

LEGAL SERVICES CORPORATION
BOARD OF DIRECTORS

COMMITTEE ON PROVISION FOR
THE DELIVERY OF LEGAL SERVICES

Friday, January 26, 2001

9:00 a.m.

Embassy Suites Hotel
300 Tallapoosa Street
Montgomery, Alabama

CORRECTED COPY

COMMITTEE MEMBERS PRESENT:

Ernestine P. Watlington, Chair
Maria Luisa Mercado
Douglas Eakeley (ex-officio)
F. William McCalpin
Thomas F. Smegal, Jr.

BOARD MEMBERS PRESENT:

Edna Fairbanks-Williams
Nancy H. Rogers
John N. Erlenborn
LaVeeda Morgan Battle

STAFF AND PUBLIC PRESENT:

John McKay, President
James Hogan, Vice President for Administration
Victor M. Fortuno, Vice President for Legal Affairs,
General Counsel, and Corporate Secretary
Mauricio Vivero, Vice President for Government Relations
and Public Affairs
Randi Youells, Vice President for Programs
John Hartingh, Special Assistant to the President
Leonard Koczur, Acting Inspector General
Laurie Tarantowicz, Acting Inspector General for Legal
Review
Mattie C. Condray, Senior Assistant General Counsel
Michael Genz, Director, Office of Program Performance
Alice Dickerson, Director, Office of Human Resources
Leslie Russell, Director, Office of Information Technology
David Richardson, Treasurer and Comptroller
Robert Gross, Senior Program Counsel, Office of Program
Performance
Willie Abrams, Program Counsel, Office of Program
Performance
Julie Clark, Vice President for Government Relations, NLADA
Jonathan Ross, Chairman, Standing Committee on Legal Aid
and Indigent Defendants, ABA
Melinda Waters, Executive Director, Legal Services
Corporation of Alabama, Inc.
Keith Cain, Jr., Executive Director, Legal Services of
Metro Birmingham, Inc.
Kimble Forrister, Alabama ARISE
Joe Dailing, Executive Director, Prairie State Legal
Services, Inc.

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

2 CHAIR WATLINGTON: We'd like to start the Provision
3 of Legal Services Committee. And we welcome everyone here,
4 I'm very glad -- I was reminded that it's -- this is my year
5 anniversary as being Chair.

6 This is our annual meeting, and it's really been an
7 honor and a pleasure to have tried to get these committees on
8 having the different programs, that the board be aware, as
9 well as the communities, of what's going on.

10 And I've enjoyed the presentations and things that
11 have been presented at the meetings, and letting them know
12 that they are, hopefully, trying it in their programs.

13 So it's really -- like I said, it's really been a
14 joy and a pleasure, as being Chair of this committee.

15 And I've really had a lot of support and help from
16 -- with Randi making sure that, you know, the whole -- the
17 work was done, that you get these types of presentations at
18 the meetings and keep the people aware of what's going on.

19 M O T I O N

20 CHAIR WATLINGTON: But I see that we have a quorum
21 here, and so I'd like to get the approval of the agenda.

1 MS. BATTLE: So moved.

2 MR. McCALPIN: Second.

3 CHAIR WATLINGTON: It's moved and seconded, and the
4 approval of the agenda -- there's no changes -- everybody
5 signify with aye.

6 (Chorus of ayes.)

7 CHAIR WATLINGTON: Opposed?

8 (No response.)

9 CHAIR WATLINGTON: The motion carries.

10 This is what I forgot the last time -- I won't this
11 time -- is the approval of the minutes.

12 MR. McCALPIN: Madam Chair, there is a modest and
13 friendly discussion going on between Mr. Smegal and myself as
14 to which one of us is a member of this committee.

15 It turns out that I'm listed in the minutes and
16 he's down below, but he makes the motions in the minutes.

17 (Laughter.)

18 MR. SMEGAL: I contend I'm a member of this
19 committee, and I want that to be reflected in the record.

20 MR. EAKELEY: I'll fix that at the annual meeting
21 tomorrow.

1 CHAIR WATLINGTON: Because I think it was at one
2 meeting it was just the two of you and you was
3 both --

4 M O T I O N

5 MR. McCALPIN: Well, I think we at least should
6 have put an asterisk alongside those statements that say,
7 "Mr. Smegal moved."

8 MR. SMEGAL: I think I had full right and duty to
9 make those motions, and I stand on my amendment to these
10 minutes that moves me up to be a member of the committee.

11 (Laughter.)

12 MS. MERCADO: I second that.

13 CHAIR WATLINGTON: It's been moved and seconded
14 that the minutes are approved with the correction of moving
15 Mr. Smegal up to a committee member. All in favor, signify
16 by saying aye.

17 (Chorus of ayes.)

18 CHAIR WATLINGTON: Opposed is the same.

19 (No response.)

20 CHAIR WATLINGTON: Motion carries.

21 MS. MERCADO: And in that same vein, Mr. McCalpin,

1 you were said to have seconded a motion, which you couldn't
2 have, since you were not a member of the committee. I
3 seconded on page three of your minutes, under motions, the
4 last motion, "Mr. Smegal so moved and Mr. McCalpin seconded
5 the motion."

6 MR. McCALPIN: I'm sorry, I --

7 A PARTICIPANT: Are you a member --

8 MS. MERCADO: On page three -- you're not a member
9 of the committee.

10 MR. McCALPIN: I am a member of this committee.

11 MS. MERCADO: You are a member of the committee? I
12 thought you were saying you weren't.

13 A PARTICIPANT: He was telling us that -- no, he
14 is. He just wanted to --

15 MS. MERCADO: That's right, okay, that's what I
16 wondered. We're going to kick you off. Well, I wanted to
17 make sure and see if Mr. McCalpin is --

18 CHAIR WATLINGTON: I'd like to introduce Mr. Willie
19 Abrams, he's an LSC program counsel, and he's going to
20 present the panel -- he can introduce the rest of the
21 persons, programs directors -- as the first thing on our

1 agenda.

2 MR. ABRAMS: Thank you, Madam Chairperson, and good
3 morning, other members of the committee. Seated immediately
4 to my right is Melinda Waters, who is the executive director
5 of the Legal Services of Alabama. That is the largest program
6 in the state and the youngest program in the state.

7 Next to Melinda is Kimble Forrister, who is with
8 the -- an organization called Alabama ARISE. Alabama ARISE
9 is an anti-poverty coalition that keeps the spotlight on
10 poverty issues here in Alabama.

11 And next to Mr. Forrister is Tom Keith. Tom is the
12 executive director of North Central Alabama Legal Services.
13 I believe North Central is probably the second youngest
14 program in the state.

15 MR. KEITH: We're the oldest.

16 MR. ABRAMS: You're the oldest program in the
17 state?

18 MR. KEITH: Well, --

19 MR. ABRAMS: Okay. And to my left, is Ken Cain,
20 who is executive director of Legal Services of Metropolitan
21 Birmingham. So that makes Metro Birmingham the second oldest

1 program in the state.

2 The program we would like to present this morning
3 is on the issue of rural delivery in Alabama. And I guess
4 from this presentation, hopefully, we'll provide some insight
5 on what rural delivery is like in the rural south.

6 It is fitting and proper of Madam Chairperson that
7 we're here talking about rural delivery issues some 26 years
8 after the LSCA Act. In the very beginning, the issue of
9 rural delivery was a concern of Congress and a major concern
10 of the Act itself.

11 As you may recall, the Act authorized a study of
12 special populations and the rural issues. And since that
13 time, the landscape of legal services has changed
14 tremendously.

15 In 1974, we faced one kind of frontier; today in
16 the -- what, from Alabama, we would say is the first meeting
17 of the board in the new millennium -- in the meeting of the
18 provision commission, is a new frontier, with the new
19 technology and all the changes.

20 Now, I know some people think the new millennium
21 started last year. But I understand here in Alabama it is

1 really this year. So this year is really the first meeting
2 of the board in the new millennium, and the first meeting of
3 the provision committee, and it is proper that it be here, in
4 Alabama.

5 Mr. Kimble Forrister is going to give us a portrait
6 of poverty in Alabama at the turn of the 21st century. And
7 then following Mr. Forrister, Tom Keith is going to present a
8 video of clients in an attempt to put a human face on the
9 challenges of rural delivery. And following Mr. Keith,
10 Melinda Waters is going to talk about the response that her
11 program, being the largest program, and being the most rural
12 program, is attempting to -- how that program is attempting
13 to meet those challenges.

14 Now, there is an urban center here in Alabama:
15 Birmingham. And Mr. Ken Cain, then, is going to provide just
16 a brief contrast of what delivery challenges are in Alabama's
17 urban center, in the hopes that the contrast will help us
18 better appreciate the challenges of rural delivery.

19 So, without further ado, I would ask Mr. Kimble
20 Forrister to, you know, give us a portrait of poverty here,
21 in Alabama.

1 MR. FORRISTER: Okay, I'm -- I'll be giving my
2 perspective, it will be the perspective an advocacy group and
3 public policy perspective. We're not involved in direct
4 services with clients, as legal services is.

5 And I came to this work -- I had worked seven years
6 in the northeast in an urban ministry project in the
7 seventies, and then through the eighties I worked with Bread
8 for the World in Washington.

9 I came to Alabama in 1991 about 50 years after my
10 dad had left here, had left rural Alabama, and I had
11 prejudices about what I was coming back to, here. And some
12 of those prejudices were confirmed here and some of-- there
13 were some surprises.

14 I had the idea that all the sixties activists had
15 long since left Alabama, I found out that wasn't true. I
16 learned that Alabama had more black elected officials than
17 any other state, and that really changes the picture here
18 from Mississippi by contrast, where folks have been forced to
19 resort to non-profits to meet their needs. In Alabama,
20 elected officials, to a great degree, have met people's
21 needs, by contrast.

1 I came to a state where the welfare benefits were
2 the lowest in the nation. We were at \$118 per month for a
3 mother of two children. But then in the early nineties, we
4 were able, because of constituent calls to legislators,
5 Alabama ARISE was able to influence the legislature to commit
6 to reach the southeastern average with four years. They got
7 halfway there before fiscal realities set them back.

8 By some measures, we have the lowest per-pupil
9 spending in the country. And yet, the percentage of our
10 funding that comes from the state government is, I think,
11 seventh highest in the country. So, it's the local effort
12 that's missing on school financing.

13 The teacher's union here is powerful, and they have
14 managed to get their salaries up to the mid-range in the
15 country

16 Our income tax threshold is the worst in the
17 country. You start paying income tax at an income of \$4,600
18 for a family of three or a family of four. And yet, at least
19 we have an income tax. We have a couple of neighboring
20 states that have no income tax, and when you look at the
21 slope of the graph of poor people and rich people, and what

1 they're paying, ours doesn't look as bad as theirs.

2 But we do have -- of the 41 states with an income
3 tax, we're the one that hasn't made any measures for relief
4 in the last 10 years, and the burden on a family at minimum
5 wage is \$333 dollars of income tax. Highest in the country.

6 Our -- the poorest 20 percent in Alabama pay 11.5
7 percent of their incomes in state and local taxes, and the
8 top 1 percent pays 3.6 percent of their income.

9 We do have widespread support for tax reform. The
10 newspapers are solidly behind it, we're treated very well by
11 the reporters. Business leaders support the notion that
12 people below the poverty line should not have to pay income
13 tax. We've been making the case for a state-earned income
14 tax credit as probably the best targeted way to make that
15 happen.

16 And yet, we're up against a powerful force blocking
17 us. And that has to do with property taxes, really. In
18 Alabama, on timber land, you pay \$.77 per acre, per year.
19 Across the border, in Georgia, it's \$4.50 an acre for the
20 same kind of land. And it's the farmer's union.

21 Alfa, it started out as a farmer's union. It may

1 be best known now as an insurance company in Alabama. And
2 they've blocked property tax reforms, education reform,
3 they've poured money into local tax referenda to defeat them.

4 Ostensibly, they stand for the little guy, but I
5 think a lot of us would say that they really stand for big
6 timber and corporate farming.

7 There have been some close calls. In 1992, we came
8 just that close to getting tax reform through. It got
9 through the House and on the last night of the legislative
10 session, it got on Senate floor, and I think Alfa deserves
11 the credit for defeating it.

12 On education reform, in 1994, we came that close,
13 and there was a -- I think the governor called it the
14 strangest coalition ever assembled in Alabama. It was Alfa
15 and the religious right and the teacher's union combined
16 efforts to stop education reform after it had passed the
17 Senate.

18 What we consider our biggest win for advocates on
19 poverty issues was welfare reform. And it wasn't a clean
20 win, it's one we call changing the conversation on welfare
21 reform, because the governor, Bob James, had introduced that

1 issue as being an issue of pregnant teenagers and runaway
2 budget deficits and that sort of thing.

3 Our contention was that teenagers are -- well, that
4 women in Alabama are not having babies to gain \$29 in
5 additional welfare benefits a year. And even the religious
6 right stopped saying that we needed a family cap. Well, they
7 stopped using that to claim we needed a family cap. They
8 said they needed to send a message.

9 We pointed out that it wasn't a runaway budget
10 problem when low-income programs were .59 percent of our
11 state budget.

12 We used these maps -- I think you have them in your
13 packet -- of the percentage of adults on TANF, compared to
14 the unemployment rate. And when the governor saw the
15 comparison and realized that welfare might have something to
16 do with jobs, rather than laziness, and he started pointing
17 out, "Well, you know, we would only have to find how many
18 jobs in these 10 counties to make a serious dent in this
19 issue." And he got pretty excited about the notion of
20 economic development, and that helped change the picture.

21 Our contention was that the real issues around

1 welfare reform were not pregnant teens and runaway budget
2 deficits, the real issues were jobs, child care, and
3 transportation. And before the debate was over, Republicans
4 and Democrats alike were talking about what they were going
5 to do on jobs, child care, and transportation.

6 Transportation, of course, has been a great
7 intractable problem. We heard this in our listening sessions
8 around the state -- we did 30 of them that year -- on what
9 was needed to help folks move from welfare to work, and
10 whether urban or rural, that was the problem that we heard in
11 every single meeting.

12 In the urban areas, the systems are being
13 dismantled, step by step. In the rural areas, there never
14 was a system in many areas. And coming up with solutions, we
15 weren't necessarily looking for -- all the non-profits, we
16 really were looking for a public policy solution that would
17 be widespread, and we're still struggling with that.

18 One barrier we came up against as we looked at it,
19 was that Alabama's constitution, since the early fifties, has
20 said we cannot spend gas taxes on public transportation, they
21 all have to go to roads and bridges.

1 And when this -- when our proposal to add public
2 transportation to the constitution came up in a senate
3 committee, one of the senators said, "Well, this amendment is
4 only going to help urban poor blacks." And that -- of
5 course, they don't recognize the fact that it is a rural
6 problem, that it does affect senior citizens, that it does
7 affect people with disabilities, it's not only poor folks,
8 there is a widespread need for transportation.

9 We also took on the landlord/tenant issue, really,
10 at the prompting of Legal Services, which here in Montgomery,
11 they routinely faced a problem of people moving out of an
12 uninhabitable dwelling and the landlord taking the tenant to
13 court to sue for the remainder of money in the lease. We
14 still are one of the only two states that have no
15 landlord/tenant law. We, and Arkansas are the two states.

