questions about this. We don't  
13 have very good factual information about what happens  
14 to the pro se people that we try to help.

15 I mean, I can tell you who gets on and  
16 downloads something from the web site and makes a  
17 call and gets some instructions, but what we don't  
18 have any system to do now is to find out what  
19 happened to those folks. Did they in fact go get the  
20 protection order, were they able to resolve their own  
21 consumer problem based on the help. That's a big  
22 question mark.

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1           The Project for the Future of Equal Justice,  
2 as you probably know, has funding from the Soros  
3 Foundation and is engaged in the first phase of broad  
4 national assessment of what it is hotlines and web  
5 sites and the like are able actually to provide to  
6 people and where they might be improved.

7           We have made clear to Don and others that we  
8 hope that we will be considered, you know a very  
9 serious candidate to be looked at. It's difficult for  
10 us to do the self-assessment just because of funding  
11 limitations. If there are other sources to help us do  
12 that assessment and get that information, that would be  
13 tremendously valuable.

14           We have tried throughout our existence to pass  
15 along the benefits of anything we learn and most  
16 especially our mistakes to save others. To the rest of  
17 the national community, we would certainly continue to  
18 do that.

19           MR. ASKEW: That's a segue to one thing I  
20 wanted to ask you about. At our last committee  
21 meeting, your friend and ours, Alan Hausman, appeared  
22 to talk to us at the end of the committee meeting and

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1 one thing that's in the minutes from that meeting, and  
2 I'll read it to you, it says, "Some project directors  
3 are fearful that LSC, NLADA and CLASP are attempting to  
4 replace legal representation and specialized advocacy  
5 with a centralized, impersonal and brief advice  
6 system."

7 MR. McINTYRE: And some are. Yes, some are.

8 MR. ASKEW: What do we do to confront that  
9 nationally or how do we get people to see the reality  
10 of this as opposed to whatever their other vision of it  
11 is?

12 MR. McINTYRE: Well, I think we have the  
13 microcosm of that. You know, when I was saying earlier  
14 that there are skeptics, there certainly are skeptics  
15 and that was a part of the problem for us. You have  
16 that on a much larger scale.

17 I can offer you what is the most successful  
18 approach that we've taken, which is to be absolutely  
19 forthright about the extent to which there are  
20 unanswered questions but they are going to be answered,  
21 they are taken very seriously. We don't overstate the  
22 value of anything we're doing. To the extent that some

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1 of it is experimental, we say so. And we share the  
2 value of our staff, particularly those who are the most  
3 skeptical.

4           You cited Norma. I would tell you I'll bet  
5 you that Norma got engaged in this on the strength of  
6 her belief in me and in Joan and in some of the others  
7 as legal services workers that she valued over the  
8 years and had a high regard. So basically she was  
9 going to try it out and see what really happened.

10           And I think you have to do a lot of that.  
11 I think we have to have some of our best people, show  
12 it with all the freckles and all, and then we just have  
13 to say it doesn't do everything.

14           MR. EAKELEY: On that last point, though, you  
15 clearly -- there are clear advantages to doing more  
16 better and more efficient screening and intake and  
17 referral, not to mention brief advice and I think that  
18 the self-assessment component of that is vitally  
19 important for a whole variety of reasons. But you're  
20 also, as I understand it, when substantive cases --  
21 when cases come in that are in need of more than brief  
22 advice or self-help, they get referred. They get

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1 referred to the Northwest Justice Project or they get  
2 referred to volunteer lawyers programs or elsewhere.

3 MR. McINTYRE: Right.

4 MR. EAKELEY: So you are an example or a  
5 refutation of the notion that CLEAR is a substitute for  
6 substantive legal advocacy on behalf of people, I  
7 assume. Do you track those cases?

8 MR. McINTYRE: That we refer?

9 MR. EAKELEY: The cases you refer to the  
10 volunteer lawyers programs or how many cases in your  
11 normal case load in your office come in through CLEAR,  
12 for example?

13 MS. KLEINBURG: We don't have a way to track  
14 that statistically, although that's a feature that  
15 we're building into new software that we're developing,  
16 is the source of the referral, so that we can start  
17 looking at that.

