

LEGAL SERVICES CORPORATION

BOARD OF DIRECTORS
PROVISION COMMITTEE MEETING

Friday, September 7, 2001

10:00 a.m.

Hilton Alexandria Mark Center
5000 Seminary Road
Alexandria, Virginia

COMMITTEE MEMBERS PRESENT:

Ernestine P. Watlington, Chair
 Douglas S. Eakeley (ex-officio)
 F. Wm. McCalpin
 Maria Luisa Mercado

BOARD MEMBERS PRESENT:

Hulett H. Askew
 LaVeeda M. Battle
 John T. Broderick, Jr.
 Edna Fairbanks-Williams
 Thomas F. Smegal, Jr.

STAFF AND PUBLIC PRESENT:

Randi Youells, Vice President for Programs
 Mauricio Vivero, Vice President for Government
 Relations & Public Affairs
 Michael A. Genz, Director, Office of Program
 Performance
 David L. Richardson, Treasurer & Comptroller
 Leslie Q. Russell, Director, Office of Information
 Technology
 Leonard J. Koczur, Acting Inspector General
 Laurie Tarantowicz, Acting Inspector General and
 Legal Counsel
 Robert D. Gross, Senior Program Counsel III/State
 Planning
 Julie Clark, NLADA
 Don Saunders, NLADA
 Victor M. Fortuno, Vice President for Legal Affairs,
 Corporate Secretary & General Counsel
 Matilde Lacayo, Program Counsel III, Office of Program
 Performance ("OPP")
 Monica Holman, Program Counsel III, OPP
 Barbara Donnelly, Program Counsel III, OPP
 Joyce Raby, Technology Analyst III, OPP
 Patricia Hanrahan, Special Assistant to the Vice President
 for Programs
 John Eidelman, Program Counsel, OPP
 Cynthia Schnieder, Program Counsel III, OPP
 Ahn Tu, Program Counsel III, OPP
 John Ebbott, Legal Action of Wisconsin

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

2 MS. WATLINGTON: Let's get started. Provision
3 Committee Meeting to the Legal Services Committee Meeting.
4 My name is Ernestine Watlington. I'm the chair. The members
5 of the board is Tom Smegal walking around and William
6 McCalpin was here and Maria and our illustrious president is
7 John Erlenborn.

8 I have a new change of approval that the agenda --
9 the one change here that to get approval is that the update
10 that you have on yours by Bob goes to the creation of the
11 state justice committee. That's off of the agenda. Other
12 than that, the agenda is the same that we have here.

13 MS. MERCADO: Madam Chair, I move that we approve
14 the agenda as submitted.

15 MS. WATLINGTON: Both of your committee members are
16 currently out.

17 MS. MERCADO: Mr. Smegal is going to second I know.

18 MR. SMEGAL: No, I can't. I'm not on the
19 committee.

20 MS. WATLINGTON: Oh, you're not on any committee.

21 MR. ERLENBORN: Neither am I.

1 MS. WATLINGTON: The president -- I got the wrong
2 president. We need your second.

3 MR. ERLNBORN: Take our word for it. We need your
4 second.

5 MS. WATLINGTON: It's been moved and seconded.
6 Approval of the agenda. Now, Bill had some corrections he
7 wanted on the minutes. Where did he disappear to? Please.
8 I noted that he wanted some changes on the minutes. When
9 Bill McCalpin wants changes -- he did a thorough --

10 He wanted some changes on the approval. Before we
11 get to the approval, the minutes of the June 29 meeting. A
12 very good meeting in New Hampshire. It was really nice
13 there.

14 MS. MERCADO: We can come back to that.

15 MS. WATLINGTON: We can come back to that.

16 VOICE: Here he comes.

17 MS. WATLINGTON: Here he comes. We're at the point
18 of changing -- you said you wanted some changes on the
19 minutes here.

20 MR. MCCALPIN: Where are we?

21 MS. WATLINGTON: Approval of the minutes of the

1 committee meeting of June 29th.

2 MR. MCCALPIN: Madam Chair, I move that we strike
3 from the minutes three lines on page eight, which says that
4 Mr. Eakeley stated for the record that the board recommends.

5 I think is -- I don't think he would have said that before
6 the board met. I think it's inappropriate to have it in
7 these minutes anyway. So I move that those three lines be
8 stricken.

9 MR. EAKELEY: Yeah, I agree with that.

10 MS. WATLINGTON: Okay. It's been moved and
11 seconded that we strike that whole paragraph there of Mr.
12 Eakeley on page eight of the minutes. All in favor?

13 THE BOARD: Aye.

14 MS. WATLINGTON: Opposed.

15 (No response.)

16 MS. WATLINGTON: Motion carried. Next on the
17 agenda is introduction of new OPP staff by Mike Genz. Mike
18 is already at the table.

19 MR. GENZ: Thank you, Madam Chair. Members of the
20 committee, good morning. It's my honor today to introduce
21 five new members of the OPP staff. We very much appreciate

1 the board's efforts to get us these people to help us with
2 our work. While they're new and have just gotten there,
3 they've brought us great energy and enthusiasm and good work
4 already.

5 The first person I'd like to introduce is Barbara
6 Donnelly. Barbara has a long tenure. She's been there in
7 the office since Tuesday. She's -- she comes to us from
8 Southwestern Michigan our legal services where she worked for
9 eight years.

10 She was -- worked up to the executive director
11 level. Before being there, Barbara was in private practice
12 for 10 years. One bit of personal information I want to
13 mention is that she has a daughter in law school, who has
14 committed to and aspiring to be a legal services lawyer. So
15 that's great that we have that future. Thank you very much.

16 The second person I'd like to introduce is Monica
17 Holman. Monica is working -- I'm sorry -- Barbara is working
18 on our state planning team. Monica Holman is working in OPP
19 on the information management project. The work that she has
20 done before coming here parallels our work.

21 She's deputy director of Americor for six years

1 where one of her functions was overseeing the evaluation of
2 applicants and candidates and bringing innovations to the
3 process.

4 For OPP she will take the responsibility of
5 beginning and coordinating our information management
6 project. The purpose of that is to spread the word of
7 innovations, communicate them to our other programs where we
8 find them.

9 The board has mentioned in the past that this is a
10 function we should undertake and we're really looking forward
11 to getting to that.

12 The next person I'd like to introduce is Tillie
13 Lacayo. Tillie will be working also in OPP. She's an old
14 hand in Legal Services. She worked at Greater Boston Legal
15 Services and the Florida Rural where she specialized in
16 migrant work.

17 She continued that as a private attorney for the
18 last five years where she did a great deal of pro-bono work
19 in Florida. She comes to this area and we're lucky to have
20 her. Thank you.

21 The next person couldn't be here. I'd like to

1 introduce Melissa Pershing. Melissa, along with Barbara, is
2 working on our state planning team. Before coming to her
3 work at Legal Services, she served as the executive director
4 of Legal Services for North Carolina.

5 While she was there, she oversaw the restructuring
6 of the 14 programs of Legal Services of North Carolina, and
7 also she worked on their state planning effort there, so she
8 has a great deal of experience. One of the other things that
9 she has done is she's an expert in organizational change.
10 Among her articles, there's one in the "Management
11 Information Exchange" on the change process and how to make
12 it most effective.

13 The last person I have to introduce is Joyce Raby.
14 Joyce joined us in April. She's working on our technology
15 initiative efforts. Joyce comes to us from Washington State
16 where she served as a statewide technology coordinator for
17 the Washington State Bar Association, and in that capacity
18 she worked with our grantee and with all the other programs
19 in that effort.

20 I was wandering around last night and I had these
21 four people to present and I wandered into Joyce's office

1 about something else, and I said, "You're new, Joyce, aren't
2 you?" And she said the polite equivalent of no.

3 The reason I mentioned that is that in the short
4 time she's just so much a part of us already that it didn't
5 occur to me that she was also relatively new, because she
6 just dove in. She came right at the time that we got our
7 second round of grants and has done a fabulous job of putting
8 those all together.

9 MS. WATLINGTON: Nice meeting you all and we
10 welcome you, and I'm sure the president has something to say.

11 MR. EAKELEY: Let me just add it's almost a hello
12 and goodbye because this may be our last board meeting, but
13 thinking back six, seven years ago after the 104th Congress
14 came to town and our budget was slashed by one third as the
15 first step in three steps towards elimination and a new
16 system of competitive grants was superimposed on that reduced
17 staff, we really haven't been in a position for six years to
18 invest resources in the fundamental mission of the
19 corporation the way we are just seeing in these fine,
20 experienced, committed staff additions to OPP.

21 And I just want to say how pleased I am to meet and

1 greet and anticipate the wonderful work that will be
2 continued with their efforts and the efforts of the rest of
3 the team.

4 MS. WATLINGTON: And, Mike, while you're there, you
5 can give the update on the competitive process, and Reginald
6 was supposed to be with you, but I hear that he had a death
7 in his family.

8 MR. GENZ: That's correct. I'm sorry to say that
9 Reggie can't be with us today. I'm really sorry. You would
10 have been impressed. You would have been impressed with what
11 he had to say and with his energy and commitment to this
12 process. We'll get him back here.

13 The competitive processes is going well this year.
14 We are committed to the goals that you set out in the
15 regulations for competition. We're centered on encouraging
16 effective and efficient delivery of services. We're also
17 centered on the performance criteria and the standards and on
18 innovation, and we want to make sure that we have a process
19 that's as fair and just as it can be and continue to make it
20 better.

21 With respect to that making it better process, at

1 the beginning of the year we revised our RFP and the
2 narratives. We took some few steps to make it better. We
3 deleted some questions. We made some questions that were
4 either not clear or not giving us good information and we
5 fixed them up.

6 We added some questions of concern to us and of
7 concern to the board with respect to the issues of diversity
8 so that we'll have a better handle on that.

9 We haven't yet reached the holy grail of an
10 application that would be easy and not a burden to our
11 applicants, but we are going to work again very hard. We're
12 going to have a plan by the beginning of the year, and we're
13 going to try to implement it in the first three months of the
14 year so that we'll have it for then.

15 In the process this year, we have 100 applicants
16 for service areas. We've thus far received only one
17 applicant who's not currently receiving LSC funding. I'm not
18 going to speak of Michigan at this point, because we just got
19 their applications in and we need to look at them and sort
20 out where we are with that.

21 With respect to the rest of the group, we have more

1 than one applicant in seven places. Those places of more
2 than one applicant in both cases are current LSC providers,
3 so the situation comes from combining of service areas. In
4 all probability five of those have told us that they're
5 working hard, so that we will have just one applicant and so
6 that they will move towards merger. We hope that will be the
7 case in all or at the very least all but one of those
8 situations.

9 The two that we have where we have competition are
10 in Louisiana, in the southwest area of Louisiana. We have it
11 identified as LA9. And also in Texas in the southwest
12 section of Texas our service area TX15. In those situations
13 as you've defined them in the regulations, our process is
14 where necessary -- and it's certainly necessary in that
15 situation -- we send out a team on the ground to evaluate it.

16 For the Louisiana area we sent for a week Anh Tu
17 and Willie Abrams and a consultant. They were out three
18 weeks ago, and for the last two weeks before this, we had a
19 team in Texas. For a two-week period, we had four staff
20 members and two consultants. We also had another consultant.

21 John Eidleman worked with Cyndy Schneider who led

1 the team for that effort. Cyndy I'm not sure if she's here
2 today. If she's not, she's writing hard to get us a report,
3 because we have the next step up, and that's the review panel
4 and they'll be coming. In the case of the Louisiana group,
5 the review panel will be coming next Monday, and for the
6 other group your review panel will be coming the week after,
7 so we're moving this process along very quickly.