16 And we're in negotiations with the realtor's
17 association right now. We've been trading faxes on a final
18 version that will be acceptable to both. And of course, they
19 just can't stand the notion of letting a tenant out of a
20 contract, out of a lease.

21 Urban poverty, to me, follows -- in Alabama --

1 follows what were predictable, familiar parameters. Rural
2 Alabama has some further intractable problems. I mentioned
3 the transportation problems, and those really are tough when
4 the nearest job is 60 miles away and there is no
5 transportation service.

6 Water and sewer issues are widespread, folks who
7 still don't have indoor plumbing, still don't have water to
8 their house.

9 School consolidation has been an issue, and has
10 created hour, and hour-and-a-half long bus rides for a lot of
11 kids to the one school in the county seat, whereas the county
12 used to have seven schools that were quite accessible for
13 folks.

14 Health. The folks who -- the students -- who have
15 gone around from the University of Alabama doing student
16 health clinics in the summers have pointed out that the real
17 issue is -- or, the one that really stands out is teeth.
18 Dental care is just awful in rural areas. And our dental
19 association has not taken this on as an issue, but they're
20 seriously concerned about it.

21 This fall, the governor had made an increase in

1 dental reimbursements for Medicaid, and we're hoping that
2 that will create an increase in the number of dentists who
3 are able -- who are willing -- to take Medicaid patients.

4 But we have had these horror stories of -- in
5 Anniston, no dentist is willing to take new patients, and
6 therefore, the services that serve low-income folks have had
7 to take folks three-hour round trip up to Decatur, to reach a
8 dentist.

9 And finally, I'd like to mention economic
10 development. I think that's been -- that, along with
11 transportation -- has been the biggest quandary. And one
12 thing that -- well, two things -- one is that we don't
13 believe that the big tax incentives they give to heavy
14 industry, like Mercedes, is the solution for poor Black Belt
15 counties.

16 It's more likely that businesses that hire 50
17 employees will be the kind of solution we'll see in those
18 counties. We've got to come up with some other measures that
19 include job training and education improvements.

20 And the other point that's been a real -- I hadn't
21 even thought of, is that in some counties, one family

1 controls the county, and they don't want to see economic
2 development. That's going to upset their power base. And
3 those kinds of things are going to be problems that we're
4 going to be dealing with for a long time to come.

5 MR. ABRAMS: Thanks, Kimble. Tom Keith will
6 present a brief video that will put a human face to some of
7 the challenges of the rural south.

8 MR. KEITH: I want to thank Kimble for coming this
9 morning and telling us about some of the problems we do face
10 here, and for his excellent work in the -- to help make a lot
11 of changes for people in Alabama and -- like in the pro se
12 temporary restraining order, protection orders, and kinds of
13 work that he does.

14 I want to thank the board for coming to Alabama,
15 all the board members and the staff, and we really appreciate
16 the opportunity to be here, to tell you about Legal Services.

17 And we're glad that we're being asked to tell you about
18 delivery of legal services to clients, because that's really
19 what we're all about, and I appreciate all of the clients
20 that have come down from as far as Huntsville and Mobile to
21 be here today with their interest in that.

1 We have a short video tape that will show some of
2 our actual clients. They are clients that just were chosen,
3 really, off the top of the list, almost by random, but their
4 stories, I think, will tell a picture of what we face every
5 day.

6 And then we're going to go into a panel discussion
7 to talk about ways that we are working with the scare
8 resources that we have to solve their problems.

9 And this is a kind of exciting time, like Willie
10 said, in Alabama. State planning has, indeed, led to a lot
11 of improvements working together. The biggest problem we
12 face, as alluded to by Kimble over and over, is a lack of
13 resources in this state.

14 And like Mr. McKay said in his president's
15 newsletter, you have to -- we have recognized, and it indeed
16 is the truth, that without more resources in the south, no
17 matter what you do, you're not going to be able to do enough.

18 And in Alabama, our state planning efforts have
19 focused a lot in resources development. And what I'm getting
20 around to is that we have -- before we really started
21 resource development, we produced a number of things to make

1 people more aware of our work and what we do, like our annual
2 report that you have.

3 A state bar campaign has started, which is
4 increasing awareness and mushrooming, and that we're going to
5 talk about. But the videotape also came out of our
6 fundraising effort -- said, "You really need a video tape to
7 tell your story, and you know, we'll make you one, and we'll
8 make it right now."

9 So we went and got three clients, and this is what
10 they came up with. And that's how it came about. Also,
11 resources have been recovered from video tapes statewide. I
12 hope this works.

13 (Laughter.)

14 (Videotape Presentation)

15 NARRATOR: Legal Services of North Alabama helps
16 the poorest of Alabama's poor, often elderly or female with
17 children, and many of our disabled citizens.

18 For more than 30 years, many of these people have
19 had no where else to turn in dealing with our complicated
20 legal system. Our local chapter of Legal Services handles
21 civil cases for a five-county region. Here, more than 65,000

1 citizens live at or below the poverty level. Seven attorneys
2 cover this entire area.

3 The types of cases Legal Services handles includes
4 giving abused women and children access to the protection our
5 legal service provides, representing low-income people when
6 they've been victimized by unscrupulous contractors, or
7 illegal credit companies, and helping families who are caught
8 in a legal entanglement, for example SSI, originally designed
9 to protect them.

10 Legal Services does not take cases that private
11 attorneys will accept. With federal cutbacks, Legal Services
12 funding has been cut in half over the last few years. But
13 the seven remaining staff attorneys continue to help north
14 central Alabama's most needy.

15 Typical of the clients Legal Services sees is
16 William Congo and his wife. Life hasn't been easy for them.

17 MR. CONGO: We own this building, and we just like,
18 might be best of kin. We might -- when I was a kid, I didn't
19 get to go to school. I had to -- you know, my daddy worked,
20 and so I just lived -- it's been kind of hard, you know,
21 especially when you're not educated, it's hard.

1 NARRATOR: But William was proud. He was willing
2 to save what he could to buy this modest two-bedroom house.

3 MR. CONGO: It's important, because it's mine, you
4 know, it's mine. It's the only thing I've ever owned and do
5 own, and I love it, you know. So, it's something I grew old
6 in.

7 NARRATOR: For three years, all was well. Then
8 suddenly, the bank who sold him the house declared
9 bankruptcy, and William learned the house was never recorded
10 in his name.

11 MR. CONGO: I felt real bad, because you know, this
12 is the only thing I have, you know. You're going to lose
13 everything you got, and it's awful scary to you.

14 NARRATOR: With a lot of research and fact-finding,
15 Legal Services got the Congos recorded, got them a deed, and
16 made arrangements to clear the title.

17 MR. CONGO: Now everything is in my mind, and
18 everything, you know, that's great, to me. And at least I
19 ain't going to lose my house. But if it hadn't have been for
20 -- I would have lost it, believe me, because I wouldn't have
21 known what to do, I would have just moved out, you know. You

1 don't -- you know, Legal Services did a great job.

2 NARRATOR: Only a small percentage of Legal
3 Services cases end up in court. More often, a client's
4 problems can be solved through counseling, advice, phone
5 calls, or letters.

6 Still, with staff and money cut to the bone, our
7 local Legal Services can only handle a fraction of the
8 problems our poor senior citizens face.

9 MR. KEITH: I'm Tom Keith, the director of Legal
10 Services of North Central Alabama. Without Legal Services,
11 and the work that it does, too often people who can't afford
12 a private attorney don't have access to the protection the
13 law provides them.

14 Most people know their rights and have an attorney
15 to represent them. It doesn't matter what's written in their
16 law books many times. Our goal -- citizens are going to be
17 helped.

18 As attorneys, it's our responsibility to see that
19 it all works for everybody. And Legal Services of North
20 Central Alabama is here to help the more unfortunate, those
21 who find themselves in trouble, but without the means to use

1 the safeguard our legal system provides.

2 NARRATOR: Constance Tate is like many people,
3 making ends meet, but without any savings. Then major
4 medical bills set the family finances tumbling.

5 MS. TATE: My husband is disabled, I have two
6 children to raise, and it's easy to get ourselves into
7 financial trouble, and we did.

8 NARRATOR: Her husband was injured when he fell
9 nearly six stories. Suddenly, the only money coming into the
10 family was social security disability, a little for her
11 husband, and \$110 a month for her and each of her children.
12 And both her and her husband's medical bills were mounting.

13 They had a car valued at about \$500. Every day,
14 Constance took her children to school, picked them up, and
15 took her husband for medical treatment.

16 But one of the medical providers froze their modest
17 checking account and put a lean against the car. Constance
18 was devastated.

19 MS. TATE: The sheriff department picked up the car
20 after I dropped the kids off at school, and I made it back
21 home, the sheriff's department was there to pick up the car.

1 When the bank accounts were frozen and my car was taken, I
2 really didn't know what to do.

3 NARRATOR: Legal Services recovered the family's
4 car by filing a claim of exception, which allows each citizen
5 to protect under \$3,000 of personal property so that even in
6 the hardest times, people can provide some necessity for
7 themselves and their family.

8 Because federal law prohibits social security
9 disability payments from being garnished, Legal Services was
10 also able to free up the family's checking account.

11 MS. TATE: I mean, they're a life saver for the
12 family because, like I said, without our money, without the
13 car, I mean, we wouldn't be anywhere. I think I can get my
14 life back on track now.

15 NARRATOR: Legal Services, they have actually saved
16 Maxie Carter's life. Maxie is a long-time Sunday school
17 teacher, and proud mother of 10-year-old Blake. But she
18 closely guarded a secret; her husband was brutally abusing
19 her.

20 MS. CARTER: It was bad. I have had multiple --
21 thrown in my face. He was very violent, and he -- and it

1 didn't take very much at all. I have had black eyes, I have
2 been kicked down the steps, I have been beaten in the
3 driveway, I have had hot coffee thrown on me, just, you know,
4 because of maybe I said something that just didn't please
5 him, or whatever.

6 And I have a little boy at home who is 10, who I
7 have to protect, regardless. I have always been a caring
8 person, a good person, who wanted to do what was right. But
9 I really felt trapped. I felt there was no way out, that I
10 had no way out. I didn't know what to do, I didn't know who
11 to call, I didn't know anything.

12 One of the police officers that came out to
13 investigate when I called from him hitting me, when I had
14 taken all I was going to take, he suggested Legal Services to
15 me. When he did that, you know, he said, "These people will
16 help you."

17 NARRATOR: Legal Services lawyers assisted Maxie
18 with her divorce, got her possession of her home, alimony, a
19 protection order, plus custody of her son. The entire
20 process took two years.

21 MS. CARTER: I feel like that -- the first time

1 that any physical abuse starts, they should just get out and
2 go to them, because I regret not doing that, and it really
3 takes a toll on you when you stay -- try to -- as I did, and
4 there are people who care.

5 And they can go to Legal Services, they will find
6 friendly people there who really care, and it's like you can
7 breathe again, you know, now I've finally found someone who
8 understands, who cares, and it's like a weight lifted off of
9 you.

10 And now I feel much stronger, I'm determined it's
11 not going to happen to me. He does not have control of me
12 anymore. And that's wonderful. And my future is looking
13 bright.

14 MR. KEITH: The quality of legal representation
15 provided for indigent clients has deteriorated to the point
16 that it has threatened the integrity of our system. We, the
17 members of the bar, have a duty to preserve that system.
18 When we were in law school, we pledged to help all of our
19 citizens. Now is the time for us to act on that promise.

20 What we have to do is simple. Donate a mere one
21 percent of our annual income to make sure that the legal

1 system in Alabama works. It's a small price to pay for the
2 system we all benefit from.

3 If we do not take action, at some point the
4 legislature will impose their own plan. Thank goodness there
5 are lawyers like those in Legal Services who will do this
6 kind of work. Your support benefits not only their clients,
7 but all of us. Make your donation now.

8 NARRATOR: If we don't help the legal system, who
9 will? Make your pledge today. Many of you give 10 percent
10 of what you earn to good works. Shouldn't 1 percent of that
11 go to help local people make our community better and protect
12 the system of justice we all support?

13 MR. KEITH: We do a lot of other cases. These come
14 in every day, that require this kind of action. You simply
15 can't turn away -- I would like to tell you that -- these
16 clients do illustrate a lot of the problems.

17 Maxie Carter, that you saw last, lives in the very
18 north part of Alabama, and she lives at the end of a road
19 going into a cove that goes up into the Appalachian chain of
20 mountains. And she lives in a trailer at the end of the
21 road, or near the end of the road, up in the mountains.

1 And I don't know if any of you are from New England
2 or Maine, where you -- it reminds me of --getting into these
3 places and getting out is kind of like -- I remember in the
4 New England coast, where to get from one fishing village to
5 the other, you have to drive about 100 miles back to the road
6 and go in and out the same road to get to all the little
7 places, and we do have places like that in Alabama,
8 particularly north Alabama, in the mountains. And Maxie
9 Carter represents one of those kind of problems.

10 What we're trying to do is serve five counties with
11 cases like this, every day. We do intake in each of five
12 counties every day of the week, and we do twice in Madison
13 County. It has, by far, our largest poverty population.

14 I do it, every one of our attorneys does it. We
15 see 15 to 20 new clients every day, plus we see the
16 emergencies, plus we travel up to 70 miles to get to court
17 houses to represent these people.

18 Most of these problems, or a lot of these problems,
19 are not solved out of court. Every one of these clients were
20 litigated, contested, had two more hearings that had to be
21 done in order to get these simple protections and vital

1 protections for them done. And we desperately need more
2 resources to try to do that.

3 The first man, the man who lost the house, he's an
4 excellent example of how we work with the private bar. When
5 he first came in, he had what we call a land installment
6 contract. That's a common problem in rural Alabama.

7 He also had title problems, which is another common
8 problem, people trying to own property and keep a house, the
9 title is all messed up, due to error, property or liens that
10 may have been recorded.

11 We got him to a real estate lawyer immediately. We
12 were unable to record any of his paperwork, which was
13 defective, but put a co-owner on the title, in his situation,
14 to try to protect his house, because all he had was copies,
15 he had never been given any originals. The court would not
16 accept any copies.

17 So a private law firm, a real estate firm, prepared
18 an affidavit and attached all of his copies to the affidavit,
19 got it filed that day, got it filed a few hours before the
20 bankruptcy was filed, which enabled us -- we couldn't find
21 the lawyer to do the bankruptcy end of the matter, but

1 private lawyers, through different firms, helped us
2 considerably, guiding us through the bankruptcy process, even
3 though they couldn't do the bankruptcy, in terms of filing
4 proofs of claim, aborting the stay, which operated -- it
5 involved what's called an executory contract that had to be
6 abandoned by the trustee, and we discussed filing -- in order
7 to get him his deed, so it was a fairly involved process.

8 And the private bar, courtship with the private
9 bar, paid off, and we're developing all the private bar
10 resources we can in all our counties to help do that.

11 We have three locations in all our counties where
12 we see clients. The local folks help us out quite a bit. We
13 have a lot of volunteers. All these people were screened by
14 unpaid volunteers that help us out by spelling out the
15 eligibility information in order to see clients. So we're
16 doing all we can to serve people the best we can.

