

LEGAL SERVICES CORPORATION  
BOARD OF DIRECTORS

OPEN SESSION

Friday, April 25, 2003

9:00 a.m.

The Bishop's Lodge  
Bishop's Lodge Road  
Santa Fe, New Mexico

BOARD MEMBERS PRESENT:

Frank B. Strickland, Chairman  
Robert J. Dieter  
Thomas A. Fuentes  
Herbert S. Garten  
Thomas R. Meites  
Maria Luisa Mercado  
Florentino A. Subia  
Ernestine P. Watlington (by videoconference)

## STAFF AND PUBLIC PRESENT:

Victor M. Fortuno, Vice President for Legal Affairs,  
 General Counsel & Corporate Secretary  
 Randi Youells, Vice President for Programs  
 Mauricio Vivero, Vice President for Government  
 Relations & Public Affairs  
 John Eidleman, Acting Vice President for Compliance and  
 Administration  
 David L. Richardson, Treasurer and Comptroller  
 Leonard Koczur, Acting Inspector General  
 Laurie Tarantowicz, Assistant Inspector General and  
 Legal Counsel  
 David Maddox, Assistant Inspector General for Resource  
 Management  
 Patricia Hanrahan, Special Counsel to the Vice  
 President for Programs  
 Alice Dickerson, Director, Office of Human Resources  
 Michael Genz, Director, Office of Program Performance  
 Don Saunders, Director for Civil Legal Services,  
 National Legal Aid and Defenders Association  
 (NLADA)  
 Julie Clark, Vice President for Government Relations, NLADA  
 David Hall, LSC Board Nominee  
 Lisa Rosenberg, LSC Congressional Liaison  
 Elizabeth Cushing, LSC Board Liaison  
 Thomas Smegal, Former Board Member  
 Edna Fairbanks-Williams, Former Board Member  
 Hon. M. Christina Armijo, Judge, United States District  
 Court, District of New Mexico  
 John Arango, Executive Director, New Mexico Legal Aid (NMLA)  
 Ismael Alvarez, Deputy Director, NMLA  
 Olga Pedroza, Managing Attorney, NMLA  
 Karen Marquez, Technology Person, NMLA  
 Gloria Molinar, Assistant to Director, NMLA  
 Lisa Krooth, Staff Attorney, NMLA  
 Judge John W. Pope, Chair, NMLA Board of Directors  
 Ann Burnham, Client Volunteer, NMLA  
 Sarah Singleton, New Mexico State Bar

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

2 JUDGE ARMIJO: Good morning, ladies and gentlemen.  
3 I'm Judge Christina Armijo. I sit on the United States  
4 District Court for the District of New Mexico. I happen to  
5 reside here in Santa Fe. So I say to Ms. Singleton this  
6 morning, it's not a problem for me to drive up here.

7 I'm based in Albuquerque. We have a lovely  
8 courthouse here, an old stone building that's a block off the  
9 plaza. And I hope that when you get down into the city, that  
10 you take the time to visit that building. It's very  
11 historic. It was constructed really with the idea that it  
12 might be the capital for the state of New Mexico.

13 Circuit Judge Paul Kelly is housed in the  
14 courthouse, as is District Judge Martha Vasquez. And I on  
15 occasion have hearings and use the facility, but my office is  
16 in Albuquerque.

17 I'm very honored to have been asked on behalf of  
18 the board, the Corporation, by Sarah Singleton to conduct the  
19 swearing in of these members of the new Legal Services Board  
20 of Directors. I am a native New Mexican. My family can  
21 trace its presence here about 13 generations. I was born on  
22 Las Vegas, New Mexico, which is just an hour north of here on  
23 Interstate 25. Albuquerque is an hour south on Interstate  
24 25.

25 And a bit of a legal family. My grandfather for me  
26 was a great inspiration as far as my interest in law at a  
27 very early age. He became a lawyer in 1915, at a time when  
28 it was very difficult for folks to achieve that profession.  
29 There was no law school in New Mexico.

30 He read the law with a gentleman by the name of  
31 Elijah V. Long. Judge Long was appointed by the President of  
32 the United States in approximately 1884 to come to New  
33 Mexico. He was from Indiana. And he was appointed to come  
34 to the territory of New Mexico as the chief judge of the  
35 territorial supreme court.

36 And Judge Long served in Santa Fe for many, many  
37 years, and when he left the territorial court, he went into  
38 private practice in both Santa Fe and Las Vegas. And it was  
39 my grandfather who read the law with him, and when he became  
40 licensed, then practiced law with Judge Long for a few years.

41 And my grandfather became a trial judge in 1924,  
42 and he was, I think, probably the longest-serving trial judge  
43 in state history. He served from 1924 until he died in 1965.

44 There was a one-year term where he lost an  
45 election. It was during the Roosevelt New Deal, the sweep of  
46 the country. As we know, politically it was in the '30s.  
47 And the very next time that -- the end of that term he ran  
48 and of course he regained his seat, and continued to serve  
49 all of New Mexico.

1           It was a period in our state where we didn't have  
2 many trial judges. We're a big state, as you know,  
3 geographically. But during those years, there were a handful  
4 of trial judges, and they were, in my view, real circuit  
5 judges.

6           They traveled out of district all the time to try  
7 cases, whether it was down to southern New Mexico or  
8 southeast New Mexico or west or north. So it was a very  
9 interesting time, and he had, I think, a tremendous influence  
10 on me. I was about 16 years old when he passed away.

11           When I left law school, I took a job with a very  
12 tiny, and I have to tell you it was a very, very tiny, legal  
13 services program known as Sandoval County Legal Services.  
14 And that was in a county that adjoins Bernalillo County,  
15 Albuquerque.

16           The county is a very interesting county. On one  
17 end of it you have part of the Navajo reservation. In and  
18 around Bernalillo, which is a little town that you pass just  
19 about 17 miles out of Albuquerque -- it's really a suburb any  
20 more -- you've got seven pueblos, Santa Ana, Sandia, Cochiti,  
21 Santo Domingo, Jemez, Zia -- there are a tremendous number of  
22 pueblos there, concentrated.

23           And to a great extent, my clientele were members of  
24 the various tribes and part of the Navajo reservation. And  
25 twice a month, my job required me to drive to Cuba, New  
26 Mexico, a great distance, and see clients who were off of the  
27 Navajo reservation up in that area.

28           And it was an incredible challenge for me because  
29 it was a wonderful opportunity to come to know my state in a  
30 way that I had never known it. And it was a wonderful three  
31 years. I enjoyed it tremendously.

32           I prefaced my remarks by saying that the county  
33 program was tiny, and it didn't survive more than about a  
34 year and a half after I started work. It was rolled in or  
35 was really consumed by what was then a larger program known  
36 as Northern New Mexico Legal Services, which was based here  
37 in Santa Fe and also had offices in Taos and Las Vegas.

38           So the little corporation which was my employer,  
39 Sandoval County Legal services, was dissolved as a  
40 corporation and merged into Northern New Mexico, and our  
41 office then became one of the satellite offices of the larger  
42 corporation.

43           Of course, we've seen that over the years,  
44 obviously. The Northern New Mexico Legal Services has --  
45 doesn't exist any more. And so there's been that pattern.  
46 And we now have, as I understand it from visiting with Sarah  
47 and folks who were involved in legal services in New  
48 Mexico -- we now have a statewide program. So the  
49 Albuquerque program doesn't exist as an entity, nor does

1 Northern New Mexico or Southern New Mexico or some of the  
2 others that existed.

3 I worked with legal services for three years, and  
4 at about the end of that three-year period decided that I  
5 wanted to go into practice on my own. And so I left the  
6 program in December of 1978, and thought that Albuquerque had  
7 too many attorneys at that time and Santa Fe -- had I been  
8 wiser, I suppose, I might have invested here.

9 But I thought it was a little too expensive and too  
10 many attorneys at that time, and decided really what I wanted  
11 to do was try going back to my home town and opening up a  
12 private practice. And I did that, and worked in northeastern  
13 New Mexico out of Las Vegas, a clientele in Tatumcari, Raton,  
14 Taos, Santa Fe, kind of the north central/northeast region of  
15 the state.

16 And I did that until I was appointed by the  
17 governor in February of 1996 to serve as a judge on the New  
18 Mexico Court of Appeals. And I served there from 1976 until  
19 November 18, 2001, when President Bush appointed me to the  
20 United States District Court for the District of New Mexico.  
21 And that's where I've been and where I hope to be for many  
22 years.

23 I'm very honored to be here. Thank you for the  
24 invitation, Sarah. I think that legal services is important  
25 to the community, and I speak for my community, which is New  
26 Mexico, as you know. We're a big state. Statistically  
27 sometimes we're not in the best of shape when we look at  
28 where we stand in terms of the economy and issues that we  
29 have, problems.

30 And I think that there is -- will always be; you  
31 always want to work yourself out of a job when you tackle  
32 these hard problems -- but there is an ongoing need for  
33 services to be performed, whether it's issues down in  
34 southern New Mexico affecting the border. Our case load is  
35 one of the highest in the country.

36 The weighted case load for a district judge in New  
37 Mexico is close to 400 case a year. I contrast that with  
38 Wyoming, which is less than a hundred. So you can appreciate  
39 the significance of New Mexico being a border state and the  
40 issues that arise because of that.

41 There are people here from Texas who I think can  
42 appreciate that. Arizona. Southern California has that same  
43 concern. And many of these kinds of problems that don't wind  
44 up in, for example, federal court are problems that can be  
45 addressed or mediated or require attention at a different  
46 level. And I think it's important to recognize the need to  
47 address whatever issues that arise.

48 Sarah, I've taken up a little bit too much time. I  
49 want to introduce myself again formally to the board and

1 congratulate you, gentlemen. And let me now administer the  
2 oath.

3 And what I'd like to do, as I call your names, if  
4 you would each raise your right hands. Robert Dieter.  
5 Thomas Fuentes. Herbert Garten. Thomas Meites. Frank  
6 Strickland. And Florentino Subia.

7 (Whereupon, the oath of office was administered.)

8 JUDGE ARMIJO: Congratulations, gentlemen.

9 (Applause.)

10 MR. VIVERO: The board meeting will begin at 10:00.  
11 Thank you very much.

12 (A brief recess was taken.)

13 MR. ERLNBORN: Good morning. I'm John Erlenborn.  
14 I'm the president and ex officio member of the board of  
15 directors of the Legal Services Corporation.

16 I bid welcome to all of you and to our new board  
17 members who are here today that have just been sworn in a few  
18 minutes ago. I congratulate them on their nomination and  
19 being the new members who are going to carry on the work of  
20 the past boards -- and I say that plural -- of the Legal  
21 Services Corporation.

22 I look forward to working with this new board in  
23 the future for some indeterminate period of time -- not that  
24 I would quit working with them, but I might not have the  
25 position any longer.

26 The first order of business is to approve the  
27 agenda. Before we do that, however, I would like to period  
28 that we amend item No. 2 by deleting the word "temporary" so  
29 that it reads, "Election of chair and vice chair." Our  
30 agenda was prepared before a majority of the new board was  
31 appointed, and I believe that we should make this adjustment  
32 at the outset of this meeting.

33 Is there a motion to approve the amendment?

34 M O T I O N

35 MS. MERCADO: So moved.

36 MR. DIETER: Second.

37 MR. ERLNBORN: It's been moved and seconded on the  
38 motion to amend. Those in favor say aye.

39 (A chorus of ayes.)

40 MR. ERLNBORN: Those opposed?

41 (No response.)

42 MR. ERLNBORN: It's carried. Or as they say on  
43 the House floor, without objection, so ordered. It goes a  
44 lot faster that way.

45 The agenda as amended has been approved, so we will  
46 now move on to item No. 2, the election of board chair and  
47 vice chair. I would like now to open up the floor for  
48 nominations for the election of board chair.

49 MR. FUENTES: Mr. President, it is with genuine

1 pleasure that I would like to offer for the consideration of  
 2 this body as we newly gather the name of a gentleman to serve  
 3 as our chairman whose professional ability, whose commitment  
 4 to the cause of equal access to justice, is well known, with  
 5 whom we have enjoyed working in these preliminary meetings  
 6 coming to this day. He is esteemed by this administration.

7

## M O T I O N

8 MR. FUENTES: His experience and knowledge is  
 9 fitting. And so it's with pleasure that I move the  
 10 nomination for the office of chairman of director Frank B.  
 11 Strickland of Georgia.

12 MR. ERLNBORN: Mr. Fuentes makes the motion to  
 13 elect the chairman.

14 Is there a second?

15 MR. GARTEN: I'll take the pleasure of seconding  
 16 the motion.

17 MR. ERLNBORN: A second has been received. All  
 18 those in favor, vote aye.

19 (A chorus of ayes.)

20 MR. ERLNBORN: Those opposed, vote no.

21 (No response.)

22 MR. ERLNBORN: The motion is carried.  
 23 Congratulations, Frank. Now I will turn it over.

24 (Applause.)

25 MR. ERLNBORN: Now I will turn the mike and the  
 26 authority to go forward over to our new chairman. Frank?

27 CHAIRMAN STRICKLAND: I've got my own mike. Well,  
 28 good morning, everybody, and welcome to our meeting here in  
 29 Santa Fe. I can't think of a more fitting place to have a  
 30 transition than the atmosphere we're enjoying here. So I'm  
 31 glad all of you are with us, and we're looking forward to a  
 32 productive meeting, and particularly our visit to a  
 33 reservation this afternoon.