18 MR. EAKELEY: I think one further answer to  
19 the critics that say this is intended to substitute for  
20 personalized substantive legal attention is note to the  
21 contrary it helps us identify more rapidly and specify  
22 more precisely what's needed and then makes sure that

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1 there's a provider for that.

2 MS. MERCADO: Well, you also have a client  
3 community, I think overall, after the period of time  
4 that it's been in existence, that is probably going to  
5 look more favorably rather than sitting all day long on  
6 a walk-in basis to see somebody, if you're only  
7 scheduling one attorney to do intakes or whatever as  
8 opposed to a system that can refer out whether it's to  
9 your program or to Columbia or any other program to  
10 where they can get quicker assistance if they need it  
11 beyond pro se or beyond brief advice. And that seems  
12 to make it more efficient for them, for the client in  
13 the community to get that help.

14 MR. McINTYRE: Or, as Joan has suggested, and  
15 it's really quite true, people do understand that  
16 stopping the revolving door by having the first place  
17 say this is as much as there is, this is the situation  
18 for you, I'm telling you as a 17-year lawyer, here is  
19 the situation you're in, this is what's available, I'm  
20 not telling you to call anybody else, I'm not setting  
21 you up for a lot of heartbreak and disappointment, this  
22 is where you're at.

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1           People find it difficult, I think, to  
2 understand that that's a service, and if you can do  
3 that, you know, in 20 minutes instead of two and a half  
4 weeks of frustrated calls and appointments and all of  
5 that, you really have done something valuable. But  
6 unfortunately, people are inclined to just sort of look  
7 at the final outcome and if it's not completely  
8 favorable to someone, assume that somehow there's been  
9 a failure.

10           One of the things that we had to overcome was  
11 people's tendency to act as though, when we were going  
12 into this, that back in '95 there was 100 percent  
13 meeting of need or nobody ever got a busy signal, you  
14 know, which of course is not the case. It's never been  
15 the case.

16           So you have to have a realistic approach to  
17 what this does and what it doesn't do. And I think  
18 as long as we're open about it, as long as we don't  
19 try to get locked into it or defend it where it's not  
20 adequate or even a very good system, then I believe  
21 that over time it will evolve into what it is capable  
22 of.

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1 MS. MERCADO: And part of what you did from  
2 our on-site visit yesterday that we looked at that I  
3 thought was very important in this holistic, one-stop  
4 shopping for clients, poverty clients that need  
5 assistance, not just for the legal problem, but it may  
6 be that what they're calling about is that they  
7 actually need to be able to go to the Social Security  
8 office or they need to go to the housing authority or  
9 something totally different, city hall for some  
10 particular problem or another.

11 And I thought it was very helpful that the  
12 attorney that we observed that was doing that had  
13 immediately on her side all this referral of different  
14 kinds of agencies and entities that could help an  
15 individual with a particular problem and that is  
16 tremendous in itself, for people to know where it is  
17 that they need to get help for their immediate  
18 emergency.

19 So, I mean, it's broader than just the legal  
20 advice that you're doing, but that you're able to do it  
21 quickly because you've got trained individuals and  
22 experienced individuals that can give that information.

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1           MR. McINTYRE: Right. And because it's all in  
2 a database that makes it readily available and doesn't  
3 rely on memory or a lot of mechanical steps.

4           Another thing that people don't often realize  
5 is that helping a person to understand and decide that  
6 the problem that they have, while serious, is not  
7 really amenable to what we would all think of as a  
8 legal solution.

9           Lawyers do that all the time. That's a  
10 valuable service to people and one that lawyers and  
11 paralegals that are experienced are uniquely well  
12 qualified to provide. So I think it's a lot of  
13 education.

14           Do we want to hear a little bit about the  
15 state plan?

16           MR. ASKEW: Yes.

17           MR. McINTYRE: I'll just tell you a few  
18 things.

19           MS. FAIRBANKS-WILLIAMS: Well, I had one  
20 question.

21           MR. McINTYRE: Okay.

22           MS. FAIRBANKS-WILLIAMS: When these cases are

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1 referred out, do you have any checkup on them to see if  
2 they were satisfactory or if the client was  
3 satisfactory?