17 And the client with the car problem, claim of
18 exemption problem, we've developed extensive forms that we
19 take with us when we go to the rural counties, where we can
20 fill in the blank. We have it on computer, but we can fill
21 in the blank. We also have the extensive pro se pleadings

1 that we're carrying with us that we can utilize.

2 We even got a grant from the court in Madison
3 County to develop pro se pleadings. The district court saw
4 so many areas where people needed help that they got a small
5 grant to help us do pro se petitions for people, to help them
6 get access to the court, and we carry those with us and make
7 it available.

8 We're seeing exciting things happening in terms of
9 development of our fact sheets, coordinating them statewide,
10 and working all the attorneys together, and putting them
11 together on a web page. We should be able to soon pull all
12 this off the web page from anywhere where we can get to a
13 computer.

14 We have a lot of special problems in serving these
15 clients. You heard William Congo talking about his house, he
16 didn't get much education. Well, an awful lot of our clients
17 don't read. We write them a letter, and what we get is a
18 thank you call, saying, "I got a letter, what did it say?"

19 And you know, you try to figure -- we're lucky if
20 they can read enough over the phone that we can tell whether
21 it was our letter, or somebody else's letter. And that's

1 some of the problems that we run into.

2 Transportation is a big problem, like Kimble
3 referred to, in all the rural areas for people. And another
4 thing that we're trying to do in all the rural areas, and all
5 our intake process with the volunteers that screen people,
6 half the kids in Alabama are entitled to free insurance.
7 They don't get it.

8 And as part of our intake process, our volunteers
9 and our attorneys make sure that they have all kids
10 information to get insurance for kids. Half of them don't
11 have -- every week, we identify 5 or 10 families that aren't
12 getting their health insurance.

13 We also screen for food stamps, we screen them for
14 child support problems, and we have brochures and fact sheets
15 developed to spread our limited resources as far as we
16 possibly can.

17 We're also working with a lot of other groups to
18 help serve these rural clients. Jail cases have been
19 referred to the souther center for human rights in Atlanta,
20 we have coalitions on special education task forces around
21 the state that assist us. The domestic violence coalitions

1 are wonderful.

2 As a matter of fact, Maxie Carter was -- found out
3 that she had some remedies and that -- how to get help from a
4 deputy sheriff who came all the way out to her mobile home,
5 who had been trained by our domestic violence specialist. We
6 do the law enforcement and legal training on domestic
7 violence law, and provide them with pamphlets and information
8 that is how Maxie Carter finally got help in her case,
9 through the outreach efforts in the rural counties.

10 MR. ABRAMS: Yes, thanks very much, Tom. Melinda
11 Waters is going to give us some additional information
12 responsive to the problem of the rural poor.

13 MS. WATERS: Before I start, let me also thank the
14 board for holding this meeting here in Montgomery.

15 MR. EAKELEY: You might want to just grab that
16 microphone away from Willie.

17 MS. WATERS: How about that, Mr. Eakeley, can you
18 hear me? Thank you.

19 Thank you so much for holding your board meeting
20 here. We greatly appreciate the honor of having you join us.
21 There are many members behind me, my board chair, several of

1 the staff of LSCA is in the room. You'll be introduced to
2 them formally this evening, because we don't have time to do
3 that for you now.

4 I am fortunate -- Kimble and Tom covered just about
5 everything that I was to go over with you this morning. So
6 what I am going to do is do it more in a bullet point
7 presentation than I intended to do, to sort of summarize some
8 of the items you heard.

9 Basically, both Kimble and Tom have told you that
10 in our rural counties we face infrastructure problems of
11 transportation, jobs, child care, education, and health care
12 access, among many others.

13 All of those are barriers for us to work to
14 overcome, to not only provide services to our clients in
15 those areas, but also to begin collaboratively around the
16 state to hopefully move some of our more urban center
17 resources out of the urban areas and into the rural areas to
18 see a more relative equity in terms of the distribution of
19 services.

20 I'll be very honest with you right up front; we've
21 got a long way to go. We probably, using all the resources

1 that we have through pro bono, through PAI, through our
2 staff, through the collaborative agencies, we are probably at
3 the national average of serving possibly one out of five
4 clients.

5 We're not proud of that, we want to do better, we
6 have plans to do better, we are excited about the
7 opportunities that we are seeing through statewide planning
8 to do better, and I pledge to you that we will work
9 diligently. We review our management reports and our numbers
10 regularly, because it is of great concern to our programs
11 that we figure out new and more effective strategies to get
12 service into the rural areas to build a state justice
13 community.

14 Having said that, let me tell you what we are
15 doing, briefly. As Tom mentioned, I think the most effective
16 strategy we use is our circuit riding strategy. We send our
17 advocates from our offices into all of our counties weekly.
18 Some of the counties that are furthest from our offices are
19 bi-weekly.

20 The locations for where we will meet clients to do
21 intake and to give brief counsel, or to do counsel advice or

1 brief service, are well known in the communities, they're
2 usually located in the courthouses, possibly a church,
3 possible a public service agency. The clients in those
4 counties know when we're coming, it's been standard for
5 years, we go routinely.

6 We also have toll free -- what I call modified
7 hotline -- services available in every county. Through
8 advertising in the Yellow Pages for all of our counties, we
9 offer 1-800 numbers that are answered in the office that
10 serves the county involved. The client -- we can conduct
11 intake in that fashion, we can provide counsel and advice
12 over the phone, and if they have fax capabilities, we can
13 provide some brief services through these modified hotlines,
14 set up appointments for them, tell them we'll be in the area
15 the next week.

16 As Tom pointed out, however, there is always the
17 emergency case. And quite frankly, our advocates just get in
18 the car and drive, and drive out to those counties, because
19 in many of the most rural counties, there are very few
20 private attorneys available to us, and therefore, we simply
21 must get in there.

1 Tom mentioned our fax sheets, our self-help
2 materials, they are available in all of our offices. We
3 provide them to judges and clerks, we provide them to social
4 service agencies throughout Alabama. As he mentioned, we
5 will be placing them on our website.

6 We do -- we are focusing more and more on providing
7 community education events in these rural counties, where we
8 try very hard to use our client/counsel members and the
9 clients in the area to help us bring together groups and to
10 provide them with information to help themselves. And that
11 is an exciting thing we're working on, we're seeing some good
12 developments there.

13 In our program, particularly, we use our PAI funds
14 to provide services in these rural counties. If you looked
15 at the expenditures, you would see that we are in the
16 furthest counties from our offices, we do spend the bulk of
17 our PAI funds to use the local lawyers in providing those
18 services.

19 We have a statewide volunteer lawyers program, we
20 have pro bono resources, we use those attorneys as well. We
21 are always working with the VOP to try to increase the

1 enrollment, recruitment, we may provide a free CLE if you
2 join and so forth.

3 I would like to tell you about one new project
4 that's on the horizon for us, because we do need to
5 constantly be evaluating new strategies. Tom, Ken, and I sit
6 on the Alabama State Bar committee on access to legal
7 services, and that committee is most concerned with rural
8 access. In fact, I think it's pretty much the topic of
9 conversation at every one of our meetings.

10 We are, right now, reviewing a proposal a professor
11 from the University of Alabama wishes to go to major law
12 firms in the urban centers of Huntsville, Birmingham,
13 Montgomery, and Mobile, and ask them for funding for
14 fellowships, where we would pick out some of these rural
15 counties, where there are very few private attorneys, they're
16 very far from our offices, and to provide funding to pay for
17 a two or three-year fellowship for an attorney to be
18 supervised by us, work through us, but to actually go and
19 live in that county area for that period of time.

20 That gives us one exciting strategy. I can't
21 predict when it will be up and running, but it's in

1 consideration right now.

2 We have produced self-help videos, we'll talk a
3 little bit about that in statewide planning, and also,
4 finally, all three programs, our advocates cross over program
5 areas to work wherever needed, to co-counsel with each other.

6 If we need help in the rural areas, our lawyers from the
7 Birmingham program or out of Huntsville, they will move in
8 with our lawyers and help us in those areas.

9 Clearly, we need more money. Clearly, we need to
10 do more with technology, and we'll be talking a little bit
11 about that in statewide planning. And clearly, we need to
12 continue to review this. But, as Tom said, we're very
13 excited, we're finding new partnerships virtually every day
14 who can assist us because of our concerns of getting the
15 services, so that no matter where you live in Alabama, you
16 have access to the full range of services, just as you would
17 if you lived in an urban area. Thank you.

18 MR. ABRAMS: Thank you, Melinda. And Ken Cain will
19 give us a very brief contrast from the Alabama urban center.

20 MR. CAIN: Well, thank you, and let me add my
21 welcome to the sunny south, which today is neither sunny nor

1 warm, but we really appreciate your being here. Our staffs
2 and our board members have tried to attend, and are thrilled
3 that you're here, and so are we.

4 Our program serves mainly an urban center. We have
5 15 percent of the poverty population there, about a million
6 citizens in all, in that general area.

7 Client service issues in an urban area, in some
8 ways, are the opposite of what we've been hearing. We've
9 heard Kimble already refer to some of these things. They can
10 more readily access our services. There are less phone
11 barriers, less education-type barriers, and the
12 transportation barriers are less, as well.

13 We do not have a wonderful bus system, but we have
14 a bus system. People can access us by local phone lines, and
15 all of that. We do have some rural areas in the outer parts
16 of our service area, and in those areas we have the same
17 struggles that you've been hearing about.

18 Our challenge is more to serve everybody who
19 requests our services. We can easily get 50 or more people
20 into one of our offices in a heavy intake that day.

21 There are -- appears to be more knowledge among the

1 urban poor of the available benefits. And there appears to
2 be more education, more job opportunities.

3 Some of these things that you're hearing me talk
4 about are in a book that I would commend to you, that's
5 sitting on the corner of your table, from the Alabama Poverty
6 Project, Dr. Jo Dohoney. Kimble is on their board of
7 directors. It is a wonderful -- if you're not overwhelmed
8 already with paper, it is a wonderful thing for you to read,
9 and we hope that you'll take that and read that.

10 There are some problems that are unique to an urban
11 area. Some of our urban courts are, frankly, overwhelmed.
12 We have a domestic relations court in the Birmingham division
13 where you will not get a sitting in front of a judge for six
14 to eight months.

15 A PARTICIPANT: Oh, goodness.

16 MR. CAIN: And they are working hard with us and
17 other people to try to speed that up, through mediation and
18 other kind of areas.

19 There are -- on the good side -- there are large
20 numbers of attorneys in the Birmingham area. We have a VLP,
21 a volunteer lawyer panel, it probably has over 300 attorneys.

1 If you include mentors, over 500 attorneys. So there are
2 increased resources, as Kimble has already noted, in some of
3 the urban areas that will help us.

4 In summary, some of our problems are different,
5 some of the challenges are different, but many of the
6 substantive legal problems are the same, and the remedies are
7 the same. So from that area, we're all sort of in the same
8 boat. In some of the other areas, it's a slightly different
9 twist on what you've heard.

10 But again, thank you for being here, and I'm
11 certain that Willie will allow us time to answer your
12 questions.

13 MR. ABRAMS: Can we have a -- we will take some
14 questions. Yes?

15 MS. MERCADO: Yes. Actually, I guess it's sort of
16 a two-fold comment on my part. Several of your presentations
17 have touched on this, as far as the rural problems with
18 clients receiving the services. One is the transportation,
19 the issue of transportation, of how you get people to those
20 facilities.

21 And then one of them, as basic as saying that you

1 have problems with water and sewage. And so, obviously, you
2 have problems with the water and sewage, it's difficult to
3 see how technology in those communities who don't have the
4 basics of modern living, running water and so forth, can have
5 computers in their homes to be able to communicate with us,
6 or facilities in the communities.

7 And so that sort of led me to look at not only for
8 Alabama, but I think in all our legal services programs
9 across the country, that part of the partnerships that we
10 looked at at one point, as a board, and as LSC, was the kind
11 of partnerships that we could work with with other entities
12 or agencies of the government.

13 For example, in transportation, the Department of
14 Transportation, you know, what kinds of things can LSC, on
15 the national level, along with all the different states,
16 through their local senators and congressmen, look at how
17 those monies -- some states have beautiful highways, and I
18 don't demean them, but I mean in that some of those areas, a
19 part of that funding ought to go for rural transportation.

20 And so how do we work those kinds -- and I don't
21 want to use the word coalition, because I know that it's not

1 kosher -- but in any event, getting some of those funds
2 rerouted, so that people not only have transportation for
3 legal services, but for health care, for jobs -- because if
4 the jobs aren't going into the rural community, these people
5 are going to continue in poverty.

6 And so, I mean, part of what I would like us in
7 looking -- and I know we're doing some of that in strategic
8 planning -- but in partnerships, not only the partnerships
9 with our local firms and our local corporations, you know,
10 having them spend some of that money for transportation
11 costs, whether it's an Exxon in your neighborhood, or steel
12 works in your neighborhood, you know, whatever it is that
13 happens to be in your state, to do some of those
14 partnerships, as well as looking at, in rural areas, you've
15 got the U.S. Department of Agriculture, which has a huge
16 amount of funding.

17 And I can give you an example from my own state, in
18 Texas, where last year they sent back \$48 million that was to
19 be used for rural housing that was not utilized, because
20 Texas did not partner with the federal government. And I'm
21 sure that this is probably also happening in other states.

1 There is a lot that our tax dollars pay for to
2 provide for a lot of these rural communities, and I'm just
3 wondering what kind of strategic planning we're using to
4 coordinate those resources that already exist within the
5 different federal agencies and programs.

6 HUD also has money for waste water and sewer, as
7 does USDA, for rural communities. And why aren't those funds
8 being utilized? And part of what we, as a legal services
9 community, can do in working through agencies, but also
10 helping our clients to access those funds, to leverage those
11 funds, where there are -- of course, a lot of times they
12 require a non-profit group to bid for the low-income housing,
13 for the waste water/sewer funding, for them to bid for it,
14 but as legal services lawyers and staff people, we can help
15 that community as a non-profit to get and leverage those
16 monies for those rural areas.

17 I mean, that's just a point that I was thinking of,
18 as we were looking at, but that's not only applicable to
19 Alabama, but to any community that has rural communities. I
20 guess it's more of a statement than a question.

21 MR. ABRAMS: Thank you, Ms. Mercado. The next

1 panel can address that issue. So I think it would be
2 appropriate for us to just let the next panel come. And this
3 is -- these are the kind of questions that the state planning
4 is designed to address, and the next panel will be able to do
5 that.

6 MS. MERCADO: And then the second question that's
7 not quite tied to that, but I think was more on your judicial
8 procedure and your litigation docket. I wasn't real clear
9 when you said that it took six to nine months to get a case
10 to court, does that include TROs in domestic violence
11 situations?

12 MR. CAIN: There are mechanisms, of course, to
13 handle those in a quick manner. In certain parts of our
14 service area, we have a division split, because it's such a
15 big metropolitan area. And there are -- there's a separate
16 entity called family courts, where you can go and get a
17 Protection From Abuse Act order, or something such as that.

18 Even in the domestic relations courts, they will
19 handle things in a temporary fashion, and issue TROs and so
20 forth. But if you are waiting for a hearing in front of a
21 judge for a final resolution of the matter, you're not going

1 to see that judge for six to nine months.