34 I would be remiss, I think, if I didn't say that  
 35 some of the nominees who were recently confirmed have been  
 36 meeting with what now call the old board for about a year  
 37 through the courtesy of Doug Eakeley, the chair, who  
 38 immediately invited us as soon as we were nominated to begin  
 39 attending meetings.

40 And in my case, I made substantially all the  
 41 meetings. I think some of the nominees probably made all of  
 42 the meetings between last April and now. And the courtesy  
 43 extended to us by the old board, I thought, was  
 44 extraordinary. And I want to state publicly my appreciation,  
 45 and I'm sure I speak for the other new members of the board  
 46 as well.

47 A couple of people who are retiring from the board  
 48 are in the audience today, Tom Smegal, from San Francisco,  
 49 and Edna Fairbanks-Williams, from Vermont. We're glad that



1 you're here today. And have I overlooked any retiring board  
2 members?

3 (No response.)

4 CHAIRMAN STRICKLAND: And also in the audience I'd  
5 like to recognize David Hall from Boston, who is a nominee  
6 from the board and is involved in the confirmation process.  
7 And I hope that goes smoothly for you, David, and we're glad  
8 to have you here today.

9 And I'm looking forward to working with my new  
10 colleagues here on this board, and I'm delighted that Maria  
11 Luisa Mercado will be with us for a period of time, as is the  
12 case with Ernestine Watlington, who is participating by video  
13 today. I guess this is a first for our board in having a  
14 videoconference, so Ernestine, I hope you can hear us.

15 MS. MERCADO: Good morning.

16 MS. WATLINGTON: Very good.

17 CHAIRMAN STRICKLAND: Good. Well, you're the TV  
18 star today because all of us can see you.

19 MS. WATLINGTON: You look very well, too.

20 CHAIRMAN STRICKLAND: Well, thank you so much.  
21 We've been looking at your smiling face here for about 30  
22 minutes, so -- we will move on.

23 I think we may -- with the board's approval, we may  
24 hold the vice chair election. We have one more board member  
25 who will be here tomorrow. And perhaps it would be better if  
26 we held that until tomorrow morning.

27 And does any board member have any comments he or  
28 she wishes to make at this point before we move into the  
29 business part of our meeting?

30 M O T I O N

31 MR. FUENTES: Mr. Chairman, I would like to move  
32 the direction of the new board to express appreciation for  
33 the service of the retiring board members, and the directing  
34 of our staff to prepare appropriate commendation and  
35 appreciation from this board in formal fashion.

36 CHAIRMAN STRICKLAND: You're making that in the  
37 form of a motion?

38 MR. FUENTES: Right. I so move.

39 CHAIRMAN STRICKLAND: Is there a second to that  
40 motion?

41 MR. MEITES: Second.

42 CHAIRMAN STRICKLAND: Any discussion on the motion?

43 (No response.)

44 CHAIRMAN STRICKLAND: Hearing none, all those in  
45 favor of the motion signify by saying aye.

46 (A chorus of ayes.)

47 CHAIRMAN STRICKLAND: Those opposed, nay?

48 (No response.)

49 CHAIRMAN STRICKLAND: And the ayes have it. The

1 motion carries. If we need to flesh that out a little bit,  
2 we'll do that at the appropriate time.

3 Our first item of business this morning is an  
4 update by Randi Youells. Randi, are you ready?

5 MS. YOUELLS: Ready.

6 CHAIRMAN STRICKLAND: Well, welcome to the table  
7 and we'll let you go ahead.

8 MS. YOUELLS: Thank you, and welcome to the board.  
9 Good morning, Ernestine.

10 This is the part of the agenda usually when we  
11 discuss the provision of legal services to low income clients  
12 and issues as they relate to the provision of legal services.  
13 And we do that in one of your three standing committees, the  
14 provisions committee.

15 But because today we are meeting as a committee of  
16 the whole, the first items on the agenda today are items that  
17 would traditionally be taken up by the provisions committee.  
18 I'm going to talk about five initiatives and give you an  
19 update as to where we are on those initiatives because we are  
20 at a pretty delicate point in all of them.

21 And then I'm going to turn the bulk of the agenda  
22 over today to a presentation of the unique opportunities and  
23 challenges faced by our grantees in New Mexico as they  
24 deliver services, basic field services, to low income  
25 clients, and as they deliver services to Native American  
26 Indians.

27 The first thing I'm going to talk about is where we  
28 are with the state planning evaluation instrument. I  
29 believe, as most of you know since you have been attending  
30 board meetings for quite some time, state planning is one of  
31 the major initiatives that has been pursued in the last  
32 several years by the past board of directors and by the  
33 staff.

34 State planning is an initiative to create  
35 comprehensive, integrated, coordinated delivery systems in  
36 each of the states and territories where LSC provides legal  
37 services to low income people.

38 Approximately one year ago, we made the decision  
39 that we had spent so much time and energy on state planning  
40 that it was time that we develop an instrument to evaluate  
41 the results of our efforts. And we proceeded into the  
42 development of what we call the state planning evaluation  
43 instrument by hiring a consultant, who happens to be from New  
44 Mexico, John Griesen, who is the former Supreme Court  
45 administrator of New Mexico, who has extensive experience in  
46 the development of evaluation systems and protocols.

47 Mr. Griesen has been working with a design team  
48 composed of LSC representatives and representatives from the  
49 field, from the ABA, and from the National Legal Aid and

1 Defenders Association to develop the instrument. And the ism  
2 is in your board materials today.

3           The instrument is rapidly drawing to the point  
4 where it will be ready to implement as a tool of LSC in the  
5 field. It has been tested twice in the last two months, in  
6 the state of Kentucky and in the state of Washington. In  
7 both of those tests, we learned some things that worked well  
8 about the instrument, and we made some changes in the  
9 instrument.

10           We are doing one more field test in Ohio the week  
11 of May 12. We are actually going to test something a little  
12 different in Ohio. We are going to test the ism, but we are  
13 going to test it in three days using three staff.

14           We are going to try to figure out if we can take  
15 what looks to be like a very long document, and is actually  
16 not as long as you use it and it appears on paper -- but can  
17 we send three people for three days and can they get an  
18 understanding of what is happening in the legal services  
19 delivery system by using this instrument?

20           We're assuming they can, and assuming that they  
21 can, the design team will hold its last and final meeting in  
22 May, and then the instrument will begin to be used by LSC to  
23 begin to evaluate how our grantees are doing in developing  
24 coordinated, integrated legal services delivery systems in  
25 each state and territory.

26           It has been an exciting process. It's been a time-  
27 consuming process. It's been an arduous process. And  
28 sometimes it's been a little controversial. But I think  
29 we're beyond that, and I think that the instrument will have  
30 a benefit that I never anticipated.

31           I always saw it as an evaluation instrument. But  
32 we have found that in fact setting out broad parameters of  
33 our expectations and the expectations of those of us who have  
34 been together in this process as to what a good delivery  
35 system looks like -- and so it sets that out very clearly and  
36 then is used to evaluate.

37           I like to call this a formative evaluation as  
38 opposed to a summative evaluation. And by that I mean that  
39 we are not going to use this evaluation instrument to hammer  
40 our grantees and say, you did good or you did bad. We are  
41 going to use this instrument in a formative fashion, to tell  
42 them where we think they are doing well and where we think  
43 they need to do improvement and then work with them to that  
44 improvement. So hopefully by the end of the year we'll be  
45 able to take that evaluation instrument on the road.

46           Part of the instrument did involve an anticipated  
47 analysis of outcomes for clients, how we figure out what  
48 results our grantees are doing for clients as a result of  
49 their important work.

1           In part this comes out of the Bush administration  
2 mandate that results are important, that we must look at how  
3 government money is used in terms of results. And we agree  
4 with that, and we began some time ago to begin to talk about  
5 how we measure outcomes for clients. How do we assess the  
6 value of our work?

7           Developing a state planning evaluation instrument,  
8 however, was so time-consuming that we took the outcomes  
9 component out of that process and put it on its own track.  
10 Late last year we published what is called an RFI, a request  
11 for information, in the Federal Register, and we asked anyone  
12 who cared about legal services who was measuring results to  
13 let us know how they were measuring results and what they  
14 were doing.

15           We received a wide variety of information in  
16 response to that RFI. We then hired a consultant to work  
17 with myself and with Mike Genz, who runs our Office of  
18 Program Performance. And she has been conducting interviews  
19 across the country trying to figure out how legal services  
20 programs currently assess results, but more importantly, how  
21 do other government agencies assess results and what can we  
22 take from their assessment of results and borrow as we begin  
23 to figure out how we assess results for clients?

24           In June the International Legal Aid Group, which is  
25 an international group of legal aid providers from across the  
26 world, throughout the world, are coming to Cambridge for  
27 their meeting, which occurs every two years. It's a unique  
28 opportunity for everyone in the world who's involved in legal  
29 services to come together.

30           And we're taking advantage of that opportunity by  
31 having at the tail end of that conference a day-long summit  
32 devoted to performance measurement and outcomes. And we are  
33 inviting people from across the country to join us in the  
34 summit, and we will be extending an invitation now to you,  
35 Mr. Strickland, in your capacity as the new chair.

36           And we will be spending a day talking about how do  
37 we analyze and assess results? Should LSC be developing a  
38 national reporting system for assessment of results? Or  
39 should LSC be working with our grantees to develop local or  
40 state-based mechanisms to assess results? And what are the  
41 pitfalls in assessing results, and can we come up with some  
42 common definitions?

43           After that summit that will occur in June, then  
44 we'll go back to the drawing table and begin to actually try  
45 to put some things in writing that we can bring before you as  
46 we struggle with what has turned out to be a much bigger task  
47 than I ever would have dreamed. I was one of those people  
48 who thought, outcomes, how hard can that be? But it turns  
49 out to be much more difficult than we would have thought.

1                   Also in your materials, although I have talked to  
2 you about this before -- I'm sorry?

3                   MS. MERCADO: May I just ask you a quick question?  
4 In looking at the outcome results, if we're requiring this  
5 of all our grantees or programs to do, have we looked at the  
6 component -- and I assume that this would probably be through  
7 Dave Richards' office or in combination with the other team  
8 that you're working with -- what the cost would be in  
9 addition to the programs to actually do this component of  
10 outcome and results as far as staff and personnel and  
11 resources and data gathering that you would have.

12                   And have we incorporated that in our budget for  
13 requests for the upcoming year in order to implement this?  
14 Do you know what the costs will be?

15                   MS. YOUELLS: The outcomes project is at the very  
16 early stages. And one of the things the consultant is in  
17 fact researching are the cost aspects.

18                   But we are not talking, to be blunt, about coming  
19 up with an instrument to assess outcomes if in fact that's  
20 what we decide we want to do. And that's up in the air, too.  
21 But we're still talking a couple years down the road.

22                   So yes, assessing costs, both to LSC and to the  
23 grantees, will be part of that. Some of that work has stated  
24 now, but this is a slow-moving process that's involving much  
25 consultation and research and study.

26                   MS. MERCADO: Okay. Thank you.

27                   CHAIRMAN STRICKLAND: May I interrupt you for just  
28 minute?

29                   MS. YOUELLS: Sure.

30                   CHAIRMAN STRICKLAND: Mike McKay is supposed to  
31 join us by telephone, and I forgot to inquire as to whether  
32 he's on the line. Mike, are you with us?

33                   (No response.)

34                   CHAIRMAN STRICKLAND: I guess not. Sorry for the  
35 interruption. Go right ahead.

36                   MS. YOUELLS: That's okay. In your materials is a  
37 report of a conference that we held last November that  
38 explored the unique problems faced by our rural clients and  
39 by our programs who serve vast rural areas.

40                   I talked about this to you before at the time that  
41 the conference occurred, but the conference report has now  
42 been issued and I wanted to call it to your attention. It  
43 was a real interesting conference, as I think as I told you  
44 some months ago.

45                   Maria Luisa attended on behalf of the board, and we  
46 spent three days discussing the interesting problems that our  
47 programs face, rural and isolated populations face, the extra  
48 costs that they face, the fear that is often associated and  
49 the pride factor in rural areas in accessing a legal services

1 office, and then we discussed some ways that our programs can  
2 get over those barriers.

3 Part of that conference was also showcasing best  
4 practices. Some of our programs who serve rural area, that  
5 Colorado that serves a vast rural area, have developed some  
6 very unique models to reach out to isolated pockets of  
7 populations in Colorado. And some of what we did at the  
8 conference, which we refer to by the acronym as RIDS, Rural  
9 Issues and Delivery, was to model what's going on in some  
10 parts of the country so that other people can borrow from  
11 those learnings. And I just wanted to call to your attention  
12 that that report is in your materials.

13 Also in your materials is a report that has been  
14 issued by the technology staff who work in the Office of  
15 Program Performance. For the past several years, LSC has  
16 been the recipient of a special appropriation from Congress  
17 that allows us to fund the technology initiative project.

18 And that is a project that puts money in the hands  
19 of our grantees so that they can experiment with ways in  
20 which they can use technology to enhance access to legal  
21 services and to enhance quality legal services delivery  
22 systems.

23 Those of you who attended past board meetings have  
24 heard about technology initiative grants, and I think saw a  
25 demonstration of one of our most important projects, the I-  
26 CAN! project in L.A. But the technology staff have issued a  
27 report, and I'll let you read that at your leisure also.