8 We have good experienced people on the review
9 panel; two lawyers, one client representative. With respect
10 to the visits, for each of those visits we've done our
11 regular evaluation where we look at everything; how
12 effectively and thoroughly have they planned; what have they
13 looked for in terms of where they should put their resources,
14 where the most serious needs; how well are services
15 delivered; how about their staff; how about the diversity of
16 the staff. We've looked at their legal work and we've looked
17 at what they're accomplishing.

18 We've looked at how they reach out to the
19 community; how they coordinate with others; how they fund
20 raise; how they deal with the bar. But in these competitions
21 we have a special problem we need to look at or a special

1 situation, because they're dealing with new service areas to
2 them. They know part of the territory. They don't know the
3 other, so planning -- their plan for how they're going to
4 build a new service area most effectively developed is very -
5 - in the area it's very important, and that's something that
6 we need to concentrate on.

7 So we'll have a recommendation from the review
8 panel. Then we'll have a recommendation from staff, and the
9 president will judge those and make his decision. So you'll
10 have your decisions timely, and they'll be based on our best
11 efforts.

12 While we're doing this process, we're continuing to
13 refine the work -- our process as I mentioned before -- we're
14 taking several steps to try to make it better in future
15 steps.

16 We're revising our evaluation guidelines, and we're
17 going to get them out to programs so they'll be able to see
18 in a new version exactly what we're looking for and better
19 gauge that. We also want to give individual feedback to
20 programs, and we're going to try to do that as a result of
21 this competition. We've had these results but we haven't

1 shared them individually with programs about what we found.
2 We think that will create a good dialogue, not only --
3 because we'll get feedback about what we understand and
4 misunderstand, as well as them getting feedback.

5 And we trust their information management project,
6 which I mentioned before, will also help. We'll take the
7 highlights that we find from the competition process and
8 we'll be spreading them. That's my report. Thank you.

9 MS. WATLINGTON: Any questions from the board
10 members?

11 (No response.)

12 MS. WATLINGTON: Thank you, Mike. Now, we'll have
13 an update by Glenn and Joyce on the technology grants.

14

15 MR. RAWDON: Hello. I'm going to use some
16 technology to start out on this, and that's always dangerous
17 when you use technology as to whether it will work or not.
18 But the first thing I'd like to do you all will remember that
19 last year we started out with the first round of technology
20 and issue grants, and I've got a report on this year's
21 grants, but I want to show you a little bit of the progress

1 from last year's grants. And I'm going to let some people
2 that are better able to tell the story than I am.

3 What you're going to see is a clip on our project
4 in Orange County that we started called "I can."

5 (Whereupon, a videotape was played.)

6 MR. RAWDON: I mean, it's really -- I had a chance
7 last March to go out and actually watch users, and I got to
8 see two gentlemen using one of the Spanish modules, sitting
9 there, helping each other working on the project that they
10 were doing. And it was just so gratifying to actually see
11 this, you know, having been involved since Bob Coleman first
12 called and talked about this concept. And one of the grants
13 in the loon this year is for additional funding so we can go
14 into additional areas in California.

15 But it's just been very, very gratifying to see the
16 results from this, and the new Vietnamese module that they've
17 got in one of the areas is getting almost as much response as
18 the English module for that area in the mall. So I thought
19 you would like to see some of the results from last year's
20 grants and then talk about this year's grants.

21 MR. ERLNBORN: I assume that the reference to the

1 federal government is helping the Legal Services Corporation?

2 MR. RAWDON: That's right.

3 MR. ERLENBORN: Why didn't we get names?

4 MR. RAWDON: If you want to get named.

5 MR. SMEGAL: How big was Bob's grant?

6 MR. RAWDON: Last year we gave him 175,000. This
7 year we gave him 300,000 -- other LSC service areas that will
8 be outside Orange County.

9 Now, one of the most unusual partnerships that we
10 do is -- you'll never guess -- the district attorneys in
11 Orange County came to Bob and said we want these kiosks in
12 our offices. So we are now putting the kiosk in for the
13 district attorneys to help the people that are being sued for
14 child support do their answers to the child-support
15 complaints.

16 And what the district attorney has found is that --
17 the people have this self-help since the DA's office can't
18 help them since they're the ones going for the child support,
19 but if they get the help and come into court, they get to
20 contest it and work on the solution they're more likely to
21 wind up paying the child support.

1 So we have an unlikely ally there with the district
2 attorneys' offices. And so, you know, I think that's really
3 going to help us in the future if there's any questions about
4 funding and all this.

5 MR. ASKEW: Does Bob own this technology or can we
6 replicate it?

7 MR. RAWDON: We can replicate it. All of our
8 grants as a grant condition anything that we create with our
9 money or these grants either, one, it belongs to LSC or, two,
10 can be licensed to our other brokers at little or no cost.
11 And that's one of the that things we started.

12 So Bob owned -- I mean -- and we have the right --
13 I mean, Bob owns it but we have the right to use it at no
14 cost anywhere else that we want to. That was one of the
15 things that we stipulated to and everybody has agreed to on
16 our grants.

17 Now, let me do the power-point presentation. As
18 you know, we have special money for the TIG, technology
19 initiative grants, and there's two main purposes for this.
20 One is to increase access to our targeted client community.
21 I'm sorry. They want me to use the microphone. To increase

1 access to our targeted client community, and this is -- as
2 you saw in the "I Can" tape, that's one of the really big
3 pushes that we're doing on this is the pro-se involvement the
4 self-help that we're making available to everyone.

5 The other way is to encourage our programs to use
6 technology to better serve our clients with the traditional
7 legal services model. So we're trying to help more people
8 with self-help and improve legal services' delivery for our
9 programs in the traditional model.

10 We got a total of seven-million dollars, and we
11 came up with five different areas to concentrate on;
12 innovation, integration, statewide projects, statewide
13 websites, and national projects. And the grant terms can be
14 up to three years.

15 Now, under the innovation projects, we're looking
16 to do centralized intake and referral, pro-se client
17 information, pro-se technologies support for clinics, pro-se
18 pleadings, technology support for pro-bono attorneys, because
19 we think it's very important to increase the use of pro-bono
20 attorneys and to do this with technology.

21 Particularly, like one of the grants that we're

1 giving to Washington is going to allow them, the Northwest
2 Chester project, to expand the use of their CASS system,
3 their case management system, so that pro bono attorneys will
4 be able to use it from their offices and thereby being able
5 to expand the ability to do intake and help them increase
6 access for clients using pro-bono attorneys. The maximum
7 award on was \$175,000.

8 Then we had integration projects. As you know,
9 we've had a lot of mergers where the programs are needing
10 help, because they're combining different service areas. So
11 we wanted to be able to help them in getting a technology
12 plan. Coming up with new intake systems. Again, expand pro-
13 bono usage. To be ready for "E" filing. And to be able to
14 be ready for the program performance indicators. And we also
15 really want to encourage partnerships with state courts.

16 For pro se to be effective, we've got to get the
17 courts to buy into this, and in OPP we are working with a
18 group of national leaders in pro se. We have monthly
19 meetings where we talk about how we can facilitate the
20 integration of what we're doing on pro se with what the
21 courts are doing, particularly, so that we'll be ready for

1 "E" filing when the courts are ready to adopt "E" filing
2 standards, which they're already doing.

3 Now, I won't get too technical, because then I see
4 peoples' eyes glaze over when I do that, but we're working
5 with XML and the court system on the court XML so that any
6 systems that we build will be compatible with what they're
7 building when we're ready for "E" filing.

8 VOICE: What is XML?

9 MR. RAWDON: XML is Extensible Markup Language.
10 It's a way that when you're doing forms that you can identify
11 certain fields and like say client name, and you use a code
12 in there so that every database that uses XML will know this
13 is the client's name. So that when they fill out a pleading
14 with their name in it and it goes to the court, the court's
15 standard sees this field and says, oh, they told us this is
16 the client's name, so we know where this belongs in our
17 database.

18 We use one database. The court will use a
19 different database, but if the forms are designed properly
20 with XML, then they'll be able to exchange data between the
21 two databases without having to have people re-key the

1 information. The maximum award in this area was \$100,000.

2 Then we had our statewide projects, and we're doing
3 quite a few of these. This was one of the biggest areas, and
4 this -- a lot of what we're doing in this area was designed
5 to improve the traditional model of what we're doing to
6 provide more seamless intake systems and greater access for
7 our clients.

8 When we talk about the awards, I'll give you some
9 examples like with the Virginia and the Arkansas projects.
10 In this area we realize how expensive it is to do things on a
11 statewide basis, so the maximum award here was \$500,000.

12 Now, we're doing the statewide website projects,
13 which Joyce will give you a more detailed explanation of when
14 we get to that section. But these are just some of the ideas
15 that we had, but I don't want to take away from her
16 presentation. So she'll explain more to it when we get over
17 to the actual awards. And the maximum award in this area was
18 \$50,000.

19 Now, national projects. One of the things that we
20 wanted to do was not just to make grants to our programs this
21 year and then say here you go, here's your money, we hope you

1 succeed. We wanted to provide them with more support.

2 So we're doing some national projects that will
3 provide support for our existing technology grantees to help
4 them implement these projects. And then also we're doing an
5 evaluation grant so that we will be able to take the
6 information that we learn from this, show the impact to
7 clients, and then publish this information so that others
8 will be able to learn from it when they do their
9 implementations. And the maximum award in the national area
10 was 250,000.

11 Now, how did we make our decisions on which ones
12 would get grants? Well, it was kind of difficult, because we
13 had over 19-million dollars worth of applications for seven-
14 million dollars worth of grants. What we did was we divided
15 up into these different categories and weighted those
16 according to these categories.

17 Then we had review panels that read through the
18 grants, and Joyce and I conducted sessions via web "X." We
19 did this with technology. Where the reviewers were all on a
20 conference call, looking at the same projects together,
21 discussing the various merits, and then the panels voted on

1 which ones they felt were the best candidates for funding.

2 We had 94 applications. The total -- the request
3 was 19 million, but the total budgets of these projects were
4 over 36 million. One of the things that we're encouraging is
5 for them to go out and seek additional funding partners and
6 other resources of money. So you can see the amount that
7 they ask us for was barely -- it was just slightly over half
8 of what the total budgets were, meaning that they're doing a
9 good job of finding other funding.

10 We had applications from 49 states, territories, or
11 as Anh corrected me, commonwealths. And we had 42 states
12 with multiple applications. And this is our review process.

13 Like I told you, we did the reviews. We had the
14 conferences. Then we talked with the different projects.
15 When we couldn't do the entire amount of the funding, we
16 would negotiate maybe part of the project that we could do,
17 and then we made our recommendations to the president on the
18 funding recommendations.

19 We wound up with 55 grants to 32 states,
20 territories, and commonwealths. We had three in the
21 innovation category for \$445,000. Five in integration for

1 \$457,000. We had six national grants for one million. We
2 had 13 statewide grants for 3.5 million, and we had the
3 statewide websites of 1.4 million.

4 Now, Joyce is going to talk to us about the
5 statewide websites.

6 MS. RABY: This is another example where funding
7 that was given out last year really served as an investment
8 that we're now seeing the results of. Last year in 2000
9 there were three websites that were funded for a total of
10 \$420,000, resulting in two templates.

11 One is a probono.netlawhelp template, and if you'll
12 think of that template as being sort of a file cabinet that's
13 already set up with folders and files already named,
14 information already set up so that all you have to do is
15 place content in an existing infrastructure.