2 But they will take care of the immediate problems,
3 but they are so overwhelmed that they -- that it takes a
4 while.

5 MS. MERCADO: And you said you don't have
6 landlord/tenant law in Alabama. Now, as far as people
7 getting evicted, especially if it's a wrongful eviction, how
8 do you deal with the immediacy of someone being thrown out on
9 the street, basically? I mean, what kind of process and
10 procedure do you have for that?

11 MR. KEITH: Well, we do have some procedures. We
12 don't have any of the model landlord/tenant rights. We
13 basically have tenancy at will, we have no warranty of
14 building, whatsoever. So outside the cities which have
15 building codes, there is absolutely no recourse for a tenant
16 in lots of the rural areas.

17 And you know, frankly, it's a major problem. We
18 have developed, based on the common law, and based on the
19 statutes that deal with procedure, we've developed lots of
20 defenses and procedures -- some appellate cases, one recently
21 out of Birmingham, and makes excellent law about the tenant's

1 right to stay there, we use anything we can.

2 We do have a procedure in our statutory code that
3 allows a counter-affidavit to be filed, and we keep those
4 routinely on hand, blank, wherever we go, and get those to
5 the sheriff, and that puts things on a hold.

6 We've also developed packets for appeal from that
7 case, which can carry a stay, give people more time. But in
8 the long run, we need, desperately need a better law in
9 Alabama.

10 We deal with things the best we can, but it's kind
11 of like putting Band-Aids on a lot of them until we get a law
12 that really gets tenants some breaks. Mobile home tenants
13 are particularly vulnerable to the whim of a landlord who
14 doesn't do his part, but kicks them out. It can cost \$1,500
15 to move a mobile home. A lot of our clients that have mobile
16 homes simply cannot be moved, they're too old and too
17 fragile, and they'd lose their entire home. So we've
18 developed the best strategies we can.

19 We're also seeing a lot of problems coming, like in
20 the mobile home communities and all, is some of our wealthier
21 areas -- we have very poor areas and very rich areas right

1 together. In Madison County, we have the highest per capita
2 income in the Southeast. But if you look in your book for
3 Madison County, you will see that there are large tracts,
4 including those right next to the high-income tracts, that
5 are the lowest census category for poverty, and they -- but
6 you know, riches are displacing mobile home parks for one
7 thing, we've found out, that they're becoming subdivisions.

8 And we really need a legislative agenda, and it
9 does take people working together like Kimble and other
10 groups, the church groups and all very concerned about this.

11 In Huntsville, a church group coalition came together and
12 essentially got the city council to put pressure on a
13 developer to delay the development of a new subdivision until
14 all the mobile home tenants could be relocated.

15 And Legal Services served in the background of
16 that. There wasn't much law, it's a tenancy at will, there
17 wasn't a lot we could do, but I think that Legal Services'
18 presence in that was also instrumental and we were involved
19 in every bit of the process. A lot of the tenants had
20 problems, like moving their mobile homes because of an
21 outstanding lien, or other problems, and finding a mover that

1 would move it, and clearing up all kinds of other problems
2 getting them moved.

3 But so we are working, we are building coalitions
4 that address those kinds of problems. But ultimately, we
5 need a model landlord/tenant statute that provides some
6 rights, both to landlords and tenants. And a lot of work was
7 done on that, at one time, by Legal Services. Kimble has
8 worked on that every year. It's come real close to getting
9 passed, but hasn't quite -- can't quite get over the --

10 CHAIR WATLINGTON: Doug, you have a question,
11 or --

12 MR. EAKELEY: A comment and a question. And the
13 question may lead into the next panel, so I may get cut off.

14 But first, let me thank you for a very informative and
15 stimulating, and also inspiring presentation.

16 We are acutely aware of the need for greater
17 resources, and still bear scars that have not healed from
18 our own modest experiences with resource development, or its
19 lack.

20 But I was wondering whether you could just address
21 a little bit more the situation in Alabama that has -- I

1 mean, you talked about new efforts at resource development,
2 and that I suspect will get into building state justice
3 community in Alabama.

4 But obviously, Alabama and Mississippi stand out in
5 terms of -- well, let's stick with Alabama -- 90 percent of
6 funding for your legal services delivery is derived from the
7 Legal Services Corporation. That is almost -- if not the
8 highest, the highest dependency level among the 50 states.

9 And I was -- if you could just give us some greater
10 appreciation for the situation that has led to that
11 dependency.

12 MS. WATERS: Mr. Eakeley, we are focusing a great
13 deal of our energies on financial resource development. That
14 will be talked about in greater detail in the next panel.

15 Clearly, we must diversify our funding base. We
16 are looking to -- we are in the middle of a private bar
17 capital campaign, which you'll hear about. Joe Dailing will
18 be telling you more specifically about our plan.

19 We are going to corporations and foundations, we
20 will be looking at United Way funding, all of which still --
21 we must increase the attorney resources, we must get some of

1 the urban centers to help us in getting attorneys out into
2 the rural area.

3 We believe that that's our primary focus in
4 statewide planning right now, is the diversification of the
5 funding --

6 MR. EAKELEY: Are there any prospects for -- I
7 think I know the answer to this, but are there any prospects
8 in the near future for securing state funding for those --

9 MS. WATERS: That is part of our overall plan.
10 What we plan to do is to first go through the private bar
11 campaign, because we always are asked, "What are the lawyers
12 doing?"

13 MR. EAKELEY: Right.

14 MS. WATERS: Secondly, we do have the support of
15 the Alabama State Bar. We've worked closely with the
16 administrative office of courts, and the supreme court. I
17 hope that they would be supportive.

18 The board chair of LSCA is very interested in our
19 three programs working quickly to get a proposal to Governor
20 Siegalman for consideration in 2002 for either some sort of
21 general appropriation -- in all honesty, a filing fee add-on

1 is not a likely thing for some time.

2 MR. EAKELEY: Well, then, of course, we all have a
3 common interest in securing increased funding from our
4 federal government, with the hopeful support of the new
5 administration and the congress.

6 MS. WATERS: That is clearly the next step. Once
7 we build a firm, solid foundation throughout the state using
8 this effort to also educate a lot of folks. We're bringing
9 more people on board as our supporters, as we go through, who
10 can then go to the legislature for us.

11 And by the way, we sure appreciate the increase in
12 funding. I know the folks behind this, too. We thank you
13 very, very much, it means a lot to us here. But yes, that is
14 part of our plan, and we'll outline it for you more
15 thoroughly.

16 MR. ABRAMS: It's -- let's see, it's --

17 MS. BATTLE: If I can, just real briefly, because I
18 know the next panel has to come up, but I just wanted to
19 personally thank Forrest, Tom, Melinda, and Ken. I know of
20 all of the hard work that they have done in this state, and
21 have been doing it for a very, very long time, and have done

1 remarkable work with limited resources.

2 I think that the visuals that we had, from what Tom
3 did, really demonstrated the really good work that's been
4 done by the programs in this state, the coordinated efforts
5 that they have had, and how they have gotten to this point,
6 given people like Forrest -- I mean, Kimble, who has worked
7 with the legislature to try to at least sensitize the
8 legislature to the needs of the poor, over time.

9 And I think that the continued efforts of Legal
10 Services supporting, the way that they've gone about doing
11 it, will help the resource development. Letting them
12 continue with what they've done so far, and letting them do
13 it in a way that's meaningful in Alabama will really help it
14 to work. I think that's an important statement.

15 CHAIR WATLINGTON: I was wondering, did you wanted
16 a five-minute break before we go into the next panel?

17 A PARTICIPANT: Thank you.

18 (A brief recess was taken.)

19 CHAIR WATLINGTON: Back to the next panel. Is it
20 Bob -- just --

21 MR. DAILING: Joe Dailing.

1 CHAIR WATLINGTON: Joe Dailing? Okay.

2 MR. DAILING: All right, is this on?

3 A PARTICIPANT: Just pull it closer, Jim.

4 MR. DAILING: Okay. I'm Joe Dailing. I met most
5 of you in San Francisco. I've been working with Legal
6 Services programs in Alabama for -- this is the beginning of
7 the second year on fundraising.

8 You've met the panel, Melinda is going to kind of
9 give an overview, then I'm going to talk specifically about
10 the fundraising initiatives we had, and technology, and other
11 elements of state plan.

12 As an outsider, as a Midwesterner, I think state
13 planning has been very good for Alabama. And I think, as the
14 directors have stated earlier, that there are some very
15 exciting things that are beginning to happen in Alabama, some
16 interesting coordination of resources in a very, very poor
17 resource state.

18 So I'm going to have Melinda just talk briefly
19 about our -- what we're going to go through, and then we will
20 -- I'll go through fundraising.

21 MS. WATERS: Thank you, Joe. As Joe said, we three

1 directors have found that state planning has been one of the
2 best experiences for our programs that we have gone through.

3 Over the course of the last three years, as a result of the
4 program letters 1998-1 and 6, and now the 2000-7 letter, we
5 have truly focused on developing a comprehensive, integrated
6 legal services delivery system.

7 We had a history, a long history of working
8 collaboratively together. But through the statewide planning
9 initiative, we have found many, many more opportunities to
10 more efficiently and effectively deliver services to our
11 clients. But we know we must work even harder, particularly
12 in the area of engaging non-LSC-funded entities in our work.

13 We are very energized by planning to build upon our
14 progress so far, to create here in Alabama an equal justice
15 community, whose resources are very equitably, or relatively
16 equitably spread out throughout the rural area and urban
17 areas, and to ensure that the entire range of services is
18 available to clients, no matter where they live in Alabama.

19 Many exciting new developments have occurred.
20 Although we've had this history of collaboratively working
21 together through the statewide planning process, and our

1 focus on diversifying our funding base and increasing our
2 resources, we have found many new partners throughout this
3 state to take up the banner and to assist us.

4 We've experienced a renewed commitment to client
5 empowerment initiatives through community outreach and
6 expansion of the pro se activities.

7 The Alabama State Bar has become a very active
8 advocate on our behalf, and a partner with us in this fight
9 to provide client services, as has the domestic violence
10 shelters and the statewide Alabama Coalition Against Domestic
11 Violence.

12 We have found our state client's council to be of
13 immeasurable help, as we move through this process.

14 The Alabama Law Foundation, which provides IOLTA grants,
15 has joined with us over the past three years, as has the
16 administrative office of courts, which runs our state court
17 systems.

18 We have been blessed that many local agencies, such
19 as regional community councils, who control the Older
20 American Act monies in Alabama, as well as various consortia
21 who have the Ryan White monies, have entered into

1 collaborative partnerships with us.

2 We're now working, for example, with the Children's
3 Trust Fund of Alabama on pilot projects to more actively
4 involve divorced fathers in the lives of their children
5 through some special mediation and visitation programs.
6 Certain members of the media have come forward to champion,
7 and gratefully, we enjoy the support of many federal and
8 state judges.

9 However, we do have a long way to go here, in
10 Alabama. But we find that energizing and very exciting. And
11 what we would like to talk to you about and expand on, is
12 basically four or five areas that we have put a large amount
13 of our time into, as part of our state planning.

14 Joe will talk about diversifying our funding base,
15 I'll give you an update on our technology committee and
16 technology plan, Tom will help me with that. Ken Cain will
17 discuss training and substantive advocacy teams, and then I
18 will, depending on time, with regard to our pro se efforts,
19 self-help materials, and increasing attorney resources
20 through pro bono and PAI.

21 MR. DAILING: I identified myself as an outsider,

1 but I want to tell you that I have spent more time in Alabama
2 than in any other state in the country, besides Illinois. So
3 I feel like pretty soon they're going to start asking for
4 income tax here from me.

5 But I think it's been very exciting, because I
6 think I've seen the programs move in some very exciting
7 directions.

8 The focus, and I think the critical focus, as Mr.
9 Eakeley clearly pointed out, and correctly pointed out, is
10 Alabama is very, very heavily dependent -- Legal Services in
11 Alabama -- on federal money, which is not a good place to be.

12 It's something that the programs have recognized.

13 I first came here in 1998 and did a feasibility
14 study for a private bar campaign. I think in the last two
15 years, I probably talked to 100 to 125 attorneys in Alabama,
16 and not one of those people, not one attorney said that it
17 was a bad idea, or that they wouldn't be willing to
18 contribute and get involved.

19 However, fundraising, we're doing a couple of
20 things. We're not only raising money, we're building
21 culture. We're building a culture among attorneys to give to

1 Legal Services as their charity of choice, after their
2 religious institutions, and we're creating a culture in the
3 programs, that looking for funding outside of Legal Services
4 is critical and vital, if they're to meet the needs of
5 clients. So those are the two things we're about, and those
6 are the two things that take time.

7 I want to give you a quick overview of what the
8 plan is, and then talk about some of the things that have
9 happened, and some of the benefits that we've already begun
10 to see from this.

11 I also want to thank LaVeeda, a fellow Midwesterner
12 who was transplanted here, who has been very, very
13 instrumental in Birmingham, in particular, and has been very
14 supportive in this campaign, not only with her ideas, but
15 also her personal involvement.

16 The first plan was to look at -- and this is a
17 statewide private bar campaign, and we have sold it as a
18 statewide private bar campaign, but in the four major areas,
19 the four major cities, Huntsville, Birmingham, Montgomery,
20 and Mobile, we are doing concentrated, individual
21 solicitation campaigns because we know the best way to raise

1 money from anyone is to have a friend ask them for money.

2 If you've been involved with any kind of
3 fundraising, very standard procedure, you look for some
4 people who can give some big gifts, and then you kick off the
5 campaign with some sort of hoopla, and then you begin to
6 raise money from the rest of the people.

7 Huntsville is the office that's farthest along.
8 This particular video you see is a direct result of the
9 campaign -- the Alabama campaign for Legal Services. One of
10 the attorneys up there said, "I want to give you \$5,000, but
11 what you really need is a marketing piece." And so this is
12 the first effort in that direction.

13 In Birmingham, we also have leadership committees
14 going. And next month in Montgomery, and probably the next
15 month in Mobile, we will have leadership committees going as
16 well.

17 On the state level, the Alabama State Bar
18 Association has been very supportive of our efforts. The
19 president of the Alabama State Bar Association sent a
20 solicitation a couple of weeks ago to every attorney and
21 judge in the state of Alabama, asking them to give the

1 financial equivalent of one billable hour to Legal Services.

2 Since that letter went out, we've raised about
3 \$17,000, as of yesterday, from that solicitation, which is
4 just the beginning, because the real money is going to be in
5 the individual solicitations.

6 People in Birmingham, people in Huntsville, people
7 in Montgomery, and people in Mobile realize that their money
8 is not going to be used just for those communities. But when
9 you look at some of those charts, and see in some of those
10 rural counties 40 percent poverty, it's critical that these
11 resources be distributed. And that is on the way.

12 Sam Rumore of the state -- the president of the
13 state bar authored, I think, a very, very fine letter. And
14 Keith Norman, the executive director, have been very
15 supportive, we got supportive resolutions from the bar
16 commissions, we've got supportive resolutions from a number
17 of areas.

18 The annual report was really the first piece of
19 marketing that got kicked out of the campaign. What happened
20 after that was the person who was the development director
21 went back to private industry. And so since then, we've been

1 trying to patch together what a development director would
2 do, and we are in the process now of hiring a new one who
3 will work statewide.