28 It delineates what we have learned in the past  
29 several years about technology. It delineates what we have  
30 learned about the importance of technology funding. And it  
31 gives you a thumbnail sketch as to how those dollars have  
32 been used experimentally by our grantees.

33 The other thing I would like to say before I wind  
34 this up and turn it over to our wonderful panel is, believe  
35 it or not, this month starts the competition for the 2004  
36 grant funds.

37 We always start the competition in April by  
38 publishing service areas of those grants that are going to be  
39 in competition for the following year in the Federal  
40 Register. And we have two tracks of competition this year.

41 We have a group of early programs, and they tend to  
42 be programs who have not gone through significant structural  
43 change or merger. They have an earlier application deadline.  
44 And then we have a later application deadline that occurs in  
45 the midsummer.

46 Those applications are reviewed by a panel of  
47 outside consultants and review people and by the staff of the  
48 Office of Program Performance. They make their  
49 recommendations as to which of those competitive applications

1 they will fund.

2           If there is concern when they review the paper  
3 application, they will conduct what's called an onsite  
4 capability assessment visit to determine if it was just a  
5 lousy application. Sometimes people run a very good program  
6 but they don't do a very good job with the paper, and we have  
7 to determine if that's the case or if in fact the application  
8 has some indications that the program or applicant itself is  
9 deficient. That capability assessment is done by the staff  
10 and the panel, usually using one or two consultants.

11           If there is dispute, if there are several grants in  
12 competition for each other for the same service area, if for  
13 example the Legal Services Corporation of Iowa and the Iowa  
14 Bar were competing for a grant, then a capability assessment  
15 is always done or almost always done, and it then goes to an  
16 independent review panel.

17           After the preliminary recommendations are made for  
18 the 2004 grant cycle, those come to me. I review them. I  
19 present them to the president, and the president of LSC then  
20 makes the final decision as to who wins the competition for  
21 the following year.

22           That process lasts from about April to November.  
23 It is a very time-consuming and intensive process for the  
24 staff. The announcements are made usually in November as to  
25 who won the competition for the following year.

26           LSC gives grant terms for, currently, one, two, and  
27 three years. So we might -- if a program is extraordinary or  
28 a grant application is extraordinary, we might give that  
29 grantee a three-year grant award and not put them in  
30 competition for several years.

31           If, however, we believe that we have chosen the  
32 best competitor but there are some problems, we might give  
33 them one or two years and ask them to work on some things and  
34 come back to us. But that process actually started this  
35 month.

36           And that ends my report.

37           CHAIRMAN STRICKLAND: Are you going to bring on  
38 your panel at this point? Is that the next item?

39           MS. YOUELLS: I am going to bring on my panel if  
40 that's okay with you.

41           CHAIRMAN STRICKLAND: Good. Go right ahead.

42           MS. YOUELLS: Great.

43           MS. HANRAHAN: Good morning. Congratulations, Mr.  
44 Chair.

45           CHAIRMAN STRICKLAND: Good morning. Thank you very  
46 much. We're glad to have you.

47           MS. HANRAHAN: Welcome, new members and seasoned  
48 members, and members in Pennsylvania. I'm very happy to be  
49 here today and present to you a wonderful panel on the

1 delivery of legal services and the work to create an  
2 integrated, comprehensive delivery system here in New Mexico.

3           There are materials in your book, which you may  
4 have had the opportunity to look through, on page 235, which  
5 John Arango, the executive director of the program and one of  
6 the panelists today, gave us to give you some background  
7 material on the program and the work that's going on here.

8           I just want to announce before we go any further  
9 that there have been a couple of changes from the roster of  
10 participants listed in the agenda. Felicia Sanchez will not  
11 be here. Some of us were able to visit the program in  
12 Albuquerque yesterday and met her. She participated in a  
13 small presentation there. So she will not be joining us  
14 today. Kathleen Brockel will also not participate today.  
15 But we do have a fine array of people, of advocates and  
16 leaders in the New Mexico legal services community who I  
17 think will give you a real flavor of what's going on here.

18           Our panelists include Judge John Pope, who is the  
19 chair of the program and also a district court judge; and  
20 John Arango, on my right, who's the executive director of the  
21 program and who will facilitate the panel; Sarah Singleton,  
22 who's behind me, who I will give my chair to in a minute, and  
23 Sarah has been a real leader and champion of legal services  
24 in the state for many years.

25           We also have Olga Pedroza, who's an advocate for  
26 the migrant program; and Ann Burnham, who's a client and a  
27 volunteer at the program now. So welcome, panel. I will  
28 step aside and let you enjoy the presentation. It's  
29 multimedia.

30           Oh, one thing I would ask, please. We've designed  
31 the panel so that the panelists can give you as much  
32 information as possible, and then at the end there will be  
33 opportunity for you to comment and ask questions of them.  
34 And I would ask that you hold your questions until that point  
35 in the interest of time and the duration of the panel.

36           Thank you very much.

37           CHAIRMAN STRICKLAND: Thank you.

38           MR. ARANGO: Judge Pope, who is our board chair, is  
39 going to lead off.

40           JUDGE POPE: Mr. Chairman, Mr. President, and board  
41 members, first of all I'd like to extend greetings from New  
42 Mexico and hope you have a good time here and leave your  
43 money.

44           As was indicated, I'm the president of New Mexico  
45 Legal Aid. I've been on a board for about ten years. I  
46 started with Northern Legal Aid, and that was merged with the  
47 Pueblo Indian Legal Services to form Community Indian Legal  
48 Services, and I became chair of that board, and then became  
49 the first chair of New Mexico Legal Aid. It sort of sounds



1 like I can't keep a job, but I guess that's the way of the  
2 world in the changing atmosphere of legal services.

3 I've been a district judge for ten years, and I  
4 find it really interesting, the combination of being on a  
5 board, legal services board, and being a district judge  
6 because I kind of see things in a more global fashion, I  
7 guess, because I can see really up front and personal the  
8 problems of the under-represented in this country when you're  
9 a district judge and then also when you're serving on a  
10 board.

11 I found out early in my district judgeship things  
12 like I knew from practice and other things, but it didn't  
13 really hit me, is the severe problem that people who can't  
14 afford legal services have in accessing the system, and then  
15 when they -- even when they access the system, being able to  
16 represent themselves.

17 And I have one statistic: About 40 percent of the  
18 DR or family law cases in my court are unrepresented by  
19 counsel, and a great many of those don't have counsel on  
20 either side, and some of them have one attorney and then the  
21 other ones represent themselves pro se.

22 And I would say that probably somewhere between 15  
23 and 20 percent of the civil litigation has at least one side  
24 who has to represent themselves. And, of course, that's a  
25 burden on the people who have to do it. It's also a burden  
26 on the legal system.

27 In New Mexico, I think our best -- where we do the  
28 best is that we have a very good public defender system. So  
29 in the criminal aspects, if you commit a crime or are accused  
30 of a crime, you can be well represented. If you don't commit  
31 a crime and just want to preserve your rights in the civil  
32 area, you have a great deal of problems.

33 I started very early working on the idea of the pro  
34 ses to make it as easy as possible to access the system, and  
35 as a judge I can do that because we've set up a system of  
36 forms so that pro se litigants can more easily access the  
37 system.

38 But that's just the door. I'm helping them get  
39 through the door. But once they get through the door, as a  
40 judge I have very little -- I can do very little for them in  
41 the courtroom, obviously, as all of you are aware, because as  
42 a judge I cannot be an advocate and I have to treat them as  
43 if they were attorneys.

44 And obviously, the pro se litigants can't perform  
45 in that way. You know, I can make it a little easier for  
46 them sometimes, but I can't -- you know, I can't just -- I  
47 can't, you know, be one side or the other.

48 So, you know, with that, and having been on the  
49 boards for this length of time, I understand what the problem

1 on the other side is, is that we have very limited resources.

2           And you have to pick and choose what cases that  
3 legal services can provide and won't provide and, you know,  
4 take -- I was trying to explain this to somebody the other  
5 day, and I was saying, you know, the problem is you have to  
6 choose sometimes between can you help 2,000 people in Social  
7 Security cases, or can you take ten cases in litigation?

8           You know, the quantity would be towards the Social  
9 Security cases, but the, you know, social good may be in  
10 those ten litigation cases. But, you know, who do you pick?  
11 And I think that's the crux of our problem.

12           And obviously you on the national level are aware  
13 of the finances and the limitations. But getting down on  
14 the -- you know, getting down on the playing field, it's a  
15 very serious situation. And that's basically what I wanted  
16 to say.

17           But I would feel remiss, being considered the  
18 unofficial historian of the New Mexico Bar, without telling  
19 you at least a little story. And this is actually a true  
20 story.

21           Back in the 1880s, New Mexico was a territory and  
22 we had five Supreme Court justices. But they also rode the  
23 circuit and were district judges at the same time.

24           And we had some real colorful characters, and one  
25 was Justice Axel, a very outspoken man. And he was trying a  
26 case in Raton, which is the northeast part of the state, and  
27 it was a farmer who was being foreclosed. And the farmer was  
28 pro se. And the bank obviously was represented by an  
29 attorney.

30           And the case was going on, and it was going very  
31 badly for the farmer. And finally it came to closing  
32 argument, and the banker made his case for the foreclosure  
33 and the farmer was about to make his case. And the judge  
34 said -- told the farmer to sit down.

35           And the justice, judge, stepped off the bench and  
36 made the closing argument for the farmer. And part of his  
37 closing argument was that it takes more than thirteen men to  
38 take a farm from a New Mexican.

39           And I always like that story because, you know, I  
40 can't be the -- as a judge, I can't be that thirteenth man.  
41 But I think as legal services, we can be that thirteen man.  
42 And I would urge you to keep up the good work and continue to  
43 try to provide that thirteenth man for New Mexicans.

44           Thank you.

45           MR. ARANGO: Thank you, Judge.

46           I just wanted to show you a couple of slides that  
47 will sort of fill in the statistical picture for what the  
48 judge has just spoken about. There's about 1.8 million  
49 people in New Mexico. 336,000 of them, or about 18.5

1 percent, have incomes below the 100 percent poverty threshold.

3 So this is -- as we mentioned in the materials we sent to you earlier, New Mexico how ranks 47th in terms of per capita income. This is a low income state.

6 There are approximately 437,000 persons living in about 144,000 households that are eligible to receive services from New Mexico Legal Aid. That's using the fairly standard eligibility level of 125 percent of poverty.

10 In those households, using some data from the American Bar Association's legal needs study, which was conducted over four years from '92 to '96, there will be about 159,000 legal needs in those 144,000 households.

14 And looking at just New Mexico Legal Aid -- we have 15 other partners in the system that we'll talk about in a minute -- but in 2002, the three programs that merged to form New Mexico Legal Aid handled about 6,000 cases, or about 3.8 percent of the legal needs.

19 And within that 3.8 percent, about 85 percent of the clients that we dealt with received what are called limited services, that is, advice or a brief service such as writing a letter or making a phone call on behalf of a client.

24 So that will give you some sense of how large the gap is between the number of people that are eligible for services and the number of legal problems that they have, and our ability to extend legal services to them and provide them access to the courts or to justice.

29 Now, we haven't sat still in the face of this problem. We've been engaged for several years in a process of figuring out how we can attack this problem more directly.

32 And throughout that process, Sarah Singleton has been in various capacities -- incoming president of the New Mexico Bar, president of the New Mexico Bar, and then chair of various committees including the transition committee that led to the formation of New Mexico Legal Aid -- a key figure in figuring out how, as a state, New Mexico addresses the problem that the judge has described.

39 And so I'd like Sarah to talk briefly about how we've approached this problem.

41 MS. SINGLETON: Thank you, John. I would like also to echo Judge Pope's welcome to all of you. I'm a lawyer here in Santa Fe in private practice, and we're very glad that you could meet here in our city. We hope you will enjoy it. My office is about five minutes from here. If you need anything, please don't hesitate to call me. And I do hope to see all of you tonight at the reception there.

48 The judge has given you some graphic examples of 49 things he saw that showed there were unmet legal needs. John

1 has put some numbers to it in the 159,000 unmet legal needs.

2 Well, in 1995, a number of us became very worried  
3 about what we were going to do to meet even a fraction of  
4 these needs. Who was it that were concerned at that time?  
5 There were bar leaders. There were people from the  
6 legislature, people from the executive branch, legal aid  
7 directors, other lawyers, judges.

8 We all were concerned, and we were very concerned  
9 that we have a largely rural population. You've heard that  
10 we're a big state. We're the fifth largest state  
11 geographically. Most of our -- not most of our people, but  
12 most of our area is truly rural.

13 We have people who were ineligible for services  
14 from the LSC-funded programs. We were concerned about people  
15 who are in special populations because of various barriers to  
16 the court system, not only inability to obtain a lawyer but  
17 language barriers, people who have different kinds of  
18 disabilities that could keep them from getting into court.  
19 And we were worried about the people who in fact needed  
20 extended service, but we just didn't have the resources to  
21 provide it for them.

22 This is when we began our state planning efforts.  
23 It was under the auspices of the state bar, but it involved  
24 many more people other than just people who were active in  
25 the bar.

26 The basic concept that we came up with was that we  
27 wanted a plan that would provide us with a system where we  
28 could provide appropriate legal service for every low income  
29 household that had a legal need. This was our basic goal.  
30 We did not want to retreat from that goal.

31 Now, we decided we would accomplish that through a  
32 broad range of services and methods. We knew it could never  
33 be one lawyer for every legal need, so we had to be more  
34 creative and broad-based than that.

