

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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P R O C E E D I N G S

1
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
2 threshold.

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

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

10 In those households, using some data from the
11 American Bar Association's legal needs study, which was
12 conducted over four years from '92 to '96, there will be
13 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
16 minute -- but in 2002, the three programs that merged to form
17 New Mexico Legal Aid handled about 6,000 cases, or about 3.8
18 percent of the legal needs.

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

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

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

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

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

41 MS. SINGLETON: Thank you, John. I would like also
42 to echo Judge Pope's welcome to all of you. I'm a lawyer
43 here in Santa Fe in private practice, and we're very glad
44 that you could meet here in our city. We hope you will enjoy
45 it. My office is about five minutes from here. If you need
46 anything, please don't hesitate to call me. And I do hope to
47 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.)

A F T E R N O O N S E S S I O N

2:40 p.m.

1
2
3 JUDGE POPE: Welcome, everybody. We had a nice
4 drive. Some people were saying it was kind of long, but I
5 still have 60 miles to go south before I hit my home county.

6 But welcome to my jurisdiction. Actually, this is
7 Howard's jurisdiction here, but Sandoval County is part of my
8 jurisdiction. So if you get a speeding ticket in Sandoval or
9 Valencia County, let me know, and I might come and bail you
10 out and I might not.

11 Okay. I'm going to introduce Howard Humetewa. I
12 got it right. I've been slaughtering his name for years, so
13 Howard is very patient with me. And he's going to introduce
14 everybody else, I think. Right? Okay. Here's Howard.

15 MR. HUMETEWA: Thank you, John. Judge. Let me put
16 on my over-40 glasses. There.

17 (Speaks in Keres language.) Good afternoon, and
18 welcome to Santa Ana. My name is Howard Humetewa. I'm on
19 the board of directors of New Mexico Legal Aid, and I serve
20 on the standing committee on Indian policy on that board.
21 Welcome to Santa Ana.

22 Thank you for visiting our program here. We hope
23 that you learn a little bit about us during your visit here.

24 Santa Ana is my home. It is one of several pueblos along
25 the Rio Grande and the Rio Jemez that speak the Keres
26 language. Of course, there are 19 other Indian communities
27 in New Mexico, which you will hear about in just a little
28 while.

29 I was born here and have lived all my life in Santa
30 Ana. As you can see, we're a changing and a growing
31 community. We're moving forward economically and operate
32 both traditional and nontraditional enterprises.

33 My pueblo operates a casino, and we have a farm
34 project that we market our traditional blue corn and other
35 farm products that we grow. We also have a project to
36 restore the banks of the Rio Grande that run through our
37 pueblo, and we started this restoration program several years
38 ago, and other communities now are following our lead.

39 We seem to be moving forward, but we Native
40 Americans in New Mexico still live in poverty. Santa Ana
41 Pueblo tries to help as much as we can by creating
42 enterprises to provide jobs. But we also provide monies to
43 other pueblos in their efforts. We also help restore many
44 homes in our pueblo.

45 My pueblo government also supports legal services
46 to the poor. We provide the land its trailer sits on, and
47 this is the only office of the four offices that used to be
48 on Indian pueblo lands. We also provided \$10,000 to the
49 program several years ago. We see the important work

1 that needs to be done for low income Native Americans and how
2 important a program like the Native American program of New
3 Mexico Legal Aid is to Native Americans, who are poor and not
4 hurt. You will hear more about the Native American program
5 in just a little while, but before we do, I'd like to
6 introduce some people who are present to say a few words.

7 Is the governor here?

8 MS. CHAVEZ: The governor's not here yet.

9 MR. HUMETEWA: The governor's not here?

10 MS. CHAVEZ: The governor from Jemez said he's
11 running late, but should be here by 3:00.

12 MR. HUMETEWA: Okay. Well, I guess you're the only
13 one. Okay. Rosalie Chavez, I think better known as Lisa
14 Chavez, will talk about the Native American program. Lisa
15 started her legal services career here 15 years ago. As a
16 former director of the Indian Pueblo Legal Services, she has
17 had to make some tough decisions about legal services to
18 Native American people.

19 Three offices were closed during her tenure as
20 director, and we've also been through two mergers. But she
21 has seen some growth in the work of the legal aid program and
22 its impact on the clients we served. So Lisa Chavez.

23 MS. CHAVEZ: Welcome to our office. This is the
24 only remaining office on Indian land. And although we have
25 staff in other parts of New Mexico, this is the only on-
26 reservation office.

27 I'd like to introduce some of our staff. Terrill,
28 could you please stand up? Terrill is Santee Sioux. She
29 works out of this office. She's an attorney. Regina Holyan,
30 she's a law clerk. She graduated from UNM and just passed
31 the bar. Yay. She's Navajo. And Paul Spruhan back there
32 works out of our Gallup office, and he serves the Zuni
33 reservation in the northwestern corner of New Mexico.

34 Donna Griffin started here back in October, so
35 she's one of our newest attorneys. She graduated also from
36 UNM. We're happy to have here. Marge, you want to stand up?
37 Marge is from Laguna Pueblo, which is about an hour and a
38 half northwest of here. She travels every day to come here.
39 She used to be the secretary at the Laguna office, and she's
40 moved here to be with us in this office.