4 The benefits have been, I think, substantial. As
5 someone mentioned, on the corporate level, Bell South is
6 going to do a statewide video featuring clients talking about
7 those stories. And in that video, we want to get some rural
8 clients.

9 We've identified lots of new supporters in the
10 legal community, people that were going to get involved in
11 the state planning process, people who are going to offer
12 different insights and different contacts to different
13 groups.

14 The ABA section on litigation has given \$10,000 to
15 Alabama to pay for instituting a private bar campaign.

16 In Huntsville, the county and city courts are
17 talking about a filing fee -- need to go to the legislature
18 for the legislation, but they're going to do that. And I
19 think there are going to be some other legislative proposals
20 coming out.

21 The Boeing Corporation came forward with \$5,000 to

1 buy a much-needed copier.

2 So, I think we're on the verge of a lot of exciting
3 and substantial community-building, getting more and more
4 people involved in the equal justice community, not only with
5 their money, but with their commitment, so I think that's
6 very important.

7 MS. WATERS: One area, where I believe we have seen
8 the -- obviously putting our energy into diversifying the
9 funding base, is our primary concern, but through the state
10 planning process, we realize we really needed to do a lot of
11 work on technology to be able to use new and expanding
12 technologies to better serve our clients, and to build a
13 better deliver system, particularly in our rural areas, which
14 is getting at one of the questions earlier posed by one of
15 the board members.

16 We do have a statewide technology committee,
17 composed of sort of those advocates, secretaries, paralegals
18 in our program who are computer-savvy, who meet together to
19 discuss and plan what we should do through programs.

20 And right now, our emphasis is on getting our
21 website up and running. We received a grant from the Alabama

1 Law Foundation to -- for \$7,500 to actually construct that
2 site. Even as we speak, it is being constructed.

3 There will be a section on there that is devoted to
4 simply providing information about client rights and
5 responsibilities and self-help and pro se materials. There's
6 an interactive map, where if you can get to a computer, and
7 punch on the county you live in, up will come the directory
8 to show you who to call and when we're going to be in your
9 county for intake.

10 But we do need -- not every county in this state,
11 as you heard from Kimble, there are infrastructure problems
12 for us. So one of our efforts, as we move forward after
13 getting the website constructed, which should be up and
14 running in the next six months, will be to survey the
15 counties and see where we need to try to get -- literally --
16 get computers into a school, into a library, into a church,
17 into a courthouse.

18 A technology grant request might be something you
19 might see at LSC to help us with this, because clearly, as
20 you pointed out, it's not going to do us much good in those
21 very rural counties, if they simply can't even get to a

1 computer with Internet access.

2 But we are dedicated to working to assure that we
3 can -- to work with those counties and come to some
4 collaborative arrangements to see, in the areas where we are
5 lacking that sort of capability, that we work on that.

6 All three programs are on the same -- Windows 98.1.

7 This makes our intake system a statewide program. We all
8 use forms, it truly functions just as a statewide program,
9 thanks to the capabilities we have with our computers.

10 Tom wants to mention to you, too, we've recently
11 put together an E-group for all of our advocates throughout
12 the state. Tom?

13 MR. KEITH: That's something we've been talking
14 about for a while. We finally have the technology throughout
15 the state now, that we're all together in E-groups.

16 I don't know if you're familiar with what the
17 private practice in law is a lot of times now, but defense
18 attorneys, attorney who specializes in different type of
19 claims, now communicate with each other all the time by the
20 Internet in E-groups, or other communications.

21 And especially in a state like Alabama, where we

1 have few Legal Services attorneys, and we're relatively
2 isolated, this is something we've wanted for some time.

3 We've had task forces, we have trainings, we do, by
4 the way, have a landlord/tenant manual put together by people
5 in the state that's shared. We also have a consumer law
6 manual put together that covers all the areas of consumer law
7 in the state that we share around.

8 But we often feel isolated, we're not -- we often
9 need to communicate ideas when a new case comes out we want
10 to be able to share it with everybody in the state, rather
11 than having everybody trying to read the sheets.

12 And many of us are also linked now by the Internet
13 with national groups. The Consumer Law Center has some
14 excellent E-groups around the country that we're linked into.

15 The litigation directors through the NLADA are communicating
16 now about issues affecting legal services all around the
17 country.

18 And now that we have the technology in the state
19 for everybody to have Internet on their desk and hooked into
20 the network, we can put out messages and share information,
21 we can kick things around about cases for ideas, "Has anybody

1 seen this before?" You know, "How do you handle this in your
2 county?" on any of the legal issues that we face out in the
3 rural counties.

4 So in many ways, we're functioning a lot like a big
5 law firm and kicking things around the state between various
6 specialists.

7 There was an excellent case we just shared around
8 the state that I didn't know about, on the waiver of
9 exemption, like the car case we had. It was a bankruptcy
10 decision that wasn't recorded and -- where we normally look
11 for this type of decision -- and we were able, thanks to
12 Melinda and Janice Franks, she put the computerized version
13 of that decision on the E-group, and everybody can download
14 the decision without having -- trying to run down -- get an
15 obscure bankruptcy report and decision that's so valuable in
16 some of these cases.

17 So, I think we are finally getting there. We can
18 talk to each other again. In the face of -- things are so
19 hectic, and our budgets are so small, we don't have the phone
20 budgets, and I think the Internet is one way we can -- and we
21 are getting now to share this type of information and

1 download pleadings, download --

2 MS. WATERS: And part of our website will be a
3 passworded section, not unlike LSC's, which will be -- allow
4 our advocates to share documents. We do have a centralized
5 brief bank and documents bank that is functioning out of
6 LSCA's law librarian's office.

7 These improvements have come about as a direct
8 result of statewide planning efforts, which has been exciting
9 to us. And quite simply, we just want to create a delivery
10 system that produces better services to a greater and greater
11 number of folks.

12 We have a ways to go on technology, our technology
13 committee will begin to focus on other ways of using these
14 capabilities. But right now, we are primarily focusing on
15 the website, and working on getting Internet access into
16 counties, very rural counties, where it might not be easily
17 available.

18 We are not overlooking the fact, however, that our
19 advocates, in addition to being able to take advantage of
20 various things on the Internet, that they still need
21 training.

1 And when we lost our consortium, and funding was
2 cut back, the training budget was a big issue. But through
3 statewide planning, again, because of statewide planning, the
4 three programs have come together to, I believe, very
5 effectively provide top quality training at a minimum cost to
6 the programs for advocates. And Ken will talk with you about
7 that.

8 MR. CAIN: Thank you, Melinda. We are the -- can
9 you hear me? It's not working.

10 Our program is responsible for the statewide
11 training efforts in the state, as Melinda has said. We are
12 an approved training sponsor, by the state bar, which, of
13 course, streamlines the scheduling and the setup of these
14 trainings.

15 We work with teams of advocates from all over the
16 state that we call strategic advocacy teams. They are teams
17 organized around a certain legal area, such as domestic
18 relations, housing, consumer law, public benefits. Those
19 groups of attorneys and paralegals obviously have an interest
20 in that area, they obviously know of events that are coming
21 up, trainings that should occur.

1 We have had trainings in all of those areas,
2 domestic relations, domestic violence, housing, consumer,
3 public benefits. Those are on a statewide level.

4 We've also had many, many local trainings. These
5 trainings use these strategic advocacy team members as
6 trainers, as well as outside members. So we are keeping the
7 costs low by using our own in-house expertise, as well as
8 people on the outside, who will help us.

9 Judges, in certain areas, have come to our
10 trainings, trained for free. We've had police officers in
11 the domestic violence training sessions. It has been a
12 wonderful, wonderful partnership that has really helped us
13 provide a very high-quality, but low-cost training.

14 These trainings are also offered to outside
15 attorneys, primarily our pro bono -- or VLP, as we often call
16 it in this state -- attorneys. So we have provided trainings
17 to hundreds and hundreds of people. These VLP attorneys get
18 this training for free. It's something that they appreciate,
19 it's also something that is something we can give back to
20 them for helping us.

21 So not only does it help them help our clients, it

1 also helps them with CLE hours, which is required in our
2 state, 12 hours per year for each attorney, and it's sort of
3 a nice win-win situation for both groups.

4 One other thing I -- a couple of other things. We
5 have also produced some manuals. We have a consumer law
6 manual, which we have given to each of our advocates, which
7 we make available to the law libraries around the state,
8 which we will even sell to you, if pushed. And it's a very
9 wonderful tool, a wonderful thing to have sitting on your
10 desk for a quick reference tool. So that is something we're
11 very proud of.

12 Also, we're very excited about a new issue, or new
13 initiative that has come, and this relates to the question
14 before. We have received a HUD housing counseling grant, and
15 this is a grant that covers 18 programs across a five-state
16 area. And just this week, we hosted a statewide training.
17 That grant is now about to get up and get started. It's
18 going to help deal with all kinds of issues about home
19 ownership, preventing homelessness, obtaining homes.

20 This is a grant that we've never had before, and
21 it's a wonderful grant. West Tennessee Legal Services is the

1 lead recipient in that grant, and as I said, it involves 18
2 Legal Services programs across a 5-state area. So it's a
3 wonderful grant, and I think it will serve us well.

4 I guess, in summary, what I would like to say is
5 that we have managed to provide a series of very low-cost,
6 high-quality trainings. I think it's one of our success
7 stories, and one of the ways that we have done a very good
8 job at, in essence, training ourselves and those who assist
9 our clients.

10 MS. WATERS: One area that we had particular
11 difficulty with, as mandated under the statewide planning
12 process, was to begin to expand pro se -- availability of pro
13 se forms and self-help materials to clients.

14 Initially, we didn't see much support in the
15 private bar or the judiciary in most areas of the state for
16 this. I'm very pleased to report to you today, however, that
17 in the last three years, major developments have occurred in
18 that. In fact, a year ago, in March of this past year, the
19 president of the Alabama State Bar and the chief justice of
20 the Alabama supreme court appointed a statewide pro se task
21 force. Ken, Tom, and I were appointed to that task

1 force. I'm on its steering committee. That task force is
2 composed of judges, lawyers, clerks, all of the major players
3 in the court system that have come together for meetings to
4 discuss, and we've reviewed the Arizona model, we had a
5 speaker come in from Arizona, we had a speaker come in from
6 Georgia.

7 And we are now in the process of a subcommittee
8 putting together some draft pro se forms, particularly in the
9 child support modification and visitation areas, that we can
10 present to the supreme court, ultimately, for their approval.

11 This committee's work is very exciting, because it
12 brings together such a wide range of people and we look
13 forward hopefully to, once we get our initial project out of
14 the way, that that group will take on other issues.

15 You've already heard about our self-help materials,
16 we have fact sheets, we have the manuals, we have these all
17 available in our offices, we make them available to the
18 courthouses, we make them available to social service
19 agencies.

20 The final area that we wanted to report to you on
21 I'll cover very briefly, because I know we're running long,

1 is we do need to continue to increase the private attorneys'
2 involvement in our efforts.

3 We have seen, over the last three to five years, a
4 real increase in the number of attorneys who have volunteered
5 through the Alabama State Bar Volunteer Lawyer's Program,
6 which is a statewide volunteer pro bono program. They agree
7 to take two cases from us, annually.

8 We are the only referral source for that pro bono
9 program. It is run out of the state bar. It has been a
10 tremendous resource for us, but we are always working with
11 that agency, with the state bar, to recruit more attorneys,
12 either as Ken pointed out, the trainings we offer, we offer
13 free to private attorneys, we offer free to PAI panel
14 members, we may offer them free to someone who will sign up
15 for the VLP, or for our PAI panels when they occur.

16 And the state volunteer lawyers program has
17 collaborated with us on a statewide basis to provide
18 community education seminars at which volunteer attorneys are
19 also present.

20 After they leave the community education seminar,
21 we do an intake on them, they then move -- if there is a

1 problem there that is within our priorities -- they then move
2 to see a pro bono lawyer.

3 We've held these in Florence and Montgomery, and
4 several areas, they're very successful, and we hope to expand
5 that program as well, because that's a very good way of
6 seeing a large number of folks quickly, and yet getting the
7 casework that's needed out to the private bar.

8 Tom -- the actual way we're constructed in Alabama,
9 there's a statewide pro bono program run out of Montgomery.
10 There's a Mobile pro bono program that's an outstanding
11 project that does a lot of work. There's a developing
12 program in Huntsville, and Ken will want to speak for a
13 minute about the Birmingham program and how they've been able
14 to help us.

15 But Tom, you want to say something about the
16 Huntsville efforts?

17 MR. KEITH: Well, we also operate a lawyer referral
18 program, along with our local bar association. They've
19 incorporated a separate entity that we actually rent space to
20 in our building. And together with them, we try to place
21 every person that needs a lawyer, either with the lawyer

1 referral service, or with a Legal Services attorney.

2 And each attorney that lists in the lawyer referral
3 program agrees to take a free pro bono case in the type of
4 case that they take referrals in. And we've expanded it,
5 like Melinda said, beyond the -- just the lawyer referral pro
6 bono to lawyers that will take cases but don't want the
7 lawyer referral cases.

8 We found that to work sort of -- because for \$20,
9 anybody can get a visit with a lawyer. And many times, that
10 results in a low-cost, low-fee information providing service
11 in criminal cases, or any other kind of case that we can't
12 handle.

13 MS. WATERS: Ken --

14 MR. KEITH: That's what we have in Huntsville.

15 MS. WATERS: Ken, the Birmingham program?

16 MR. CAIN: Yes, we have a -- as we've said before --
17 - a fairly large panel in Birmingham, being a large,
18 metropolitan area, of about 400 to 500 attorneys. Those
19 attorneys handle 1 or 2 cases a year, it is very helpful.

20 We also in Birmingham have what we call a reduced
21 fee panel, where attorneys take domestic relations cases for

1 either \$30 out-of-court, \$50 in-court, an hour, with a cap on
2 the fees, of course.

3 It has been a wonderful program, some of the local
4 trainings that have been done there give those attorneys 12
5 hours of CLE a year. We've had wonderful support from those
6 local bar associations in that area.

7 And let me add here something that's very important
8 that I forgot to add in the training portion, is that in
9 cooperation with the state bar VLP, there was a basic issues
10 of law manual that was created. And we've reduced that to a
11 diskette, and now every attorney who joins one of our VLP
12 panels anywhere across the state, can get that diskette copy
13 of that manual. It has been a wonderful resource, and I'm so
14 sorry I forgot that in the earlier portion, because that's
15 another important resource for these private attorneys.

16 MS. WATERS: Thank you. We know this is a lot of
17 material, we're running long. We clearly, in Alabama, are
18 trying to create an equal justice community. We want to
19 deliver the best and most effective, highest quantity civil
20 legal services to the folks here, and we're committed to
21 doing so.

1 We're excited about it, and we have found the
2 statewide planning process to be the exact right vehicle for
3 the three programs to work our way through change, because
4 change is essential. And we are committed to constant re-
5 evaluation of our resources, of our methodology, of the way
6 we provide services with always an eye on client-centered
7 delivery, with particular emphasis on diversifying our
8 funding base and getting resources into the rural areas.