35 Part of our efforts would go towards public  
36 information, which would have two emphases. One would be to  
37 prevent people from getting into problems where they needed  
38 legal help, but the other would be to assist the self-  
39 represented people that Judge Pope was talking about.

40 We wanted to give some people who need advice  
41 advice. We wanted to give brief services to the people whose  
42 problems would be helped that way. We also wanted, though,  
43 to be able to give individual representation, but we knew we  
44 could never have enough staff attorney programs to provide  
45 the poor people in New Mexico with a lawyer using only those  
46 staffed programs. So we knew we had to increase our pro bono  
47 representation.

48 And we also wanted to have group or systemic  
49 representation that could make some of these more broad kinds

1 of changes that Judge Pope was talking about. And we  
2 included within that the concept of community development.

3           And we decided that we wanted to accomplish all of  
4 those things by involving multiple providers, not only the  
5 LSC-funded providers -- although at that time probably 95  
6 percent of the money that was spent in New Mexico came from  
7 your corporation.

8           But we knew that we had to broaden that. We had to  
9 get the other people who provide legal aid who don't receive  
10 money from you. We had to get the private bar, who provides  
11 most of the representation of poor people in New Mexico. And  
12 we had to involve various community-based programs.

13           So we decided that we would implement our plan, our  
14 state plan. And I must say this wasn't born full-blown out  
15 of our heads. This has been an evolutionary process.

16           But among the things that we did when we tried to  
17 design the system was we wanted to make better use of  
18 technology. We thought that we could develop a plan where  
19 across our state, we could use technology, mostly the  
20 telephone, to provide more services to the people in the  
21 rural parts of the state than they were currently getting.

22           We also thought that it would be good -- eventually  
23 we thought that it would be good -- if we could consolidate  
24 most of the state into one LSC-funded program so that they  
25 could provide services efficiently throughout almost all of  
26 our state.

27           And the thing that we realized really early on was  
28 what we needed to accomplish any of this was to get more  
29 money into the system. We decided then that we would try to  
30 get state funding, and we worked very hard -- we had a  
31 bipartisan effort that worked very hard to get state funding.

32           We had bipartisan support in our legislature. And  
33 the bill that was passed was a surcharge on our filing fees.  
34 That was vetoed twice, and on the third time the governor  
35 finally signed it. So it came into law.

36           We were able to raise about \$1.2 million a year.  
37 Now, those of you from big states, that will not sound like a  
38 lot of money. But for a state the size of New Mexico, with  
39 our poverty population, that is a sizeable influx of money  
40 into the system.

41           And that bill that created the filling fee  
42 surcharge also created the Civil Legal Services Commission,  
43 which in June of 2002 awarded approximately \$1.2 million in  
44 contracts to various types of providers. And they are a  
45 broad range of providers.

46           We provided money to New Mexico Legal Aid and DNA,  
47 our two LSC-funded recipients. They receive collectively the  
48 second-largest grant that we gave. We also funded an  
49 organization that was a startup organization called Law

1 Access, which is a non-LSC-funded organization which provides  
2 a telephonic advice, and it will provide brief service to  
3 people across the state with an 800 number that is going to  
4 be one number for the whole state.

5 I think that it's fair to say that this was modeled  
6 after the program they have in Washington state, for those of  
7 you who are familiar with that. And we did hope through that  
8 to be able to provide more service to people in our rural  
9 areas.

10 We also fund the Center on Law and Poverty, which  
11 works on systemic reform. We fund Catholic Charities, which  
12 is a group that works with immigrants. And there are seven  
13 other smaller organizations that get some funding. They help  
14 mostly special groups, but they also do a lot with the public  
15 information types of programs that I was speaking about.

16 In 1995, we had four goals, I think: To increase  
17 our resources; to increase our pro bono efforts; to use  
18 technology to increase service; and to improve delivery  
19 statewide. We have truly made progress on all of those  
20 areas.

21 I have to say something personal here just because  
22 you'll know that I need to get a life. The other night I had  
23 a bad dream, and the dream was some legal aid lawyer from  
24 Mississippi moved here and started talking about how bad New  
25 Mexico was.

26 And this was a real nightmare to me because I went  
27 to this rural delivery conference, and there we talked about  
28 the L states. That's the Rocky Mountain west and the deep  
29 South. And when you look at those L states, New Mexico is  
30 really quite progressive. But in my nightmare, somebody from  
31 Mississippi was saying how bad we were. So I think when you  
32 start dreaming legal aid, it's time to get a new avocation.

33 In any event, we have made progress, but we have a  
34 long way to go. Our rural population still needs to get  
35 better service, and we have to always work on that and not  
36 let them be forgotten.

37 Today you'll visit one of our pueblos and you'll  
38 see some of the difficulties with providing service for our  
39 Native American population. As Judge Armijo mentioned, we  
40 have numerous pueblos in the Rio Grande River Valley area,  
41 and we have Navajos and Hopi people who live in New Mexico,  
42 all of whom have different cultures, they have different  
43 languages, and they have different governmental entities to  
44 whom they have to be responsible.

45 We have many poor people in New Mexico, as John  
46 said, who need legal services. We cannot -- while we can be  
47 justifiably proud of our accomplishments, we cannot rest on  
48 our laurels. And we all have to keep working, and we're in  
49 it for the long haul.

1           But as I say, I'm very glad that you're meeting  
2 here. I'm glad that you get to see something of what we've  
3 done in New Mexico. And please, if there is anything that we  
4 can do while you're here, let us know. Thank you.

5           CHAIRMAN STRICKLAND: Thank you, Sarah.

6           MR. ARANGO: I think, as you realize, that Sarah is  
7 an exceptional bar leader that's given just amazing  
8 dedication and time to the development of the legal services  
9 system, not only here in New Mexico but also in various  
10 capacities with the American Bar Association. She's  
11 currently a member of the standing committee on legal aid and  
12 indigent defendants. We're hoping that she'll continue to  
13 work with us because she's been an invaluable leader in our  
14 state.

15           I wanted to tell you a little bit about -- give you  
16 a little bit more detail about New Mexico Legal Aid, which as  
17 several people had mentioned was formed on January 1st of  
18 this year. So it is a three-month-old program.

19           But it has a long history, and I don't think you  
20 can quite read this, but what I did was to create a little  
21 chart that shows -- off to the left, beyond the image, is in  
22 the 1950s, the first Legal Aid program in New Mexico was the  
23 Legal Aid Society of Albuquerque. It essentially continued  
24 uninterrupted through roughly 50 years until it merged to  
25 form New Mexico Legal Aid.

26           In the 1960s -- Judge Armijo just mentioned another  
27 one that I wasn't aware of. But as you may know, the Office  
28 of Economic Opportunity created the legal services program as  
29 part of the community action program. And so where there  
30 were local community action programs, at their option they  
31 could receive extra funding to create legal services  
32 programs.

33           And many community action agencies around the  
34 country created legal services programs -- actually called  
35 them projects, and that's why you occasionally will still  
36 hear directors of legal services programs called project  
37 directors because that's the term way back into the '60s.

38           In the 1960s in New Mexico, in the Taos area we had  
39 a program called Rural Legal Services. In Santa Fe we had  
40 Santa Fe Legal Services. In Sandoval County, as we heard  
41 this morning, we had Sandoval Legal Services. And the Legal  
42 Aid Society of Albuquerque received federal funding.

43           In the 1970s, the very small rural programs were  
44 all merged by the Legal Services Corporation to form, in the  
45 northern part of the state, Northern New Mexico Legal  
46 Services. Also, a new grant was created, we believe the  
47 first grant to an Indian tribe, but this may not -- I think  
48 DNA may have been first, but to a small group was Zuni-Pueblo  
49 Legal Services in the very western part of -- central western

1 part of the state.

2           And then that program grew and eventually evolved  
3 to expand to cover the Indian pueblos up and down the Rio  
4 Grande, and changed its name to Indian Pueblo Legal Services  
5 late in the '70s. Also, one of the very last legal services  
6 programs created in the country was Southern New Mexico Legal  
7 Services, which essentially handles the area south of  
8 Albuquerque.

9           Those programs -- Indian Pueblo Legal Services,  
10 Northern New Mexico Legal Services, Legal Aid Society of  
11 Albuquerque, and Southern New Mexico Legal Services --  
12 continued in operation through the '80s and '90s.

13           In the very late '90s/early 2000, Indian Pueblo  
14 Legal Services and Northern New Mexico Legal Services merged  
15 to form Community and Indian Legal Services, and then two  
16 years later that program merged with Legal Aid Society of  
17 Albuquerque and Southern New Mexico Legal Services to form  
18 New Mexico Legal Aid.

19           So I think the point in this is, I'm sure you'll be  
20 hearing a lot about mergers and so forth. But this history  
21 is not at all atypical of many states in a sense that there  
22 have been a series of mergers over a period of time, but  
23 because many of them occurred in the '60s and '70s, some  
24 people have forgotten that in fact we have not programs  
25 formed a long time ago and continued uninterrupted, but  
26 rather a series of mergers and reconfigurations, all in an  
27 attempt to find the best structure for serving poor people in  
28 the state.

29           This is a map of New Mexico -- there is a copy in  
30 your larger board book -- that shows where our offices are  
31 located. Our central office is in Albuquerque. That's where  
32 our administrative office is located.

33           But we have twelve other offices -- eleven other  
34 offices around the rest of the state, in Taos to the north;  
35 Las Vegas just slightly below and to the right, which is the  
36 community where Judge Armijo practiced; Santa Fe.

37           Then way over on the west, Gallup. Down a little  
38 bit, Santa Ana, which is right outside -- that's where you'll  
39 be going today, and that is the community where Judge Armijo  
40 practiced. Then Albuquerque right in the center, which as I  
41 said is our largest office.

42           And then going down south, just going from north to  
43 south, way over on the Texas border we have an office in  
44 Clovis. Going down a ways, we have an office in Roswell. A  
45 brand-new office that's been open about a month -- it had  
46 been closed earlier because of a lack of funds -- but because  
47 of the money that was available from the filing fee, we were  
48 able to reopen the office in Carlsbad.

49           Las Cruces, which is right near El Paso, is one of



1 our longstanding offices and was the headquarters of Southern  
2 New Mexico Legal Services. And then over again on the  
3 western side of the state, Silver City, another office that  
4 had been closed in the '80s because of lack of funds but has  
5 been reopened because of money available from the state.

6 We have a big hole in the middle, as you can see,  
7 with a fair number of poor people living in the Socorro area.  
8 But at the moment, we have no further money available to  
9 open other offices.

10 Our staff, we have 31 attorneys, 20 paralegals, 12  
11 legal secretaries, five people in the executive and  
12 administrative function -- that's largely dealing with  
13 money -- and four others: a webmaster; a private attorney  
14 involvement coordinator in the south where we have -- where  
15 we largely deliver our private attorney services through  
16 contracts with private attorneys; a fair housing testing  
17 coordinator; and one receptionist.

18 As you can see, this is a program that -- our  
19 predecessor programs were programs that invested as much  
20 money as they possibly could in attorneys and paralegals.

21 All of our paralegals represent clients in  
22 administrative hearings. They are not sort of the classic  
23 private law firm paralegals where they function as assistants  
24 to attorneys, although our paralegals do some of that work.  
25 But all of them represent clients, chiefly in the welfare  
26 area and in disabilities area.

27 And similarly, our legal secretaries have a much  
28 broader function than you would typically find in a private  
29 law firm. Many of them are involved in the clinics that we  
30 conduct to enable people to represent themselves in court in  
31 relatively straightforward family law matters.

32 As you probably know, the Legal Services  
33 Corporation for the last several years has placed emphasis on  
34 ensuring that our programs provide opportunities for women  
35 and minorities. So I thought you might be interested in  
36 seeing how various staff groups break down.

37 Our attorneys, we have ten males and sixteen  
38 females, twelve Hispanics, two American Indians, and twelve  
39 Anglos. Anglo is the term for essentially everybody else in  
40 New Mexico. Paralegals, three male, fourteen female, twelve  
41 Hispanics, one American Indian, and four Anglos.

42 Secretaries and others, one male, nineteen females;  
43 of those, sixteen Hispanics, two American Indians, and two  
44 Anglos. And in the executive administration, one male, four  
45 females. And that breaks down into four Hispanics and one  
46 Anglo.

47 So we think that -- again, this is not us. This is  
48 our predecessor programs did a good job of ensuring that our  
49 programs represent the population that we serve.

1           In terms of priorities, again as I'm sure you're  
2 all aware, each local legal services program, in particular  
3 its board of directors, is charged with setting priorities  
4 for services. Essentially, priorities, on the positive side,  
5 are the issues that we have selected where we believe we can  
6 have the most impact. Looked at more negatively, if you can  
7 imagine the virtually infinity of issues that we could  
8 address that aren't up there, those are the issues that we  
9 are not able to address because of our limited resources.

10           But our current priorities -- and we will in this  
11 year be conducting a required needs assessment process in  
12 which we will go out to the community and get a sense from  
13 them of the issues that they think we should address, and  
14 then our board will reset our priorities next January.

15           But our current priorities are: Adequate housing  
16 available to all; enhanced economic security, especially for  
17 persons with disabilities and those eligible for government  
18 benefits; safe, stable families; strong, self-sustaining  
19 communities; fair pay and decent working conditions; and  
20 protection of consumer rights. And in a minute I can  
21 elaborate on those if you'd like to know more about those  
22 priorities.