16 The kaivo template is really sort of here's your
17 folders, here's your files, you need to set them up. You
18 need to create the names. You need to set up the
19 infrastructure for yourself. And what that does is allow our
20 grantees to sort of pick and choose. Do they want a more
21 custom solution or do they want a more a simpler, less front-

1 end work solution.

2 So this year we had 28 websites. The template cost
3 for either the probono.net or the kaivo template was only
4 \$10,000 per state. So our original \$420,000 investment
5 really meant that we were able to purchase then and replicate
6 that across 28 states at a very, very minimal cost. If we'd
7 had to go back and do it at \$175,000 a state as part of the
8 templates originally cost, it would have been over four-
9 million dollars.

10 So, obviously, we're really making use of and
11 trying to leverage resources that are invested in one year in
12 the next year so that the results then can be replicated
13 across the country at really minimal cost.

14 And, I think, then we go back to Glenn. That was
15 it. I have a little part. Still new.

16 MR. RAWDON: Well, I'm really excited too that in
17 two years of these grants over half the states in the country
18 now will have statewide websites. I think we're making
19 remarkable progress. And what that means for clients is
20 there will be one place that they can go now, instead of in
21 Virginia where you have six places that you've got to go or

1 10 places in some states where you could go for legal help,
2 there will be one place now in over half the states where you
3 start to find information to help -- the clients help
4 themselves with their problems.

5 Faster seamless intakes. A couple of the grants
6 that we're doing one is in Virginia. They will have a single
7 800 number for clients now that will then be routed to the
8 appropriate program because of a grant that we're doing there
9 to allow them to integrate the state intake system with
10 what's called an ASP case management system.

11 Now, ASP again means application service provider.

12 I know it begins to get a little technical, but the thing is
13 they can have a single database for the whole program that
14 everybody works in without having to have the expense of a
15 wide-area network, because it's all run on -- think of it as
16 a web server somewhere, and they're just logging into that
17 web server and then doing their intake.

18 We're doing the same thing in Arkansas, so that
19 another state on a statewide basis will have a 1-800 number
20 for clients to go to to get all of their intake for legal
21 services. And then we're doing a similar one in Nebraska

1 with a little different model there where we're going to
2 learn a different -- we're using a different program there
3 for their case management, but it's the same type of concept.

4 One of things too is we're doing a web "X;" a
5 national web "X" -- and if you don't know what web "X" is,
6 it's an on-line tele-conferencing center, so that people can
7 meet, collaborate on projects, do trainings and all without
8 having to all drive someplace for that particular training.
9 We've used it at LSC for two successful -- in January we did
10 a roll out for the new-matters project by using a web "X"
11 teleconference, and then when we rolled it out for the entire
12 country, we did a follow up.

13 Well, we're funding a national web "X" center that
14 will be run by Gulf Coast, the Houston program, so that our
15 advocates or staff can use these for meetings and trainings
16 without having to spend a lot of time driving.

17 It's also going to be very useful for state
18 planning efforts, because state planning teams in that state
19 will be able to get together and work on the same document,
20 everybody will be able to see the same document, talking to
21 each other and working on it in a collaborative effort

1 without having to spend a lot of time driving.

2 You know, some of the other things. Increased
3 court assistance. More pro-bono involvement. Efficient use
4 of the resources. But this is what we've been trying to
5 achieve, and I feel really good about the program this year.

6

7 The next big thing is in October we're going to be
8 having a conference for all the new grantees, and for three
9 days in Chicago, we're going to be talking with them. We're
10 bringing in facilitators from all over the country to help
11 them learn project management and to help them make efficient
12 use of the grant funds in the implementation.

13 So we're really excited about what's going on with
14 the technology-initiative grants this year, and we hope that
15 you enjoyed seeing some of the results from last year. I'll
16 be glad to answer any questions. Thank you very much.

17 MS. WATLINGTON: And thank you. Pat she's next to
18 bring us the update.

19 MS. HANRAHAN: Good morning, Madam Chair and
20 committee members, board members. I'm Pat Hanrahan, and I'm
21 the special assistant to Randi Youells, our vice-president

1 for programs. I'll be joined soon by Don Saunders from
2 NLADA, and we're going to talk to you this morning about a
3 project that we are doing together, partnership organizations
4 on diversity.

5 And I'm glad Don is here. I've been working most
6 closely with Mark Holliday, who is doing a program in New
7 York today and can't join us. So Don is the substitute Mark
8 here.

9 As you know from reports I've given you in the
10 past, we are getting to the end of our year-long conversation
11 on gender and diversity issues, challenges and strengths in
12 the Legal Services community, and I wanted to give you a sort
13 of interim update on what we've done and what we've learned
14 so far with the, I guess, disclaimer or the caution that we
15 have not reached the end yet. We have several more sessions
16 to hold and data to gather.

17 So we haven't reached any conclusions, and we have
18 no report for you yet. This is just an interim update. I
19 also want to note that the commencement of this report that
20 both Maria Luisa and LaVeeda have been very involved in this
21 project, and Maria Luisa with commendable fortitude has

1 attended every session we've held around the country.

2 So we're really pleased to have the board
3 involvement there, and it's been noted by people in the
4 community, and it's contributed a great deal to the
5 productive and fruitful conversations we've had.

6 We've had -- our first meeting was launched in
7 California in conjunction with the NLADA ABA Equal Justice
8 Conference. It was held there at the end of March. That was
9 a three-hour program, which -- to which we invited men and
10 women from the Legal Services community, both staff and
11 leaders from our recipients but also others, who are involved
12 in the pro-bono community and IALTA and so forth.

13 We had young and old. We had people who
14 represented a broad swath of diversity concerns, and the
15 conversation was facilitated by Judy Perry Martinez, who some
16 of you may know through ABA efforts. She is currently chair
17 of the Commission on Domestic Violence for the ADA. She's
18 been very involved, particularly, in gender and diversity
19 activities at the ADA through the board of governors and the
20 section of litigation.

21 And has recently been very instrumental in

1 persuading the section of litigation to hire diversity
2 specialists, who will work with their members and the
3 members' law firms on diversity issues and help them attain
4 goals that they have in that regard.

5 So Judy led us in a really lively discussion, which
6 resulted in some very interesting ideas and proposals, all of
7 which are in a report on the NLADA and the LSC websites, and
8 I can also provide any of you who would like a copy of that.

9 Just let me know and I'll have it mailed to you or faxed. I
10 think you'll enjoy reading it.

11 The second conversation we had our conference was
12 held here in D.C., and it was attended by 50 people, who we
13 also invited. And our purpose for inviting people to these,
14 rather than just having open conferences, is, first of all,
15 that we wanted to make sure that we had a representative
16 sample of the community, and, secondly, of course, just
17 because with a smaller number you can have more frank
18 conversations, which we think contributes to having some good
19 information that comes out of this, as well as the
20 opportunity to raise awareness and let people talk candidly
21 about their concerns that they have experienced personally or

1 in their programs.

2 The conference in D.C. held the last day of May and
3 the first day of June was attended by some staff from LSC and
4 Maria Luisa and LaVeeda and John McKay was there for the two-
5 day session, as well as Clint and Mark, Don, and others from
6 NLADA. And people who came from both the established
7 leadership of Legal Services community and new leaders or
8 young leaders; people who will be running programs in a few
9 years and who we wanted to begin at this point in their
10 professional lives to start thinking about these issues and
11 being aware of the need to keep them in the center of their
12 work at Legal Services.

13 We took particular care to invite a broad array of
14 people, and, in fact, we had one participant who is deaf, and
15 so we hired sign interpreters for him. And, I think, that
16 helped people not forget that we have clients and staff who
17 are people with clear disabilities whom we have to be very
18 sensitive about and remember when we develop our priorities,
19 our concerns, our strategies for serving clients.

20 That also was a very productive meeting. I think
21 everyone came away feeling that we had both gathered a lot of

1 data about the strengths and challenges in the community, as
2 well as informed each of us personally about ways in which we
3 could reach out to more people.

4 We are -- Mark and I are very close to finalizing
5 our report on that, and I apologize for its taking so long,
6 but it was a two-day, jam-packed conference that, I think,
7 we've whittled it down from a 16-page report to an eight
8 page. And we hope that that will not be too long for people
9 to read and get some of the good information that's contained
10 in it. It should be on our website very soon, and, again,
11 I'd be glad to make a copy of it available to any of you who
12 would like to see it.

13 In July we had the next group of sessions. We had
14 two shorter ones; a three-hour conversation on gender, which
15 Judy Perry Martinez again graciously volunteered to
16 facilitate for us, taking a red eye to California to be able
17 to do that. And it was a very useful conversation.

18 We began hearing some of the same themes with both
19 meetings, which is also very interesting for us. And, as I
20 said, we don't want to make any conclusions just yet, but
21 it's very interesting that some of the same issues, which

1 I'll get to in a few minutes, keep coming up.

2 At the next day we had a three-hour session that
3 was focused more on diversity and, in particular, because of
4 one of the concerns that was raised both in March and in May
5 on recruitment and retention of people of color and
6 developing leadership -- emerging leadership in a new group
7 of people who are coming into LSC's programs and to the wider
8 legal services community.

9 We focused on that and we put that in the NLADA
10 substantive law brochure as being held on that topic. And so
11 while we did get some program leaders -- some executive
12 directors and so forth -- we also got some young people,
13 which was very helpful, I think, to all of us.

14 Sort of a parenthetical aside, something that I was
15 particularly -- personally pleased about and also very
16 interested to see is one of the questions -- we divided into
17 small groups. I think there were about five or six small
18 groups, Maria Luisa, something like that, and we had to
19 answer the same series of questions.

20 We also were divided into groups by people of color
21 and people not of color, and one of the questions we had to

1 answer was why we elected to be in the Legal Services
2 community. What drew us to that work; why we chose that line
3 of practice.

4 And everyone had the same answer. Everyone said
5 personal satisfaction, giving back to the community, to do
6 some worthwhile work, to do good, which certainly made me
7 feel very good, but it was also interesting that it spanned
8 both race and ethnicity, age, and status within the Legal
9 Services community, because we had non-lawyers, as well as
10 lawyers at that session. So I found that to be noteworthy.

11 Those two sessions we have not yet written up the
12 reports from. We intend to. Again, they'll be posted, and,
13 again, I can make them available to you. We have been
14 finding through these now four sessions that some of the
15 issues that come up, as I said, are recruitment and retention
16 of people of color; of women; of talented, productive staff
17 members and also mentoring programs and opportunities for
18 leadership. And all of these are perceived together as being
19 -- particularly, in the retention field -- something that
20 encourages people to stay; that gives them a reason for
21 staying. The rewards, longevity, as well as commitment.

1 And we'll see if those continue to come up as
2 themes in future conversations, but, I think, it's been
3 fascinating to us that these things have come up again and
4 again.

5 We will be holding a couple of more. We'll have
6 one in St. Louis that is part of our region-three program
7 director's conference, and so it will be somewhat limited by
8 geography, but this is not an invitation-only session. This
9 will be the people who elect to come to that conference,
10 which is how the -- the one at the substantive law diversity
11 meeting was. People just chose to come. It was not an
12 invitation but it was still small. It was limited to about -
13 - well, I think we had about 25 people at that.

14 The region three should be about 30 people. So,
15 again, with that size it's easier to have frank, honest talks
16 about problems. And we'll have another one -- our final one
17 in conjunction with NLADA's annual meeting in November in
18 Miami, and there Mark and I are working to have a session put
19 in the client track of that conference so that we can
20 specifically glean information from clients; gather input
21 from them, which we think is an important contribution to

1 this conversation.