4 MR. McINTYRE: We did do a rather large survey  
5 in, I think, May of 1997, as I recall, about that. And  
6 we got -- really it was actually fairly strongly  
7 favorable, all the comments that we got from clients  
8 and organizations. A few critical, which we tried  
9 to --

10 MS. FAIRBANKS-WILLIAMS: Oh, you get that  
11 anyway.

12 MR. McINTYRE: Yes. We also have it set up so  
13 that information that the clients get right at the  
14 beginning advises them how they can also use the  
15 telephone system to register complaints, basically go  
16 into our client complaint system.

17 We get remarkably few complaints from clients,  
18 but we don't have an ongoing client satisfaction  
19 questionnaire. It's something we talk about but  
20 haven't had the resources. It's one of the things that  
21 we would envision doing as part of an assessment, is to  
22 try to figure out how to do that.

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1           MR. EAKELEY: You might make use of some of  
2 the extra funds if we got the budget mark that we're --

3           MR. McINTYRE: Yes. Absolutely.

4           MR. ASKEW: But in that way, CLEAR is no  
5 different than a regular staffed branch office, either  
6 in terms of referrals or in terms of pro se. I mean,  
7 the fact that you don't know whether a client pursues a  
8 pro se matter is no different than the branch office in  
9 Atlanta who gives the clients the forms and sends them  
10 on their way.

11           MR. McINTYRE: Right.

12           MR. ASKEW: But does it in person.

13           MR. McINTYRE: That's correct. Right.

14           MR. MCKAY: May I ask, Mr. Chairman, how many  
15 visits have you gotten from Alan Hausman, or not to  
16 pick on Alan, but anybody else out in the legal  
17 services community?

18                    Because one of my impressions is that when  
19 people use the expression hotline or telephone,  
20 Tele-law or anything along those lines, they have in  
21 mind something very different than those of us who made  
22 the rounds at CLEAR saw yesterday.

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1           Any idea? I know Bob Cohen in Orange County  
2 has seen a number of folks who have come to visit, but  
3 his system is different than your system because I've  
4 been down there, too. How many do you suppose you've  
5 seen?

6           MS. KLEINBURG: We've had visitors from other  
7 states who are setting up similar systems, so it's been  
8 from people who want to replicate or who want to learn  
9 from our experience, rather than perhaps from skeptics  
10 who are coming to learn more about it or see if it  
11 confirms their worst fears or whatever. But, I don't  
12 know, over the last few years, we've probably had five,  
13 maybe. Folks from five other states come.

14          MR. McINTYRE: A lot of calls. We send out a  
15 lot of materials. But, no, Alan hasn't come.

16          MR. ASKEW: Is it a burden on you to entertain  
17 some of those people if they want to come look?

18          MR. McINTYRE: No, actually.

19          MR. ASKEW: We've got a few we're going to  
20 send to you.

21          MR. McINTYRE: Yes. No, no, no. We're --

22          MS. MERCADO: Well, you know, one of the

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1 questions that I had was a cost question because of the  
2 hotlines that I'm aware of and that we've heard about  
3 or seen or whatever, I think that the bulk of them are  
4 not necessarily staffed by attorneys or paralegals,  
5 which makes a significant difference in the kind of  
6 advice that a client gets and the ability to resolve  
7 that problem much quicker. Because then you have  
8 additional comebacks or referrals.

9           And so the cost of that, I guess, is part of  
10 what I would want to look at, so that when someone is  
11 looking at an intake system, is it necessarily going to  
12 be cheaper than doing -- if you have experienced  
13 attorneys and paralegals like your program does versus  
14 just putting some support staff person or whatever to  
15 answer questions, get intake information, see whether  
16 they're qualified, but not necessarily giving them  
17 legal advice that they need in that immediate crisis  
18 situation. What is the cost analysis on that?

19           MR. McINTYRE: You could certainly run it --

20           MS. MERCADO: I mean, I know the answer,  
21 but --

22           MR. McINTYRE: You could run it less

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1 expensively. But, see, the issue for us goes beyond  
2 that because the question that we need to answer and  
3 continue to look at is given what it costs, what is the  
4 alternative? I mean, what would be better? What  
5 alternative would be better?

6 If we take that cost and that tells us that  
7 that means that we could have -- let's just  
8 hypothetically say three additional offices in parts of  
9 the state, each staffed with two attorneys, let's say.  
10 And that's probably a fairly realistic trade off.