41 And let's see who else. Is anybody else present
42 here that needs to be introduced? Okay.

43 VOICE: You might introduce Paul Nathanson because
44 I don't think he --

45 MS. CHAVEZ: Paul Nathanson, will you stand up and
46 tell us your position?

47 MR. NATHANSON: Okay. I'm on the board at New
48 Mexico Legal Aid. I teach at -- I'm a professor at the law
49 school. Spent many years in legal services for the poor.

1 Was the first director of the National Senior Citizens Law
2 Center, one of the support centers that no longer -- or
3 exists, but are not part of the corporation. Started my
4 legal career at O'Melveny & Myers in Los Angeles.

5 MS. CHAVEZ: Paula Jones, stand up and --

6 MS. JONES: I'm back in this corner here. But I'm
7 Paula Jones, and I'm on the board of directors at New Mexico
8 Legal Aid. And I'm an advocate, and so therefore my work is
9 cut out for me. And I want to continue to associate with
10 Legal Services Corporation and legal services programs
11 throughout the state of New Mexico and working in conjunction
12 with -- and I hope to get better knowledge of the Native
13 Americans, and make sure that our clients are at the center,
14 as you all would wish them to be when we did our merger.
15 Good to have you all here. Welcome to New Mexico.

16 MS. CHAVEZ: Gwen, did you introduce yourself
17 earlier? Oh, okay.

18 The governor of Jemez Pueblo, which is about 35
19 miles as the crow flies straight up this way, should be here
20 joining us shortly, hopefully by 3:00. So you will hear from
21 him and get to meet him. And he will talk about the work
22 that we do and projects that we collaborate on with the
23 pueblo of Jemez. We've worked with them over several years
24 and their governmental and judicial structures.

25 As you'll probably learn while you're here, there
26 are 22 Indian tribes in New Mexico. And our program started
27 off representing clients from the 19 pueblos. There are 19
28 pueblos -- I should say all of the 22 Indian tribes are
29 separate sovereigns, recognized by the United States as
30 independent sovereigns with the rights of self-government.

31 The pueblos are to some extent an evolving
32 community in terms of the American judicial structure. There
33 are tribal courts that operate under what you might call an
34 American justice system, where there is a judge that sits on
35 a bench. There's a courtroom. There's plaintiffs' tables.
36 There's a jury box. And the judge might rely on written law
37 and order codes.

38 On the other spectrum are traditional courts,
39 traditional courts where the traditional tribal leader, who
40 is the governor, is the judge. He's also the chief executive
41 officer. And he relies on the tribal council, which is the
42 governing body of the tribe, to give him direction and
43 guidance on how he manages the day-to-day operations of the
44 tribe. He also -- the governor also carries out the laws and
45 decisions of the tribal council.

46 So on the one hand, there are tribal court systems
47 that are patterned after the American system, and on the
48 other hand there are very traditional pueblos who operate
49 still on the traditional system, relying primarily on oral

1 tradition as a form of justice relief.

2 The pueblos in New Mexico -- and I'm going to speak
3 primarily of pueblos because we've only begun to incorporate
4 the Muscalaro reservation, which is about a three- or four-
5 hour drive southeast of here, under our Native American
6 program. Because I'm more familiar with the Indian pueblos,
7 our program has primarily served the clients from those
8 communities.

9 As I said, we are evolving. And there's very much
10 alive in our communities the traditions, the ceremonies. And
11 in fact, I was dancing two days ago, and I'm going to dance
12 again next week, I think, if I don't, you know, crash.

13 You know, we still have our religious ceremonies,
14 our tribal ceremonies, much like it was, you know, hundreds
15 of years ago. And this attempt to mesh the modern world and
16 the traditional world is really, you know, something that's
17 going on right now. And I think that our program are really
18 in the midst of what's going on in the changes that are
19 occurring.

20 For instance, the governor from Jemez will tell you
21 that we are working with them to develop written laws.
22 Before, they relied on oral tradition. Now they are
23 thinking, because of the modern problems that Indian tribes
24 are facing, they are trying to establish structure in the
25 tribal courts and develop written laws. So some of the
26 tribes are beginning to do that.

27 The other more significant point I wanted to make
28 is that the Native American tribes in this country have a
29 peculiar position in the American constitutional structure of
30 this country. The federal government, through -- well, the
31 U.S. constitution recognizes Indian tribes in their commerce
32 clause. There's also a body of law called federal Indian law
33 that has recognized that tribes are independent sovereigns,
34 where the state law has no force and effect inside the
35 reservation.

36 There is a federal law that says that Indian people
37 ought to be governed by their own laws. And so part of our
38 job is to make sure that the Indian people we serve not only
39 have access to justice in the state systems, but we also try
40 to make sure that the Indian people that we represent have
41 access to their own justice system, particularly when the
42 controversies occur on reservation lands.

43 And so part of our job is to not only represent
44 Native Americans on basic issues like transportation,
45 housing, and income, but we also in many cases argue that the
46 case in state court ought to be in tribal court. We've
47 represented many clients in state court, arguing that the
48 matter should be dismissed and the case should be in tribal
49 court.

1 I wanted to tell you a story about what happened
2 this morning. And it sort of gives you a picture of how
3 important Indian tribes are within the American
4 constitutional structure.

5 We represent a grandmother who raised her grandson
6 when the grandson was -- from two years old. The grandson is
7 now eight years old. And another grandson, who is the
8 brother of the older child, was put in her custody back in
9 October.

10 And the original case started off because the child
11 was in foster care of another person, and we're not sure
12 whether the person is a tribal member or not. But this case
13 is ongoing in one of the pueblos.