23           In terms of how our program is organized, we really  
24 have three fundamental units, although I put up a fourth one  
25 because I thought you might be interested in it. We have the  
26 basic field, which are the vast majority of our activities,  
27 and that's funded by the LSC in terms of our basic field  
28 grant, which is again the largest of all our grants; two LSC  
29 technology improvement grants, which I'll talk about in a  
30 moment; funds from the New Mexico legal services fund that  
31 Sarah just talked about -- and by the way, she is the chair  
32 of the commission that distributes the funds of the New  
33 Mexico legal services fund; Department of Housing and Urban  
34 Development; the New Mexico Mortgage Finance Authority;  
35 United Way, and we have a brand new, just announced two days  
36 ago, grant from United Way; contracts with several domestic  
37 violence shelters; Justice Works fellowship -- that's a  
38 national fellowship program that if we can raise the money,  
39 private money, locally in New Mexico, we'll match that money,  
40 and we were able to raise the money and have a fellow working  
41 in southern New Mexico; and then private donations raised in  
42 an annual campaign here that covers the whole state.

43           Our second major component is our Native American  
44 program that you'll visit this afternoon. That's funded by  
45 grants from the LSC Native American grant and contracts with  
46 some of the pueblos that we work with.

47           We also have a migrant program that operates  
48 chiefly in the southern part of the state. That is funded by  
49 the LSC through a migrant grant, and also is now branching

1 out and has funds from Housing and Urban Development to work  
2 with particularly impacted communities called colonias in  
3 southern New Mexico, and also private donations.

4         And then as part of our basic field, but a program  
5 you might be interested in, is our land and water program.  
6 New Mexico, as you know, has a long history. A key event in  
7 that history was the Mexican War of 1848 and the treaty that  
8 settled that war called the Treaty of Guadalupe Hidalgo.

9         That treaty conferred many rights to water and land  
10 to people that were living in New Mexico at that time.  
11 Telescoping history a great, great deal, there is still  
12 considerable controversy over exactly what rights were  
13 conferred under that treaty.

14         And for many years, our staff has been working with  
15 low income people that may potentially be beneficiaries of a  
16 settlement or a final understanding of what that treaty  
17 involves, specifically on issues of access to water for their  
18 farms and in terms of their rights as either current or  
19 former landholders of very large plots of land that were  
20 given to communities and have since, in some cases, been  
21 preserved and in other cases become national forests and in  
22 other cases been divided up.

23         New Mexico land law is particularly complicated.  
24 If you want a quiet title to a piece of property in northern  
25 New Mexico, your newspaper advertisement citing former owners  
26 will typically be an entire newspaper page.

27         And so we have been involved in that project and  
28 have been fortunate to receive funding, mostly from private  
29 foundations. The Ford Foundation funded this work for many  
30 years. The General Services Foundation in Colorado is now  
31 also supporting it. And we also have received private  
32 donations specifically targeted for this work.

33         In terms of the practice areas, because sometimes  
34 the priorities don't give you a real good idea, we are  
35 involved in housing. We have a major fair housing project,  
36 basically dealing with housing discrimination in Albuquerque,  
37 that we are currently expanding to the southeast part the  
38 state. We do, again with HUD funds, housing counseling,  
39 which enables us to provide a very broad range of housing  
40 services to low income people.

41         We have the colonias project that I just mentioned,  
42 which is a brand-new project funded by HUD, intended to get  
43 us working with low income communities that have a number of  
44 serious problems, including lack of basic services. We do a  
45 great deal of landlord/ tenant work. And we do some work on  
46 foreclosures.

47         Income support and government benefits: We do work  
48 on income support with TANF, which is the old federal welfare  
49 program, and with general assistance, which is a state

1 program intended to provide some cash to very low income  
2 people, typically people that are disabled.

3 New Mexico, as many other states, has a major  
4 crisis right now in Medicaid, and so particularly some of our  
5 partner programs are very much involved in that. But we  
6 represent individuals that have issues with Medicaid.

7 And food stamps: New Mexico, according to most  
8 surveys, has the highest rate of hunger of any state in the  
9 country, and yet only about 48 percent of the eligible people  
10 in New Mexico are enrolled in the food stamp program. So we  
11 have a special project targeted at trying to figure out why  
12 we have such a low enrollment and what we can do in  
13 conjunction with the state government to increase enrollment  
14 in food stamps.

15 In the disabilities area, we represent many people  
16 that are disabled and are attempting to become qualified for  
17 Social Security. That's called the SSI program. We also do  
18 a number of cases with children in schools who had special  
19 education issues.

20 In family law, we're involved in domestic violence  
21 programs all over the state. We also work on adoptions. We  
22 do some guardianship work. We do a fair number of pro se  
23 divorce clinics and child support clinics in Albuquerque and  
24 the southern part of the state. I already talked about land  
25 and water.

26 In consumer, particularly our offices that are  
27 involved with people living on Indian reservations, I have a  
28 very active consumer protection practice involving auto  
29 loans, used cars, and mobile homes, although we do some  
30 consumer work in other parts of the state. You'll hear about  
31 the Native American program this afternoon.

32 And we also are developing a capacity in each one  
33 of our offices to do what we call a general practice, which  
34 is basically ensure that we have the resources to handle  
35 meritorious cases that are referred to us by Law Access, the  
36 telephone hotline that is now gearing up to cover the rest of  
37 the state, and then the rest of our partners.

38 Sarah already mentioned technology as being one of  
39 the areas that's important to us. We've received over the  
40 past years, I believe, three technology improvement grants  
41 from the Legal Services Corporation, and with those we have  
42 created a wide area network that links all of our offices,  
43 which permits us to consolidate all of our case tracking and  
44 timekeeping, and makes it possible for every attorney and  
45 paralegal in our program to have access to Lexis.

46 That's now in operation. Every paralegal and  
47 attorney in our state in the morning signs onto the wide area  
48 network and begins -- and keeps their time and tracks all  
49 their cases on that single program. That makes it much

1 easier for us to keep track of our cases and to generate the  
2 reports that our funding sources, including the Legal  
3 Services Corporation, require.

4         We also have on every desk in the program access to  
5 a fast e-mail program and to the web, and that's operational.  
6 We are in the process, again using the LSC technology  
7 improvement grant, of creating what's called voice-over-IP,  
8 which will essentially make it possible for us to dial a  
9 four-digit number on any of our telephones and reach any  
10 staff member in our state over our wide area network as  
11 opposed to using long distance. That should cut our long  
12 distance charges probably in half. And just to give you a  
13 concept of why that's important, last year we spent \$75,000  
14 on long distance charges. So in this state, anything that we  
15 can do to cut down on the cost of long distance is going to  
16 mean more services for clients.

17         Again, with a special grant from the Legal Services  
18 Corporation, we are creating a website. It's not just New  
19 Mexico Legal Aid that's doing it. We have five other  
20 partners that are working with us.

21         The intent is to create an electronic library that  
22 clients and other -- and eligible people throughout the state  
23 can use to access information that will enable them to handle  
24 their legal problems on their own without having to come to  
25 us, not necessarily by going into court, but by understanding  
26 better their rights and what they can do in a whole variety  
27 of social service and government organizations to avoid  
28 having to use a lawyer.

29         And last of all, we are creating a centralized  
30 computer system management and support unit that will enable  
31 us -- instead of having computer experts in all of our  
32 offices, we are centralizing all computer management in one  
33 place and are about to enter into a contract with a single  
34 computer consultant that will manage all of our system over  
35 the system itself.

36         That is, they will be able to get into our system,  
37 discover the problem, and fix it over the web as opposed to  
38 having to physically visit our offices. This should  
39 result -- although our system functions well, this should  
40 enable us to significantly reduce what we're paying to  
41 computer consultants right now.

42         Now, that's roughly -- that's the picture, a quick  
43 picture of where we are now. I just wanted to show two more  
44 slides to you that deal with sort of where we're headed.  
45 Over the -- because as a new program, we have a lot of things  
46 in process. But I wanted to sort of give you some sense of  
47 where this may all be coming up.

48         Over the next year, Law Access, which as you recall  
49 is the legal hotline for the state, will take more and more

1 responsibility for providing all advice and for providing  
2 brief services in substantive areas, and will also take over  
3 doing intake for some programs -- not all the intake for us  
4 because we have to certify to you that we have been doing  
5 intake at the level of standard that you require. So we're  
6 going to continue to do some of our own intake. But some of  
7 our other partners in the system, such as the Senior Citizens  
8 Law Office, will have Law Access do all of the intake for  
9 them.

10 So New Mexico Legal Aid will get out of the advice  
11 business. You remember in one of the earlier slides that  
12 last year we closed 85 percent of our cases with advice and  
13 brief service.

14 We intend over a period of maybe four or five years  
15 to get down to a level that's closer to 40 percent advice,  
16 but actually to increase probably the amount of cases we're  
17 closing through brief service since the recent studies that  
18 have been done of hotlines show a hotline that provides a  
19 brief service to someone that they've talked to on the  
20 telephone, such as a letter or a phone call, is much more  
21 likely to produce a positive result for the client than one  
22 that simply gives advice but doesn't do any follow-up  
23 services.

24 So in New Mexico, we are organizing ourselves to  
25 ensure that as many people as possible that need a brief  
26 service get a brief service rather than just telephone  
27 advice. So Law Access will be doing some of that. We will  
28 take over responsibility in certain substantive areas for  
29 that.

30 But the main thing that we're going to do is shift  
31 our emphasis from advice over to individual representation,  
32 so that actually we expect that our number of cases over the  
33 next couple of years will go down, but the quality of service  
34 we will be providing clients will go up because we'll be  
35 doing more individual representation.

36 All of the partners in the system are going to  
37 develop complementary priorities so we have no overlap, and  
38 reinforced procedures for cross-referencing cases. And we'll  
39 have a significant expansion of outreach legal education  
40 activities, focusing on ensuring that clients have access to  
41 the web and are able to use it to get the information they  
42 need to solve their own problems.

43 And so looking now at the picture of where, let's  
44 say, we might be in a couple of years when all this gets into  
45 place, we're projecting that we'll be providing advice to  
46 about 20,000 households in New Mexico per year.

47 That will be providing brief services to about  
48 5,000 households that won't be getting individual  
49 representation -- this is the entire system, not just New

1 Mexico Legal Aid -- to about 5,000 clients; that we'll be  
2 providing support to about a thousand self-represented  
3 litigants, and that the total number of people that have some  
4 contact with legal services in the state at that point will  
5 be about 80,000, which going back to the data that we looked  
6 at at the very beginning, we figure that in addition to the  
7 80,000 who have some direct contact with all the programs in  
8 the system, that another 80,000 will have indirect contact  
9 with us, that is, through our outreach, or community legal  
10 education, and our website activities; and that adding those  
11 two numbers together, in place of the 3.8 percent that just  
12 the New Mexico Legal Aid component served last year, we will  
13 be at a level of reaching, either directly or indirectly,  
14 about 36 percent of the poor people in New Mexico.

15         And so I think we wanted to put a little bones on  
16 Sarah's point that we are moving in the direction of  
17 achieving our goal in our statewide plan, which is ensuring  
18 that every low income person that has a legal need in fact  
19 has access to an appropriate service.

20         Now, as I mentioned just a minute ago, another key  
21 part of our program is our migrant program. And I've asked  
22 Olga Pedroza, who is the director of the migrant program and  
23 has been in that position for many years, to briefly talk to  
24 you about the migrant program.

25         MS. PEDROZA: Thank you, John. And thank you,  
26 gentlemen, for coming to New Mexico and giving us an  
27 opportunity to tell you about ourselves.

28         My name is Olga Pedroza. I'm the managing attorney  
29 of the migrant unit in New Mexico Legal Aid, which is housed  
30 in southern New Mexico in Las Cruces. I've been there for  
31 about 13 years.

32         I think when John asked me to tell you a little bit  
33 about one of my cases, there was one particular aspect of it  
34 that he was interested in. And that was how the community  
35 has come together. I'm not sure that John is aware that  
36 earlier this week, that same case that we were talking about,  
37 John, came to a happy ending. And I'll begin at the  
38 beginning.

39         About a year ago, several farmworkers came to me  
40 and they were complaining because at one particular farm, one  
41 farm labor contractor was not giving them long-handled hoes  
42 with which to thin or weed the crops. They felt that the  
43 stress on them was much greater than with a hoe.

44         And some of them had been around when a few years  
45 ago, probably 15 or so years ago, the community had come  
46 together and had been able to persuade the legislature to  
47 pass a statute which outlawed the use of the short-handled  
48 hoe.

49         So they were concerned. They were saying, well, if

1 the short-handled hoe is not permissible, why is it  
2 permissible to require us to use no handled hoe at all, to  
3 proceed along the row either bent from the waist, squatting,  
4 or on our hands and knees?

5           It seemed logical to us, and so we formulated our  
6 lawsuit not only to have the claims for the regular kinds of  
7 violations we generally find, which are failure to pay  
8 minimum wage, failure to give the proper receipts with all of  
9 the information that's required, but also we were asking for  
10 injunctive reflect that the farmers be stopped from requiring  
11 the farmworkers to use no hoe at all.

12           Early on, our federal judge ruled against us on  
13 that portion of it. She said that we could not prove -- we  
14 had not proved that the legislature intended -- at the time  
15 that it prohibited the use of the short-handled hoe, that it  
16 intended also to prohibit the use of no hoe at all. And so  
17 the farmworkers were back on their hands and knees. But we  
18 did go forward with the rest of the lawsuit.