11 Do you get in fact a higher level of client  
12 service by doing that? I mean, that's really the issue  
13 for us. And to this point, we're pretty satisfied in  
14 our minds that the answer is, no, you don't. You don't  
15 in a just straight look at it, just in the numbers of  
16 contacts and cases you don't. But the other thing is  
17 you have to get real.

18 We have an area of the tri-cities area of the  
19 state where it is difficult to keep an office staff.  
20 It's certainly a place where there's a lot of need, but  
21 ability to attract and retain people with little or no  
22 turnover has proven to be very, very difficult.

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1           If you have an operation like CLEAR in a more  
2 urban setting with more amenities for people and so on,  
3 it's far easier to have a group of people that is  
4 stable, high job satisfaction, and that support one  
5 another.

6           I mean, it's difficult to be the only -- let's  
7 say you're out in an office southwest Washington,  
8 you've got one attorney and one paralegal and that's  
9 it. That's a tough assignment for people and hard to  
10 maintain. So those are factors, hard to measure in  
11 dollars.

12           MR. MCKAY: Can I ask one more question?

13           MR. ASKEW: We need to go on. We have to go  
14 on to state planning because we are anxious to hear  
15 about that.

16           MR. MCKAY: Can I ask it real fast?

17           MR. ASKEW: Yes.

18           MR. MCKAY: One of the calls that Bucky and I  
19 observed were from out on the Olympic Peninsula, Mack,  
20 and it occurs to me that one of the questions that  
21 other questions around the country will ask if you're  
22 an urban program, it would seem to make a lot of sense

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1 to try and replicate what you're doing, but if you  
2 don't have an urban center or more than one urban  
3 center, it's got to be difficult to try and create the  
4 infrastructure to provide the service that Maria was  
5 just mentioning.

6           And I'm wondering if maybe some folks who  
7 aren't benefitting from either an integrated system of  
8 legal services programs or a combined program as you  
9 have would face some real difficulty in answering a  
10 call from someone from a rural area if you're going to  
11 try -- could you replicate this, for example, in area  
12 that was -- a program that was just going to serve the  
13 Olympic Peninsula?

14           MR. McINTYRE: I think it would be difficult.  
15 I mean, I think there would be some particular  
16 difficulties there. That's a question I get asked by  
17 some programs that were in a state that we're talking  
18 about. You know, whether they could integrate and  
19 looking into it a serious way. And one of the  
20 questions they had was whether -- you might not start  
21 with the idea of the central intake brief referral as a  
22 way to get people together and based on the experience

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1 we've had, my answer to them was it might work, maybe  
2 there's something unique in your state, but I don't  
3 think so.

4 I think what you need to do is to deal with  
5 the integration first, if you're going to integrate in  
6 some other way. I don't think you start with this as  
7 the vehicle to do that, if that relates to your  
8 question. I just think it's -- yes, it's a little more  
9 challenging.

10 MR. MCKAY: Thank you.

11 MR. McINTYRE: State planning. Okay.

12 Well, a couple of things. One is I want to just tell  
13 you that where we're at in the state planning process  
14 and share with you our latest document officially.  
15 It's been approved by the Access to Justice board and  
16 I'm here to deliver copies which I can do when I finish  
17 here.

18 We're very pleased to be done with the process  
19 and I want to tell you quickly a little bit about the  
20 process.

21 This particular go-round, we have had -- we  
22 have now involved more than 700 stakeholders throughout

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1 the state of Washington. We sent out initial materials  
2 probably about a year ago. We put it on line. We  
3 allowed people to participate on line and many hundreds  
4 of them did it that way. That was a new thing for us.

5 We had the Access to Justice conference, a  
6 statewide conference that we have here, which had about  
7 300 attendees thais past year. They all had the  
8 then-current draft. There was some discussion of it in  
9 one of the plenary sessions. People took it away.  
10 There was another round of input and then finally after  
11 all of that input the draft has gone to the Access to  
12 Justice board.