14 And what happened is that the governor decided that
15 the foster care placement was improper, so the child was
16 removed from the foster care placement and placed with my
17 client, our client. And once the child was placed in the
18 custody of our client, our client filed a petition in tribal
19 court asking for legal custody of the child.

20 She didn't think to apply for legal custody of the
21 older child because she believed she already had custody
22 under custom and tradition. When parents cannot take care of
23 children, generally the extended families step in. That's
24 common practice among native people. Usually the
25 grandmothers, the grandparents, step in and take care of the
26 children. So she didn't think to ask for custody of the
27 older child.

28 And so subsequent to the placement of the child in
29 her custody, there was another order that was issued that
30 allowed the former foster parent to have visitation rights to
31 the younger child. And that's when she came to see us
32 because she felt that the original placement was improper.
33 She had always asked for custody. And this time she wanted
34 to make sure that she was bonding with the child and that
35 there was no interference.

36 While this was ongoing, the governor issued an
37 order allowing visitation. Of course, we did all the
38 procedural motions to try to set that aside. And in the
39 middle of all of this, the father files -- the alleged
40 putative father whose paternity had not been established by
41 any court or law -- filed a letter with the tribal court
42 saying, I want custody of my children right now. And then he
43 filed a petition, a formal petition, with the tribal court
44 about a week later.

45 And once we heard about that, we, you know, of
46 course, do all the things lawyers do, which is to try to file
47 a motion to dismiss and argue that, you know, our client had
48 the primary right. Well, before that happened, the governor
49 learned about the -- I should tell that there is a tribal

1 court that was established by the tribal council of this
2 pueblo that established a specific court that will deal with
3 domestic relations and children's cases.

4 So there is a tribal court that was created
5 parallel to what the governor's duties formerly were. And so
6 the governor -- our position is that it's primarily
7 administrative and executive. The jurisdiction is now in the
8 tribal court.

9 Anyway, the governor decided that this putative
10 father had ultimate rights, and gave immediate custody to the
11 father without hearing my client's side. Well, you know, we
12 felt the doors to her redress in the tribal systems were
13 closed, and there's a particular federal law called the
14 Indian Civil Rights Act that was passed by Congress in 1968.

15

16 And that act, it's still being interpreted right
17 now, as we speak. And it's not clear whether a writ of
18 habeas corpus is appropriate when you want to challenge or
19 question the decision of a governor in a civil matter.

20 And so the law is clear that the writ of habeas
21 corpus is the only form of review, a very narrow form of
22 review, in federal court over tribal court actions because
23 Congress has decided that tribes are separate sovereigns, and
24 everything that goes on inside is for them to make decisions
25 about, and only they can make decisions. And so
26 consequently, the courts have interpreted that this writ of
27 habeas corpus is the only form of relief in the federal
28 system.

29 Well, then, the next question was, does that
30 mean -- writs of habeas corpus are traditionally in criminal
31 cases. Well, does that mean can we, our client, get relief
32 in a child custody case?

33 We didn't get that far because what the judge
34 decided ultimately is that we had to exhaust our tribal court
35 remedies. And we thought we had. And our focus in the
36 tribal court remedies was that we filed a writ of prohibition
37 in the tribal council, which is the supreme court of the
38 tribe, asking the tribal council to review the governor's
39 decision, and tell the governor that he's interfering in a
40 tribal court matter, and allow the children to return home.

41 The federal court focused on a hearing that
42 occurred after we filed the petition, which is we decided the
43 opposing party outsmarted us. They gave us a hearing, a
44 forum. And the court looked at that.

45 The federal court said, well, wait a minute.
46 Didn't you get a hearing in the April 10th hearing? And, of
47 course, we got -- the judge got all involved about that
48 hearing, that we had an opportunity to be heard. And our
49 position was that, you know, yes, we got a hearing, but it

1 wasn't fair because the judge relied on the governor's
2 decision.

3 So the point of the story is that the federal judge
4 was reluctant to interfere in what was going on in the tribal
5 system because the tribal -- because of sovereignty. You
6 know, the courts have decided that tribal officials are not
7 immune from a writ of habeas corpus claim, particularly if
8 they violate federal law. But in this case, they
9 were looking at exhaustion, which is another federal
10 doctrine, stemming from the recognition that Indian tribes
11 have self-governmental status and have the right to make
12 their own laws and govern within their tribal structure.

13 So what we do under our priorities in access to
14 justice is try to represent these -- our clients in the state
15 system, tribal system, and in the federal system when we feel
16 our clients have no other recourse. And in this case, we
17 felt that this was the most compelling case. We felt we
18 needed to have some kind of review in this case, even though
19 the judge disagreed with us.

20 Maybe when the right facts are presented, we might
21 get there again. We don't know. But in the meantime, what
22 we try to do is to create, through representation of our
23 clients, clarity within the tribal court systems, either
24 through direct representation of our clients or assisting
25 tribes in developing written laws and structure within their
26 tribal courts.

27 Of course, you know, that doesn't mean that because
28 we work with tribes to do that, we don't represent clients
29 within the tribal courts. We do. We do it all the time.
30 You know, some of us are involved in courts that are more
31 towards the American system. Some of us actually get in
32 front of a governor in a real traditional setting, which I
33 did a couple of years ago.

34 So we still, you know, push the envelope, you know,
35 in areas that are, you know, at the, you know, front end of
36 the evolution of tribal court development in New Mexico in
37 pueblo Indian country.