19           At the time that I talked to John, we were trying  
20 to do the discovery that was involved inn the regular  
21 proceeding. And at that point, it was very, very heartening  
22 to see that we had volunteers.

23           We had students from the Doña Ana Branch Community  
24 College, the paralegal program, which is under the direction  
25 of Anne Gutierrez, who was a former legal services attorney  
26 and who I believe is now still on the board of the state --  
27 the state board of legal services. Her students came to  
28 volunteer to help us with the interrogatories.

29           We had also cooperation from the New Mexico State  
30 University, some students from the criminal justice  
31 department and some students from a program called CAMP,  
32 which is College Assistant Migrant Program. They are former  
33 farm workers who have been identified and helped to have  
34 tuition and a number of other things that they're given in  
35 order to continue their -- or, rather, in order to get into  
36 and be successful in college. They came to help.

37           The Colonias Development Council, which was founded  
38 several years ago by the Catholic Diocese of Las Cruces, gave  
39 us support and sent volunteers to help. The Womens  
40 Intercultural Center, which is a not-for-profit organization  
41 in Anthony, New Mexico, sent volunteers, and they came and  
42 helped. And finally, the Centro de Trabajadores Agricolas  
43 Fronterezos, which is a farmworker shelter in El Paso, Texas,  
44 also came to help.

45           So we had humongous support from the community in  
46 helping our clients, who for the most part are monolingual  
47 and illiterate, to complete and be able to submit their  
48 interrogatories. We were extremely pleased with this  
49 outpouring of support. Others who helped was Texas Rural



1 Legal Aid and the Families and Youth, Incorporated.

2           We did in fact finish most of the discovery, and we  
3 had a trial date tentatively set for October of this year.  
4 Before a trial, of course, under Rule 16 you have a  
5 settlement conference where the magistrate judge -- I'm  
6 laughing because we were just there together this week --  
7 there is a settlement conference in which the magistrate  
8 judge attempts to persuade both sides to actually reach a  
9 solution short of going to trial.

10           For the settlement conference, we had some more  
11 assistance and help. And again, I think that it's important  
12 for you to know this. The private bar -- Nancy Simmons, who  
13 used to work for Texas Rural Legal Aid and is now in private  
14 practice in Albuquerque, and who also from time to time does  
15 some of our private attorney involvement work, was involved  
16 with this case from the very beginning.

17           Angel Saenz, who is a private attorney in Las  
18 Cruces and who had been at some point in his life a legal  
19 services attorney -- in fact, holding the position that I now  
20 hold; he was the migrant program attorney -- helped because  
21 we needed somebody to represent one particular person who  
22 might have a conflict. He might develop a conflict with the  
23 rest of the group. Angel was willing to come and help us  
24 should that conflict arise.

25           And also, Sarah Singleton came to help during the  
26 settlement. I won't tell you any more. I'm sure you are all  
27 familiar and we are all grateful for all of the work, not  
28 only the settlement work but all of the work that she has  
29 done for legal services.

30           On Tuesday, in fact, we did settle. And I believe  
31 it's a very important settlement. Some of the items of the  
32 settlement are that the defendants agreed to report to Social  
33 Security the work that had been done by the farmworkers so  
34 that when they reach age 65, they will not have blank screens  
35 for the quarters worked that they have worked, but in fact  
36 for at least this period of time, they will show that they  
37 have worked. So they will be able to claim their Social  
38 Security. This is a very pervasive problem among the migrant  
39 worker community.

40           They also agreed to pay the sums owed under the  
41 Fair Labor Standards Act. They agreed to pay each plaintiff  
42 \$356 for the violations of the Agricultural Workers  
43 Protection Act. But I think most importantly, they agreed  
44 that from now on, they will always provide long-handled hoes  
45 to all of their workers who are thinning and weeding on their  
46 farms.

47           MR. ARANGO: Thank you, Sarah.

48           MS. PEDROZA: I wanted to end by reading a poem  
49 that I think describes the people who need our services, the

1 people who do not speak for themselves and for whom we have  
2 to speak. It's a poem by Eduardo Galeano, and I must first  
3 publicly apologize to him because I translated it last night  
4 and it may not be perfect. But it's called, "The Nobodies."  
5 Too extreme of buying themselves a dog,  
6 and the nobodies of getting out of being poor.  
7 That some magical day, suddenly,  
8 good luck will come raining down.  
9 That rain will be that it rained pitchers of good luck.  
10 But good luck does not rain.  
11 Not yesterday. Not today. Not tomorrow. Nor ever.  
12 Not even sprinkles of good luck fall from the sky.  
13 No matter how much the nobodies call it,  
14 and never does their left hand itch,  
15 nor do they rise from the bed on the right,  
16 nor do they start a new year with a new broom.  
17 The nobodies. The children of no one. The owners of  
18 nothing.  
19 The nobodies. The cast aside, running like rabbits.  
20 Dying in life.  
21 Fucked over and over-fucked.  
22 Who are not and never will be.  
23 Who do not speak languages but only dialects.  
24 Who profess no religion, but only superstitions.  
25 Who don't make art, but only crafts.  
26 Who do not practice culture, but only folklore.  
27 Who are not human beings, but only human resources.  
28 Who have no faces, but only arms.  
29 Who have no names, but only numbers.  
30 Who do not appear in universal history, but rather in  
31 the crime pages of the local press.  
32 The nobodies. Who cost less than the bullet that kills  
33 them.  
34 Thank you.  
35 CHAIRMAN STRICKLAND: Thank you. I wonder if you  
36 might be able to provide us with a copy of that poem.  
37 MS. PEDROZA: Absolutely. Sure.  
38 CHAIRMAN STRICKLAND: Thank you.  
39 MS. MERCADO: I would like the Spanish version,  
40 though.  
41 MS. PEDROZA: Sure.  
42 CHAIRMAN STRICKLAND: Well, we'll take both  
43 versions.  
44 MR. ARANGO: Clients play a very important part in  
45 our program. As you know, we have client board members on  
46 our board of directors. We also have some clients that --  
47 and we have many clients that are involved in our activities  
48 in the community, as Olga just told you.  
49 But every once in a while we have a client who

1 provides exceptional service to the program. And I thought  
2 it might be interesting for you to hear from Ann Burnham, who  
3 is a volunteer, a client volunteer, in our Santa Fe office.

4 MS. BURNHAM: Thank you, John. And I'd like to  
5 thank the New Mexico Legal Services for having me. And I'd  
6 like to thank the board today for my being able to have an  
7 audience with you.

8 I'm really going to -- there are going to be three  
9 parts to a very short presentation. The first part, I'm  
10 going to tell you a little bit about where I'm from, a little  
11 bit about myself; how I came into contact with legal aid  
12 services; and the project that I'm presently working on,  
13 which is ongoing, a project with which I've only scratched  
14 the surface. In fact, the more I do research, the more  
15 questions I have, which is a sign to me in some ways of a  
16 good research project.

17 A little bit about myself. I'm a nobody. I grew  
18 up very poor. And we used that word a lot, so I'm going to  
19 define it in some real concrete ways today, what poor means.

20 I only had one set of clothes growing up. In the  
21 morning, when I wanted to eat because I had no food -- this  
22 is a time when actually the government gave out, you know,  
23 blocks of cheese, cheeses -- you may remember this, blocks of  
24 cheeses and peanut butter with a white label on it. My  
25 mother used to go and get these products. Really terrible,  
26 salty pork in a can.

27 And my mother did the best she could with these  
28 resources, these limited resources. So I'm really grateful  
29 to my mother for being so hardworking under such stressful --  
30 such duress, really.

31 In the morning I'd get up with one of those cans of  
32 peanut butter, and I'd whip it with some jelly, and I'd eat  
33 it like cereal. And so I grew up with not enough to eat.  
34 And I grew up, even worse in the economic impact of not  
35 having any money, the psychological black eye of poverty,  
36 which is, I think, in some ways as huge if not huger than the  
37 economic impact.

38 There's a silent -- there's a condition that you  
39 can see, and it's -- when you approach somebody who's poor,  
40 it's the clothes or the lack of clothes. It's, you know,  
41 clothes that aren't, you know, up to style. You know,  
42 wearing clothes from the 1960s and 1970s. There's immediate  
43 impact when someone is approached who is from poverty.

44 But there's a silent condition. And that is the  
45 psychological black eye of poverty. And I could say a whole  
46 lot today about that, but I won't because I am hoping to say  
47 what I want to say to you in about ten minutes.

48 And so basically, I didn't really have much of a  
49 basic education because -- much of a formal education. I

1 didn't really have the energy to go to school and to learn.  
2 I was really much more concerned with surviving on a day-to-  
3 day -- getting through a day.

4           And so basically, I got my GED in my 20s, which is  
5 really exciting considering the fact that my mother is  
6 illiterate and my two brothers are illiterate. And it's  
7 exciting to have such progress, and also stressful. There's  
8 a price to pay for progress. I really don't fit in  
9 culturally much with my own family, although I love and  
10 respect them tremendously for what they've given to me.

11           Also quite by accident, I ended up going to  
12 college, which is huge because I really thought that I was  
13 stupid, you know. And this is a part of the black eye of  
14 poverty. I really thought that I was stupid, and I went by  
15 accident.

16           Someone said, you should go and take a course. I  
17 said, oh, no, no, not me, because that was never part of my  
18 future. I was not one of those people who'd ever have an  
19 education.

20           I signed up full-time, and in two years they were  
21 handing me a degree with applauses and with, you know, an  
22 honor student. Ooh, very shocking. Now the real problems  
23 begin.

24           I had to think about what I wanted to do for a  
25 living. I never planned on getting through a day as a child,  
26 and now I had to think about a career. Another part of this  
27 psychological black eye of poverty, another piece to it.

28           So here I am, 40 years old, and due to a lack of  
29 resources I was unable to finish my education. And so I kind  
30 of languished in the world of low-paying jobs. I'm right now  
31 flipping burgers at Wendy's for \$6.50 an hour, which is a  
32 real adventure.

33           And I survive that. I have ways of surviving that.  
34 I tell myself stories, you know. I tell myself that I'm  
35 researching for other people who are poor, people who are in  
36 much worse shape than I am in. I tell myself that standing  
37 on that greasy concrete floor with no break, so dehumanizing  
38 and infantilizing, is so that when I'm not getting paid, I  
39 can do this work.

40           And maybe this work keeps me alive. And that poem  
41 was so touching, I wanted to Captain Ryan. And so I'm really  
42 kind of trying to bounce back from that. This work keeps me  
43 alive. I don't get paid for it, but when I leave this life,  
44 whether I ever come to finish my education or have a career,  
45 maybe I've done something useful with the gifts that I've  
46 received.

47           With that, I just want to really kind of segue into  
48 a little about the project that I'm working on, and that is  
49 the -- really researching the food stamp program in New

1 Mexico. As John has already stated, a very small percentage  
2 of people who are eligible for food stamps are actually  
3 receiving food stamps. And here I just want to tell you a  
4 little bit about, very briefly, three points of the history.

5           1939 to 1943, the commodity distribution program  
6 was enacted from the federal government, and at that time,  
7 paid a certain X amount of dollars to receive food stamps.  
8 For instance, \$100 was paid and \$200 in food stamps was  
9 received.

10           1964, today's food stamp program was passed. 1977,  
11 elimination of purchase requirement made the program more  
12 like a cash program, although obviously, you know, it was a  
13 coupon, you know. And there are, you know, strengths and  
14 drawbacks about having a coupon system. Very expensive to  
15 administer. Could really, you know, have -- you know, really  
16 kind of tracking as far as how these monies were used.

17           Now we have the credit card, and it's really -- the  
18 credit card system. I don't know what it's called -- EBT?  
19 And it's really -- the jury is still out as far as, you know,  
20 how much money is being saved with this new way of  
21 administering resources in the food stamp program.

22           As I said before, I'm really just scratching the  
23 surface. I knew nothing about this. I've never done this  
24 kind of research before. I have no education regarding any  
25 kind of research or paralegal work. I have really been  
26 trying to even just learn the terms, learn the questions,  
27 learn the system.

28           And so basically, what I have right now as of this  
29 date, as John already really stated, New Mexico has the  
30 highest level of food insecurity in the country, and ranks  
31 third in the percentage of hungry families. Basically -- I'm  
32 going to keep this short -- but I'm really researching ways  
33 to improve access.

34           And what I have so far -- and this is, you know,  
35 just the source of this information -- is from the Center of  
36 Public Policy Priorities, and this is from the year 2000.

37           And really, just trying to find information has  
38 been really such an incredible odyssey, really, because I'm  
39 surprised at how hard it is to find information. And I'm  
40 trying to nail down right now exactly what the food stamp  
41 program in New Mexico is so I can learn the questions.

42           Then I can research other states. How have other  
43 states improved access? What is the program right now, the  
44 food stamp program as it exists right now in New Mexico? And  
45 really look for models in other states, you know.

46           And so, anyway, basically here are some -- just a  
47 couple of, you know, general suggestions about how to improve  
48 food stamp access in New Mexico.

49           Increase federal financing for training food stamp

1 workers. Myriad policy changes since welfare reform in 1969  
2 have increased the responsibilities of caseworkers and  
3 transformed their roles. More and more training must be  
4 mandated to ensure caseworkers have the tools they need to  
5 perform their jobs well and feel a sense of pride about the  
6 role they play in helping low income people get and stay on  
7 their feet.