2 We are approaching all of these in a couple of
3 ways. We want to gather data. We want to hear from people
4 what they think the positives are, as well as the changes we
5 need to make; the ways we can improve. We also want to raise
6 peoples' awareness of this as a topic and to give them
7 permission, as it were, to take this back to their program.
8 To give them a way to take it back to their programs and
9 raise these subjects with their boards, with their staffs in
10 the community.

11 And we've been getting feedback from participants
12 that this has happened. That people have used this as a
13 springboard to launch conversations on diversity in their
14 programs, in the state justice community as they discuss
15 mergers, as they talk about state planning, as they talk
16 about priorities, and set up strategies for reaching clients,
17 particularly, marginalized communities of clients; people who
18 are disenfranchised by specific things, such as people with
19 disabilities and so on.

20 And we hear from people in the field who have
21 brought back to us that they've done this that they think

1 it's been incredibly important that NLADA and LSC have joined
2 together to raise this topic and to give an -- to discussing
3 it. To give the opportunity to bring it back home.

4 We also have learned that MIE, the Management
5 Information Exchange Journal, is going to devote an upcoming
6 -- maybe the next publication to diversity. And so we're
7 really pleased about that, because that's a journal that's
8 widely read in the field, and, I think, it will, again,
9 inform people and affirm the need to make sure that diversity
10 issues are central to our mission, our first and foremost in
11 our work.

12 That's about it for mine. I'm sure Don is going to
13 want to add some, but it has been another benefit that Mark
14 and I were talking about yesterday, I think, has been that
15 this has really been a very positive and productive
16 partnership between the two organizations. It's been
17 important for us to be together in the field, talking about
18 these issues, and it's been a very -- I think a positive
19 experience for us in terms of the work we're doing
20 collaboratively, and I hope the report that comes from this.
21 So thank you.

1 Oh, one thing more. I'll pass this out --

2 MR. EAKELEY: Don just lost his opportunity to
3 comment.

4 MS. HANRAHAN: This is something from NLADA that
5 Mark wrote on our May meeting, and we'll pass it out later.

6 MR. SAUNDERS: Good morning. I'm Don Saunders the
7 director of Civil Legal Services for the National Legal Aid
8 and Defender Association, and I will just add a few brief
9 additional comments, because I certainly underscore
10 everything that Pat said and, particularly, the last part
11 about the value of the partnership. I think it's been very
12 important, but this is also an issue that is of utmost
13 priority to NLADA, and I wish Mark could be here, because
14 he's given so much focus and energy to that issue.

15 But we are committed as an institution, as I think
16 the entire field is, to really looking at this issue in a new
17 way. I mean, some of us are getting a little older and we're
18 noticing a gap in the leadership, and the whole idea of
19 bringing in a new, talented, committed, diverse leadership to
20 this community is very, very front and center on every
21 manager's mind and certainly in our community.

1 The thing we try to do building upon the joint May
2 conference in addition to the discussions that are going on
3 in the management side, is to bring it to our work, as well.

4 We have at NLADA in our joint partnership with CLASS, the
5 Project for the Future of Equal Justice, we have hired
6 Camille Holmes, who comes from a background in civil rights
7 with a specific effort to try to work to link the Legal
8 Services community with civil rights organizations and
9 communities, which have no reason to be a part because of the
10 demographics of the clients that we serve.

11 We're also in our litigation and advocacy director
12 conference, which comes up, unfortunately for me, in a few
13 weeks, we are really putting the issue of discrimination as a
14 substantive matter on the table in a serious way. Our annual
15 conference this year the substantive theme will be
16 representing culturally and linguistically diverse
17 communities and what that means to our practice, given how
18 client communities are changing a lot.

19 On the substantive side in addition to the MIE
20 journal, the next issue of the Clearing House Review is going
21 to be focused in on representing communities of color and the

1 kinds of issues we're focusing on. So it is a real exciting
2 theme in the community.

3 I want to commend this board for its commitment and
4 steadfastness. I can tell you having had the opportunity to
5 participate on a panel with Randi and LaVeeda -- LaVeeda was
6 in Florida to receive a recognition from the African-American
7 project directors, but she was kind enough to sit in on a
8 fascinating discussion in the southeast, which is a really
9 diverse region, that really showed a new interest and energy
10 on this topic.

11 And, I think, having a board member there was
12 really helpful, as Pat said. Having Maria at the substantive
13 conference, again, I think, underscores your commitment. So
14 we are very proud to be in partnership with you on this
15 issue. We certainly hope you remain committed and focused on
16 it. That it's one legacy you can carry over to the next
17 board that comes in, because this issue is really important,
18 both in terms of who our staff are and who are clients are.

19 So, again, I congratulate you on the commitment.
20 It's been a pleasure to work with Randi and Pat, and Mark and
21 I and Clint and others I look forward to continuing that.

1 MR. EAKELEY: Pat, two related questions for both
2 of you or one of who however you may care to field them. To
3 what extent have there been possibly adverse, unintended
4 consequences for diversity purposes of reconfiguration
5 decisions? The related question is to what extent can and
6 should the corporation in approaching reconfiguration factor
7 and to its decisionmaking the issue of diversity as it plays
8 out across programs and service areas?

9 MS. HANRAHAN: I don't know, Doug, if there -- I
10 haven't looked at any studies that show whether or not there
11 have been significant changes in leadership, in staff,
12 because of state planning, so I don't feel competent to
13 answer that with any certainty or any factual knowledge
14 actually.

15 I do know that when -- we certainly have made that
16 a concern in state planning. We have brought it to the
17 attention of programs. It is in communications; verbal and
18 written that we have given to our recipients when they are
19 working on state planning issues.

20 As you know, LSC does not choose the executive
21 directors of programs. That happens at a local level. So to

1 the extent that we can encourage the groups and the boards
2 and the individuals who weigh in on who's going to be an
3 executive director, if that's one of the criteria of a
4 leader, then we have communicated to them strongly that they
5 need to consider diversity; gender, race, ethnicity, and in
6 many other areas when they make those decisions.

7 We also through this series of conversations and in
8 individual conversations with states we have encouraged
9 people to think about how they define leadership and how
10 leadership can be shared, so that we don't just have a
11 triangle figure with one person on top who's considered the
12 leader. But that it's a broader opportunity for more people
13 to become leaders and that way enlarges the possibilities for
14 having -- well, one person termed at one of our sessions a
15 glittering mosaic of leaders; lots of different kinds of
16 people with lots of strengths, which they are sharing with
17 the staff, with the communities, and with the state as a
18 whole.

19 MS. BATTLE: If I might add to that, I do know that
20 at the session that Maria and I attended this particular
21 issue was raised, and if we haven't done any studies in that

1 area, it might be well for us to take a look at how we can
2 assure that we speak and act consistently in our desire to
3 assure that there is leadership, that there is diverse
4 leadership that comes out of all of our decisionmaking,
5 vibrant, young, developing leadership that will continue to
6 reflect the dream that we have of a multi-culturally
7 participation and leadership in developing the mission of
8 Legal Services.

9 So, I think, that's a good question, and, I think,
10 that we have an opportunity in raising that question to
11 assure that how we carry out our work reflects a consistent
12 theme of having that happen.

13 MS. HANRAHAN: LaVeeda, I wanted, if I may, to say
14 that we have hired a consultant who's looking at numbers for
15 the past, I think, it's five or 10 years on diversity. We
16 don't have a report yet, but that is something that we have
17 started and initiated and Randi has organized.

18 MS. WATLINGTON: Luisa.

19 MS. MERCADO: Yes. Having participated in all
20 these sessions, it's really obviously for me a very important
21 issue, but even more so for our client community. And, I

1 think, that one of the other underlying themes that has been
2 consistent in all the different sessions that we have had is
3 that this is an issue that cannot be worked at solely within
4 the Legal Services community and in NLADA.

5 That we need a broader partnership, because in this
6 issue of leadership, the majority of the board of directors
7 for your local grantees are appointed by your local bar
8 associations. And so that we really have to reach out to the
9 bar associations, you know, both statewide and the ABA, to
10 make them more sensitive to diverse issues, because they're
11 the ones that are hiring the directors.

12 They're the ones that are putting the people in
13 leadership, and when you look at the majority of the
14 leadership of the bars, they're predominately white male.
15 It's not a very diverse, mosaic leadership of the
16 communities, especially, in some states that you would think
17 it would be.

18 And so that the role of LSC and NLADA and CLASS is
19 to work within the broader community, you know, the
20 judiciary, all the other folks that have a say, that have a
21 stake in making sure that when we are looking at leadership

1 that that is diverse.

2 But the other underlying theme that was
3 specifically discussed in the May session that was the two-
4 day session was the issue of the work that we as legal
5 services' lawyers, paralegals, staff, clients do in our
6 communities. That we have shied away from race, gender-based
7 substantive issues; litigation that we used to do. And that
8 perhaps we haven't done as greatly.

9 And, you know, one of the real common ones that is
10 very easy to look at is the issue of the environmental impact
11 of dumping in poverty -- generally, racial or ethnic
12 communities and what are some of the issues substantive that
13 we as Legal Services' lawyers and partners can work on. I
14 mean, other than just doing, you know, divorce cases or
15 consumer cases. That there are some broader issues that deal
16 with race and gender that we haven't touched or deal with
17 disability that we haven't touched issues.

18 And so looking at that broader spectrum, as well,
19 in our diverse work.

20 MR. SAUNDERS: Well, it's such an important
21 question that I would appreciate a moment to just add a few

1 comments. I don't disagree with what Pat said, because sort
2 of the culture of our community because of programs or of a
3 certain size has been to focus most of the leadership at the
4 executive-director level.

5 I don't think there's any question if we don't
6 change that culture in some of these larger organizations and
7 define leadership differently that it has to have an adverse
8 impact.

9 I mean, you look -- most of the south is, of
10 course, going through the process for next year. You have
11 states there -- just keeping up with, as Mike said, where
12 these states are I don't think is a percentage. Your
13 decisions are going to have a negative impact on the number,
14 at least, people of color who are directors. But South
15 Carolina you have four African-American directors. You're
16 only going to have one afterwards.

17 So there's certainly a depletion in diversity of
18 leadership in terms of numbers, if not percentages, if we
19 don't find meaningful roles, either for those former
20 executive directors or in this larger organization, to use
21 South Carolina as an example, to define leadership in a

1 different way and give us opportunities in this community to
2 promote diversity that maybe we've not had when a generation,
3 such as mine, has been in leadership for 20 and 25 years.

4 And so the challenge you face is both insuring that
5 the decisions that are made in the merger states, at least,
6 give fair treatment to the question of diversity but also
7 that we deal with these changing institutions and insure that
8 that -- and that's why this initiative is just so important,
9 particularly, important into the next year. Because we're
10 losing a lot of the African-American directors, in
11 particular, it's simply because the number of positions in
12 areas where they tend to be concentrated are fewer.

13 So we are -- that's one of the reasons we're
14 looking at with the corporation issues like a leadership
15 institute. Ways of bringing along and giving opportunities
16 to lead to minorities. Student debt, which I might have an
17 opportunity to talk with you a few moments in the finance
18 committee about tomorrow, all of these issues come together.

19 But it's a very good question, Doug, and one I hope you will
20 continue to pay a lot of attention to.

21 MR. ASKEW: I wanted to make one comment and then

1 ask a question. I was -- I think you should be pleased, but
2 I was pleased to see the regulations review task force report
3 to us when it reviews all the regulations made comments and
4 several of those about the diversity task force and how we
5 need to look, as we're rewriting regulations, at the impact
6 of diversity or what impact they have on diversity.