38 I'd like -- maybe, Paul, can you tell us about the
39 work that you're doing in Zuni regarding the business side of
40 consumerism? Yes, please. Zuni, as I said, is about three
41 hours away near Gallup, New Mexico.

42 So you have a packet in front of you where there's
43 a map, and if you can try to imagine, you know, where these
44 are. You know, from one extreme to the other, it probably
45 takes about six hours. From here to Zuni, it takes us about
46 three hours.

47 We used to go out there and do intake from this
48 office, but now we have Paul in Gallup to do that for us and
49 assist the Zuni people. Go ahead.

1 MR. SPRUHAN: Good afternoon, everyone. As Lisa
2 said, my name is Paul Spruhan. I'm a staff attorney in the
3 Gallup office. And for those of you who don't know about
4 Gallup, it's in the Route 66 song, Gallup, New Mexico,
5 because it's on Route 66.

6 It's a border town in the literal sense in that the
7 county that we serve out of the Gallup office is 75 percent
8 native, and there are four separate jurisdictions,
9 sovereigns, that actually operate within McKinley County. A
10 lot of it is made up of the Navajo Nation, which is the
11 largest by land and I think the second largest by population,
12 and Zuni Pueblo, as Lisa described, which is one of the 19
13 pueblos.

14 And what I do is every two weeks, approximately, I
15 drive down to the Zuni Senior Center, which is right near the
16 main village in Zuni, and do intake for people. One of the
17 cases that has come up is sort of indicative of the unusual
18 issues that come up in dealing with native people on native
19 issues, on seemingly mundane, everyday issues.

20 There was a couple of individuals who had come in
21 and they were having a problem with their phone bill. They
22 couldn't understand why they had a thousand dollars on their
23 phone bill. There is one phone company that has a deal with
24 the Zuni Pueblo. They had to get permission to build their
25 transmission system to operate within the pueblo, to do this
26 and do that. And they had seemingly made a mistake on their
27 bill.

28 So we were working out with them, with the New
29 Mexico Public Regulation Commission, to work this out. One
30 of the things that came up, as I noticed reading their bill,
31 when you go in everybody's phone bill they have that long
32 list, a rather lengthy list, of taxes that apply to peoples'
33 phone bills.

34 And in my previous existence, I had worked at a law
35 firm up in Santa Fe, which we did tribal government
36 representation specifically, as opposed to individual tribal
37 member representation, as I do today. And I had worked on
38 phone taxes because in New Mexico, unlike almost every other
39 state, technically it's not a sales tax. It's a tax on the
40 people who are running the business.

41 But as a practical matter, every single business in
42 New Mexico passes it on to the consumer. When you go to Wal-
43 Mart or the gas station, even though you're not really the
44 taxpayer, you're the one who's really paying the tax because
45 everybody just tacks it on as a matter of contract.

46 Well, there's a very obscure federal Indian law
47 principle that says that the state cannot indirectly,
48 basically, tax tribal members on the reservation because of
49 the sovereign status that Lisa Chavez had mentioned. There

1 is Court of Appeals case law.

2 The Taxation and Revenue Department in New Mexico,
3 knowing this, had passed a regulation, again obscure because
4 it's in the New Mexico Administrative Code, one of the least
5 accessible documents, I think, in the country, probably,
6 except for certain tribal codes, basically saying you, as a
7 consumer, all you have to do is fill out this form as a
8 tribal member and you'll be exempt. They will no longer, the
9 phone company, be allowed to pass through all of these taxes
10 to you because these are state taxes that do not apply on the
11 reservation.

12 The problem is, none of the phone companies ever
13 implemented this. Never told anybody, by the way, are you a
14 tribal member? Do you know you have an exemption? Because
15 of the administrative costs for them, which they couldn't
16 recoup, in setting up this program on the pueblos.

17 So when I was working in this law firm for a
18 certain pueblo, Santo Domingo, which is actually two pueblos
19 up on I-25, I worked with Qwest -- you know, Qwest, the large
20 phone company -- to set up these exemptions.

21 So I had taken that and sort of said, you don't
22 have to pay these taxes. I'm going to see what to do about
23 this. So it started a long, drawn-out process only because
24 these individuals had come with a problem with their phone
25 bill ancillary to this issue, which is still ongoing because,
26 of course, the attorney for this particular phone company --
27 which I don't know if I mentioned, but I won't -- is in
28 Washington state, randomly in some corporate office, no idea
29 about Zuni Pueblo, no idea about taxes, no idea about Indian
30 sovereignty -- even though he lives in Washington state; one
31 would think he would know something.

32 So it was basically a public education campaign for
33 me for one tribal member to try to get an entire corporation
34 to change their policy in New Mexico. And it's still
35 ongoing, let me assure you, because it's been writing
36 letters, calling, writing letters, calling.

37 And it looks like at this point that we will be
38 representing these individuals before the New Mexico Public
39 Regulation Commission, the actual agency that regulates phone
40 companies in New Mexico, to get them to try to do something
41 because this phone company has been so intransigent despite
42 the existence of clear regulations to the contrary.

43 So the point of it is, from a financial point of
44 view, for this particular individual, we're talking about
45 maybe a few dollars a month. But once this system is set up
46 with this individual client, my intention, in talking to Lisa
47 Chavez, is basically to have a public education campaign to
48 people in the pueblo, getting them signed up, getting this
49 thing in place, and basically having the entire pueblo be

1 tax-exempt, which in the aggregate we're talking about
2 probably several hundred thousand dollars a year.