13 I need to reiterate because it's so important  
14 and I know that maybe some of this will be looked at by  
15 other programs, a little about the way the process  
16 works and some of you are undoubtedly sick of hearing  
17 it, and I don't mean to say it to be boastful or to  
18 preach about it or proselytize, it's just that I'm so  
19 convinced after the experience here that it's basic,  
20 that I've got to keep saying it, and that is the reason  
21 state planning worked here in the way that it did is  
22 because there was agreement on the underlying values,

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1 that that was seen as the starting point for everybody,  
2 that once everybody is on the same page about what it  
3 is the system should have, then you can talk about what  
4 it looks like specifically or who plays what role. But  
5 until you get to the point of identifying key values,  
6 it's just not possible to do it.

7           We're only human beings, everybody does have  
8 egos, everybody is defensive about change. That's  
9 reality. And the only thing that will motivate people  
10 that we find is they really believe in a set of values.  
11 And so I just want to reiterate that one more time. It  
12 drove the process in the beginning. It continues to  
13 drive the process and I think it's what makes things  
14 work and it's been that way, again, this go-round.

15           I hope that you'll see the value of where  
16 we've gone. The information and suggestions from the  
17 corporation about the planning process have been very  
18 much taken to heart this time around. They're very  
19 helpful.

20           I think you will find that we were able to  
21 integrate the kind of the layout of land that the  
22 corporation suggests with some of our own unique

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1 approaches to this to come up with a document that  
2 really is good.

3           You'll hear more about it tonight. Let me  
4 just give you sort of an overview of the things that it  
5 means for the Northwest Justice Project as the LSC  
6 grantee and these are really highlights that I now  
7 about, but there are at least three or four new  
8 directions that we will be thinking about as a result  
9 of the Access to Justice board's recommendations.

10           One of them I've already mentioned and that's  
11 the assessment. It's very specific and there is a  
12 broad recognition throughout the state that while  
13 the CLEAR system and the web site are serving as  
14 valuable new tools and everybody sees a lot of good,  
15 everybody also understands that we're going to have  
16 to make some hard decisions as time goes on about  
17 how they expand, where they expand, what ways they  
18 expand, how much money you put into them, what are  
19 they really doing.

20           So we have a very specific charge to determine  
21 what it is that system is doing, with a special  
22 emphasis on looking at how do pro ses fair trying to

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1 use CLEAR and the web site. So that's one implication  
2 for us.

3 The second one has to do with ABA Ethics 2000,  
4 the Fordham conference which is looking at the ethical  
5 implications for civil legal services delivery, which  
6 John I know was an active participant, Alan Hausman is  
7 very involved and another group of us in the ABA Ethics  
8 2000. You heard the chief justice here tell you that  
9 the state bar association has just delivered a  
10 recommendation that there be a specific rule on what  
11 constitutes and what doesn't constitute the practice of  
12 law.

13 The new version of the state plan is very  
14 specific on a strong role for the Northwest Justice  
15 Project in being an active participant in how those  
16 various decisions are coming out so that they're very  
17 fully informed with the implications that they have for  
18 the delivery systems that we're involved in. And so  
19 that's a direction we'll be in.

20 A third specific recommendation that comes out  
21 of the revised state plan is a very, very hard look at  
22 the way we are currently funding the volunteer lawyer

1 programs, the 24 programs that Joan mentioned. And the  
2 way that we've been doing that, since our beginning as  
3 an LSC grantee, is that we have been as part of our PAI  
4 plan directing sub-recipient dollars to those programs  
5 which are pretty largely used to partially support the  
6 coordinators of the programs.

7 But there's been a concern that came out of  
8 the process that the requirements that that imposes on  
9 some very -- in particularly, on some very small and  
10 real shoestring budget volunteer lawyer programs in  
11 terms of the compliance requirements.

12 And here I'm not talking about restrictions,  
13 I should -- I'm talking requirements as opposed to  
14 restrictions. But the recordkeeping and documentation  
15 requirements that come with the dollars from us are  
16 pretty significant and it probably won't be a surprise  
17 to you to know that when the CSR review came up and we  
18 had to do the survey which included all those 24  
19 programs, in some of their cases, it was really a  
20 significant imposition and so we are charged to take a  
21 very hard look at whether it makes any sense to use  
22 Legal Services Corporation dollars for those purposes

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1 and that's another aspect of the state plan that we  
2 have to look at.