7 And 1607 particularly is mentioned about board
8 structure and how do we insure at the local level that boards
9 are diverse and can we write the regulation in a way to
10 facilitate that process. But there are a number of other
11 regulations in here where the work of the diversity project
12 has impacted on the review of those regulations.

13 The question I wanted to ask may be directed to
14 you, Don. The leadership training opportunities. I know
15 you're doing litigation director training or reinstating
16 that training. And, hopefully, will that have diverse
17 participation. But are there opportunities for NLADA or for
18 other groups to do leadership training for new and emerging
19 leaders or even for older leaders in terms of building those
20 skills or developing new leaders in the community for the
21 future?

1 MR. SAUNDERS: I think in terms of both our joint
2 work with your staff and also particularly working at NLADA
3 with our defender side, which really faces the same kind of
4 issue, we are very committed to institutionalizing that
5 capacity.

6 There have been some discussions about the concept
7 of a leadership institute to give us a capacity to do this in
8 an integrated way, both through trainings, through giving
9 potential leaders experiential efforts through the Kennedy
10 school or some other leadership development institutions to
11 really bring that along.

12 We have a consultant working very hard in those
13 directions, and I don't know that -- MIE does some of that,
14 but MIE's training tends to be focused on the nuts and bolts
15 of how to get the trainings to run on time. I think NLADA's
16 role will be to try to develop a leadership agenda that takes
17 a more macro look at what it means to be an effective leader.
18 We're not there but it's a commitment.

19 MR. ASKEW: And not at the executive-director level
20 possibly?

21 MR. SAUNDERS: Right.

1 MR. ASKEW: MIE training is directed at the
2 executive directors, right?

3 MR. SAUNDERS: Well, they've now begun to branch
4 off and to do middle-manager training. In fact, they're
5 doing one in October directed at litigation directors but
6 more from the perspective of managing advocacy and managing
7 that work. And we should be talking with them about building
8 leadership skills, training into that, as well.

9 MS. WATLINGTON: Anymore questions?

10 (No response.)

11 MS. WATLINGTON: Thank you very much.

12 MS. HANRAHAN: You're welcome. Thank you.

13 MS. WATLINGTON: Next we'll get an update from John
14 Eidleman on the program quality visits.

15 MR. EIDLEMAN: Good morning, Madam Chair and
16 members of the committee, board members. Thank you for this
17 opportunity to speak to you this morning about this very
18 important work that OPP is now doing, conducting program
19 review visits.

20 This gives us an opportunity to engage directly
21 with the programs, go to those programs, and see what help we

1 can be to them, which, I think, is one of the mainstays of
2 what the corporation should be doing. It also gives us an
3 opportunity to learn about what the programs are doing and
4 what innovative things we can take back and share with
5 others.

6 I know these program visits are very time consuming
7 for our programs and it's a lot of work for them, but on the
8 other hand I think they seem to enjoy us visiting for a
9 couple of different reasons. It gives them an opportunity to
10 talk to us about what they're doing, but it also gives them
11 an opportunity to see us from Washington and break down that
12 barrier so we're not just an organization that's asking them
13 for information.

14 Now, in 19 -- I'm sorry -- in 2001, we've conducted
15 seven program review visits since April of this year, and
16 we're scheduled to do four more additional reviews in the
17 month of September. All these visits are pursuant to the
18 corporation's strategic directions 2000 to 2005, which was
19 adopted by the board last year. And all of the program
20 reviews are conducted for the purpose of program monitoring
21 and development and to solve problems and to develop new

1 strategies for expanding access and enhancing quality as the
2 strategic plan requires.

3 In the past most of our visits have been in the
4 context of capability of visits, even though we have
5 assessment visits in competition and to follow up on programs
6 that we thought had weaknesses. The visits -- those visits
7 certainly gave us a lot of information, but it didn't allow
8 us to focus on as many programs as we wanted to, nor to
9 address the programs we thought we could be very helpful to.

10 In February of this year, we started to try to plan
11 how to conduct these visits and what we would need to do to
12 make them efficient and effective. We determined that to --
13 I'm sorry. In determining which programs to visit, we were
14 interested in evaluating programs that we perceived to have
15 weaknesses and that we could be helpful to but also that
16 we've been unable to visit in the past to really see whether
17 they had those weaknesses.

18 We also wanted to visit programs that had
19 experienced significant change recently as part of state
20 planning to both observe those changes and its effect on
21 creating a first-class state justice system. And we wanted

1 to look at programs that we thought we could learn from.

2 Using these goals as a foundation, we reviewed
3 programs that fell into the range of those concerns and
4 consulted with the state-planning team to design a list of
5 programs to visit. We also created a protocol to follow in
6 conducting those reviews. We looked at peer review that the
7 corporation had done in the past, plus we looked at what we
8 were doing in the capability assessment visits.

9 We consulted with some states where IOLTA programs
10 are doing reviews of programs on a regular basis to see how
11 they conducted those visits. And what we discovered is that
12 all those states virtually followed the procedure that LSC
13 had been following in the peer-review visits, and they
14 grounded those visits on the LSC performance criteria.

15 We then fashioned a policy to determine which
16 programs we would visit and a procedure to follow, and we
17 created a written procedure and put that in a document, which
18 we called the program review guide, which I have a copy of.

19 Basically, the procedure that we have is that a
20 program counsel, after determining that a visit should be
21 made to a program, does a memorandum to the director of OPP

1 for his approval, and then we create a work plan. We have a
2 copy of the work plan in the guide. And we also have a form
3 that we follow in trying to evaluate legal work.

4 We then formed teams that would go out and visit
5 the programs. Usually, those teams consist of two to four
6 either staff or consultants, and we contact the program,
7 asking the program to give us additional written material
8 that we may need in order to conduct the visit.

9 After reviewing that material, we then go on site
10 and try to concentrate on areas that we still have questions
11 about. If the written documents have answered the questions
12 we have, then we usually don't spend a lot of time on those
13 areas.

14 When we're on site, we interview, not only staff,
15 board members, members of the community, and also the
16 judiciary and the bar. At the conclusion of the visit, we
17 generally have an exit interview with the executive director
18 or other appropriate board members. We then prepare a
19 report, which we share with the program, and we keep it on
20 file at the corporation on our database.

21 The program reviews certainly have many of the same

1 qualities as the capability assessment visits, and they're
2 grounded in the ABA standards and the LSC performance
3 criteria. However, these visits are focused on helping
4 programs improve, and we really can't do that in competition
5 context. We try to highlight the strengths of the program
6 and point out areas where changes could be beneficial in
7 delivering services.

8 We also try to make suggestions for changes to
9 programs. We try to make contacts with that program and a
10 program we may have been at the past who we think has good
11 systems in place. We also see these visits as an opportunity
12 for us to learn and bring back more information that we could
13 then share. The paramount focus of these visits is to help
14 programs improve and help them develop new strategies.

15 We chose 10 programs to visit this year, and we
16 looked at a range of factors. We wanted to visit a variety
17 of programs that would exemplify what we wanted to
18 accomplish, including programs that had emerged, programs we
19 perceived to have deficiencies, programs that we could learn
20 from, programs that we believed could benefit from technical
21 assistance, and programs that we have not had a chance to

1 visit for some time.

2 We also analyzed the staffing structure at OPP, our
3 budget, and the amount of time we would have with competition
4 coming up at the end of the year. We then conferred with the
5 state planning team members to decide what programs we would
6 visit.

7 We conducted two of the seven visits with members
8 of the state planning team, and we found that to be a very
9 beneficial format. And it also was helpful for the programs,
10 because they didn't have to face seeing us visit in two
11 different times.

12 I'll briefly go over some of the things we found on
13 these visits. One of the programs we visited we found had
14 some issues concerning management and organization, and we
15 determined that when we're on site that actually it was well
16 managed and doing effective legal work. It had broad support
17 from the private bar and the state and local judiciary.

18 The program management and board were receptive to
19 some constructive criticism that we had, and said they would
20 follow through in making some corrections that they thought
21 would correct those minor deficiencies.

1 Another visit was to assess the quality of the
2 programs' legal work and its strength in delivering services
3 to clients. The team found that the program was actually
4 doing very good work for individual clients but wasn't
5 looking at the bigger picture, and we made some suggestions
6 of things they could possibly do to try to take on work that
7 would have an effect on a broader range of clients. And
8 program counsel will continue working with that program to
9 implement those changes.

10 Another visit we took because we believed that
11 there were weaknesses in many of their systems, and when we
12 got on site, we discovered that while there had been
13 weaknesses the program had adopted many important
14 organizational changes in policies that would improve the
15 delivery of services.

16 However, what had happened is that while they
17 adopted the changes they really didn't adapt them for their
18 programs. They'd taken them wholesale from another program
19 and hadn't retrofitted them. So we discussed that with the
20 program, and, I think, now they are going to make those
21 changes, and we will continue working with them.

1 In another case we visited with a program who had
2 recently merged with two smaller programs and also was a
3 program that we had been in correspondence with for sometime
4 about planning issues and internal-system issues. What we
5 discovered when we were on site was that the merger really
6 was successful. The two smaller programs and its clients
7 were reaping the benefits of the merger, including
8 significant support in technology, legal expertise,
9 management proficiency, and expanded pro-bono efforts.

10 The program also is in the midst of strategic
11 planning, and is addressing all of the issues that we had
12 been corresponding with them about, and here the program
13 counsel will continue working with the program and follow
14 them as they continue their strategic planning till its
15 conclusion.

16 OPP believes that these visits have been very
17 successful in enhancing our knowledge about the quality of
18 programs and enabling us to interact and suggest changes and
19 improvements. We've been able to gather documents while on
20 site, and we intend to place those documents on our database
21 and use that as part of the information management program.

1 We're looking forward to the future visits we're
2 going to make this month, and, I think, they'll be very
3 instructive for us. We're going to be visiting in the State
4 of Colorado to see the many changes they've made since the
5 merger took place. Thank you very much.

6 MS. WATLINGTON: Thank you. Some questions of
7 board members.

8 MS. MERCADO: Yes. You were talking about when you
9 do some of these quality visits and you make recommendations
10 to particular changes that need to occur or ways that they
11 can improve a particular aspect how do we as LSC a system in
12 doing that? I mean, does some of that later translate itself
13 to -- where they're getting more funding or getting
14 technology assistance or something else and how do we do
15 that?

16 MR. EIDLEMAN: Well, it could. It could lead to
17 funding in the technology area if they make some changes.
18 But, basically, what we try and do is discuss with them what
19 we've seen, which we think is a good system from another
20 program and perhaps make a connection with that other program
21 and give them some suggestions about people they can call.

1 We have copies of materials. For example, policy
2 procedure manuals. We can make those available to them, and
3 the end result is that -- if they become more efficient, it
4 will help the program run better and, ultimately, the clients
5 will get better service.

6 MS. WATLINGTON: Edna.

7 MS. FAIRBANKS-WILLIAMS: Were some of these visits
8 made to the same ones that were made to the others for
9 upgrading or for whatever, and has the team gone to any one
10 project twice?

11 MR. EIDLEMAN: No, we haven't done that yet, and
12 what we've -- as a followup, what we've done has been in oral
13 communication with the programs. We've completed reports on
14 three of the visits, and we still are working on the last --
15 the reports on the last four visits.