3 So that's just an example of one of the more
4 unusual cases that have come out of Zuni Pueblo.

5 Marge?

6 MARGE: Paul, I just wanted to add to that. When
7 you told me about that, I tried it and they took it off. And
8 then I tried it on my retail contract for my car, and they
9 also took that off. So I'm learning quite a bit from my
10 attorneys.

11 MR. SPRUHAN: And she's not even eligible for
12 those.

13 (Laughter.)

14 MR. SPRUHAN: NO, I'm just kidding. But anyway,
15 and I think Marge brings up an excellent point. And for me
16 personally, having done the opposite of usually what
17 everybody else does -- everybody starts in legal services and
18 then they go and, you know, get their "real" job -- I went
19 from a very prestigious, relatively well-paid Indian tribal
20 government law firm in Santa Fe and came to the faux wood
21 paneling office in Gallup.

22 But to me, the most important thing is empowerment,
23 and empowerment of the individuals who are our clients,
24 because Zuni, like many of the other pueblos, it's a very
25 traditional pueblo. Everybody is bilingual if they can speak
26 English at all. And telephone service, telephone bills,
27 credit cards, interest rates, taxes, all these kind of
28 things -- you know, there's not that, I think, historical
29 relationship to the understanding of what those things are.

30 So if anything, now they understand it. Like Marge
31 from Laguna, she understands that now. And now she's
32 asserting herself to other people. Whoa, I don't think I'm
33 going to be paying this state tax. I don't have to, you
34 know. So for me, that's the important thing about the work
35 that we do in Zuni specifically.

36 MS. CHAVEZ: Thank you, Paul. Since the governor
37 is not here yet, I'm going to ask Donna to come up and talk
38 about the case involving the woman whose car burned and what
39 she said about our work for her. Can you come up and tell us
40 a little bit about that?

41 MS. GRIFFIN: Sure. Hi. My name is Donna Griffin,
42 as she said. My feast day is March 17th. That's St. Pat's
43 day. I have been working here for about six months. And one
44 of the things that has been most surprising to me is the
45 personal -- well, I get blessed a lot, and I get a lot of
46 positive feedback from people that I just didn't expect. I
47 think I came here to learn to be a lawyer, and then to have
48 this wonderful outpouring from my clients.

49 But in this case, I usually work with pueblo

1 people, but this young woman is a Navajo, single mother, four
2 children, a new baby. And she works here, and she works over
3 by Rio Rancho. But her family is on the Nation, so she
4 bought a car out in Farmington.

5 And she bought a brand-new car. She was looking at
6 one, and they talked her into a little station wagon. She
7 purchased the station wagon in June. She went on maternity
8 leave and didn't drive it for about a month and a half or two
9 months. She started to drive it again to go to work, and in
10 September the car burned.

11 I mean, there was a fire under the dash. The car
12 was rendered inoperable. It burned completely. And she
13 called the dealership in Farmington. They said to tow it
14 somewhere here in Albuquerque. And they determined that the
15 fire was from an aftermarket alarm.

16 Now, this is in September. She's dealing with
17 them. She's dealing with them until November or December.
18 Finally, no one would fix the car. This is a brand-new car.
19 She's still making her payments. And she's forced to go out
20 and get -- and we have seen -- this is something we see a
21 lot -- the dealers that sell older cars, as is, and you have
22 to pay biweekly, and people go down and pay biweekly.

23 So she's paying \$500 a month now on an '86 van that
24 she's driving, which broke down at least once with all four
25 kids in the car, because no one will fix her brand-new car
26 that she's still making payments on.

27 So when she came in, she told me her story. You
28 know, this is like a month ago. She comes in in March. She
29 hasn't had her car for four months. She's paying the
30 payments on a brand-new car, and she does not have a car
31 that's operable. They wouldn't even tow it back to
32 Farmington to look at it. They made her get someone to tow
33 it back.

34 And I mean, I was astounded. I was shocked. And,
35 of course, I'm rather outspoken, so the first thing I did was
36 pick up the phone and call the dealer and say, you know, what
37 is going on? You sold this car to this person and you're not
38 helping her. I don't get it. You know, I just -- I mean, I
39 was astounded.

40 And so I discussed it a little bit with him. He
41 felt it wasn't his problem, you know, that the car had come
42 from a dealer in Santa Fe. And the dealer in Santa Fe,
43 because he had put the aftermarket alarm in, would be
44 probably the responsible one.

45 And again, I was like, well, it's not my client's
46 problem. It's between you and the other dealer. So, you
47 know, why aren't you taking care of this? I was just
48 shocked.

49 So we're still negotiating. What we've done is,

1 with her agreement, with the client's agreement, we've
2 actually rejected the vehicle and taken a security interest.
3 So we have the car put away in a garage and we're waiting
4 basically to undo the deal and give the car back and
5 everything, and we're negotiating on that.

6 But the point, I think, Lisa wanted me to make and
7 which was so shocking to me is that even though this woman
8 was articulate and even though she was -- you know, had a
9 high-end job here in Rio Rancho, works with computers, even
10 though she presented herself well, the dealer just didn't
11 hear her.

12 He didn't give her any value. He didn't accept her
13 complaints. He didn't hear her -- I mean, she called
14 repeatedly. And she said that when I picked up the phone and
15 started yelling at the guy for her, she felt so heard. She
16 felt so -- she was so touched that someone spoke out for her.