3 So that's some highlights of what it means for  
4 us in particular.

5 Any questions about any of that?

6 MR. EAKELEY: I just made a note to myself  
7 that we've got to go back and ask ourselves when the  
8 last time we looked at the necessary or unnecessary  
9 burdens that the corporation's regulations impose on  
10 grantees that may or may not be necessary. So that has  
11 been on our agenda, but it just gets highlighted again.

12 MR. McINTYRE: Good. I appreciate that. That  
13 would be very helpful to us.

14 May I deliver a copy of the plan to you all so  
15 that I can say I did?

16 MR. EAKELEY: Who is your program officer?

17 MR. McINTYRE: It's Carolyn.

18 MR. EAKELEY: Are you going to have the  
19 feedback letter ready before we leave tomorrow?

20 MR. McINTYRE: I will just place them here.  
21 How would that be?

22 MR. ASKEW: Good idea. Thank you very much.

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1 MR. McINTYRE: Anything else?

2 MR. ASKEW: Thank you both very much. When  
3 John suggested we come to Seattle, I was enthusiastic  
4 because I like Seattle, but now I see the method to his  
5 madness.

6 This has been a very educational experience  
7 for us and quite rewarding. It's the kind of thing we  
8 need to do in more of our meetings, to go out into a  
9 program and see what you're doing, but also see some of  
10 the new things that are happening and how they're  
11 working and we particularly appreciate you hosting us,  
12 but more than that, what you're doing here and the  
13 honesty you've shown us in terms of what's happening  
14 here and the implications for the future, both for you  
15 and for other programs.

16 I might mention Pat's also involved with the  
17 MIE and the current issue of the MIE Journal has  
18 several articles in there about these sorts of issues  
19 and some criticisms, I think, in there of some of this  
20 and it's well worth reading.

21 I'll promote that a little bit for you because  
22 that's another thing you're doing.

1 MR. McINTYRE: I appreciate it.

2 MR. ASKEW: But it makes very interesting  
3 reading, including a long article about the Oregon  
4 state planning process, which I think was modeled  
5 after your process, but I don't think it gives you  
6 any credit in there for it, but it's a very interesting  
7 article about their Access to Justice conference in  
8 Oregon.

9 MR. McINTYRE: Well, let me just get out of  
10 your hair and tell you we've enjoyed having you and I  
11 wasn't sure we would, to be frank, but it was okay.  
12 I mean, we had a good time.

13 The staff has felt very good about meeting you  
14 all and whatever you said or however you acted towards  
15 the staff, they definitely feel appreciated today and  
16 not at all threatened or anything like that, so I thank  
17 you for that.

18 I did put a copy of our state bar journal, I  
19 think it's for the month of May. Let me explain why I  
20 did that because that issue is devoted to what we call  
21 the Access to Justice network here and it also includes  
22 a really very good article by the chief justice about

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1 some of his thinking, but in more depth and with more  
2 detail than you heard today.

3 So thanks very much. Appreciate the  
4 opportunity.

5 MR. ASKEW: Please thank your staff for us  
6 also.

7 MR. McINTYRE: We will do that.

8 MR. ASKEW: Right.

9 MR. McINTYRE: We'll see you tonight.

10 MR. ASKEW: All right. John and Mike, do you  
11 want to come forward? No?

12 MR. EIDLEMAN: Mr. Chairman, I guess a  
13 question I would have is the strictness with which you  
14 keep time limits. I have prepared about a half-hour  
15 slide show concerning intake systems. I'd be happy to  
16 proceed if you want me to. Mr. Genz has --

17 MR. ASKEW: We're going to keep this committee  
18 meeting going until five unless somebody has an  
19 objection to that.

20 Our dinner is at six, but I think they may be  
21 using this space for dinner and they may start putting  
22 pressure on us to get out of here so they can set it

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1 up, but if not, I think you should go ahead as you've  
2 planned, John.

3 MR. EIDLEMAN: If you'll bear with me a  
4 second, we need to get the equipment over here.

5 (Pause.)

6 MR. EIDLEMAN: I apologize. I haven't done  
7 this before, so bear with me.

8 (Pause.)

9 MR. EIDLEMAN: Mr. Chairman and members of the  
10 committee, thank you very much for the opportunity to  
11 appear in front of you today and talk to you a little  
12 bit about the history of intake systems.