16 MS. FAIRBANKS-WILLIAMS: And these other evaluation
17 teams that went out have some of them gone to that same --
18 the tech grants and things? Have they gone to the same
19 program or no?

20 MR. EIDLEMAN: I don't believe we visited any
21 program that was awarded a tech grant last year or this year

1 to the best of my recollection. No.

2 MS. WATLINGTON: Anymore questions?

3 (No response.)

4 MS. WATLINGTON: Thank you.

5 VOICE: Do you want to take a short break.

6 MS. WATLINGTON: Oh, okay. Well take a 10-minute
7 break.

8 (A brief recess was taken.)

9 MS. WATLINGTON: Can we get seated here. Before
10 Anh Tu and Cyndy get started on their reporting to us on
11 their visit to Micronesia and Guam, Mike would like to
12 address the committee.

13 MR. GENZ: Thank you, Madam Chair. I just wanted
14 to say that what we've just heard, particularly, the
15 presentation on the -- on our quality visits that we've begun
16 this year, as well as a lot of the other work, has been made
17 possible by the board's effort to get those additional
18 positions. We're very grateful. We thank you for it, and we
19 will continue to work hard to make that do good work for the
20 field. Thank you.

21 MS. WATLINGTON: Thank you.

1 MS. TU: Good morning, Madam Chair and members of
2 the committee and the board. I'm Anh Tu. I'm a program
3 counsel in the Office of Program Performance. With me is my
4 colleague Cynthia Schneider. We are here today to present to
5 you almost like a travelogue about our trip to Micronesia and
6 Guam earlier this year.

7 When I looked at the agenda, I was a little bit
8 intimidated, because all of our other colleagues who came
9 before us discussed very substantive matters, and I said,
10 "Oooh, here we are." We are just -- we were just on a trip,
11 but that is certainly not what we wanted to convey to you.

12 Let me just give you a little bit of a background
13 of how the trip came about. It came about
14 -- first of all, as you know, in the Office of Program
15 Performance, each of us, program counsel, is given
16 responsibility to deal with certain states. For myself I
17 have responsibility for the western states, California and
18 the Southwest and Hawaii and Micronesia. People in our
19 center said, oh, you know, great. It sounds great but it's -
20 - I always felt that I did not have enough information to
21 deal with our grantees effectively.

1 And it came home to me when in 1999 when I was
2 reviewing the grant application of the Micronesia Legal
3 Services corporation. It was the first time I realized how
4 difficult the situation is, the conditions for our staff, for
5 our grantees in Micronesia. They talked about, you know,
6 electric outage, of floods.

7 And the director of the program would call me in
8 the middle of the day and say that, Anh, I had to set up the
9 alarm to call you because of the 15-hour difference. And
10 every time he called there would be an emergency. You know,
11 they lost all of the data, because there was a long outage.
12 There was flood. There was hurricane. It was just like -- I
13 said, "Ron, are you just sort of pulling something on me?"
14 And he said, "No, you should come out and check and see for
15 yourself."

16 So after that, I talked to John McKay, then
17 president of LSC. John was very receptive to the idea of us
18 going out to visit the program, because there had not been a
19 visit to that program for over 10 years. So we started to
20 plan for that, and, originally, John and Randi -- then she
21 just came to LSC -- and myself were going to go -- were

1 going. But because of the press of business for both the
2 president and the vice-president, I ended up being left
3 alone.

4 So at that time I recruited by colleague, Cyndy, to
5 come with me. Cyndy turned out to be, not only a great
6 fellow traveler, a great colleague, but has made huge
7 contribution in terms of explaining LSC's policy, LSC's
8 mission to the program. So, Cyndy, you want to start.

9 MS. SCHNEIDER: We're going to be showing some
10 slides, and so I hope you all can see. But, I think, since I
11 forgot our laser pointer, we have to do it the old-fashioned
12 way.

13 I want to just give you a sense of where Micronesia
14 is. It's in the North Pacific, and it consists of the
15 Commonwealth of the Northern Mariana Islands. To put this in
16 a little bit of perspective, Hawaii -- the Hawaiian Islands
17 are over here. They're approximately 6,000 miles from the
18 Northern Mariana Islands.

19 VOICE: What -- is that Saipan?

20 MS. SCHNEIDER: Yes, yes. Exactly. And we'll show
21 slides of that, but the main island in the Northern Mariana

1 that's the most famous one is Saipan, and, of course, these
2 were all -- all these islands were sites of some terrible
3 battles during World War II.

4 Then we have the Republic of Palau, the Federated
5 States of Micronesia, and the Marshall Islands. These four
6 groupings of islands make up Micronesia Legal Services
7 service area. Now, these three places, the Republic of
8 Palau, the Federated States of Micronesia, and the Marshall
9 Islands, are independent countries. And you may ask why is
10 the United States funding a Legal Services program in an
11 independent country.

12 These island groupings received their independence
13 from the United States in the 1990s under a treaty called the
14 Compacts of Free Association. When they were negotiating the
15 treaty with the United States, they argued that there were 10
16 essential services that they wanted to continue to receive
17 from the United States.

18 Prior to the negotiation of becoming an independent
19 country, they were territories of the United States. So one
20 of the 10 essential services that the governments of these
21 islands argued for was legal services. So as a result, we

1 currently fund a Legal Services program to these three
2 independent countries.

3 I'm now going to go back to my seat.

4 MR. EAKELEY: What's the business --

5 MS. SCHNEIDER: I was going to get into that. As I
6 mentioned, the Hawaiian Islands are 6,000 miles from Saipan,
7 which is part of the Commonwealth of the Northern Mariana
8 Islands are referred to as CNMI.

9 MR. MCCALPIN: But they are not a separate country?

10 MS. SCHNEIDER: No, they're a commonwealth, which
11 is not a state. It's not a territory like Puerto Rico is,
12 their relationship to the United States. It's a special
13 relationship to the United States, and Anh is going to talk a
14 little bit more about their -- the laws in the Commonwealth
15 of the Northern Mariana Islands.

16 Distance wise -- oh, and then I forgot Guam. Guam
17 is -- where is Guam? We also visited Guam, which is -- I
18 think it's about -- Anh, is it down below Palau?

19 MR. MCCALPIN: No, it's east of Palau.

20 MS. SCHNEIDER: Yeah, east, right. It's probably
21 up here. It's not marked on this map, but it took us seven

1 hours to fly from Honolulu to Guam, and then one hour to fly
2 from Guam to Saipan. Our total -- our itinerary was we flew
3 from D.C. to San Francisco, which is four hours.

4 Fortunately, we over nighted in San Francisco, because from
5 there, it was seven hours to Honolulu. Get on another plane.

6 Seven hours to Guam, and then one hour to Saipan.

7 The Northern Mariana Islands -- or, actually, Guam.

8 Guam is 9,000 miles from Washington, D.C. It's 14 hours
9 behind Washington, D.C. in time. It is -- Guam is 20 hours
10 behind the -- behind Honolulu in time. Now, Anh
11 and I had great discussions about how it can only be 14 hours
12 behind D.C. and 20 hours behind Honolulu in time when it's
13 closer to Honolulu. I still don't quite understand this, but
14 Anh has it all figured out. And it is. It's the dateline
15 that causes this.

16 And, actually, in Palau our itinerary then was to
17 begin our trip in Saipan, and we will show some slides of
18 that trip. Then we flew to Palau, which was about -- through
19 Guam, so that was probably an hour and a half flight.

20 When we -- then we ended our trip in Guam, but to
21 fly from Palau to Guam, we had to go to Manilla in the

1 Philippines and change planes. The flight from Palau to the
2 Philippines was about an hour and a half. This -- the
3 territory of Micronesia or the grouping of islands is
4 approximately 3,000 miles from east to west and a thousand
5 miles from north to south. This is the territory of our
6 Legal services program serving Micronesia. It's vast. It
7 contains thousands of islands, many of which are uninhabited
8 but others are inhabited, not by many people, but there's
9 people there. And they're all or a vast, vast majority low
10 income.

11 We left on March -- oh, before I get to that. This
12 is just a more detailed map of the island of Palau. The
13 capitol is Karir, which is down here in this island grouping.
14 This is all coral reef, and when we get to it -- when we
15 discuss our trip to Palau, we did visit some other islands in
16 this grouping. We can do the next slide.

17 Now, I'm going to sit down. It was very hot and
18 this was a Sunday, so -- we arrived on a Saturday late,
19 because there were plane problems typical. And then on
20 Sunday we met the executive -- actually, I think I'll just
21 stay right here, if you don't mind. Can you see over me?

1 MS. WATLINGTON: Yes.

2 MS. SCHNEIDER: We met the executive director of
3 Micronesia Legal Services and he took us for a tour of
4 Saipan. Saipan is one of the islands, as I said, in the
5 Commonwealth of the Northern Mariana Islands. It is -- the
6 central office of Micronesia Legal Services is located in
7 Saipan, and they also have a branch office in Saipan.

8 The island itself is 17 miles long, nine miles
9 wide. The main office and the branch office is like right
10 around in this area. The island has two primary roads, which
11 was really good for Anh and I, because we get lost a lot
12 wherever we go. There was a beach road, which even didn't go
13 around the whole island. It just went up half this way,
14 because this part is the populated area, and then there was
15 the middle road.

16 We're standing here. They took us to a site where
17 there was a battle -- a famous battle during World War II.

18 This is the executive director and myself, standing
19 at a point known as suicide cliff. As the American soldiers
20 came to take over the island from the Japanese, the Japanese
21 all marched north, and when they eventually came to the tip

1 of the island and these cliffs, and they jumped off the
2 cliffs onto their death.

3 These are some memorials erected by the Japanese,
4 Koreans, and Americans to the soldiers who died in battle.
5 And throughout Micronesia you will see memorials all over
6 from all the countries involved in the war.

7 These -- this is a Japanese prison on the island of
8 Saipan, and the people on Saipan believe that Amelia Earhart
9 was -- her plane did not crash, but she was a prisoner in
10 this jail for a time, and then later was killed. And, in
11 fact, one of the relatives is someone who works with
12 Micronesia Legal Services swears that she saw a woman -- an
13 American woman on the island during the war.

14 MS. TU: Okay. Well, we now on Monday we started
15 visiting the program. This is the main office of Micronesia
16 Legal Services Corporation. That is the director and the
17 support staff. To say that -- this was the first office of
18 MLSC that we visited, and I was a little bit taken aback,
19 because it was very, very rudimentary in terms of
20 accommodation.

21 I don't know whether I should report here or not,

1 but they did not have indoor plumbing. You know, they were
2 very apologetic. They felt very badly, and, you know, it was
3 -- I felt badly, because we feel like we were not -- they
4 were not given the support that other programs in the
5 mainland were receiving.

6 On the other hand, they were -- staff -- most of
7 the ladies there -- the two ladies up front, I think, have
8 been with the program for 20 or 25 years. Very dedicated.
9 Legal Services -- the only source of issues about legal
10 services saw me and pointed. They said, "You are Anh Tu.
11 You used to work at PAT." So it was very, very telling.

12 This is a picture of the staff being -- you know,
13 we took a lot at Mauricio's suggestion and Sarah. They were
14 kind enough to give us a lot of LSC tee-shirt. Then we
15 brought out and gave it as gifts to the staff of the program.
16 So this is a picture of us showing LSC flags so to speak.

17 Then part of our visit is to -- we were told by the
18 executive director that, you know -- first of all, the trip
19 was organized because the president and vice-president of LSC
20 was coming. So they were big shots -- they are big shots,
21 and when dignitaries like that came to the island, we were

1 supposed to make the round -- visit the federal judges, you
2 know, the justices of the Commonwealth.