17 And I was kind of touched that she told me that,
18 you know. And so we're fighting the -- you know, fighting
19 that fight for her and hoping to get resolution. But I think
20 overall, I never expected to get that kind of reaction
21 because I come from Chicago. I come from a loud family. You
22 know, if we have a problem, we speak out. If I don't like
23 service, I ask for the supervisor. I always go up line.

24 And I never -- it was hard for me to understand
25 that other people don't have that type of -- or don't have
26 the facility to question. Whether it's an authority figure
27 or a salesman or what, they don't have the capability to say,
28 wait a minute. You know, let's stop talking and let me
29 question this.

30 And between understanding that and dealing with
31 these people, you know, I feel very blessed. I get blessed a
32 lot from my clients. Well, bless you. Thank you. And then
33 I'm just -- you know, I'm happy to speak out for them. And
34 we're going to make these people take that car back, that's
35 for sure. So that's a good case.

36 AUDIENCE MEMBER: Is she still paying the \$500?

37 MS. GRIFFIN: No. She stopped paying it when we
38 rejected the car.

39 MS. CHAVEZ: Terrill, I'm going to ask you to come
40 up and talk about your experience here. Can you come up and
41 maybe tell us about a case?

42 I should tell you that Donna's client had an actual
43 remedy in the New Mexico Uniform Commercial Code, which Donna
44 is using to her utmost.

45 MS. MULLER: Hello, everyone, and it's good to have
46 you all here. Thank you for coming.

47 I came on board about five years ago, and so I've
48 been doing work with pueblo people for five years. And Lisa
49 didn't tell us we were going to get an opportunity to speak

1 to you, so it's really kind of a surprise. And so I'm going
2 to take the opportunity.

3 But the one -- I guess the one client that I
4 thought of as Lisa looked at me like, think of -- you know,
5 who would you like to tell everyone about, are my clients
6 from Acoma Pueblo who bought a manufactured home in
7 Albuquerque.

8 They went in to buy a new home. It was a young
9 lady who takes care of her elderly parents. Her father is a
10 veteran who's now disabled, on oxygen, basically walks around
11 with a respirator, oxygen tank. And her mother is -- she's
12 not even bilingual. She mostly speaks her native language,
13 and mostly understands the world in more of a spiritual sense
14 than anything.

15 And so they went over there and, you know, they
16 thought it was going to be a great idea for the daughter to
17 get this home. And so mom actually was a co-signature on
18 that.

19 So they go, well, you know, you got to fill out
20 this loan application, and we'll let you know. So they
21 didn't hear from them. They went back, and they find out
22 that their loan got approved.

23 So the house -- the home that they wanted, of
24 course, had been sold. So the house that they get is used,
25 and pretty much broken down. And you can't see it, though.

26 So the home gets delivered, gets transported from
27 Albuquerque and is taken to Acoma Pueblo. And you all have
28 probably noticed that it's very rural in New Mexico, and all
29 the pueblos are not -- there's not large, well-paved streets.
30 And so when they deliver it, they have to take it through
31 these hills and these big, you know, fields.

32 And when they delivered it, they jammed it into the
33 ground and, you know, didn't put the two sides together and,
34 you know, like took forever to do anything to put this home
35 together.

36 So anyway, to make a long story short, I think you
37 get the picture of what the home was like. They stopped --
38 they actually stopped making payments and told them that --
39 told the loan company that they were not going to make any
40 more payments because the home was falling apart. And
41 actually, the father had experienced quite a few electrical
42 shocks, and the electrical system had -- you know, was very
43 dangerous.

44 So by the time they came to us, you know, they had
45 already stopped making the payments and were being sued in
46 tribal court by an attorney who was at that time licensed in
47 Arizona.

48 And, you know, I mean, these are kind of some of
49 the things we have to deal with. You know, as it turns out,

1 this attorney, he was licensed in Arizona and he was also
2 licensed in Texas. And I had to kind of track him all over
3 the case because every time he would file a pleading, it
4 would be at a different address, or that address wouldn't be
5 the right address.

6 So he had already moved to have a final hearing,
7 and there hadn't even been one hearing. So by the time we
8 got involved, we were able to slow down the process, try and
9 begin discovery. We were actually able to answer this
10 complaint and put forth some really good defenses for the
11 family.

12 And the bottom line of it was we got them out of
13 that contract. The tribal court ultimately agreed with us
14 when we finally got to a hearing after it having been -- not
15 canceled but reset, oh, I think it was four or five times by
16 that time.

17 When we finally got into court -- and it was reset
18 by the other side or continued by the other side -- you know,
19 I told the judge, I said, you know, we're here. We're ready.
20 We've been ready. You know, these guys keep dragging this
21 out and stringing it along. And, you know, let's go.

22 And so we had the hearing and, you know, got them
23 out of the contract. We've also had to, you know, battle the
24 other side's attorney with whether or not the tribal court
25 could do what they did. And it's just really exciting to
26 really get, you know, a remedy for people who are about to
27 lose their home and also have this huge debt that's just
28 going to follow them forever and ever and ever and ever and
29 ever, you know.

30 And it's just -- you know, it's very -- you know,
31 I'm sure with you all being on the board, for those of us
32 that are in the offices, you know, meeting with the clients
33 and stuff, it is fulfilling. Donna talked about it. It's
34 very satisfying. We get prayed for a lot, you know. And the
35 thank you is more than you could ask for.