13 An observation I'd like to make, I think one  
14 thing we've seen in the last few days is that the  
15 attitude that programs have about brief service, advice  
16 and referral really has changed over the last five or  
17 six years. I think in the past they were seen as  
18 something necessary that had to be done in order to get  
19 to what was considered the most important work, which  
20 was extended representation. And now I think we  
21 realize that the advice, brief service and appropriate  
22 referral is really something very important many

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1 clients need desperately and that will help them work  
2 their way through the system and find access to  
3 justice.

4           It's not to diminish in any way full service  
5 which obviously remains very important, but I think  
6 there's just been a shift and more emphasis is being  
7 put on the brief service.

8           I've called this a brief history of intake  
9 systems and since I don't have many skills in  
10 technology, I don't have Joan Kleinburg here to help  
11 me, I decided I would have a muse. I figured Steven  
12 Hawking, anyone who could figure out quarks and black  
13 holes can probably help me get through an intake  
14 system.

15           This doesn't mean that intake systems are  
16 black holes for our clients, but I think at some time  
17 they feel like they are and they have trouble working  
18 their way through that system.

19           Well, what is the intake system? To me, it's  
20 the whole panoply of services that start from when an  
21 applicant first asks to get services and works their  
22 way through the advice system all the way up to the

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1 full service. It's the gateway to the Access to  
2 Justice. So intake is the process of determining  
3 eligibility, analyzing the nature of the problem and  
4 determining the appropriate next steps.

5 What are those next steps? Well, it could be  
6 referral, appropriate referral, if the individual is  
7 ineligible and can't be helped. If they are eligible,  
8 the counsel and advice, brief service, extended service  
9 or referral to pro bono, pro se or other organizations.

10 When I decided to call this a brief history of  
11 intake systems, I thought that was rather audacious and  
12 I started thinking about what is access to justice and  
13 what was access to justice in the beginning? Well, in  
14 the beginning, there weren't a lot of people and the  
15 decisionmaker had an intimate relationship with those  
16 people. As a matter of fact, there was only one rule  
17 that had to be followed.

18 Unfortunately, man and woman --

19 MR. ASKEW: John, let me stop you,  
20 unfortunately. We've been told that we have to abandon  
21 this room or we won't be able to have dinner tonight  
22 and dinner invitations are out and it involves a lot of

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1 people. We have two options. One is to do this  
2 tomorrow morning during or before the board meeting --

3 MR. EAKELEY: Well, I think we've got time in  
4 the board meeting schedule --

5 MS. MERCADO: I do, too.

6 MR. EAKELEY: -- to work this in.

7 MS. MERCADO: Yes, I think so.

8 MR. EAKELEY: So this is --

9 MR. ASKEW: Why don't we make this the  
10 report from the provisions committee tomorrow on the  
11 agenda?

12 MR. MCKAY: Although we're intrigued by the  
13 clip art.

14 MR. EIDLEMAN: I figured that late in the day  
15 that this would be the only thing that would keep you  
16 awake.

17 MR. ASKEW: I apologize, but we'll make this  
18 the report of the provisions committee, which is  
19 already scheduled on the agenda tomorrow and you'll  
20 have the full time to do what both of you planned to do  
21 tomorrow, okay?

22 Thank you very much.

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1           With that, let me call the meeting -- see if  
2 there's a motion that we adjourn the meeting of the  
3 provisions committee.

4           MS. FAIRBANKS-WILLIAMS: So moved.

5           MR. ASKEW: Is there any new business? Any  
6 other business?

7           (No response.)

8           MR. ASKEW: Nancy, thank you for being with  
9 us.

10          MS. ROGERS: Thank you.

11          MR. ASKEW: Is there a motion that we adjourn?

12                           M O T I O N

13          MS. FAIRBANKS-WILLIAMS: So moved.

14          MR. ASKEW: And a second?

15          MR. EAKELEY: Second.

16          MR. ASKEW: All in favor say aye.

17          (Chorus of ayes.)

18          MR. ASKEW: The meeting is adjourned.

19                 (Whereupon, at 4:30 p.m., the committee  
20 was adjourned.)

21                           \* \* \* \* \*

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