9 And we, again, thank you. We have a ways to go, as
10 you've heard, but we're going to get there, and we appreciate
11 your listening to us this morning. We'll be happy to answer
12 questions.

13 MR. DAILING: I would be remiss in my duty to not
14 affirm what LaVeeda has already said about these three people
15 and their staffs. If you don't -- if you've not already
16 experienced their commitment and their dedication and their
17 passion to Legal Services, you must have been asleep.

18 I have worked with these folks for four years, as I
19 said, and a little before that, and I have been extremely
20 pleased and inspired by the fact that they have been willing
21 to take on this additional task, because all of them are very

1 busy, and they have become, in the very best sense of the
2 word, my colleagues and my friends.

3 And I appreciate working with them, and I think
4 they are on the verge of some really substantial changes.
5 And I have learned I-65 very, very well. So I did want to
6 say that.

7 And I want to thank you, want to thank you, Mr.
8 McKay, for the work you did in Congress in getting extra
9 money, not only for Alabama, but I can also say for Illinois.

10 I think it is very significant, and we hope that you
11 continue with us and are successful in that endeavor.

12 So, we'll entertain any questions.

13 MR. EAKELEY: Well, I thought the presentation was
14 very impressive and inspiring, and congratulate all of you,
15 and your consultant as well, for a work-in-process, but one
16 that is pointing in just a wonderful direction.

17 Let me just make one announcement and then I would
18 like to go back and ask a question. John Broderick, chair of
19 the ops and regs committee is -- was going to be here, can't
20 be here, he's just had a death in his family.

21 So we don't have a forum for ops and regs, we're

1 going to take the ops and regs agenda that we need to take,
2 and take it up at the board meeting tomorrow, so that those
3 of you looking at the schedule should not feel quite as
4 pressed to get done with the rest of -- I don't mean to go
5 all the way through the afternoon with provisions committee -
6 - but we have a little bit of time to deal with the rest of
7 this agenda. John?

8 MR. MCKAY: If I may, Madam Chair --

9 CHAIR WATLINGTON: Yes.

10 MR. MCKAY: -- also just -- Melinda has graciously
11 invited me to her program here in Montgomery. And given that
12 the ops and regs meeting will not occur, we need to work the
13 details out with Melinda, but any board members -- she's just
14 given me a signal here -- would also be invited to come visit
15 the local program in Montgomery this afternoon.

16 I'm sure that Elizabeth is seizing up in the back
17 of the room, in terms of transportation, but they're fairly
18 close, and we can get over there. And if around 1:30,
19 Melinda, if that makes sense?

20 MS. WATERS: That would be --

21 MR. EAKELEY: Okay, well that answers my question.

1 We'll leave the finance committee and performance reviews
2 committee meetings in place as scheduled, and take the gap
3 presented by the ops and regs committee, and those who can
4 and would like to visit Melinda's program may do so in that
5 interim period?

6 MS. WATERS: That would be excellent.

7 MR. MCKAY: Thank you, great. Well, we appreciate
8 that very much.

9 MR. EAKELEY: So Elizabeth, we're going to start
10 lunch in a little while, probably around 12:30, rather than
11 12:00. But may I now get back to my question?

12 State planning has, since its inception, been a
13 concept and a process that has been perceived differently in
14 different quarters, and indeed, applied and approached
15 differently around the country.

16 And I was curious about your perception of the
17 positive, constructive, neutral, negative role that Legal
18 Services Corporation has played, vis a vis the Alabama
19 programs? And what, particularly, have we done well, and
20 what in particular might we do better, as we move forward
21 with this very important initiative?

1 MS. WATERS: I think that, absent what you laid out
2 for us for areas that we need to consider, we very well might
3 not have spotted the weaknesses in our system. You have laid
4 out for us areas that you expect programs to review, and that
5 has directly resulted in increased services and efficiency of
6 services in our state.

7 I think that the program letters, the 1998-1 and 6,
8 and now the 2000-7, have helped us tremendously here, in
9 Alabama. It is time consuming, and it is a process that
10 requires a great deal of energy. But it has been energizing
11 for us.

12 And Ken and Tom and I are continuously amazed that,
13 as we follow your directives, and try to meet the goals
14 you're setting for us, that others are coming on board with
15 us. And I think again, the more money helps, because we
16 always need to continue resources.

17 But you all have contacts. Mr. McKay came to our
18 state bar meeting a couple of summers ago and did a marvelous
19 job. LaVeeda has been so much help to us in this state, her
20 willingness to go, be, say, do whatever she can to help us
21 has been invaluable.

1 I don't have complaints. I wish I had more time in
2 the day. I wish I had -- we could answer that we've done
3 everything you've asked. We haven't. But we are doing our
4 best, because the plan you've set out will result in a better
5 system of justice for our clients.

6 CHAIR WATLINGTON: Any more questions?

7 MR. DAILING: They're afraid to say the negatives.
8 The one negative is, I think -- this is another thing in an
9 already busy schedule -- but I think what we have seen here
10 in Alabama, particularly, is that it's time that's well
11 invested, and is going to result in additional resources.
12 That would be --

13 CHAIR WATLINGTON: We -- oh, I'm sorry, I didn't
14 see you --

15 MR. SMEGAL: It's a personal question. I try to
16 relate to some of this. I haven't spent as much time in
17 Alabama as Joe has, but I've spent a few years here a few
18 decades ago. In what county is Anniston, Alabama in?

19 MS. WATERS: It's in Calhoon.

20 MR. SMEGAL: Calhoon?

21 MS. WATERS: There are people here from that area.

1 MR. SMEGAL: In what? Anniston, is it Calhoon
2 County?

3 MS. WATERS: Yes. And we have people from that
4 region here, if you have any specific questions.

5 MR. SMEGAL: They're probably the grandchildren of
6 those I knew when I was there.

7 (Laughter.)

8 MR. SMEGAL: Thank you.

9 CHAIR WATLINGTON: Maria?

10 MS. MERCADO: I actually have two questions. One
11 of them, which actually dovetails just a comment you made a
12 moment ago, is that in looking at the state planning
13 directives that we've gotten both from Congress and from LSC
14 for all grantees, in trying to meet those goals, do you see
15 that you have had -- I realize you said a minute ago you wish
16 you had enough hours to do all this work, and I guess my
17 question to that is does it necessarily mean that, by its
18 very nature of requiring all these goals that need to be met,
19 does it also require that we have additional staff or
20 resources to help carry out those goals?

21 I mean, I realize we have a consultant that comes

1 in from time to time, but I know you already have your own
2 duties and obligations as a director, as a program. You
3 obviously don't have enough staff to help all the poor people
4 in Alabama.

5 So my question is, in prioritizing or deciding how
6 you're going to try and meet the directives that the
7 different program letters have sent out, how do you deal with
8 that?

9 MR. DAILING: Well, one of the first things in
10 terms of this state, is hiring that development director,
11 because it simply is impossible to effectively raise money
12 without someone here on the ground. Having this guy fly in
13 from Illinois for four days once a month doesn't do it. So
14 that's one thing.

15 I guess the other directors can respond to some of
16 the other sorts of things. But I think the other important
17 thing of state planning is it has identified, and through the
18 fundraising we have identified other collaborative efforts
19 that are possible.

20 That's going to take time, but there are other
21 folks, and in the legal community particularly, who are

1 willing to, once they know what the problem is, and once they
2 understand what the programs do, who are willing to pitch in
3 and help out. And so I think that's -- we are increasing
4 resources at the same time.

5 MS. MERCADO: And my second question that I had, in
6 the resource development arena, I think that from all of you,
7 pretty much the discussion was about the different kinds of
8 strategies and plans that you work with the state bar, with
9 the private bar in doing that.

10 And I was kind of curious as to what amount of work
11 has been spent in leveraging resources with private industry,
12 with corporations, with business? And, you know, depending
13 again -- I don't know the State of Alabama, so I don't know
14 what's there, you know, whether it's leveraging some of your
15 -- there's corporate counsel, I know, in some states, they do
16 pro bono work, because they want to do courtroom work, rather
17 than just the contractual commercial work that they do, and
18 so their companies and corporations encourage them to do pro
19 bono to their local, you know Legal Services programs.

20 But also, just on a financial -- to be able, as
21 good corporate citizens, to put part of their money pie that

1 they share in the community for Legal Services directly, and
2 I'm not sure what kind of effort was being done in that
3 direction.

4 MR. DAILING: Well, we are, I think, in the infancy
5 of that. In fact, in Birmingham -- whatever day that was --
6 Wednesday, we had this discussion. Alabama does not have a
7 lot of corporate headquarters here. I think the video from
8 Bell South is a first step, I think the money from Boeing in
9 Huntsville is another first step.

10 That is something, again, it's a resource question.

11 And our focus on the private bar campaign was that that's
12 where we're going to get the most money the quickest. And
13 out of that spins a whole bunch of other things. We've
14 talked with United Way in Huntsville, I think we're maybe a
15 year or two away from some United Way. We're going to be
16 looking at United Way in Florence.

17 And it's this whole certification process that
18 builds and builds, as we can use things like the video, to
19 say, "This is the kind of work Legal Services does, this is
20 the kind of work that's important, and this is why it's
21 important in your community."

1 Because it's not just a lawyer problem, it's a
2 community problem. But the first thing we have to do, I
3 think, is to get the lawyers on board, so that when we go to
4 those foundations, they say, "What are the lawyer's doing?
5 They're doing this." And then we can go from that.

6 Oh, yes, we did have -- with --

7 MS. WATERS: Yesterday at lunch, Mauricio -- we
8 were having this same discussion about his list of corporate
9 counsel throughout the country that have joined to support
10 Legal Services. And we were talking about a strategy that we
11 could employ within the next few months.

12 We're trying to find just that one lead counsel in
13 Alabama. We do not have many corporate legal departments,
14 and they don't have an organized bar association, so to
15 speak. But if we could take -- we could find our one who
16 knows someone off of your list, and hook those folks up
17 together because they know each other, that could be the
18 genesis of what we need as we move through this.

19 So, that's a very timely question. We were just
20 yesterday developing a strategy, with Mauricio's help. I
21 just asked him flat out, "How do we go about getting these

1 corporate counsels involved?" And I think we can pursue --

2 MR. KEITH: We did -- I'm sorry -- we do have some
3 opportunity in Huntsville. We have a 300-member federal bar
4 and we speak to them annually, report to them on legal
5 services, and they usually make a donation and we -- I think
6 they may -- they've indicated they may be willing to make a
7 larger donation this year as part of our statewide campaign.

8 We've also -- they helped us get admitted to the
9 combined federal campaign, where we can be designated to
10 receive federal contractor and employee contributions to
11 their charities and things, so we're looking into that.

12 And I don't know if we mentioned it, but as part of
13 the outgrowth of this thing, the city of Huntsville gave us
14 \$37,000 as a direct appropriation for a one-time basis for
15 next year out of -- due to the cuts that we had, and while
16 we're getting our statewide bar campaign going. So there are
17 some hopes of other sources that we're exploring the best we
18 can.

19 And one thing leads to another, that's the -- what
20 we're finding.

21 MR. DAILING: And the other -- on the corporate

1 thing, it's interesting. Next door is a seminar being hosted
2 by a Caterpillar Corporation. In Illinois, Caterpillar was
3 the one who funded our video. And if you know
4 anything about Caterpillar, besides making lots of money,
5 they're not a liberal left-leaning corporation by any means,
6 but by engaging their general counsel, and showing him that
7 the law firms were supporting us in Peoria, he kicked in, he
8 became a member of our -- he has become a member of our board
9 -- they contribute \$10,000 a year, they paid for our video,
10 and every year, on law day, they spend \$4,000 in the Peoria
11 Journal Star to list all the lawyers who contribute, by
12 category.

13 So, there's a lot of money in corporations. And I
14 think it's making that first initial contact, and then once
15 you get that, then I think you can move on. And LaVeeda has
16 been involved in that in Birmingham, and she's going to be
17 more involved than she currently knows, but -- she will.

18 MS. BATTLE: Yes, I was just going to add to that
19 by saying one of the points that Joe made that is extremely
20 important is that you really do have to first gain the
21 credibility to go after corporate funding by showing that the

1 legal community is providing that support.

2 And with the state bar sending that letter out, and
3 with getting in the money, just simply with that letter, the
4 additional contacts that we're making, it's layering up to be
5 able to do that in a more effective way.

6 Certainly, we do have contacts with some of the
7 corporate counsel, with the utilities, as with Bell South,
8 who has already been gracious enough to fund a video and
9 others. The real donations will come once the base has been
10 solidified, and we're looking to do that.

11 CHAIR WATLINGTON: Is there any more questions? I
12 see Randi is coming in, and she's going to speak on state
13 planning in the conference coming up. But before she -
14 - but I wanted just to add to LaVeeda, that she had stated
15 how -- wanted to thank the staff too, for you know, their
16 work that they're doing in the client community here in
17 Alabama, and the state. And I know she's proud of
18 them. I know how I feel when I'm in Pennsylvania, and
19 they're doing those things, it makes you proud that this is
20 where you come from. Because how can you do anything
21 nationally, if you don't take care of home first?

1 And I also wanted to address the client community,
2 because they have just lost a very strong advocate. And I
3 was with her at the NLADA meeting, she -- the board -- I
4 think it was in 1997, she was one of the persons that was
5 instrumental -- and being their guest at a statewide meeting
6 of clients, and I really enjoyed that, working with the State
7 of Alabama.

8 And Ms. Gladys Barnes was a very strong, saintful
9 community advocate. And I really -- I know it's a loss, and
10 I really am sorry for the community, too, and her family,
11 because she was really a great person. And I see Randi, is -
12 -

13 MR. MCKAY: If I may, Madam Chair, I just wanted to
14 take a moment to thank, again, Joe Dailing, who has done a
15 terrific job, evidently, here in Alabama, on a colleague-to-
16 colleague basis. And I thank his colleagues, sitting next to
17 him, for their openness and willingness to work.

18 And Joe is doing work in other places in Alabama,
19 working very closely and supportively with Randi Youells.
20 And Joe, we really appreciate all of your work. Thank you.

21 CHAIR WATLINGTON: Bob and Randi? Thank you, it's

1 been quite informative. Sitting here, I'd like to ask all of
2 the board members that are here with us today to stand, so
3 that we can see them and recognize them and appreciate and
4 thank you being here today. Would you all stand, so we can
5 recognize and see who you are?

6 (Applause.)

7 MR. GROSS: Thank you. My name is Bob Gross. I'm
8 the senior program counsel for state planning. I have a
9 little bit of a cold, so tell me if I'm muddling my words.

10 I was really encouraged to see this presentation,
11 and to hear what's happening in Alabama. I was also
12 particularly encouraged to hear what Joe is accomplishing
13 here with the hard work of these folks.

14 We invested in the southern states two years ago on
15 our first technical assistance grants for resource
16 development. We contracted with management -- the
17 fundraising project, and Joe has been a consultant to them,
18 so he sort of -- we brought him here, and it's really good to
19 see what's happening.

20 It was almost three years ago that I first appeared
21 before this committee, you may remember, with this goldenrod

1 sheet that talked about the concepts of state planning and
2 comprehensive, integrated delivery. And you will probably
3 recall some of the questions and comments and concerns that
4 were raised at that time.