36 So, you know, thank you very much for listening to
37 me.

38 MS. FAIRBANKS-WILLIAMS: A question.

39 MS. MULLER: Yes?

40 MS. FAIRBANKS-WILLIAMS: This company, will you
41 have to make them remove this trailer or mobile home or what?

42 MS. MULLER: The court -- yes. That was part of
43 what we agreed to, is that the company could remove it. And
44 they already have removed the trailer home from the pueblo.
45 And that, of course, doesn't even speak to the housing
46 problems.

47 Fortunately, they had relatives where they were
48 able to get into another home. It's not as nice or anything,
49 but there's actually a future that's less cloudy and less

1 difficult for our client.

2 MS. CHAVEZ: The governor from Jemez just arrived.
3 I'd like to introduce the Honorable Governor Raymond Loretto
4 from the Pueblo of Jemez. He'll tell you a little bit about
5 himself and talk about our collaboration.

6 (Applause.)

7 GOVERNOR LORETTO: Good afternoon. We had to play
8 musical chairs today. The guy -- our tribal administrator
9 was supposed to be here, but he had other commitments. So I
10 told him that I'll try to play the role here today. So I'll
11 go ahead and begin.

12 My name is Raymond Loretto. My professional trade
13 is that I've been a veterinarian for 16 years. And I was
14 appointed to this office here in January to take the
15 leadership for the Pueblo of Jemez here this year. So I
16 started my work -- the inauguration was on January 6, 2003,
17 so my administration into it is only about four months now.

18 But our structure is we have an office there that I
19 have the tribal administrator, the assistant of the tribal
20 administrators, and then we have like about seven or eight
21 different big programs. And our biggest program is the
22 health services.

23 We're located approximately about 30 miles from
24 here, due west over here. And then our population there at
25 the Pueblo of Jemez is approximately about 3800 people.

26 And so we have our own self-government, which has
27 been around from time immemorial, I would assume, and we
28 still carry that. So all our stuff is passed on orally,
29 traditionally, and we still carry all those traditions
30 very -- to the -- you know, to the highest level that we can
31 now.

32 I hear just from the background that I came in that
33 you guys are from all different states and were appointed by
34 Bush on a national level, I presume. Is that correct?

35 CHAIRMAN STRICKLAND: That's correct.

36 GOVERNOR LORETTO: Okay. So I guess today we're
37 here to kind of testify on behalf of the support that the
38 legal aid has provided us thus far.

39 We have utilized this program here to a high level.

40 In fact, people that should probably be here would be the
41 social services people, but I guess they wanted the tribal
42 administrator or the governors to come in and advocate on our
43 behalf.

44 However, the social service and the legal aid here
45 have really worked well. They have -- we are at this point
46 in time working on a children's code, and they have in the
47 past worked together to -- going back a step back is that our
48 traditional courts are still done in our own language. The
49 governor serves as the judge. And for the hard courts, and

1 also the fiscalis, the church officers, are the ones that
2 handle the juvenile cases.

3 So along with the legal -- with the complexity of
4 the laws that we hear, we're getting some of the aid, you
5 know, the legal aid advice how to carry some of these tasks
6 to get it to combine the oral, our traditional ways, with the
7 new ways that are set out out here.

8 So it's kind of a little bit tricky to combine all
9 of this to make a process work. And that's what we're trying
10 to do to implement, to collaborate, to work together to get
11 some of these things done on behalf of our tribes, you know.

12 I think it's good to advance forward, but at the
13 same time it's good to maintain what has worked for the
14 people. And I think that's something that I really want to
15 stress. But we have -- where the legal aid has also helped
16 us out, too, here is that we have a lot of people from our
17 own reservations that live in Albuquerque, Las Cruces, Santa
18 Fe, different places.

19 And there are some issues that they might come
20 into, either their child is being adopted out or some legal
21 thing is come out, if there is an intermarriage that took
22 place and somebody wants to take the child away from the
23 mother.

24 All of these situations are real, and if you don't
25 understand the laws and people start saying to you, I'm going
26 to sue you, I'm going to put this on you, and our people
27 don't understand what is going on, the first thing they can
28 do is fright. And if that's the law, then they're going to
29 take my child away.

30 So a lot of times, people come over here and seek
31 help. And I think there's somebody here to listen to some of
32 these things, you know. I know in the outside places, all
33 these legal things are, you know, a very complex area. But
34 you have to look at the rural areas that we come from, and
35 some of these legal terms aren't part of our norm, you know.

36 And so we have to work together to make things work today,
37 you know.

38 They gave me a format to read from, but there's too
39 much to read. And I think it's better for you to hear where
40 I'm coming from and what is so important to us still, you
41 know. And we strive on this. And I think, you know, the 19
42 pueblo tribes here in New Mexico, they have -- I don't know,
43 how many people do you serve over here? Do you know? How
44 many tribes?

45 MR. HUMETEWA: I don't know how many, but we serve
46 most of the Rio Grande population.

47 MS. CHAVEZ: Apache and Muscalaro. Muscalaro just
48 came under our program.

49 GOVERNOR LORETTO: So we have the 19, and the

1 Apache tribes. So that's a big population. And I don't know
2 what their budget is but, you know, money always becomes an
3 issue. And these are some of the things that needs to be
4 really looked up.

5 If you look at things on a national level, you
6 multiply 19 tribes with about an average of about 3,000,
7 you're look at -- see if my math is still good -- you're
8 talking 57,000 plus, you know, the Jicarilla tribes, the
9 Muscalaros, and different tribes that are big.