3 So when it's just the two of us, we still -- went
4 instead and this was the federal judge, Judge Alex Munson,
5 and he was very, very cordial and very happy to see us. And,
6 you know, could not praise our program enough; the work of
7 our program.

8 This is the judge in the judge's chamber, and that
9 is a managing attorney of the -- of MLSC in Saipan, showing
10 us the flag of the CNMI. This was Cyndy in front of the
11 branch office. This is a client-service office in Saipan.
12 And, again, it was -- the conditions were just as bad. They
13 did have air conditioning, though. Before we came out, you
14 know, the director says, "Anh, don't worry. We did have air
15 conditioning in some of our offices."

16 MS. SCHNEIDER: And indoor plumbing, but at all the
17 offices, they had these big barrels of water inside the
18 offices, even though they may have had also running water in
19 the offices. And I asked, "What do you use this for?" And
20 they said, "Well, when there's a typhoon, then there's no
21 water service anymore." So they were always prepared. It's

1 a totally different practice of law.

2 MS. TU: Well, I should add, though, however, that
3 in all of the offices there were computers and staff seemed
4 to be very efficient with it. Actually, I've been to some
5 Legal Services' office in the mainland here where staff told
6 me that, well, I'm not
7 -- I don't want to use computer but that people try. But,
8 you know, there were long periods where if the electricity
9 was out they couldn't use it.

10 This is hydrofine ship that we were on going from
11 Saipan to Tinian. Tinian is another tiny, tiny island, which
12 many of the board members and the public probably heard of
13 during World War II, because that was where I believe the
14 Enola Gay was -- took off from. So what -- this picture sort
15 of made us laugh, because this was the hydrofine, very high
16 tech, that we took. Yet, I don't know whether you
17 could see it, but there was a sign that said no beetle nut
18 chewing, because that's what people do. And Cyndy being a
19 very brave person did chew some beetle nut. I didn't try. I
20 just said I couldn't deal with it but Cyndy did, and that
21 endeared her to the chairman of the board very much.

1 MS. SCHNEIDER: Anything for LSC.

2 MS. TU: We are now still on Tinian Island, and
3 there was again -- it was -- there were fierce battles on
4 this island we were told, and there was a lot of bombing too
5 I was told. And this was practically by the beach, and you
6 can see there was a sign that said, "Danger area. Keep out,"
7 because there was unexploded ordinance there.

8 This is board member of MLSC and a paralegal and us
9 in front of -- you can see that. The gymnasium, which is
10 all-purpose really. We went there and there was a staff
11 attorney coming with us, and we met -- and he made
12 appointments to see some clients there.

13 People who work for the government they make
14 appointments and, you know, it sort of -- they were very --
15 talking about cooperation. I mean, the people just work as a
16 team just to make sure that people receive the services, and
17 this is a huge building and it's a gymnasium, but it's also
18 multi-purpose offices.

19 This is Cyndy and I by the beach.

20 MS. SCHNEIDER: This beach is known for -- when the
21 water comes in -- when the surf comes in, there's holes where

1 underneath all that rock so then the water blows up, and they
2 call it a blow hole. You'll see these big every once in a
3 while fountains of water just spurting up along that beach.

4 Was this beach -- was that a site? No, this isn't
5 the site.

6 MS. TU: This was the memorial or the site, I
7 think, where the Enola Gay took off. What Tinian was so
8 interesting was that apparently when the American serviceman
9 there was -- it was a huge American buildup in Tinian
10 sometime during World War II. And they -- the island goes
11 sort of like this, so they name all of the streets in Tinian
12 like you have -- after Manhattan. So you have Broadway, you
13 have 42nd Street, you have all kinds. I said this is just
14 really -- I think there was some very homesick servicemen
15 there.

16 And this was -- you couldn't read the plaque, but
17 this was what they said about where it was -- the atomic bomb
18 was loaded and taken off.

19 It was Anh and Cyndy trying to drink some coconut.

20 It was just out there and the paralegal just said that you
21 wanted to try, and he just used something and took it down

1 for us.

2 MS. SCHNEIDER: And behind us is a Japanese bomb
3 shelter. Now, this is the office of Micronesia Legal
4 Services on the island of Palau. We're now on Palau. We
5 have left Saipan.

6 I've traveled a lot in my position with the Legal
7 Services Corporation and in jobs before that -- before coming
8 to LSC. I've traveled a lot and have been in many, many
9 Legal Services' offices around the country, and I can say
10 that this is the worst office I have ever been in.

11 It's a former World War II quonset hut. The staff,
12 though, was very proud of their office, and they were very
13 afraid that they were going to be evicted from it, because
14 the office -- they get free rent. This office is in a
15 complex of buildings owned by the government of Palau, and my
16 response was you're getting evicted. This is the best thing
17 that can happen to you. I was convinced that the government
18 would provide them -- and I still am -- new office space,
19 because the program means so much to the government.

20 If you're -- Anh took this picture with the staff
21 of the Palau office of Micronesia Legal Services. Throughout

1 MLSC the staff is from the islands. There are a few
2 Americans. The gentleman on the right is the managing
3 attorney, so there's a few Americans on staff, but the vast
4 majority are from the islands.

5 The attorney on staff members are all trained or
6 the majority of them are trained in the United States at law
7 schools in the States. Their choice of law schools was
8 interesting to us, because a couple of them went to Michigan,
9 Idaho, very unusual places in that they were so different
10 from Micronesia.

11 Another interesting thing is the attorneys take the
12 Oregon bar exam to be admitted to the Micronesia bar or the
13 Palau bar I guess it would be. Why it's Oregon nobody could
14 figure that one out, but that is the bar exam they take.

15 MR. ASKEW: How many lawyers?

16 MS. TU: Nineteen -- excuse me -- 14 attorneys
17 throughout Micronesia. Nineteen paralegals -- applicants.

18 MS. BATTLE: Do they have a separate law that they
19 actually practice, or is it based on the same -- in other
20 words, state as opposed to federal or do they have a local
21 law?

1 MS. TU: I'm sorry. I should have given you that
2 overview first. It's different. For example, in the CNMI
3 their system -- the law -- U.S. law is adhered to and has
4 binding authority.

5 In the other countries, Republic of Palau, Republic
6 of the Marshall Islands, and the Federated States of
7 Micronesia, U.S. laws, you know, have the persuasive
8 authority, but they have their own system of law; each of
9 those countries have their own system of law. Mirrored,
10 however, to the U.S. system.

11 And in our observation we think that that may be
12 the largest contribution that MLSC and LSC, because we are
13 the funder, has made to these places, because wherever we
14 went -- just to Saipan and Palau -- the people -- the
15 justices -- I think two or three justices of the CNMI and
16 Palau are alums of MLSC. And they said that they got the
17 best training by being attorneys of the program, and,
18 obviously, now they are very strong supporters of the
19 program.

20 Evidence of it is that MLSC receives about 600,000
21 in funding from these governments, you know, 600,000 in

1 addition to the LSC grant of 1.4 million.

2 MS. SCHNEIDER: As I mentioned earlier, we met with
3 many judges and other officials on these islands, and this is
4 a meeting we had with one of the judges in Palau.

5 MS. TU: And she's the one who said, "I don't know
6 how I got away from not being an MLSC alum," because many
7 other people are.

8 MS. SCHNEIDER: And here we are with the -- one of
9 the justices who serves on the Palau Supreme Court. And then
10 -- this is at this point in the trip where Anh and I put on
11 our Madeline Albright hats, because we had a meeting with the
12 president of the Republic of Palau, who's the gentleman in
13 the middle. And the person next to Anh is the board chair of
14 Micronesia Legal Services. He came and met us in Palau. He
15 resides on the island of Yap, and then the other gentleman is
16 the managing attorney with the office on Palau.

17 MS. TU: And, actually, the director told us that
18 it was sort of a gap that we met because of the distances and
19 the infrequent flies between the island. And, particularly,
20 in the beginning when we thought the president was coming,
21 and he did not have time.

1 So we said we could only visit two, which is Saipan
2 and Palau, and he said -- the director told us that because
3 the chairman of the board comes from Yap that we should have
4 at least made a stop in Yap and we didn't. And the fact that
5 he had to come over and met us was -- hopefully, Mauricio and
6 the -- will go to a wider -- the technology grant will
7 rectify that for us.

8 MS. SCHNEIDER: Micronesia Legal Services has nine
9 offices on eight islands and because of distances and time,
10 as I mentioned, we were only able to visit the two of them.

11 This is in Palau. This is a tribal house called an
12 arai. On Palau the program -- the people are very sensitive
13 concerned about keeping their culture, and this is the place
14 where tribal elders used to meet to make laws to govern their
15 community.

16 The board chair gave us a very nice dinner at a
17 restaurant in Karir, which is the capitol of Palau, and
18 that's where we stayed. We had -- judges were at this
19 dinner, former staff, and a senator from the Republic of
20 Palau, legislative officials. It was a Japanese restaurant.
21 The food was fantastic.

1 MS. TU: We -- they then took us on a tour -- they
2 said that they do do outreach to some of the other islands,
3 and this is -- we are about to -- actually, we left Palau --
4 Karir -- and now we took the ship -- the boat rather to go to
5 Pelaliu, which is the tip of one of the islands. And they
6 said that they frequently make outreach to this island, and
7 you will see some --

8 MS. SCHNEIDER: Pelaliu is inhabited. This beach
9 does not look inhabited because it's not. It was a
10 beautiful, beautiful beach, but prior to arriving at that
11 point, we were in the area where the people live.

12 MS. TU: This is -- we are now still on Pelaliu,
13 and this is the American cemetery. It's very eerie. It's --
14 there used to be, I think, thousand -- 3,000, I think, of
15 American soldiers being buried here, and a while back the
16 American government came and took them all home. But they
17 still preserve the cemetery here.

18 MR. MCCALPIN: I'd feel better if you'd call them
19 Marines.

20 MS. TU: I'm sorry.

21 MR. MCCALPIN: The First Marine Division.

1 MS. TU: This is us still in Pelaliu and with all
2 of the staff. I think -- the one on the far right is a staff
3 attorney. She also is a sister of the president and two
4 other -- in the middle paralegals.

5 This is the paralegal -- one of the paralegal in
6 the Palau office. I think this is at the grave center,
7 right?

8 MS. SCHNEIDER: Uh-huh. I didn't know we were
9 going to have this picture. At this point another event they
10 took us to was another dinner where there was dancing --

11 MS. TU: Native.

12 MS. SCHNEIDER: Yes. By locals. And, of course,
13 Anh and I were pulled to join in the dancing.

14 Our last day in Karir, Palau we went to a coral
15 reef center. It had just opened that week. It was funded by
16 the Japanese government, and it's just a beautiful facility.

17 MS. TU: So this is a map just sort of in front of
18 the coral reef center. And, I think, that ends our slide
19 show.

20 MR. SCHNEIDER: For --

21 MS. TU: For Micronesia. Before we leave

1 Micronesia, I just wanted to report to you all that Cyndy and
2 I we came back. We saw the conditions, the harsh conditions
3 that our grantee staff -- labor and yet they are very -- they
4 want to be supported, and they know that they need to keep up
5 with the mainland. They need the technology.

6 So we came back and with Glenn's help and with the
7 support of both of the then president and Randi the vice-
8 president and with program working very, very hard they were
9 awarded 175,000 technology grant. So, hopefully, there will
10 be less outage. There will be no more of on the database
11 being lost, and we hope that that would be a big improvement.