5 I looked back in my files and found the PAG update
6 that recorded that event that day, and it said -- and you'll
7 like this -- "The traditional Legal Services Corporation
8 board of directors annual meeting, which historically has
9 been uneventful, took on heightened drama because of the
10 controversial state planning initiative."

11 "The setting which drew the attention and focus was
12 the February 6th meeting of the provision of the delivery of
13 legal services committee, in which all board members except
14 Justice Broderick were in attendance."

15 "Also in attendance was an overflow audience of
16 Legal Services program leaders, union representatives,
17 representatives from the national organization of CLASP, and
18 NLADA, and others."

19 A lot has occurred since that time to take these
20 concepts, as you've heard in Alabama, and begin to make them
21 realities in the states.

1 Comprehensive, as you've heard, a full range of
2 services for all low-income clients. Integrated, using and
3 meshing all the available resources. You've heard about LSC
4 reaching out, non-LSC providers, the organized bar, volunteer
5 lawyers, courts, clients, and others forming these equal
6 justice communities building what we now call state justice
7 communities.

8 In a few weeks, we're going to publish a report
9 that highlights the successes from around the nation. I'm
10 really encouraged by that. There are about 20 states or so
11 that we will feature, large and small, North and South,
12 urban, rural, some in the central part of the state, that
13 have really done some great things that we think, by putting
14 down and circulating around the country, will honor their
15 work and their accomplishments, but also show to everyone
16 what the possibilities are.

17 I believe in the -- in your board book -- was the
18 strategic planning progress report. And some of the things
19 that you'll see in a later report are mentioned there. It
20 states, like, as you've heard before, when Phil Ocassis was
21 here from central California, the kind of collaboration --

1 and you've heard it here, today -- that's going on around
2 legal work.

3 You've heard in California, you recall, where
4 programs were previously competing with one another are now
5 working together and pooling their resources to deal with
6 tough farm worker issues.

7 In central Florida, where we've been seeing three
8 programs work on some issues where -- in housing, where in
9 the particular locale where the problems were the most
10 severe, that program had never had the capacity or expertise
11 to take on those issues. But by joining forces with their
12 neighbors, bringing in partners as we've heard here, they
13 were able to do some things that were never done before for
14 clients.

15 You've heard about Ohio before, and you know well
16 about Pennsylvania, and other states where there has been
17 some restructuring. We've had smaller programs that are now
18 able -- that in the past, sometimes their capacities were
19 limited by the expertise on their staff and their small
20 program. But again, by -- in those cases, by restructuring,
21 they're able to draw upon a greater pool of resources, and

1 meet a broader need of clients.

2 So in the past, in some places around the country,
3 priority-setting was this process of rationing services by
4 the expertise you had in your office, not necessarily by what
5 clients needed. It wasn't anyone's fault, it was just the
6 limitation of resources and of the way folks were structured
7 before. That's beginning to change.

8 You've seen new state support centers in Missouri
9 and Indiana. You've seen new efforts in task forces and
10 training in Tennessee and Florida, where people are working
11 together in exciting ways, on effective futures for clients,
12 bringing more resources, more coordination, more effort to
13 delivering the services that clients need.

14 We're seeing implementation -- a greater
15 implementation -- of peer review systems. Ohio and Michigan
16 have now joined New Jersey, Florida, and Massachusetts in
17 having their IOLTA programs -- or, in New Jersey's case,
18 Legal Services of New Jersey -- do on-site evaluation,
19 something that the corporation has not been able to do, that
20 has ensured quality throughout the system, something that's
21 very important.

1 And of course, you've seen around the country
2 innovative uses of technology. Many of you know about Orange
3 County. There's a lot going around the country. We'll talk
4 about Maine in our report, doing some pretty exciting stuff
5 with the courts.

6 So, we're excited to publish that, to get that out.

7 I'm more excited, of course, by the underlying work that's
8 going on around the country, and by what I think, looking
9 back over three years, is really a change in the view of how
10 the community sees itself and its role, and how it's going to
11 get to above that 20 percent level and get to a full access
12 system.

13 I saw, with great -- well, it just felt good to see
14 the management information exchange, which is really the
15 professional journal for the legal services community, had a
16 special feature on state planning that included Bucky Askew's
17 wonderful speech to the Southeast project directors. But it
18 also included some articles from the directors of two
19 national organizations, NLADA and CLASP.

20 And I want to quote to you, and it's in the
21 strategic progress report, what they said. This was from

1 NLADA, Clint Lyons. "We also need to ensure that every part
2 of the system does, in fact, play a role in bringing the full
3 range of services to the problems of the community as a
4 whole. That will not be true unless the different parts of
5 the structure work together as a whole. That is, unless
6 there is, indeed, a comprehensive, integrated delivery system
7 in each state."

8 Alan Houseman, from CLASP, "The legal services
9 community has begun a long overdue transformation of its
10 structure and work into a new and more effective civil legal
11 assistance system. Even if Congress had not imposed
12 restrictions or reduced funding in 1996, the legal services
13 community needed to create in each state a comprehensive,
14 integrated statewide system of civil legal assistance."

15 I think what the board has done with its five-year
16 plan is institutionalizing this, recognizing what's going on,
17 and in addition to the individual state-by-state successes
18 that we've already seen, we have, I think, succeeded in
19 changing the view. We challenged people.

20 And Randi wrote this, she was the principal author
21 of the most recent state planning letter -- "We challenged

1 people three years ago to expand their horizon from just the
2 clients in my service area to clients throughout the state.
3 And to look at how you can use your collective resources to
4 deepen and broaden, and make more effective the efforts for
5 clients." I think that that's happening.

6 Internally at LSC, we've restructured, as you know,
7 we've created a state planning team, Randi supervises it, I'm
8 on it, Ahn Tu is on it, Pat Hanrahan from our staff is there,
9 Joe Dailing is a consultant to it, as is Chuck Cook, who
10 works for the Ohio Legal Assistance Foundation.

11 We've added, I think, even more focus and energy,
12 if you can -- if you think that we lacked it before -- to our
13 efforts. We meet every Wednesday to coordinate our work, to
14 review our priorities. We generally see that we're moving
15 forward on this.

16 And I want to thank -- just seize this opportunity
17 to thank the members of that team, who really shouldered an
18 additional load when I was out changing diapers and getting
19 acquainted with the new baby.

20 Ahn Tu, as you know, is about as dedicated a person
21 as you can ever find. She has worked her heart out in

1 California, in addition to the other states. I may have had
2 red eyes in the middle of the night with diapers. She
3 matches Tom Smegal, I think, in terms of red eye flights back
4 and forth to California.

5 Pat Hanrahan, we've discovered, has a special
6 talent in writing. She's been somewhat of our editor-in-
7 chief. She's taken on new responsibilities, and worked with
8 the states of Tennessee and Michigan, accompanied John to
9 Michigan. I think she camped out in Louisiana for about two
10 weeks.

11 It's really important, as we've stressed, for us to
12 be on the ground to understand the challenges and
13 opportunities in the states. Pat has been doing that.

14 Joe, as you know, I think he lives half the time in
15 Alabama. When I call him, I'm never sure if he's in
16 Huntsville or Illinois.

17 Chuck Cook, likewise, spent about 10 or 12 days the
18 past few months in Kentucky, and will be going back.

19 And then Randi. In addition to being vice
20 president for programs, in addition to all those
21 responsibilities, in addition to what you'll hear about later

1 in her report about the overall work of programs, she managed
2 to accompany John to Texas and Wisconsin, has been in
3 Louisiana with Pat and Florida with Pat. As I said, she was
4 the principal draftsman of the state planning letter.
5 That was December.

6 In January, she went with John Alden of our staff
7 to Virginia, to meet with the project directors. She then --
8 I mis-spoke, it wasn't December, but in January -- then went
9 to Florida with Pat Hanrahan, to give a speech to the bar
10 association there in Jacksonville, and tour the program, and
11 talk about state planning, and meet with state planning folks
12 there.

13 She got on a plane from Florida and went to the
14 Midwest project directors meeting, where not only did she
15 represent the corporation, but then met with, late into the
16 day -- knowing Randi, probably into the night -- with
17 representatives from Wisconsin, North Dakota, Iowa, and
18 Illinois.

19 This week, she's here in Alabama. She met with the
20 project directors last night, appears before you today, and
21 on the 31st, will go to Kentucky.

1 That's the kind of work that is going on on state
2 planning. It's intensive. I liken the efforts, when we go
3 out to a jury trial, where as you know, it's -- it requires
4 your entire focus during the day on so many elements, so much
5 preparation goes into it, and then at night you're reviewing
6 what went on during the day and planning for the next day.

7 But it's not about complaining. We love it. And
8 we're really encouraged by the results that we're seeing.
9 That's my report. Baby pictures will be later.

10 CHAIR WATLINGTON: Any questions?

11 MS. MERCADO: I wasn't sure in the program, the
12 book that you're going to write, or report that you're going
13 to publish --

14 MR. GROSS: Not quite a book, but --

15 MS. MERCADO: But publish --

16 MR. GROSS: But we'll hype it a little bit now.

17 MS. MERCADO: You know, having this presentation
18 this morning by Alabama on the difficulties that they have
19 going into the rural areas, especially with, you know, just
20 the basic quality of life issues, like water and waste water
21 and sewer and stuff, I'm real curious in looking at these 20

1 programs that you're going to do, whether in some of those
2 states -- and depending on the state, obviously, some states
3 have more rural area than other states do -- and how they
4 have managed to provide more legal services, or effective
5 legal services, to those rural communities.

6 Because I know that in other programs, not
7 necessarily Legal Services, but in other services, generally
8 when they're saying that they're cutting and consolidating,
9 it means that the rural people are left out, and that
10 everything is centralized, urban, rather than you know, going
11 out into the rural areas.

12 And so I'm concerned about whether in the state
13 planning with Legal Services, what have we seen? I know it's
14 a very short period of time, because it's only been a year in
15 some places, months in some places, maybe a couple of years
16 in some places that they've actually integrated their
17 services, and I'm curious to see what the effect has been, as
18 far as the rural client, whether we have provided more
19 services to the rural client community or less services.

20 MR. GROSS: I can't tell you that we have hard data
21 that would answer your question. I can tell you, and as you

1 heard Melinda, the commitment is to all clients throughout
2 the state, and that's the commitment, and that's the message
3 that we've been sending, and I think that states have been
4 picking up.

5 And they are trying different approaches to expand
6 their services. You have another strong advocate for rural
7 who usually asks me the same kind of question from Vermont,
8 about what's going on, and I give him the same answer there
9 as you heard here. Trying to use technology, trying to get
10 other partners.

11 I think that the consolidation that you've heard
12 about has enabled people to be more effective, to the extent
13 that it's enabled them to broaden their resources, to
14 coordinate their legal work, just to ultimately spend more
15 time serving clients in a broader way.

16 MS. MERCADO: Yes, I mean, and I -- of course you
17 must understand that I still have that migrant farm worker
18 background. And because it is a very rural community,
19 generally when you talk about programs and services, whether
20 it was HHS, or somebody else, generally when they meant
21 consolidation, it meant that they meant less services out

1 into the rural communities.

2 And so I was just wanting to make sure that that
3 wasn't what was happening with Legal Services, that we shut
4 down the satellite offices and whatever, which in effect, was
5 the closest area to the rural people --

6 MR. GROSS: Oh, I don't think that's happening at
7 all.

8 MS. MERCADO: Well, I -- you know, I just wanted to
9 see what --

10 MR. GROSS: And I was very encouraged by the
11 migrant conference that LSC had, to see that community more
12 integrated in the whole, particularly in states like
13 Washington, which has brought and leveraged more resources
14 for that community.

15 So I think -- like I said, I can't give you hard
16 numbers, because we haven't gotten that, but I can assure you
17 that that's something that we're very concerned about, and I
18 think that the -- actually I -- we're concerned about, but I
19 haven't seen any evidence that there should be concerns.

20 MS. MERCADO: Well, like in the Appalachian area,
21 you know, a lot of the rural areas, different services -- not

1 necessarily Legal Services -- are some of the examples where
2 they have shut down some of their satellite offices when they
3 reduce services, and I just wanted to make sure that we
4 weren't following the same model.

5 MR. MCKAY: If I may just add, Bob, in -- I think
6 it's interesting that in our -- some of our structural
7 decisions in state planning, some very recent ones and some
8 that are developing -- and you and I need to talk a little
9 bit more about Texas -- but let me quickly give you an
10 example there.

11 As we have challenged and worked with the current
12 programs in Texas, Randi and I went out and met in Austin
13 with all the project directors, and we told them that the
14 starting point in Texas would be rural legal services
15 delivery.

16 And in fact, I made the point to the broader
17 stakeholder group as well as the executive directors, that we
18 were not going to allow the configuration of programs in
19 Texas to default to the urban centers.

20 And what we said was, "We expect the plan, as you
21 develop it with us in our proposal to you, will involve, as

1 the centerpiece for Texas, migrant and rural legal services
2 delivery, and that the structure must be set up in that way."

3 We've similarly challenged states like Georgia to
4 look hard at the burden that is placed on Georgia legal
5 services, for example, versus Atlanta Legal Aid. And I think
6 in some respects, as was, I think, fairly set forth by the
7 executive directors here today, that some of those issues
8 exist in Alabama.

9 And the dedication of the project directors, in
10 part, comes from the call that we've made, in particular,
11 focused around rural poor, but it also comes across, I think,
12 directly in migrant delivery in places like central
13 California, which you'll hear about in this report, Texas, as
14 we move to reconfiguration, and our programs in Indian
15 country.

16 Where we've said to folks who previously have
17 considered our Indian country programs to be separate, we're
18 saying, "No, as part of state planning and maybe even
19 regional planning, we must have a configuration that serves
20 those populations, and we must challenge ourselves to address
21 them through technology, through more resources."

1 The closure of offices is a reality that occurred
2 in loss of funding, and that's one reason we pushed
3 technology, and we looked hard at configuration. But I
4 wanted to assure you -- and I know Bob would underscore this
5 -- our decision-making process in many places is driven by
6 the state's requirements to address the rural poor and those
7 who have previously been left behind, in particular migrants
8 and Native Americans.

9 MR. GROSS: As Randi reminds me, our recent program
10 letter requires states to go through a period of self-
11 evaluation --

12 CHAIR WATLINGTON: Get ready to -- so that we can -
13 -

14 MS. YOUELLS: Madam Chair, I know that we're out of
15 time, so let me just briefly run through a couple of other
16 initiatives that the program staff of the Legal Services
17 Corporation are involved in, on top of what you've just heard
18 from Bob on state planning.

19 Probably the most important initiative, or the most
20 important activity that's occurring within the next several
21 days is we are actually going to grant out the 2001 increases

1 to our field programs. So within the next several days,
2 several -- many of our programs are going to see an
3 appreciable gain in their funding. For example, the
4 Legal Services program here, in Alabama, Melinda's program,
5 will see an increase of \$310,000. The Camden program, in New
6 Jersey, will see an increase of approximately \$65,000. The
7 Legal Services program that runs services in rural Ohio will
8 receive \$125,000.

9 As a person who was a project director in both Iowa
10 and Ohio, I think it's important for you to understand that
11 in many situations, those dollars mean expanded services or
12 needed staff raises, or needed purchase of equipment.