10 And funding is always an issue. So if you can keep
11 those things in mind when you sit on the national level, and
12 I'm sure you represent President Bush or his agenda, if and
13 when you need to advocate on our behalf, that these things
14 are also taken into consideration.

15 Because we're beginning to look at things up on the
16 national level as well, too. Sometimes we wait for things to
17 come from that level. If it's channeled from him to me, you
18 have so many people in between that by the time I get it, you
19 know, where is the water at, you know?

20 I mean, we need to really have a good dialogue as
21 to how those monies can be utilized. And if you want facts
22 and figures of about who we serve and what we need to do,
23 then just ask us and we'll deliver it, you know.

24 So as we take on our administration, I look at
25 things, being that I've gone through the school system, I
26 have a bachelors in animal sciences, I have a masters in
27 animal nutrition, and I have a doctors in veterinary
28 medicine. Homework, preparation, all of this stuff can get
29 you the product that you need. And tell us if there's
30 something that we can do to help provide our people the legal
31 services in this complex work. Then let us know it, and
32 we'll deliver.

33 And if it's not being delivered, then we'll be
34 knocking on your doors and tell you what we need. I mean,
35 it's almost to that point because these are the kind of
36 challenges that we're being faced, and these are real.

37 And without monies, we can't do the work that we
38 hope to set out to do. So I'm pretty straightforward with my
39 administration at home, and I like to be straightforward and
40 honest to deliver what is needed here.

41 So I probably missed some points, but that's also
42 coming from my heart. So if my heart feels good as to what I
43 delivered, then so be it. I think that I said what I had to
44 say.

45 MS. CHAVEZ: Thank you very much.
46 (Applause.)

47 MR. HUMETEWA: Is there any questions? I'm sorry.
48 Yes?

49 MR. FUENTES: Governor, from your perspective,

1 legal services addresses problems at this community and in
2 society. Indian gaming is making such a big impact in this
3 world. Tell us what you think you've seen as the most
4 consequential impact of gambling coming to the Indian
5 community.

6 GOVERNOR LORETTO: Well, gambling has come, and we,
7 the Pueblo of Jemez, are very much traditional ways that
8 those are the things that we probably won't accept, and
9 probably won't accept ever to come.

10 Although other pueblos here that have -- and we
11 support, you know, their economic development base, you know,
12 with any type of big change like that, different -- our ways
13 of our life are kind of chipped away.

14 And I think they have probably seen some
15 improvement in their economic development base. Some of them
16 are being able to take care of their people a little bit
17 better. And then, you know, I haven't -- they haven't been
18 here too long to really evaluate what you're asking me, is it
19 good or is it positive. Is it a positive move.

20 But I think in a way, a lot of the tribal members
21 like, you know, the Pueblo Jemez, like I could take Santa Ana
22 Pueblo here as an example right here. They provide a lot of
23 our people, you know, being employed there.

24 But as far as I think where you're trying to get
25 at, is there any negative, is there any type of abuse in
26 terms of gambling abuse or things like that have occurred on
27 our people, is that what you're trying to ask me?

28 I haven't seen that much happen. Of course, our
29 economic base is small anyway. For them to gamble too much
30 or whatever, it's not going to be quite there, you know. But
31 it has -- you know, the other side of the coin is that they
32 have brought some type of employment.

33 There is -- I think the tribes are forming an
34 economic base. But they haven't been here long enough to
35 really gauge what might come out of there, whether it would
36 be positive or whether it be negative. So since we're not a
37 gaming tribe, maybe that question should be posed to somebody
38 else. But for now, that's probably what I can say.

39 MR. FUENTES: Thank you.

40 MS. CHAVEZ: Any questions? Any more questions?
41 Thank you, Governor.

42 GOVERNOR LORETTO: Thank you.
43 (Applause.)

44 MR. HUMETEWA: Okay. I think, because nobody else
45 is here -- the other guests that we had invited are not
46 here -- I think that concludes our presentation this
47 afternoon. But before we close, Mr. Frank Strickland,
48 chairman of the LSC board, would like to say a few words.

49 CHAIRMAN STRICKLAND: Well, thank you, everybody.

1 I think the governor has a brand-new administration. We just
2 took office this morning. We were sworn in, and so we
3 haven't been a board, a new official board, very long.

4 But one of the real treats of our visit to the
5 Santa Fe area is this particular occasion today. So we thank
6 you very much for having us here. And we've learned a lot.
7 And if we have some further questions, we'll certainly get
8 them to you, and hope you will do the same thing.

9 MR. HUMETEWA: I'm sure we will.

10 CHAIRMAN STRICKLAND: And we've enjoyed it very
11 much, and thank you for your hospitality.

12 MR. HUMETEWA: You're welcome.

13 CHAIRMAN STRICKLAND: And we hope to see you again.

14 MR. HUMETEWA: Thank you.

15 MS. CHAVEZ: Okay. John says you've got ten
16 minutes to get on the bus. In the meantime, we've got -- oh,
17 I'm sorry, ten minutes before it gets here -- there's
18 cookies, Indian cookies up there. There's also chocolate,
19 piñon fudge from Old Town in Albuquerque, and we've got some
20 blue corn chips and we've got water and drinks out there. So
21 please help yourself and hang out for a little while before
22 the bus gets here.

23 (Whereupon, at 3:37 p.m., the meeting was
24 concluded.)

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