8           Another recommendation: Explore ways to mandate  
9 that states maintain an adequate and well-trained workforce  
10 at eligibility offices.

11           And finally, I'll just do one -- there are many,  
12 many suggestions for improvement: Improve access to food  
13 stamps through increased office hours, including mandatory  
14 evening and weekend hours to serve the working poor.

15           With that, the idea -- one of the ideas that I've  
16 been entertaining under the direction of Lisa Krooth, who I'm  
17 working for, who is special counsel on hunger and  
18 homelessness, I've begun to, you know, research the idea of  
19 outstation workers.

20           You know, one of the many, many barriers as far as  
21 getting food stamps to families and working poor who are  
22 eligible are limited welfare office hours. Basically,  
23 workers, you know, have such -- you know, such overwhelming  
24 work schedules that they can't get in to even apply for food  
25 stamps.

26           So I have found basically two states who have  
27 successfully funded and employed outstation workers. One of  
28 the states is Oregon. They funded outstation workers through  
29 the Department of Human Services, and they have an employee  
30 posted at community -- at like community agencies or at  
31 something like the local grocery store.

32           Also, in a rural area, what they have is a  
33 volunteer who actually goes out to a rural area, helps  
34 people, who's educated -- or trained, excuse me -- about  
35 filling out this application, these applications, which is  
36 another barrier.

37           Helping eligible -- or people who are trying to  
38 apply to actually fill out these applications, and bringing  
39 back the applications to the office because there are  
40 transportation difficulties and people are just very  
41 intimidated by the application process.

42           And also, one thing that Oregon is really thinking  
43 about, which is extremely exciting and a really exciting  
44 idea, is thinking about how to have Americorps workers  
45 involved in workers outstationed.

46           And secondly and lastly, Vermont is another state  
47 who have been having success at employing outstation workers.  
48 Vermont funds their outstation workers through a state plan  
49 and grants.

1           And Vermont has a kind of a different spin on this.  
2 Basically, they went out and identified local agencies who  
3 really wanted to be involved in food stamp outreach. And  
4 outstation workers who are paid and trained are either posted  
5 at places or, actually, these -- at certain locations, or  
6 actually the local agencies themselves have taken on some of  
7 the food stamp outreach, the application, actually have  
8 incorporated it into their responsibilities.

9           So anyway, basically that's it for now. I want to  
10 keep it to ten minutes. I'm really grateful to have had a  
11 chance to just share with you some of this work. And I think  
12 that because I have suffered such poverty -- and I still do;  
13 I'm still struggling against it; it's a weight that kind of  
14 reverberates -- if I can make it easier for one person,  
15 whether it's recognized or not, I feel such a sense of  
16 relief. You know, if I can make it better for one person.

17           And I've done extensive volunteer work throughout  
18 my life, maybe to make myself feel better about being poor.  
19 I don't know, you know. But it makes me feel better to go  
20 out and knock on doors and fundraise for homeless shelters,  
21 and really to try to ease food and security, no matter what  
22 state I'm living in.

23           And I'm just really grateful to Legal Aid Services  
24 of New Mexico for making this opportunity available to me and  
25 supporting me in my efforts. And I'd like to thank you for  
26 listening. That's it. Thank you.

27           MR. ARANGO: Thank you, Ann. We're very grateful  
28 for the contribution you make. And thank you for helping us  
29 out today.

30           That's our panel. I would, just as a final thing,  
31 like to have the other members of the New Mexico Legal Aid  
32 staff who are here stand up for a minute, just so you can  
33 know who they are.

34           Ismael Alvarez at the end is the deputy director of  
35 the program. Lisa Krooth is our special counsel for hunger  
36 and homelessness, is working with Ann. In the back is Gloria  
37 Molinar, who is my assistant and jack of all administrative  
38 trades. And Karen Marquez, who is handling all of our  
39 technology issues.

40           I think that's it. So if you have questions --  
41 you've been remarkably patient. But if you have questions,  
42 we'd be glad to answer them.

43           CHAIRMAN STRICKLAND: This has been a very powerful  
44 presentation. In fact, I think it got more powerful as it  
45 went along. Very moving.

46           I would ask any board members if you have questions  
47 of any of the panel. I know Maria Luisa will have some  
48 questions.

49           MS. MERCADO: I was just curious in the Law Access

1 program that you all developed. Is that run primarily by  
2 paid staff, or do you have a combination of volunteers who  
3 come in and do some of the brief advice that you provide?

4 MR. ARANGO: Law Access is about nine months old,  
5 and so it's still staffing up. Under its current staffing  
6 arrangement, it has three full-time staff, a director, a  
7 supervising attorney, and a staff attorney. Their tasks are  
8 largely to prepare -- to do the research that's necessary to  
9 collect solid, accurate advice and to supervise the attorneys  
10 who are working in the program.

11 There are also, I believe now, ten part-time  
12 attorneys who actually answer the phone. So when a client  
13 calls from anywhere in New Mexico, the first voice they hear  
14 is of an attorney, who listens to their -- determines their  
15 eligibility. Because it's a non-LSC program, the only  
16 eligibility question they have to ask is their income. There  
17 are no -- no other criteria are involved. And then they can  
18 either provide advice or make a referral to an appropriate  
19 organization.

20 There are clearly many opportunities in this  
21 program for law students, for non-attorney volunteers, and  
22 volunteers. And in fact, there are many demonstration  
23 programs around the country, the chief one being Legal  
24 Counsel for the Elderly in Washington, that has very  
25 successfully integrated non-attorney volunteers as well as  
26 attorney volunteers in this whole program.

27 I'm sure that Kathleen Brockel, who's the director  
28 there, a former legal services attorney but now running her  
29 own independent organization with funding from Sarah, will --  
30 you know, will go in that direction.

31 But right now, what they're focusing on is staffing  
32 up and then ensuring gradually covering different parts of  
33 the state. They cover a little bit more than half of the  
34 state now. In another month or so, they'll be taking calls  
35 from Albuquerque, and finally will take calls from the  
36 northwest, where in addition to providing services in English  
37 and Spanish, they'll have to provide services in Navajo.

38 MR. MEITES: A follow-up question. With all the  
39 lawyers advertising on cable TV at 3:00 in the morning and  
40 these credit "counseling" services, how do you publicize your  
41 service as a good guy service and not one of the traps for  
42 the consumers?

43 MR. ARANGO: Well, we are in the process right now  
44 of -- that's what we generally refer to as outreach. And  
45 we're in the process of developing a coordinated program with  
46 all our other partners.

47 But one of the things, for example, we're  
48 considering is we will run an advertisement in every Yellow  
49 Page in every directory in New Mexico that will say,



1 essentially, New Mexico Legal Aid, and will have the number  
2 for Law Access. Because that's the single point of entry  
3 that we'd like for all persons. And then we'll have a brief  
4 description in language that eligible clients can understand  
5 about the services that are available. We already have a  
6 pretty extensive program where we go out and meet with  
7 community groups and describe to them what we do. But my own  
8 assessment is we need to do more outreach.

9           And basically, we find ourselves in a curious  
10 position. We have -- we serve a lot of people, but we're  
11 full. And so you are tempted to not say anything to anybody  
12 else about the service for fear that that would generate more  
13 cases. But because we have this additional money available  
14 now, we're contemplating a much more ambitious campaign.

15           I suppose another thing that I should mention is we  
16 have another organization, another separate organization,  
17 that does fundraising in New Mexico. And they do a very good  
18 job of ensuring that the private bar in the state understand  
19 the services that we're performing and will give us a check.  
20 And so that's another form of outreach that we do.

21           Also, we're doing much more fundraising with both  
22 state agencies and with the United Way organizations around  
23 the state, and part of that involves a pretty extensive  
24 campaign of helping them to understand our services.

25           CHAIRMAN STRICKLAND: Yes, Rob?

26           MR. DIETER: Sarah, why did the \$25 fee pass on the  
27 third go-around? I mean --

28           MS. SINGLETON: Why did we get the governor to sign  
29 it?

30           MR. DIETER: Yes. How did that happen?

31           MS. SINGLETON: Our former governor developed a  
32 unique interest in legalization of drugs. And as part of  
33 that, he actually saw the impact that drugs can have on  
34 people, and particularly people living in poverty.

35           And through that work that he was doing  
36 independently, he finally realized that yes, access to courts  
37 with a lawyer could be important. And he didn't want to see  
38 people who might be -- for example, the one case he mentioned  
39 was a person living in an abusive situation where the husband  
40 was on drugs, and she would have nowhere to go to get a  
41 lawyer to help her get out of that situation.

42           And that concerned him, and so he finally decided  
43 he would sign the bill.

44           MR. DIETER: And was it always at \$25, or did it  
45 change, or --

46           MS. SINGLETON: It was always at \$25, from every  
47 time it was proposed. It's \$25 for our district court, which  
48 is our court of record. For the magistrate metro courts,  
49 which are lower courts, it's \$15. And it's only on civil

1 things, and not for people who can't afford it. They don't  
2 have to pay it.

3 MR. DIETER: Yes.

4 CHAIRMAN STRICKLAND: Yes, Herb?

5 MR. GARTEN: Sarah, what impact is your IOLTA  
6 program having on fund resources?

7 MS. SINGLETON: We until last year were one of the  
8 only two voluntary IOLTA programs. We did not typically  
9 collect the same kind of monies through IOLTA that most  
10 states had collected.

11 And so we changed it last year to be an opt-out  
12 program. We don't have the figures yet on whether or not  
13 that has made a significant impact, although we were hopeful  
14 that it would. But IOLTA has not raised the money in New  
15 Mexico that it has in other places.

16 I want to say I think that a couple years ago,  
17 before the interest rates got even worse than they are today,  
18 I think the total of the grants they gave for legal aid type  
19 programs was 125,000, which is small. I mean, that's smaller  
20 than our private bar campaign raises, which I think is pretty  
21 atypical.

22 MR. GARTEN: I do want to take note that New Mexico  
23 has given much leadership on a national level to legal  
24 services. In Maryland, John Arango has given us advice for  
25 many years, and he's very well respected and well-known.  
26 Sarah, of course, is known nationally. And of course,  
27 Roberta Ramo, former president of the American Bar  
28 Association, a native of Albuquerque and I presume she's  
29 still practicing law there, was a great supporter of legal  
30 services.

31 So I think you've done a magnificent job, and I'm  
32 hopeful --

33 MS. SINGLETON: And I don't want you to forget John  
34 Robb, who has time after time gone to Congress to make sure  
35 that funding for Legal Services Corporation continues.

36 MR. GARTEN: Right. So we thank you.

37 CHAIRMAN STRICKLAND: It may be too early to tell  
38 since you just adopted the -- under your merger the New  
39 Mexico Legal Aid name, did you say, as of the first of this  
40 year?

41 MR. ARANGO: Yes. That's right.

42 CHAIRMAN STRICKLAND: It may be too early to tell.  
43 But can you see any indication that the common identity of  
44 your offices in the various states will be an advantage to  
45 the program overall and a better understanding among your  
46 potential clients about what your organization is and what's  
47 available to them?

48 MR. ARANGO: I think the answer is yes, although it  
49 is early. But we have focused on finding what was common in

1 the legal work that various offices did throughout the state  
2 and forming the advocates who are working on common issues in  
3 teams or practice groups to coordinate their work.

4         And I think that effort has been particularly  
5 successful. As I said, we're expanding our fair housing  
6 project by picking up paralegals that were working in the  
7 southern part of the state and incorporating them into the  
8 project. Ismael Alvarez is starting an employment project  
9 because the most recent data is showing that the issue that  
10 is rising in terms of its impact on poor people are issues  
11 related to employment, and so we will have a practice area in  
12 that area.

13         We have -- family law will be another one of our  
14 practice areas. Government benefits will be one. Disability  
15 will be one. And the effect it's going to have on clients is  
16 that right now, their perception of what legal services is is  
17 the services that had been available from their local office.

18         So if the local office did mostly family law, the  
19 word in the community was, if you have a family law problem,  
20 go to that office. But if you need Social Security or if you  
21 have a housing problem, they don't do that.

22         So what the clients are going to begin to see is a  
23 much broader range of legal services are going to be  
24 available in every office. Eventually we'll get to the place  
25 where we'll have a similar pattern of legal services  
26 available throughout the state, and poor people have a much  
27 better understanding of what we're all about as well as a  
28 much broader view of the kind of service that we can get from  
29 our program.

30         So our sense is you start with the substantive work  
31 and focus everybody on that, and then I have to tell you on  
32 the side we're scrambling like crazy to get our  
33 administrative house in order. But we believe it's very  
34 important that clients see us as a place that they can come  
35 to get help on issues that are really important in their  
36 lives.

37                 CHAIRMAN STRICKLAND: Yes. Judge Pope, go ahead.

38                 JUDGE POPE: Because I have to confess, and Sarah  
39 and John are well aware of this, that when the merger was  
40 proposed, I was really quite opposed to it because I saw it  
41 as three different cultures trying to blend, and I didn't  
42 see -- I didn't really see the utility in it.

43                 But as we went along on the merger and as we've  
44 gotten into the program, I find that the three cultures can  
45 blend and they lend strength to each other. Because all  
46 three of the areas had different emphases.

47                 And I think that the fact that they had three  
48 different emphases has actually been -- is a strength because  
49 they can -- because Albuquerque brings us something that we

1 didn't have in the housing area, and the south is really  
2 strong in the migrant area and that brings something, and the  
3 north was really interested in water and some other issues.