13 I have been traveling the nation the last month
14 quite aggressively, and over and over and over again, the
15 recurrent theme by field people is how very grateful they are
16 to this board and to the president for ensuring that they get
17 this appreciable increase in the 2001 grant year. It is
18 incredibly meaningful to the people who practice law and who
19 have practiced legal services for most of their careers.

20 The next thing I'd like to talk about, just for a
21 few minutes, is the transition that's going on within OPP.

1 You heard Bob talk a bit about the state planning team. We
2 spent a lot of time talking about state planning, it seems,
3 at this board meeting.

4 It's important to remember that as there is a team
5 that runs state planning, there are also a group of
6 individuals that do almost all of the other work that's
7 important to the programs of the Legal Services Corporation.

8
9 That would include managing the competition,
10 conducting capability assessments to ensure quality, running
11 the special projects that are often assigned to OPP, for
12 example, the project for loan deferment, or the project to
13 assist our programs within the next year, to develop some
14 strategies to take care of people who have given 25 years of
15 their lives and have now retired.

16 The two major things that are going on right now
17 that I am particularly proud of, the staff of OPP -- we call
18 them OPP Main and OPP State Planning, to differentiate them -
19 - OPP Main is involved in an important activity to try to
20 streamline the competitive grant process. We are acutely
21 aware that the competitive grant process, it's time consuming

1 and burdensome, both to the field and to our staff.

2 Yet also, I have learned the year that I've been in
3 LSC occupies about eight months of our time. We actually
4 begin competition in April or May. We just finished
5 competition, and we're winding up right now, as we inform
6 programs of needed program improvements, that process is
7 going on, even as I speak.

8 So in reality, the competition process that we had
9 just recently concluded is not concluded. It will be just a
10 matter of months before we start the process for the next
11 grant cycle. But in that short period of time, we do have a
12 committee that will be looking at ways to streamline the
13 competition process, and see if we can make it easier for our
14 grantees and for ourselves.

15 Similarly, one of the most important tasks
16 performed by OPP is to assure that the quality of services
17 that we give to our clients is of the highest quality that we
18 can afford, and that we can deliver.

19 And we are -- have a committee that's exploring
20 ways to make sure that as we send teams out for quality
21 assurance reviews in offices, that we have a consistent lens

1 that we look at those programs with, that each team that goes
2 out uses similar standards, writes similar reports, and
3 conducts similar inquiries.

4 And that's to make sure that no matter what team
5 goes out to visit a program that's presenting quality issues,
6 they can be well assured that they will be treated fairly and
7 equitably, and in a way that is not any different from any
8 other program receiving a review. So we'll have some of
9 those reports, hopefully, at the next board meeting to talk
10 to you about.

11 Another important initiative that OPP Main performs
12 is, of course, the technology initiative grants. Let me just
13 briefly speak about those, and those are incredibly important
14 and incredibly time consuming.

15 We are in the process, as I think you know, of
16 delivering on the last round of technology improvement
17 grants. We have 32 projects underway. All of those projects
18 are interesting, will have great benefits to the client
19 community. They also are incredibly time intensive.

20 We have two people assigned to that project, Glenn
21 and Tim, and they have split those 32 states, and in fact,

1 are maintaining constant contact as those projects are rolled
2 out within -- rolling out now and are being rolled out within
3 the next several months.

4 Always conscious of trying to make sure that we
5 please the chair of the board, Mr. Eakeley, and at the last
6 meeting you asked us to make sure that we publish a report on
7 best practices in technology, we had hoped that we would have
8 it for you today.

9 We do not, but I do have a draft, just to prove to
10 you that we took that very seriously, and that we will be
11 issuing not only a report on the best practices in state
12 planning, but a report on the best practices in the
13 technology initiative grants.

14 While we handled the grants from the last cycle,
15 however, we're also rolling out the grants for the next
16 cycle. We will let the RFP in February and we hope to put
17 that on a very streamlined process, so that we will have the
18 money in our grantees' hands, our successful applicants'
19 hands, in April or May of this year.

20 Again, it will be a very time-intensive process,
21 and it will be on top of managing the current grant cycle.

1 Glen and Tim and Mike Genz, who are in the room, do
2 marvelous work and you're truly lucky to have people -- my
3 knowledge in technology is about two minutes long. So when
4 they talk to me, I rapidly run out of steam. But they can
5 talk forever, and I know that our programs have very much
6 appreciated their assistance.

7 Two things that we're thinking very seriously about
8 doing, though, and Mike and I were talking about this last
9 night, is trying to work to establish a bank of consultants,
10 or consortium of people who are expert in technology that can
11 provide technical assistance in this area to our grantees, as
12 they purchase new hardware, purchase new software, or attempt
13 to streamline their technology, so that they aren't people
14 like myself, who may not know a lot about it, also don't know
15 enough to know what we don't know, and we sometimes are in
16 the hands of people who are trying to sell us products,
17 product sounds good so we buy it.

18 And what we're trying to do is make sure that the
19 Randis of the world who are out there in programs who have
20 the technology expertise of a gnat, have people that they can
21 go to and talk to about the technology software and hardware

1 purchases they should make, who are not invested in selling
2 them a product. So, I think that's very exciting.

3 We are also very close to testing the project that
4 I informed you about at the last board meeting, the project
5 which will measure work performed by our grantees in ways not
6 related to the closure of cases. We referred to that as the
7 results project.

8 We have developed the reporting instrument, and in
9 February and March we will be testing that reporting
10 instrument in 22 grantees. We started with 25, we've let a
11 few drop out because of other pressures that they have in
12 their lives.

13 We will be testing it out. When the test is over,
14 then we will be working with those 22 grantees to determine
15 if the reporting mechanism that we developed worked. Did it
16 give us the data that we wanted? Was it usable for them?
17 Was it something they could live with? Make some tinkers to
18 that with the idea that we will roll out a new reporting
19 mechanism on July 1, an overlay to the CSR system, which will
20 capture work such as community legal education, matters, and
21 hits on websites.

1 We have a staff committee, headed by Mike Genz and
2 Danilo Cardona, that have been working very hard and very
3 consistently through the last six months to roll that project
4 out, and they've been a working committee in every sense of
5 the word.

6 They've worked with the consultant, Ken Smith, who
7 many of you know, who helped develop the instrument, and I
8 think it's an impressive product in a short period of time.

9 Another project that we'll roll out this year,
10 something you'll hear about more tomorrow, is the performance
11 measures project. As the results project is an overlay over
12 CSR, and a short-term project, the performance measurement
13 project is a long-term, three-year project to actually
14 replace the CSR system.

15 It was first highlighted at this board meeting,
16 approximately a year ago, and it's been talked about on
17 numerous occasions. Recently it was highlighted in planning
18 letter 2000-7, which links, then, performance letters -- the
19 performance measures to state planning.

20 So the first step will be to take three states,
21 that have already volunteered, to go out and evaluate the

1 progress in building state justice communities, to see where
2 they are in comparison to where they said they wanted to be,
3 three years ago, and then to work with those three states
4 intensively to determine where they want to go in the next
5 three years, and to develop measurement tools that will help
6 us assess how we measure their progress, and where they want
7 to go in the next three years, and extrapolate from that the
8 lessons learned from that to develop a new reporting
9 mechanism.

10 The three states that were picked for the test, or
11 volunteered for the test -- I guess I use the word
12 "volunteer" because I think they volunteered. They would say
13 that I pressed them to volunteer, so therefore they were
14 picked, but I think it's just semantics. It's Washington,
15 Ohio, and South Carolina.

16 And Maria, we did pick South Carolina, because we
17 did want to test this in a state with a lot of rural delivery
18 issues, and that was uppermost in my mind when I did that.

19 I picked Washington State because they're farther
20 ahead in the planning process, and because they do have a
21 statewide program that includes a hotline, and Ohio, because

1 they're in the middle. They're somewhere between South
2 Carolina and Washington, and have made some substantial
3 progress.

4 The client conference that we talked about at this
5 board meeting before is on for April. We have had lots of
6 applicants for the conference. We -- it is selective
7 application. We will reserve to ourselves the right to pick
8 the 50 people who are coming to the conference.

9 We had hoped tonight to meet -- Ernestine, Edna,
10 and I, and several other people -- to make final choices as
11 to who we were going to invite, but unfortunately, we did not
12 have the number of clients apply for the conference that I
13 would like to see, so we're not going to have that meeting
14 tonight.

15 I will send out tomorrow, or Monday, when I return
16 to the office, a renewed request to our programs to find
17 active clients who can come to that conference. It is my
18 goal that the conference will be composed of half clients and
19 half advocates on behalf of clients. Right now we don't have
20 that mix.

21 We also have a call for papers out for the client

1 conference, and we have some very exciting papers being
2 written by some authors, including how you involve clients
3 more in the delivery of services to domestic violence
4 victims, how you serve the rural poor, how you involve
5 clients through more active board members. Those are papers
6 that are in the works.

7 Two other projects that we are also working on that
8 are not as formed as I would like them to be right now, just
9 because of time constraints, but I will briefly mention them,
10 because they are moving forward.

11 One is the gender task force, and we call it gender
12 and justice in the legal service -- and it is an attempt to
13 take a look at some of the gender issues that exist in our
14 community, both in terms of ourselves as women, and how we
15 develop leadership within the legal services community and
16 aspire to be litigation directors and project directors, but
17 also in terms of the unique problems that our women clients
18 present to us.

19 As you know, low-income women are a large part of
20 our case load, and I think it's time for a discussion and
21 conversation about gender issues as they relate to the

1 provision of legal services in our community.

2 We have had numerous volunteers for that task
3 force, it's -- talk about touching a nerve, right now we have
4 a list of about -- we have to whittle it down. We have a
5 list, probably, of about 120 people who have been suggested,
6 or have volunteered themselves to serve on the task force.
7 That, of course, is an unwieldy number, and we will be
8 issuing invitations probably next week.

9 The first meeting of the gender task force will be
10 in San Diego, in conjunction with the equal justice
11 conference in March, which many people will be at already, so
12 we'll just build on top of that.

13 Simultaneously, the president, President McKay, has
14 made the commitment to NLADA that we will work in tandem with
15 them to develop a leadership initiative to assure that women
16 and people of racial minorities are given leadership training
17 and skills so they can aspire to leadership positions within
18 the Legal Services community.

19 We have a proposal -- we've had one or two meetings
20 with NLADA and the most recent activity is a letter that was
21 sent to us in which they outlined some leadership programs

1 that are in existence in the United States today that we can
2 emulate, rather than making it up from the ground. So many
3 other people have done so well at this that we want to borrow
4 from their learning.

5 NLADA took the initiative in scoping that out, and
6 they have presented some of that information to us, and
7 President McKay and I will be meeting some time within the
8 next several weeks with NLADA to decide how we're going to go
9 forward with that initiative.

10 And the last thing that I would like to mention is
11 that on January 31st, Carolyn Worrell will be leaving the
12 Legal Services Corporation.

13 Carolyn has -- I have known Carolyn for about as
14 many years as I have been in Legal Services. She was, in
15 fact, assigned to Iowa when she was in Legal Services as our
16 SRP many years ago. She then ran a program in Nevada, and
17 periodically has returned to LSC.

18 She has decided that it is time to leave LSC again,
19 and she is returning to her home in Nevada, where she'll be a
20 private consultant, and she says she'll write the definitive
21 novel on what it's like to work in the legal services

1 community.

2 We will truly miss her, and I just wanted -- I know
3 many of you know Carolyn, and I just wanted to take this
4 opportunity, publicly, to thank her for her fine work on
5 behalf of low-income people throughout the country, and on
6 behalf of LSC.

7 I'll be glad to answer questions. I know that was
8 fast. You've heard much of this before, so it probably
9 wasn't any surprise.

10 CHAIR WATLINGTON: Maria?

11 MS. MERCADO: I know, I'm sorry. The only thing I
12 was -- and I didn't even finish my breakfast. If I had
13 finished it, I'd have more questions.

14 The -- you were saying there is a new report and
15 mechanism that you all are going to have done by July 1st. I
16 was curious -- I know that you're doing it as a -- but I
17 mean, on our part as a board, I'd sort of like to look at
18 what you're doing, and maybe we might have some
19 recommendations for it.

20 MS. YOUELLS: I'd be glad to send it out. I'll
21 send it out to you next week, and you can take a look at it

1 as we go through the test.

2 And then as soon as the results of the test are
3 finished, we'll be discussing them with you. And of course,
4 we would not roll out a new reporting mechanism without board
5 involvement.

6 The other thing you have to keep in mind, Maria, is
7 that although July 1 is our target date, it's important for
8 me to stick to a target date so that we don't take the easy
9 way out and say, "Well, you know, it can be August or
10 September."

11 Of course there are -- those target dates are
12 always aspirational, and if something happens that we can't
13 do it, then we'll have to move it back. But right now, we
14 are trying to stay on track for July 1. But I will send it
15 out to you next week.

16 And would all of you like to see this fairly bulky
17 -- I'd be glad to --

18 MS. MERCADO: Thank you.

19 MR. EAKELEY: Is there a synopsis, or --

20 MS. YOUELLS: Sure. There is a synopsis, or there
21 will be, on Monday. Any other questions I can answer?

1 CHAIR WATLINGTON: Is there any other questions?
2 If not -- I know it's a short time, but -- for public
3 comments and consideration on any other business?

4 MR. EAKELEY: I just want to thank --

5 MS. BATTLE: I would like to just -- while we're
6 still here -- we have lawyers and board members who are
7 local, who are in the audience. If they would please stand
8 as well, I know we've been able to recognize the members of
9 the clients council, and I wanted the other people, who are
10 local, who are here, to stand so that we can recognize them,
11 as well.

12 (Applause.)

13 MS. MERCADO: We have a lot of shy people, I can
14 tell.

15 CHAIR WATLINGTON: As I stated, it's good to see a
16 lot of people at the meetings like this.

17 Does anyone want to say anything? Open for public
18 comments. If not, I'd like to --

19 MS. BATTLE: I'll tell you what they said. They
20 may not say it on the record, but I'll let you know.

21 CHAIR WATLINGTON: I -- make a motion for

1 adjournment. President McKay has something?

2 MR. MCKAY: May I just say that any board members
3 who would like to visit the officer here in Montgomery with -
4 - Melinda Waters' office -- that we'll meet at about 1:20,
5 right in the lobby, to go visit that office. And I believe
6 the lunch is located --

7 MR. EAKELEY: In the ballroom.

8 MR. MCKAY: -- in the ballroom, which is --

9 MR. EAKELEY: I don't know.

10 MR. MCKAY: -- across the hall.

11 MR. EAKELEY: At 3:15, the finance committee
12 resumes here.

13 CHAIR WATLINGTON: I didn't get my motion.

14 M O T I O N

15 MR. EAKELEY: So moved.

16 CHAIR WATLINGTON: Second?

17 MS. MERCADO: Second.

18 CHAIR WATLINGTON: All in favor.

19 (Chorus of ayes.)

20 CHAIR WATLINGTON: The motion has been carried.

21 MS. MERCADO: On time, Madam Chair, on time.

1 (Whereupon, at 11:53 a.m., the meeting was
2 adjourned.)

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