12 MS. SCHNEIDER: Yes. The grant helps them to
13 update computer systems, provide some generators, and do some
14 -- and create some programs for pro-se support for their
15 client community.

16 MR. EAKELEY: What's the poverty population served
17 by --

18 MS. TU: 168,000. But they said it's almost
19 irrelevant, because, practically, everybody is poor if you
20 use the U.S. poverty guidelines. Frankly, many of our staff
21 members probably are -- too.

1 MS. BATTLE: Do they have a different rate of
2 exchange, or do they use U.S. dollars?

3 MS. TU: U.S. dollars.

4 MS. BATTLE: U.S. dollars, okay.

5 MS. TU: And the one thing I should mention is that
6 English is spoken, you know, in the courts -- in the court
7 system, but in terms of talking to clients, you know, the
8 native languages are spoken, so it is key that our programs
9 retain the service of native-speaking staff.

10 And talking about diversity and talking about, you
11 know, diversifying -- diversity, I just think that this
12 program has done a great job in adhering to -- respecting the
13 culture yet working with people to help bring them, you know,
14 some measure of justice.

15 MS. SCHNEIDER: And the native languages there are
16 many. Sometimes one island group does not understand the
17 native language of another island group.

18 By the time we got to Guam, I think we were tired
19 of taking photos, because we don't have any, and that's not
20 to say that we weren't excited about our visit to Guam. But
21 we had such an exciting trip to Micronesia Legal Services

1 that we failed to take any photographs.

2 Guam receives an LSC grant of \$170,000. It's very
3 small. Their poverty population is 19,000 people. The
4 island itself there's between 130 and 170,000 people on the
5 island. The population varies, depending on the number of
6 U.S. military on the island at any one time.

7 The program itself, even though its grant from LSC
8 is relatively small, their overall budget is over a million
9 dollars. They receive other grants. They receive a very
10 large grant -- federal grant -- to provide assistance to
11 domestic-violence victims. They receive a special grant -- I
12 think it's another federal grant -- to provide assistance to
13 the elderly. They get a protection-and-advocacy grant, and
14 then they do get some money from the Guam government.

15 Unemployment on Guam is high. It's 17 percent.
16 The island's economy is moving away from being focused on
17 military bases -- U.S. military bases, because we're closing
18 those bases. They're moving towards a tourism economy, and
19 they're also becoming more involved in international business
20 activities and providing support to commercial air and sea
21 operations.

1 So it is a territory of the United States that's in
2 transition. The needs -- legal needs of the island's poor
3 are great. Unlike Micronesia Legal Services, the laws of the
4 United States apply in the territory of Guam.

5 Again, we met with staff there. We met with
6 judges, and it was clear to us that our grantee -- Guam Legal
7 Services -- is an integral part of the justice system on the
8 island. One of the founders of Guam Legal Services is now a
9 Supreme Court justice, and is one of the guardians of the
10 program. We met -- had a really nice meeting with him.

11 MS. TU: Actually, he came to the office just
12 because he wanted to be back where he started his legal
13 career, and it was he who had used the first LSC grant to buy
14 the building, you know, where the program is still located.
15 So it was very special.

16 And I wanted to share this with you. It may or may
17 not be appropriate, but the trip, you know, had some very
18 poignant moment for me, because it was one month short of 26
19 years that I landed in Guam as a refugee. That was where I
20 was evacuated to in 1975. Cyndy and I did drive by the naval
21 installation where I was housed, you know, at the time. We

1 couldn't go in, but, you know, I looked at that and it, you
2 know, I guess I'm grateful for the opportunity and for how
3 far I've come.

4 But the other thing is in talking to the executive
5 director of Guam Legal Services he said that Guam being where
6 it is it is still the gateway for the refugees and for the
7 oppressed from Asia. They have a large Burmese refugees now,
8 which under our LSC regulation, they cannot serve. And as
9 much as I sympathize and I feel very badly about that, I said
10 that, right, you cannot serve those people.

11 And so it was -- it is sweet kind of moment for me.
12 Thank you very much.

13 MS. WATLINGTON: How was the facilities in Guam,
14 the office? Was it much better than --

15 MS. TU: It was better but --

16 MS. WATLINGTON: It still wasn't --

17 MS. TU: It's better. It's somewhat comparable to
18 some of the last, you know, facilities here in the mainland.

19 But the program was functioning, you know, I think more or
20 less at our level.

21 MS. WATLINGTON: Maria.

1 MS. MERCADO: No, I just wanted to add a point that
2 you were talking about us not being able to represent those
3 immigrants through our regulations, but we do have partners.
4 At the ABA their immigration section is being very
5 aggressive about representing different immigrant populations
6 than it used to represent a long time ago and we can now.
7 And maybe that would be an avenue -- I know that -- I think --
8 - chair of the section. That will be a possible resource,
9 you know, for people in that community.

10 MS. SCHNEIDER: In Micronesia, in Saipan
11 particularly, their economy revolves around garment
12 factories, and these garment factories are staffed by
13 immigrants, who come to Saipan under special visas from
14 primarily the Philippines, and as you pass these garment
15 factories, they're like prisons. They're surrounded by
16 barbed wire. The workers cannot easily get out into the
17 community. They're paid horrible wages, but this, again, is
18 another class of immigrants that because of the restrictions
19 on our representation of immigrants the Legal Services
20 program cannot represent them.

21 MS. TU: But, you know, Cyndy, that sort of

1 reminded me of Tom's Chinese baby case. A lot of the garment
2 workers are Chinese; people from mainland China.

3 And although we cannot represent those garment
4 workers, there was this case that Tom the staff attorney had.

5 He -- you know, the hospital called the program up and said
6 that, you know, we have this -- there's a Chinese garment
7 worker who just had the baby. And, you know, it was awful,
8 and, you know, medical help was offered, and she had a very
9 serious case of medical problem, and the baby is very, very
10 handicapped and disabled. But because the baby was born in
11 Saipan, we could -- our program could represent the baby.

12 So Tom took the case on, and, you know, just make
13 sure that it received proper care, including, I think, being
14 flown to Guam for medical care. And he went a step further --
15 -- and this was just -- I wanted to give you an example of how
16 dedicated these folks are. He went a step further and made
17 inquiries and was able to find a family who adopted this
18 very, very disabled and handicapped baby.

19 Because the Chinese mother, you know, she is a
20 garment worker. She had the baby. She was deathly afraid of
21 being sent back to China, you know, and by just getting this

1 baby medical care, helping him get adopted, he indirectly
2 helped the mother to keep her job.

3 MS. WATLINGTON: Thank you. Are there any other
4 questions of the board members?

5 (No response.)

6 MS. TU: Thank you.

7 MR. EAKELEY: Thank you very much. I'm sorry we
8 had to defer you from the New Hampshire board meeting, but
9 I'm really glad that you persevered.

10 MS. TU: Thank you.

11 MS. WATLINGTON: Is there any other business that
12 needs to be taken up by the board?

13 (No response.)

14 MS. WATLINGTON: Well, if not, we're open for
15 public comments.

16 MR. EBBOTT: Good afternoon, members of the
17 committee. My name is John Ebbott, and I'm with Legal Action
18 of Wisconsin, and I appreciate your willingness to hear my
19 brief comments this afternoon, and they are brief, about four
20 minutes. I'm aware of the time.

21 I and those of us at Legal Action are in agreement

1 with a number of leaders of our community that met together
2 in Boulder, Colorado in 1983 and concluded that the
3 fundamental goal of Legal Services is high-quality
4 representation.

5 I know a great many members of the Legal Services
6 community today, LSC board members, LSC staff, staff members
7 of the programs wholeheartedly agree with that conclusion of
8 those leaders in 1983. And I was heartened to see that the
9 most recent addition of the MIE journal has a special section
10 devoted to high-quality legal services, and, I think, that
11 the case that Anh just described is an example of high-
12 quality representation.

13 It's our concern that whatever new kind of delivery
14 system that we create out of the current process we maintain
15 our ability to give our clients high-quality representation,
16 because that's the kind of representation that they deserve.

17 When I use that phrase, what I mean is I look to the work
18 product again of those leaders in 1983 in Boulder, and I have
19 distilled six elements of high-quality representation. I'm
20 sure there are more. I'm sure that they can be phrased a
21 different way.

1 But the six that I drew from that work product is,
2 first, merely some result is not enough. Effective
3 representation means much more than accomplishing just some
4 result. High-quality representation means accomplishing the
5 best possible result for the client.

6 Second, all of the clients' needs should be
7 discovered. To discover all the clients' needs, requires
8 skilled interviewing and a broad knowledge of the substantive
9 law that surrounds the lives of our clients. High-quality
10 representation involves discovering all of these legal needs
11 and then discussing with the client whether all of them will
12 be addressed or only some of them will be addressed.

13 A key factor in this is that the remedy options
14 that the advocate will consider may be almost totally
15 different when all of the needs are considered then when just
16 the presenting issue, such as an eviction, is considered.

17 Third, not just a simple, easy, or quick remedy for
18 the most obvious problem, and this is a huge temptation.
19 Programs have to insure that their clients know the full
20 range of options for resolving their problems and not just
21 give them the simplest, the easiest, or the quickest legal

1 remedy for the most obvious problems that the client
2 presents.

3 It's important in doing this that the advocate's
4 thought process be sufficiently careful and complex, so that
5 all reasonable possibilities are raised.

6 Fourth, we need to learn the full context and
7 causes of the problem. Our staff and volunteer attorneys
8 need to be aware of the political, the social, and the
9 economic contexts in which the client lives and in which the
10 client's problem arises.

11 The program staff we also have to have the
12 analytical skills to discover those underlying causes, and
13 very importantly to know the interrelationships of
14 superficially separate issues. We have to know how the
15 issues that the client presents relate -- how they relate
16 legally.

17 Fifth, we need to know the hidden remedies in the
18 client's specific community. We have to know our communities
19 well enough so that when the client presents a problem we're
20 aware of the remedies that may be there, but are not so
21 obvious, such as -- the client may be assisted through

1 participating in group activity or economic-development
2 solutions.

3 And, finally, we have to be able to use a full
4 range of legal tools, including complex legal tools. This
5 means that we have to be ready to conduct negotiation, to do
6 litigation, to engage in legislative representation, and to
7 advocate policies on the local and the state and the federal
8 levels.

9 This can all be summed up by saying that high-
10 quality representation is good, thorough, careful, complex,
11 analytical lawyering for our clients, going the extra mile to
12 achieve the best possible result for the client and resisting
13 the temptation to provide the simplest or the easiest or the
14 quickest remedy for the most obvious problem.

15 And it is my hope and our hope at Legal Action that
16 whatever our new system is we preserve the ability to provide
17 this high-quality representation. Thank you for your
18 attention.

19 MR. EAKELEY: I will look forward to reading the
20 minutes to have -- not the minutes but the actual transcript
21 to have a recap of that. That was a very effective

1 presentation.

2 MR. EBBOTT: Thank you very much.

3 MS. WATLINGTON: Thank you. Is there anyone else?

4 (No response.)

5 MS. WATLINGTON: If not, I'll take a motion for
6 adjournment.

7 MS. MERCADO: I so move.

8 MR. MCCALPIN: Second.

9 MS. WATLINGTON: It's been moved and second that
10 the meeting be adjourned. All in favor say aye.

11 BOARD MEMBERS: Aye.

12 MS. WATLINGTON: Opposed the same.

13 (No response.)

14 MS. WATLINGTON: The meeting is adjourned.

15 (Whereupon, at 12:45 p.m., the above-entitled
16 meeting was adjourned.)

17 * * * * *