4 And staff can bring those strengths to the table  
5 and blend well. So I'll formally tell Sarah that I was  
6 mistaken and I'm reconciled to the state concept.

7 CHAIRMAN STRICKLAND: We'll let the record reflect  
8 that.

9 JUDGE POPE: Even a judge can admit that he's made  
10 a mistake.

11 CHAIRMAN STRICKLAND: That's probably why we want  
12 the record to reflect it.

13 Tom, did you have a question?

14 MR. FUENTES: I would like to direct a question to  
15 Ms. Pedroza, that you might inform us a little bit. In the  
16 migrant program, we're dealing here with folks of American  
17 citizenship? Of green cards? Is there a screening process?  
18 Who is eligible?

19 MS. PEDROZA: Sure. We are very well aware of the  
20 restriction on representing undocumented immigrants, so we do  
21 not. They are all screened. The case itself that we had  
22 here was surprising to me because we often find that in a  
23 group of plaintiffs, there will be some percentage that are  
24 undocumented and that we have to reject.

25 In fact, in this case, there were none. They were  
26 either permanent residents or they had their temporary visa.  
27 And there were also a sprinkling of U.S. citizens as well,  
28 of national -- probably Hispanic origin, Mexican descent, but  
29 having been born either in Texas or New Mexico or some place  
30 in the United States.

31 MR. FUENTES: And when does that process go on? At  
32 what stage of an individual's contact with you would that --

33 MS. PEDROZA: Their first -- I'm sorry. Their  
34 first contact. I'm going to back up. When there were -- I  
35 guess it was about three or four who first made contact and  
36 came to tell about their distress over having to weed without  
37 any kind of hoe at all. And at that point, no, I didn't ask  
38 them before I spoke to them.

39 But immediately that we began considering taking it  
40 as a case, then we did the formal intake process and then did  
41 look into their finances, their documentation.

42 MR. FUENTES: Thank you.

43 CHAIRMAN STRICKLAND: Ernestine Watlington, did you  
44 have a question you wanted to ask?

45 MS. WATLINGTON: Not at this time. It's been  
46 interesting listening, as always.

47 CHAIRMAN STRICKLAND: Well, thank you. Somebody  
48 advised me that you might have a question. I didn't want to  
49 overlook you. And for your information, Ernestine, we're

1 proceeding as a committee of the whole in receiving some  
2 reports today, so that's going to be the course of business  
3 for today.

4 Anything else from --

5 MS. WATLINGTON: The only thing I would --

6 CHAIRMAN STRICKLAND: Yes?

7 MS. WATLINGTON: The only thing, I regret not being  
8 about to go out to visit the program. I've always enjoyed  
9 that, to actually see what they're actually doing in the  
10 communities. To hear it being reported at a meeting is a lot  
11 different than actually seeing it, and that's what I've  
12 always looked forward to. But I regret not being able  
13 health-wise to be able to do that today.

14 CHAIRMAN STRICKLAND: We're all looking forward to  
15 the visit here, and sorry you're not with us.

16 Anything else from our panel?

17 MR. ARANGO: Pat has a couple of concluding words.

18 MS. HANRAHAN: Oh, I was just going to thank them,  
19 if this is appropriate, to thank them very much for coming.

20 CHAIRMAN STRICKLAND: And we join in thanking the  
21 panel. It's been a very impressive presentation. And thank  
22 you for your time today.

23 According to our agenda here, it appears we have  
24 finished a few minutes early on the morning session and we're  
25 going to break for lunch at this point.

26 MS. HANRAHAN: Mr. Chair, I think we have one  
27 more --

28 CHAIRMAN STRICKLAND: We do?

29 MS. HANRAHAN: Yes.

30 CHAIRMAN STRICKLAND: Sorry. Oh, I beg your  
31 pardon. I mistook that for our visit. My mistake.

32 MS. HANRAHAN: It's a short presentation.

33 MS. MERCADO: No. I was just going to tell  
34 Ms. Pedroza that I remember going to work in Silver City in  
35 the hatch fields, and the battle -- this was -- I don't want  
36 to tell you how old I was, Ms. Pedroza, but it was still the  
37 short-handled hoe and I was only seven years old at the time,  
38 working in the migrant fields.

39 And, you know, most of us were either U.S. citizens  
40 or permanent residents that worked in southern New Mexico.  
41 And they would load them all up from the buses from El Paso  
42 or around the area. And, of course, back then we didn't have  
43 a legal services that could help us with that work.

44 But needless to say, even though I like the area,  
45 there's something about those green chiles that, you know,  
46 bring back those hot sun memories. But I'm glad that you're  
47 doing the work there.

48 CHAIRMAN STRICKLAND: I apologize for mistaking  
49 this agenda item. And so let's go ahead and take that up.

1 MS. HANRAHAN: Okay. Thank you. It's a very short  
2 presentation. But we wanted you to get a glimpse of another  
3 facet of the legal services work that's being done in New  
4 Mexico, and so we've invited Anna Marie Johnson, who actually  
5 presented to the board a year ago and talked about the  
6 litigation docket at her program.

7 She's here now as executive director, and she's  
8 going to give you a brief five- or ten-minute overview of the  
9 services provided by her program to the Navajo tribe. Her  
10 program is DNA Peoples Legal Services. There is on page 242  
11 some information, background material, on it.

12 And again, I'd ask you just to hold your questions,  
13 if they arise, just till the end. Her presentation, as I  
14 say, will be extraordinarily brief. But we wanted you to  
15 also understand the full array of services that are provided  
16 to people in this state.

17 MS. JOHNSON: Thank you, Ann. Ya'ahte be'ne.  
18 That's a traditional Navajo greeting. Good morning to the  
19 members of the board, Mr. Chairman and Mr. President.

20 DNA Peoples Legal Services serves the Navajo  
21 reservation as well as the Jicarilla Apache reservation in  
22 New Mexico and the off-reservation portion of San Juan  
23 County. Our service area is actually fairly large. We go  
24 from the corner where New Mexico, Arizona, Colorado, and Utah  
25 come together to the non-contiguous portions of the Navajo  
26 reservation, which are roughly 90 miles south and west of  
27 Albuquerque. It's a very large service area.

28 Our population is scattered out across a rural  
29 area. There are no cities in our service area. The city of  
30 Farmington has a population of only 50,000, and when you're  
31 talking to others who say, oh, I live in a small town, it's  
32 only 170,000 people, and I go, man, the town I live in has  
33 only 17. You do not come from a small city.

34 According to the Navajo Nation's Department of  
35 Economic Development's 2001 census report, in the New Mexico  
36 portion of the Navajo reservation, the unemployment rate has  
37 gone down to 43 percent. Eighty percent of the Navajo  
38 population that live in New Mexico qualify for DNA's  
39 services, and we cannot possibly meet that need at this  
40 point. We meet approximately 15 percent of the need of our  
41 service area's population.

42 Out of the folks who live on the Navajo  
43 reservation, 30 percent do not have electricity. In our  
44 service area, we have the San Juan power generating station,  
45 which provides us the electricity that we have here today.  
46 Within a mile of that plant, there are Navajo homes that have  
47 no electricity and have no access to electrical service.

48 Forty percent of our population do not have  
49 telephone or access to telephone service. And according to

1 the Navajo Nation's statistics, 49 percent of the population  
2 do not have access to a running automobile.

3 All of this provides DNA with significant barriers  
4 to providing services, and we try to overcome those barriers  
5 as we can. We have our offices in Crown Point, New Mexico,  
6 Shiprock, New Mexico, and Farmington, New Mexico. We travel  
7 out to where our clients are.

8 We'll go out and visit our clients in their home.  
9 Those roads aren't paved, and if you've been out here during  
10 the winter or if you've been here during rainy season, you  
11 have to have four wheel drive if you're going to get around.

12 We have worked out cooperative deals with the local  
13 government agencies on the Navajo Nation. They're called  
14 chapters. And each chapter has a chapter house.

15 And for the remote portions of the reservation that  
16 we serve down near Socorro, out near Ramah, To'ahjillii,  
17 which is near Albuquerque and are far away from our Crown  
18 Point office, the local community members can come in to each  
19 chapter house. There is a free phone that you can pick up.  
20 It connects to our toll-free number in our Crown Point  
21 office, and we can do intake over the phone with anyone.

22 We also travel out there and hold regular intake at  
23 the remote sites. But at any time when there's a legal need,  
24 somebody can come into the local chapter house and use the  
25 phone that we have set up in the chapter house to reach us.

26 We also have created self-help centers so that  
27 somebody who has -- just wants to have some information on a  
28 legal issue can come into the local chapter houses. There  
29 are 37 chapter houses in New Mexico, and they can go to their  
30 local chapters and pick up information on consumer issues,  
31 housing issues, family law issues.

32 We make our pro se self-help forms for both the  
33 state and the tribal courts available at the chapter houses.  
34 Plus we have self-help centers throughout San Juan County in  
35 the local law -- or in the local public libraries.

36 And we are currently working on our kiosk project.  
37 And our kiosks are internet-based and internet accessed for  
38 the community to get to our legal information. It's a touch  
39 screen. If you go to Wal-Mart or K-Mart or some store and  
40 you have like the bridal registries, it's just like those.  
41 It's the easiest way to explain it to people.

42 But you can go to the screen and touch on a  
43 particular topic that you want to listen to, and all of the  
44 information is provided in Navajo and Hopi because most of  
45 our population does not speak English as a first language.  
46 So they can get their -- they can see the information on the  
47 screen, but also listen to all the information in their  
48 native language.

49 You're able to print out at the little kiosk all of

1 the forms that we have available and our brochures, and at  
2 some stage in the kiosk project, you'll also be able to sit  
3 and listen to all of the videos that we have developed on  
4 various legal topics and on DNA's services. That's how we  
5 are working to provide services to our client community.

6 I wanted to touch upon just one particular success  
7 story that DNA has had because we have such a wonderfully  
8 graphic representation of it right here in this room, that  
9 gorgeous Navajo rug that's on the wall back there.

10 Judging by its design, the artist is probably from  
11 the Toadlina region of New Mexico. Most artisans back before  
12 we started this project would spend their time weaving a rug,  
13 and a rug of that size and a design of that complexity  
14 probably represents two years out of that artist's life.

15 They would sell that rug to agents from the  
16 galleries in Santa Fe and other places around the Southwest  
17 who would come out looking for works like that, and would  
18 probably only receive a few hundred dollars for that gorgeous  
19 piece of work.

20 The artists would -- you know, would be coming to  
21 Santa Fe, particularly for the Indian market that takes place  
22 every August, and would see their rug for sale in the  
23 galleries and stores in this area being sold, for something  
24 like that, probably \$25,000.

25 DNA's employees in the Crown Point office decided  
26 that there was something that DNA could do to help the local  
27 artists. And they formed a nonprofit organization and helped  
28 the community form what is called the Crown Point Rug  
29 Auction.

30 It is a nonprofit agency. It is a cooperative of  
31 artists. And they get together every month, and on the third  
32 Friday of the month, they hold a rug auction. And this rug  
33 auction is advertised throughout the country. You have  
34 dealers coming in from galleries and museums and stores from  
35 throughout the country to bid on the work that is done.

36 And the artists have started bringing their work  
37 only to the Crown Point Rug Auction. If you want to get the  
38 good artwork that's being done by the local Navajos, you go  
39 to the Crown Point Rug Auction now.

40 And it has become phenomenally successful. It  
41 takes place every month. People from all over the country  
42 show up. And artists are actually getting prices for their  
43 work that it's actually worth.

44 And that is one of the huge successes that DNA has  
45 had, and it's had a large impact on the community because it  
46 has allowed some artists, one, to gain national recognition  
47 for their work; when they sell to the agents from the  
48 galleries, they wouldn't necessarily have recognition and  
49 nobody would necessarily know that that may have been made by



1 one of the local artists like Jean Yazzie, which is a very  
2 famous name.

3           It also allows them to get prices for their work  
4 that much more reflects the -- excuse me, I just blanked  
5 out -- that much more reflects the work that goes into  
6 something like that rug. And it also means that the money is  
7 staying in the community. It's not going off to Santa Fe and  
8 it's not going off to Phoenix and Sedona.

9           And that has been a huge help to the Crown Point  
10 community and some of the smaller communities around there.  
11 And DNA is justifiably proud of the work it did in  
12 establishing the nonprofit and the Crown Point Rug Action.

13           I go to it every once in a while now, and the  
14 prices have gone to the point that it's beyond my ability to  
15 be able to bid on some of the artwork that's there.

16           Thank you, and if you have any questions about what  
17 DNA does, I'd be happy to answer them.

18           CHAIRMAN STRICKLAND: Are there any questions?

19           (No response.)

20           MS. JOHNSON: Thank you.

21           CHAIRMAN STRICKLAND: Thank you very much for your  
22 presentation today. We appreciate your coming.

23           Anything else, Pat?

24           MS. HANRAHAN: No. That concludes our presentation  
25 this morning. Thank you very much.

26           CHAIRMAN STRICKLAND: For the morning presentation?

27           Okay. Good. Thanks very much, and we'll adjourn for lunch,  
28 and then after lunch we're headed for the reservation. I  
29 guess we'll be leaving from out in front of the registration  
30 lobby. Is that right, Mauricio?

31           MR. VIVERO: We'll catch the bus right out here.

32           CHAIRMAN STRICKLAND: Oh, outside of this building?

33           Okay. Thank you.

34           (Whereupon, at 12:01 p.m., a luncheon recess was  
35 taken.)